

Before the Independent Hearings Panel

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

And

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

And

In the matter of the Metropolitan Centre Outstanding Matters Hearing

Memorandum on behalf of Auckland Council to the Independent Hearings Panel following Minute and direction dated 30 January 2025 regarding potential additional overlapping submission points for Metropolitan Centre Outstanding Matters Hearing

Date: 21 February 2025



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MAY IT PLEASE THE PANEL

Introduction

- 1 This memorandum is filed on behalf of Auckland Council (**Council**) in regard to the Metropolitan Centre Outstanding Matters Hearing following the Independent Hearing Panel's (**Panel**) Minute and direction (**Direction**) dated 30 January 2025 confirming that it will convene a Metropolitan Centre Outstanding Matters Hearing.
- 2 This memorandum outlines the approach that the Council intends to take in its evidence for Hearing Topic 014A Height - Business height - Policy Principles for the upcoming Metropolitan Centre Outstanding Matters Hearing to assist the Panel and submitters.
- 3 This memorandum also draws to the Panel's attention that there are additional overlapping submission points seeking relief in relation to various Metropolitan Centres that are allocated to topics that have not been scheduled for the upcoming Metropolitan Centre Outstanding Matters Hearing.

Discussion

- 4 On 30 January 2025, the Panel issued a Direction confirming that it will convene a Metropolitan Centre Outstanding Matters Hearing and identifying the list of hearing topics which apply to the outstanding matters that will be heard for their appropriateness, and those topics that will be heard as they apply in the Metropolitan Centre Zone. The Panel issued a Notice of Hearing also dated 30 January 2025, which includes the same list of hearing topics.
- 5 The Direction indicates that the hearing is being convened with a view to the Panel completing its recommendation to the Council, as it relates to the Metropolitan Centre Zone.

- 6 In paragraph [8] of the Direction, the Panel indicated that it recognised that it may need to consider matters at the forthcoming Metropolitan Centre Outstanding Matters Hearing that are not covered in the topics listed in Attachment 1 to the Direction. The Panel invited submitters to contact the Senior Hearings Advisor outlining their intention to participate in the hearing and the reason as to the matter's relevance to the Metropolitan Centre Outstanding Matters Hearing by midday on Friday 28 February 2025.
- 7 In its preparation for the Metropolitan Centre Outstanding Matters Hearing, the Council has identified several overlapping submission points in additional hearing topics not included in the list of topics in the Panel's Direction. The Council considers these submission points will need to be addressed in evidence for this hearing.

Submission point 1655.5 allocated to Topic 009G

- 8 The Council has identified that a submission point from Masfen Holdings Ltd (1655.5) allocated to Hearing Topic 009G Qualifying Matters A-I - Maunga Viewshafts and Height Sensitive Areas appears to be directly relevant to any recommendation the Panel intends to make to the Council regarding the Metropolitan Centre Zone.
- 9 The submission point seeks relief in relation to the Newmarket Metropolitan Centre seeking to:¹

Delete the Volcanic viewshaft controls as they relate to the Newmarket Metropolitan Centre.

¹ Submission point 1655.5 (Masfen Holdings Ltd).

Height-related submission points 2066.3 and 2066.4 allocated to Topic 014B, 1487.1 allocated to Topic 008 and 871.3 allocated to Topic 016K

- 10 In addition to one submission point concerning height in the Papakura Metropolitan Centre allocated to Topic 014A Height - Business height - Policy Principles,² the Council has also identified two overlapping submission points allocated to Hearing Topic 014B Height - Business height - Strategic Approach which seek relief concerning the height limit in the Papakura Metropolitan Centre. These are submission points 2066.3 and 2066.4 from Investore Property Ltd which respectively seek to:

Apply a height limit of 72.5m to the Papakura Metropolitan Centre, consistent with other Metropolitan Centre zones (2066.3).

Alternatively, apply a height limit of 72.5m to central properties within the Papakura Metropolitan Centre which are currently subject to a 40.5m height limit and a height limit of 40.5m is applied to the properties on the fringe of the Papakura Metropolitan Centre which are currently subject to a 27m height limit (2066.4).

- 11 The Council has also identified two overlapping submission points which seek relief concerning the height limit in Takapuna and Metropolitan Centres generally. These are submission point 1487.1 from Takapuna Residents Association which seeks to retain the operative Metropolitan Centre zoning and height controls for Takapuna, and submission point 871.3 from Property Council New Zealand which seeks to amend the zone provisions to enable greater housing intensification in Metropolitan Centres. These two submission points are allocated to Topic 008 Urban Environment and allocated to Topic 016K Business Zones (General) respectively.

² Submission point 941.47 (Foodstuffs North Island Ltd).

- 12 These submission points also appear to be directly relevant to any recommendation the Panel intends to make to the Council regarding the Metropolitan Centre Zone.
- 13 Therefore, the Council respectfully suggests that the Panel includes the submission points identified above to be heard as they apply in the Metropolitan Centre Zone in Attachment 1 to the Panel's Direction.

Topic 014A

- 14 Topic 014A relates to Height - Business height - Policy Principles and has been included in the list of topics to be heard at the Metropolitan Centre Outstanding Matters Hearing on appropriateness and as it relates to Metropolitan Centres.
- 15 Following the Council's review of the submissions on the topic it has become apparent that there is a range of submissions including a number that relate to Policy 3(c) walkable catchments or which otherwise raise height policy issues for areas outside of Metropolitan Centres.
- 16 The Council therefore proposes to only address those submission points that specifically relate to Metropolitan Centres or those submission points that are more general in their application and that could therefore apply to Metropolitan Centres.
- 17 The Council proposes to identify in its evidence how many submission points are in this topic and which of those it will be addressing in the outstanding matters hearing.

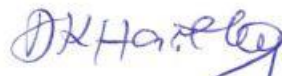
Conclusion

- 18 Attached to this memorandum are two tables. **Table 1** identifies the height related submissions in Topic 014A and overlapping height-related submission points in other hearing topics that the Council proposes to address in its evidence. **Table 2** identifies the

Topic 014A submission points that the Council does not propose to address in its evidence as it considers these points relate to other National Policy Statement on Urban Development 2020 Policy 3 areas.

- 19 In addition, as set out above, the Council proposes to address in its evidence submission point 1655.5 allocated to Topic 009G Qualifying Matters A-I - Maunga Viewshafts and Height Sensitive Areas, which seeks relief in relation to the Newmarket Metropolitan Centre.
- 20 The Council would be grateful for an indication from the Panel that it considers that this is an acceptable approach, given the wide-ranging nature of submission points in Topic 014A and the existence of submission point 1655.5 in Topic 009G relating to the Newmarket Metropolitan Centre.

Date: 21 February 2025



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

TABLE 1

**METROPOLITAN CENTRE OUTSTANDING MATTERS HEARING
AUCKLAND COUNCIL – HEIGHT RELATED SUBMISSIONS
PROPOSED TO BE ADDRESSED**

(Submissions marked with an “*” have already been addressed by Auckland Council’s Witnesses)

Sub#/ Point	Submitter Name	Summary of Decisions Requested
Topic 14A - Business Height - Policy Principles		
650.1	Charles Gordon Willmer	Apply a transition area that steps building height down between zones.
941.47	Foodstuffs North Island Limited	Amend the maximum height across the whole Papakura Metropolitan Centre to 40.5m. [Refer to Attachment 2, Map 19 of the submission for further details]
941.50	Foodstuffs North Island Limited	Amend the height standard for the Takapuna Metropolitan Centre to 72m. [Refer to Attachment 2, Map 21 of the submission for further details]
1861.1	Michael James Blackburn	Enable building heights of at least 6 storeys in metropolitan areas where adjoining lower intensity zones,
870.19*	Auckland International Airport Limited ("Auckland Airport")	Retain H9.1 Metropolitan Centre Zone description as it recognises increased density of form and building heights enabled by plan change can be reduced where a qualifying matter applies.
870.20*	Auckland International Airport Limited ("Auckland Airport")	Amend objective 9 Metropolitan Centre Zone to "Metropolitan centres enable building heights and density of urban form to reflect demand for housing and business use <u>unless a qualifying matter applies which requires reduced height or density.</u> "

870.21*	Auckland International Airport Limited ("Auckland Airport")	Retain Metropolitan Zone policies 2, 12A and 14 which are supported. Amend policy (13) and new policy (15A) to reflect any necessary qualifying matters which would justify lower heights or density within the zone: Add to (13) (zaa) " <u>is consistent with a qualifying matter that requires reduced height and/or density</u> "; amend (15A) "Enable greater building heights and density of urban form in metropolitan centres, than in town, local or neighbourhood centres, to reinforce their role as regional focal points (<u>unless a qualifying matter applies which requires reduced heights and/or density</u>)."
2041.148*	Neilston Homes	Amend H9.6.1. Building height to provide for unlimited height within the Metropolitan Centre Zone.
Topic 14B - Business Height - Strategic Approach		
2066.3	Investore Property Limited	Apply a height limit of 72.5m to the Papakura Metropolitan Centre, consistent with other Metropolitan Centre zones
2066.4	Investore Property Limited	Alternatively, apply a height limit of 72.5m to central properties within the Papakura Metropolitan Centre which are currently subject to a 40.5m height limit and a height limit of 40.5m is applied to the properties on the fringe of the Papakura Metropolitan Centre which are currently subject to a 27m height limit.
Topic 008 – Larger rezoning proposal		
1487.1	Takapuna Residents Association	Retain the operative Metropolitan Centre zoning and height controls for Takapuna.

Topic 16K - Business Zones (General or other)		
871.3	Property Council New Zealand	[Amend the zone provisions to enable] greater housing intensification in Metropolitan, Town and Local Centres.

TABLE 2

**METROPOLITAN CENTRE OUTSTANDING MATTERS HEARING
AUCKLAND COUNCIL – TOPIC 14A SUBMISSIONS PROPOSED
NOT TO BE ADDRESSED**

Sub#/ Point	Submitter Name	Summary of Decisions Requested	Reason for exclusion
Topic 14A - Business Height - Policy Principles			
840.3	Auckland City Centre Residents Group	Support unlimited height limits in the city centre but	Submission relates to NPS-UD Policy 3(a).
897.12	Catholic Diocese of Auckland	Amend the maximum height of all properties zoned Business - Mixed Use surrounding the Orewa Town Centre to 21m (6 storeys). [Refer to Attachment A, page 7 for details, and includes all the surrounding properties within the existing 13m and 18m height variation control areas].	Submission relates to NPS-UD Policy 3(d).
897.75	Catholic Diocese of Auckland	Apply additional height of 27m for properties on Great North Road, Grey Lynn between Bond Street and Crummer Street zoned THAB. [Refer to Attachment A, page 6 for details and includes properties at 1 Turakina Street, 137 Great North Road, 147-153 Great North Road, 159 Great North Road, 167-169 Great North Road, 171 Great North Road, 174 Great North Road, 175-179 Great North Road, 194 Great North Road, 196 Great North Road, 199 Great North Road, 2 Arika Street, 204-234 Great North Road, 217 Great North Road, 219-223 Great North Road, 238 Great North Road, 243 Great North Road, 246 Great North Road, 247 Great North Road, 248 Great North Road, 252 Great North Road, 253 Great North Road, 255 Great North Road, 258 Great North Road, 259 Great North Road, 264-270 Great North Road, 265 Great North Road, 271 Great North Road, 272-302 Great North Road, 285 Great North Road, 299 Great North	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).

		Road and 308-310 Great North Road, Grey Lynn].	
897.81	Catholic Diocese of Auckland	Amend the maximum height for 212-244 Parnell Road, Parnell and the Parnell Town Centre to 32.5m. [Refer to Attachment A, pages 7-8 for details, and includes all properties within the Parnell Town Centre which have a Town Centre zoning that are subject to existing 13m and 18m height variation controls].	Submission relates to NPS-UD Policy 3(c).
897.99	Catholic Diocese of Auckland	Amend the maximum height for 2 Shakespeare Road, Milford and the Milford Town Centre to 32.5m. [Refer to Attachment A, page 16 for details, and includes all properties within the Milford Town Centre which have a Town Centre zoning that are subject to existing 18m height variation control].	Submission relates to NPS-UD Policy 3(d).
897.101	Catholic Diocese of Auckland	Amend the maximum height of 1 St Benedicts Street, Newton and the western side of St Benedicts Street to 32.5m. [Refer to Attachment A, page 17 for details, and includes all properties adjoining the western boundary of St Benedicts Street in the SCAB overlay].	Submission relates to NPS-UD Policy 3(c).
902.22	Oyster Management Limited	Apply a Height Variation Control of 27m to 4 Williamson Avenue and other properties outlined red in Figure 1 (see Figure 1, appendix B, page 5 and also includes properties at 1 Vinegar Lane, 1/8 Vinegar Lane, 11 Vinegar Lane, 12 Vinegar Lane, 13 Vinegar Lane, 14 Vinegar Lane, 15 Vinegar Lane, 16 Vinegar Lane, 17 Vinegar Lane, 18 Vinegar Lane, 19 Vinegar Lane, 2 Vinegar Lane, 2/8 Vinegar Lane, 21 Vinegar Lane, 3 Vinegar Lane, 4 Vinegar Lane, 5 Vinegar Lane, 6 Vinegar Lane, 7 Vinegar Lane, 8 Vinegar Lane, 9 Vinegar Lane, 11 Crummer Road, 13 Crummer Road, 15 Crummer Road, 17 Crummer Road, 17A Crummer Road, 5 Crummer Road, 7 Crummer Road, 9 Crummer Road, 25 Pollen Street, 25A Pollen Street, 29	Submission relates to NPS-UD Policy 3(c).

		Pollen Street and 31 Pollen Street, Grey Lynn].	
902.26	Oyster Management Limited	Apply a Height Variation Control of 50m to 65A Main Highway, Ellerslie and also apply to other surrounding sites in Mixed Use Zone [inferred as all Mixed Use Zones sites bounded by Great South Road, SH1-Southern Motorway, Cawley Street, Ellerslie Panmure Highway and Matai Road to the north of 65A Main Highway, Ellerslie], or an amendment to similar effect [see appendix B, page 6 for further details].	Submission relates to NPS-UD Policy 3(c).
902.29	Oyster Management Limited	Apply a Height Variation Control to the Millennium Centre (600-612 Great South Road, Ellerslie) consistent with the Volcanic Viewshaft heights for the site approximately 40 to 55m.	Submission relates to NPS-UD Policy 3(c).
938.151	New Zealand Housing Foundation	Amend the plan so that six storeys is applied as a 24 metre height allowance (as a minimum) as part of any walkable catchment provisions. Refer to full submission for more details.	Submission relates to NPS-UD Policy 3(c).
941.18	Foodstuffs North Island Limited	Amend the height standard for the balance of the land encompassing both sides of the Kepa Road ridge between Dudley Road and Nehu Street / Reihana Street land, Eastridge to 32.5 m. [Refer to Attachment 2, Map 7 of the submission for further details]	Submission relates to NPS-UD Policy 3(d).
1079.35	The Coalition for More Homes	Amend height and walkable catchment extent within Town Centres, Local Centres and throughout an extended 'adjacent' area around them. [Refer to Table 2 on page 12-13 of submission for details].	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).
1110.4	Wyborn Capital Limited	In accordance with the Wyborn submission on H13 Business – Mixed Use zone, amend H13.6.1 to enable development up to 40m in height, where buildings are located in a walkable catchment.	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).

1110.6	Wyborn Capital Limited	Enable building height up to the Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay.	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).
1110.9	Wyborn Capital Limited	Enable building height up to the Auckland War Memorial Museum Viewshaft Overlay [Incorrect assumption of viewshafts over property].	Submission relates to NPS-UD Policy 3(c)
1117.1	Porter Group Limited	Enable heights of six storeys or more and density of urban form in the Remuera Town Centre 'commensurate with the level of commercial activity and community services appropriate to serve the surrounding growth and intensification envisaged by the NPS-UD.	Submission relates to NPS-UD Policy 3(d).
1193.2	HSP Development Ltd	[Inferred] Remove the Height Variation control of 13m from 10-12 Jervois Road, Ponsonby to enable development of six storeys (21m).	Submission relates to NPS-UD Policy 3(c).
1225.2	Aaron Ghee	Allow a building height of 27m for the properties at 13 Kingsland Terrace and 15 Kingsland Terrace, Kingsland.	Submission relates to NPS-UD Policy 3(c).
1586.7	Shundi Tamaki Village Limited	Request that six storey development is enabled across the zone, not just inside walkable catchments	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).
1778.3	Bledisloe Property Group Limited	Retain special height control of 27m affecting land zoned Business Park at Pacific Rise, Mt Wellington.	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).
1962.55	Aedifice Property Group	Amend the maximum building height limit to 27m within rapid transit walkable catchments that are a 15 minute journey of the City Centre and are a 5 minute journey from Metropolitan Centres [to allow for more than 6 storeys].	Submission relates to NPS-UD Policy 3(c).
2025.21	Greater Auckland	Amend to provide greater heights for business zones in walkable catchments, rather than just a blanket 6 storey height limit. Amend to heights of 8-12 storeys across most of the Isthmus walkable catchments.	Submission relates to NPS-UD Policy 3(c) and Policy 3(d).

2040.159	Mike Greer Developments	Amend so that six storeys is ascribed a 24 metre height allowance (as a minimum) as part of any walkable catchment provisions. In the alternative, this could be applied to the Mixed Use Zone within a walkable catchment, or the plan could also note six storey in height in addition to 24 metres to limit applications that try to squeeze in a 7th floor.	Submission relates to NPS-UD Policy 3(c).
2065.1	Fabric Property Limited	Reject the proposed 27m height limit that applies to 110 Carlton Gore, Newmarket zoned Mixed Use zone and is seeking amendments to enable buildings of 50m.	Submission relates to NPS-UD Policy 3(c).
2065.2	Fabric Property Limited	Apply a 50m limit to the entire block bound by Carlton Gore, Morgan, George St and Parnell Road, Newmarket [infer including 108 Carlton Gore Road, 110 Carlton Gore Road, 118 Carlton Gore Road, 120 Carlton Gore Road, 9-15 Davis Crescent, 2 Alma Street, 9 Alma Street, 10 Alma Street, 11 Alma Street, 4 Clayton Street, 6 Clayton Street, 8 Clayton Street, 10 Clayton Street, 1 Broadway, 3 Broadway, 5 Broadway, 23-25 Broadway, 33 Broadway, 5 Morgan Street, 7 Morgan Street, 9 Morgan Street, 11 Morgan Street, 13-15 Morgan Street, 19 Morgan Street, 25 Morgan Street, 29 George Street, 31 George Street, 33-37 George Street, 39 George Street, 47 George Street, 49 George Street, Newmarket] as shown on figure 1 (page 6) of the submission.	Submission relates to NPS-UD Policy 3(c).
2068.2	Stride Property Limited	Amend the provisions that apply to the Silverdale Town Centre. In particular, that the height limit under the Height Variation Control that applies to the block bounded by Wainui Road, Silverdale Street, Central Boulevard and Hibiscus Coast Highway [Inferred including properties at 61 Silverdale Street, Silverdale 1A Polarity Rise, 1B Polarity Rise, 1C Polarity Rise, 1D Polarity Rise, 1E Polarity Rise, 1F Polarity Rise, 1G Polarity Rise, 1H Polarity Rise, 1J Polarity Rise, 1K Polarity Rise, 1K Polarity Rise, 2 Polarity Rise, 7 Polarity	Submission relates to NPS-UD Policy 3(d).

		<p>Rise, 8 Polarity Rise, Silverdale 2 Weir Lane, 3 Weir Lane, 7 Weir Lane, 9 Weir Lane, 11 Weir Lane, 13 Weir Lane, 15 Weir Lane, 17 Weir Lane, 19 Weir Lane, 21 Weir Lane, 23 Weir Lane, 25 Weir Lane, 27 Weir Lane, 29 Weir Lane, 31 Weir Lane, 33 Weir Lane, 35 Weir Lane, 37 Weir Lane, 39 Weir Lane, 41 Weir Lane, 43 Weir Lane, 45 Weir Lane, 47 Weir Lane, 49 Weir Lane, 51 Weir Lane, 53 Weir Lane, 55 Weir Lane, 57 Weir Lane, 59 Weir Lane, 61 Weir Lane, 63 Weir Lane, 65 Weir Lane, and 67 Weir Lane, Silverdale 3 Central Boulevard, 15 Central Boulevard, Silverdale] within the Silverdale Town Centre (see Figure 1 in the submission) is increased to 27m.</p>	
2083.141	Universal Homes	Amend the plan change to ascribe a height of 24 to 6 storeys rather than 21m.	Submission relates to NPS-UD Policy 3(c).
2295.3	Screaton Ltd	Remove the 13m Height Variation Control from 48 Commercial Road, Helensville, and adjacent properties (26 – 50 Commercial Road) [including 26 Commercial Road, 30 Commercial Road, 34 Commercial Road, 46 Commercial Road, 48 Commercial Road, 50 Commercial Road, 50A Commercial Road and 3 Creek Road, Helensville], and replace it with a 25m Height Variation Control (at a minimum).	Submission relates to NPS-UD Policy 3(d).