

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

AND

IN THE MATTER **Intensification Planning Instrument Plan Change (IPI) Plan Change 78 - to the Auckland Unitary Plan - Operative in Part (AUP)**

DIRECTION FROM THE HEARING PANEL – 18 SEPTEMBER 2024

PLAN CHANGE 78 – ADDITIONAL TOPICS FOR THE METROPOLITAN CENTRE ZONE AND SYLVIA PARK PRECINCT HEARINGS

1. The Panel issued a Direction dated 30 August 2024 scheduling hearings for the topics 016B Metropolitan Centre zone provisions (016B) and 020AY Sylvia Park precinct (020AY). The Council has responded by memorandum on 10 September 2024. It raises the issues of (a) submission points coded to other topics which seek relief relating to height limits in the Metropolitan Centre zone, and (b) the scope of the Topic 020AY Sylvia Park Precinct hearings.

Submissions on heights in the 016B Metropolitan Centre zone coded to topics other than Topic 016B

2. The Council’s memorandum notes Topic 016B contain submission points seeking to change the height limit in the Metropolitan Centre Zone and that there are submission points allocated to other topics which also seek to amend heights in the Metropolitan Centre zone¹. Paragraph 9 of Council’s memo states:

As a result, the Council considers that there is a risk that all submitters with submission points relating to the Metropolitan Centre provisions may not be alerted to the upcoming hearing. Although there may be the opportunity for such submitters to present evidence in later hearing topics about the Metropolitan Centre Zone provisions, they may prefer to present evidence at the upcoming Topic 016B hearing if given the opportunity.

3. The direction scheduling the hearing on topics 016B and 020AY were sent to all PC78 submitters but the Panel accepts that some may not be aware of the issues around the allocation of their submission. Consequently, the Panel agrees with the Council’s suggestion of allowing submitters who have submission points seeking relief on the Metropolitan Centre zone provisions but have not been allocated to the 016B topic nor gone through the topic reallocation process, the option of attending and giving evidence at the upcoming Topic 016B hearing.
4. Where a submitter has identified submission points seeking relief on the Metropolitan Centre Zone provisions that have not been allocated to topic 016B and they want to present on them at

¹ The Council identified submission points 873.22 under Topic 014F Height Metropolitan Centre Walkable Catchment Intensification response, from Kāinga Ora and 2041.148 under Topic 014A Height Business Height – Policy Principles, from Neilston Homes.

this hearing they need to advise the Senior Hearings Advisor by **midday on Monday 7 October 2024**.

5. Where Council is planning on providing evidence on submission points that have not been allocated to this hearing the Panel requests that the Council advises the Senior Hearings Advisor by **midday Monday 7 October 2024** of the submitter and the relevant submission point. The Hearings Advisor will then advise those submitters of Council's intent to file evidence on their submission point.

Scope of Topic 020AY Sylvia Park Precinct hearings

6. By way of summary.
 - a) Kiwi Property Group Limited (Kiwi Property) is a submitter on Topic 020AY Sylvia Park Precinct
 - b) For the sake of efficiency, Kiwi Property, asked to be able to address the entirety of its submission as part of the Topic 020AY².
 - c) The Panel advised Kiwi Property that as it is not making a recommendation, it will be using standard procedures of allowing submitters to speak to multiple topics at the hearing for those topics.
 - d) The Council advised that, because of the above, it would also like to address height and intensity provisions in the Sylvia Park Precinct that was coded to Topic 020J Precincts General.
 - e) The Council, however, will not be addressing Kiwi Property submission points relating to zoning matters.
7. As noted in c) above, and in line with the principles of the hearings set out in its Hearings Procedures Manual – August 2023, the Panel generally allows the presentation of evidence relating to other hearing topics where it is presented at the earliest session in order of hearings.
8. With respect to the Council's response in d), the Panel is of the view that it will be assisted by the Council addressing matters relating to Sylvia Park Precinct site intensity and height provisions as part of the Topic 020AY hearing. However, the Panel will not be including topic 020J as part of this hearing. Parties will still be able to address similar issues when the hearing for that topic is held.
9. Finally, with respect to e), the Panel notes that it will address relief relating to rezoning at a later date and that the hearing remains deferred and is not currently scheduled. It is the Panel's view that if the Council prefers to address Kiwi Property's relief relating to rezoning in evidence at the later hearing topics it may do so.
10. For clarity, matters not relating to the 016B Metropolitan Centre zone provisions and 020AY Sylvia Park Precinct remain deferred as per the Panel's Minute and Direction dated 1 July 2024.

² See email dated 5 September 2024, attached as part of this direction.

11. Any enquiries regarding this Direction, or related matters, should be directed to the Senior Hearings Advisor, Mr Sam Otter by email at npsudhearings@aucklandcouncil.govt.nz

A handwritten signature in cursive script that reads "M. Casey".

Matthew Casey, KC
Chairperson
18 September 2024

Before the Independent Hearings Panel

In the matter of the Resource Management Act 1991 (**RMA**)

And

In the matter of Plan Change 78: Intensification (**PC78**) to the Auckland Unitary Plan Operative in Part (**AUP**)

**Memorandum of counsel on behalf of Auckland Council regarding
Hearing Topic 016B Business – Metropolitan Centre Zone provisions
and Hearing Topic 020AY Precincts – Sylvia Park Precinct**

Date: 10 September 2024



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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum is filed on behalf of Auckland Council (**Council**) following the direction from the Independent Hearing Panel (**Panel**) of 30 August 2024 scheduling hearings for the Business – Metropolitan Centre zone and Sylvia Park precinct on 25 and 26 November 2024.
- 2 The relevant hearing topics have been identified by the Panel as Topic 016B Business – Metropolitan Centre Zone (**Metropolitan Centre Zone**) provisions (**Topic 016B**) and Topic 020AY Precincts – I336 Sylvia Park Precinct (**Topic 020AY**).
- 3 This memorandum draws to the Panel's attention that there may be overlapping submissions concerning the height limits in the Metropolitan Centre Zone in hearing topics other than Topic 016B.
- 4 This memorandum also addresses issues raised by the email correspondence from counsel for Kiwi Property Group Limited (**Kiwi Property**) dated 5 September 2024 regarding the scope of the hearing for Topic 020AY.
- 5 Kiwi Property's view is that the most efficient use of the time allocated for the Topic 020AY hearing would be to address the items of relief the submitter sought that relate to the Sylvia Park Metropolitan Centre and changes to surrounding business zones, including the rezoning of certain sites.
- 6 The approach the Council intends to take (if acceptable to the Panel) is to address submissions specifically relating to the Sylvia Park Precinct provisions, including submissions concerning height but not changes sought to surrounding business zones including rezoning. The reasons for this are set out in this memorandum.

Overlapping height submissions in topics other than Topic 016B

- 7 There are a number of submission points in Topic 016B that concern the standard height limit in the Metropolitan Centre Zone (72.5m) that will need to be addressed in the evidence for Topic 016B.
- 8 We are also advised that there are a number of submission points with overlapping subject matter in other hearing topics that seek relief in relation to the height limits in the Metropolitan Centre Zone. By way of example:
 - 8.1 Submission point 873.22 from Kāinga Ora seeks to amend the Metropolitan Centre Zone to allow unlimited building height except where qualifying matters apply. The submission point has been allocated to Topic 014F Height Metropolitan Centre WC Intensification response; and
 - 8.2 Submission point 2041.148 from Neilston Homes which seeks to amend Standard H9.6.1 Building height to provide for unlimited height within the Metropolitan Centre Zone. The submission point has been allocated to Topic 014A Height Business Height - Policy Principles.
- 9 As a result, the Council considers that there is a risk that all submitters with submission points relating to the Metropolitan Centre provisions may not be alerted to the upcoming hearing. Although there may be the opportunity for such submitters to present evidence in later hearing topics about the Metropolitan Centre Zone provisions, they may prefer to present evidence at the upcoming Topic 016B hearing if given the opportunity.
- 10 The Council therefore respectfully suggests that one option could be for the Panel to advise submitters that if they have submission points seeking relief in relation to Metropolitan Centre Zone

provisions, including height that are allocated to other hearing topics, they have the option of appearing to present and give evidence at the Topic 016B hearing.

Scope of Topic 020AY Sylvia Park Precinct hearing

- 11 Kiwi Property is a key submitter on the Sylvia Park Precinct and has a number of submissions points about the Precinct provisions.
- 12 We understand that the only submission point from Kiwi Property that has been allocated to Topic 020AY is 1087.4, concerning site intensity in the Sylvia Park Precinct.
- 13 The email of 5 September 2024 on behalf of Kiwi Property requests that the scope of the Topic 020AY hearing include the following Kiwi Property submission points:
 - 13.1 1087.1: Delete provisions governing or constraining the height of development on sites in the Sylvia Park Precinct including: relevant parts of Rule I336.4 Activity Table; Rule I336.6.2 Building Height; and Precinct Plan I336.10.1: Height Areas, and their replacement with a maximum height standard across the whole of the Sylvia Park Precinct of 100 metres;
 - 13.2 1087.2: Delete provisions governing or constraining the height of development on sites in the vicinity of the Sylvia Park Precinct and their replacement with the Height Variation Controls specified on the plan attached to the submission;¹

¹ See Kiwi Property map attached as Appendix A to this memorandum. Part of this submission point may relate to the current extent of the Metropolitan Centre Zone and Sylvia Park Precinct.

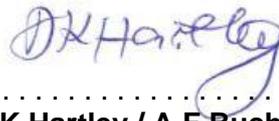
- 13.3 1087.4: Delete provisions governing or constraining site intensity in respect of the Sylvia Park Precinct including: Relevant parts of Rule I336.4 Activity Table; and Rule I336.6.1 Site Intensity; and
- 13.4 1087.6: Rezone Light Industry and Mixed Use zoned land to the east of Sylvia Park Metropolitan Centre to Metropolitan Centre zone as specified on the plan attached to the submission.
- 14 Email correspondence of 9 September from the Panel's Senior Hearing Adviser has subsequently advised counsel for Kiwi Property that as the Panel is not planning on making an early recommendation on Topic 016B and Topic 020AY the Panel will be using the standard procedures allowing submitters to speak to multiple topics at the hearing for those topics. Kiwi Property will therefore be able to address submission points in other hearing topics at the hearing for those topics.
- 15 The Council considers that the scope of the Topic 020AY hearing is more appropriately limited to submission points that specifically relate to the Sylvia Park Precinct provisions. This would include Kiwi Property submission points dealing with site intensity (submission point 1087.4) and building height (submission point 1087.1) and the parts of submission point 1087.2 that concerns building height within the current extent of the Metropolitan Centre zoned Sylvia Park Precinct only.
- 16 The Council acknowledges that submission points 1087.1 and 2 relating to height issues are currently allocated to Topic 020J Precincts General and are additionally allocated to Topic 014B Height - Business height - Strategic Approach. That said, given the interrelationship between the Sylvia Park Precinct site intensity and height limit provisions, the Council considers it is logical and efficient for these matters to be addressed together in evidence at the Topic 020AY hearing.

- 17 If acceptable to the Panel, the Council therefore intends to present evidence at the Topic 020AY hearing about Sylvia Park Precinct site intensity and height provisions.
- 18 However, the Council does not intend to address the Kiwi Property submission points concerning height limits and rezoning requests applying to land outside of the current extent of the Sylvia Park Precinct (parts of submission point 1087.2 and submission point 1087.6²) for the following key reasons:
- 18.1 Zoning matters would typically be a topic dealt with towards the end of the hearing process once a hearing has taken place about the relevant zone provisions;
- 18.2 The submitter's request to rezone Business – Light Industry land to Business – Metropolitan Centre Zone raises strategic issues that should be dealt with on the basis of a comprehensive approach across the region, rather than solely in relation to one area of Business – Light Industry land at Sylvia Park;
- 18.3 Kiwi Property's submission point 1087.6 seeks the rezoning of light industry and mixed use business land to Metropolitan Centre Zone but does not seek the extension of the Sylvia Park Precinct onto the business land, which is the subject of its rezoning request; and
- 18.4 More work would also need to be done for zoning to be addressed so early in the hearing process (and prior to the Panel's consideration of the other business hearing topics, qualifying matters, walkable catchments, and strategic height issues).

² Submission point 1087.6 is allocated to Hearing Topic 008 Urban environment.

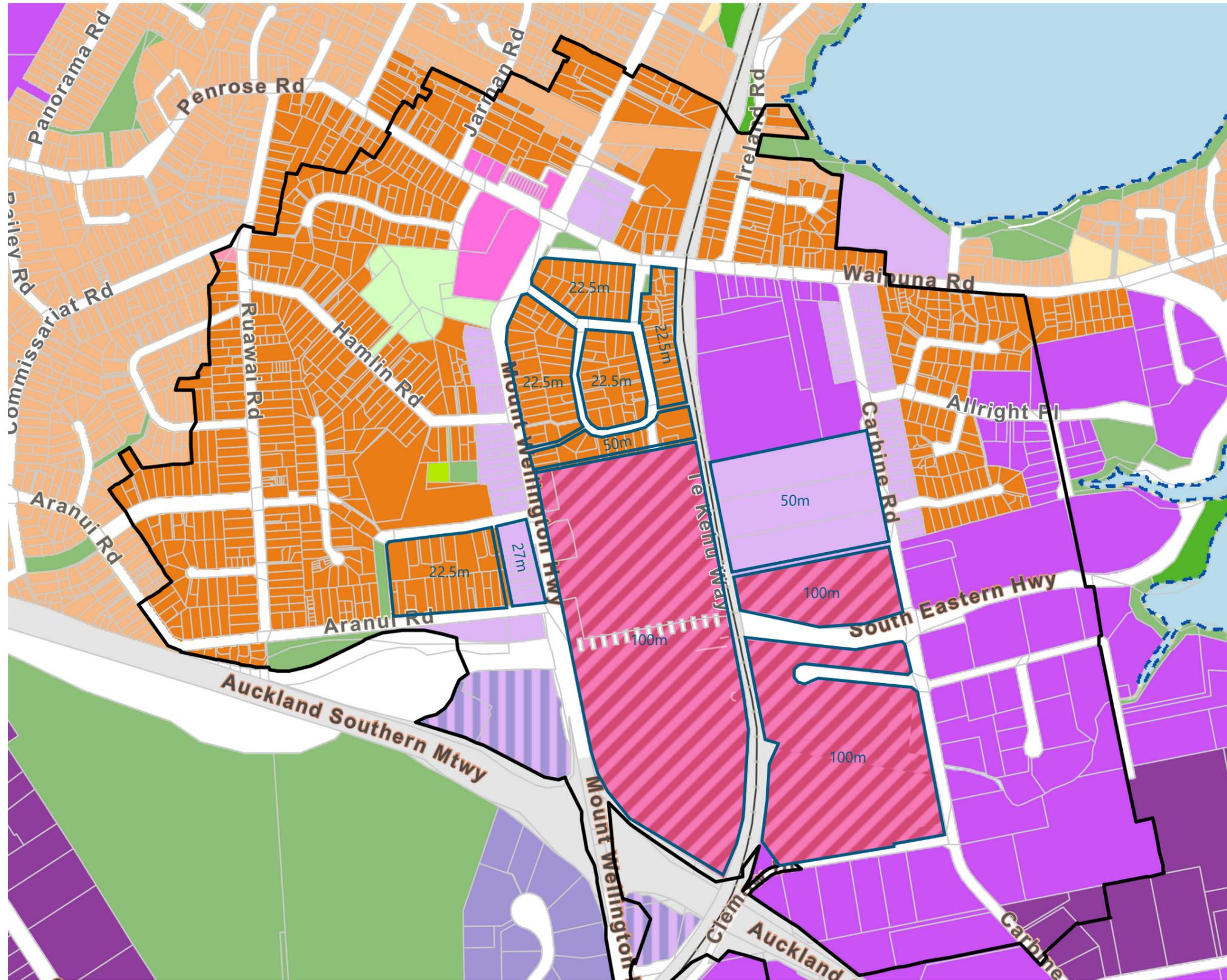
- 19 In addition, the Council is aware that other submitters have also sought relief for land on the periphery of the Sylvia Park Metropolitan Centre which would overlap with the area subject to Kiwi Property's submission points 1087.2 and 1087.6.
- 20 By way of example, Kāinga Ora submission point 873.17 allocated to Topic 014J Height - RTN intensification response seeks amongst other relief height limits of 43m for the areas of Business – Mixed Use and Business - Light Industry land to the east of Sylvia Park Precinct. Kāinga Ora's submission point relates to building heights within walkable catchments of Metropolitan Centre Zones, where the Metropolitan Centre Zone coincides spatially with the location of a rapid transit stop (which is the case at Sylvia Park).
- 21 In conclusion, for these reasons the Council considers that it is appropriate for its evidence for the Topic 020AY hearing about Sylvia Park Precinct to be confined to addressing site intensity and height provisions in relation to the current extent of the Sylvia Park Precinct, and for other aspects of the submitter's relief to be addressed by evidence in later hearing topics.

Date: 10 September 2024



.....
D K Hartley / A F Buchanan
Counsel for Auckland Council for
PC78

Sylvia Park - PC 78



Legend

- Proposed Walkable Catchment Boundary
- Business - Metropolitan Centre Zone
- Height Variation Control Boundary

From: [Douglas Allan](#)
To: [Sam Otter](#)
Cc: [Hartley, Diana](#); [Buchanan, Anne](#); [Alex Devine](#)
Subject: PC78 Direction 30 Aug 2024 - Metro Centres and Sylvania Park Hearing - Scope of Sylvania Park Hearing
Date: Thursday, 5 September 2024 8:05:58 am
Attachments: [image001.png](#)
[Direction 30 August 2024 - Scheduling Metro Centre Hearings FINAL.pdf](#)
[PC78_1087_KiwiPropertyGroupLimited.pdf](#)

Dear Sam,

Thank you for your email of 30 August and the attached Directions.

We write on behalf of Kiwi Property Group Limited, which asks that its submission points 1087.1, 1087.2, 1087.4 and 1087.6 all be included in the scope of the November hearing on Sylvania Park.

By way of explanation:

1. The Panel has set down for hearing “*Topic 020AY Precincts – I336 Sylvania Park Precinct*”.
2. A copy of Kiwi Property’s submission #1087 is **attached**. Most of the relief sought in the submission relates to Sylvania Park and its environs, including:
 - a. Submission 1087.1 - Deletion of the Unitary Plan provisions governing or constraining the height of development on sites in the Sylvania Park Precinct and their replacement with a maximum height standard across the whole of the Sylvania Park Precinct (i.e.: all of the current Sylvania Park sub-precincts A, B and C) of 100 m.
 - b. Submission 1087.2 - Deletion of the Unitary Plan provisions governing or constraining the height of development on sites in the vicinity of the Sylvania Park Precinct and their replacement with the Height Variation Controls specified on the plan attached to the submission.
 - c. Submission 1087.4 - Deletion of the Unitary Plan provisions governing or constraining site intensity in respect of the Sylvania Park Precinct.
 - d. Submission 1087.5 - Amendment of the walkable catchment identified around the Sylvania Park Metropolitan Centre as specified on the plan attached to the submission.
 - e. Submission 1087.5 - Replacement of the Light Industry and Mixed Use zoning on land to the east of the Sylvania Park Metropolitan Centre with the Metropolitan Centre zone as specified on the plan attached to the submission.
3. Our understanding is that the only aspect of that relief which is currently allocated to Topic 020AY Precincts – I336 Sylvania Park Precinct is item 3 above re intensity.
4. Kiwi Property considers that the most efficient use of the allocated hearing time would be to address the items of relief sought that relate to the Sylvania Park Metropolitan Centre and changes to surrounding business zones (but not residential zones). That would include:
 - a. Submission 1087.1 in its entirety, given it relates to the current Sylvania Park Precinct.

- b. Submission 1087.2 to the extent that it seeks changes to height standards in the Metropolitan Centre, Mixed Use and Light Industry zones (but not residential zones).
 - c. Submission 1087.4 in its entirety, given it relates to the current Sylvia Park Precinct.
 - d. Submission 1087.6 – in its entirety, given it relates to the appropriate extent of the Metropolitan Centre zone.
5. The matters listed in item 4 above are all closely interrelated, focus on business zones only, will be addressed by Kiwi Property through common statements of evidence, and would most efficiently be heard and determined by the Panel through a single presentation.

Please let us know if the Panel requires a more detailed explanation of the issues in order to determine the breadth of the Sylvia Park hearing in November.

Regards,
Douglas Allan

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From: Sam Otter <sam.otter@aucklandcouncil.govt.nz>

Sent: Friday, August 30, 2024 2:59 PM

Subject: PC78 Direction 30 Aug 2024 - Metro Centres and Sylvia Park Hearing

Good afternoon,

I am emailing you regarding Plan Change 78.

Direction 30 August 2024 – Scheduling Hearings for Metropolitan Centre Zone and Sylvia Park Precinct

After receiving the flooding information in Metropolitan Centres from Auckland Council the Hearing Panel have decided to hold hearings on the PC78 topics 016B Business – Metropolitan Centre Zone provisions and 020AY – I336 Sylvia Park Precinct. The hearing dates are Monday 25 and Tuesday 26 November 2024. Please read the attached direction for the full context of the decision.

The hearing will be notified to those submitters and further submitters allocated to the

topics above early next week.

All other PC78 topics will remain on hold until the Panel review the situation in the new year.

The Schedule of Hearings on the [Panel documents](#) page has been updated to show this hearing and evidence exchange dates.

If you have any questions about this email please get in contact.

Ngā mihi

Sam Otter

(he/him)

Kaitohutohu Mataamua Whakawā - Senior Hearings Advisor

Ph 09 353 9587 | Mobile 021 196 2582
Auckland Town Hall, Queen Street, Auckland

Please note: If the matter is urgent and you need an alternative contact, you can email npsudhearings@aucklandcouncil.govt.nz

From: Sam Otter

Sent: Friday, August 2, 2024 4:28 PM

Subject: PC78 - Council Memo - Metropolitan Centres

Tēnā koe,

I am emailing regarding Plan Change 78.

On 1 July 2024 the Hearing Panel issued a minute and direction with questions for the Council regarding flooding risk around Metropolitan Centres. The Council has provided a memorandum in response and it is available on the [Panel Documents](#) page in the 'Correspondence' section and is link to [here](#). The Panel are considering their next steps and I will be back in contact once they have decided or if they want correspondence on the matter.

On the Panel documents page in the 'Panel directions and procedures' section you will also find a Panel Minute issued today in response to correspondence from St Marys bay Association.

If you have any questions about this please get in contact.

Ngā mihi

Sam Otter

(he/him)

Kaitohutohu Mataamua Whakawā - Senior Hearings Advisor

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