

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

**AND**

**IN THE MATTER** of **Private Plan Change 67** – Hingaia 1 Precinct to the Auckland Unitary Plan

**JOINT WITNESS STATEMENT (JWS) IN RELATION TO:  
PLANNING**

**1 February 2022**

**Expert Witness Conferencing Topic: Planning**

Held on: 1 February 2022

Venue: Online via Microsoft Teams at 9.30am

Independent Facilitator: Marlene Oliver

Admin Support: Mat Husband

**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 2014**

2.1 All participants agree as follows:

- (a) The Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2014;
- (c) They will make themselves available to appear before the Hearing Panel, if required to do so by the Panel;
- (d) This statement is to be filed with the Hearing Panel.

**3 Matters considered at Conferencing – Agenda and Outcomes**

3.1 Extent of Changes proposed by PPC 67

Aaron Grey (Hugh Green), David Wren (s.42A), Alina Wimmer (AKC submitter) and Trevor Mackie (Auckland Transport) agree that some further information is required to assist in clarifying the increase in the likely number of dwellings resulting from PPC67. It was agreed that Aaron Grey would provide this further information as soon as possible and it

is proposed that this topic be considered at the beginning of the combined planning and transport expert conferencing session scheduled for Thursday 03 February 2022.

### 3.2 Medium Density Residential Standards (MDRS)

David Wren (s.42A) and Alina Wimmer (AKC submitter) consider that it is not appropriate to incorporate the MDRS into the PPC67 at this time. The correct time to do that is when Council notifies its IPI in August 2022 and Council concurrently notifies a variation to PPC67.

Aaron Grey (Hugh Green) considers it more efficient to incorporate the MDRS as part of the decision on PPC67 and that this can avoid Council requiring to notify a variation under clause 34 of schedule 12 if drafted appropriately. This could be achieved through provisions with a sunset clause that become ineffective once Council incorporate the IPI into the AUP under clause 103(2) of schedule 1.

David Wren (s.42A), Alina Wimmer (AKC submitter) and Aaron Grey (Hugh Green) agree that there are components of PPC67 which will not be affected by the Council's IPI and variation. For example, the Neighbourhood Business Centre, Open Space matters, show homes, some aspects of the formatting. For these reasons, Aaron Grey supports continuing with the hearing and decision making as it may allow for some parts of PPC67 to be the confirmed planning controls in the PPC67 area, particularly the non-residential areas.

This matter remains unresolved between the experts.

Note: this situation affects a number of private plan changes throughout the Auckland region. However, Aaron Grey considers the circumstances around PPC67 are different to the large majority of the other PPCs and that the hearing and decision making should proceed on the current hearing timetable.

### 3.3 Business Zoning

Aaron Grey (Hugh Green), David Wren (s.42A) and Alina Wimmer (AKC submitter) agree that operative Hingaia 1 precinct objective 11 and policy 18 can be deleted as they duplicate provisions in the underlying zone and do not need to be repeated.

Aaron Grey, David Wren and Alina Wimmer agree to rely on the underlying zone provisions for retail and that no rules are required within the precinct activity table (subject to confirming traffic modelling in relation to supermarkets).

### 3.4 Show Homes

David Wren (s.42A) and Aaron Grey (Hugh Green) agree that it is appropriate to provide for show homes as a permitted activity (subject to the proposed standard) in MHS and MHU zones in the PPC67 area.

No other planning experts have an interest in this topic.

### 3.5 Deletion of Affordable Housing

David Wren (s.42A), Alina Wimmer (AKC submitter) and Aaron Grey (Hugh Green) agree that it is appropriate to delete the affordable housing provisions in the PPC67 area, as this is consistent with the AUP (outside HASHAA precincts).

Alina Wimmer notes the Council has yet to notify its IPI that will implement the NPS-UD which may include provisions related to Auckland-wide provisions for affordable housing.

### 3.6 Structures not defined as Buildings

Currently the AUP does not explicitly provide for minor structures not defined as buildings. Hence, they may default to a non-complying status.

Aaron Grey (Hugh Green) and David Wren (s.42A) agree that these structures should be provided for as permitted activities. This issue is region-wide but both experts agree that it can be “fixed” as part of PPC67 for this precinct.

No other planning experts have an interest in this topic.

### 3.7 Coast and Open Space

#### A. Coastal Density

50m buffer:

Aaron Grey (Hugh Green), David Wren (s.42A) and Alina Wimmer (AKC submitter) agree that all references to “Coastal Density Restriction (50m buffer from coastline)” be deleted from the precinct plan diagram and key. Reason: this term and notation is not used in any of the provisions and rules in the AUP and is therefore unnecessary.

600m<sup>2</sup> site control:

Aaron Grey supports the deletion of the land use and subdivision rules restricting lots under 600m<sup>2</sup> being created adjacent to coast and/or esplanade reserve. Such proposals are of non-complying and restricted discretionary status in the operative Hingaia 1 Precinct provisions, however it is to be noted that there are no matters of discretion for the RDA applications. The provisions in E36 would continue to manage coastal erosion matters.

Alina Wimmer and David Wren support retention of the existing operative rules for subdivision but support deletion of the land use rules relating to development on lot of less than 600m<sup>2</sup>. David Wren acknowledges the lack of matters of discretion is a problem other than provided for by general rule C1.8(1) of the AUP (assessment of restricted discretionary activities).

Aaron Grey notes that under the operative provisions it is a permitted activity to construct 3 dwellings on a site 600 m<sup>2</sup> or larger adjacent to the coast and/or esplanade reserve (subject to being outside the coastal erosion hazard area to which E36 applies). David Wren and Alina Wimmer agree.

#### B. Open Space Interface

Aaron Grey (Hugh Green), David Wren (s.42A) and Alina Wimmer (AKC submitter) all agree that the proposed standard for fences and walls adjoining reserves is appropriate other than changing references to reserves to open space.

Aaron Grey, David Wren and Alina Wimmer agree in general terms that the AUP provisions that do not require a HIRB control on a boundary adjoining an open space zoning (e.g. for spaces greater than 2,000m<sup>2</sup> and 20m width) could also apply to areas that have been confirmed for reserve purposes but have not yet been zoned open space. The experts agree that these provisions should not apply to areas that are only covenanted. The experts agree to review some amended drafting of rules to achieve this intent. Aaron Grey to circulate proposed wording for consideration.

C. Open Space Zoning

Aaron Grey (Hugh Green), David Wren (s.42A) and Alina Wimmer (AKC submitter) all agree that no areas within PPC67 should be rezoned as “open space” at this time. It is noted that there are areas in the process being acquired by Council and/or vested as reserve and it is not appropriate to rezone these areas until those processes are complete.

3.8 Stormwater

Experts for Hugh Green Ltd are to consider whether they can discuss stormwater issues directly with Healthy Waters (Auckland Council). If expert conferencing on stormwater is preferred then Hugh Green Ltd experts are to advise the independent facilitator and this can be arranged.

3.9 Ecology

3.10 Precinct Plan

The matters raised under these two items (3.9 and 3.10 above) require further discussion between the experts as a starting point Aaron Grey to circulate a copy of the proposed precinct plan to David Wren and Alina Wimmer who will insert additional items, they consider should be shown on the precinct plan if necessary an additional expert conferencing session can be scheduled, the relevant parties shall indicate to the independent facilitator if required.

3.11 Gas line

Graeme Roberts (First Gas Ltd) confirmed that first gas continues to seek recognition and protection of high-pressure transmission pipeline through this plan change. Discussions with representatives for Hugh Green Ltd are continuing.

David Wren (s.42A) and Aaron Grey (Hugh Green Ltd) do not support including specific provisions within the plan change.

This matter remains unresolved at this point but the parties will continue to engage on this and future expert conferencing can be scheduled if required.

3.12 Motorway Noise

(Note from Facilitator: NZTA/Waka Kotahi’s planner Evan Keating advised Nick Sommerville (AK C Hearings Advisor) as follows:

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*In terms of the planning agenda, as per previous emails we will not be providing a planner and will only be attending the transport caucusing. I note that item 12 covers motorway noise issues which were raised in our submission. It is up to Ms Oliver if these are to be covered on the day but can you advise her that Waka Kotahi will not be presenting expert evidence on this topic at the hearing?*

Accordingly, this item will be scheduled for the combined planning and transport expert conferencing session on Thursday 3<sup>rd</sup> of February 2022.

3.13 Infrastructure Servicing

This topic is dependent on the outcomes of item 3.1 and will be revisited depending on those outcomes.

3.14 Referencing Policies for RDA Assessment

Aaron Grey (Hugh Green) and David Wren (s.42A) agree that policy should not be directly referenced by matters of discretion for infringement of vehicle crossing standard but David Wren considers further matters of discretion are required. Aaron Grey to review the wording in Policy I4XX.4.3(13) and consider whether any further text would be appropriate to add to matter of discretion I4XX.8.1(12).

3.15 Other submission points

Note for completeness – there are other submission points that have not been included in this expert conferencing session. Some of these may be addressed by experts in a subsequent session, alternatively they will be addressed in the hearing.

#### 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 Appendix 3 of the Environment Court’s Practice Note 2014 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 on 1 February 2022:**

<b>EXPERT’S NAME</b>	<b>PARTY</b>	<b>EXPERT’S CONFIRMATION REFER PARA 4.1</b>
Aaron Grey (P)	Hugh Green Ltd (PPC 67 Proponent)	Yes
David Wren (P)	Auckland Council – Regulator (s.42A Lead Author)	Yes
Craig Cairncross (P)	Auckland Council - Regulator	Yes
Matt Riley (Urban Design)	Auckland Council - Regulator	Yes – item 3.1 only
Alina Wimmer (P)	Auckland Council - Submitter	Yes
Trevor Mackie (P)	Auckland Transport	Yes – item 3.1 only
Graeme Roberts (P)	First Gas Limited	Yes - Item 3.11 only
Trudi Burney (P)	Transpower New Zealand Limited	Yes – items 3.1 and 3.2 only