

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

**AND**

**IN THE MATTER** of an application to **AUCKLAND  
COUNCIL** for private plan change 51 to  
the partly operative Auckland Unitary  
Plan by **KARAKA AND DRURY  
LIMITED**

**JOINT WITNESS STATEMENT OF EXPERTS IN RELATION TO PLANNING**

**2 JULY 2021**

*Expert Witness Conferencing Topic:* Planning

*Held on:* 2 July 2021, commencing at 9am (following transport conferencing)

*Venue:* Committee Room, Level 26, Auckland House, 135 Albert Street, Auckland Central

*Independent Facilitator:* Marlene Oliver

*Admin Support:* Anika Norton

1. **ATTENDANCE**

1.1 The list of expert attendees is in the signatory schedule to this Statement. All expert attendees are qualified planners.

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) The Auckland Council (as regulator) participants attended as observers, given their role as section 42A reporters.
- (d) They will 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).
- (e) This report is to be filed with the Hearing Panel.

2.2 Given the timing of the caucusing, the experts for Auckland Transport and Auckland Council (as submitter) wish to record that they are only able to participate at a high level and on the basis that they may not be able to comment on specific provisions at this stage of the process.

- 2.3 Auckland Transport's planner, Karyn Sinclair, was unable to attend conferencing on 2 July 2021, being the second day that had originally been scheduled for conferencing. An Auckland Transport representative (Rebecca Phillips) attended in her place as an observer. Ms Phillips will not be giving evidence and cannot express any opinion on behalf of Ms Sinclair.
- 2.4 Similarly, Auckland Council (as submitter) stormwater planner, Paula Vincent, was unable to attend conferencing on 2 July 2021.

### 3. **AGENDA – ISSUES CONSIDERED AT CONFERENCING**

3.1 The issues identified as forming the agenda for conferencing were:

- (a) Applicability of the NPS:UD 2020;
- (b) E26 vs departures from AUP wide rules relating to infrastructure;
  - (i) Firstgas pipeline protection
  - (ii) Submissions from Spark and Counties Power are unclear and accordingly Mark Tollemache to contact these parties for further information.
- (c) Location of Drury West centre;
- (d) Size of Drury West centre;
- (e) Sufficiency of infrastructure provision/servicing;\*
- (f) Use of transport triggers;\*
- (g) Acoustic attenuation and vibration effects arising from SH22 (Town Centre and THAB zones)
- (h) Stormwater;
- (i) Open space provision and approach;
- (j) Intensification, particularly sought by Kainga Ora;
- (k) Educational facilities;
- (l) Submitters outside the plan change seeking to be included;
- (m) Key retail frontage and general commercial frontage; and
- (n) Submissions relating to mana whenua matters.

3.2 The issues marked \* above were also considered in the expert witness conferencing on transport matters, held immediately prior to the planning conferencing. They were therefore only addressed further in the planning conferencing as required, in light of the outcomes from the transport conferencing.

3.3 The following sections of this Joint Witness Statement address each of these issues or questions, noting where agreement has been reached and, in the event of disagreement, the nature of the disagreement and the reasons for that disagreement.

4. **ISSUE ONE: APPLICABILITY OF THE NPS:UD 2020**

- 4.1 All agree – submissions and evidence will acknowledge the latest case law at the time of the hearing. Currently the latest case law is Environment Court Decision [2021] NZEnvC 082. This item will be reconsidered on the agenda for expert conferencing on the 10<sup>th</sup> August 2021.

5. **ISSUE TWO: E26 VS DEPARTURES FROM AUP WIDE RULES RELATING TO INFRASTRUCTURE**

- 5.1 **Note:** This issue relates to the several submission points which seek more onerous or additional requirements to those imposed by the AUP's Auckland-wide rules.

5.2 **Firstgas pipeline**

Mark Tollemache to circulate a package to address the concerns of Firstgas (submitter) and to be circulated to all parties, particularly Auckland Council (submitter), Kainga Ora (submitter), Auckland Transport and Auckland Council (regulator), with the intention of finalising a JWS on the 10<sup>th</sup> August 2021.

6. **ISSUE THREE: LOCATION OF DRURY WEST CENTRE**

- 6.1 **Note:** This issue is to include discussion of the relevant principles guiding urban growth and centres strategy from the NPS:UD, AUP and Drury-Opaheke Structure Plan provisions.

- 6.2 Note: There was no discussion on this item because there were no submitters in opposition to the Plan Change as notified present.

7. **ISSUE FOUR: SIZE OF DRURY WEST CENTRE**

- 7.1 **Note:** This issue is to include discussion of whether the Drury West centre should be a Town Centre or Local Centre, as well as the height variation controls requested by the PC51 applicant.

- 7.2 Sukhi Singh (Waka Kotahi) reserves position on this topic until the revised ITA is available.

8. **ISSUE FIVE: SUFFICIENCY OF INFRASTRUCTURE PROVISION/SERVICING**

- 8.1 **Note:** Issues regarding sufficiency of transport infrastructure will have been addressed at the transport conferencing. So this discussion is expected to focus on the remaining infrastructure provision issues (including those raised by FirstGas, Spark, Counties Power and Watercare) – noting there is a specific item for stormwater issues included below.

- 8.2 Note: Mark Tollemache to contact Watercare representatives to discuss their submission.

9. **ISSUE SIX: USE OF TRANSPORT TRIGGERS**

- 9.1 Refer to JWS – Transport 2 July 2021.

10. **ISSUE SEVEN: ACOUSTIC ATTENUATION AND VIBRATION EFFECTS ARISING FROM SH22 (TOWN CENTRE AND THAB ZONES)**

- 10.1 Sukhi Singh (Waka Kotahi) advised that Waka Kotahi has carried out further research on the likely noise effects arising from SH22 and further work including section 32 – type analysis is being undertaken. In essence Waka Kotahi is seeking acoustic and

vibration mitigation measures to be incorporated in the noise impacted areas of the Plan Change development areas.

10.2 Mark Tollemache expressed concern that PC51 was being treated differently than Auckland wide development adjoining state highways commenting that these matters had been addressed in AUP hearings. Vijay Lala has similar concerns where this issue also effects PC61.

10.3 The experts for the above parties (and any other submitters or further submitters) to have further discussions. Waka Kotahi to initiate these discussions. An update to be provided the 10<sup>th</sup> August 2021.

#### 11. **ISSUE EIGHT: STORMWATER**

11.1 Note: The PC51 experts have circulated revised provisions relating to stormwater Healthy Waters (Paula Vincent). Mark Tollemache to follow up with a view to preparing a specific JWS.

#### 12. **ISSUE NINE: OPEN SPACE PROVISION AND APPROACH**

12.1 All agreed – the wording on the Precinct Plan to read “Indicative Open Space/Esplanade Reserve.”

12.2 Mark Tollemache to consider a way of providing for indicative civic open space adjacent to the lake. To be discussed at expert conferencing 10<sup>th</sup> August 2021.

12.3 Bluegreen corridors – in discussion around this topic Mark Tollemache suggested that a cycling/pedestrian route adjoining the Ngakaroa Stream could be included in the Precinct Plan. This topic to be discussed at expert conferencing on 10<sup>th</sup> August 2021. Chris Turbott to coordinate and precirculate on the agenda further notes.

#### 13. **ISSUE TEN: INTENSIFICATION, PARTICULARLY SOUGHT BY KAINGA ORA**

13.1 Mark Thode (Kainga Ora) noted that the original submission was based on the interpretation of the NPS:UD prior to the recent Environment Court Decision [2021] NZEnvC 082 and the previous location of the railway station. At this time the Kainga Ora submission is still alive (in relation to additional height in the THAB Zone). This matter is scheduled on the agenda for expert conferencing on the 10<sup>th</sup> August 2021 – Mark Thode to prepare notes for discussion, to be precirculated with the agenda.

13.2 Mark Tollemache to ensure Leo Hills traffic assessments confirms assumptions includes the basis used for the THAB zoning.

#### 14. **ISSUE ELEVEN: EDUCATIONAL FACILITIES**

14.1 Note: Mark Tollemache to contact Ministry of Education representatives to discuss their submission.

15. **ISSUE TWELVE: SUBMITTERS SEEKING INCLUSION IN PLAN CHANGE**

15.1 **Note:** This issue is to include discussion as appropriate/necessary regarding the various requests for additional land to be included in PC51.

15.2 Mark Thode (Kainga Ora) confirmed that Kainga Ora had withdrawn this part of this submission.

16. **ISSUE THIRTEEN: KEY RETAIL FRONTAGE AND GENERAL COMMERCIAL FRONTAGE**

16.1 Mark Tollemache to circulate provisions relating to AK Council (submitter) submission point 35.20 (amenity standards on specified roads).

17. **ISSUE FOURTEEN: SUBMISSIONS RELATING TO MANA WHENUA MATTERS**


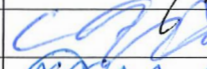




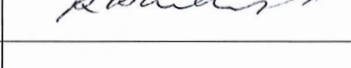


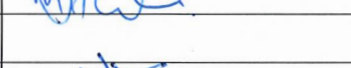

17.1 Mark Tollemache to review Plan Changes 43, 48 and 61, as examples, in terms of mana whenua provisions to incorporate into PC51.

18. **PARTIES TO JOINT WITNESS STATEMENT**

18.1 The signatories to this Joint Witness Statement confirm that:

- (a) They agree with the outcome of the expert conference as recorded in this statement to the extent that they participated in the agenda items, noting:
  - (i) Graeme Roberts (Firstgas) – item 5.2 only.
  - (ii) Mark Thode (Kainga Ora) – items 4.1, 13.1 and 15.2.
  - (iii) Craig Cairncross (Auckland Council, regulator) – items 4.1, 5.2, 13.1 and 15.2.
  - (iv) Ezra Barwall (Auckland Council, submitter) – item 12.
  - (v) Dawne Mackay (Auckland Council, submitter) – attended as an observer.
- (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.

**SIGNED ON 2 JULY 2021**

EXPERT NAME	PARTY	SIGNATURE
Mark Tollemache	Karaka and Drury Limited	
Christopher Turbott	Auckland Council (as submitter)	
Dawne Mackay	Auckland Council (as submitter)	
Ezra Barwell	Auckland Council (as submitter)	
Craig Cairncross	Auckland Council (as regulator)	
<del>David Mead</del>	<del>Auckland Council (as regulator)</del>	
Emily Buckingham	Auckland Council (as regulator)	
Rebecca Phillips (refer paragraph 2.3 above)	Auckland Transport	
<del>Jo Michalakis</del>	<del>Counties Power</del>	
Graeme Roberts - attended for item 5.2 only	FirstGas	
Mark Thode	Kainga Ora	
<del>Michael Campbell</del>	<del>Kainga Ora</del>	
Vijay Lala	Lomai Properties Limited	
Matt Feary	Catholic Diocese of Auckland	
Sukhi Singh	Waka Kotahi	

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