
From: OIA
Sent: Thursday, 8 January 2026 10:27 am
To: 9(2)(a)
Subject: RE: OIA request | Auckland Council's PC120 communications about AUP D19 Auckland War Memorial Museum Viewshaft overlay sites do not comply with clause 8(5)(b) in Part1 of Sch. 3C to RMA 1991 and cl. 3.31 NPS-UD
Attachments: PC_120_Qualifying_Matter_Section_32_report_Auckland_War_Memorial_Museum_Viewshaft.pdf
Attachment available at: <https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/95-pc120-s32-auckland-war-memorial-museum-viewshaft.pdf>

Ata mārie 9(2)(a),

Thank you for your email regarding Auckland Council's proposed Plan Change 120 (PC120) provisions on Chapter D19 and the Auckland War Memorial Museum Viewshaft (AWMM).

We understand that you are concerned that Auckland Council has not provided public information about the alternate building heights and densities proposed for the sites referred to in Table 3 (Summary of Effects on Development Capacity) on page 15 of the section 32 evaluation report. This includes information that should have been made available through the Technical Reports prepared by the Council. Transparency and accessibility of information are critical to ensuring public confidence in the plan-making process.

Under the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Act), the Independent Hearings Panel (IHP) will have the ability to hear submissions and make recommendations to the Council on PC120 provisions. During this process the Panel will have the ability to assess the requirements under the Act, and if these have been met by the Council. At this stage of the process, neither the Minister nor the Ministry has a role in determining compliance. If, after the Council has made its final decisions on PC120 and IHP recommendations and there are concerns about non-compliance with legislative requirements, the Minister may consider exercising intervention powers under the Act.

Thank you again for bringing this matter to our attention.

Nāku noa, nā
Stephanie Mercer

Kaitohutohu – Ngā Mōhiohio Ōkawa me te Tuku Kakama | Advisor – Official Information and Proactive Release

Ngā Pūnaha Minita | Ministerial Services

Te Rōpū Tumu Whakarae | Office of the Chief Executive (Rau Kāpuka/Heratini)

Ministry for the Environment | Manatū Mō Te Taiao
| stephanie.mercer@mfe.govt.nz | environment.govt.nz

Ministry staff work flexibly by default. For me, this means I work remotely from Rau Kāpuka/Heratini (Geraldine).



From: 9(2)(a) 9(2)(a)

Sent: Friday, 12 December 2025 11:48 am

To: OIA <OIA@mfe.govt.nz>

Subject: OIA request | Auckland Council's PC120 communications about AUP D19 Auckland War Memorial Museum Viewshaft overlay sites do not comply with clause 8(5)(b) in Part1 of Sch. 3C to RMA 1991 and cl. 3.31 NPS-UD

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Hello OIA@mfe.govt.nz

Please provide information about the central government procedures and timeline(s) to assess and address Auckland Council's failures to comply with clause 8(5)(b) in Part 1 (Process for Auckland Council to withdraw Plan Change 78) of Schedule 3C (Alternative intensification provisions for Auckland and Christchurch) to the Resource Management Act 1991 and clause 3.31(Tier 1 territorial authorities implementing intensification policies) of the [National Policy Statement on Urban Development 2020 \(Updated May 2022\)](#) by issuing deficient PC120 communications in relation to AUP D19 Auckland War Memorial Museum Viewshaft overlay sites.

In summary, Auckland Council has failed to provide public information about the alternate building heights and densities proposed for the sites that are referred to in **Table 3 (Summary of Effects on Development Capacity)** on page 15 of the document that was prepared with reference to section 32 of the Resource Management Act 1991 and published at <https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/95-pc120-s32-auckland-war-memorial-museum-viewshaft.pdf> for the public consultation period from 3 November 2025 - 19 December 2025.

That is, the required information has not been published for the public via communications including:

- Auckland Council Technical Report that was approved for publication by Auckland Council's Director Policy, Planning and Governance on 31 October 2025:

<https://www.knowledgeauckland.org.nz/media/a0znca4y/housing-capacity-modelling-report-auckland-council-technical-report-pc120-october-2025.pdf>

- PC120 viewer: <https://experience.arcgis.com/experience/a69c494d01e341689b68a89a6eea2b86>

- <https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/95-pc120-s32-auckland-war-memorial-museum-viewshaft.pdf>

- <https://www.aucklandcouncil.govt.nz/en/plans-policies-bylaws-reports-projects/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/pc-120-housing-intensification-resilience.html>

ADDITIONAL INFORMATION FOR CONTEXT - unitaryplan@aucklandcouncil.govt.nz email below dated 11 December 2025 and NZ Legislation website information:

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<https://www.legislation.govt.nz/act/public/1991/0069/latest/LMS1497039.html>

Resource Management Act 1991

If you need more information about this Act, please contact the administering agency:
Ministry for the Environment

Schedule 3C Alternative intensification provisions for Auckland and Christchurch

s 80DA

Schedule 3C: inserted, on 21 August 2025, by [section 88](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

1 Interpretation

In this schedule, unless the context otherwise requires,—

Auckland housing planning instrument means a change to the Auckland Unitary Plan—

(a)
to comply with [clause 4](#); and

(b)
that may include provisions of a kind permitted under [clause 5\(2\)](#)

Auckland Unitary Plan means the Auckland combined plan as that term is defined in [section 116\(1\)](#) of the Local Government (Auckland Transitional Provisions) Act 2010

community services means—

(a)
community facilities; and

(b)
educational facilities; and

(c)
those commercial activities that service the needs of the community

housing capacity, in relation to the Auckland Unitary Plan or Christchurch district plan, means the housing that the plan enables as a permitted activity, controlled activity, or restricted discretionary activity

listed planning instrument has the meaning given in [section 80B](#)

Maungawhau (Mount Eden) Station, Kingsland Station, Morningside Station, Baldwin Avenue Station, and Mount Albert Station mean the railway stations at those places on the North Auckland Line

Plan Change 14 means the intensification planning instrument for Christchurch City Council notified on 17 March 2023

Plan Change 78 means the intensification planning instrument for Auckland Council notified on 18 August 2022

SPP panel has the meaning given in [section 80B](#)

urban environment has the meaning given in [section 77F](#).

Schedule 3C clause 1: inserted, on 21 August 2025, by [section 88](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Part 1 Process for Auckland Council to withdraw Plan Change 78

Schedule 3C Part 1: inserted, on 21 August 2025, by [section 88](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

Auckland Council may withdraw Plan Change 78

Heading: inserted, on 21 August 2025, by [section 88](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

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5 Auckland housing planning instrument

(1)

Auckland Council must, no later than 10 October 2025, notify the responsible Minister in accordance with [clause 75A](#) of Schedule 1 for a direction to use the streamlined planning process to prepare an Auckland housing planning instrument.

(2)

The Auckland housing planning instrument may also include provisions to address any matter that Auckland Council is satisfied meets at least 1 of the criteria in [section 80C\(2\)\(a\), \(b\), \(c\), \(d\), \(ea\), or \(f\)](#).

(3)

Auckland Council must not notify more than 1 Auckland housing planning instrument.

(4)

Despite [clause 88](#) of Schedule 1, Auckland Council must not withdraw the Auckland housing planning instrument.

(5)

However, Auckland Council may withdraw part of the Auckland housing planning instrument if that part—

(a)

relates solely to a matter referred to in subclause (2); and

(b)

is not required to comply with [clause 4](#).

(6)

An SPP panel making recommendations on the Auckland housing planning instrument must ensure that its recommendations comply with [clause 4](#).

(7)

Auckland Council must, when making decisions on the Auckland housing planning instrument, ensure that its decisions comply with [clause 4](#).

...

8 Qualifying matters for Auckland housing planning instrument

(1)

Auckland Council may modify the requirements of [clause 4\(1\)\(b\) and \(c\)](#) and policy 3 in any zone in an urban environment to be less enabling of development than provided in that clause or policy only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

(a)

a matter specified in [section 77I\(a\) to \(i\)](#):

(b)

any other matter that makes higher density, as specified by [clause 4\(1\)\(b\) or \(c\)](#) or policy 3, inappropriate in an area, but only if subclause (4) is satisfied.

(2)

The evaluation report must, in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(a) or (b),—

(a)

demonstrate why Auckland Council considers—

(i)

that the area is subject to a qualifying matter; and

(ii)

that the qualifying matter is incompatible with the level of development provided by [clause 4\(1\)\(b\) or \(c\)](#) or policy 3 for that area; and

(b)

assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and

(c)

assess the costs and broader impacts of imposing those limits.

(3)

The requirements set out in subclause (2)(a) apply only in the area for which Auckland Council is proposing to make an allowance for a qualifying matter.

(4)

The evaluation report must, in relation to a proposed amendment to accommodate a qualifying matter under subclause (1)(b), also—

(a)

identify the specific characteristic that makes the level of development specified by [clause 4\(1\)\(b\) or \(c\)](#) or policy 3 inappropriate in the area; and

(b)

justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c)

include a site-specific analysis that—

(i)

identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities specified by [clause 4\(1\)\(b\) or \(c\)](#) or policy 3 while managing the specific characteristics.

(5) Auckland Council may, when considering existing qualifying matters, instead of undertaking the evaluation process described in subclause (2), do all the following things:

(a) identify by location (for example, by mapping) where an existing qualifying matter applies:

(b) specify the alternative heights or densities (as relevant) proposed for those areas identified under paragraph (a):

(c) identify in the evaluation report why the Council considers that 1 or more existing qualifying matters apply to those areas identified under paragraph (a):

(d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been provided by [clause 4\(1\)\(b\) or \(c\)](#) or policy 3:

(e) notify the existing qualifying matters in the Auckland housing planning instrument.

(6) In this clause,—

evaluation report means the evaluation report required under [section 32](#)

existing qualifying matter means a qualifying matter referred to in subclause (1)(a) that is operative in the Auckland Unitary Plan when the Auckland housing planning instrument is notified.

Schedule 3C clause 8: inserted, on 21 August 2025, by [section 88](#) of the Resource Management (Consenting and Other System Changes) Amendment Act 2025 (2025 No 41).

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Please let me know if you have any questions about my request for information, or the email set out below.

Thank you

9(2)(a)

----- Forwarded message -----

From: **Unitary Plan** <unitaryplan@aucklandcouncil.govt.nz>

Date: Thu, 11 Dec 2025 at 07:20

Subject: RE: Question about mark-up to paragraph D19.1

To: 9(2)(a) Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

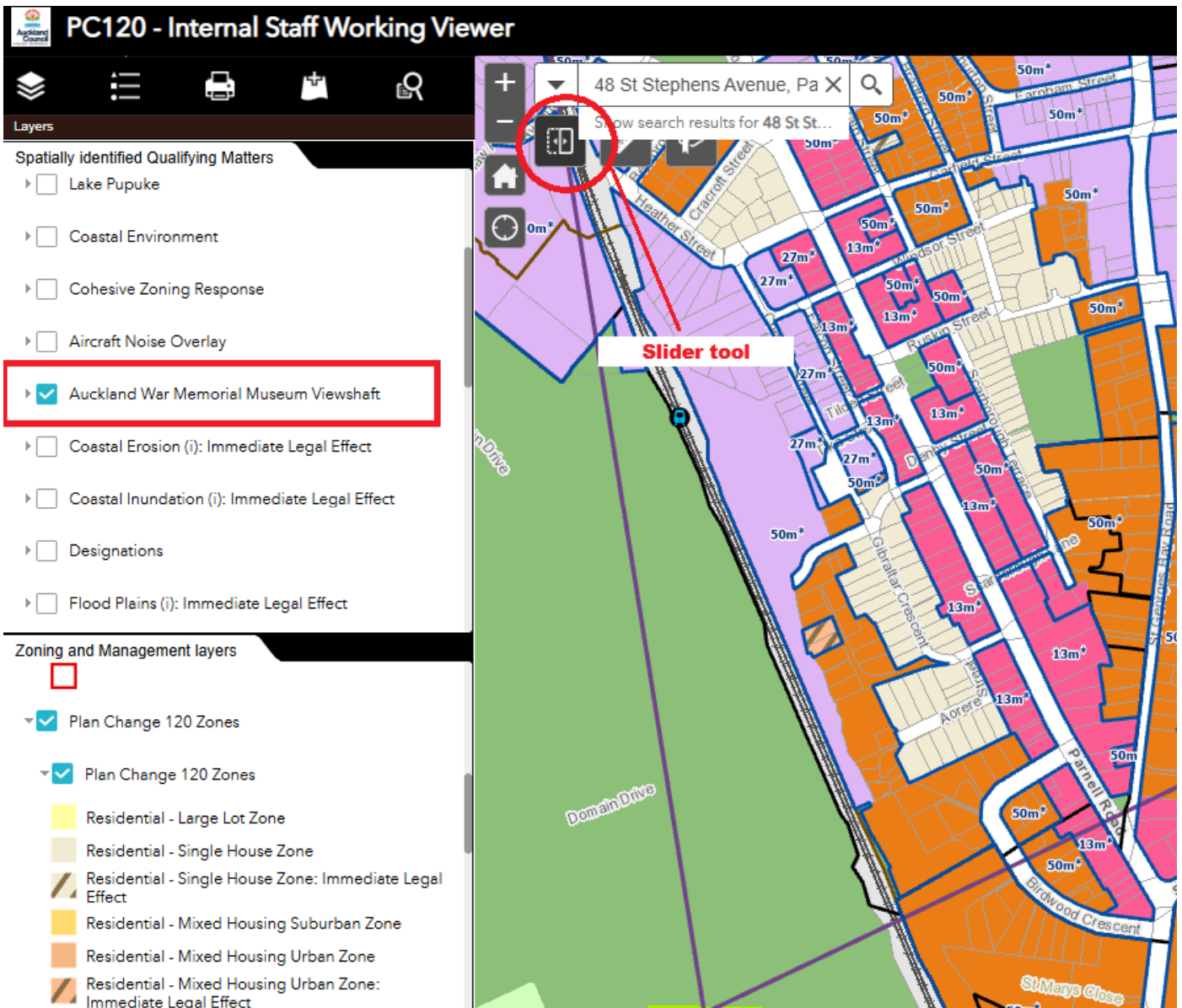
Kia ora 9(2)(a)

Thank you for your email to the Plans Geospatial team and Unitary Plan inbox. This email responds to three queries you have made to date.

With respect to your first query about the statutory basis for applying the Auckland War Memorial Museum Viewshaft (AWMM), the analysis and legal justification is set out in detail in the attached section 32 evaluation report. The evaluation reports can also be found [here](#).

In response to your queries on mapping, the answer to your question whether Auckland Council published image(s) about the inter-relationship of the hierarchy of AUP(OP) provisions in relation to zoning height limits, contours, and the AUP overlay at D19 is 'No'.

The AWMM can be viewed against the current operative and proposed PC120 zoning in the viewer by clicking the AWMM qualifying matter identifier indicated below. The 'slider tool' also indicated below transitions between the operative and proposed zones provided both zones are ticked in the 'zone and management layers' section of the viewer. The overlay unfortunately does not show surveyed heights to the AWMM viewshaft plane.



It should be noted that the presence of the AWMM viewshaft has not impacted on the application of zones or the Height Variation Control (HVC) across Parnell under PC120. Where the AWMM viewshaft plane is lower than the height specified in the zone or via HVC, this will have a constraining effect on building heights with buildings and structures exceeding height limits specified in Chapter D19 requiring non-complying resource consent (as is the case under the operative AUP). It is not a prohibited activity to build higher than the viewshaft plane but neither can it be done as of right (a permitted activity). The presence of * annotations on the HVC heights indicate where the stated building heights may not be able to be fully realised due the presence of the viewshaft.

To advance the concerns that you raise, we encourage you to lodge a submission to PC 120 and specify the decision you want made. Submissions close 19 December at 5pm.

Regards

Unitary Plan Enquiries team

Email: unitaryplan@aucklandcouncil.govt.nz