
Te Komiti mō te Kaupapa Here me te Whakamahere / Policy and Planning Committee

OPEN MINUTES

Minutes of an extraordinary meeting of the Policy and Planning Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 22 May 2025 at 10.03am.

TE HUNGA KUA TAE MAI | PRESENT

Chairperson	Cr Richard Hills	
Deputy Chairperson	Cr Angela Dalton	
Members	Cr Andrew Baker	
	Cr Josephine Bartley	Via electronic link From 10.06am, Item 7
	Mayor Wayne Brown	
	Cr Chris Darby	
	Cr Julie Fairey	
	Cr Alf Filipaina, MNZM	
	Cr Christine Fletcher, QSO	From 10.09am, Item 7 Until 12.02pm, Item 7
	Cr Lotu Fuli	Via electronic link From 11.38am, Item 7
	Houkura Member Hon Tau Henare	
	Cr Shane Henderson	
	Cr Mike Lee	From 10.09am, Item 7
	Cr Kerrin Leoni	Via electronic link From 10.07am, Item 7 From 10.46am, Item 7
	Cr Daniel Newman, JP	
	Deputy Mayor Desley Simpson, JP	
	Cr Sharon Stewart, QSM	
	Cr Ken Turner	
	Cr Wayne Walker	From 10.09am, Item 7 Until 12.02pm, Item 7
	Cr John Watson	
	Cr Maurice Williamson	

TE HUNGA KĀORE I TAE MAI | ABSENT

Members	Houkura Member Edward Ashby
	Cr Greg Sayers

1 Ngā Tamōtanga | Apologies

Resolution number PEPCC/2025/54

MOVED by Cr A Filipaina, seconded by Chairperson R Hills:

That the Policy and Planning Committee:

a) **whakaae / accept the apology from members:**

Absence

Houkura Member E Ashby

Lateness

Cr L Fuli - on council business

Early departure

Cr W Walker

Cr K Turner

CARRIED

Electronic Attendance

Resolution number PEPCC/2025/55

MOVED by Deputy Mayor D Simpson, seconded by Mayor W Brown:

That the Policy and Planning Committee:

a) **whakaae / approve electronic attendance under Standing Order 3.3.3 for:**

- Cr J Bartley (SO 3.3.3 a))
- Cr L Fuli (SO 3.3.3 a))
- Cr K Leoni (SO 3.3.3 b))

CARRIED

2 Te Whakapuaki i te Whai Pānga | Declaration of Interest

There were no declarations of interest.

3 Ngā Petihana | Petitions

There were no petitions.

4 Ngā Kōrero a te Marea | Public Input

There was no public input.

5 Ngā Kōrero a te Poari ā-Rohe Pātata | Local Board Input

There was no local board input.

6 Ngā Pakihi Autaia | Extraordinary Business

There was no extraordinary business.

7 Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre

A PowerPoint presentation was given. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr J Bartley joined the meeting at 10.06am.

Cr K Leoni joined the meeting at 10.07am.

Cr C Fletcher entered the meeting at 10.08am.

Cr W Walker entered the meeting at 10.09am.

Cr M Lee entered the meeting at 10.09am.

Cr D Newman entered the meeting at 10.46am.

MOVED by Houkura Member T Henare, seconded by Mayor W Brown:

That the Policy and Planning Committee:

- a) whiwhi / receive the report “Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre”.
- b) whakaae / accept all recommendations of the Independent Hearings Panel on the City Centre provisions in proposed Plan Change 78: Intensification and adopt the reasons in the Independent Hearings Panel Recommendation Report.
- c) whakaae / approve the notification by 30 May 2025 of the council’s decisions on the Independent Hearings Panel recommendations on the City Centre provisions in Plan Change 78: Intensification, in accordance with the Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Direction 2025.
- d) whakaae / note that on public notification under:
 - i) clause 103(2) (if all Independent Hearings Panel recommendations are accepted); or
 - ii) clause 104(2) (if some Independent Hearings Panel recommendations are accepted)of Schedule 1 of the RMA, the recommendations of the IHP that are accepted by the council are incorporated into the Auckland Unitary Plan and are deemed approved under clause 17(1), Schedule 1 and become operative (as per the date stated in the notification) in accordance with clause 20, Schedule 1 of the RMA.
- e) tono / request staff to undertake the necessary steps to make the City Centre provisions operative, for all accepted Independent Hearings Panel recommendations, by setting out the date that these provisions will be made operative when publicly notifying the council’s decisions on the Independent Hearings Panel recommendations on the City Centre provisions.

The meeting adjourned at 11.26am and reconvened at 11.35am.

Cr C Fletcher, Cr S Henderson and Cr D Newman were not present.

Cr S Henderson returned to the meeting at 11.37am.

Cr C Fletcher returned to the meeting at 11.38am.

Cr D Newman returned to the meeting at 11.38am.

Cr L Fuli joined the meeting at 11.38am.

MOVED by Cr M Lee, seconded by Cr W Walker, an amendment by way of addition, adding a new clause b):

- b) reject the Independent Hearings Panel recommendation at paragraph [465] that the submitter James Kirkpatrick's relief be granted, allowing for the removal of the block between Karangāhape Road, Newton Road, Gundry Street and Abbey Street from the Karangāhape Road precinct:
 - i) The reasons for rejection are based on the Council's expert evidence, including as referred to in paragraph [461] of the Independent Hearings Panel recommendations;
 - ii) The Council's alternative recommendation is that the block between Karangāhape Road, Newton Road, Gundry Street and Abbey Street is not removed from the Karangāhape Road precinct.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr M Lee	Cr A Baker	
Cr W Walker	Cr J Bartley	
	Mayor W Brown	
	Deputy Chairperson A Dalton	
	Cr C Darby	
	Cr J Fairey	
	Cr A Filipaina	
	Cr C Fletcher	
	Cr L Fuli	
	Houkura Member T Henare	
	Cr S Henderson	
	Chairperson R Hills	
	Cr K Leoni	
	Cr D Newman	
	Deputy Mayor D Simpson	
	Cr S Stewart	
	Cr K Turner	
	Cr J Watson	
	Cr M Williamson	

The motion was declared LOST by 2 votes to 19.

Debate on the original motion continued.

Cr C Fletcher retired from the meeting at 12.02pm.

Cr W Walker retired from the meeting at 12.02pm.

Cr A Filipaina left the meeting at 12.09pm.

Resolution number PEPCC/2025/56

MOVED by Houkura Member T Henare, seconded by Mayor W Brown:

That the Policy and Planning Committee:

- a) **whiwhi / receive the report "Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre".**
- b) **whakaae / accept all recommendations of the Independent Hearings Panel on the City Centre provisions in proposed Plan Change 78: Intensification and adopt the reasons in the Independent Hearings Panel Recommendation Report.**

- c) whakaae / approve the notification by 30 May 2025 of the council's decisions on the Independent Hearings Panel recommendations on the City Centre provisions in Plan Change 78: Intensification, in accordance with the Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Direction 2025.
- d) whakaae / note that on public notification under:
 - i) clause 103(2) (if all Independent Hearings Panel recommendations are accepted); or
 - ii) clause 104(2) (if some Independent Hearings Panel recommendations are accepted)of Schedule 1 of the RMA, the recommendations of the IHP that are accepted by the council are incorporated into the Auckland Unitary Plan and are deemed approved under clause 17(1), Schedule 1 and become operative (as per the date stated in the notification) in accordance with clause 20, Schedule 1 of the RMA.
- e) tono / request staff to undertake the necessary steps to make the City Centre provisions operative, for all accepted Independent Hearings Panel recommendations, by setting out the date that these provisions will be made operative when publicly notifying the council's decisions on the Independent Hearings Panel recommendations on the City Centre provisions.

CARRIED

Note: Under Standing Order 1.8.6, Cr S Henderson requested that his abstention be recorded.

Attachments

- A 22 May 2025, Policy and Planning Committee, Item 7 - Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre - presentation
- B 22 May 2025, Policy and Planning Committee, Item 7 - Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre – supporting maps

8 Te Whakaaro ki ngā Take Pūtea e Autaia ana | Consideration of Extraordinary Items

There was no consideration of extraordinary items.

12.12pm

The chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE POLICY AND PLANNING
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....

Date: 22 May 2025
Time: 10.03am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Te Komiti mō te Kaupapa Here me te Whakamahere / Policy and Planning Committee OPEN MINUTE ITEM ATTACHMENTS

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PC78 City Centre – Council decisions on IHP Recommendations

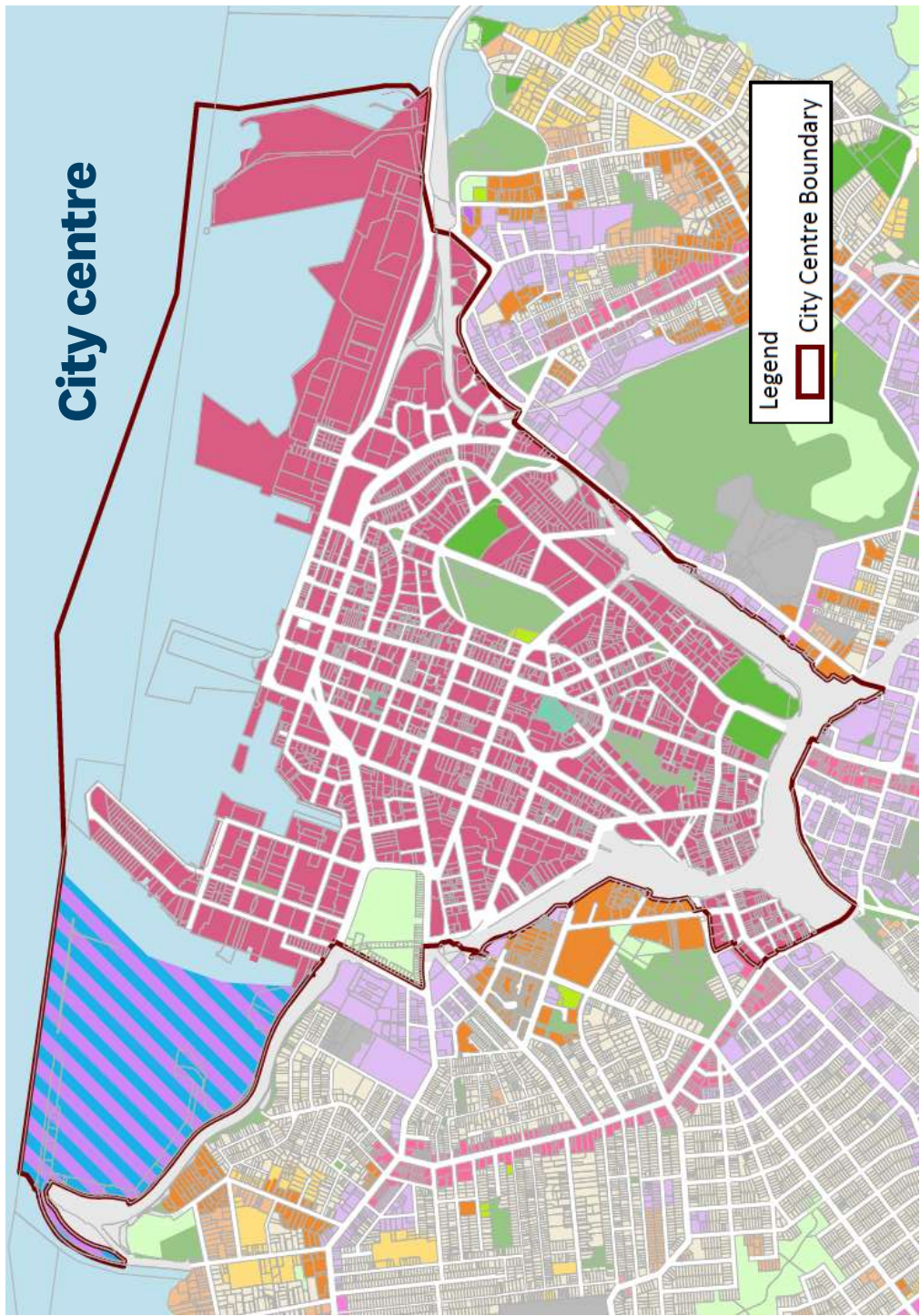
Policy and Planning Committee Meeting

22 May 2025



Item 7

Attachment A





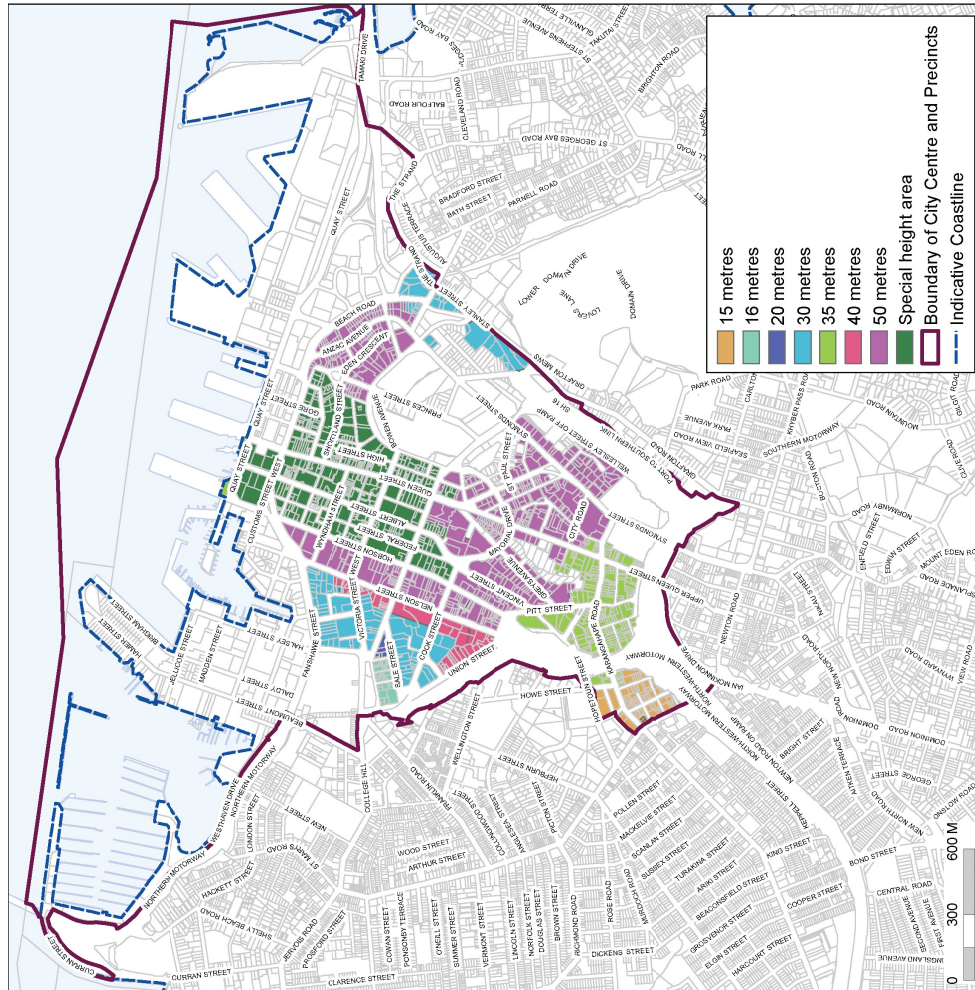
Enabling additional development capacity

- Removal of maximum floor area ratio (FAR)
- Increased general building height
- Increased height in some precincts
 - Karangahape Road Precinct
 - Learning Precinct
 - Quay Park Precinct
 - Viaduct Harbour Precinct
 - Wynyard Precinct
- “Qualifying Matters” applied where appropriate (e.g. to recognise the unique characteristics of parts of the City Centre and to allow sunlight into key areas of public open space)



Operative AUP

Map H8.11.3 City Centre Zone General building height

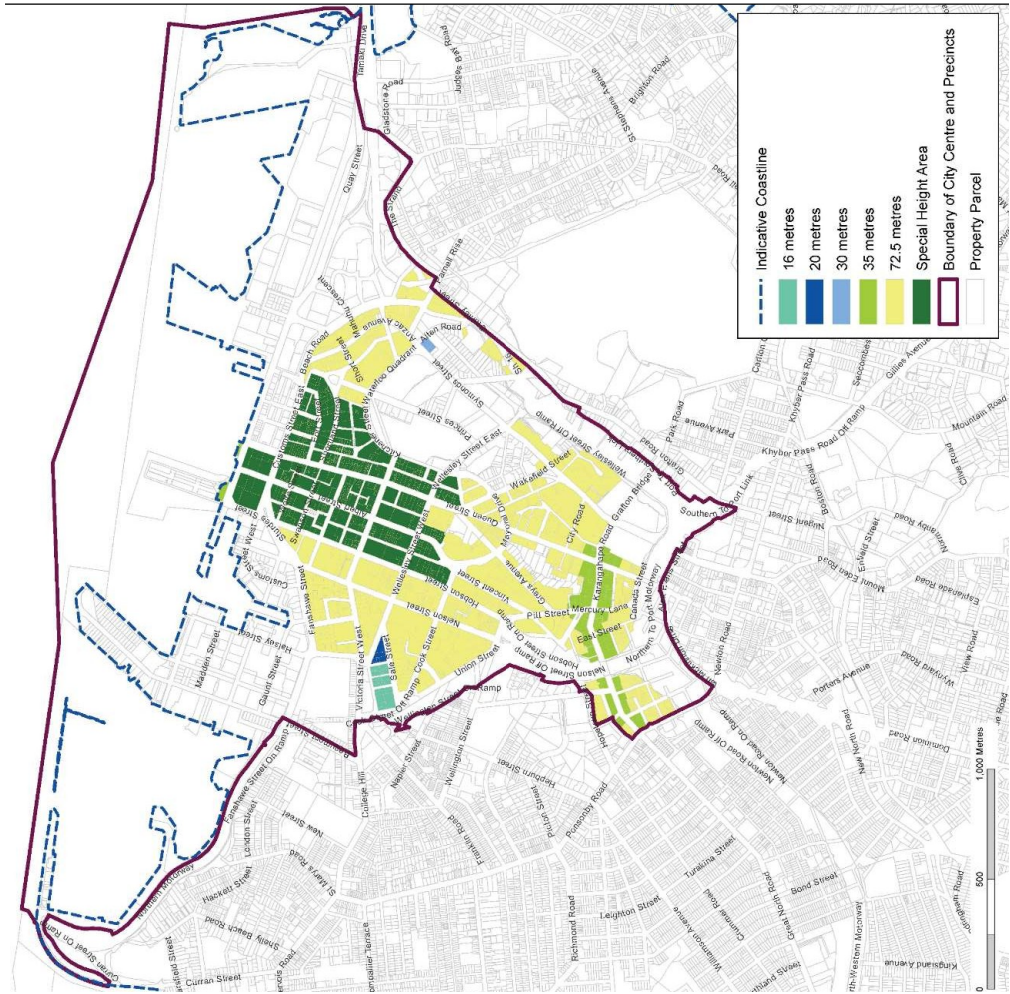




IHP Recommendations

Map H8.11.3 City Centre Zone
general building height

Including extension of Special Height
Area as set out in paragraphs 121-
124 of the IHP Recommendation
Report





Decision process

- Process set out in clause 101 of Schedule 1 of the RMA
- The council is required to make decisions on the IHP recommendations
- The council must decide whether to **accept** or **reject** each recommendations of the IHP
- Auckland Council's decisions must be notified by **30 May 2025** (Minister's direction)
- Public notification of accepted recommendations will include date when provisions will be operative

IHP City Centre recommendations

**Accept all
/ accept
some**

- **Publicly notified**
- **Those parts of PC78
'approved'**
- **Become part of
operative AUP**

**No appeals – Judicial review
on process only**





IHP City Centre recommendations

**Reject
(refer to
Minister)**

- Must provide reasons for rejection
- May provide alternative recommendations
- All rejections referred to Minister for RM Reform for decisions
- The Minister will then consider the IHP recommendation and the Council's alternative recommendation and make a decision.

**No appeals – Judicial review
on process only**



Assessment of IHP recommendations

- IHP recommendations received 8 May 2025
- IHP agreed with council's overall approach
- Full support of council's economic evidence
- Preferred council's planning and other expert evidence in most cases
- Supported most of council's proposed provisions



Item 7

Attachment A

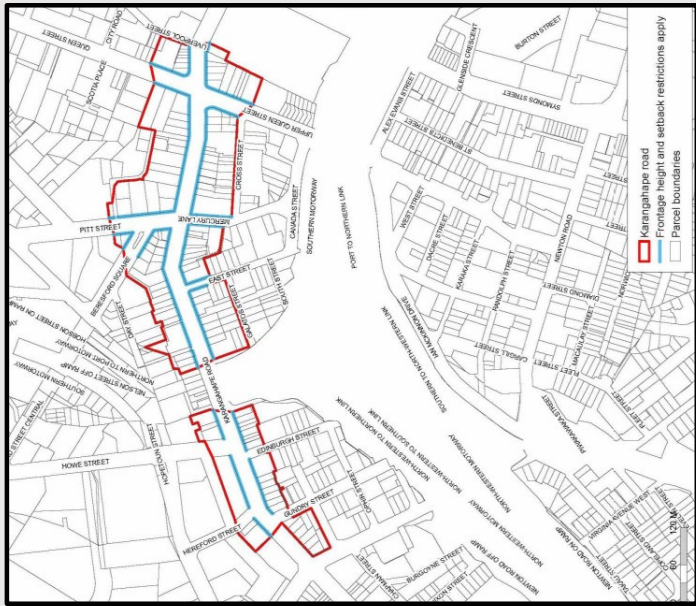
Staff recommendations

- Accept all IHP recommendations

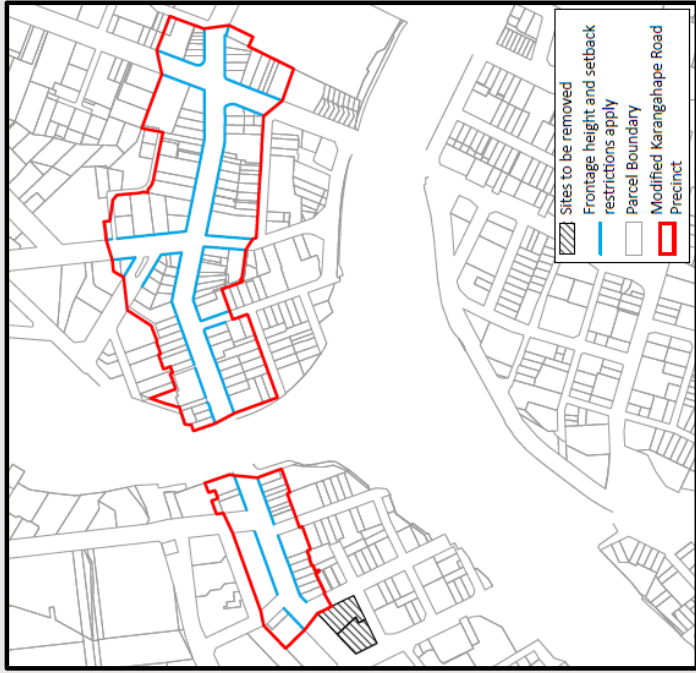


Karangahape Road Precinct extent

- IHP recommendation
 - Amendment to precinct boundary – removal of 538 and 582 Karangahape Road
 - Building heights at 35m



Notified precinct extent
(Notified Chapter 1206)



Precinct extent, as recommended by IHP
(Appendix 3 of IHP Recommendations)

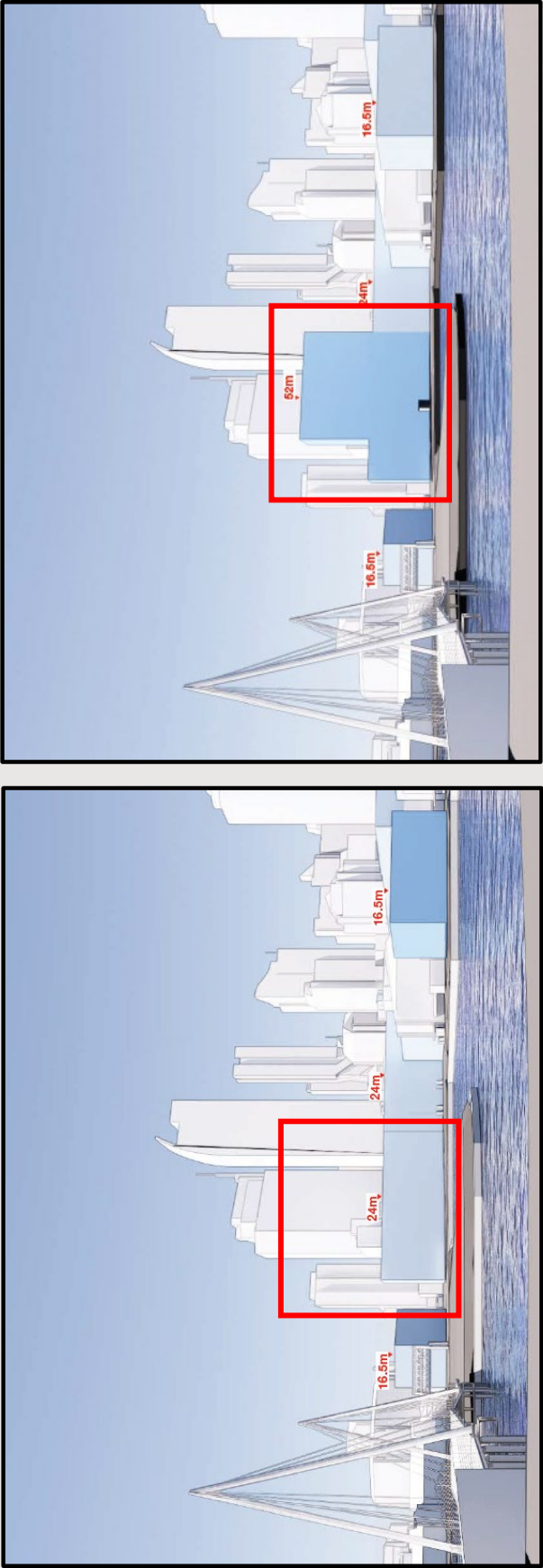
Viaduct Harbour Precinct – recommended height increases on specific sites



Comparison of heights proposed within the Viaduct Harbour Precinct:

- Left – heights from PC78 as notified
- Middle – heights recommended in council's evidence
- Right – heights as recommended by the IHP.

204 Quay Street: Operative vs IHP recommended building heights



Heights recommended in Council evidence (left) vs Heights recommended by IHP (right), when viewed from Karaka Plaza.

Source: Rebuttal Urban Design evidence of Deb Lee Sang.



Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre

File No.: CP2025/09592

Item 7

Te take mō te pūrongo Purpose of the report

1. To seek Auckland Council (council) decisions on the Independent Hearings Panel (IHP) recommendations on the City Centre provisions in proposed Plan Change 78: Intensification, and a direction to staff to undertake the necessary steps to make the provisions operative for the IHP recommendations that are accepted by the council.

Whakarāpopototanga matua Executive summary

Legislative context

2. On 18 August 2022, Auckland Council publicly notified Plan Change 78: Intensification (PC78), its Intensification Planning Instrument (IPI). PC78 gives effect to Policy 3 of the National Policy Statement on Urban Development (NPS-UD) by enabling greater levels of intensification than already enabled in the Auckland Unitary Plan, and incorporating medium density residential standards (MDRS) into most residential zones. The IPI also gives effect to policy 4 of the NPS-UD. Policy 4 allows councils to restrict the level of intensification that would otherwise be required by applying “qualifying matters” (QMs).
3. The City Centre provisions are an important element of PC78. The provisions give effect to Policy 3(a) of the NPS-UD, which requires the council to enable “building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification”. The City Centre provisions do this in a number of ways, the most significant of which being through the proposed deletion of long-standing “floor area ratio” controls (that limit the total amount of floor area permitted on a site) and significantly increasing the height controls that apply across the different parts of the City Centre.
4. In March 2023, the council appointed an Independent Hearings Panel (IHP) to hear the submissions on PC78 and to make recommendations to the council. The members of the IHP have expertise in resource management law, planning, urban design, heritage and Te Ao Māori.
5. The hearings before the IHP on the PC78 City Centre provisions occurred during 2024 (20 February – 7 March 2024 for most City Centre matters, and 21-29 August 2024 for City Centre Outstanding Matters).
6. On 17 March 2025, a new Ministerial direction came into force from the Minister Responsible for RMA Reform (the Minister): the Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Direction 2025. The council was directed to publicly notify its decisions on the IHP's recommendations on the parts of PC78 that are subject to Policy 3(a) of the National Policy Statement on Urban Development 2020 (the City Centre provisions) no later than 30 May 2025.

IHP recommendations process

7. The IHP provided its recommendations to the council on PC78 for the City Centre provisions on 8 May 2025.
8. The IHP Recommendation Report and appendices are available at <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=140>.

9. A summary of the IHP recommendations, excerpted from the IHP Recommendation Report, is attached as Attachment A.
10. The council is required to make decisions on the IHP recommendations. The council must decide whether to accept or reject each recommendation of the IHP. For any recommendation of the IHP that the council rejects, the council must give reasons for the rejection and the council can provide an alternative recommendation.
11. For any IHP recommendations that the council rejects, the council will need to refer those rejected recommendations, together with the reasons for rejection and any alternative recommendation to the Minister. The Minister will then consider the IHP recommendation and the council's alternative recommendation and make a decision.
12. For any IHP recommendations that the council accepts, when the council notifies its decisions, the council will also advise the date on which the City Centre provisions will be made operative in accordance with clause 20 and clause 102 of Schedule 1 of the RMA.

IHP recommendations content

13. The IHP Recommendation Report supported most of the council's proposed City Centre provisions, in particular the proposed deletion of long-standing "floor area ratio" controls (that limit the total amount of floor area permitted on a site) and the proposed significant increases the height controls that apply across the different parts of the City Centre (see Attachment B).
14. Where the IHP recommended provisions which differed from the council's position at the hearings, these have been carefully assessed by staff. Staff consider that they do not raise any fundamental concerns and should be accepted.

Ngā tūtohunga Recommendation/s

That the Policy and Planning Committee:

- a) whiwhi / receive the report "Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre".
- b) whakaae / accept all recommendations of the Independent Hearings Panel on the City Centre provisions in proposed Plan Change 78: Intensification and adopt the reasons in the Independent Hearings Panel Recommendation Report.
- c) whakaae / approve the notification by 30 May 2025 of the council's decisions on the Independent Hearings Panel recommendations on the City Centre provisions in Plan Change 78: Intensification, in accordance with the Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Direction 2025.
- d) whakaae / note that on public notification under:
 - i) clause 103(2) (if all Independent Hearings Panel recommendations are accepted); or
 - ii) clause 104(2) (if some Independent Hearings Panel recommendations are accepted)of Schedule 1 of the RMA, the recommendations of the IHP that are accepted by the council are incorporated into the Auckland Unitary Plan and are deemed approved under clause 17(1), Schedule 1 and become operative (as per the date stated in the notification) in accordance with clause 20, Schedule 1 of the RMA.
- e) tono / request staff to undertake the necessary steps to make the City Centre provisions operative, for all accepted Independent Hearings Panel recommendations, by setting out the date that these provisions will be made operative when publicly notifying the council's decisions on the Independent Hearings Panel recommendations on the City Centre provisions.

Horopaki Context

Legislative and policy context

15. The National Policy Statement on Urban Development 2020 (NPS-UD), amended May 2022, sets out the requirements for territorial authorities to provide development capacity and well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
16. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 set out the process that councils must follow to give effect to the NPS-UD and incorporate medium density residential standards (MDRS) into relevant residential zones in their district plans through the use of an Intensification Planning Instrument (IPI).
17. NPS-UD Policy 3(a) and Policy 4 are relevant to the City Centre. There are no relevant residential zones in the City Centre into which MDRS must be incorporated.
18. Policy 3(a) of the NPS-UD requires that:
 - Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:
 - (a) in City Centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.
19. The council notified its IPI, Plan Change 78: Intensification (PC78) to the Auckland Unitary Plan (AUP), on 18 August 2022.
20. The Resource Management (Direction for the Intensification Streamlined Planning Process to Auckland Council) Amendment Direction 2025 came into force on 17 March 2025 and directed that the council must notify its decisions on the IHP recommendations on the parts of PC78 that are subject to Policy 3(a) of the NPS-UD (the City Centre provisions), in accordance with clause 102 of Schedule 1 of the RMA, no later than 30 May 2025.

City Centre context

21. The City Centre includes the Business – City Centre Zone, 15 precincts (with 11 of these precincts including provisions relevant to giving effect to the NPS-UD), and those parts of overlays, controls and designations which apply within the spatial extent of the City Centre.
22. For PC78, the parts of the City Centre which are located in the Coastal Marine Area (CMA) are not included, as the NPS-UD does not apply to the CMA.

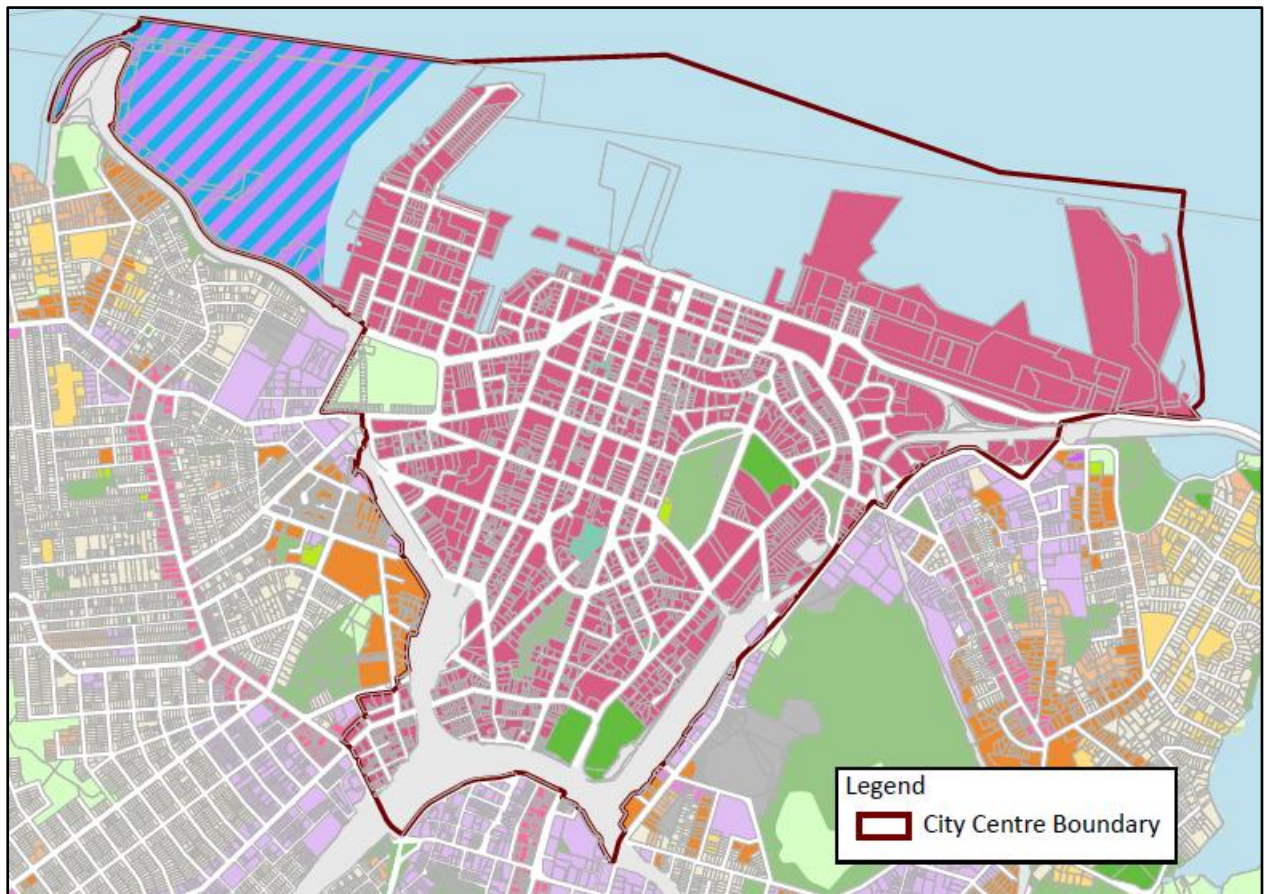


Figure 1: City Centre Zone and boundary



Figure 2: City Centre precincts

PC78 City Centre hearings

23. In March 2023, the council appointed an IHP to hear the submissions on PC78 and to make recommendations to the council. The members of the IHP have expertise in resource management law, planning, urban design, heritage and Te Ao Māori.
24. The hearings before the IHP on the PC78 City Centre provisions occurred during 2024 (20 February – 7 March 2024 for most City Centre matters, and 21-29 August 2024 for City Centre Outstanding Matters).

Recommendations and decisions process

25. The process that council must follow in making decisions on the IHP's recommendations on the provisions of the IPI is set out in clause 101 of Schedule 1 of the RMA.
26. The council is required to make decisions on the IHP recommendations.
27. The council must decide whether to accept or reject each recommendation of the IHP.
28. If the council rejects an IHP recommendation, the council must provide a reason for the rejection and may provide an alternative recommendation. Rejected recommendations go to the Minister for a decision.
29. When the council is making decisions on the IHP recommendations, clause 101(4) of Schedule 1 of the RMA sets out that the council:
 - (a) is not required to consult any person or consider submissions or other evidence from any person;
 - (b) must not consider any submission or other evidence unless it was made available to the IHP before the IHP made the recommendation that is the subject of the council's decision;
 - (c) may seek clarification from the IHP on a recommendation in order to assist the council to make a decision on the IHP recommendation;
30. Clause 101(5) provides that the council may accept recommendations of the IHP that are beyond the scope of the submissions made on PC78 (the IPI).

Accepting IHP recommendations

31. For any IHP recommendations that the council accepts, when the council notifies its decisions, the council will also advise the date that the City Centre provisions will be made operative. This process is provided for in clauses 103 and 104 of Schedule 1 of the RMA.
32. This is different to the usual approach for making a plan change operative, where plan change decisions are made by Independent Hearing Commissioners and it is only once the Environment Court appeal period expires and there are no appeals that the council can approve the plan change and direct staff to make it operative.
33. This difference is because for the IPI process there are no rights of appeal in relation to the council's decision (or the Minister's decision) on PC78.
34. The date that the provisions will be made operative must be at least five working days after the public notice, in accordance with clause 20(2) of Schedule 1 of the RMA.

Changes to IHP recommendations with minor effect

35. Clause 102 of Schedule 1 of the RMA provides for councils to accept a recommendation but alter the recommendation in a way that has a minor effect or to correct a minor error.

Rejecting IHP recommendations

36. For any IHP recommendations that the council rejects, the council will need to refer those rejected recommendations, together with the council's reasons for rejection and any alternative recommendation, to the Minister. The Minister will then consider the IHP recommendation and the council's alternative recommendation and make a decision.

37. The Minister must decide to accept or reject any or all of the IHP recommendations referred to the Minister (where the council has made a decision to reject the IHP recommendation). For any IHP recommendation that the Minister rejects, the Minister must decide whether to accept the council's alternative recommendation.
38. There is no timeframe set in the RMA for the Minister's decision.

Tātaritanga me ngā tohutohu Analysis and advice

39. The IHP for PC78 provided their recommendations on the parts of Plan Change 78 that are subject to Policy 3(a) of the NPS-UD on 8 May 2025.
40. The IHP Recommendation Report and appendices are available at <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=140>.
41. A summary of the IHP recommendations, excerpted from the IHP Recommendation Report, is attached as Attachment A.
42. Staff have considered the IHP recommendations in light of the council's expert witness evidence for the PC78 City Centre hearings and its position in legal submissions.

Overall outcomes

43. The IHP agreed with council's strategic approach to intensification of the City Centre.
44. The IHP preferred council's planning and other expert evidence in most cases, and supported most of council's proposed provisions.
45. There was no significant variance from the council position as per the PC78 City Centre hearings. Recommendations which are not aligned with council's position are listed below.
46. One minor error which needs correction has been identified by staff. Clause 102(2), Schedule 1 of the RMA, enables the council to accept a recommendation but alter the recommendation in a way that has a minor effect or to correct a minor error. If the council wishes to use the power in clause 102(2) it must, when publicly notifying its decisions, set out the alterations that it has made to the IHP's recommendation. The minor error is the reference to "532 and 528" Karangahape Road in paragraph 144 of the IHP Recommendation Report. It is clear from the rest of the Recommendation Report that the correct addresses are 538 and 582 Karangahape Road, as set out in section 3.35 of the Report (referenced in paragraph 144).

IHP recommendations which differ from council's position

47. None of the instances where the IHP recommendations differ from the council's position are considered to impact the council's overall approach to NPS-UD implementation, provisions that are of strategic importance to the City Centre, or matters of significance that extend beyond the City Centre.
48. The specific recommendations which vary from/are not aligned with the council's position are listed below.
49. Minor changes to some City Centre Zone standards:
 - Tower dimension (H8.6.24, H8.6.25A)
 - Setbacks above podium level (H8.6.24, H8.6.25A)
 - Outlook space (H8.6.32)
 - East-west tower dimension (H8.6.24A)

50. Site specific changes in some precincts:
- Extent of Karangahape Road Precinct
 - Height on some sites in Viaduct Harbour Precinct
51. New qualifying matter for land adjacent to the rail corridor relating to the safe or efficient operation of the rail network, and supporting provisions.

Staff recommendations

52. Staff recommend that all the IHP recommendations are accepted as set out in the IHP Recommendation Report, subject to and incorporating the correction to a minor error set out above.
53. An advantage of accepting all IHP recommendations is that the council would be able to make the City Centre provisions operative in full as early as possible. This would avoid any delay or uncertainty that could come from referring any rejected recommendations to the Minister.

Tauākī whakaaweawe āhuarangi Climate impact statement

54. The council's climate plan, Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, has called for a 64 per cent reduction in transport emissions by 2030. The council's Transport Emissions Reduction Plan (TERP) August 2022 outlines concrete actions to dramatically reduce transport emissions by 2030.
55. The City Centre provisions of PC78 contribute to emissions reductions through enabling building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification. The capacity for development that exists under the City Centre provisions has been assessed as being able to provide for significant growth in education, employment and housing well beyond the likely demand over the next 30 years.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

56. The council group including Auckland Transport and Watercare Services Ltd contributed to the development of the PC78 City Centre provisions and hearings process.
57. Eke Panuku Development Auckland was a submitter on PC78. The IHP's recommendations did not support the relief sought in Eke Panuku's submission (including seeking a range of increased heights and realignment of public open space in the Wynyard Precinct), except in relation to an increase in the height limit for the site at 37-55 Madden Street (south-western corner) from 31m-52m to 62m. The IHP expressed a concern that the proposed changes (and changes sought for Wynyard Precinct by other submitters) are not "consequential on" intensification but seek to fundamentally alter the status quo Precinct which is not the role of an IPI.
58. Accepting the IHP's recommendations in respect of Eke Panuku's submission may have an impact on the timing of Eke Panuku's development plans for the Wynyard Point area. It is not recommended that the council rejects the IHP's recommendations in respect of Eke Panuku's submission. A potential remedy to the timing issue could be the initiation of a standalone plan change for the area.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

59. The local board's views have been considered in the preparation of PC78 and following the close of submissions.
60. Local boards contributed to the development of proposed Plan Change 78: Intensification. Workshops have been held with local boards throughout the process.

Tauākī whakaaweawe Māori Māori impact statement

61. Consultation with Mana Whenua / iwi authorities was undertaken under clause 3(1)(d) of Schedule 1 of the RMA during the preparation phase of PC78 and council staff sought the views of Mana Whenua / iwi authorities at that time. In addition, the council provided a copy of the proposed draft PC78 to the iwi authorities consulted under clause 3(1)(d) of Schedule 1 and had particular regard to any advice received on proposed PC78 from those iwi authorities, as required by clause 4A of Schedule 1 of the RMA.
62. Five Mana Whenua groups submitted on City Centre matters and/or City Centre Outstanding Matters: Ngāti Tamaoho, Ngāti Te Ata Waiohū, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohū.
63. These submissions covered matters including: Sites and Places of Significance to Mana Whenua, volcanic viewshafts, notable trees, City Centre zone provisions, stormwater management, and the Quay Park Precinct. The IHP supported most of the requests, except for some due to scope (new provisions to manage development around sites of significance), and a request to remove notable trees as a qualifying matter. The submissions relating to City Centre Zone provisions and Quay Park Precinct provisions were supported in part. Expert conferencing was also undertaken in relation to the Quay Park Precinct.

Ngā ritenga ā-pūtea Financial implications

64. PC78 is budgeted for as part of the Planning and Resource Consents Department work programme.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

65. For the council to comply with the Minister's direction made under sections 80L and 80M of the RMA, the council's decisions on the IHP recommendations for the City Centre PC78 provisions must be publicly notified by 30 May 2025. If the council was not able to publicly notify its decisions on the IHP recommendations by 30 May 2025, there is the potential for legal challenge. The council's decisions are to be publicly notified on 29 May 2025.
66. As there is no timeframe set in the RMA for the Minister's decision on any rejected IHP recommendation referred to them. Rejecting IHP recommendations carries a risk of uncertainty around when a decision would be made on those matters and therefore when those matters would become operative. IHP recommendations which are accepted by the council are deemed on notification to have been approved by the council and will become operative in accordance with clause 103 (if all IHP recommendations are accepted) or clause 104 (if some IHP recommendations are accepted) and clause 20 of Schedule 1 of the RMA. Also, the Minister may elect to not take the alternative recommendation referred by the council and may instead choose the IHP recommendation.

67. There is no right of appeal under the RMA against the council's decisions on the IHP recommendations. However, the council's decisions could be challenged by way of judicial review proceedings in the High Court. To mitigate this risk, it is important that the council ensures that it follows the process set out in clauses 101 to 104 of Schedule 1 of the RMA for making its decisions on the IHP recommendations. Under clause 101(4) of Schedule 1 the council is not permitted to consider any submissions or other evidence that was not made available to the IHP before they made their recommendations. The council must consider all relevant matters, not consider irrelevant matters, and it must act reasonably.

Ngā koringa ā-muri Next steps

68. Once the council has made its decisions on the IHP recommendations, the council is required to publicly notify its decisions in accordance with clause 102, Schedule 1 of the RMA. The next steps the council will take following the council making its decisions on the IHP recommendations will be as follows:
- (a) The council will publicly notify its decisions on the IHP recommendations on the City Centre provisions in PC78 by 30 May 2025, and include in the public notice the date that the City Centre provisions will become operative for all IHP recommendations that are accepted by the council.
 - (b) The council will refer any rejected IHP recommendation(s), together with the council's reasons for rejecting the IHP recommendation(s) and provide any alternative recommendation(s) to the Minister to make a decision.
 - (c) The council will serve a copy of the public notice of the council's decisions on the IHP recommendations on the City Centre provisions in PC78 on every person who made a submission on the City Centre provisions of PC78 not later than five working days after the council's decisions are publicly notified.
 - (d) The council will make a copy of the public notice and the council's decisions on the IHP recommendations on the City Centre provisions in PC78 publicly available on the council's website.

Ngā tāpirihanga Attachments

No.	Title	Page
A	Summary of the Panel's recommended changes to the Auckland Unitary Plan (Extract from Independent Hearing Panel Recommendation Report)	17
B	Recommended changes to City Centre Zone general building height	23

Ngā kaihaina Signatories

Author	Celia Davison - Manager Planning - Central/South
Authorisers	John Duguid - General Manager Planning and Resource Consents Megan Tyler - Director Policy, Planning and Governance

4. Summary of the Panel's recommended changes to the Auckland Unitary Plan

The following is a summary of the recommended changes to the AUP contained in this Report.

1. Plan mechanisms to give effect to qualifying matters

The Panel accepts that PC78 is not intended to address potential inconsistencies with the AUP, and that the accommodation of qualifying matters is methodologically agnostic as to how they are addressed within the AUP.

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2. City Centre Zone – general objectives and policies

The Panel recommends amendments to the general business objectives and policies to:

- i. Provide for qualifying matters
- ii. Provide for Policy 3 inclusive of all centres hierarchy as the general business objective and policies apply to all business zones
- iii. With regards to Policy 12A, remove reference to the '21m' metric and replaced with reference to 'mapped' walkable catchments

3. Height in the City Centre Zone

The Panel recommends:

- i. Unlimited height in the Special Height Area
- ii. A small expansion of the Special Height Area from that of the notified PC78 by including the block bordered by Rutland, Queen, and Wellesley Streets and Mayoral Drive
- iii. A height of 72.5m across the General Height area
- iv. Retention of lower operative AUP site-specific heights around Karangāhape Road, Victoria Park, 2 and 2A Symonds St, and 99 and 131 Quay St.

4. Site intensity and Floor Area Ratio (FAR)

The Panel recommends the removal of FAR and bonus FAR provisions

5. Bulk and location controls in the City Centre Zone form

The Panel recommends:

- i. the retention of H8.6.24 Maximum tower dimension, setback from the street and tower separation in the special height area. Changes include:
 - a. a maximum plan dimension of an average of 55m above 28m
 - b. 6m setbacks from all boundaries for parts of buildings above 28m
 - c. Where there is more than one tower on a site, a 12m separation for parts of buildings above 28m
- ii. the retention of H8.6.25 Building frontage alignment and height. Changes include
 - a. requiring maximum frontage heights in identified areas

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- iii. a new standard H8.6.25A Building setback from boundaries which apply outside of the special height area which include:
 - a. a maximum plan dimension of an average of 55m above 32.5m
 - b. 6m setbacks from all boundaries for parts of buildings above 32.5m
 - c. Where there is more than one tower on a site, a 12m separation for parts of buildings above 32.5m
- iv. The retention of H8.6.32 Outlook space but changed to require 6m regardless of height of the floor above ground level
- v. A new matter of discretion and assessment criteria to provide for emergency responder servicing

6. Development controls in the City Centre Zone which do not affect height or intensity of urban for

The Panel recommends the retention of:

- i. H8.6.1 Retail,
- ii. H8.6.8 Measuring building height,
- iii. H8.6.26 Verandahs,
- iv. H8.6.27 Minimum floor to floor height,
- v. H8.6.28 Wind, H8.6.29 Glare, and
- vi. H8.6.33 Minimum dwelling size as per the operative standards, and
- vii. H8.6.9 Roof Tops with minor amendments

7. Special Amenity Yards

The Panel recommends the retention of standard H8.6.30

8. Building in relation to boundary

The Panel recommends the deletion of H8.6.22 Building in relation to boundary but only where all of H8.6.3, H8.6.25, H8.6.25A, and H8.6.32 apply.

9. Streetscape Improvement and landscaping

The Panel recommends the retention of standard H8.6.23

10. Through-site links

The Panel recommends new matters of discretion and assessment criteria to provide for through site links.

11. Qualifying matter - Relationship of the City Centre to the Waitematā Harbour

The Panel recommends:

- i. the retention of standard H8.6.5 Harbour edge height control. Changes include making infringement a restricted discretionary activity rather than a discretionary activity
- ii. Deletion of H8.6.6 Exception to the harbour edge height control
- iii. A new standard H8.6.24A Maximum east-west tower dimension of 45m for areas as notified in PC78

12. Qualifying matter – Sunlight admission to public spaces in the City Centre

The Panel recommends:

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- i. The retention of H8.6.3 Admission of sunlight to public spaces. Changes include the inclusion of seven additional public spaces, which are:
 - a. Victoria Park
 - b. Te Taou Reserve
 - c. Māhuhu ki-te-Rangi Park
 - d. Grafton Cemetery East
 - e. Grafton Cemetery West
 - f. Constitution Hill
 - g. Auckland Domain
- ii. The retention of H8.6.4 Aotea Square height control plane

13. Qualifying Matter – Special character buildings and historic heritage

The Panel recommends:

- i. the introduction of Special information requirement H8.10.1 - Alterations and additions to buildings identified as historic heritage and special character.
- ii. The removal of some Special Character Building from Map H8.11.1 as identified by Council experts

14. Qualifying matter – Auckland War Memorial Viewshaft

The Panel recommends the retention of Chapter D19 Auckland War Memorial Viewshaft Overlay provisions as they apply to the City Centre Zone.

15. Qualifying matter – Maunga Viewshafts

The Panel recommends:

- i. the name change from “Volcanic Viewshafts” to “Maunga Viewshafts”.
- ii. The retention of all Maunga viewshafts in as they apply to the City Centre Zone including E10 and E16
- iii. Changes to D14.6.4 to allow for construction cranes to infringe Maunga viewshafts for up to 24 months

16. New Qualifying matter – Maunga to Maunga viewshafts

The Panel recommends that the Council prepare one or more special information requirements in Chapter D19 stipulating that any application for resource consent to infringe the Auckland War Memorial Viewshaft must assess effects on views between Takarunga / Mount Victoria and Maungawhau / Mount Eden.

17. Qualifying matter – Street sightlines

The Panel recommends the retention of H8.6.31 Street sightlines

18. Qualifying matter – Railway station building and gardens view protection plane

The Panel recommends the retention of standard H8.6.7 Railway building and gardens view protection plane

19. Qualifying matter – Relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga

The Panel recommends the retention of the 22 Sites and Places of Significance to Mana Whenua within the City Centre Zone.

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20. Qualifying matter – Notable Trees

The Panel recommends the retention of the scheduling of 31 notable trees within the City Centre Zone.

21. Qualifying matter – Infrastructure

The Panel recommends the removal of the Infrastructure – Combined Wastewater Network Control from the City Centre due to a mapping error.

22. Qualifying matter – Strategic transport corridor

The Panel recommends the retention of the Strategic Transport Corridor Zone as it applies to the City Centre Zone.

23. Qualifying matter – National Grid

The Panel recommends the retention of D26 National Grid Corridor Overlay as it applies to the City Centre Zone.

24. Qualifying matter – designations

The Panel recommends the retention of designations as they apply to the City Centre Zone and minor technical amendments to assist in plan interpretation.

25. Qualifying matter – new qualifying matter

The Panel recommends a new qualifying matter for the safe or efficient operation of nationally significant infrastructure being, the railway corridor as it applies to the city centre. Changes include:

- i. a 5m building setback from the boundary of a site adjoining the Strategic Transport Corridor Zone with a railway corridor;
- ii. a noise control applied to land within 100m of the Strategic Transport Corridor Zone with a railway corridor; and
- iii. a rail vibration alert overlay to land within 60m of the railway designation boundary.

26. Precincts – general

The Panel accepts that precincts are a valid planning mechanism which may be appropriate to address a qualifying matter.

27. Precincts – Britomart

the Panel recommends the retention of the notified PC78 provisions for the Britomart Precinct.

28. Precinct – Central Wharves

The Panel recommends the retention of the notified PC78 provisions for the Central Wharves Precinct

29. Precinct – Downtown West

The Panel recommends the retention of I205 Downtown West Precinct and the changes to standard I205.6.2 Pedestrian connections to no longer require it be 'at-grade'.

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30. Precinct – Karangāhape Road

The Panel recommends the retention of the notified PC78 provisions for the Karangāhape Road except the block bounded by Karangāhape Road, Newton Road, Gundry Street and Abbey Street is removed from the Precinct.

31. Precinct – Learning

The Panel recommends the retention of the Learning Precinct with changes including:

- i. Increases to 72.5m in height mainly along Symonds, Mount, St Pauls St and Wellesley St East
- ii. Amending standard I207.6.4 Frontage Height and Setback to limit the recession plane for a horizontal distance of 20m
- iii. Any consequential work to integrate changes in the Precinct with the underlying City Centre Zone provision

32. Precinct – Quay Park

The Panel recommends the retention of the Quay Park Precinct with:

- i. the boundaries as notified in PC78
- ii. Increases in height of some areas notified in PC78 as 30m to 72.5m but still subject to the Auckland War Memorial Viewshaft
- iii. An out of submission change to ensure a small portion of land is returned to the operative 30m
- iv. a new special amenity yard (implemented via standard H8.6.30)
- v. reduction of building frontage height controls to areas along Mahuhu Cres and Taporā St

33. Precinct – Queen Street Valley

The Panel recommends the retention of the notified PC78 provisions for the Queen Street Valley Precinct.

34. Precinct – Victoria Park Market

The Panel recommends the retention of the notified PC78 provisions for the Victoria Park Market Precinct.

35. Precinct – Viaduct Harbour

The Panel recommends the retention of the notified PC78 provisions for the Precinct except for:

- i. A 52m height for the Auckland Harbour Board Building site subject to 15m setback to the northern façade and a 5m setback to the eastern façade of the historic heritage building and consequential changes to increase FAR to accommodate the increased height.
- ii. A 30m height and increased FAR for properties generally along Fanshawe St and the carpark building at Sturdee St.

36. Precinct – Wynyard

The Panel recommends the retention of the notified PC78 provisions for the Precinct except for:

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- i. VHHL marker building site: 52m increased to 60m and consequential increase in FAR
- ii. Swashbucklers site: 5m increased to 18m
- iii. Orams' site: 10m/52m/31m increased to 18m/62m/31m
- iv. Western Eke Panuku marker building sites: 31m-52m increased to 62m (south western corner) and consequential increase in FAR

37. Chapter A Introduction

The Panel recommends minor amendments to Chapter A Introduction and consequential changes to reflect the findings on QMs included in this Report.

ATTACHMENT B: Recommended changes to City Centre Zone general building height – operative AUP and IHP recommendations

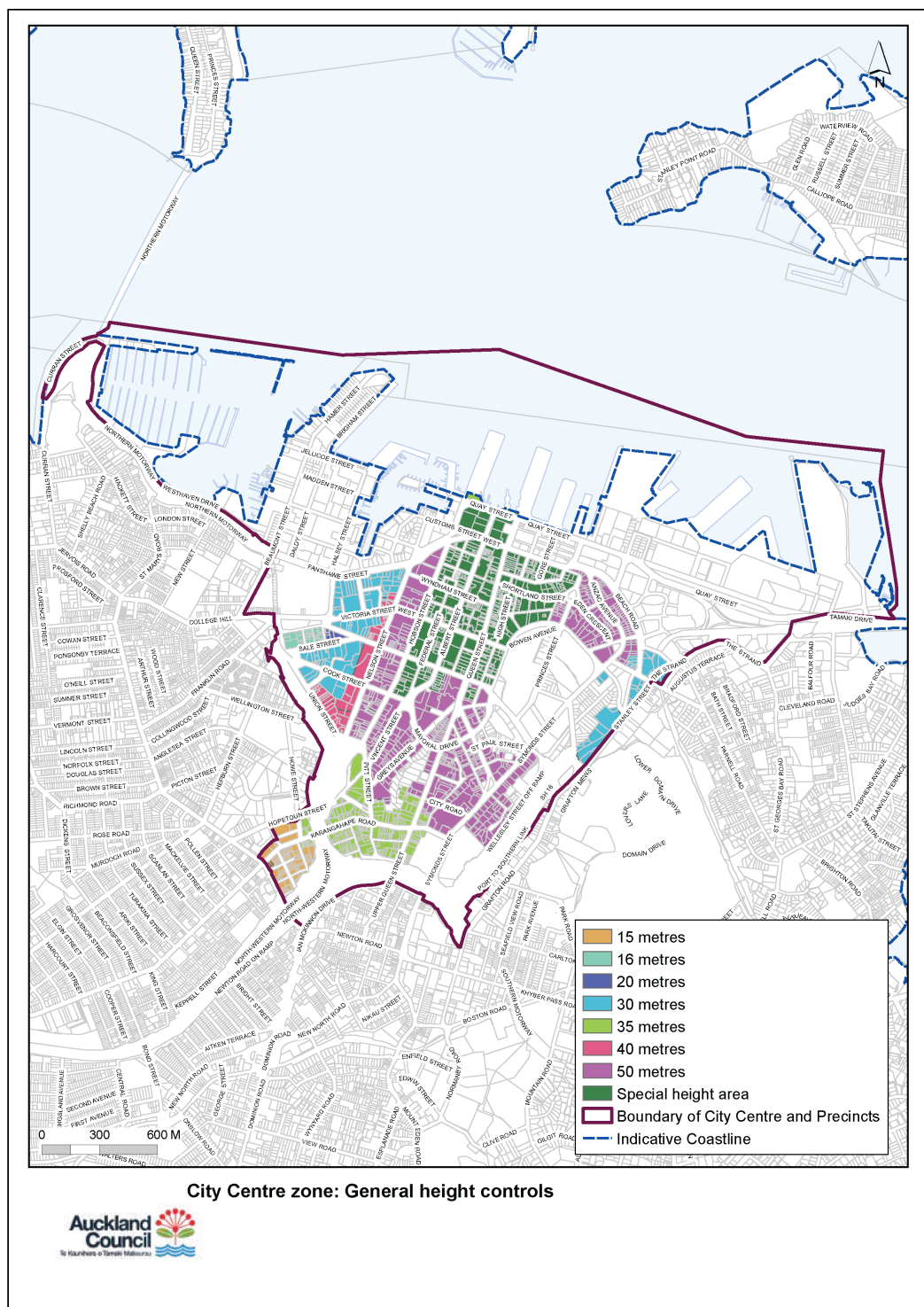


Figure 1: Map H8.11.3 City Centre Zone general building height in operative AUP

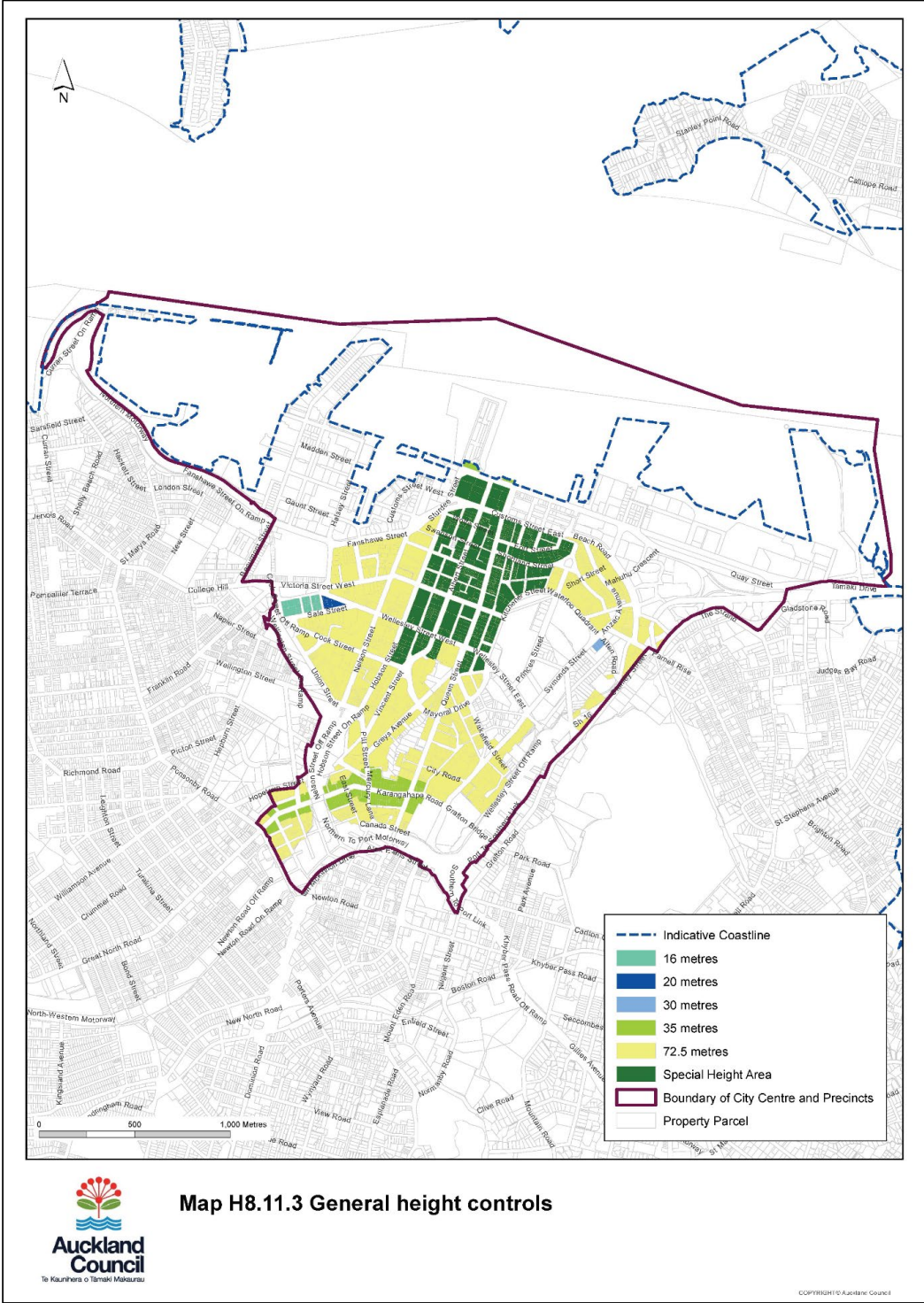


Figure 2: Map H8.11.3 City Centre Zone general building height recommended by IHP, including extension of Special Height Area as set out in paragraphs 121-124 of the IHP Recommendation Report