

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

**AND**

**IN THE MATTER** **Intensification Planning Instrument Plan Change (IPI) - Plan Change 78 (and related variations) - and the Regional Policy Statement and Plan Changes Change 79 and 80 (non IPI Plan Changes) - to the Auckland Unitary Plan – Operative in Part (AUP-OP).**

**MINUTE FROM THE HEARING PANEL 18 May 2023**

**TOPIC 016A PC78 – BUSINESS – CITY CENTRE ZONE PROVISIONS EXPERT WITNESS CONFERENCING SCHEDULED FOR 23-24 MAY 2023**

1. In accordance with the Resource Management Act 1991 (RMA) - Part 6 Clause 96 of the First Schedule and sections 34 and 34A, the Auckland Council (the Council) has appointed an Independent Hearing Panel (IHP). The IHP has been delegated to hear submissions and make recommendations to the Council on the IPI plan changes and decisions on the non IPI Plan Changes. Its delegations also include addressing any procedural matters.
2. The IHP has received the Memorandum from the Council<sup>1</sup> regarding - *Topic 016A PC78 – Business – City Centre Zone provisions expert witness conferencing scheduled for 23-24 May 2023.*
3. The IHP notes that Mr Stephen Brown will be absent on the scheduled Alternative Dispute Resolution (ADR) dates, but the Council’s Memorandum appears to accept that the ADR session should continue noting Council’s limited ability to discuss the provisions they have identified in paragraph 5.
4. With regard to the matter of submitters Espano, 20 Poynton Terrace Body Corporate Committee (submitter 1600) and Wyborn Capital Limited (submitter 1110), the Council has suggested these submitters be advised of the ADR dates and be invited to attend. The IHP notes that while they have not been allocated to topic 016 the parties have been sent the direction that listed the ADR topics and had the opportunity to identify experts to take part. The IHP has set up the Additional Topic Allocation process to allow these parties to participate in the ADR and they have not done so.

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<sup>1</sup> 17 May 2023

5. Any enquiries regarding this Minute, or related matters, should be directed to the Council's Senior Hearing Advisor, Mr Sam Otter by email at [npsudhearings@aucklandcouncil.govt.nz](mailto:npsudhearings@aucklandcouncil.govt.nz).



Greg Hill - Chairperson  
Independent Hearings Panel

18 May 2023

## **Before the Independent Hearings Panel**

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

**And**

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

**And**

**In the matter of** Hearing Topic 016A PC78 –Business – City Centre Zone provisions

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**Memorandum of counsel on behalf of Auckland Council regarding  
Topic 016A PC78 – Business – City Centre Zone provisions expert  
witness conferencing scheduled for 23-24 May 2023**

**Date: 17 May 2023**

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## **MAY IT PLEASE THE PANEL**

### **Introduction**

- 1 This memorandum of counsel is filed on behalf of Auckland Council (**the Council**) in relation to PC78 Topic 016A – Business – City Centre Zone provisions expert witness conferencing, which is currently scheduled for 23-24 May 2023.
- 2 The purpose of this memorandum is to outline the approach that the Council's experts propose taking at the conference regarding the discussion of a small number of provisions, in light of the absence of one of the Council's experts, Mr Stephen Brown due to a family emergency overseas. The Council also respectfully suggests that Espano, 20 Poynton Terrace Body Corporate Committee (submitter 1600) and Wyborn Capital Limited (submitter 1110) be advised of the date of the conferencing so that they can make arrangements for experts to attend the conferencing on 23-24 May 2023, if they wish to do so.

### **Provisions concerning relationship between city centre and Waitematā harbour including H8.6.5. Harbour edge height control plane and H8.6.24A Maximum east-west tower dimension**

- 3 Counsel for the Council has been liaising with the Council's planning witnesses for Topic 016A in the context of preparation of the agenda for expert witness conferencing for this topic.
- 4 Counsel for the Council have been advised that one of the Council's landscape experts, Mr Stephen Brown, has had to urgently travel overseas due to a family emergency and that he will not be able to attend the expert conferencing on 23 and 24 May 2023.
- 5 We are advised that Mr Brown is the landscape expert who has been considering the relationship between the city centre and the Waitematā Harbour, and in particular the following provisions:

- 5.1 H8.6.5. Harbour edge height control plane;
  - 5.2 H8.6.6. Exception to the harbour edge height control plane;
  - 5.3 H8.6.24A Maximum east-west tower dimension;
  - 5.4 Map H8.11.10;
  - 5.5 Related matters of discretion and assessment criteria;
  - 5.6 Related objectives and policies.
- 6 We are also advised that, in Mr Brown's absence, the Council team will have limited ability to discuss the above provisions at the expert conference on 23-24 May 2023. The Council wished to bring this to the Panel's attention so that experts attending the expert conference could be advised of this.

**Submission point topic allocation**

- 7 As highlighted in the memorandum of the Council dated 28 April 2023, the Council has identified that there are submission points allocated to PC78 hearing topics that do not relate to the relevant topic or are the subject of issues being addressed by evidence in other hearing topics.
- 8 The IHP's Hearing Procedures currently provide that the IHP will be flexible about presentation of evidence at a hearing session on a topic at another hearing topic (but subject to the restrictions set out in paragraphs [70]-[71] of the IHP's Hearing Procedures dated March 2023).
- 9 Counsel for the Council understands from the Council's planning witnesses for Topic 016A that there are two submission points that have been coded to other hearing topics but that the Council's planning witnesses consider would be more

appropriately coded to Topic 016A. As the submitters in question have no other submission points coded to Topic 016A, they may not be aware that the Topic 016A expert conferencing is taking place on 23-24 May 2023.

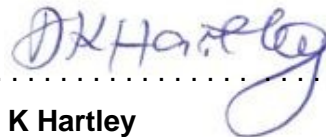
10 The submission points in question are:

10.1 Espano, 20 Poynton Terrace Body Corporate Committee's submission point 1600.1 that has been coded to Topic 011 Qualifying Matters (Special Character); and

10.2 Wyborn Capital Limited's submission point 1110.11 that has been coded to Topic 014B Height - Business Height - Strategic Approach.

11 The Council respectfully suggests that it may be appropriate to advise Espano, 20 Poynton Terrace Body Corporate Committee and Wyborn Capital Limited of the dates of expert conferencing so that they can make arrangements for experts to attend on 23-24 May 2023, if they wish to do so, given that the Council's planning witnesses consider the submission points in question relate to the City Centre Zone provisions.

**Date:** 17 May 2023



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**D K Hartley**

Counsel for Auckland Council for  
proposed Plan Change 78