

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 016F Business Zones (provisions) - Mixed Use Zone

Expert conferencing held on	20/03/2024
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. **Ratification of the agenda**

3.2. **How should building heights and density of urban form be provided for land zoned Mixed Use within walkable catchments, covered by Policy 3(c) of the NPS-UD?**

- 3.2.1. **All experts** agreed that it is appropriate to enable at least six storeys in the Business - Mixed Use Zone in walkable catchments (required by Policy 3(c)).
- 3.2.2. **Nick Pollard** referred to 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.
- 3.2.3. **All experts** noted that in PC78 (as notified) it appears that the Height Variation Controls 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 storeys as required by Policy 3(c). The experts support the existing HVCs to the extent they enable heights greater than six storeys. However, the experts consider that the HVCs should be reviewed to better reflect the NPS UD.
- 3.2.4. **All experts** noted the following position recorded in JWS Topic 014A, 014B, 014C, 014G, 014H, and 014I Height 11 & 12 March 2024:

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.

i. All experts agree with increasing from six to nine storeys (32m) in the identified areas.

ii. Experts other than the Council's consider that there are areas within the walkable catchments for the city centre zone and the Newmarket metropolitan zone which are appropriate for building heights greater than nine storeys. There are walkable catchments of other centres where it is appropriate for building heights greater than six storeys.

- 3.2.5. **All experts** noted the following position of experts for the Council recorded in the JWS Topic 016B Metropolitan Centre Zone Provisions and 014F Height 13 March 2024 at 3.3.1.1:

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. How should building heights and density of urban form be provided for Mixed Use Zone adjacent to Neighbourhood Centre Zones, Local Centre Zones, and Town Centre Zones covered by Policy 3(d) of the NPS-UD?

All experts are agreed that in relation to Mixed Use zoned land 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.

All experts note, as per 3.4.2.2. of the JWS Topics 16C, 16D and 16E Centres 19th March 2024, that NPS-UD Policy 3(d) is not limited to existing commercial activity and community services, nor is it limited to these activities/services being within the centres zones (for example opportunities for these activities/services in the surrounding Mixed Use Zone areas should also be taken into account). The experts 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.

All experts except Amanda Coats consider that H13.3(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.

Amanda Coats considers that H13.3(13)(za) (PC78 as notified) should be deleted.

3.4. How should building heights and density of urban form be provided for in land zoned Mixed Use not covered by Policy 3(c) or 3(d)?

Matt Norwell and **Amanda Coats** consider that the existing height standards of the Mixed Use Zone should be subject to review as part of the PC78 process. This is to avoid anomalous differences in height across the zone and a potential reduction of development capacity, having regard to Policy 2 of the NPS-UD.

Amanda Coats considers that increased height is appropriate adjacent to infrastructure-ready land in the Mixed Use Zone, for example, land adjacent to arterial roads.

Nick Pollard and **David Mead** consider that the operative provisions of the Mixed Use Zone, which are not altered by PC78, are appropriate.

3.5. Is it appropriate to retain Standard H13.6.2 Height in relation to boundary in PC 78 as notified with its proposed 19m + 60 degree recession plane and/or to amend Standard H13.6.2 to specify boundaries where the standard does not apply (i.e., apply exclusions)?

Craig McGarr considers that the operative 2.5m + 45° height in relation to boundary standard should apply to the interface with land zoned Residential – Low Density.

David Wren supports Standard H13.6.2 Height in relation to boundary as notified.

Nick Pollard and **David Mead** note that the notified standard H13.6.2 should be reviewed as it relates to the interface with land zoned Residential - Low Density to appropriately manage effects such as visual dominance, overlooking and shading.

3.6. Should Policy H13.3(2) be amended to refer to qualifying matters that require lower heights / density?

Greg Osborne supports including reference to qualifying matters that may require lower heights/density in Mixed Use Zone Policy H13.3(2) as follows:

(2) Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while reflecting any qualifying matters that require reduced height and/or density and managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.

Amanda Coats does not support the reference to “**any** qualifying matters” in the proposed amendment above.

Nick Pollard supports including reference to “any qualifying matters that may require lower heights/density” in Mixed Use Zone Policy H13.3(2). Similar policies occur in other business zones (excluding the City Centre Zone) and these should be consistently amended in line with the above if there is scope to do so.

3.7. Is it appropriate to retain reference to qualifying matters in H13.1 Zone description, H13.2 Objectives and H13.2 Policies?

Greg Osborne and **Nick Pollard** support retaining references to qualifying matters in H13.1 Zone description, H13.2 Objectives and H13.3 Policies.

Amanda Coats does not support retaining references to qualifying matters where no qualifying matter with respect to flood hazard existed on the land prior to the notification of PC78.

3.8. Retirement Villages Association of New Zealand Incorporated (RVA), Urban Auckland, Tram Lease Limited and College Hill Investments Limited submissions

Note from the facilitator – There were no experts for above submitters in attendance at this expert conferencing session. Therefore their agenda items were 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; 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 20/03/2024**

Expert's name and expertise	Party	Expert's confirmation (refer para 4.1)
Amanda Coats (Planning)	North Eastern Investments Limited	Yes
Craig McGarr (Planning)	Andrew and Sheridan Harnos / Summerset / Generus	Yes
David Mead (Planning)	Auckland Council	Yes
David Wren (Planning)	Rutherford Rede	Yes
Greg Osborne (Planning)	Auckland International Airport Limited	Yes
Matt Norwell (Planning)	Foodstuffs North Island Limited	Yes
Nick Pollard (Planning)	Auckland Council	Yes

Expert Conference attendance sheet

Topic 016F: Business Zones (provisions) – Mixed Use Zone

Date: 20/03/2024

Facilitator: Richard Blakey

Location: Online

Submission number	Submitter name	Representative at mediation	Email	Notes
939	Auckland Council	Nick Pollard	Nick.Pollard@boffamiskell.co.nz	
939	Auckland Council	David Mead	d.mead@xtra.co.nz	
1509, FS182	Andrew and Sheridan Harnos	Craig McGarr	cmcgarr@bentley.co.nz	
870, FS312	Auckland International Airport Limited	Greg Osborne	greg@osbornehay.co.nz	
941, FS340	Foodstuffs North Island Limited	Matt Norwell	mattn@barker.co.nz	
836, FS472	North Eastern Investments Limited	Amanda Coats	amanda@proarch.co.nz	
703, FS159	Rutherford Rede	David Wren	david@davidwren.co.nz	
2083	Universal Homes	Michael Campbell	michael@campbellbrown.co.nz	