

26 October 2023

Peter Reaburn
Consultant to Auckland Council

Dear Peter

Plan Change 75

You have asked for my comment on Plan Change 75 and the proposed introduction of new policy 15A which sets a minimum open space requirement of 7.1ha within the precinct.

Boffa Miskell and Tattico have been providing advice to the Ministry of Housing & Urban Development (HUD) on the appropriateness of the open space provision for the precinct. It was covered in our plan change submission, and as it has been a focus in the clause 23 requests. We have set our proposal and the rationale out at length in our response and the open space report provided to the Council.

The Tattico/Boffa Miskell view and the HUD position is that, in terms of the Crown land held for housing:

- This 5.1ha provision of potential public open space in the locations proposed will meet the needs of residents and is all that is required within the precinct for this purpose.
- The open space has been conceptually configured to provide for a wide range of functions including spaces for playgrounds, informal active recreation (kick a ball around type activity), pleasure areas, formal gardens and connectivity both within, and beyond, the Precinct, providing for an accessible network of open space.
- The quality of these open spaces, in terms of location, connection and function, is a significant enhancement beyond what is currently proposed.
- Furthermore, instead of being identified as private open spaces (i.e. per the notation for most of the identified open space on the original Wairaka Precinct plan 1), which can formally be closed to the public, these areas are now intended to be identified as public open spaces. The proposal in the plan change, if accepted, will therefore increase the public open space from between 3,000-5,000m² to 5.1ha, if the Council agrees to accept this land as vested open space.

Obviously, there are other landowners within the precinct. Unitec itself has close to 1ha of open space for their own student use within the precinct, and Mason Clinic is expected to meet its needs internally to its site, for operational reasons.

If the inference from Council is that a greater area of open space should be provided within the Crown land than what is currently proposed, then my comments on that are:

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- (a) The Council has provided no evidence on this to date.
- (b) The Crown will advance this plan change based on the 5.1ha on the basis the proposal in the plan change is significant, fit for purpose, and will meet the needs of the new residential area.
- (c) If the Council has a contrary view, then that is something that is appropriately addressed and worked through the submission process. It is not a matter that will need to be determined prior to a clause 25 decision.

Obviously, Policy 15A is still working through the statutory process. It is not yet effective, and it may not ultimately become operative. The appeal period for PC75 has not yet closed.

Regardless, as the HUD plan change follows PC75 in time, the opportunity to determine the appropriate policy framework for the Precinct remains on foot. The HUD private plan change does not include Policy 15A and, even if Policy 15A were an operative policy, HUD would be entitled to pursue its deletion on the basis that it is not the most appropriate approach to the provision of open space within the precinct.

The open space policies as put forward in the HUD plan change request are those which the applicant wishes to advance in terms of the notified application version.

In the fullness of time, it will be determined whether or not Policy 15A stands through the statutory process. This includes whether or not there are any appeals to the inclusion of Policy 15A.

Happy to answer any questions.

Yours faithfully



John Duthie
Tattico