

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 in response
to the Direction from the Independent Hearing Panel dated
16 September 2024**

Date: 30 September 2024



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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum is filed on behalf of Auckland Council (**Council**) in response to the Direction from the Independent Hearing Panel (**Panel**) dated 16 September 2024 (**Direction**).
- 2 In paragraph 5 of the Direction, the Panel requested the Council to provide an update on its interaction with the Minister Responsible for RMA Reform (Hon Chris Bishop) and/or the Ministry for the Environment (**Ministry**) and the status of any proposed variations to Plan Change 78: Intensification (**PC78**) by 30 September 2024 (and monthly thereafter).
- 3 This memorandum addresses those matters.

Interaction with the Minister and/or Ministry

- 4 In paragraph 5 of the Direction the Panel has observed that there is a clear nexus between the process signalled in the proposed RMA amendments (outlined in the Ministry's RM Reform September update) and the future matters that will be covered under PC78.
- 5 We are instructed that the Council agrees with the Panel's comments in paragraph 5 of the Direction and has been liaising with officials at the Ministry in relation to the form that the amendments signalled might take and the future trajectory of PC78 in light of the Ministry's significant work programme to amend the RMA. However, the Council does not have sufficient detail about any proposed amendments to act on them.
- 6 Of relevance to this, we are instructed that the Council has not received any correspondence directly from the Minister relevant to PC78 since 8 May 2024 where he acknowledged "there is a concern with overlapping of future plan changes or variations for

natural hazards, the Auckland Light Rail (ALR) corridor and opting out of the Medium Density Residential Standards." Discussions with Ministry officials are continuing and are aimed at clarifying whether there will be a "bespoke" legislative solution for Auckland as broadly indicated by the Minister in his 4 July 2024 press release.

Status of any proposed variations to PC78

- 7 With respect to the status of variations, we are instructed that work continues on the Auckland Light Rail Corridor planning response and the qualifying matters in the Corridor. That said, there continues to be a limit to how far this work can progress until there is greater clarity in terms of the content of the RMA amendment bill (which as the Direction records at paragraph 2 is currently proposed to be introduced to Parliament later this year).
- 8 We are also instructed that significant progress has been made in relation to a natural hazards planning response. Specifically:
 - 8.1 Consultation/ engagement has been underway with iwi authorities (both pan-iwi hui as well as iwi and marae-specific engagement) since December 2023.
 - 8.2 A technical reference group has been contributing to the development of the plan response since February 2024.
 - 8.3 Workshops are ongoing with the Council's Policy and Planning Committee.
 - 8.4 Continued progress is being made on improving the mapping of natural hazards, including modelling of floodplain depth and velocity.
 - 8.5 A draft approach has been identified to introduce a new risk management framework that differentiates levels of risk with corresponding policies and interventions.

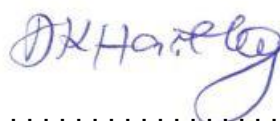
9 We are also advised that further planned engagement activities to assist with the development of the natural hazards planning response, particularly the implementation of the draft risk management approach, include:

- 9.1 A 'deliberative democracy' exercise with a group of representative Aucklanders regarding risk tolerances for different natural hazards that will contribute to establishing a risk framework for reference in drafting the plan provisions.
- 9.2 Discussions with early-2023 storm-affected groups for their insights and issues as well as their views on risk tolerance.
- 9.3 Continued consultation with mana whenua, including on their views on risk tolerance.
- 9.4 Meetings with key institutional stakeholders such as Property Council New Zealand and Kāinga Ora - Homes and Communities.

Next steps

- 10 In accordance with the Direction, the Council will provide the next update by 31 October 2024 (unless the Panel directs otherwise).

Date: 30 September 2024



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