

# LGOIMA 8140013287 - CORRESPONDENCE SIMEON BROWN & MAYOR

**From:** [Simeon Brown \(MIN\)](#)  
**To:** [Mayor Wayne Brown](#)  
**Subject:** [EXTERNAL] Auckland Light Rail  
**Date:** Sunday, 14 January 2024 7:09:51 am  
**Attachments:** [image001.ipc](#)  
[ALR Letter to Mayor Brown.pdf](#)

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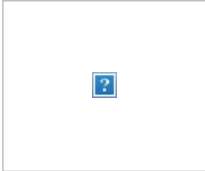
**Caution: This is an external email. Please check email address is from a trusted sender before taking action or clicking on links.**

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Dear Wayne

Please find attached correspondence from Hon Simeon Brown, Minister of Transport.

Regards



**Reef Stewart**

Private Secretary | Office of Hon Simeon Brown  
Minister of Transport, Minister of Local Government, Minister for Energy, Minister for Auckland

Email: [x@xx](#) Website: [www.Beehive.govt.nz](http://www.Beehive.govt.nz)  
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

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**Hon Simeon Brown**

MP for Pakuranga

Minister for Energy  
Minister of Local Government  
Minister of Transport

Minister for Auckland  
Deputy Leader of the House

14 January 2024

Mayor Wayne Brown

[mayor.wayne.brown@aucklandcouncil.govt.nz](mailto:mayor.wayne.brown@aucklandcouncil.govt.nz)

Dear Wayne

**Stopping the Auckland Light Rail Project and Disestablishing Auckland Light Rail Ltd**

The Government's 100-Day Action Plan, released on 29 November 2023, includes stopping work on the Auckland Light Rail (ALR) project. I am writing to advise you the Government has decided to implement this commitment by Auckland Light Rail Limited (ALR Ltd) ceasing work on the ALR project and then disestablishing the Company. To this end, shareholding Ministers have issued a letter of expectation to ALR Ltd to cease work immediately and undertake the necessary activities to disestablish ALR Ltd. We have also changed the Company's purpose to support the wind-up of the Company.

As the Government is not proceeding with the ALR project, the Project Planning and Funding Agreement between the Crown, Auckland Council and ALR Ltd in October 2022 (PPFA) will no longer be required. Accordingly, this letter also confirms that the Agreement will be brought to an end at the appropriate time in the wind-up process.

The intellectual property created by ALR Ltd will transfer to the Ministry of Transport, ensuring that it can be made available in the future.

I would like to thank you for your time and commitment as a Sponsor on the ALR project.

If you have any questions, please contact Audrey Sonerson ([a.sonerson@transport.govt.nz](mailto:a.sonerson@transport.govt.nz)) at the Ministry of Transport.

Your sincerely

Hon Simeon Brown

**Minister of Transport**

Copy to: Hon Nicola Willis, Minister of Finance  
Hon Chris Bishop, Minister of Housing

Sun, 14 Jan, 9:05 AM

Are you free for a quick call?

Sun, 14 Jan, 4:26 PM

Good work on ALR, what about harbour Crossing study, even more money wasted, we need a published list of consultants and how much they got so they can be black listed ,  
Wayne

Tue, 13 Feb, 4:14 PM

Want to chat about the 3 Water options? Give me a call,  
Wayne

Wed, 21 Feb, 7:20 PM

If you want road costs down, I've got to be involved to help,  
Wayne



Dean Kimpton (CEO Auckland Transport)  
Peter Reidy (CEO KiwiRail)  
Martin Kearney (CEO Auckland One Rail)

12 February 2024

Dear Dean, Peter and Martin

The frequent disruptions on the Auckland train network have become unacceptable.

Aucklanders have reached the end of their patience with train cancellations due to weather, signal failures, crew issues or other excuses.

Today it was apparently because of weather. It cannot be a surprise to any of you that Auckland gets warm in February.

The communication between all three of your agencies has been muddled, often blamed each other, and been described to me as an “omnishambles”. I could use other language to describe it.

I’m asking you three to meet with me to explain how these disruptions keep happening, and what is being done to both fix it and quickly restore public confidence.

Aucklanders need to be confident that their public transport system is reliable, and able to cope with a mild summer’s day.

My office will be in touch to arrange a time this week. I have also invited the Minister of Transport or his representative to attend.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Wayne Brown".

Wayne Brown  
**MAYOR OF AUCKLAND**

CC Hon Simeon Brown, Minister of Transport

Simeon >

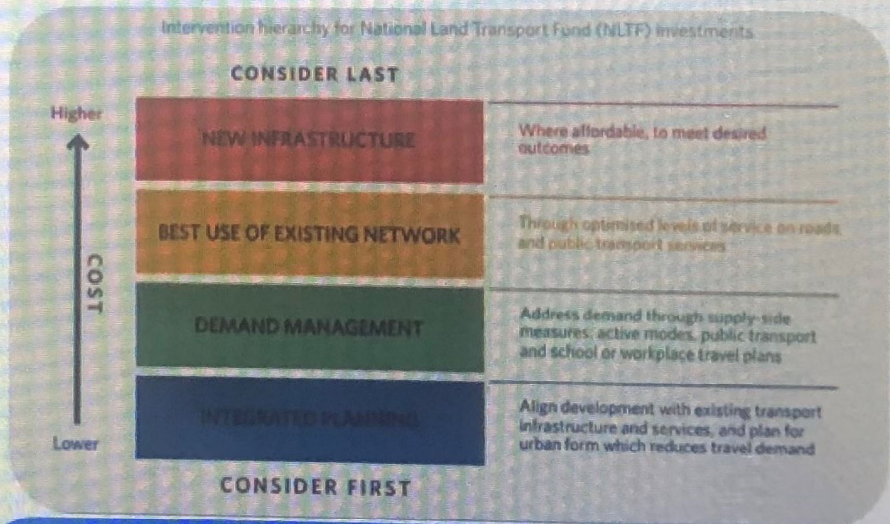
Tue, 13 Feb, 4:14 PM

Want to chat about the 3 Water options? Give me a call, Wayne

Wed, 21 Feb, 7:20 PM

If you want road costs down, I've got to be involved to help, Wayne

Mon, 26 Feb, 8:07 PM



This is NZTA's official investment hierarchy, shame they don't follow it. Look forward to seeing you Friday, Wayne



28 February 2024

Hon Chris Bishop  
Minister Responsible for RMA Reform

Via Email – [C.Bishop@ministers.govt.nz](mailto:C.Bishop@ministers.govt.nz)

Dear Minister

I read your speech of 27 February to the Wellington Chamber of Commerce. It was pretty good, and Auckland Council is already focused on many of the things you suggest.

**This letter is a follow-up to Councillor Richard Hills and Councillor Angela Dalton's letter to you of 1 February 2024**, seeking a further one-year extension of time for Auckland Council to notify its decisions on *Plan Change 78 – Intensification* (the Auckland Council's IPI) from 31 March 2025 to 31 March 2026.

The RMA currently does not allow us to 'stop' this plan change process, which includes rigidly implementing the MDRS that you have confirmed will be made optional for councils.

Because of the existing statutory timeframes, formal hearings restarted last week and, without an extension, will need to ramp up over the next few months. This represents a massive waste of money given your confirmed intention to enable us to change it and the other matters raised in our earlier letter. In fact, we estimate that with hearings already underway, Auckland Council, Aucklanders, community groups, developers and government agencies like Kāinga Ora are spending around \$500,000 per week for every week that we're forced to go through with this plan change process, and this is ridiculous. Which is why we need an extension to enable us to propose a meaningful variation.

I have already received several letters from submitters confused about why the process is continuing despite your promise to enable the council to make changes to the plan change. It is unfair to put submitters to that cost and then start the process again as soon as this one is over.

An **extension of time**, along with your intended legislative changes, would allow Auckland Council to propose a substantive variation to the plan change that would do several things at once:

- Ensure that the plan change continues to "live zone" sufficient land and capacity to deal with 30 years of housing growth across both brownfield and greenfield development, taking account of infrastructure readiness, transport connections and where there is realistic demand for the enabled housing.
- Deal with the formerly-proposed Auckland Light Rail Corridor, which is a significant chunk of land currently anomalously excluded from the plan change process (see attached map), where more houses can be built. Not enabling a variation to include this corridor creates an incoherent plan and process.
- Enable us to take account of intensive work completed since the 2023 flooding events, and down-zone areas at risk from natural hazards such as flooding in the quickest and most cost-effective way (i.e.: considering the matters together).
- Incorporate greater mixed-use zoning, particularly around transport nodes. I would also like us to enable more commercial uses in residential zones, so people can work closer to where they live, ensuring we are not creating artificial barriers to new business.
- Within the constraints above, enable Auckland Council and the hearings panel to reassess the application of the MDRS in areas where its rigid application is inappropriate, and to make changes to the standards where we think that will result in better housing.

I support your goal of enabling more housing and note your intent to set standard about that. But, Auckland needs to be able to plan Auckland. Forcing us to continue with the current prescriptive process would be completely at odds with that.

Hearings have already started for up-zoning areas in the central city, where I believe makes sense for more people to live, so it's clear Auckland is getting on with housing growth. There are other non-RMA tools such as changes to the Building Act, particularly changes to seismic and fire rules to encourage even more growth, which I am in discussions with your colleagues Hon Chris Penk and Hon Simeon Brown about.

**I don't believe that going through a costly plan change process that both ignores the former ALR corridor and overlooks the risk of natural hazards across our region is good policy-making, or fair to Aucklanders.**

As it stands, officials estimate that Auckland will require an additional 979,000 dwellings over the next 30 years, while the plan change provides live capacity for up to 2.274 million dwellings, of which 1.9 million are considered 'infrastructure ready'.

I appreciate your commitment to explore funding tools to enable the infrastructure necessary to support this housing. That is clearly a very important part of the puzzle.

I look forward to your response.

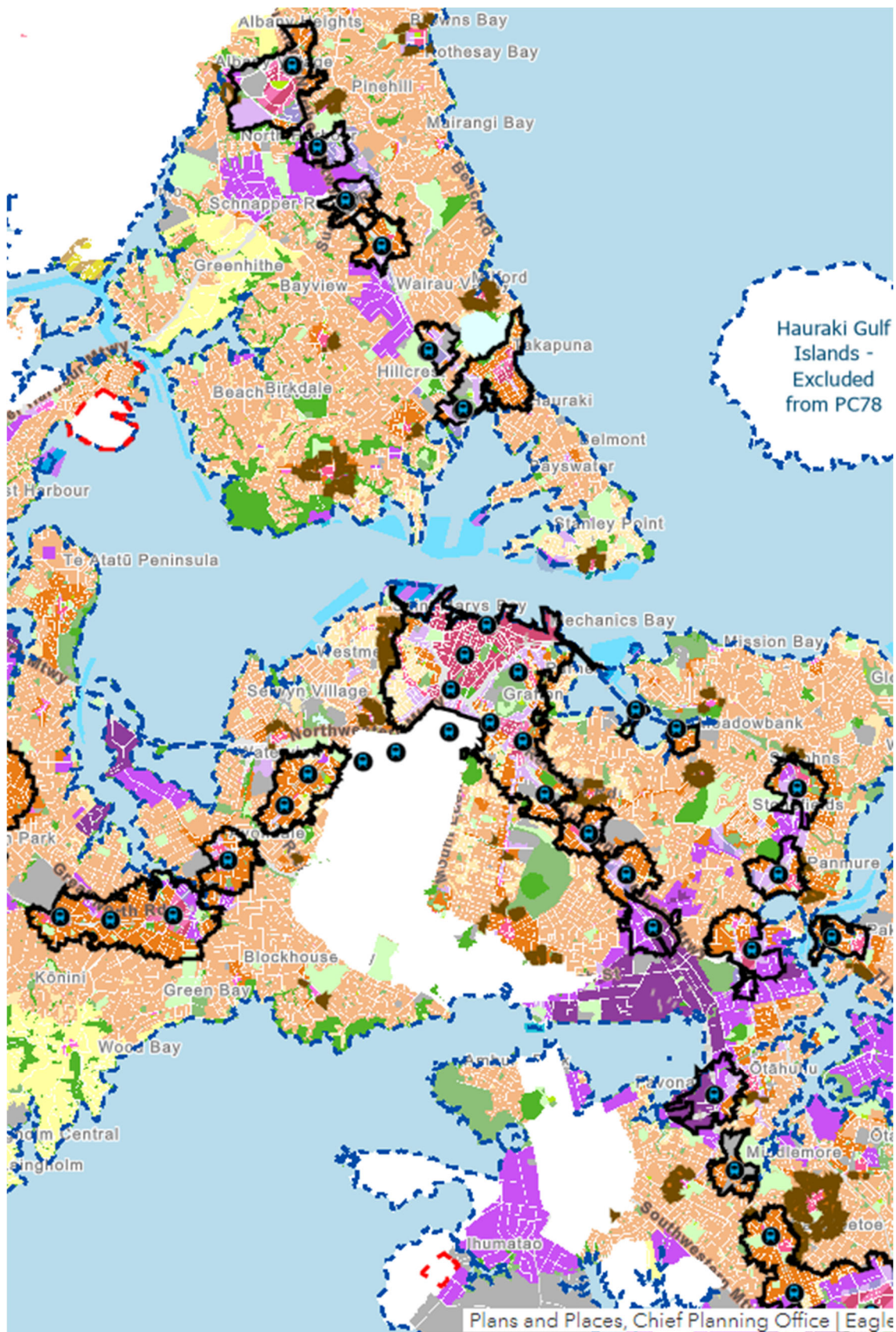
Kind regards,



Wayne Brown  
**MAYOR OF AUCKLAND**

*Cc - Hon Penny Simmonds, Hon Simeon Brown, Cr Richard Hills, Cr Angela Dalton*

**Attachment A:** Former proposed ALR Corridor currently excluded from PC78





12<sup>th</sup> October 2023

Hon David Parker  
Minister for the Environment  
[d.parker@ministers.govt.nz](mailto: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 2023<sup>1</sup>, 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.

<sup>1</sup> 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.

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](mailto: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

1 February 2024

Hon Chris Bishop  
Minister of Housing, Infrastructure, Resource Management Reform  
[C.Bishop@ministers.govt.nz](mailto:C.Bishop@ministers.govt.nz)

Hon Penny Simmonds  
Minister for the Environment  
[P.Simmonds@ministers.govt.nz](mailto:P.Simmonds@ministers.govt.nz)

Tēnā kōrua Ministers

**Planning Framework in Auckland - Intensification Planning Instrument, Natural Hazards and the need for comprehensive change**

Congratulations on your appointment as Ministers in the new Government. We very much look forward to working closely with you and your ministerial colleagues on the important land-use and environmental issues facing Auckland and New Zealand, including getting more houses built.

We have a situation in Auckland where the planning requirements imposed through the National Policy Statement on Urban Development 2020 (NPSUD), the amendments to the Resource Management Act 1991 (RMA) through the bi-partisan Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act), the 2023 Auckland Anniversary floods and Cyclone Gabrielle events and some recent government announcements all combine to create an incoherent set of planning processes. We would appreciate your urgent consideration of this matter and clear direction.

As you will be aware, Auckland Council is one of a number of councils that are part-way through the statutory process of making changes to their RMA policy statements and plans to give effect to the NPSUD and the various requirements of the RMA introduced by the Amendment Act in 2021. The RMA refers to the legal instrument through which these changes are made as an "Intensification Planning Instrument" (IPI). An integral aspect of Auckland Council's IPI is the required incorporation of "Medium Density Residential Standards" (MDRS) into relevant residential zones.

Auckland Council notified its IPI on 18 August 2022 and appointed an independent hearings panel (the Panel) to hear the submissions and make recommendations back to the council. The Panel commenced the hearing of approximately 3,000 submissions early last year with a view to concluding the hearings by the end of 2023. That would have enabled the council to make its decisions on the IHP recommendations on the IPI within the 31 March 2024 statutory timeframe.

However, due to the devastating impacts of the 2023 Auckland Anniversary floods and Cyclone Gabrielle on the region, the council sought an extension of time to 31 March 2025. The extension was requested on the basis the council needed to make sure its IPI would not increase the risk of people and property being affected by flooding and coastal hazards, and that the council may need to prepare and notify a variation to its IPI. The extension was granted by the former Minister for the Environment, and as a result, the Panel granted the council's request for the hearings to be put on hold.

Even with this extension, the reality is that continuing with the IPI process in Auckland no longer seems a pragmatic way forward for the following reasons:

- The 2023 Auckland Anniversary floods and Cyclone Gabrielle weather events may require down-zoning of properties and changes in regulatory settings for development in natural hazard areas. Under the current legislation, this can only be done once the IPI has been completed (please refer to the **attached** letter to the former Minister for the Environment), meaning that we will complete an intensification plan change and then need to immediately follow it with a plan change that will alter the zoning of some of those areas again.
- The Government's direction that changes will be made to the MDRS provisions to allow councils to opt out. Mayor Brown has indicated he would like to opt out of MDRS in some areas, so if council chooses to do so, this would result in either a fundamental change to the council's IPI or the need to withdraw and notify a new plan change of some sort. Council (and therefore ratepayers) and submitters will be put to unnecessary costs if the IPI hearings continue through 2024, and then a decision is made by Council to significantly amend or remove the MDRS provisions.
- The Government has recently terminated the Auckland Light Rail project. That means we will now need to implement the IPI along this corridor (having 'carved it out' from the original plan change until the route and station locations were known). However, given the uncertainties around whether the MDRS provisions will remain mandatory, it seems imprudent to progress a variation to the IPI at this stage.
- The likelihood of other changes to the planning framework, including National Policy Statements, climate adaptation and the RMA, which will likely directly affect the IPI and the Auckland Unitary Plan.

The combination of all these issues means that council is unable to give due consideration to these land use matters in a coherent manner. The current process will require multiple plan changes (or variations), public engagement, evidence, and hearings and importantly, duplication of effort and costs for all involved. The process dictates the duplication which, if considered from a regulatory impact perspective, may be unintended but is very difficult to justify and is unnecessary. It is an example of national legislation which is not fit-for-purpose for Auckland and results in duplication of process and excessive costs for all involved.

However, we are confident that there are options open to you to remedy the immediate process issues so that we can work together to ensure Auckland continues to develop and intensify in the right areas with due consideration of the challenges of natural hazards. These options may include:

- Amending s80G(1)(c) of the RMA to allow council to withdraw the IPI in whole or in part;
- Amending s80E of the RMA, to enable council to include new provisions for developing in natural hazard areas as part of the IPI which may be more restrictive than the status quo;
- Amending various RMA provisions, including section 77G, section 80E and clause 25(4A) of Schedule 1 of the RMA, to make it clear that the incorporation of MDRS is optional (and no longer mandatory).
- Providing a further one-year extension of time under s80M (3) of the RMA for Auckland Council to notify its decisions on the IPI, in response to the Council's request under s80M(2) for an amendment to the current direction dated 15 August 2023. This will enable the independent hearings panel to pause the hearing process while the Government amends

legislation or provides new direction as has been signalled and for council to consider the implications of these changes; and

- Clearly and urgently advise council that you are not expecting us to continue with the current process until the Government amends legislation or provides new direction as has been signalled.

The immediate concern for us is the imminent hearing in May on Topic 046 – Light Rail Corridor and the need to complete analysis and evidence. The council's costs alone are estimated to be in the order of half a million dollars per month for the various IPI hearings, let alone those of the independent hearings panel and submitters. The council's expert evidence is due to be submitted to the Panel from mid-April onwards, so these costs are already being incurred.

Under section 80M(2) of the RMA, as an interim measure to enable the IHP to once again pause the hearing process while the Government amends legislation or provides new direction and for the Council to consider the implications of these changes, the Council requests an amendment to the direction made to the Council on 15 August 2023 to provide for a further one-year extension of time for Auckland Council to notify its decisions on Plan Change 78 – Intensification (the Auckland Council's IPI) from 31 March 2025 to 31 March 2026.

We therefore ask that you treat this request with urgency and advise us as soon as possible of your decision. Our priority is to make the best use of ratepayers' money while responding pragmatically to the direction of our new government and importantly, getting more houses built. We welcome the opportunity to work with you on a sensible, forward-looking solution for Auckland.

Thank you for your consideration of this matter. Please do not hesitate to contact us if you have any questions. Additionally, we understand the Mayor's Office has already invited Hon Bishop to meet in Auckland.

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

cc. Hon David Seymour  
Minister of Regulation  
[D.Seymour@ministers.govt.nz](mailto:D.Seymour@ministers.govt.nz)