

I hereby give notice that an ordinary meeting of the Planning, Environment and Parks Committee will be held on:

Date: Thursday, 11 April 2024
Time: 10.00am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Komiti mō te Whakarite Mahere, te Taiao, me ngā Papa Rēhia / Planning, Environment and Parks Committee

OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson	Cr Richard Hills	
Deputy Chairperson	Cr Angela Dalton	
Members	Houkura Member Edward Ashby	Cr Mike Lee
	Cr Andrew Baker	Cr Kerrin Leoni
	Cr Josephine Bartley	Cr Daniel Newman, JP
	Mayor Wayne Brown	Cr Greg Sayers
	Cr Chris Darby	Deputy Mayor Desley Simpson, JP
	Cr Julie Fairey	Cr Sharon Stewart, QSM
	Cr Alf Filipaina, MNZM	Cr Ken Turner
	Cr Christine Fletcher, QSO	Cr Wayne Walker
	Cr Lotu Fuli	Cr John Watson
	Houkura Member Hon Tau Henare	Cr Maurice Williamson
	Cr Shane Henderson	

(Quorum 11 members)

Sandra Gordon
Kaitohutohu Mana Whakahaere Matua / Senior
Governance Advisor

10 April 2024

Contact Telephone: +64 9 890 8150
Email: Sandra.Gordon@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

ITEM TABLE OF CONTENTS

PAGE

12 Proposed Plan Change 78 – Intensification - Next Steps

5

Proposed Plan Change 78 – Intensification - Next Steps

File No.: CP2024/03740

Te take mō te pūrongo

Purpose of the report

1. To receive an update on Proposed Plan Change 78 – Intensification (PC78) and to decide:
 - a) the council's response to the Minister for Resource Management Reform's expectations in granting a further one-year extension for the council to make decisions in relation to the Independent Hearings Panel's (IHP) recommendations once received; and
 - b) the council's response to the 4 April 2024 minute from the IHP.

Whakarāpopototanga matua

Executive summary

2. Auckland Council notified Proposed Plan Change 78 – Intensification (PC78) to the Auckland Unitary Plan (AUP) on 18 August 2022, to incorporate the medium density residential standards (MDRS) into relevant residential zones, in accordance with the Resource Management Act 1991(RMA), and to give effect to policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD), to enable more height and density in specific locations in the urban environment.
3. PC78 incorporated MDRS into relevant residential zones (the Terraced Housing and Apartment Buildings, Mixed Housing Urban and proposed new Low Density Residential zone) across Auckland.
4. The Auckland Light Rail Corridor was excluded from the PC 78 maps following resolution of the council's Planning Committee on 22 June 2022 (PLA/2022/86p).
5. The council wrote to the Minister for the Environment and the Minister for Resource Management Reform on 1 February 2024 and sought a further one-year extension to notify its decisions on the IHP recommendations on PC78. The Minister for Resource Management Reform responded on 26 March 2024. The IHP hearing the submissions on PC78 has issued minutes dated 28 March and 4 April 2024, seeking further clarification in relation to aspects of the Minister's letter.
6. The Planning, Environment and Parks Committee needs to determine next steps for PC78.

Ngā tūtohunga

Recommendation/s

That the Planning, Environment and Parks Committee:

- a) tuhi ā-taipitopito / note the letter from the Minister for Resource Management Reform granting an additional one-year extension for the council to publicly notify decisions on the Independent Hearings Panel's recommendations on Proposed Plan Change 78 – Intensification from 31 March 2025 to 31 March 2026
- b) tuhi ā-taipitopito / note the expectations from the Minister for Resource Management Reform, including the expectation to progress policies 3 and 4 of the National Policy Statement on Urban Development as far as practicable
- c) ohia / endorse progressing the City Centre zone, its precincts, and "qualifying matters" (to the extent the "qualifying matters" are relevant to the City Centre zone and its precincts) to become operative.

- d) whakaae / agree that most efficient way forward for the remainder of Proposed Plan Change 78 is for the government to amend the Resource Management Act 1991 to enable the council to integrate the following matters:
- i) Auckland Light Rail Corridor (that was excluded from PC78 on notification);
 - ii) strengthened provisions relating to natural hazards
 - iii) extent of incorporation of Medium Density Residential Standards into all relevant residential zones (subject to the government amending legislation as announced)
 - iv) remaining parts of policies 3 and 4 of the National Policy Statement on Urban Development.
- e) tuhi ā-taipitopito / note that the approach outlined in d) is prevented by the Resource Management Act 1991 as it currently stands
- f) tuhi ā-taipitopito / note that the government has committed to enacting a legislative change relating to Medium Density Residential Standards being made optional by the end of 2024, and that the option to not incorporate Medium Density Residential Standards into all relevant residential zones will come with caveats

Further correspondence with the Minister for Resource Management Reform

- g) whakaae / agree that as a matter of urgency, the Mayor, Chair and Deputy Chair of the Planning, Environment and Parks Committee should write to the Minister for Resource Management Reform confirming the position stated in recommendation d) above and including the strongly held view that:
- i) the hearings on the submissions on the City Centre zone, its precincts, and “qualifying matters” (to the extent the “qualifying matters” are relevant to the City Centre zone and its precincts) are almost complete, and could be progressed to become operative
 - ii) it is committed to progressing the new plan change at pace while the government is progressing the legislative change relating to Medium Density Residential Standards that it has committed to, and notifying a plan change within three months of the legislative change being enacted
 - iii) it supports a streamlined process for the new plan change that gives immediate legal effect to provisions relating to natural hazards, and is open to discussing whether some of the intensification aspects of the new plan change should take effect at the time of notification.

Response to the Independent Hearings Panel

- h) whakaae / agree the council should provide the Independent Hearings Panel with a copy of the letter referred to in g) and confirm the council will not be progressing a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor with urgency, but will be able to notify a variation to Proposed Plan Change 78 for the Auckland Light Rail corridor (if the government does not allow the council to withdraw Proposed Plan Change 78 in part) by 30 April 2025.

Horopaki Context

National Policy Statement on Urban Development

7. The former government introduced the National Policy Statement on Urban Development (NPS-UD) in July 2020. The NPS-UD is prepared under the Resource Management Act 1991 (RMA). It contains objectives, policies and a range of methods that seek to achieve “well-functioning” urban environments. The council is legally required to give effect to the NPS-UD.
8. A key requirement of the NPS-UD (policy 3) is that the Auckland Unitary Plan (AUP) must enable:
 - a) as much height and intensity of development as possible within the City Centre zone, to maximise benefits of intensification
 - b) buildings of at least six storeys within the Metropolitan Centre zone
 - c) buildings of at least six storeys within the “walkable catchments” from the edge of the City Centre zone, from the edge of the Metropolitan Centre zone and from existing and planned Rapid Transit stops
 - d) intensification in and adjacent to other centre zones.
9. As an exception, under policy 4 of the NPS-UD, the council is able to make the relevant building height or density requirements under policy 3 less enabling of development where it can justify “qualifying matters” that warrant a lower height control or intensity of development.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

10. The council was in the process of developing a change to the Auckland Unitary Plan (AUP) to implement policies 3 and 4 of the NPS-UD when the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (Enabling Housing Supply Bill) was introduced to Parliament.
11. The Enabling Housing Supply Bill specified a streamlined process for implementing the NPS-UD and included an additional requirement that detailed Medium Density Residential Standards (MDRS) had to be incorporated into relevant residential zones in the AUP. “Qualifying matters” were also specified as enabling the council to make the MDRS less enabling of development.
12. The Bill referred to the required change to the AUP as an “intensification planning instrument” (IPI). The Bill included clauses that required IPIs to be notified for submissions by 20 August 2022 and prevented councils from withdrawing an IPI (or part of an IPI) once notified.
13. The Bill was opposed by the council because it was seen as contrary to the quality compact city approach it had endorsed since the adoption of the first “Auckland Plan” in 2012. In particular, the quality of housing that would be enabled by MDRS was considered to be poor, and the requirement to enable three-storey medium density housing in areas distant from employment, shops, entertainment and frequent public transport services was seen as being at odds with the outcomes sought in the Auckland Plan, the regional policy statement chapter of the AUP, the Long-term Plan and good urban planning principles.
14. The Environment Select Committee did not accept the council’s submission on the Bill and the Bill was enacted with relatively minor changes.

Proposed Plan Change 78 - Intensification

15. The council subsequently revised its draft NPS-UD plan change to incorporate MDRS, consulted with Aucklanders on a draft IPI and notified its IPI (Proposed Plan Change 78 – Intensification) (PC78) for submissions as required on 18 August 2022. 2,398 original submissions were received on PC78.
16. Given the former government’s commitment to providing light rail from the city centre to Māngere) and indications that the route for Auckland Light Rail (ALR) and stops along the route would be confirmed in the near future, the council decided to exclude land within the ALR study corridor from PC78 as notified because height and density controls would need to be greater in this corridor, but the council did not know where the ALR route would be at the time PC78 was notified for submissions. The situation and reasoning for the council’s decision were acknowledged by the previous government.
17. The IHP appointed by the council to hear the submissions and make recommendations back to the council has broken the hearings into multiple topics. The hearings commenced in January 2023 and were scheduled to be completed by the end of 2023. However, the devastating impacts of the Auckland Anniversary floods and Cyclone Gabrielle put a spotlight on the issue of whether PC78 could do more to avoid increasing the risks to life and property associated with natural hazards such as flooding, land slips and coastal erosion. As a result, the council requested the former Minister for the Environment to grant a one-year extension from 31 March 2024 to March 2025 for the council to publicly notify its decisions on the IHP recommendations on PC78. The council’s request was granted and the IHP placed the majority of the hearings on hold.

Changes in Government Policy and other recent events

18. Since that time a number of events have occurred that have had a major impact on the PC78 process:
 - a major barrier to strengthening the natural hazard rules in the AUP through a variation to PC78 was identified (section 80E of the Resource Management Act 1991) (see Attachment A). The barrier prevents the council from making the necessary changes to the AUP until PC78 has completed its process and is operative
 - the new government “cancelled” the Auckland Light Rail project
 - the new government confirmed, subject to meeting requirements around capacity for housing, it would give councils the option of not incorporating Medium Density Residential Standards (MDRS) (see the fifth action in Attachment B for the latest confirmation of this from the government), which are a core part of PC78
 - as a result of the significant change in government policy, the council requested the current Minister for the Environment to grant a further one-year extension from 31 March 2025 to 31 March 2026 for the council to publicly notify its decisions on IHP recommendations on PC78 (see Attachments C and D). The council’s request was recently supported by the Minister for Resource Management Reform (see Attachment E). The letter granting the extension includes a set of expectations.
 - the IHP has indicated it has progressed policies 3 and 4 of the NPS-UD as far as it can at this point in time and has asked the council to respond to a number of questions (see Attachment F).
19. Continuing with PC78 in the face of these events and under the current legislative process will result in multiple planning processes over the coming years, duplicating work and costing the council (ratepayers) and submitters millions of dollars unnecessarily.
20. Given these events, it is important that the committee provides urgent direction in relation to the council’s response to the Minister for Resource Management Reform’s expectations and the council’s response to the recent minutes dated 28 March and 4 April 2024 from the IHP.

Tātaritanga me ngā tohutohu Analysis and advice

21. The Minister for Resource Management Reform has confirmed his expectation that the council will progress as much of PC78 where practicable. In response to this, staff and the council's legal team have carefully considered which parts of PC78 can be progressed to the point where the IHP could make recommendations and the council could make decisions.
22. The conclusion reached is that while PC78 in its entirety could be progressed to the point of becoming fully operative (if a variation for the ALR corridor is notified), there are significant problems with this approach. The advantages and disadvantages of this option (Option 1), and the main alternative options are set out in the table below.

Item 12

Options for progressing Policies 3 and 4 of the NPS-UD		
Option	Advantages	Disadvantages
<p>Option 1</p> <p>Initiate a variation to PC78 for the ALR corridor with urgency; progress PC78 to become operative; and strengthen the provisions in the AUP that deal with natural hazards once PC78 is operative</p>	<ul style="list-style-type: none"> • The IPI process is concluded by mid-late 2025 (unless there are any judicial review proceedings on PC78 in the High Court). • Additional opportunities for housing, mixed use and commercial development in areas supported by the Auckland Plan and the regional policy statement chapter of the AUP come into effect by mid-late 2025 (unless there are any judicial review proceedings on PC78 in the High Court). 	<ul style="list-style-type: none"> • Delays the implementation of a plan change to strengthen the provisions in the AUP relating to natural hazards until at least mid-late 2025 (if judicial review proceedings on PC78 are made to the High Court this could take longer). • Significant additional costs to the council and the community/submitters when the council notifies a subsequent plan change to strengthen the provisions in the AUP relating to natural hazards and potentially removes, partly removes and/or modifies MDRS. Many of the same points made by submitters on PC78 and the ALR variation to PC78 would need to be considered again. • Significant public confusion and concern as to why the council is progressing MDRS in the ALR corridor (and elsewhere) ahead of considering the government's option to not incorporate MDRS.

Item 12

Options for progressing Policies 3 and 4 of the NPS-UD		
Option	Advantages	Disadvantages
<p>Option 2 – Recommended option</p> <p>Progress the City Centre zone and its precincts to become operative and work with the government to amend legislation to enable the council to integrate the following matters:</p> <ul style="list-style-type: none"> • Auckland Light Rail Corridor (that was excluded from PC78 on notification) • strengthened provisions relating to natural hazards • extent of incorporation of Medium Density Residential Standards into all relevant residential zones (subject to the government amending legislation as announced) • remaining parts of policies 3 and 4 of the National Policy Statement on Urban Development 	<ul style="list-style-type: none"> • Enables a significant increase in the development potential of Auckland’s city centre as soon as practicable. • Enables the council to strengthen the provisions in the AUP relating to natural hazards in early 2025. • Avoids significant additional costs to the council and the community/submitters when the council notifies a subsequent plan change to strengthen the provisions in the AUP relating to natural hazards and potentially removes, partly removes and/or modifies MDRS. Many of the same points made by submitters on PC78 and the ALR variation to PC78 would need to be considered again. • Avoids significant public confusion and concern as to why the council is progressing MDRS in the ALR corridor (and elsewhere) ahead of considering the government’s option to not incorporate MDRS. 	<ul style="list-style-type: none"> • Additional opportunities for housing, mixed use and commercial development outside the City Centre zone, in areas supported by the Auckland Plan and the regional policy statement chapter of the AUP, would not be enabled until mid-late 2026 (unless given immediate legal effect at the time a subsequent plan change is notified).

Options for progressing Policies 3 and 4 of the NPS-UD		
Option	Advantages	Disadvantages
<p>Option 3</p> <p>Progress the City Centre zone and its precincts, and all walkable catchments outside the ALR corridor unaffected by natural hazards, to become operative, and work with the government to amend legislation to enable the council to integrate the following matters:</p> <ul style="list-style-type: none"> • Auckland Light Rail Corridor (that was excluded from PC78 on notification) • strengthened provisions relating to natural hazards • extent of incorporation of Medium Density Residential Standards into all relevant residential zones (subject to the government amending legislation as announced) • remaining parts of policies 3 and 4 of the National Policy Statement on Urban Development 	<ul style="list-style-type: none"> • Enables a significant increase in the development potential of Auckland’s city centre, and an increase in the development potential of walkable catchments unaffected by natural hazards, as soon as practicable. • Enables the council to strengthen the provisions in the AUP relating to natural hazards in early 2025. 	<ul style="list-style-type: none"> • Significant additional costs to the council and the community/submitters when the council notifies a subsequent plan change to strengthen the provisions in the AUP relating to natural hazards and potentially removes, partly removes and/or modifies MDRS. Many of the same points made by submitters on PC78 concerning the zoning and provisions relating to walkable catchments and qualifying matters that apply across the urban area would need to be considered again. • Significant public confusion and concern as to why the council is progressing aspects of MDRS that apply within walkable catchments ahead of considering the government’s option to not incorporate MDRS. • PC78 does not include all walkable catchments due to the ALR corridor not being included. As a result, decisions on this aspect of PC78 could be perceived as predetermining the approach to walkable catchments within the ALR corridor. This raises issues of natural justice for those with an interest in walkable catchments within the ALR corridor, but not involved as submitters in the process at this point in time.

Item 12

Options for progressing Policies 3 and 4 of the NPS-UD		
Option	Advantages	Disadvantages
		<ul style="list-style-type: none"> Additional opportunities for housing, mixed use and commercial development outside the City Centre zone, in areas supported by the Auckland Plan and the regional policy statement chapter of the AUP, would not be enabled until mid-late 2026 (unless given immediate legal effect at the time a subsequent plan change is notified).

23. Option 2 is recommended as the advantages of this option are considered to outweigh the advantages of Option 1 and Option 3. While enabling additional opportunities for housing and development in the right places has benefits over time, the AUP was developed to enable significantly more opportunities for housing than enabled under the legacy district plans of the council's predecessors, and there are considerable opportunities for development to occur in and around centres and stops on the Rapid Transit Network prior to implementing the remaining parts of policies 3 and 4 of the NPS-UD.
24. The Minister for Resource Management Reform in recent speeches has provided more direction on his overarching direction for land use across the country, including the availability of 30 years of housing capacity. While it is still unclear how 30 years of housing capacity will be defined, indications are that the Minister will expect any reduction in capacity to be replaced elsewhere within the region.

Tauākī whakaaweawe āhuarangi Climate impact statement

25. This report relates to the process of implementing central government policy rather than the merit of that policy in terms of outcomes such as impacts on climate.
26. However, it is noted that aspects of PC78 support a reduction in travel times and distances by private motor vehicle (e.g. through increasing the density of housing enabled within a short walk of the City Centre zone, Metropolitan Centre zone and existing and planned Rapid Transit stops. This is beneficial in terms of reducing greenhouse gas emissions and mitigating climate change.
27. Other aspects of PC78 arguably increase the likelihood of people having to travel by private motor vehicle. In particular, PC78 is required to enable three-storey medium density housing across Auckland's entire urban area, including in areas that are distant from centres and employment, and will remain poorly served by public transport. This is detrimental as it would increase greenhouse gas emissions and exacerbate climate change.
28. While climate change is often associated with increases in temperature, there is also evidence that increases in severe weather events (such as the Auckland Anniversary floods and Cyclone Gabrielle) are linked to climate change. As discussed above, section 80E of the Resource Management Act prevents the council from strengthening the provisions in the AUP that deal with natural hazards until PC78 is operative.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

29. Staff from across the council group were extensively involved in developing PC78 and have been involved in the hearings to date. In terms of the impacts of the NPS-UD and the MDRS on assets owned and managed by the council group, staff at Auckland Transport, the council's Healthy Waters department and Watercare with the delegated authority to represent the views of those parts of the council group have all expressed some concerns. Policy 4 "qualifying matters" have been included in PC78 to address some of those concerns.
30. Staff with the delegated authority to represent the views of Auckland Transport and the council's Healthy Waters department have indicated support for Option 2. The views of Eke Panuku and Watercare have been sought and can be discussed at the committee meeting.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

31. All local boards (other than Aotea-Great Barrier and Waiheke) were involved in developing PC78 and a number of local boards have provided their views on PC78 to the IHP. Some local boards are opposed to most, if not all aspects of PC78, while others support aspects of PC78 (e.g. the increased opportunities for housing around centres and stops on the Rapid Transit Network).
32. Given the need to act with urgency, it has not been possible to establish the views of local boards in relation to the two options discussed in this report. Regardless of which option the committee wishes to pursue, the relevant local boards will be involved in the process and will have a further opportunity to provide their views to the committee, and to the IHP prior to and during the hearings.

Tauākī whakaaweawe Māori Māori impact statement

33. The council sought input from Māori throughout the development of PC78 and a number of iwi authorities have submitted on the plan change.
34. Regardless of which option the committee decides to pursue, Māori will be involved in the consultation process for any future variation or plan change and will have a further opportunity to provide their views to the committee, and to the IHP prior to and during the hearing of submissions for any variation or plan change.

Ngā ritenga ā-pūtea Financial implications

35. PC78 has its own dedicated budget in the current and draft Long-term Plan. The budget is based on the law as it currently stands (i.e. PC78 must be progressed to the point of becoming fully operative by 31 March 2026). The draft Long-term Plan also includes a dedicated budget for a plan change to the AUP to strengthen the provisions relating to natural hazards.
36. However, as discussed above, should option 1 or option 3 be pursued, and be followed by another plan change that removes, partly removes and/or modifies MDRS, additional budget would be required. A major benefit of option 2 is that a plan change that implements the remaining parts of policies 3 and 4 of the NPS-UD; strengthens the provisions in the AUP relating to natural hazards; and responds to the option to not incorporate MDRS into all relevant residential zones could be progressed within the budgets included in the current and draft Long-term Plan.

Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

37. The main risks associated with the recommendations made in this report are:
- a) the IHP changes its view and considers that it can and should progress through the remainder of the PC78 hearings
 - b) the government does not agree to amend the Resource Management Act 1991 to enable the council to integrate the following matters:
 - i) Auckland Light Rail Corridor (that was excluded from PC78 on notification)
 - ii) strengthened provisions relating to natural hazards
 - iii) extent of incorporation of Medium Density Residential Standards into all relevant residential zones (subject to the government amending legislation as announced)
 - iv) remaining parts of policies 3 and 4 of the National Policy Statement on Urban Development.
38. The main mitigation for the first risk is to provide a clear and timely response to the IHP.
39. The main mitigation for the risk in relation to the government's approach to changing the relevant legislation is to ensure that the Mayor, Chair and Deputy Chair remain in close contact with the Minister for Resource Management Reform, and that council staff are able to undertake discussions with the Minister's officials.

Ngā koringa ā-muri Next steps

40. Should the committee support the recommended option (option 2), the next steps would be for:
- a) the Mayor, Chair, Deputy Chair to write to the Minister for Resource Management Reform outlining the council's views in relation to the way forward for PC78 and implementing policies 3 and 4 of the NPS-UD
 - b) the Mayor and Chair to discuss the letter at the meeting with the Minister for Resource Management Reform on 17 April 2024
 - c) the council to provide the IHP with a copy of the letter, together with a memorandum that confirms the council will not be progressing to notify a variation for the Auckland Light Rail corridor with urgency, but will be able to notify a variation for the Auckland Light Rail corridor (if the government does not enable the council to withdraw Proposed Plan Change 78 in part) by April 2025
 - d) any response from the Minister for Resource Management Reform and the IHP to be provided to the committee, and if necessary, a further decision-making report prepared.

Ngā tāpirihanga Attachments

No.	Title	Page
A	Letter to Minister Parker regarding section 80E and natural hazards	17
B	Coalition Government's Action Plan - April to June 2024	19
C	Letter to Minister for Resource Management Reform and the Minister for the Environment from the Chair and Deputy Chair of the Planning, Environment and Parks Committee seeking an extension	21
D	Letter to Minister for Resource Management Reform from the Mayor seeking an extension	25
E	Letter from the Minister for Resource Management Reform to the Mayor granting an extension	29
F	Direction from the Independent Hearings Panel regarding the letter from the Minister for Resource Management Reform	31

Ngā kaihaina Signatories

Author	John Duguid - General Manager - Plans and Places
Authoriser	Megan Tyler - Chief of Strategy



Councillors' Office

12th October 2023

Hon David Parker
Minister for the Environment
d.parker@ministers.govt.nz

Tēnā koe Minister

Issues relating to section 80E of the Resource Management Act 1991

1. We refer to your letter dated 4 October 2023, in response to the Council's letter of 31 August 2023 in relation to the Council's intensification planning instrument (IPI), Proposed Plan Change 78: Intensification (PC78).
2. As noted in your letter, the Council considers that section 80E of the Resource Management Act 1991 (RMA) prevents a variation to the IPI to comprehensively address the risks associated with significant natural hazards. The reason that the Council is currently progressing a separate plan change to provide a more fulsome response to managing the significant natural hazards in the Auckland region, is because it cannot undertake a variation to the IPI due to section 80E.
3. The Council remains of the view that section 80E would need to be amended, to enable the Council to undertake a variation to PC78 to propose the most appropriate provisions (including zoning) for properties that are subject to natural hazards and/or flooding. Section 80E needs to be amended for the Council to expeditiously propose the most appropriate provisions for properties that are subject to natural hazards and/or flooding.
4. If the provisions of the RMA are not changed, the Council will need to wait until PC78 is operative (with the Council currently required to publicly notify its decisions on PC78 by 31 March 2025) to notify a separate plan change to the Auckland Unitary Plan on natural hazards and flooding.
5. In your letter dated 6 April 2023¹, you stated that improved housing affordability and resilience are both critical issues for the Government and for Auckland. The Council agrees that these are critical issues for Auckland and is seeking that these issues be comprehensively addressed through PC78.
6. The Council has previously provided proposed draft amendments to s80E of the RMA, and Council staff would be happy to discuss these proposed amendments further with MfE officials.
7. Staff have considered the draft Proposed National Policy Statement for Natural Hazard Decision-making 2023 (NPS-HZD) and note that clause 1.5 of the NPS-HZD provides that it does not apply when the Council is preparing an IPI under section 80F of the RMA. Section 80F(3)(b) requires the IPI to be prepared in accordance with clause 95 of Schedule 1 of the RMA and any requirements specified by the Minister in a direction made under section 80L. Clause 95(2)(p) enables the Council to notify a variation to the IPI.

¹ This letter responded to the Council's letter dated 17 March 2023, which sought an extension of time for the Council to publicly notify its decisions on PC78.



Councillors' Office

8. The Council understands that clause 1.5 of the NPS-HZD would not prevent the Council from notifying a variation to PC78 to manage natural hazards and flooding (if section 80E were to be amended), but notes that the Council's variation would not be required to give effect to the NPS-HZD.
9. As you are aware, the Council had been undertaking ongoing work to progress two variations to the IPI: (1) Natural Hazards; and (2) the Auckland Light Rail Corridor (ALRC). The Council is required to report to the Independent Hearings Panel (IHP) for the IPI on the Council's work programme for both variations no later than **30 October 2023**.
10. The Council is also required to provide a report to the Ministry for the Environment on **15 November 2023** about its progress of the intensification streamlined planning process. The report is required to 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.
11. The Minister for the Environment's Statement of Expectations Additional Direction for the Intensification Streamlined Planning Process for Auckland Council is as follows:

In accordance with clause 80L(2) of the RMA, the Minister for the Environment's expectations for Auckland Council are that in the extended period by which Auckland Council must notify decisions on the independent hearings panel's recommendations, the Council will:

 1. Investigate impacts arising from the significant flooding and landslides caused by extreme weather during Auckland Anniversary weekend and Cyclone Gabrielle in 2023, and the implications for land-use planning, infrastructure, and other policy settings;
 2. Determine if a variation is required in order to:
 - a. Apply qualifying matters to recognise and provide for matters of national importance, in particular the management of significant risks from natural hazards.
 - b. **Ensure that through its intensification planning instrument, intensification is enabled in low natural hazard risk areas and ensure new development is avoided in high natural hazard areas unless the level of risk can be reduced to a tolerable level.**
12. The Council is seeking the ability to ensure that new development is avoided in high natural hazard areas (unless the level of risk can be reduced to a tolerable level). As outlined above, section 80E of the RMA prevents the Council from notifying a variation to the IPI to comprehensively address the risks associated with significant natural hazards. In its report to the IHP on 30 October 2023, the Council will need to advise the IHP that section 80E is preventing the Council from progressing a variation on natural hazards.
13. Please do not hesitate to contact me, Councillor Dalton or Megan Tyler, Chief of Strategy at Auckland Council megan.tyler@aucklandcouncil.govt.nz for further information or if you wish to discuss.

Ngā mihi

Richard Hills
Chair | Planning, Environment and Parks
Committee
Councillor | North Shore Ward

Angela Dalton
Deputy Chair | Planning, Environment and
Parks Committee
Councillor | Manurewa-Papakura Ward

