

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 11 August 2025**

Date: 18 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 11 August 2025 (**August Direction**).
- 2 The August Direction was in response to the Panel's concern that the Council is required to notify its decision on PC78 by 31 March 2026, and what would happen as a result of a contrary outcome to the Select Committee Report , Resource Management (Consenting and Other System Changes) Amendment Bill (**Amendment Bill**) and the press releases from the Ministers for Housing (Hon Chris Bishop) and Auckland (Hon Simeon Brown) , if PC78 is not withdrawn and the remaining PC78 hearings would not be able to be completed on time.
- 3 Paragraph 17 outlines that the Panel understands and supports that the Council's priority is to progress the replacement Plan Change to enable it to be notified by 10 October 2025. The Panel did state, however, that if the Council's preference is the Panel should proceed with hearing the remaining PC78 Topics so the original 31 March 2026 notification deadline is not compromised, it should communicate this to the Panel without delay.
- 4 In paragraph 18 of the August Direction, the Panel requested the Council respond, in particular to paragraph 17, whether it is the Council's preference that the Panel proceeds with a hearing of the remaining PC78 matters, and if it is, to include a high level indicative timetable in the Council's response.
- 5 Paragraph 18 also directs the Council is to provide the Panel with an update as to progress with the replacement plan change and to provide further updates within five working days of the

governing body's meetings in August and September 2025 regarding any consideration or decision regarding PC78.

- 6 Accordingly, this memorandum responds to the matters the Panel has directed the Council to respond to.

Replacement plan change / PC78 matters

- 7 In the Council's reporting memorandum dated 1 August 2025 (**August Memorandum**) in response to the Panel's Direction dated 11 July 2025, we advised that we were instructed that the Council had not yet made a decision on whether to withdraw the remainder of PC78 as it currently stands. As the Panel will be aware, the Amendment Bill has passed its Third Reading and once it receives Royal Assent,¹ the RMA will be amended to enable the Council to make a decision on whether to withdraw PC78 (in whole or in part).
- 8 On 21 August 2025, the Policy and Planning Committee will be making a decision on whether to endorse a draft replacement plan change (which is referred to in the amendments to the RMA as an Auckland housing planning instrument), to enable statutory consultation to occur and to seek local board views.
- 9 There will be a further Committee meeting in September, where the Council will decide whether to withdraw PC78 and to seek a direction from the responsible Minister to use the streamlined planning process for the replacement plan change.
- 10 The Council notes that if a decision is made to withdraw PC78 (in whole or in part), the Council must publicly notify its decision by

¹ It is anticipated that the Amendment Bill will receive Royal Assent in the coming days, based on a press release from Hon Chris Bishop ([RMA reforms to deliver jobs and growth | Beehive.govt.nz](https://www.beehive.govt.nz/news/rma-reforms-to-deliver-jobs-and-growth)).

10 October 2025. There is no longer a requirement to publicly notify a replacement plan change by 10 October 2025.

Further updates to be provided to the Panel

- 11 Further updates will be provided to the Panel within five working days of the Council's Committee meetings in August and September 2025 regarding any consideration or decision regarding PC78.

Date: 18 August 2025



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PC78