

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 Topics:

16C Business – Town Centre Zone

16D – Business – Local Centre Zone provisions

16E – Business – Neighbourhood Centre Zone provisions

Expert conferencing held on	19 March 2024
Venue	Online
Independent facilitator	Marlene Oliver
Secretariat planner	Michelle Creamer

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. Note from the facilitator

- 3.1.1** Some experts (other than the Council's experts) were not present during the whole session. Therefore where the JWS text refers to "experts other than the Council's" or "All experts" it was not possible to identify which experts were present at any given time. If experts consider that the JWS needs to be refined to better reflect their position, they should do so either at any appropriate subsequent expert conference or in their evidence.

3.2 Ratification of the agenda

- 3.2.1** All experts agreed to use the combined centres version of the agenda. All experts agreed that it would be useful to record centre specific and site specific concerns during this session where they are illustrative of the more general topic being discussed under this agenda. Although today's session is fairly high level, the more specific information will be made available to the Council's team who are dealing with the more site specific submission requests.

3.3 Feedback to Council's PC78 Team

- 3.3.1 Cam Wallace** notes that when relying on the evidence of other Council witnesses, it would be helpful for Council's witnesses to provide specific references (e.g. pages, paragraphs, figures, appendices) within their evidence rather than reliance on a generic reference to the evidence as a whole. This will enable a clear understanding of their position and save considerable time avoiding the need for re-reading of multiple pieces of evidence to clearly understand Council's position.

3.3.2 All experts recorded that, while they understand the complexities involved in coding submissions and managing the hearings, they are concerned that it is difficult to be certain that they are able to attend the relevant ADR sessions and hearing sessions to address all of the matters relevant to particular submitters, and that these matters will be considered in a comprehensive way.

3.4 Discussion of following key issues arising from submissions:

3.4.1 How should building heights and density of urban form be set in Town Centre, Local Centre and Neighbourhood Centre zones in walkable catchments, covered by Policy 3(c) of the NPS UD?

3.4.1.1 **All experts** agreed that it is appropriate to enable at least six storeys in all Town Centre, Local Centre and Neighbourhood Centre zones in walkable catchments (required by Policy 3(c)).

3.4.1.2 **Nick Pollard** referred to the JWS on topics JWS Topic 014A, 014B, 014C, 014G, 014H, and 014I Height 11 & 12 March 2024 which included agreement to increasing height to 22m (cl 3.4(a)(i) noting that some experts sought greater height.

3.4.1.3 **All experts** noted that in PC78 (as notified) it appears that the HVC's in the operative plan have been carried through, resulting in a mix of heights but in some cases they do not provide for at least six stories as required by Policy 3(c). The experts support the existing HVC's to the extent they enable heights greater than six stories. However, the experts consider that the HVC's should be reviewed to better reflect the NPS UD.

3.4.1.4 **All experts** are agreed that in relation to land within and adjacent to Town Centres, Local Centres and Neighbourhood Centres in walkable catchments, there should be further place-based assessments to identify opportunities for additional building height (consistent with Policy 3(c) of the NPS-UD) subject to scope within the submissions and PC78. This

assessment should include a review of Height Variation Controls and any changes to the extent of walkable catchments.

3.4.2 Within and adjacent to town centres and local centres. Policy 3(d) NPS UD

- 3.4.2.1 **All experts** are agreed that in relation to land within and adjacent to Town Centres and Local Centres there should be further place-based assessment to identify opportunities for additional building height (consistent with Policy 3(d) of the NPS-UD) subject to scope within the submissions and PC78. This assessment will include a review of Height Variation Controls.
- 3.4.2.2 **All experts** note that policy 3(d) is not limited to existing commercial activity and community services, nor is it limited to these activities/services being within the centre zoning (for example opportunities for these activities/services in these surrounding areas should also be taken into account). They consider that responding to policy 3(d) should be forward looking and plan for the future role that these centres will play. In doing further place based assessment the surrounding zoning should be considered in conjunction with the centre zoning, including opportunities for increased height across both of these areas. Policy 13(za) (PC78 as notified) could be reviewed to reflect the matters raised in this paragraph and to ensure that it is not limited to the existing level of community activities and community services.
- 3.4.2.3 **Matt Norwell** confirmed that further place based assessment would provide an opportunity to address submissions lodged by Foodstuffs North Island Limited in relation to nine town centres and seven local centres.
- 3.4.2.4 **Peter Neeve** supported Matt Norwell's comment in relation to Drive Holdings Limited submissions on Mission Bay and Meadowbank local centres.

3.4.2.5 **Brooke Dales** noted that in terms of the Remuera Town Centre, a Height Variation Control limits height to 18m without any character overlays or specific information in the plan documents explaining the reasoning. He notes that within 200m the THAB zone applies. He considers that greater height would be appropriate on Remuera Road. In his opinion, this example highlights the need for further place specific analysis to appropriately reflect the NPS UD.

3.4.3 Centre and site specific submissions

3.4.3.1 **The experts** understand that the Council team is carrying out further evaluation in response to submissions. All experts consider that further expert conferencing on the Council's response to submissions would be very beneficial in advance of the preparation of evidence and hearing time.

3.4.3.2 **The experts for submitters** (other than for Auckland International Airport) note that many of them have considerable in-depth knowledge of the centres and consider that an opportunity to share this information with the Council's team in advance of the formal hearing would be advantageous to all parties. These experts confirm that they are available to provide comment if any opportunities can be made available.

3.4.4 6m setback at upper floors (Standard H10.6.3)

3.4.4.1 **Cam Wallace and Matt Norwell** consider that the 6m setback from the site frontage at 18m in height for buildings opposite a residential zone in Standard H10.6.3 is not appropriate for Town Centres.

3.4.5 Centre zones – cross references to qualifying matters

3.4.5.1 **Greg Osborne and Nick Pollard** support including reference to qualifying matters that may require lower heights/density be included in Local Centre zone Policy H11.3(2) and Neighbourhood Centre zone Policy H12.3(2). Similar policies occur in other centre zones and these should be consistently amended if there is scope to do so.

3.4.5.2 **Greg Osborne and Nick Pollard** support retaining references to qualifying matters in:

- H10.1 Zone description and H10.3 Policies
- H11.1 Zone description, H11.2 Objectives and H11.3 Policies
- H12.1 Zone description, H12.2 Objectives and H12.3 Policies

3.5 Retirement Villages Association of New Zealand Incorporated (RVA) submission

3.5.1 Note from the facilitator – There were no experts for the RVA, nor any of the further submitters, in attendance at this expert conferencing session. Therefore the agenda item was not discussed.

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, noting the Note from the facilitator at para 3.1; 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.

Confirmed online 19 March 2024

EXPERT'S NAME	EXPERTISE	PARTY	EXPERT'S CONFIRMATION (REFER PARA 4.1)
Nick Pollard	Planning	Auckland Council	Yes
David Mead	Planning	Auckland Council	Yes
Brooke Dales	Planning	Porter Group Limited	Yes
Jethro Joffe	Planning	Ockham Group Limited	Yes
Peter Neeve (Topic 16D)	Planning	Drive Holdings Limited	Yes
Greg Osborne	Planning	Auckland International Airport	Yes
Matt Norwell	Planning	Foodstuffs North Island Limited	Yes
Cam Wallace	Urban Design	Foodstuffs North Island Limited	Yes
Kasey Zhai	Planning	Foodstuffs North Island Limited	Yes