

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**)

**Reporting memorandum of counsel on behalf of Auckland Council to
the Independent Hearings Panel in response to directions from the
Independent Hearings Panel dated 16 September 2024 and 11 July
2025**

Date: 1 August 2025



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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum is filed on behalf of the Auckland Council (**Council**) in response to the Direction from the Independent Hearings Panel (**Panel**) dated 16 September 2024 (**September Direction**) and further to the Council's reporting memoranda dated 30 September 2024, 30 October 2024, 2 and 20 December 2024, 15 and 30 January 2025, 28 February 2025, 1 April 2025, 1 May and 30 May 2025, and 30 June 2025.
- 2 In paragraph 5 of the September Direction, the Panel requested that the Council provides 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 Accordingly, this memorandum provides a further update to the Panel further to the Council's previous reporting memorandum dated 30 June 2025, regarding the matters the Council was asked to report on.
- 4 Further, this memorandum is filed in response to the Direction from the Panel dated 11 July 2025 (**July Direction**), requesting the Council to advise on matters relating to the potential withdrawal of the remainder of PC78 as it currently stands.
- 5 In paragraph 5 of the July Direction, the Panel advised it had considered the Select Committee Report relating to the Resource Management (Consenting and Other System Changes) Amendment Bill (**Amendment Bill**) and the Minister for Housing Reform's statement (**Minister's Statement**), both of which indicate an intention to amend the Resource Management Act 1991 to enable the Council to withdraw the remainder of PC78 in its present form.

- 6 In the July Direction, the Panel directed the Council to advise by 30 July as part of its monthly reporting:
- (a) Whether a decision has yet been made that it will (or will not) withdraw the remainder of PC78 as it presently stands;
 - (b) If a decision has not yet been made, what is the process and timing for such a decision?
 - (c) If a decision has been or is expected to be made, what (if any) qualification it is or is likely to be subject to. For example:
 - (i) Will PC78 withdrawal be conditional on matters such as the final implementation of the legislation?
 - (ii) Will PC78 as it relates to the Metropolitan Centre Zone and most of its precincts, which have recently been heard, be withdrawn or does the Council anticipate that the Panel will issue its recommendations on those?

- 7 Accordingly, this memorandum also responds to the Panel's July Direction regarding the additional matters the Council was asked to report on.

The Council's interaction with Hon Chris Bishop and/or the Ministry

- 8 As the Panel is aware, the Council received correspondence from Hon Chris Bishop (**Minister**) that is directly relevant to PC78, dated 12 March 2025 (**Minister's letter**). The Council provided a copy of the Minister's letter to the Panel in its memorandum dated 14 March 2025.
- 9 We are instructed that the Council has not received any further correspondence from the Minister that is directly relevant to PC78 since the Minister's letter dated 12 March 2025.

Status of Light Rail Corridor and natural hazards and planning responses

- 10 In our memorandum dated 30 June 2025, we advised that although the Council is no longer required to notify a plan change

or similar to address the management of significant risks from natural hazards and the Light Rail Corridor by 30 April 2025, we were instructed that that work was still continuing on the natural hazards planning response.

- 11 Since our memorandum dated 30 June 2025, we are instructed this remains the case and work continues on the natural hazards planning response.

Whether a decision has been made to withdraw the remainder of PC78 as it presently stands?

- 12 We are instructed that the Council has not yet made a decision whether or not to withdraw the remainder of PC78 as it presently stands. The Council does not currently have the power of withdrawal.

If a decision has not been made, what is the process and timing for such a decision?

- 13 We are advised that the Council is waiting until legislation is passed giving it the ability to withdraw the remainder of PC78, before any decision is made on whether to withdraw the remainder of PC78 (in whole or in part).
- 14 The Council's Policy and Planning Committee decided on 24 July 2025 to request the Panel to release its recommendations on submission points on PC78 as they relate to policy 3(b) of the NPS-UD.
- 15 Consequently, should the choice become available for the Council to withdraw the remainder of PC78, it is likely that the Council will need to make a decision on whether to withdraw only those elements outstanding, namely, policy 3(c) and 3(d) matters and those provisions which incorporate the Medium Density Residential Standards into relevant residential zones.

If a decision has been or is expected to be made what qualifications it is or is likely to be subject to?

- 16 Council staff are unable to request a decision from the governing body until legislation is passed.

Next update

- 17 In accordance with the September Direction, the Council will provide the next update to the Panel by Friday 29 August 2025, unless the Panel directs otherwise.

Date: 1 August 2025

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