

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

AND

IN THE MATTER **Intensification Planning Instruments Plan Change (IPI)— Plan Change 78 - to the Auckland Unitary Plan – Operative in Part (AUP)**

MINUTE AND DIRECTION (28 MARCH 2024) FROM THE INDEPENDENT HEARING PANEL

DEFERRING PC 78 PROGRAMME (EXCEPT HISTORIC HERITAGE) IN RESPONSE TO MINISTERIAL LETTER OF 26 MARCH 2024

1. On 27 March 2024 the Hearing Panel received from Auckland Council a copy of the letter dated 26 March 2024 from Hon Chris Bishop, Minister Responsible for RMA Reform (attached to this Minute). The Minister’s letter is to be considered by Council’s Planning, Environment and Parks Committee on 11 April 2024, following which the Council will report to the Panel.
2. The Minister’s letter is confusing and the Panel will shortly issue a minute requesting clarification both of the letter and of Council’s understanding as to what the Minister requires. It is apparent that the Minister has acceded to the Council’s request of 1 February 2024 for a further 12-month extension to complete the Intensification Streamlined Planning Process, of which PC 78 is an integral part. The extension is, however, qualified.
3. The Minister’s reasons for the extension primarily relate to the complexities brought about by the severe storms in 2023 and the Government’s recent decision to halt the Auckland Light Rail project. As well as directing what should take place in response to these, the Minister expects the Council to continue progressing the NPS – UD elements of PC 78, where practicable.
4. Due to the uncertainty of what this will involve, not only for the Panel but for Council and submitters, the Panel has decided to pause its program on PC 78 for a period of two months, until the end of May 2024. This pause will not apply to the forthcoming hearing on 9 April 2024 of Topic 009H Qualifying Matters A-I Historic Heritage; nor to completing the City Centre Zone hearings, as to which the only outstanding matter is Council’s reply submissions (already received), and the expert conferencing on the Bonus Floor Area Ratio provisions.
5. All other matters that were tentatively or formally scheduled for April and May 2024 will be deferred for a two-month period. The Panel has instructed the Hearings Advisor to update the timetable to allow for this pause, with the program re-commencing in June 2024.
6. The Panel is unable to direct any longer deferral than this in the current circumstances, as there is clearly an expectation from the Minister that the Panel will proceed and complete as much of its

current work program as it can. The situation may, however, change depending on what further direction and/or clarification is forthcoming from the Minister or the Council.

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

A handwritten signature in black ink that reads "McCasey". The signature is written in a cursive, slightly slanted style.

Matthew Casey, KC
Chairperson

28 March 2024

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in Part (**AUP**)

**Memorandum of counsel for Auckland Council regarding
correspondence from Minister of Housing, Infrastructure and
Resource Management Reform**

Date: 27 March 2024



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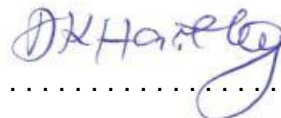
MAY IT PLEASE THE PANEL

- 1 As the Panel is aware, we act for Auckland Council (**Council**) in relation to proposed Plan Change 78: Intensification to the Auckland Unitary Plan Operative in part.

- 2 We are instructed that the Council has received the **attached** letter dated 26 March 2024 from the Minister of Housing, Infrastructure and Resource Management Reform.

- 3 We are also advised that the letter will be considered by the Council's Planning, Environment and Parks Committee on 11 April 2024, and that the Council will file a further memorandum with the Panel following that Committee meeting.

Date: 27 March 2024



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D K Hartley / A F Buchanan

Counsel for Auckland Council for
Proposed Plan Change 78

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



26 MAR 2024

Wayne Brown
Mayor
Auckland Council
mayor.wayne.brown@aucklandcouncil.govt.nz

Dear Wayne,

Thank you for your letter of 28 February 2024, regarding Auckland Council's request for a further 12-month extension to complete the Intensification Streamlined Planning Process (ISPP), giving the council until 31 March 2026 to complete the process.

I acknowledge your concerns, and the complex interactions between the Council's natural hazards work, and its implications on Plan Change 78. I also note the need to now provide for intensification within the Auckland Light Rail corridor.

I appreciate that Auckland is in a unique situation where there are a number of policy interactions with Plan Change 78. It is encouraging that both the Council acknowledge the need to enable more housing supply and provide intensification in the right places. As you are aware, the Government is progressing our Going for Housing Growth work programme. This requires councils to live-zone for 30 years of housing growth but gives them the flexibility to decide how that growth should happen.

Later this year, I am proposing to introduce legislation focused on these key changes. I am aware Plan Change 78 and the Council's concerns will need to be considered as part of this process alongside the Government's objectives and any other submissions received. I support central and local government to continue to work together to ensure there is an efficient and pragmatic legislative solution that addresses both the Auckland Council's concerns and the Government's objectives.

I support a 12-month extension, but I expect the council to continue working on preparing for a plan change process, or a variation to Plan Change 78, for both natural hazards and the Auckland Light Rail corridor. I expect Auckland Council to notify this plan change/variation by 30 April 2025. In addition, I expect the council to continue progressing the National Policy Statement on Urban Development (NPS-UD) elements of Plan Change 78 to ensure development capacity is enabled in a timely manner.

When the Council first notified Plan Change 78, it did not apply to the Auckland Light Rail Corridor as work was still progressing on the station locations. I understand that with the Government's decision on the Auckland Light Rail project, the council now needs to implement the NPS-UD and Medium Density Residential Standards (MDRS) along the corridor.

I will update my Direction to Auckland Council, with a new Statement of Expectations as follows:

Statement of Expectations

In accordance with clause 80L(2) of the RMA, the Minister's expectations for Auckland Council are to:

- (a) Notify a plan change, or similar, to address the management of significant risks from natural hazards by 30 April 2025.
- (b) Enable intensification within the Auckland Light Rail corridor, and ensure intensification is enabled in appropriate areas by 30 April 2025.
- (c) Continue to progress the parts of the Plan Change 78 subject to Policy 3 and Policy 4 of the National Policy Statement on Urban Development where practicable given the expectations outlined in (a) and (b) above.
- (d) Prior to notifying plan changes, or similar, on natural hazards, and to implement the National Policy Statement on Urban Development and the Medium Density Residential Standards in the Auckland Light Rail corridor, notify the Minister Responsible for RMA on the impacts on Auckland's development capacity.

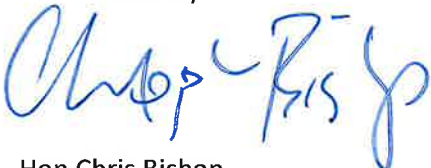
The Minister expects Auckland Council officers to work closely with Ministry for the Environment officials on workable solutions to implement the above.

Reporting requirements

In accordance with clause 80L(1)(d) of the RMA, the Minister directs Auckland Council to provide a report to the Ministry for the Environment on 31 May 2024 and every three months after that date, about its progress on Plan Change 78 and any related plan changes or variations, including any plan change relating to natural hazards. The report shall demonstrate how the Council is having regard to the statement of expectations and identify any issues which may affect the Council's ability to comply with the Minister's Direction.

Thank you for all your work to date. Housing supply is a critical issue for the Government and I appreciate the work you are doing to advance housing solutions for Auckland.

Yours sincerely



Hon Chris Bishop

Minister Responsible for RMA Reform

cc Simon Brown,
Minister for Auckland