Before the Independent Hearings Panel

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

And

In the matter of Plan Change 78: Intensification (PC78) to the

Auckland Unitary Plan Operative in Part (AUP)

Memorandum of counsel on behalf of Auckland Council to the Independent Hearings Panel in response to directions from the Independent Hearings Panel dated 25 August 2025 regarding withdrawal of PC78 in part

Date: 26 September 2025



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MAY IT PLEASE THE PANEL

Introduction

- This memorandum is filed on behalf of the Auckland Council

 (Council) in response to the Minute from the Independent

 Hearings Panel (Panel), dated 25 August 2025 (August Minute).
- In its August Minute, the Panel requested that once a decision had been made as to whether or not the Council would withdraw PC78, it should be communicated forthwith to the Panel.
- If the decision was to withdraw PC78, the Panel requested a follow-up report from the Council as to how this will be done and its implications for the Panel. If the decision was not to withdraw PC78, or to withdraw it in part so that one or more outstanding Topics would still need to be decided, the Panel requested the Council report its views on how the remaining Topics might be progressed.
- The purpose of this memorandum is therefore to respond to the Panel's request to inform the Panel of the Council's decision in relation to the withdrawal of PC78.

Decision to withdraw PC78

We are instructed that at an extraordinary meeting of the Council's Policy and Planning Committee (**Committee**) on 24 September 2025 the Council resolved as follows:

Resolution number PEPCC/2025/144

MOVED by Chairperson R Hills, seconded by Mayor W Brown:

That the Policy and Planning Committee:

a) whakaae / agree to withdraw Plan Change 78: Intensification in part, except as it relates to the Business-Metropolitan Centre zone and related precincts (excluding Westgate and New Lynn precincts) and qualifying matters, for the following reasons:

- i) natural hazard down-zoning and changes to rules and policies can be achieved more quickly and simply through a single process
- ii) the Medium Density Residential Standards can be removed
- iii) the spatial distribution of plan-enabled capacity is more aligned with the compact city approach and infrastructure investment and affordability
- iv) infrastructure providers have greater ability to plan and prioritise investment with a more targeted spatial distribution.

. . .

- e) tono / request staff to prepare the public notice giving public notice of the withdrawal of Plan Change 78: Intensification in part, no later than 10 October 2025.
- A copy of the open minutes of the Committee's meeting is attached as **Attachment A** to this memorandum.

Next steps

Further to the Panel's direction in its August Minute, given the Council's decision, we are advised that the Council considers that there are no further PC78 Topics that still need to be heard by the Panel. We are also instructed that the Council will be giving public notice of the withdrawal of PC78 in part on 9 October 2025.

Date: 26 September 2025

D K Hartley / A F Buchanan Counsel for Auckland Council for PC78

DXHarely

ATTACHMENT A



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 Wednesday, 24 September 2025 at 10.06am.

TE HUNGA KUA TAE MAI | PRESENT

Chairperson Cr Richard Hills **Deputy Chairperson** Cr Angela Dalton

Members Houkura Member Edward Ashby

Cr Andrew Baker Cr Josephine Bartley Mayor Wayne Brown Cr Chris Darby

Cr Julie Fairey

Cr Alf Filipaina, MNZM Cr Christine Fletcher, QSO

Cr Lotu Fuli Via elect from 10.

Houkura Member Hon Tau Henare

Cr Shane Henderson

Cr Mike Lee Cr Kerrin Leoni

Cr Daniel Newman, JP

Cr Greg Sayers

Deputy Mayor Desley Simpson, JP

Cr Sharon Stewart, QSM

Cr Ken Turner Cr Wayne Walker Cr John Watson

Cr Maurice Williamson

Via electronic link from 10.08am, Item 6

Via electronic link from 10.10am, Item 6

Via electronic link, from 10.10am, Item 7



1 Ngā Tamōtanga | Apologies

There were no apologies.

Electronic Attendance

Resolution number PEPCC/2025/141

MOVED by Chairperson R Hills, seconded by Deputy Mayor D Simpson:

That the Policy and Planning Committee:

- a) whakaae / approve electronic attendance under Standing Order 3.3.3 for:
 - Deputy Chairperson, Cr A Dalton (SO 3.3.3 b))
 - Cr D Newman (SO 3.3.3 b))
 - Cr L Fuli (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.

Cr A Dalton joined the meeting at 10.08am. Cr L Fuli joined the meeting at 10.08am.

7 Decision-making on the withdrawal of Plan Change 78 - Intensification and notification of a replacement plan change

Additional documents had been circulated prior to the meeting, as follows:

- Draft Replacement Plan Change 120 s32 Overview Evaluation
- Draft Replacement Plan Change 120 s32 Economic Matters
- Draft Replacement Plan Change Housing Capacity Results



A copy of these documents have been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

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

Cr D Newman joined the meeting at 10.20am IMSB Member T Henare left the meeting at 11.35am. Cr A Filipaina left the meeting at 11.38am. IMSB Member T Henare returned to the meeting at 11.45pm Cr A Filipaina returned to the meeting at 11.49am.

Note: changes were made to the original recommendation, adding new clauses f), g), h), i), j) and k), as a Chair's recommendation

Questions on the item commenced.

MOVED by Chairperson R Hills, seconded by Mayor W Brown:

That the Policy and Planning Committee:

- a) whakaae / agree to withdraw Plan Change 78: Intensification in part, except as it relates to the Business-Metropolitan Centre zone and related precincts (excluding Westgate and New Lynn precincts) and qualifying matters, for the following reasons:
 - natural hazard down-zoning and changes to rules and policies can be achieved more quickly and simply through a single process
 - ii) the Medium Density Residential Standards can be removed
 - iii) the spatial distribution of plan-enabled capacity is more aligned with the compact city approach and infrastructure investment and affordability
 - iv) infrastructure providers have greater ability to plan and prioritise investment with a more targeted spatial distribution.
- b) whakaae / approve the draft replacement plan change for notification as described in Attachments O UU, subject to the responsible Minister issuing a direction to use the streamlining planning process.
- c) tāpae / delegate authority to the Director Policy, Planning and Governance to correct any errors and anomalies with the draft replacement plan change prior to notification.
- d) tono / request staff to notify the responsible Minister by 10 October 2025, in accordance with clause 75A of Schedule 1 of the RMA, for a direction to use the streamlined planning process to prepare an Auckland Housing Planning Instrument, that seeks:
 - i) approval to notify the replacement plan change in clause b) above
 - ii) a notification date of 30 October 2025
 - iii) that there be a "friend of submitter" appointed to assist submitters in making submissions
 - iv) a submission period from 3 November to 19 December 2025
 - v) that there be hearings held on submissions in a timeframe that ensures submitters have genuine and adequate opportunity to be heard by the Independent Hearings Panel.



- e) tono / request staff to prepare the public notice giving public notice of the withdrawal of Plan Change 78: Intensification in part, no later than 10 October 2025.
- f) tuhi tīpoka / note that the plan-enabled capacity achieved in the draft replacement plan change is modelled as exceeding 2 million homes.
- g) tuhi tīpoka / note Auckland Council's firm position that the outcomes for Aucklanders are more important than meeting a theoretical housing capacity target and that the Independent Hearing Panel and Auckland Council (as final decision maker) must be able to focus on achieving the best outcomes for Auckland through the final form of plan-enabled housing capacity.
- h) tuhi tīpoka / note that urban design controls and Auckland Council's Urban Design Panel are critical to ensuring the liveability of Auckland as it grows, and the intention for the Urban Design Panel to be adequately resourced to respond to the plan change once operative.
- i) tono / request of the Minister that when determining the expertise of the independent hearings commissioners, that this includes urban design, architecture, planning, infrastructure, economics and law.
- j) tono / request advice in the new term of council on the impacts of the former Government's removal of the ability of councils to include minimum carpark requirements in their planning documents, with a focus on areas without access to good public transport.
- k) tono / request that the Mayor reiterate to Ministers that in relation to greenfields:
 - i) Auckland Council's 2024-2034 Future Development Strategy provides for 15,000 hectares of Future Urban Zoned land over 30 years, of which around one third has already been zoned for urban development
 - ii) only residential and business zoned land is counted towards plan-enabled capacity under the National Policy Statement of Urban Development this does not include Future Urban Zoned land
 - iii) provision of infrastructure requires planning and sequencing, not just delivery
 - iv) currently, growth does not pay for growth, rather all ratepayers are subsidising the cost of greenfield infrastructure
 - v) it is more efficient to utilise existing infrastructure in urban areas than build new infrastructure in greenfields
 - vi) that Auckland Council looks forward to the Government's promised new funding and financing tools, including Development Levies, that will ensure that growth pays for growth.

Cr G Sayers left the meeting at 12.21pm.

The meeting adjourned at 12.21pm and reconvened at 12.35pm.

Cr C Fletcher was not present.

Electronic Attendance

Resolution number PEPCC/2025/142

MOVED by Cr A Baker, seconded by Cr A Filipaina:

That the Policy and Planning Committee:

- a) whakaae / approve electronic attendance under Standing Order 3.3.3 for:
 - Cr G Sayers (SO 3.3.3 b))

CARRIED



Cr C Fletcher returned to the meeting at 12.36pm.

Cr G Sayers joined the meeting via electronic link at 12.40pm.

Questions on the item continued.

The meeting adjourned at 2.06pm and reconvened at 2.37pm

Cr J Bartley, Cr C Darby, Cr A Filipaina, Cr W Walker, Cr J Watson and Cr M Williamson were not present.

Cr J Bartley returned to the meeting at 2.38pm.

Cr C Darby returned to the meeting at 2.38pm.

Cr W Walker returned to the meeting at 2.38pm.

Cr J Watson returned to the meeting at 2.38pm.

Cr A Filipaina returned to the meeting at 2.44pm.

Cr M Williamson returned to the meeting at 2.44pm.

Debate on the motion commenced.

MOVED by Deputy Mayor D Simpson, seconded by Cr A Baker:

That the Policy and Planning Committee:

Whakaū / confirm the 21 August 2025 package of planning controls for the 10 and 15 storey Terraced Housing and Apartment Building zoned areas, which includes the Height in Relation to Boundary controls.

Note: during questions on the amendment, the meeting agreed to incorporate the amendment into the original motion.

MOVED by Chairperson R Hills, seconded by Mayor W Brown an amendment by way of addition:

That the Policy and Planning Committee:

- a) whakaae / agree to withdraw Plan Change 78: Intensification in part, except as it relates to the Business-Metropolitan Centre zone and related precincts (excluding Westgate and New Lynn precincts) and qualifying matters, for the following reasons:
 - natural hazard down-zoning and changes to rules and policies can be achieved more quickly and simply through a single process
 - ii) the Medium Density Residential Standards can be removed
 - iii) the spatial distribution of plan-enabled capacity is more aligned with the compact city approach and infrastructure investment and affordability
 - iv) infrastructure providers have greater ability to plan and prioritise investment with a more targeted spatial distribution.
- b) whakaae / approve the draft replacement plan change for notification as described in Attachments O UU, subject to the responsible Minister issuing a direction to use the streamlining planning process.
- c) tāpae / delegate authority to the Director Policy, Planning and Governance to correct any errors and anomalies with the draft replacement plan change prior to notification.
- d) tono / request staff to notify the responsible Minister by 10 October 2025, in accordance with clause 75A of Schedule 1 of the RMA, for a direction to use the streamlined planning process to prepare an Auckland Housing Planning Instrument, that seeks:
 - i) approval to notify the replacement plan change in clause b) above
 - ii) a notification date of 30 October 2025



- iii) that there be a "friend of submitter" appointed to assist submitters in making submissions
- iv) a submission period from 3 November to 19 December 2025
- v) that there be hearings held on submissions in a timeframe that ensures submitters have genuine and adequate opportunity to be heard by the Independent Hearings Panel..
- e) tono / request staff to prepare the public notice giving public notice of the withdrawal of Plan Change 78: Intensification in part, no later than 10 October 2025.
- f) tuhi tīpoka / note that the plan-enabled capacity achieved in the draft replacement plan change is modelled as exceeding 2 million homes.
- g) tuhi tīpoka / note Auckland Council's firm position that the outcomes for Aucklanders are more important than meeting a theoretical housing capacity target and that the Independent Hearing Panel and Auckland Council (as final decision maker) must be able to focus on achieving the best outcomes for Auckland through the final form of plan-enabled housing capacity.
- h) tuhi tīpoka / note that urban design controls and Auckland Council's Urban Design Panel are critical to ensuring the liveability of Auckland as it grows, and the intention for the Urban Design Panel to be adequately resourced to respond to the plan change once operative.
- i) tono / request of the Minister that when determining the expertise of the independent hearings commissioners, that this includes urban design, architecture, planning, infrastructure, economics and law.
- j) tono / request advice in the new term of council on the impacts of the former Government's removal of the ability of councils to include minimum carpark requirements in their planning documents, with a focus on areas without access to good public transport.
- k) tono / request that the Mayor reiterate to Ministers that in relation to greenfields:
 - Auckland Council's 2024-2034 Future Development Strategy provides for 15,000 hectares of Future Urban Zoned land over 30 years, of which around one third has already been zoned for urban development
 - ii) only residential and business zoned land is counted towards plan-enabled capacity under the National Policy Statement of Urban Development this does not include Future Urban Zoned land
 - iii) provision of infrastructure requires planning and sequencing, not just delivery
 - iv) currently, growth does not pay for growth, rather all ratepayers are subsidising the cost of greenfield infrastructure
 - v) it is more efficient to utilise existing infrastructure in urban areas than build new infrastructure in greenfields
 - vi) that Auckland Council looks forward to the Government's promised new funding and financing tools, including Development Levies, that will ensure that growth pays for growth.
- Whakaū / confirm the 21 August 2025 package of planning controls for the 10 and 15 storey Terraced Housing and Apartment Building zoned areas, which includes the Height in Relation to Boundary controls.



MOVED by Cr C Fletcher, seconded by Cr M Williamson an amendment by way of replacement:

That the Policy and Planning Committee:

- a) whakaae / agree to withdraw Plan Change 78: Intensification in part, except as it relates to the Business-Metropolitan Centre zone and related precincts (excluding Westgate and New Lynn precincts) and qualifying matters, for the following reasons:
 - i) natural hazard down-zoning and changes to rules and policies can be achieved more quickly and simply through a single process
 - ii) the Medium Density Residential Standards can be removed
 - iii) the spatial distribution of plan-enabled capacity is more aligned with the compact city approach and infrastructure investment and affordability
 - iv) infrastructure providers have greater ability to plan and prioritise investment with a more targeted spatial distribution.
- b) whakaae / approve in principle the draft replacement plan change for notification as described in Attachments O UU, noting that further changes may occur following further consultation and community engagement prior to notification, subject to the responsible Minister issuing a direction to use the streamlining planning process and the Minister approving further consultation and engagement as part of that process.
- c) tāpae / delegate authority to the Chief Executive to make amendments to the draft replacement plan change as a result of further consultation and community engagement, and to correct any errors and anomalies with the draft replacement plan change, provided the Minister approves further consultation and engagement as part of the streamlined planning process.
- d) tono / request staff to notify the responsible Minister by 10 October 2025, in accordance with clause 75A of Schedule 1 of the RMA, for a direction to use the streamlined planning process to prepare an Auckland Housing Planning Instrument, that seeks:
 - i) three months for further consultation, community engagement and amendments to be made to the draft replacement plan change, and further modelling to be undertaken, noting the requirement for the draft replacement plan change to provide as much housing capacity as would have been enabled if PC78 (as notified) was made operative
 - ii) approval to notify the replacement plan change
 - iii) a notification date of 01 March 2026 for the draft plan change to allow for further consultation, community engagement, amendments to be made to the draft replacement plan change, and further modelling to occur as set out in clause d) i) above.
 - iv) that there be a "friend of submitter" appointed to assist submitters during the consultation period and in making submissions.
 - v) notification date of 01 March 2026 for the plan change followed by a submission period from 01 March to 31 May 2026
 - vi) that there be hearings held on submissions to be held by the Streamlined Planning Process panel (to be appointed).
- e) tono / request staff to prepare the public notice giving public notice of the withdrawal of Plan Change 78: Intensification in part, no later than 10 October 2025



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

For Against Abstained
Cr C Fletcher Houkura Member E Ashby

Cr M Lee Cr A Baker
Cr D Newman Cr J Bartley
Cr S Stewart Mayor W Brown

Cr K Turner Deputy Chairperson A Dalton

Cr W Walker Cr C Darby
Cr J Watson Cr J Fairey
Cr M Williamson Cr A Filipaina
Cr L Fuli

Houkura Member T Henare

Cr S Henderson Chairperson R Hills

Cr K Leoni Cr G Sayers

Deputy Mayor D Simpson

The motion was declared <u>LOST</u> by 8 votes to 15.

Debate on the original motion continued.

At 3.56pm it was:

Extension of Meeting Time

Resolution number PEPCC/2025/143

MOVED by Chairperson R Hills, seconded by Cr W Walker:

That the Policy and Planning Committee:

a) whakaae / agree pursuant to standing order 1.1.3 that an extension of time until the business of the agenda is complete be granted.

CARRIED

Note: further changes were made to the original recommendation, adding clause m), as a Chair's recommendation.

The substantive motion was put.

Resolution number PEPCC/2025/144

MOVED by Chairperson R Hills, seconded by Mayor W Brown:

That the Policy and Planning Committee:

- a) whakaae / agree to withdraw Plan Change 78: Intensification in part, except as it relates to the Business-Metropolitan Centre zone and related precincts (excluding Westgate and New Lynn precincts) and qualifying matters, for the following reasons:
 - i) natural hazard down-zoning and changes to rules and policies can be achieved more quickly and simply through a single process
 - ii) the Medium Density Residential Standards can be removed
 - iii) the spatial distribution of plan-enabled capacity is more aligned with the compact city approach and infrastructure investment and affordability
 - iv) infrastructure providers have greater ability to plan and prioritise investment with a more targeted spatial distribution.



- b) whakaae / approve the draft replacement plan change for notification as described in Attachments O UU, subject to the responsible Minister issuing a direction to use the streamlining planning process.
- c) tāpae / delegate authority to the Director Policy, Planning and Governance to correct any errors and anomalies with the draft replacement plan change prior to notification.
- d) tono / request staff to notify the responsible Minister by 10 October 2025, in accordance with clause 75A of Schedule 1 of the RMA, for a direction to use the streamlined planning process to prepare an Auckland Housing Planning Instrument, that seeks:
 - i) approval to notify the replacement plan change in clause b) above
 - ii) a notification date of 30 October 2025
 - iii) that there be a "friend of submitter" appointed to assist submitters in making submissions
 - iv) a submission period from 3 November to 19 December 2025
 - v) that there be hearings held on submissions in a timeframe that ensures submitters have genuine and adequate opportunity to be heard by the Independent Hearings Panel..
- e) tono / request staff to prepare the public notice giving public notice of the withdrawal of Plan Change 78: Intensification in part, no later than 10 October 2025.
- f) tuhi tīpoka / note that the plan-enabled capacity achieved in the draft replacement plan change is modelled as exceeding 2 million homes.
- g) tuhi tīpoka / note Auckland Council's firm position that the outcomes for Aucklanders are more important than meeting a theoretical housing capacity target and that the Independent Hearing Panel and Auckland Council (as final decision maker) must be able to focus on achieving the best outcomes for Auckland through the final form of plan-enabled housing capacity.
- h) tuhi tīpoka / note that urban design controls and Auckland Council's Urban Design Panel are critical to ensuring the liveability of Auckland as it grows, and the intention for the Urban Design Panel to be adequately resourced to respond to the plan change once operative.
- i) tono / request of the Minister that when determining the expertise of the independent hearings commissioners, that this includes urban design, architecture, planning, infrastructure, economics and law.
- j) tono / request advice in the new term of council on the impacts of the former Government's removal of the ability of councils to include minimum carpark requirements in their planning documents, with a focus on areas without access to good public transport.
- k) tono / request that the Mayor reiterate to Ministers that in relation to greenfields:
 - i) Auckland Council's 2024-2034 Future Development Strategy provides for 15,000 hectares of Future Urban Zoned land over 30 years, of which around one third has already been zoned for urban development
 - ii) only residential and business zoned land is counted towards planenabled capacity under the National Policy Statement of Urban Development – this does not include Future Urban Zoned land
 - iii) provision of infrastructure requires planning and sequencing, not just delivery



- iv) currently, growth does not pay for growth, rather all ratepayers are subsidising the cost of greenfield infrastructure
- v) it is more efficient to utilise existing infrastructure in urban areas than build new infrastructure in greenfields
- vi) that Auckland Council looks forward to the Government's promised new funding and financing tools, including Development Levies, that will ensure that growth pays for growth.
- Whakaū / confirm the 21 August 2025 package of planning controls for the 10 and 15 storey Terraced Housing and Apartment Building zoned areas, which includes the Height in Relation to Boundary controls
- m) tāpae / delegate authority to the Chief Executive, to approve a council submission on Plan Change 120 that does not include policy shifts but includes, and is not limited to, addressing any errors and anomalies that are identified following notification.

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

<u>For</u>	<u>Against</u>	Abstained
Houkura Member E Ashby	Cr C Fletcher	
Cr A Baker	Cr M Lee	
Cr J Bartley	Cr K Turner	
Mayor W Brown	Cr W Walker	
Deputy Chairperson A Dalton	Cr J Watson	
Cr C Darby		
Cr J Fairey		
Cr A Filipaina		
Cr L Fuli		

Deputy Mayor D Simpson

Houkura Member T Henare

Cr S Stewart
Cr M Williamson

Cr S Henderson Chairperson R Hills

Cr K Leoni Cr D Newman Cr G Savers

The motion was declared CARRIED by 18 votes to 5.

CARRIED

Note: Under Standing Order 1.8.6, the following members requested that their dissenting votes be recorded as follows:

- Cr C Darby against clause j)
- Cr S Henderson against to I)

Note: Under Standing Order 1.8.6, the following members requested that their votes in support of clause a) be recorded:

- Cr C Fletcher
- Cr M Lee
- Cr K Turner
- Cr W Walker
- Cr J Watson



Attachments

- A 24 September 2025, Policy and Planning Committee, Item 7 Decision-making on the withdrawal of Plan Change 78 Intensification and notification of a replacement plan change Draft Replacement Plan Change 120 s32 Overview Evaluation
- B 24 September 2025, Policy and Planning Committee, Item 7 Decision-making on the withdrawal of Plan Change 78 Intensification and notification of a replacement plan change Draft Replacement Plan Change 120 s32 Economic Matters
- C 24 September 2025, Policy and Planning Committee, Item 7 Decision-making on the withdrawal of Plan Change 78 Intensification and notification of a replacement plan change Draft Replacement Plan Change Housing Capacity Results
- D 24 September 2025, Policy and Planning Committee, Item 7 Decision-making on the withdrawal of Plan Change 78 - Intensification and notification of a replacement plan change - presentation

8	Te Whakaaro ki ngā Take	Pūtea e Autaia ana	Consideration of Extraordinal	y Items
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There was no consideration of extraordinary items.

4.56pm	The chairperson thanked members for their attendance and attention to business and declared the meeting closed.
	CONFIRMED AS TRUE AND CORRECT BY THE CHAIRPERSON AND CHIEF EXECUTIVE UNDER STANDING ORDER 8.1.4 ON
	<u>DATE</u> :
	CHAIRPERSON:
	CHIEF EXECUTIVE OR