

19 December 2025

Hon Chris Bishop
Minister Responsible for RMA Reform
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Tēnā koe Minister

Referral under clause 101(2) of Schedule 1 to the RMA of the rejected IHP recommendations on Plan Change 78: Intensification for the Metropolitan Centre Zone in the Auckland Unitary Plan (Operative in Part)

Plan Change 78: Intensification (PC78) to the Auckland Unitary Plan (Operative in Part) is the Council's intensification planning instrument (IPI) prepared in accordance with Section 80E of the Resource Management Act 1991 (RMA).

In August 2025, the RMA was amended to enable the Council to withdraw PC78 in whole or in part, subject to several requirements.

The Council received the Independent Hearings Panel (IHP) recommendations for the Metropolitan Centre Zone, including relevant precincts and qualifying matters in PC78 on 12 September 2025.

The Council notes that these recommendations also related to a qualifying matter (i.e. the Special Character Area Business overlay) that applied within and beyond the spatial extent of the Metropolitan Centre Zone.

The Council's Policy, Planning and Development Committee considered and made decisions on the IHP recommendations on PC78 for the Metropolitan Centre Zone, including relevant precincts and qualifying matters, at its meeting on 27 November 2025. The Council rejected two of the IHP's recommendations and accepted all the other IHP recommendations. The IHP recommendations that were rejected by the Council are detailed in this letter, along with the Council's reasons for rejection.

Referred recommendations

Section 101(2) of Schedule 1 of the RMA requires the Council to refer to the Minister for the Environment:

- (a) each rejected recommendation, together with the Council's reasons for rejecting the recommendation; and
- (b) any alternative recommendation that the Council has provided under subclause (1)(b).

The Council has been advised that you have been delegated the Minister for the Environment's decision-making responsibility under this section of the RMA.

The rejected recommendations, together with the Council's reasons for rejection, are set out below:

Topic	Special Character Area (SCA) Business overlay in Newmarket
IHP recommendations (refer IHP recommendation report on Metropolitan Centre Zone and relevant precincts and qualifying matters; paragraphs 162-178, pages 28 – 30)	<p>(1) The IHP recommended retaining the operative extent of the SCA Business overlay applying to the Newmarket Metropolitan Centre Zone, which included Business – Mixed Use and residential zoned sites at the corner of Remuera and Middleton Roads outside of the Metropolitan Centre Zone. They determined that it was necessary to retain the operative extent of the SCA Business overlay to accommodate the qualifying matter.</p> <p>(2) The IHP also recommended adoption of a site-specific restricted discretionary activity status rule (in Table D18.4.2 – Activity Table), not only for 424 Khyber Pass Road (as the Council had suggested in its reply submissions) but also for the Business – Mixed Use zoned sites re-categorised to character defining buildings located at the corner of Remuera and Middleton Roads</p>

The reason for the Council rejecting these IHP recommendations is that they apply to land that is outside the Newmarket Metropolitan Centre Zone, and PC78 was withdrawn in part on 9 October 2025 (in accordance with clause 2(1) of Schedule 3C of the RMA) in relation to these areas of land at the corner of Remuera and Middleton Roads (refer attached map).

For clarity, in the vicinity of Newmarket, PC78 is only retained for those areas of land that are located within the Newmarket Metropolitan Centre Zone. PC78 has been withdrawn from those areas of land in the vicinity of Newmarket that are located outside the Metropolitan Centre Zone.

The Council proposes, as an alternative recommendation, that the existing operative Auckland Unitary Plan provisions are retained for those areas of land described above (refer attached resolution number PPDC/2025/2).

The Council notes that Plan Change 120: Housing Intensification and Resilience, which was notified on 3 November 2025, proposes an intensification response for these areas at the corner of Remuera and Middleton Roads that are outside the Metropolitan Centre Zone.

Attached to this letter is the report to the Policy, Planning and Development Committee of 27 November 2025, and the Council resolution, setting out the Council's decisions on the IHP recommendations.

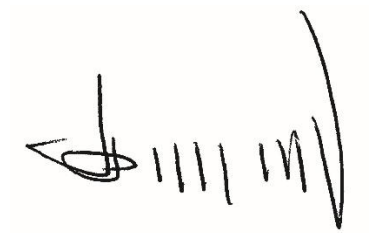
The IHP recommendation report and appendices are available on the Council's website at the following link:

<https://www.aucklandcouncil.govt.nz/en/plans-policies-bylaws-reports-projects/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/pc-78-intensification.html>

The Council notes that in making your decision on the rejected IHP recommendations, you can consider whether the Council has withdrawn any part of its IPI in accordance with Schedule 3C of the RMA (clause 105(2)(iv)(A), Schedule 1, RMA).

We look forward to receiving your decision.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'John Duguid', with a large, sweeping flourish at the end.

John Duguid
General Manager - Planning and Resource Consents