

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 OF THE HEARING PANEL – 25 AUGUST 2025
DEFERRING HEARINGS OF THE REMAINING PC78 TOPICS

1. The Panel issued a Minute and Directions on 11 August 2025 setting out its views about the uncertain future Plan Change 78 (**PC78**). The Panel indicated an intention to complete its recommendations on the Business - Metropolitan Centre Zone, and to defer hearing other Topics.
2. The Panel considered it very likely that following enactment of the Resource Management (Consenting and System Changes) Amendment Bill - which has now been enacted - the Council would undertake the steps required to withdraw PC 78. The Panel recognised, however, that this would involve a formal process including decision-making by Council's governing body.
3. The Panel's proposal to defer any further hearings was subject to any contrary indication from Council. It directed that if Council's preference was for the Panel to proceed with the hearings, in order not to compromise the 31 March 2026 deadline, it should communicate this to the Panel, together with a high level indicative timetable.
4. The Council has provided a Memorandum dated 18 August 2025 in response to this and the Panel's other directions. Although noting the Panel's request for an indication as to Council's preference regarding the Panel hearing the remaining PC 78 matters, the Memorandum does not expressly respond to it.
5. Council may have understood the Panel as only seeking a response if Council's preference was for the Panel to proceed with the hearings and not to defer them. The Panel assumes this is the case, and takes Council's Memorandum as an acceptance of the approach signalled in the Minute.
6. The purpose of this Minute, therefore, is to confirm that the Panel will not schedule hearings of any of the remaining Topics on PC 78, nor any other procedural steps other than to complete its Metropolitan Centre Zone recommendations.
7. Council's Memorandum of 18 August 2025 indicated that the decision whether or not to withdraw PC 78 will be made at a meeting of the Policy and Planning Committee in September 2025. The Panel understands that at its meeting on 20 August 2025 the Committee endorsed the draft replacement plan change for consultation, and will consider notification at its 24 September 2025 meeting. A decision to withdraw PC 78 must be publicly notified by 10 October 2025.

8. The Panel requests that once a decision is made, it is communicated forthwith to the Panel. If the decision is to withdraw PC 78 the Panel requests a follow-up report from the Council as to how this will be done, and its implications for the Panel.
9. If the decision is not to withdraw PC 78, or to withdraw it only in part such that one or more of the outstanding Topics still requires to be decided, the Panel requests the Council to report with its views as to how PC 78 (or the remaining Topics) might be progressed.

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
25 August 2025