

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 019A Centres – NPS-UD Policy 3d response – Methodology

Expert conferencing held on	27 March 2024
Venue	Online
Independent facilitator	Kim Hardy
Secretariat planner	Wayne Siu

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

Note from the facilitator: 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.

3.1. Strategic planning context

3.1.1. At the opening of the expert conference **all experts** wished to note the following concerns with the strategic planning context around PC78:

- (i) The degree of place-based analysis including specific consideration around the interaction of constraints and opportunities e.g. Ponsonby and Remuera town centres.
- (ii) Whether there has been any **place-based** consideration for **exempting** certain town centres (noting the Council's s32 exempted some centres due to accessibility and size) from the application of Policy 3(d) e.g. Ponsonby.
- (iii) Need for high-level expert discussions, noting particularly the siloing of approach to overlapping planning issues.
- (iv) The limited scope within the provisions of Policy 3 of the NPS-UD and the timeframe for considering and determining the plan change.

3.2. How should the level of commercial activity and community services be measured for Neighbourhood, Local and Town Centre Zones?

3.2.1. **Ryan Bradley** provided a detailed outline of the Council's general approach on how it identified the level of commercial activity and community services, considering:

- (i) Zone hierarchy
- (ii) Size of the centre (e.g. footprint of the zone)
- (iii) Accessibility (using the 2031 public transport network - General Transit Feed Specification data)

3.2.2. **All experts other than Morgan Shepherd and Peter Neeve** agreed that the general approach has been appropriate.

3.2.3. **Morgan Shepherd and Peter Neeve** considers that the Council's approach and the subsequent use of the 'cut-off' at the half-way point for size and accessibility of local centres, is inappropriate for centres selection under Policy 3(d).

3.2.4. **Brian Putt, Brooke Dales, Morgan Shepherd, and Peter Neeve** considers that a further place-based analysis is needed to further refine the above approach in 3.2.1.

3.2.5. **Brian Putt** considers that it is appropriate to consider the effects of constraints (such as special character overlays which limit the scale of development) and existing economic characteristics in exempting a Neighbourhood, Local and Town Centre Zone from the application of Policy 3(d) e.g. Ponsonby has highly specialised retail and hospitality and entertainment.

Note from the facilitator: A large majority of experts (other than the Council's) were not available from 12.30 onwards. As such, the experts were not able to conference on items 3.3 to 3.6 below (other than 3.3.3). Notwithstanding, they confirmed that the matters addressed in this statement expressed their key concerns relating to this topic. The conference was concluded at 12.48pm.

3.3. Are the current AUP heights and densities within centre zones commensurate with the levels of activities and services in:

~~3.3.1. Neighbourhood Centre zones?~~

~~3.3.2. Local Centre zones?~~

3.3.3. Town Centre zones?

Brooke Dales notes and agrees with the appropriateness of para 3.3(a)(5) of the Topic 014A + 014B + 014C + 014G + 014H + 014I JWS and para 3.4.2.1 of the Topic 016C + 016D + 016E as they apply to Town Centres. The JWSs state:

- (i) *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. What land should be considered adjacent to Neighbourhood, Local and Town Centre zones?~~

~~3.5. Are the current heights and densities adjacent to Neighbourhood, Local and Town Centre zones commensurate with their levels of activities and services?~~

~~3.6. What commensurate zoning response should there be on land adjacent to centres?~~

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: 27 March 2024**

Expert’s name and expertise	Party	Expert’s confirmation (refer para 4.1)
Barry Kaye (Planning)	Ockham Group Limited	Yes
Brian Putt (Planning)	St Mary’s Bay Association, Freeman’s Bay Residents Association	Yes

Brooke Dales (Planning)	Alastair Porter	Yes
David Mead (Planning)	Auckland Council	Yes
Doug Fairgray (Economics)	Auckland Council	Yes
Morgan Shepherd (Planning)	Andrew Body	Yes
Peter Neeve (Planning)	Drive Holdings Ltd	Yes
Ryan Bradley (Planning)	Auckland Council	Yes

Expert Conference attendance sheet

Topic 19A: Centres – NPS-UD Policy 3d response – Methodology (centre selection and distance of adjacent)

Date: 27 March 2024

Facilitator: Kim Hardy

Location: 9.30am – 12.48pm Online

Submission number	Submitter name	Representative at mediation	Email	Notes
1118	Alastair Porter	Brooke Dales (Planning)	brooke@dcs.gen.nz	Left 11.15am
374	Andrew Body	Morgan Shepherd (Planning)	morgan@brownandcompany.co.nz	Left 11.40am
-	Auckland Council	David Mead (Planning)	d.mead@xtra.co.nz	
-	Auckland Council	Doug Fairgray (Economics)	doug@me.co.nz	
-	Auckland Council	Ryan Bradley (Planning)	ryan.bradley@aucklandcouncil.govt.nz	
942	Drive Holdings Ltd	Peter Neeve (Planning)	neeeve@xtra.co.nz	Left 11.15am
830	Ockham Group Limited	Barry Kaye (Planning)	barrykaye@xtra.co.nz	Left 10.40am
2193	St Mary's Bay Association	Brian Putt (Planning)	brian@metroplanning.co.nz	Left 11.00am
2201	Freemans Bay Residents Association Inc	Brian Putt (Planning)	brian@metroplanning.co.nz	Left 11.00am