

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Intensification Planning Instrument Proposed Plan Change 78: Intensification (**PC78**) to the Auckland Unitary Plan Operative in Part (**AUP**)

JOINT WITNESS STATEMENT IN RELATION TO:

Hearing Topic 016B Metropolitan Centre Zone Provisions and 014F Height – Metropolitan Centre Walkable Catchment Intensification Response

Expert conferencing held on	13/03/2024
Venue	Online
Independent facilitator	Richard Blakey
Secretariat planner	Beth Maynard

1. Attendance

1.1. The list of participants is included in the schedule at the end of this Statement.

2. Basis of attendance and Environment Court Practice Note 2023

2.1. All participants agree to the following:

- a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- c) They will make themselves available to appear before the Independent Hearing Panel;
- d) This statement is to be filed with the Independent Hearing Panel and posted on the Council's website.

3. Matters considered at conferencing – agenda and outcomes

3.1. Site specific requests

- 3.1.1.** Location specific requests are being evaluated against the principles circulated and discussed in Topic 014A – C and 014G – I.

Principles referenced can be found in the 11/03/2024 and 12/03/2024 Joint Witness Statement in relation to Height hearing topics 014A - C and 014G – I (11-12/03/2024 Height JWS)

David Wren notes that his clients seek site-specific relief related to a Height Variation Control which was not suited to being discussed in expert conferencing. He asks that Council review the integration of Height Variation Controls with other standards prior to hearing in light of new height standards.

3.2. Metropolitan Centre Zone

- 3.2.1.** How should building heights and density of urban form which reflect housing and business demand in Metropolitan Centre Zones be provided for?

- 3.2.1.1.** Is it appropriate to retain the notified height standards for Metropolitan Centre Zones in PC 78 or as requested in submissions:

- 3.2.1.1.1.** to provide greater building height of 100m in all Metropolitan Centre Zones?

Craig McGarr considers that building heights of 100m should be provided for in the Manukau, Albany and Newmarket metropolitan centres as the current/proposed PC78 height limit fails to reflect the contribution that Metropolitan Centres make as focal points for commercial, community, and residential purposes, and the provisions of PC78 should reflect this. There is no constraint in respect of height at Manukau, Albany, and Newmarket that development standards cannot otherwise address and that qualifying matters can otherwise constrain.

Rachel Morgan notes Kiwi Property seeks increased heights of 100m in the Sylvia Park and New Lynn metropolitan centres. This could be achieved through amendments to precinct provisions for those centres. She notes that metropolitan centres are highly appropriate

locations for additional height, and when viewed in the context of the unlimited heights of the City Centre, a height limit of 100m in Metropolitan Centres fits within the centres hierarchy of the RPS. She notes that Sylvia Park, New Lynn, Manukau, and Albany and Newmarket Metropolitan Centres all contain Rapid Transport Stops and are particularly appropriate for increased heights.

Rachel Morgan, Evan Keating and **Craig McGarr** do not believe that height limits of 100m in the Metropolitan Centre Zone would undermine the position of the City Centre Zone in the centres hierarchy, including when considering the spatial extent of the metropolitan centres relative to the CCZ and the varied heights enabled across the CCZ. The additional height also reinforces the MCZ's status in the hierarchy, noting also the proposed increases in height beyond the MCZ.

Evan Keating also notes that Newmarket is particularly accessible and that the Waka Kotahi submission requested that heights be increased to the maximum possible under and around viewshafts in the Newmarket metropolitan centre.

Nick Pollard and **David Mead** note that 100m height limits may be appropriate in principle for those metropolitan centres with rapid transit stops (on the basis of urban efficiency rather than demand for business and residential activities). This is so long as qualifying matters and precinct controls which limit height are retained, and an assessment of zone, precinct based, and height variation controls and provisions to appropriately manage the effects of greater height is undertaken. They note that the Takapuna metropolitan centre does not have a rapid transit stop so would not be subject to the additional height, and falls outside of the scope of this submission. These experts believe Newmarket should also be excluded on the basis of the differential between the underlying height controls and the extensive nature of the viewshafts across that centre. They believe that the Papakura metropolitan centre is also not an appropriate location for increased height given its lower scale context. They note

that the Henderson Metropolitan Centre Zone would also fall outside of the scope of this submission.

3.2.1.1.2. to provide unlimited building height in all Metropolitan Centre Zones?

Note: No experts for submitters seeking unlimited building height attended the conference.

David Mead and **Nick Pollard** do not support the provision of unlimited building height in all Metropolitan Centre Zones as this would not be consistent with the centres hierarchy in the RPS.

3.2.1.2. Is it appropriate to retain Standard H9.6.2 Height in relation to boundary in PC 78 as notified with its proposed 19m + 60 degree recession plane and/or to amend Standard H9.6.2 to specify boundaries where the standard does not apply? (i.e. apply exclusions)

Note: No experts for submitters seeking deletion of or amendments to Standard H9.6.2. attended the conference.

David Mead and **Nick Pollard** note that possible changes to Standard H9.6.2 Height in relation to boundary 19m + 60 degree recession plane are being reviewed by Auckland Council's experts, as noted in Attachment 3 of the Joint Witness Statement for Height Topics 014A – C and 014 G – I. This review will take into account assessment of potential effects on the Low Density Residential zone.

3.2.2. Is it appropriate to retain reference to “positively” in General Objective H9.2(3)?

Note: No experts for submitters seeking deletion of reference to “positively” in General Objective H9.2(3) attended the conference.

Nick Pollard and **David Mead** support retention of reference to “positively” in General Objective H9.2(3).

3.2.3. Is it appropriate to retain reference to “amenity” in General Policy H9.3(14)?

Rachel Morgan considers that Policy H9.3(14) should be amended to reflect that any reduction in height should under the NPS-UD be based on the assessment of a qualifying matter as defined in the NPS-UD.

David Wren considers that any reduction in height must be properly assessed and considers that this assessment has not taken place in regard to metropolitan centre walkable catchments.

Nick Pollard and **David Mead** support retention of reference to “amenity” in General Policy H9.3(14). They consider that where amenity leads to a reduction in heights below the zone height standard, the amenity-based reduction does not need to sit within the Policy 4 qualifying matter framework of the NPS-UD.

3.2.4. Is it appropriate to amend Policy H9.3(12A) to include reference to "mapped" walkable catchments?

Note: No experts for submitters seeking the inclusion of reference to “mapped” walkable catchments to Policy H9.3(12A) attended the conference.

Nick Pollard and **David Mead** consider that reference to “mapped” walkable catchments could be supported in principle but note that making this change only for the Metropolitan Centre Zone would create inconsistencies across PC78 and could imply that walkable catchments referenced elsewhere in PC78 were not “mapped.”

3.2.5. Should Objective H9.2(9) be amended to include reference to "building heights of at least 6 storeys"?

Note: No experts for submitters seeking the inclusion of reference to "building heights of at least 6 storeys" to Objective H9.2(9) attended the conference.

Nick Pollard and **David Mead** do not support inclusion of reference to "building heights of at least 6 storeys" to Objective H9.2(9) and note that the outcomes sought by Policy 3(b) of the NPS-UD are captured by the policy provisions that follow, particularly Policy H9.3(12A).

3.2.6. Should Objective H9.2.(9), Policy H9.3.(13) and Policy H9.3.(15A) be amended to refer to qualifying matters that require lower heights / density?

Greg Osborne considers that where there are particular height-related objectives and policies within the MCZ, PC78 should be amended as set out in Auckland International Airport Limited's submission in order to make reference to qualifying matters:

Objective H9.2.(9) Metropolitan centres enable building heights and density of urban form to reflect demand for housing and business use, unless a qualifying matter applies which requires reduced height or density.

He also considers that Policy H9.3.(13) as notified should be amended with the addition below:

(zaa) is consistent with a qualifying matter that requires reduced height and/or density.

He also considers that Policy H9.3.(15A) as notified should be amended with the addition below:

Policy H9.3.(15A) Enable greater building heights and density of urban form in metropolitan centres, than in town, local or neighbourhood centres, to reinforce their role as regional focal points (unless a qualifying matter applies which requires reduced heights and/or density).

Amanda Coats and **Craig McGarr** do not support the proposed additional clause (zaa) in Policy H9.3.(13) with respect to volcanic viewshafts, in reference to the 11-12/03/2024 Height topics JWS, section 3.2.(a).

Nick Pollard and **David Mead** support all of Greg Osborne's proposed amendments above.

3.2.7. Should PC78 be amended to include a suite of provisions specific to retirement villages, including amendments to the activity table, standards, notification and matters of discretion? [note relief requested raises scope issues – see IHP Guidance on Matter of Statutory Interpretation and Issues relating to the Scope of the Relief Sought by Some Submissions dated 12 June 2023]

Note: No experts for submitters seeking inclusion of a suite of provisions specific to retirement villages attended the conference.

Nick Pollard and **David Mead** do not support amendments seeking inclusion of a suite of provisions specific to retirement villages, noting there is a question of scope and that in their view within the context of the Metropolitan Centre Zone there is no need for specific provisions.

3.3. Metropolitan Centre Walkable Catchment Intensification response

3.3.1. How should building height be provided for within walkable catchments of the edge of the Metropolitan Centre Zone?

3.3.1.1. Is it appropriate to retain the notified PC78 provisions as they relate to height of buildings within walkable catchments of the edge of Metropolitan Centre Zones or as requested in submissions should there be a height variation control that provides for 10-12 storeys within walkable catchments of Metropolitan Centre Zones that also have a rapid transit stop?

Evan Keating noted the submission of Waka Kotahi which sought to increase height to 12 - 18 storeys within at least 400m of rapid transit station stops or the edge of the Metropolitan Centre Zone, and with a 'stepping down' of height for areas beyond the first 400m. As an example, for larger centres such as Newmarket and Takapuna, this would be 18 storeys within the first 400m of a walking catchment with 12 storeys within the next 400m. A lower height limit may be appropriate for smaller centres such as Papakura.

Amanda Coats supports the application for increased heights of between 10-12 storeys to the THABZ and business zones within walkable catchments of Metropolitan Centre Zones, in particular areas around metropolitan centres where significant infrastructure investment has been made to improve walkable catchments, public transport connectivity, and servicing to support future development, and where infrastructure ready land is capable of increased capacity. This would be consistent with Clause 1.4 of the NPS-UD which defines 'development capacity' to mean

the capacity of land to be developed for housing or for business use (noting the NPS-UD's directive to 'enable' the development capacity).

She supports the inclusion of increased height variation controls above 32m to a maximum of 43m for land with split zoning over and above the more general agreements made in the 11-12/03/2024 Height topics JWS, at section 3.2 (2) ii.

She supports the inclusion of "(v) adjacent to an arterial road" in addition to section 3.3 (a)(1)(i)-(iv) of the aforementioned JWS as a key principle for evaluating additional building height from that notified. She also notes that experts other than Council agreed with some of the principles, but there was not agreement with all of the principles agreed in paragraph 3.3(a)(7) and 3.3(a)(11) of the aforementioned JWS.

Rachel Morgan on behalf of Southpark supported additional height within the walkable catchment of Newmarket metropolitan centre and RTS, and given that viewshafts otherwise constrain development capacity within the centre itself.

Evan Keating and **Rachel Morgan** in relation to Sylvia Park metropolitan centre consider that additional height to the east of the centre is appropriate given its proximity to the centre itself and RTS.

David Wren on behalf of Domain Gardens Development Ltd supports the proposed change to the extent that the height within the walkable catchment is not less than the 6-storey walkable catchment provision and the existing Height Variation Control is adjusted to suit.

Nick Pollard and **David Mead** do not support Waka Kotahi or NEIL's submissions. They do support the following, as recorded in the 11-12/03/2024 Height topics JWS, section 3.4(a)(2):

Subject to investigation, increasing from six to nine storeys (32m) in identified areas, being Residential - Terrace Housing and Apartment Building and Business - Mixed Use zones, in walkable catchments for the city centre zone and the Newmarket metropolitan centre zone.

In addition to the above, subject to investigation for other metropolitan centres with rapid transit stops where a Height Variation Control in the walkable catchment is currently greater than 22m, the potential for this to be increased to 32m could be possibly supported in the THABZ and MUZ, subject to the matters set out in paragraphs 3.3(a)(6), (7), and (10) of the abovementioned JWS.

3.3.2. Walkable catchments – other considerations

Evan Keating noted that height is not the only issue in walkable catchments and the Waka Kotahi submission requested that a mix of uses be enabled within walkable catchments. This request is spread across a number of submission points but could be provided through either application of the Mixed Use Zone or by altering the provisions of a THAB zone to provide for non-residential uses.

Nick Pollard and **David Mead** while not averse to the idea of mixed uses in walkable catchments, do not support amendments seeking a change in activities enabled in the THAB zone and/or expansion of the MUZ, noting that there may be a question of scope and that in their view changes of this nature within walkable catchments would require area-specific assessment.

4. Participants to Joint Witness Statement

4.1. The participants to this Joint Witness Statement, as listed below, confirm that:

- a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- b) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
- c) The matters addressed in this statement are within their area of expertise; and
- d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator and this is recorded in the schedule below.

4.2. Confirmed online 13/03/2024

Auckland Council **PC78** – Joint Witness Statement Topic 016B Metropolitan Centre Zone Provisions and 014F Height – Metropolitan Centre WC Intensification Response, 13/03/2024

Expert's name and expertise	Party	Expert's confirmation (refer para 4.1)
Amanda Coats (Planning)	North Eastern Investments Limited	Yes
Craig McGarr (Planning)	Oceania Healthcare Ltd, Scentre (NZ) Ltd	Yes
David Mead (Planning)	Auckland Council	Yes
David Wren (Planning)	Domain Gardens Development Limited	Yes
Evan Keating (Planning)	Waka Kotahi New Zealand Transport Agency	Yes
Greg Osborne (Planning)	Auckland International Airport Limited	Yes
Nick Pollard (Planning)	Auckland Council	Yes
Rachel Morgan (Planning)	Kiwi Property Group Limited, Southpark	Yes – attended up to item 3.3.2

Expert Conference attendance sheet

Topic 016B Metropolitan Centre Zone Provisions and 014F Height – Metropolitan Centre WC Intensification Response:

Date: 13/03/2024

Facilitator: Richard Blakey

Location: Online

Submission number	Submitter name	Representative at mediation	Email	Notes
939	Auckland Council	Nick Pollard (Planning) David Mead (Planning)	nick.pollard@boffamiskell.co.nz david@meadplanning.nz	
870	Auckland International Airport Limited	Greg Osborne (Planning)	greg@osbornehay.co.nz ;	
1055	Domain Gardens Development Limited	Craig McGarr (Planning)	cmcgarr@bentley.co.nz ;	
FS184	Kiwi Property Group Ltd	Rachel Morgan (Planning)	RachelM@barker.co.nz	Left prior to item 3.3.2.
FS472	North Eastern Investments Limited	Amanda Coats (Planning)	amanda@proarch.co.nz ;	
FS226	Oceania Healthcare Ltd	Craig McGarr (Planning)	cmcgarr@bentley.co.nz ;	
2226	Scentre (NZ) Ltd	Craig McGarr (Planning)	cmcgarr@bentley.co.nz ;	
FS12	Southpark	Rachel Morgan (planning)	RachelM@barker.co.nz	Left prior to item 3.3.2.
2049	Waka Kotahi New Zealand Transport Agency	Evan Keating (Planning)	Evan.Keating@nzta.govt.nz ;	