

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER **Plan Change 78 - to the Auckland Unitary Plan - Operative in Part (AUP)**

MINUTE FROM THE HEARING PANEL – 6 MAY 2025

THE PANEL’S APPROACH TO SCHEDULING OF THE REMAINING PC78 TOPICS

1. Having received the Council’s memorandum dated 14 March 2025 with its attached letter from the Minister dated 12 March 2025, the Panel issued a direction on 25 March 2025 requesting that the Council propose a way forward to complete the remainder of the PC78 topics in time for the 31 March 2026 date by which its decision on PC78 is required to be made.
2. The Panel received the Council’s response dated 1 April 2025 and issued it with a Minute on 4 April 2025 requesting that any interested submitters respond to the Council’s proposed way forward.
3. Fourteen responses were received, from:
 - Alan McArdle
 - Balmoral Residents Association
 - Box Property Investments Limited
 - Bryce Whitcher
 - Catherine Farmer
 - The Character Coalition
 - The Coalition for More Homes
 - Dave Fermah
 - Freemans Bay Residents Association
 - Herne Bay Residents Association
 - Janet Charman
 - Michael Fox
 - South Epsom Planning Group
 - St Mary’s Bay Association

The Panel thanks the submitters for their responses. The responses are attached to this Minute.

4. The Panel has considered the Council’s proposed way forward and the responses from submitters in deciding how it should proceed with scheduling the remainder of PC78 given the Minister’s requirement that the Council issue its decision by 31 March 2026.

Scheduling remainder of PC78

5. The Panel understands that the Select Committee report on the RMA Amendment Bill is anticipated by the end of June 2025. The Panel also understands that the Bill on its reporting

back may provide the ability for Auckland Council to withdraw PC78, and if so the Council is likely to either withdraw or substantially modify much of PC78.

6. The Panel has therefore decided not to schedule any PC78 hearings until the Select Committee has reported back on the Bill. Delaying the scheduling of hearings until there is greater clarity about the content of the Bill may avoid Council and Submitters using their resources unnecessarily.

Approach for Remainder of PC78 (should it go ahead)

7. Should the Bill not provide the ability for the Council to withdraw PC78 or should parts of PC78 still need to be heard, the Panel intends to use the approach outlined below.

Light Rail Corridor Scope hearing

8. As the Minister has now withdrawn the requirement for the Council to notify a plan change or variation to address land in the Light Rail Corridor, the Panel will schedule a scope hearing for early August 2025 to hear from the Council and submitters allocated to the 046 Light Rail Corridor (LRC) topic on whether the LRC should be considered as part of PC78.
9. Following that hearing the Panel will make a prompt determination in relation to the LRC so the affected submitters can have certainty about whether they need to participate in remaining hearings.

Format for Remaining PC78 hearings

10. To make efficient use of submitters' time and reduce the need for submitters to appear before the Panel multiple times, should the Panel need to schedule further hearings it will aim to hear the remaining topics at one combined hearing.
11. The evidence exchange will still follow the same format of Council evidence first, followed by Submitter evidence followed by Council rebuttal, but the evidence for all remaining topics will be due at the same time. The evidence exchange timetable will be extended to allow for those presenting on multiple topics.
12. The hearings will then be scheduled with the Council presenting all of its evidence in one tranche. Submitters will then be scheduled topic by topic, but if a submitter is presenting on multiple topics they will be able to do so once, at the earliest topics they are allocated to, if they prefer.
13. The hearing is likely to commence mid-October 2025 and be scheduled until mid-December 2025.
14. There will likely still be time pressures to complete the remainder of PC78 using this approach so the Panel is likely to impose limits on Council and submitter presentation time.

Alternative Dispute Resolution (Mediation and Expert Conferencing)

15. Due to the reduced timeframes that the Panel, Council and submitters will be operating under (should hearing of the remainder of PC78 go ahead) the Panel will not schedule any more Alternative Disputes Resolution (ADR) process.

16. While the Panel is no longer formally scheduling ADR it encourages parties and witnesses to proactively communicate with each other to see if they are able to resolve any of their differences.

Metropolitan Centre Outstanding Matters hearing

17. For the avoidance of doubt, the Metropolitan Centre Outstanding Matters hearing is not affected by the content of this Minute and is still going ahead in June 2025 as scheduled.

Any enquiries regarding this Direction, or related matters, should be directed to the Senior Hearings Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz

A handwritten signature in dark ink, appearing to read 'McCasey'.

Matthew Casey, KC
Chair
6 May 2025

From: [Alan McArdle](#)
To: [Sam Otter](#)
Subject: Re: PC78 - Panel Minute 4 April 2025
Date: Tuesday, 22 April 2025 12:00:59 am

Hi Sam, please pass on to the Chairman and the Panel our comments as follows:

1. The NPS-UD required Auckland Council to apply MDRS within a timeframe. They requested a 1-year extension after the floods; Minister David Parker allowed this but specified that non-weather related items should not be delayed. When that time ran out the council got another year's extension from Minister Chris Bishop, again directing that items unaffected by weather must proceed. The Council chose to ignore that and delay everything, and we are now presented with discussion about even more delays and inaction.
2. The logical action is to split MDRS items into functional groups:
 1. Flood-affected, which need further work
 2. No known weather issues, and can proceed (probably the majority)
 3. Unaffected by weather; areas to prioritise because housing can safely be built to replace red-stickered homes on flood plains.
One example of this is the Ridge Protection Overlay item, where a new QM prevents intensification on excellent stable land with natural drainage.
3. Possible RMA changes are not a good reason to delay or reduce the MDRS, which was needed years ago.

I suggest that there has been excessive and unnecessary delay in applying MDRS, and while some flood-affected items need to be deferred, those items which can be addressed should be expedited.

Regards, Alan McArdle

On 4/04/2025 3:26 pm, Sam Otter wrote:

Good Afternoon,

I have another update regarding Plan Change 78.

Panel Minute 4 April 2025

The hearing Panel have issued the attached Minute dated 4 April 2025. Auckland Council provided a memo on Tuesday 1 April 2025 that gave an update on PC78 and responded to the Panel's request that Council provide an indicative programme of works for the completion of PC78.

The Panel are inviting interested submitters to provide a response to the Council's Memo and indicative programme of works. The responses will help inform the Panel's decision on how it will proceed with the scheduling of the remainder of PC78.

If you would like to provide a response, this is due with me no later than close of business on Tuesday 22 April 2025.

Please read the Minute and memo for the full context of the request.

If you have any questions about this email or want to be taken off the PC78

**TO: AUCKLAND COUNCIL INDEPENDENT HEARING PANEL ON PLAN
CHANGE 78**

**MEMORANDUM ON BEHALF OF BALMORAL RESIDENTS ASSOCIATION
INCORPORATED**

1. This Memorandum is filed by Balmoral Residents Association Incorporated (BRAI) in response to the Panel's minute dated 4 April 2025.
2. BRAI is a further submitter to submissions on Plan Change 78 (PC78) Topic 046 (Outside of Plan Change Area Light Rail Corridor)
3. The whole of Balmoral is within the (former) Light Rail Corridor (LRC) area.
4. BRAI opposes the relief sought by submitters that the properties within the (former) LRC area be brought into PC78 and/or zoned in a way which BRAI opposes.
5. Council has proposed a hearing programme whereby PC78 hearings recommence at the beginning of September 2025 at the earliest and has suggested that any resumed hearings could occur from early September to early December 2025.
6. BRAI submits that at present Topic 046 is not ready for hearing and opposes Council's proposals. The reasons are set out in this Memorandum.
7. BRAI's submission is supported by Eden Park Neighbours Association Incorporated which is also a submitter on PC78.

Legislative Uncertainty

8. Council has said that it has asked the Minister for a bespoke solution for Auckland in the context of the current Resource Management Act 1991 reform

which would enable Council to withdraw PC78 in part and to notify a comprehensive plan change giving effect to intensification directives and including provisions for the former LRC area.

9. Although this request for what seems to be the obvious solution was made in December last year, the Minister only responded to it in March, and then in such a way that means it is unclear whether the request will be granted. The Minister has also not extended the timeframe for Council to make decisions on PC78 beyond 31 March 2026.
10. We appreciate that this has placed Council and the Panel in a difficult position. However, any comprehensive plan change which includes the former LRC area is likely to make significant changes to the zoning of properties within Balmoral.
11. In the meantime, there is a Bill before Parliament which will make the Medium Density Residential Standards (MDRS) optional rather than near-mandatory for councils, and require councils to ratify their use.
12. One of the issues at the hearing of this Topic will be whether provision should be made for the MDRS to apply in Balmoral and if so, where.
13. However, if the legislation is changed and Council decides to exclude the application of the MDRS in all or some of Balmoral, this will materially affect BRAI's approach to this issue. It may become unnecessary for BRAI to participate in the hearing of the Topic.
14. BRAI cannot sensibly brief its witnesses and conduct a hearing for this Topic before it knows if there will be a "bespoke solution" for Auckland when the proposed legislative change is enacted and (if it is enacted) until Council has determined whether and where to make the MDRS optional and/or to ratify its use.

15. A hearing of Topic 046 without that knowledge would be a waste of the resources of the Panel, Council and submitters (including CCI.)

Light Rail Corridor

16. Council has previously said that it would notify a Plan Change by March this year with the provisions which it planned for the former LRC area.
17. Council has not done so, and now says that its preference would be to deal with the Light Rail Corridor area subsequently through a comprehensive planning response.
18. While BRAI agrees that is a desirable approach, there is no certainty that it can or will be implemented by Council.
19. BRAI anticipates that the main issue for it at the hearing will be what zoning provisions should apply in Balmoral.
20. BRAI cannot brief its witnesses or sensibly engage in a hearing on this issue without knowing what provisions Council is proposing for the former LRC area.
21. Hearings without that knowledge would be a waste of the resources of the Panel, Council and submitters (including BRAI.)

Natural Hazards

21. Balmoral is in the Meola Catchment. That catchment, including parts of Balmoral, was severely affected by flooding during the 2023 Auckland floods. Several affected houses in Balmoral have since been purchased by Council and demolished.

22. Council has said that it will defend the approach taken in PC78 as notified, which is to identify the management of significant risks from natural hazards as an existing qualifying matter.

23. However, the approach taken in the AUP is not the issue. What will be at issue in the hearing of Topic 046 will be the extent to which Balmoral should be excluded from intensification because of its susceptibility to flooding.

24. In a letter 19 August 2024, BRAI, together with Eden Park Neighbours Association Inc and South Epsom Planning Group (two other submitters in the Meola Catchment) ,asked the Panel to:

- Direct Council to carry out updated flood modelling and analysis for the Meola catchment, and
- Require that this information be made available to submitters well before any PC78 hearings about the future zoning and use of land in the catchment are scheduled.

25. The Panel declined that request and said that Council had indicated to the Panel that it anticipated lodging a natural hazards variation to PC78 that would include updated flood modelling. The Panel's view was that Council was in the best position to manage the variation and associated provision of updated flood modelling at that time.

26. BRAI accepted the Panel's view. However that modelling information has still not been provided, and no variation has been notified to address natural hazards issues.

27. BRAI is unable to sensibly brief its witnesses and engage in a hearing without knowing what Council's latest flood modelling for the Meola Catchment shows, and which parts of Balmoral should be excluded from intensification as a result of that modelling.

28. A hearing of Topic 046 without that knowledge would be a waste of the resources of the Panel, Council and submitters (including BRAI.)

Conclusion

29. In these circumstances, scheduling a hearing of Topic 046 now would be unfair and prejudicial to BRAI and contrary to natural justice. For these reasons, BRAI opposes Council's proposal.

Dated at Auckland this day of April 2025

John Burns

Chair

Balmoral Residents Association Inc.

Email: jaburns@xtra.co.nz

Phone 021-186-8212

Colin Lucas

Chair

Eden Park Neighbours Association Inc

Email: ColinL@sellarbone.co.nz

UNDER the Resource Management Act 1991

AND

IN THE MATTER Intensification Planning Instruments Plan Changes (IPI) and related Regional Policy Statement and Plan Changes to the Auckland Unitary Plan – Operative in Part (AUP-OP)

AND

IN THE MATTER Of a submission by Box Property Investments Ltd submission # 1302 on PC78

MEMORANDUM REGARDING MATTERS ABLE TO BE DETERMINED

22 April 2025

INTRODUCTION

1. Box Property Investments Ltd (“**BPIL**”) is a submitter (#1302) on PC 78. BPIL’s submission relates primarily to the Water and/or Wastewater Constraints Control (“**Wastewater QM**”) and its application to BPIL’s land at 30 & 40 Sandspit Road and 2 & 4 Reydon Place, Cockle Bay / Howick.
2. The purpose of this memorandum is to respond to the Minute from the Hearings Panel dated 4 April 2025 (“**Minute**”) requesting that interested submitters:

“...provide the Panel with their response to the content of Council’s 1 April 2025 Memo including the Council’s indicative programme of works.”

3. BPIL respectfully submits that the Panel should start putting together a hearing schedule now (rather than waiting until June) to give parties more time to prepare and present evidence and the Panel more time to hear and consider submissions and provide its recommendations.

PC78 SHOULD BE PROGRESSED WITHOUT FURTHER DELAY

4. PC78 has been delayed for too long. The law requires the MDRS to be implemented and this has been clearly reinforced by communications to Council from the Minister. Irrespective of what Auckland Council’s intentions might be – even under the proposed amendment – Auckland Council cannot unilaterally change PC78.
5. For many submitters like BPIL, the possibility of future plan changes relating to natural hazards and rail corridors are a separate and distinct issue. As noted in its memorandum of 1 May 2023, BIPL maintains that matters related to that appropriateness of QMs (Topic 012A) and the Wastewater QM (Topic 012E) can be dealt with separately from natural hazard provisions related to stormwater.
6. In relation to that earlier memorandum, the Panel previously asked whether the stormwater flooding issues interact with the water and wastewater constraints overlay. Having looked into that issue in more detail:
 - (a) In a number of cases, such as Cocke Bay, the network constraint is caused by stormwater infiltration. However, the infiltration issue relates to frequent and smaller sized storm events that occur around 2 times per year or around every 6

months) – which is the trigger for the number of acceptable overflow events in Watercare’s network discharge consent. Those kinds of storm events are so frequent and affect all of Auckland that they cannot realistically change the zoning / residential planning controls which apply across Auckland.

- (b) By contrast the stormwater flooding issues arising from the Anniversary Day floods and cyclone Gabrielle (and other events) relate to infrequent, very large storm events (10% and 1% ARI), and the location and depth of those events (and the need to have specific planning controls in the areas where those overland flow paths / flood plains sit).
- 7. BPIL hopes that this explanation helps demonstrate why progressing with the water and wastewater constraints qualifying matter should proceed to be heard independently of stormwater / flooding issues.
- 8. Watercare have also released a network capacity constraints map.¹ That demonstrates that the issue of Watercare constraints continues to be a live issue and the way in which the AUP addresses those constraint areas is a matter of wider public importance than just PC78. Watercare are managing these issues without needing to rely on PC78 because there are large parts of Auckland shown in those maps that are not part of the Water and Wastewater Qualifying Matter, for example, almost all of the Hibiscus Coast and all of the Lower North Shore.
- 9. As a result, either water and wastewater capacity is a matter which should be addressed by the AUP and any determination by the Panel on the qualifying matter will be informative for either PC78 (and any replacement) or it is a matter which is already adequately addressed by the provisions of the AUP (as well as the Building Act 2004), in which case no QM is needed. Either way, the Panel’s recommendations will be of material benefit to submitters, Auckland Council and Watercare - irrespective of what ultimately happens with PC78.
- 10. Council’s position appears to be that the entirety of PC78 should continue on hold because there is the possibility of legislative change that might enable its withdrawal. This is contrary to well established principles of parliamentary sovereignty. As noted by Elias CJ in *Ngāti Whātua Ōrākei Trust v Attorney-General*.²

*[114] I consider that the Court of Appeal in the present case mischaracterised the daim when it said that its effect was to declare the authorisation to be obtained through Parliament as “unlawful” and in breach of Ngāti Whātua Ōrākei’s rights “if made now in the course of a process already under way and with legislation intended to be introduced”. **Parliament speaks to the courts only through enacted legislation.** Whether the enactment proposed will proceed and, if so, the form it will take is uncertain because it is a matter for Parliament. **Just as the executive cannot bind itself by contract to introduce and pass legislation, it cannot properly give any assurance to the court that the legislation it proposes will be passed.***

...

*[119] I do not think the circumstance that the plaintiff in *Fitzgerald v Muldoon* sought to uphold statutory obligations is reason not to apply the same approach. **Until Parliament changes the law, the courts must be open to citizens who seek to have their existing legal interests and rights determined.** The rights recognised in s 27 of the New Zealand Bill of Rights Act 1990 to*

¹ <https://www.watercare.co.nz/builders-and-developers/consultation/network-capacity-in-auckland>

² [2018] NZSC 84, BoA Vol 1, Tab 1 at 40 – 42.

*natural justice and to bring proceedings against the Crown on equal terms would not otherwise be fulfilled. **Parliamentary freedom of debate and in its proceedings is unaffected by the judicial responsibility to hear and determine rights and interests protected by law.***

[emphasis added, internal citations omitted]

11. Waiting for the Select Committee Report will not alter Council's obligation to implement the MDRS and there is no guarantee that PC78 will change, the present proposal is for the Minister to determine whether to allow any actual change.

CONCLUSION

12. For the reasons outlined above, BIPL opposes any further deferral of PC78 because:
 - (a) There has been no communication from the Minister suggesting that PC78 in its entirety should be put on hold. Rather the Minister's communications with Council have clearly stated the expectation that PC78 should be progressed as much as possible and there is a need to determine how to manage Watercare's published network capacity constraints – irrespective of the ultimate form that PC78 might take;
 - (b) It is inconsistent with RMA requirements to implement the MDRS;
 - (c) it is contrary to the duty to avoid unreasonable delay under s21 of the Resource Management Act 1991; and
 - (d) it is likely to result in unnecessary pressure on the Panel to make rushed decision-making in order to meet the deadline.
13. To move things forward, BPIL respectfully requests that the Panel direct that Council identify those submissions and/or which it considers *cannot* appropriately be progressed by Friday 31 May 2025 so that a hearing schedule for the remaining matters can be set down with hearings commencing in August 2025.

22 April 2025



A W Braggins
Counsel for the submitter

From: bryce.whitcher@xtra.co.nz
To: [Sam Otter](#)
Subject: RE: PC78 - Panel Minute 4 April 2025 - Application #1612 8 Entrican Ave
Date: Sunday, 20 April 2025 2:54:18 pm

Hello Sam,

PC78 – Application #1612 – Request to remove special character classification of the property at 8 Entrican Avenue.

Thank you for continuing to provide updates on the progress of the process considering all the matters that have been lumped together under PC78.

I am writing to provide a short response to the Panel Minute 4 April 2025 discussing the pathway to “the completion of PC78”.

I respectfully request the Panel to consider smaller/individual submitters to PC 78 in a manner which enables completion of those submissions even if larger issues continue to require more time.

It seems to me, as an individual property submitter, that my request has been simply set aside as insignificant versus the bigger considerations.

Even though I submitted in Sept 2022, and in mid-2023 I was informally advised my case had been considered and a favourable position of Council had been established, here we are approximately approaching 3 years since my submission, and 2 years since Council considered that submission and decided its position on it.

Now we still seem to be at least a year away from anything being concluded on the “bigger issues” and so my small item simply doesn’t get worked on any further because of this .

This seems an inefficient and unfair process for the individual property owner.

I wonder if in hindsight the Panel realises applications as mine should have been handled separately from the large complex applications.

I hope so.

And I request that even at this late stage a separate subprocess be set up to expedite these sorts of decisions.

Thank you for considering my request.

Yours sincerely,
Bryce Whitcher,
Property Owner,
8 Entrican Ave.,
Remuera.

From: Sam Otter <sam.otter@aucklandcouncil.govt.nz>
Sent: Friday, 4 April 2025 3:26 pm
Subject: PC78 - Panel Minute 4 April 2025

From: [Catherine Farmer](#)
To: [Sam Otter](#); [Janet Charman](#)
Subject: [EXTERNAL] Re: PC78 - Panel Minute 4 April 2025
Date: Wednesday, 16 April 2025 2:49:45 pm

Caution: This is an external email. Please check email address is from a trusted sender before taking action or clicking on links.

Hi Sam,

As a submitter to PC78 my major concern is that the Avondale Jockey Club is requesting to rezone the Avondale Racecourse for intensive housing development.

Given the critical shortfall in open space for existing Avondale residents I seek a decision that the AJC'S request does not fall within the purview of PC78.

An early decision on this matter will assist submitters who can then submit to a publicly notified plan change under the new Resource Management Act.

Regards,

Catherine Farmer
021 2953 750

On Fri, 4 Apr 2025, 15:28 Sam Otter, <sam.otter@aucklandcouncil.govt.nz> wrote:

Good Afternoon,

I have another update regarding Plan Change 78.

Panel Minute 4 April 2025

The hearing Panel have issued the attached Minute dated 4 April 2025.

Auckland Council provided a memo on Tuesday 1 April 2025 that gave an update on PC78 and responded to the Panel's request that Council provide an indicative programme of works for the completion of PC78.

The Panel are inviting interested submitters to provide a response to the Council's Memo and indicative programme of works. The responses will help inform the Panel's decision on how it will proceed with the scheduling of the remainder of PC78.

If you would like to provide a response, this is due with me no later than close of business on Tuesday 22 April 2025.

Please read the Minute and memo for the full context of the request.

If you have any questions about this email or want to be taken off the PC78 email list please get in contact.

Ngā mihi

Sam Otter

(he/him)

Kaitohutohu Mataamua Whakawā - Senior Hearings Advisor

Ph 09 353 9587 | Mobile 021 196 2582
Auckland Town Hall, Queen Street, Auckland

Please note: If the matter is urgent and you need an alternative contact, you can email npsudhearings@aucklandcouncil.govt.nz

**TO: AUCKLAND COUNCIL INDEPENDENT HEARING PANEL ON PLAN
CHANGE 78**

MEMORANDUM ON BEHALF OF CHARACTER COALITION INCORPORATED

1. This Memorandum is filed by Character Coalition Incorporated (CCI) in response to the Panel's minute dated 4 April 2025.
2. CCI is a submitter and /or further submitter to a number of Plan Change 78 (PC78) topics, including the following:
 - Topic 011A – Appropriateness of Special Character as a Qualifying Matter
 - Topic 011I – Special Character Residential – methodology/scoring system
 - Topic 011J – Special Character Residential – provisions
3. The relief sought by CCI seeks (inter alia) that:
 - All the properties which are currently in the Auckland Unitary Plan (some of which have been excluded from PC78) be included in PC78 as Special Character Areas;
 - Changes be made to the methodology/scoring system; and
 - Changes be made to the plan provisions as they relate to Special Character Residential
4. Council has proposed a hearing programme whereby PC78 hearings recommence at the beginning of September 2025 at the earliest and has suggested that any resumed hearings could occur from early September to early December 2025.
5. CCI submits that at present those Topics are not ready for hearing and opposes Council's proposals. The reasons are set out in this Memorandum.

Legislative Uncertainty

6. Council has said that it has asked the Minister for a bespoke solution for Auckland in the context of the current Resource Management Act 1991 reform, which would enable Council to withdraw PC78 in part and to notify a comprehensive plan change giving effect to intensification directives and including a natural hazards planning response for the region.
7. Although this request for what seems to be the obvious solution was made in December last year, the Minister only responded to it in March, and then in such a way that means it is unclear whether or not the request will be granted. The Minister has also not extended the timeframe for Council to make decisions on PC78 beyond 31 March 2026.
8. We appreciate that this has placed Council and the Panel in a difficult position. However, any comprehensive plan change is likely to make significant changes to the zoning and location of the SCAs which are the subject of the CCI submission.
9. In the meantime, there is a Bill before Parliament which will make the Medium Density Residential Standards (MDRS) optional rather than near-mandatory for councils, and require councils to ratify their use.
10. One of the issues at the hearing of these Topics will be whether provision should be made for the MDRS to apply in areas which are to be included in PC78 as Special Character Areas, and if so, where.
11. However, if the legislation is changed and Council decides to exclude the application of the MDRS in all or some of the Special Character Areas, this will materially affect CCI's approach to this issue. It may become unnecessary for CCI to participate in the hearings in respect of some SCAs.

12. CCI cannot sensibly brief its witnesses and conduct a hearing for these Topics before it knows if there will be a “bespoke solution” for Auckland when the proposed legislative change is enacted and (if it is enacted) until Council has determined whether and where to make the MDRS optional and/or to ratify its use.
13. Hearings without that knowledge would be a waste of the resources of the Panel, Council and submitters (including CCI.)

Light Rail Corridor

14. A number of SCAs are (wholly or partly) within the former Light Rail Corridor Area and so are presently excluded altogether from PC78.
15. Council has previously said that it would notify a Plan Change by March this year with the provisions which it planned for those areas.
16. Council has not done so, and now says that its preference would be to deal with the Light Rail Corridor area subsequently through a comprehensive planning response.
17. While CCI agrees that is a desirable approach, there is no certainty that it can or will be implemented by Council.
18. CCI anticipates that one of the issues for consideration at the hearings will be whether the identification of SCA's will detract from residential capacity, and if so, to what extent.
19. CCI cannot brief its witnesses or sensibly engage in a hearing on this issue without knowing whether and where Council is proposing to retain SCAs within the former Light Rail Corridor area.
20. Hearings without that knowledge would be a waste of the resources of the Panel, Council and submitters (including CCI.)

Natural Hazards

21. A number of SCAs are in areas which were severely affected by flooding and/or land subsidence during the 2023 Auckland floods.

22. Council has said that it will defend the approach taken in PC78 as notified, which is to identify the management of significant risks from natural hazards as an existing qualifying matter.

23. However, the approach taken in the AUP is not the issue. What is at issue is the extent to which areas currently included in PC78 for intensification should now be excluded because of their susceptibility to flooding or other natural hazards.

24. In a letter 19 August 2024, several submitters which are also members of CCI, and which have SCAs within the Meola catchment, asked the Panel to:

- Direct Council to carry out updated flood modelling and analysis for the Meola catchment, and
- Require that this information be made available to submitters well before any PC78 hearings about the future zoning and use of land in the catchment are scheduled.

25. The Panel declined that request and said that Council had indicated to the Panel that it anticipated lodging a natural hazards variation to PC78 that would include updated flood modelling. The Panel's view was that Council was in the best position to manage the variation and associated provision of updated flood modelling at that time.

26. The submitters accepted the Panel's view. However that modelling information has still not been provided, and no variation has been notified to address natural hazards issues.

27. CCI and its member groups which have SCAs in the Meola catchment and in other areas which are susceptible to flooding and/or land subsidence are unable to sensibly brief their witnesses and engage in a hearing without knowing what Council's latest flood modelling shows, and which parts of their areas should be excluded from intensification as a result of that modelling.

28. Hearings without that knowledge would be a waste of the resources of the Panel, Council and submitters (including CCI.)

Conclusion

29. In these circumstances, scheduling hearing now would be unfair and prejudicial to CCI and contrary to natural justice. For these reasons, CCI opposes Council's proposal.

Dated at Auckland this day of April 2025

A handwritten signature in black ink, appearing to read 'Sally Hughes' with a stylized flourish at the end.

Sally Hughes

Chair

Character Coalition Inc

Email: jaburns@xtra.co.nz

Phone 021-186-8212

From: [More Homes](#)
To: [Sam Otter](#)
Subject: Re: PC78 - Panel Minute 4 April 2025
Date: Tuesday, 22 April 2025 4:39:36 pm

Kia ora Sam,

The Coalition for More Homes response to the indicative programme of works is below:

Auckland Council's proposed timelines for the remaining PC78 hearings, and the light rail corridor and natural hazards planning responses, are immensely disappointing. Rather than treat Auckland's housing crisis with the urgency it requires, the proposals mean further delay, avoiding action now in favour of possibly doing something at a vague, ever shifting future date.

As Auckland Council themselves appear to admit, the only reason they've suggested this schedule is because it is the latest one possible. And the later the schedule, the more likely it is that they can avoid doing any hearings at all.

We find this disrespectful to the people who've already submitted through Plan Change 78, and the people continuing to suffer through our housing crisis.

Auckland Council claims to be mindful of submitters and ratepayers incurring costs, but there's nothing more costly to Aucklanders' wallets and quality of life than our ongoing housing crisis. If we act quickly, we can at least get some changes in place, and reduce the impact of that crisis - while performing the work required for future plan changes. If we don't act, then we could be looking down the barrel of yet another years-long plan change, with no relief in place, and no relief in sight.

Scheduling all remaining hearings over two months is an unrealistically short timeframe, and would be impossible to meet for many of the organisations responding to PC78. Many (including the Coalition for More Homes) are run by volunteers, who need to move schedules or take time off work to attend. If every hearing is squeezed into two months, attending them would resemble a fulltime job, creating undue time demands for every organisation that can't pay people to attend.

We request that the Panel starts the hearings at least two months sooner, and spreads them out over a longer timeframe. The schedule can be based on creating solutions for our housing crisis as quickly as possible. The more housing opportunities we unlock now, the more likely it is Aucklanders will be able to tolerate the time required for future plan changes, for whatever reason we're making them.

We implore the Council, and the Panel, to expedite the light rail corridor response. The light rail corridor covers a large area and some of the most important housing locations in Auckland. We cannot afford to delay it further. We believe much of the work that's been done in PC78 is transferable to the corridor response (such as heights for metropolitan centres), making these long-term delays unnecessary. Even a piecemeal response, where some matters within the corridor are

expedited, would be preferable to leaving the entire corridor out of PC78.

Nga mihi,

The Coalition for More Homes

On Fri, 4 Apr 2025 at 15:29, Sam Otter <sam.otter@aucklandcouncil.govt.nz> wrote:

Good Afternoon,

I have another update regarding Plan Change 78.

Panel Minute 4 April 2025

The hearing Panel have issued the attached Minute dated 4 April 2025.

Auckland Council provided a memo on Tuesday 1 April 2025 that gave an update on PC78 and responded to the Panel's request that Council provide an indicative programme of works for the completion of PC78.

The Panel are inviting interested submitters to provide a response to the Council's Memo and indicative programme of works. The responses will help inform the Panel's decision on how it will proceed with the scheduling of the remainder of PC78.

If you would like to provide a response, this is due with me no later than close of business on Tuesday 22 April 2025.

Please read the Minute and memo for the full context of the request.

If you have any questions about this email or want to be taken off the PC78 email list please get in contact.

Ngā mihi

Sam Otter

(he/him)

Kaitohutohu Mataamua Whakawā - Senior Hearings Advisor

From: [Dave Fermah](#)
To: [Sam Otter](#)
Subject: RE: PC78 - Panel Minute 4 April 2025
Date: Friday, 4 April 2025 3:59:31 pm

Hi Sam

I would like to submit:

I would suggest that as the minister has effectively mothballed all older planning and now the RMA, that this is a waste of ratepayers money – having lawyers look at case law in respect to current RMA ramifications to PC79 and light rail etc, as sent on the latest memo.

I would request you all go let everyone go do something more productive, instead of this drawn out time and money consuming process that will ultimately be binned before it is even actioned.

Let the government decide and pass their legislation and once new planning regions and rules are known, we all can see the ramifications on where growth and housing stock will actually go, then proceed. Otherwise, you all just spinning your wheels and not going anywhere.

Dave Fermah
Affordable group Housing developer

From: Sam Otter <sam.otter@aucklandcouncil.govt.nz>
Sent: Friday, 4 April 2025 3:26 pm
Subject: PC78 - Panel Minute 4 April 2025

Good Afternoon,

I have another update regarding Plan Change 78.

Panel Minute 4 April 2025

The hearing Panel have issued the attached Minute dated 4 April 2025.

Auckland Council provided a memo on Tuesday 1 April 2025 that gave an update on PC78 and responded to the Panel's request that Council provide an indicative programme of works for the completion of PC78.

The Panel are inviting interested submitters to provide a response to the Council's Memo and indicative programme of works. The responses will help inform the Panel's decision on how it will proceed with the scheduling of the remainder of PC78.

If you would like to provide a response, this is due with me no later than close of business on Tuesday 22 April 2025.

Please read the Minute and memo for the full context of the request.

If you have any questions about this email or want to be taken off the PC78 email list please get in contact.

Ngā mihi

Sam Otter
(he/him)
Kaitohutohu Mataamua Whakawā - Senior Hearings Advisor

MEMORANDUM

TO: Auckland Council Independent Hearings Panel (IHP)
Proposed Plan Change 78
Auckland Unitary Plan

MEMORANDUM ON BEHALF OF
FREEMANS BAY RESIDENTS ASSOCIATION
SUBMITTER # 2201

1. The Freemans Bay Residents Association (“**the FBRA**”) files this Memorandum in response to the IHP Minute dated 4 April 2025. The FBRA is a submitter (#2201) to several of the Topics contained within Plan Change 78 (**PC78**). The FBRA's submission is concerned with:
 - **Topic 011 – Special Character Area Overlays** including methodology, objectives, policies and rules.
 - **Topic 012 – Infrastructure** – Including Rooding Qualifying Matters.
 - **Topic 017 – Walkable Catchments** - their relevance, characteristics, context and limitations.

As yet, none of these Topics has reached the IHP for hearing.

Community Consultation

2. The FBRA has undertaken intensive consultation and liaison with the Freemans Bay community. The Association has managed to raise nearly \$130,000 to pay for legal representation and expert advice to support its submission. So far, a large portion of those funds have been used, and yet the FBRA has not had the chance to present its substantive case to the IHP. The statutory process of PC78 has been extremely demanding on communities wishing to participate in a helpful and supportive manner but who find the depth and implications of PC78 far more destructive on inner city suburbs than was ever contemplated by the RMA Amendment Act promoting intensification and implementing the National Policy Statement – Urban Development.

Council Memorandum – 1 April 2025

3. Without consulting the principal stakeholder submitters, the Council is advancing further expansion and modifications to PC78 through either a plan change or plan variation process.

Light Rail Corridor

4. The zoning of this area is fundamentally important to any assessment of the development capacity being made available through PC78. At present with the Light Rail Corridor (LRC) excluded from a land use zoning option, the Council's s.32 reporting on development capacity under proposed PC78 produces at least 500,000 additional household units. Given the area covered by the LRC it is fair to contemplate that under any logical land use zone development regime, a further 200,000 household units should be available.
5. This information is fundamental to the hearing of the FBRA's submission given that intensification is premised on the availability of land capable of increased development. This quantum of the potential residential development opportunity removes the claim that the special character and heritage environment of Freemans Bay is required to assist in the intensification model.

Conclusion

6. The natural hazards and LRC planning outcomes are fundamental to the continuation of submission hearings by the IHP. The Association, like all other community groups, cannot be expected to continue engaging in a process that does not have a definitive outcome and timetable.
7. Given that any plan change or variation to PC78 will require a minimum of three months statutory processing and yet, has not involved any pre-notification public or stakeholder group consultation, the timeframe is more likely to be six months. In addition, the Association is very concerned that no further hearings or submission process can logically be undertaken until any proposed plan change or variation relating to the LRC and the natural hazards study is completed.
8. In the light of the extensive work required by the Council to complete any proposed plan change or variation to PC78 to cover the natural hazards context and land use zoning of the LRC, it is most likely that an appropriate timeframe will require abandoning any further hearings before the IHP on the matters in which the FBRA is involved until 2026. The reality is that the IHP is unlikely to be in a position to make recommendations to the Council on all issues related to PC78 (and any variations associated with it) until mid-2027.

The Freemans Bay Residents Association requests:

- That no further hearings are called by the IHP on matters relating to Topics 11, 12 & 17 until such time as all required statutory processes are completed for any variation or plan change relating to the natural hazards study and/or the landuse zone selections for the LRC.
- That the Council be asked to undertake an appropriate level of consultation and liaison with the affected PC78 stakeholder groups on the two subjects of the natural hazards study and the land use zoning of the LRC prior to any plan change or variation notification.

**This Memorandum is prepared for and on behalf of
the Freemans Bay Residents Association**

Signed: 

Date: 21 April 2025

Trevor Lund co-chair,
Freemans Bay Residents Association

MEMORANDUM on BEHALF of HERNE BAY RESIDENTS' ASSOCIATION INCORPORATED

1. This memorandum is filed by Herne Bay Residents' Association Incorporated (HBRAI) in response to the Panel's minute dated 4 April 2025.
2. HBRAI is a submitter and /or further submitter on Plan Change 78 (PC 78), to various topics, including topics 009, 010, 011.
3. HBRAI opposes Auckland Council's proposal for recommencing IHP hearings in early September through to early December 2025 for any topics, which it decides are discrete enough to be heard after it has received and considered the Select Committee for the Environment's report on the Resource Management (Consenting and Other System Changes) Amendment Bill, (RM COSC Amdt.Bill). This report is due out in mid- June 2025.
4. HBRAI submits that:
 - (i) it is unlikely that any PC 78 topics, which are relevant to its submission, will be ready for hearing on the proposed dates.
 - (ii) In any event, there would be insufficient time for HBRAI and other submitters to adequately prepare for hearing.

Consequently, it would be unfair and prejudicial to submitters to proceed with the proposed hearings. The reasons for its opposition to Council's proposal are:

 - (a) The uncertainty caused by legislative and planning changes which are still in various stages of progress and/or not ready to be notified. These changes are critical to the final form of PC 78. Neither submitters nor the IHP will have all of the information necessary for final decisions to be made on PC78. Any hearings held before such information is publicly available and notified in its final form would be prejudicial to natural justice, as well as resulting in poor planning outcomes.
 - (b) One critical change, referred to in para. (a) above, is the MDRS optionality and time frames for implementation, which appear in the RM COSC Amdt.Bill. Although the MDRS underpins PC 78 in its current form, it will not be possible for Auckland Council to fully exercise its ability to opt in or out of MDRS before the proposed hearing dates. As the general application of MDRS affects all of

Auckland most submitters, including HBRAI, would be prejudiced by a hearing before the option is exercised.

- (c) Other critical changes include Auckland Council's report on its Natural Hazards and flood prevention planning response, following the 2023 Auckland floods, and its Auckland Light Rail Corridor, (LRC), planning for inclusion in PC 78. Council advises that both these planning matters are still in progress. The Natural Hazards and Flooding response affects widespread areas of Auckland, including Herne Bay. In particular, some areas currently included in PC 78 for intensification should now be excluded because they are susceptible to flooding or other natural hazards. HBRAI could not adequately prepare for hearing without Council's Natural Hazards and Flooding planning having been incorporated into PC 78.
 - (d) A further critical planning uncertainty is whether Auckland Council's request for a Bespoke solution for Auckland in the context of current RMA reform, to enable it to withdraw PC 78 in part and notify a comprehensive plan change, giving effect to intensification directives and including Natural Hazards and LRC planning, will be successful or not. If it were successful the proposed hearings would be unnecessary along with expenditure by submitters on preparations for same. Council advises that there is no answer from the government at this time.
5. HBRAI submits that the extent of the uncertainties, and unworkable timeframes, outlined above is great enough to preclude hearings on PC 78 within the proposed time frame, September – December 2025, and that to proceed at that time would be unfair and prejudicial to HBRAI, and other submitters, and contrary to natural justice. It therefore opposes Council's proposal.

Dated at Auckland this 21st day of April 2025:

Dirk Hudig

Don Mathieson

Co- Chairs:

Herne Bay Residents' Association Incorporated

Email: dirkhudig@gmail.com

Ph: 021 02790800

From: [Janet Charman](#)
To: [Sam Otter](#)
Subject: Fwd: PC78 - Panel Minute 4 April 2025
Date: Tuesday, 8 April 2025 8:14:35 am
Attachments: [Minute 4 April 2025 -Requesting Response to Council Memo FINAL.pdf](#)

To PC78 Administrator Sam Otter
From Janet Charman
Re: PC 78 objections relevance in light of changes to the RMA

Dear Sam Otter,

Thankyou for being in touch about the changes to the RMA as this effects objectors to plan change 78.

My objection to PC 78 is in the matter of a zoning change of the Avondale Racecourse lodged by the Avondale Jockey Club.
It is principally related to my concerns for flooding of my property, and others, at the Mainstreet end of Wingate Street , Avondale.

In the major increase in serious storm events we have to expect with climate breakdown, I consider that any hard surfacing of the racecourse land above my home, with apartment blocks, will lead to run-off flooding.

I fear that would overwhelm the drainage ditch that flows past the rear of my address at number 17, and into the water reticulation reservoir at the Wingate Reserve.

NB: Even under existing conditions the basement of number 13 flooded during the Gabrielle /Anniversary Weekend storm event.

Avondale is on a flood plain and the racecourse therefore currently functions as both a dam and a sponge protecting its surrounding neighbourhoods from flooding.

Properties at the mainstreet end of Wingate Street, as mine is, are currently also zoned for commercial/residential apartments up to 8 stories.

However the Gabrielle Anniversary event revealed that the existing ground water management in Wingate St is already insufficient to cope with serious storm events as they effect even the single story dwellings currently in this location,

So I am concerned that housing intensification on the racecourse will severely reduce the protections it currently offers to its surrounding neighbourhoods.

And that these geotechnical features of flood threats have not been recognised in the AJC's 'whole of site' application for a change of use.

I therefore wish to present my objections to the Jockey Club's land zoning change, irrespective of the new legislation re. The RMA.

Yours Sincerely
Janet Charman

Begin forwarded message:

From: Sam Otter <sam.otter@aucklandcouncil.govt.nz>
Subject: PC78 - Panel Minute 4 April 2025
Date: 4 April 2025 at 3:25:51 PM NZDT

Submission in
RESPONSE TO AUCKLAND COUNCIL'S
1 APRIL 2025 MEMORANDUM re Plan
Change 78
Submitter
Michael Fox

Submitter Details

Full Name: Michael Fox
Address: 34 Woodford Road, Mt Eden, Auckland
Phone - Business: 027-295-9001

Submission

My property falls within the area designated as ‘The Light Rail Corridor’.

The last time I looked there hasn’t been a plan to do anything about light rail in Auckland for quite some time and the so-called ‘Corridor’ has become a can that it is easier for the Council to keep kicking down the road than do anything constructive about. In fact, I submit there’s never really been a ‘plan’ as such – just a whole lot of talk about a plan.

I submit that it’s well past time when all reference to ‘The Light Rail Corridor’ be removed entirely from any mention in Auckland Council zoning regulations.

I further submit that this happen immediately. The reason for the need for immediate action is that ‘as soon as possible’ or ‘without delay’ never ever arrives, vide my earlier comment re the can.

oceed

in matters relating to topics 11, 12 and 17 until natural hazards and LRC variations
exclude areas effected by flooding
046 specific
proceed with site specific requests
Requests a decision on AJC's rezoning request

Wants to be heard regarding AJC

Comments re LRC

Wants more information on flooding

in matters relating to topics 11, 12 and 17 until natural hazards and LRC variations

Timeframes to short, start hearings earlier

15 April 2025

The Chair

Independent Hearings Panel on Plan Change 78

Auckland

Dear Mr Casey

Letter on behalf of South Epsom Planning Group Inc

This Memorandum is filed by South Epsom Planning Group (SEPG) in response to the Panel's minute dated 4 April 2025.

Council has proposed a hearing programme whereby PC78 hearings recommence at the beginning of September 2025 at the earliest and has suggested that any resumed hearings could occur from early September to early December 2025.

SEPG submits that at present those Topics are not ready for hearing and opposes Council's proposals. The reasons are set out in this letter.

SEPG is a submitter on Auckland Council Plan Change 78 (PC78). We and other submitters (Balmoral Residents Association Inc; Eden Park Neighbours Association Inc) wrote to you on 19 August 2024 about our concerns as community groups representing a number of owners and occupiers of properties in the suburbs of Balmoral, Epsom, Mt Eden and Three Kings which are in the Meola water catchment.

As we said then, the Meola catchment is a very large one. Significant areas of it were subjected to damaging flooding as a result of the 2023 Auckland Anniversary Day storm event. NIWA reported that an entire summer's worth of rain fell within one day in what it described as a 1-in-200-year event. This event is considered to be the worst flooding in Auckland's modern history.

We pointed out that Council had provided that information, which the Panel had made available on its website. Council had carried out re-modelling of flood risks which showed that the extent of identified risk of flooding in urban centres has increased significantly, given Council's now increased knowledge of those risks.

We noted that old data are already available for the Meola residential areas in an AECOM report dated 2010 that was carried out prior to the construction of the Central Interceptor and the 2023 floods. Clearly that report now requires significant updating given the severity of the 2023 flooding events.

In our letter to you we asked the Panel to require Council to:

1. Carry out similar updated flood modelling and analysis for the Meola catchment; and
2. Require that this information be made available to submitters well before any PC78 hearings about the future zoning and use of land in our catchment are scheduled.

We said that it would not be possible for us to present a complete case, nor for the Panel to make an informed decision, about Council's proposals in PC78 for further intensification of land in the Meola catchment without first having a clear and updated picture of the potential flood risk to our properties.

The Panel declined our request because the Council had indicated to the Panel that it anticipated lodging a natural hazards variation to PC78 that will include updated flood modelling, and that the Panel's view was that the Council was in the best position to manage a variation of PC78 and associated provision of updated flood modelling at this time.

Since then, in a series of reporting Memoranda, most recently on 28 February 2025, Council has advised that work continues on the natural hazards planning response (and the Auckland Light Rail Corridor planning response; noting that South Epsom Planning Group's main area of interest does not include Balmoral or Eden Park).

Council had previously indicated that it intended to notify variations to address these issues this month. However, seven months after the Panel declined our earlier request for information, no Variation has been notified. Some consultation has taken place on the natural hazards variation but none (as far as we are aware) on the Light Rail Corridor variation.

In the meantime, it appears that the Minister has still not responded to Council's request (made in December) to allow it to withdraw those parts of PC78 for which submissions have not yet been heard. Nor has he extended the timeframe for Council's decision beyond 31 March 2026. We expect this means the Panel will need to hear our submissions this year in order to meet that deadline.

We now have no idea when (or if) Council is going to notify these variations, or what will be in them.

We do not see how we can possibly sensibly prepare for and engage in the hearing of our submissions when we do not know what areas Council is going to propose be excluded from intensification in its natural hazards variation.

Accordingly, we ask that the Panel directs Council to:

1. Carry out updated flood modelling and analysis for the Meola catchment (if it has not already done so); and
2. Make this information available to us as a submitter well before any PC78 hearings about the future zoning and use of land in the Meola catchment are scheduled.

In our view, attempting to hear our submissions without us receiving this information with time to analyse and respond to it would place us in an impossible position, as we will be unable to adequately brief our witnesses. It would be quite unfair and contrary to natural justice.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Mules', with a stylized, cursive script.

Chris Mules MNZM

Chair

South Epsom Planning Group Inc

MEMORANDUM

TO: Auckland Council Independent Hearings Panel (IHP)
Proposed Plan Change 78
Auckland Unitary Plan

MEMORANDUM ON BEHALF OF
ST MARYS BAY ASSOCIATION
SUBMITTER #2193 AND FURTHER SUBMITTER #437

1. The St Marys Bay Association (“**the Association**”) files this Memorandum in response to the IHP Minute dated 4 April 2025. The Association is a submitter (#2193) and further submitter (#437) to several of the Topics contained within Plan Change 78 (**PC78**). The Association’s submission is concerned with:
 - **Topic 011 – Special Character Area Overlays** including methodology, objectives, policies and rules.
 - **Topic 012 – Infrastructure** – Areas with combined sewer/stormwater systems.
 - **Topic 017 – Walkable Catchments** - their relevance, characteristics, context and limitations.

As yet, none of these Topics has reached the IHP for hearing.

Community Consultation

2. The Association has undertaken intensive consultation and liaison with the St Marys Bay community. The Association has managed to raise nearly \$200,000 to pay for legal representation and expert advice to support its submission. So far, those funds have been almost fully expended and yet the Association has not had the chance to present its substantive case to the IHP. The statutory process of PC78 has been extremely demanding on communities wishing to participate in a helpful and supportive manner but who find the depth and implications of PC78 far more destructive on inner city suburbs than was ever contemplated by the RMA Amendment Act promoting intensification and implementing the National Policy Statement – Urban Development.

Council Memorandum – 1 April 2025

3. Without consulting the principal stakeholder submitters, the Council is advancing further expansion and modifications to PC78 through either a plan change or plan variation process. The Association has attempted to engage with the Council on the outstanding issues, particularly natural hazards, but has failed to achieve any sensible consultation or liaison discussion.

Natural Hazards

4. In consultation with a Council planning team, the Association discovered that the plan change being prepared to cover natural hazards is being limited to those determined to be “an act of God”. This means that extensive damage to properties in St Marys Bay from the Council’s inadequate combined wastewater/stormwater infrastructure is not included because it occurred from man-made interventions. Any plan change or variation covering natural hazards will necessarily be opposed by the Association so that the ramifications of inadequate infrastructure to support any new development are properly considered through the submission and hearings process.

Light Rail Corridor

5. The zoning of this area is fundamentally important to any assessment of the development capacity being made available through PC78. At present with the Light Rail Corridor (LRC) excluded from a land use zoning option, the Council’s s.32 reporting on development capacity under proposed PC78 produces at least 500,000 additional household units. Given the area covered by the LRC it is fair to contemplate that under any logical land use zone development regime, a further 200,000 household units should be available.
6. This information is fundamental to the hearing of the Association’s submission given that intensification is premised on the availability of land capable of increased development. This quantum of the potential residential development opportunity removes the claim that the special character and heritage environment of St Marys Bay is required to assist in the intensification model.

Conclusion

7. Both the natural hazards and LRC planning outcomes are fundamental to the continuation of submission hearings by the IHP. The Association, like all other community groups, cannot be expected to continue engaging in a process that does not have a definitive outcome and timetable.
8. Given that any plan change or variation to PC78 will require a minimum of three months statutory processing and yet, has not involved any pre-notification public or stakeholder group consultation, the timeframe is more likely to be six months. In addition, the Association is very concerned that no further hearings or submission process can logically be undertaken until any proposed plan change or variation relating to the LRC and the natural hazards study is completed.

9. In the light of the extensive work required by the Council to complete any proposed plan change or variation to PC78 to cover the natural hazards context and land use zoning of the LRC, it is most likely that an appropriate timeframe will require abandoning any further hearings before the IHP on the matters in which the Association is involved until 2026. The reality is that the IHP is unlikely to be in a position to make recommendations to the Council on all issues related to PC78 (and any variations associated with it) until mid-2027.

The Association requests:

- That no further hearings are called by the IHP on matters relating to Topics 11, 12 & 17 until such time as all required statutory processes are completed for any variation or plan change relating to the natural hazards study and/or the landuse zone selections for the LRC.
- That the Council be asked to undertake an appropriate level of consultation and liaison with the affected PC78 stakeholder groups on the two subjects of the natural hazards study and the land use zoning of the LRC prior to any plan change or variation notification.

**This Memorandum is prepared for and on behalf of
the St Marys Bay Association**

Signed: 

William Peake

Co-Chair St Marys Bay Association Inc

Email: william@williampeake.com

Phone: 021 680811