

AUCKLAND COUNCIL:

PRIVATE PLAN CHANGE 48: DRURY CENTRE PRECINCT – KIWI PROPERTY HOLDINGS LTD

PRIVATE PLAN CHANGE 49: DRURY EAST PRECINCT – FULTON HOGAN LAND DEVELOPMENT LTD

PRIVATE PLAN CHANGE: 50 WAIHOEHOE PRECINCT – OYSTER CAPITAL.

JOINT WITNESS STATEMENT (JWS)

PLANNING (1) - 31 MAY 2021.

Expert Witness Conferencing Topic: Planning

Held on: 31 May 2021, commencing at 9am.

Venue: Committee room, level 26, Auckland House, 135 Albert St, Auckland Central.

Independent Facilitator: Marlene Oliver.

Admin Support: Cosette Saville.

1. Attendance:

The list of expert participants is at the end of this Statement. Their area of expertise (planning) is identified with their names.

2. Environment Court Practice Note 2014.

- i. All participants agree that the Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session.
- ii. All participants agree to comply with the relevant provisions of the Environment Court Practice Note 2014.
The Auckland Council (as regulator) participants attended as observers, given their role as s42A reporters.
- iii. All participants agree to make themselves available to appear at the hearing in person if required to do so by the Hearing Panel (as directed by the Hearing Panel's Directions).

3. Basis of participation

Karyn Sinclair (Auckland Transport) and John Duguid, Chris Turbott and Ezra Barwell (Auckland Council (as submitter)) recorded their concern about caucusing prior to

the receipt of the s42A report and agree to participate at a high level only and will not be able to comment on specific provisions at this stage of the process.

Mike Hurley (The Ministry of Housing and Urban Development (HUD)) recorded that HUD has an interest in purchasing a part of the Oyster Capital (PC50) land. This proposal arose after the original submission had been lodged.

4. Kainga Ora proposal to re-zone 1-1A East St.

Michael Campbell for Kainga Ora explained the basis for seeking the land described as 1-1A East Street to be rezoned from Future Urban zone (FUZ) to THAB and Local Centre zone in PPC50.

Paul Sousa for Phil Hogan (owns 1A East Street) noted that Phil Hogan and Kainga Ora are aligned in their requests and joint technical documents will be provided.

Karyn Sinclair for Auckland Transport did not support the inclusion of the further land in the plan changes. The implications for transport infrastructure have not been considered, including upgrades to Great South Road and cumulative effects. Karyn understands that the ITA does not include additional land and the triggers similarly have not included the additional lands. No Section 32 analysis has been presented to date.

Cath Heppelthwaite for Waka Kotahi supports Auckland Transport's position. Noting that planning provisions relating to any additional land areas have not yet been circulated.

John Duguid and Christopher Turbott (Auckland Council (as submitter)) supported the positions stated for Auckland Transport and Waka Kotahi, and he noted that there would be issues related to the shortfall of funding for infrastructure similar to the issues raised in relation to PC48 land.

David Mead (Auckland Council (as regulator)) raised the issue about scope, for including additional land in the plan changes, noting there are several other submissions seeking to include additional land in the plan changes. This also raises questions around whether other parties would have lodged submissions or further submissions if they had understood that further land was being requested for inclusion in the plan changes. Secondly, the issue of the extent of technical analysis to support including additional areas, compared to the documentation lodged with the original PPC's applications.

5. Approaches to open space.

Rachel Morgan for the Applicants outlined that the submissions (primarily Auckland Council) sought more details about open space be provided in the planning provisions. In response to these submissions the applicants will be providing further details including amendments to policies, matters of discretion and assessment

criteria, and mapping of key open space areas and streams. A revised master plan is being prepared for PC48. Details will be provided in evidence.

Christopher Turbott and Ezra Barwell for Auckland Council (as submitter) advised that they have not had time to consider these details. Christopher noted that he would support indicative open space being shown in a precinct plan in principle but would still need to consider this particular proposal. He does not support these details being included in the zoning plans unless it is esplanade reserve. Christopher confirmed that as a general principle he does not support the land under the transmission line corridor being zoned open space. The land in the corridor should take the same zoning as the adjacent land – this is consistent with the current AUP approach.

John Duguid for Auckland Council (as submitter) raised the issue around ownership and zoning of open space areas, noting that the Council has specific policies and processes in place, to guide the provision and acquisition of open space.

Nick Roberts for the Applicants advised that some open space areas may be privately owned and that there is scope in the planning provisions to leave this option available.

David Mead for Auckland Council (as regulator) requested that there be clarity around the ownership of open space and reserve areas that are proposed to be zoned open space. He noted that other forms of easement or protection mechanisms could also be considered for some areas, such as the gas pipeline and the transmission line corridor.

Mike Hurley for HUD sought further rezoning for open space, but he supports the precinct plan approach to identifying areas of open space. Mark Thode for Kainga Ora supports the indicative open space areas otherwise identified on the Masterplan documentation as being identified on precinct plan.

6. Educational facilities

Karin Lepoutre for the Ministry of Education (MoE) sought additional objectives and policies enabling educational facilities. Karin supports revised objective 4 in PC49 to read “*Development is ~~supported~~ coordinated with the supply of by appropriate sufficient transport, water, energy, education and communications infrastructure”.*

Karin is going to further consider the requirement for a supporting policy.

Karin will want to review the revised triggers for transport upgrades as it is understood they will include reference to community infrastructure.

David Mead for Auckland Council (as regulator) raised the NPS-UD reference to definitions of “additional infrastructure” and “development infrastructure”. These have a different policy intent.

David Mead also raised the need to not duplicate provisions that are already in the AUP relating to infrastructure, in particular education facilities. AUP Chapter B2 refers to social facilities.

Karin considers that the AUP does not adequately enable educational facilities and therefore seeks specific provisions in PC49.

The Applicants experts and Karin on behalf of MoE suggest that a new objective could be an alternative way to provide for education facilities and they will have further discussions to address this point.

Mike Hurley for HUD and Mark Thode for Kainga Ora supports that additional provisions need to be included in PC49 to recognise education facilities.

7. Staging and triggers for staging.

Vijay Lala for Lomai Properties Limited (on PC48, PC49 and PC50) understands that the applicants transport modelling is now based on the SGA modelling, in particular the land use assumptions which reflect assumed growth in Stage 1 west of Jesmond Road. Subject to the modelling outcomes confirming acceptable transport capacity outcomes, Vijay advised that Lomai Properties concerns would be adequately addressed.

John Duguid and Christopher Turbott for Auckland Council (as submitter) stated the view that staging of development in the Drury area should be linked to funding for key infrastructure required to support a quality outcome. Karyn Sinclair for Auckland Transport endorsed John's statement and noted that as the triggers will be changed, confirmation of these changes was required before further comments could be made.

8. Relevance of infrastructure funding to zoning decisions under the RMA. AND

9. Consistency of the plan changes with the growth- and infrastructure-related provisions in the NPS-UD and RPS.

Karin Lepoutre was not present and did not participate in these two items.
Nigel Hosken did not participate in these two items.

All other experts (names below) agree that: significant infrastructure investment will be required to service the urbanisation of the PC48, PC49 and PC50 land.

Christopher Turbott for Auckland Council (as submitter) and Karyn Sinclair for Auckland Transport note that significant infrastructure needs to be provided for other plan changes in the area and this should be part of the network analysis and the hearing process for the other plan changes in the Drury FUZ area.

All other experts (names below) agree that: RMA statutory documents require that development is integrated and co-ordinated with the provision of infrastructure. Relevant objective and policies include, but are not limited to: NPS-UD – Objective 6, Policy 1, Policy 8

and Policy 10. Relevant RPS policies include, but are not limited to: B2.2.1(objective 1 and objective 5), B2.2.2 (policy 7), B2.4.2 (policy 6), B3.2.1(objective 5), B3.2.2(Policy 5)(a).

All other experts (names below) agree that: PC48, PC49 and PC50 should address the demands arising from the effects of the plan changes on infrastructure, particularly transport infrastructure. Any infrastructure put in place to address the effects of these plan changes needs to integrate with the wider infrastructure network for Drury, including beyond the plan change areas. The issue of interim solutions versus long term infrastructure upgrades is a key consideration.

Nick Roberts, Rachel Morgan, Vijay Lala, Michael Campbell and Mark Thode consider that the plan changes are required to consider and complement, but not resolve all wider network infrastructure requirements. For example, the interim upgrade of Fitzgerald Road which will complement the full-width upgrade at a later date.

David Mead indicated that the extent of works and the extent of the cumulative effects on the wider network are difficult to define and difficult to attribute to different plan changes. This is yet to be agreed to between the parties.

John Duguid, Christopher Turbott and Karyn Sinclair note that currently the provision of such infrastructure is too uncertain and in particular, that there is insufficient funding available or committed to ensure that integrated and coordinated development can occur in these Plan Change areas.

Nick Roberts, Rachel Morgan, Mark Thode, Michael Campbell, Vijay Lala and Mike Hurley consider that there is sufficient certainty to address the effects of PC48, PC49 and PC50 and that the best option is to rezone the Plan Change areas from FUZ to live zonings (as proposed) and to include a range of mechanisms (including triggers) in the zoning provisions to enable the staging of development to occur as infrastructure is funded and/or provided.

All experts reserve their final positions subject to working through the various amended provisions that parties are providing.

- 10. Amendments proposed to:**
- 11. Zoning.**
- 12. Objectives and policies.**
- 13. Rules.**
- 14. Assessment matters.**
- 15. Notification provisions.**
- 16. Information requirements.**
- 17. Reverse sensitivity controls requested by submitters.**
- 18. Stormwater provisions.**
- 19. Precinct plans/Access A.**

These agenda items were not dealt with during this session.

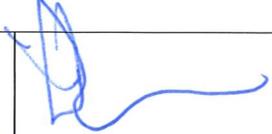
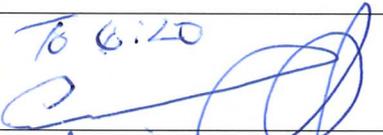
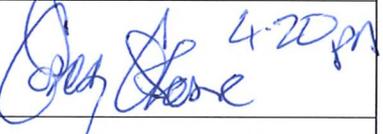
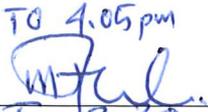
Further planning conferencing to be scheduled for Thursday 10 June 2021. Julie McKee will finalise arrangements.

20. General discussion topic / processing of private plan changes (referred from Transport and Planning JWS #1 held on 24 May, Item 11)

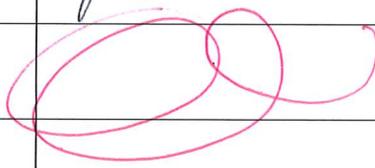
John Duguid noted the concerns of experts and has agreed to set up a session with the planning experts, lawyers and other relevant parties to discuss Auckland Councils processing of private plan changes.

21. All experts agree to file this joint witness statement with the Hearing Panel.

Signed on 31 May 2021:

Expert Name	Parties (app/sub)	
Craig Cairncross	Auckland Council (as regulator)	
David Mead	Auckland Council (as regulator)	
John Duguid	Auckland Council (as submitter)	
Christopher Turbott	Auckland Council (as submitter)	
Paula Vincent	Auckland Council (as submitter)	
Ezra Barwell	Auckland Council (as submitter)	TO 6:20 
Karyn Sinclair	Auckland Transport	
Greg Osborne	Drury South Limited	TO 4:20 pm 
Nick Roberts	Fulton Hogan Land Development Ltd Kiwi Property Holdings No2 Limited Oyster Capital	
Rachel Morgan	Fulton Hogan Land Development Ltd Kiwi Property Holdings No2 Limited Oyster Capital	
Mark Thode	Kainga Ora	TO 4:05 pm 
Michael Campbell	Kainga Ora	TO 3:30 
Andrew Cave	KiwiRail	

Left room without signing on 31/5/21. YJP

Vijay Lala	Lomai Properties Limited	
Karin Lepoutre	Ministry of Education	
Emma Howie	Ministry of Education	
Mike Hurley	The Ministry of Housing and Urban Development (HUD), Te Puni Kōkiri and the Department of Corrections	
Cath Heppelthwaite	Waka Kotahi	
Paul Sousa	Phil Hogan	
Nigel Hosken	Josephine Kleinsman	

Left without signing on 31/5/21. MPO