



The Coalition for More Homes (CFMH) presents a submission to the Independent Hearing Panel on Auckland Council's request to pause Plan Change 78.

Kia ora,

We note the Government's approval of a 12-month extension to Plan Change 78, allowing Auckland Council more time to work on natural hazards and a proper integration of Auckland Light Rail (ALR) plans. We note the revised decision deadline of 31 March 2025 for PC78, and that some topics have already been deferred.

We submit in response to Auckland Council's request to pause Plan Change 78.

Our position on pausing PC78

Our position is that issues relating to ALR were already well-known (although it seems their Notice of Requirement is being delayed by several months), and duplication of resources was already an issue given Auckland Council's approach to the ALR corridor in PC78, an approach which we did not and do not support.

As such, the only new issue that warranted the time extension is a reassessment of natural hazards/ stormwater, which is a discrete issue related to qualifying matters. We submit that the Independent Hearings Panel should progress expert conferencing and hearings on all other plan change issues and topics not already deferred. In particular, we support progressing the big-picture elements such as walkable catchment sizes and enabled heights, special character etc. This would reflect a "streamlined" approach to PC78, in the current circumstances.

With this approach, we anticipate that many issues and topics can be considered and resolved in a timely manner, and discrete issues like Natural Hazard qualifying matters can be scheduled later. This would support a timely decision on PC78 on or before the revised 31 March 2025 deadline.

Discrete issues within PC78

CFMH believes that all topics not already deferred by the Panel are discrete enough to be considered without further delay. In particular, big-picture issues like the size of walkable catchments; height within those catchments; the extent of Special Character Areas (if any) and other qualifying matters; and Centres (interpretation of policy 3(d)) can be discussed now, and potentially decisions can be reached on some or all issues.

In PC78 as notified, qualifying matters cover a large proportion of Auckland, so MDRS has limited day-one application. The treatment of NPS-UD policies remains similarly uncertain, and will become even more so if all of PC78 is paused. Sites which are outside the ALR corridor and lower-risk should not need to wait any longer to learn how these policies will ultimately apply to them.

We submit that PC78 should not be paused entirely, because Auckland needs to get on with fixing its housing crisis. A decision to pause PC78 entirely would:

- Prolong uncertainty over development outcomes.
- Reduce the chance of PC78 being decided in a timely manner, and increase the risk of missing the extended deadline.

- Counteract the intent of the “streamlined” planning process, which is aimed at enabling more homes in the right locations, more quickly.

Our overarching rationale for this submission is that Auckland still has a housing crisis, and delaying new housing supply will be an economic cost to the city - especially for the least fortunate among us. The NPS-UD, MDRS and PC78 all reflect that the status quo is not satisfactory, and Auckland’s housing system needs change.

On the specifics of the request to pause PC78, we submit:

1. Flood risk

We support the need to understand and appropriately consider flood risks for Aucklanders, including through qualifying matters in PC78. The recent summer floods provide an opportunity to collect new data and better understand these risks. Some areas may be less suitable for development as a result of these (revised) risks. However, at least 80% of all Auckland properties have minimal flood risk and are not identified in flood plains/ flood-prone areas, and therefore are not expected to be affected by flood hazard related qualifying matters.

Further, CFMH and others, including Kāinga Ora, have submitted that flood risks, infrastructure constraints and other overlays which constrain development should not affect or pre-determine underlying zoning applied through PC78. This remains a live issue. If this approach to qualifying matters were to be accepted, then the flood risk issues can be treated as a “discrete” issue within PC78.

As noted in the Letter from the Environment Minister, decreased capacity due to new flooding qualifying matters should be offset through increased capacity in areas that are more resilient to flooding. CFMH strongly supports provisions to increase housing capacity in areas of low flood risk (beyond the notified PC78 provisions).

We would welcome Council reconsidering their approach to zoning and qualifying matters in order to enable more homes in those areas. However, since only a relatively small percentage of Auckland homes carry higher risks, we are sceptical of whether Council will change their position on the other 80%.

2. Auckland Light Rail (ALR) delay

The difficulties over how to treat the ALR corridor in PC78 are entirely of Auckland Council’s own making. As Kāinga Ora noted in their legal submissions for the Preliminary Hearing: “were it not for the Council’s June 2022 resolution, the ALR Corridor would, in the normal course of events, have been subject to the intensification provisions of PC78”.

In paragraph 6.4.4 of CFMH’s primary submission on PC78, we note that PC78 should establish “an upzoning ‘baseline’ as if the Auckland Light Rail project was not going ahead. Auckland Council can then lodge a variation to PC78 in 2023 if deemed appropriate”. We continue to advocate for this approach.

Paragraph 6.4.4 of our primary submission continued:

- 1) *“Reversing the decision [to exclude the ALR corridor] will allow for a more cohesive and holistic approach to the IPI process, and mean a legally compliant plan change.*
- 2) *Waiting until 2023 for a variation will put pressure on the deadline for implementing PC78.*
- 3) *The Auckland Light Rail (ALR) project does not meet the “rapid transit service” definition of the NPS-UD, and is highly unlikely to do so even in 2023. It is in the early stages of design, does not have funding, and lacks bipartisan political support with a general election due in 2023. It should not have been given any weight in the notified version of PC78.*
- 4) *The scale of the corridor — at least 20 square kilometres in the isthmus and 11 in Māngere — makes it too important to defer. We estimate the corridor is twice as large as all the notified Special Character Areas combined.*

- 5) *The corridor (especially the isthmus portion) is vital for central, well-planned intensification. It already has excellent local and citywide access via many transport modes to services and destinations.*
- 6) *The corridor includes most of the southern fringe of the city centre, three train stations including Karanga a Hape and Maungawhau (with a fourth, Grafton also impacted), seven town centres and many local centres. These all create intensification requirements under the NPS-UD and it is inappropriate for ALR to take priority over them.*
- 7) *Council did not consult with the public or mana whenua over the decision to delay implementation.*
- 8) *Council made the decision based on insufficient evidence. Only three bullet points were provided to the public as a rationale for the 30 June resolution, offering very limited evidence for the thinking behind the Planning Committee's decision. Further, no section 32 assessment has been provided about the alternatives or costs of not upzoning the ALR corridor.*
- 9) *Council's decision is inconsistent with their approach to other future rapid transit projects which are further advanced than ALR, i.e. Eastern Busway stage 2 and Ngaakooroa train station.*
- 10) *Council's decision is inconsistent with their arguments against the 2021 housing bill, specifically the concern that the "MDRS will encourage a dispersed growth pattern in locations that are currently not well-served by public transport, and in some cases, will never be".*
- 11) *Council's decision is inconsistent with their key plans and strategies, from the Regional Land Transport Plan to the Auckland Plan 2050 to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which identify the ALR corridor as a key growth area and promote a compact, sustainable and equitable city that is resilient to the effects of climate change".*

These issues are still relevant. Since PC78 was notified, Cabinet has already determined that ALR will be 'staged'. No funding decisions will be made until 2024, and the project depends on the outcome of the 2023 election, alongside many other variables.

3. Duplication of resources

As discussed above, our position is that there are a significant number of discrete issues that can be progressed by the IHP. The issues which led to a time extension for PC78 are also discrete enough that they can be considered later on, within extended timeframes and without extraneous duplication of resources.

With regard to the ALR corridor and duplication of resources, Auckland Council decided in June 2021 to exclude the ALR corridor from PC78 initially, and that they would notify a variation later on to bring the area in scope. This decision made duplication of resources inevitable; the only thing that has changed since then is ALR timeframes pushing out slightly.

CFMH and many others have submitted on the ALR corridor, whether it should or shouldn't be included, and how it should be treated in PC78. As Kāinga Ora noted in their legal submissions for the Preliminary Hearing: "In the context of the existing spatial extent of PC78, it is difficult to see how submissions on the ALRC or SHAs, for example, might "morph" or "enlarge significantly" the subject matter and resources to be addressed through the plan change."

Ngā mihi,

Coalition for More Homes
1st May 2023