

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

**AND**

**IN THE MATTER** **Plan Change 78 (PC78) - to the Auckland Unitary Plan -  
Operative in Part (AUP) – Metropolitan Centre Outstanding  
Matters Hearing**

**MINUTE AND DIRECTION FROM THE HEARING PANEL – 21 JULY 2025**

**METROPOLITAN CENTRE ADDITIONAL OUTSTANDING MATTERS**

1. At the PC78 - Metropolitan Centre Outstanding Matters (**MCOM**) hearing on 3 June 2025, the Panel asked for Auckland Council's view on whether the Panel was (following the hearing) in a position to issue its recommendations on submissions on PC78 insofar as they relate to the Business – Metropolitan Centre Zone (**MCZ**) provisions and Metropolitan Centre precincts.
2. The Council has filed a Memorandum dated 4 July 2025 expressed its initial view that this could be problematic. Council's Memorandum is attached to this Minute and Direction.
3. The Panel has considered Council's Memorandum and the issues it raises. Those issues, and the Panel's response to them, are set out below. The Panel considers that most of the submission points referred to are either outside of the Precinct areas covered by the Panel's hearings to date or beyond the ambit of Policy 3(b) of the NPS-UD, but there are three submission points that ought to be heard. We conclude with directions to secure the speedy and efficient disposition of those submission points.

**Westgate and New Lynn not covered**

4. The Panel has not heard submissions on two MCZ zoned precincts – namely Westgate and New Lynn. Council's review of PC78 submissions has identified several that apply (or may apply) to the parts of those precincts that are zoned MCZ. The particular submitters and submission points identified in the Council's memorandum are:
  - a. Kāinga Ora submission point 873.243 - regarding height controls for locations in Kelston and New Lynn.
  - b. Foodstuffs North Island Ltd submission point 941.53 - seeking an increased height for Westgate Pak'n Save (as to which see also para 7(b) below)
  - c. Kāinga Ora submission point 873.70 - seeking to delete qualifying matters pertaining to historic heritage buildings in the New Lynn precinct.
  - d. Sonn Group submission points 1086.120 & 126 - to retain I615.4 Activity Table Pre-Amble and reject Inclusion of Westgate Precinct as a qualifying matter.
  - e. Kiwi Property Group Ltd submission point 1087.3 - allow a maximum height standard across the whole of the New Lynn Sub- Precinct C of 100 m.

5. Prior to hearing submissions on the MCZ (and MCOM) the Panel had determined that it would not hear the Westgate and New Lynn Precincts within the MCZ. Those Precincts also include land zoned residential which resulted in interactions with the Medium Density Residential Standard requirements. The Panel considered it inappropriate to issue recommendations in advance of hearing submissions on the residential zones.
6. The Panel has decided to continue with this approach, namely that it will not include either of the Westgate or New Lynn Precincts in recommendations it makes on PC78 submissions relating to the MCZ. The submissions referred to above and in Council's Memorandum concerning those Precincts, may need to be pursued when the Council notifies a new plan change or at a later time should PC78 go ahead.

### **Rezoning other land to Metropolitan Centre Zone**

7. Council has identified submissions which have sought to rezone, as MCZ, land which is currently otherwise zoned, as follows:
  - a. Kāinga Ora submission points 873.340 & 353 – rezone parts of Drury from Future Urban Zone to MRZ.
  - b. Foodstuffs North Island Ltd submission point 941.52 - rezone Westgate Pak'n Save to MCZ (see also para 4(b) above)
  - c. Kiwi Property Group Ltd submission point 1087.6 – rezone land east of Sylvia Park from Light Industry and Mixed Use to MCZ.
8. The Panel's position on submissions requesting a change of zoning is that such requests are outside the ambit of Policy 3(b) of the National Policy Statement on Urban Development, which applies to metropolitan centre zones. We note that relief sought by submitters relating to rezoning is to be addressed in a subsequent hearing. The Panel therefore does not intend to address those submissions in its recommendations relating to the MCZ.

### **Other matters**

9. The Council's review identified a small number of other submission points and requests that have not been covered in the MCZ and MCOM hearings. These are:
  - a. North Eastern Investments Ltd (**NEIL**) submission point 836.8 - remove any aspect of 'height' that does not enable at least six storeys of high-amenity, well-serviced, weathertight buildings in the Business or other zones.
  - b. Waka Kotahi submission point 2049.13 - increase heights in Newmarket to maximum possible under and around viewshafts.
  - c. Jennifer Andrew submission point 1967.6 - seeking that the design of all buildings provide a good quality of life to residents to ensure livable communities.
10. The Panel notes in relation to both the NEIL and Jennifer Andrew submission points that they are not limited to the MCZ.

11. Both NEIL and Jennifer Andrew should have the opportunity for their submission points, in so far as they relate to the MCZ, to be heard and considered as part of the Panel's recommendations in relation to the MCZ if they so wish, but only to the extent that their submission are relevant to the MCZ.
12. Waka Kotahi's submission point is specific to the Newmarket Precinct and is a matter that should have been identified and heard in the hearings that have occurred to date.
13. The Panel therefore intends to make directions to ensure that the submission points identified in paragraph 9 can be heard and included as part of the Panel's recommendations on the MCZ. Because of the tight timeframes to which the Panel is working, in order that its recommendations on the MCZ are concluded in sufficient time for the Council to make its decisions on those recommendations, the Panel **DIRECTS**:
  - a. The Council is to file supplementary evidence addressing the submission points identified in paragraph 9. In the case of the NEIL and Jennifer Andrew submissions, the evidence is to be limited to those aspects of the submissions that reasonably relate to the Metropolitan Centre Zone, excluding the Westgate and New Lynn Precincts.
  - b. The Council's evidence on these submission points (including the Waka Kotahi submission) is to be made available online and provided to those submitters (and any affected further submitters) by 1pm Friday 1 August 2025.
  - c. The submitters identified in paragraph 9 (and any further submitters on those submission points) are to advise the Panel and the Council no later than 1pm Friday, 8 August 2025 whether they intend to provide evidence and/or appear before the Panel in support of their above submission points.
  - d. The submitters identified in paragraph 9 (and any further submitters on those points) are to file any evidence they wish to advance in support of their submission (or further submission) points and in reply to the Council's evidence by 1pm Friday, 15 August 2025.
  - e. On the receipt of the indications from the submitters (and further submitters) if they want to appear, the Panel will determine if the MCOM hearing needs to be reconvened.
  - f. Should the Panel decide to reconvene the hearing, it will take place on Wednesday 20 August 2025 and will be online using Microsoft Teams.
14. Once these submission points are heard the Panel anticipates that it will proceed to complete its recommendations on PC78 relating to the Metropolitan Centre Zone and precincts (excluding Westgate and New Lynn).

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](mailto:npsudhearings@aucklandcouncil.govt.nz)



Matthew Casey, KC  
Chairperson  
21 July 2025

## **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**)

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**Memorandum of counsel on behalf of Auckland Council to the  
Independent Hearings Panel regarding any recommendations the  
Panel may make relating to Metropolitan Centres and their precincts**

**Date: 4 July 2025**

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## **MAY IT PLEASE THE PANEL**

### **Introduction**

- 1        This memorandum is filed on behalf of the Auckland Council (**Council**) in response to an issue raised by the Independent Hearings Panel (**Panel**) during the recent Metropolitan Centre Outstanding Matters (**MCOM**) hearing.
- 2        In that regard, the Panel queried during the MCOM hearing whether the Council has a view on whether the Panel could release recommendations on submissions on the Plan Change 78: Intensification (**PC78**) Business - Metropolitan Centre Zone (**MCZ**) provisions and the Metropolitan Centre precincts it has already heard or whether that might be problematic.
- 3        Accordingly, this memorandum provides the Council's initial views as to whether it considers that there might be any issue with the Panel making any recommendations on the parts of PC78 concerning Metropolitan Centres that it has already heard submissions on.

### **The Council's views on the Panel potentially providing recommendations on Metropolitan Centre related provisions for which there have already been hearings**

- 4        As the Panel is aware, the Panel heard submissions on the Auckland Unitary Plan Operative in part (**AUP**) Chapter H9 MCZ provisions and the I336 Sylvia Park Precinct in a hearing on 25 and 26 November 2024. An earlier hearing concerning precincts in various Metropolitan Centres, namely, Takapuna 1, Albany Centre, and Manukau Precincts, also took place on 19 and 20 September 2023.
- 5        The Panel is also aware following discussions with counsel for the Council during the recent MCOM hearing that two additional Metropolitan Centres, namely, Westgate and New Lynn are also

subject to precinct provisions and those precincts have not yet been the subject of any hearings.

- 6 Following the MCOM hearing, we are advised that the Council has undertaken a review of the PC78 Summary of Decisions Requested Report and has identified a number of outstanding submission points concerning the Westgate and New Lynn precincts that either clearly apply to or could be interpreted as applying to the parts of those precincts that are zoned MCZ.
- 7 We are also advised that the Council has identified a small number of other submission points that seek relief in relation to other Metropolitan Centres. These include several submission points which relate to the extent of particular Metropolitan Centres i.e. seek to rezone land to MCZ or retain the MCZ.
- 8 In addition, the Council has identified a very small number of other submission points that are general in nature and could be interpreted as applying to Metropolitan Centres.
- 9 Details of these submission points, the relevant submitter and a summary of the decisions requested are outlined in Table 1 attached to this memorandum.<sup>1</sup>
- 10 In light of the submission points in Table 1, we are instructed that the Council considers that, if the Panel were minded to make recommendations to it regarding the PC78 submission points it has heard to date concerning the Business - Metropolitan Centre Zone and Precincts this could be problematic. This is because such recommendations would not be complete recommendations on the PC78 submissions points relating to the requirement to give effect to Policy 3(b) of the National Policy Statement on Urban Development 2020 (**NPS-UD**) in non-residential zones. For example, some Metropolitan Centre precinct provisions vary

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<sup>1</sup> We are advised that the Council has not yet reviewed further submission points, which may relate to the Table 1 submission points.

the height and density of urban form outcomes sought by the MCZ provisions.

11 In order for the Panel to make recommendations on the PC78 submission points as they relate to Policy 3(b) of the NPS-UD and for the Council to make a decision on Policy 3(b) recommendations, the Council therefore respectfully considers that the Panel would need to consider the remaining submission points in Table 1 (and any related further submission points) and make recommendations that address PC 78 submissions relating to:

11.1 The MCZ provisions;

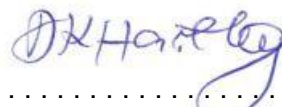
11.2 The MCZ precincts;

11.3 Qualifying Matters as they relate to the Metropolitan Centres; and

11.4 The extent of the MCZ.

12 With respect to the category of submission points in paragraph 11.4 above the Council notes that it remains of the view that these are not within the scope of PC78 on the basis they are not "on" PC78.

**Date:** 4 July 2025



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

**Table 1 - Outstanding submission points relating to Metropolitan Centres and precincts**

<b>Sub#/ Point</b>	<b>Submitter Name</b>	<b>Summary of Decisions Requested</b>	<b>IHP Topic allocation</b>
<b>836.8</b>	<b>North Eastern Investments Limited</b>	<b>Remove any aspect of 'height' (e.g. 21 metres) that does not enable at least six storeys of high-amenity, well-serviced, weathertight buildings in the Business or other zones.</b>	<b>014C</b>
<b>873.243</b>	<b>Kāinga Ora</b>	<p><b>Insert Height Variation Controls of 22m, 29m, 37m and 43m for various business zones in Kelston and New Lynn. Refer to Appendix 2, Map 090 of the submission.</b></p> <p><b>[Inferred: proposes height variation control of 22 metres for some or all properties in these streets, including: Great North Road, West Coast Road, and Westward Ho Glen Eden; Cartwright Road Kelston; Tomo Street New Lynn]</b></p> <p><b>[Inferred: proposes height variation control of 29 metres for some or all properties in these streets, including: St Georges Road, Arran Street, Great North Road, Kelvinside Terrace, and Chalmers Street, Avondale; Eastglen Road, Clayburn Road, Westward Ho, Barney Way, West Coast Road, Brandon Road, Pleasant Road, Claywest Place, and Rua Road Glen Eden]</b></p>	<b>014B</b>



		<p>[Inferred: proposes height variation control of 37 metres for some or all properties in these streets, including :Ruahine Street, Arran Street, Miranda Street, St Georges Road, Brabham Place, Wolverton Street, Umbriel Lane, Kelvinside Terrace, Blockhouse Bay Road, and Otira Street Avondale; Swinburne Street, Taylor Street, Matata Street, Addison Street, Falkirk Street, Marlowe Road, Kay Drive, Bolton Street, Pitfire Place, Bellamy Place, Congreve Place, Meredith Street, Temuka Garden, Terracotta Drive, Castlewood Grove, Chaucer Place, Puketea Street, Covic Avenue, Waianiwa Place, Lucknow Place, Blockhouse Bay Road, and Keats Place Blockhouse Bay; Tahi Terrace, Rua Road, Aotea Road, Great North Road, and West Coast Road Glen Eden; Kelwyn Road, Alston Avenue, and Archibald Road Kelston; Seabrook Avenue, Kohekohe Street, Hutchinson Avenue, Lynwood Road, Cutler Street, Faith Bullock Place, Titirangi Road, Trojan Crescent, Fruitvale Road, Northall Road, Akehurst Avenue, Parker Avenue, Hinau Street, Astley Avenue, Riverview Road, Arahoe Road, Cezanne Place, Rimu Street, Blease Street, Croydon Road, Great North Road, Portage Road, Pamela Place, Copplestone Place, Tane Street, Willerton Avenue, Boler Place, Maunder Place, Ryehill Close, Copley Street, Gardner Avenue, Golf Road, Reiman Street, Evergreen Rise, Woolley Avenue, Miro Street, Beverly Place, Rickards Place, Koromiko Street, Westall Road, Tiki Street, Rewa Street, Karaka Street, Davern Lane, Bolton Street, Armstrong Place, Nikau Street, Mayville Avenue, Craigbank Avenue, Sheridan Drive, Hinekohu Street, Springside Place, and Tomo Street New Lynn]</p> <p>[Inferred: proposes height variation control of 43 metres for some or all properties in these streets, including: Ruahine Street, Great North Road, Pecan Place, St Georges Road, Wingate Street, Wolverton Street, Crowther Street, Amsterdam Place, Miranda Street, Otira Street, and</p>	
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		<p>Arran Street Avondale; Taylor Street, Temuka Garden, Swinburne Street, Falkirk Street, Busby Street, Terracotta Drive, Ulster Road, Portage Road, Kumanu Lane, Congreve Place, Ochre Place, Chaucer Place, Matata Street, and Bolton Street Blockhouse Bay; Tahi Terrace Glen Eden, Titirangi Road, Fruitvale Road, Seabrook Avenue, Miro Street, Pine Street, Taroa Lane, Astley Avenue, Rimu Street, Reid Road, Binsted Road, Great North Road, Arawa Street, Islington Avenue, Ambrico Place, Trojan Crescent, Koromiko Street, Northall Road, Portage Road, Wattle Street, Gardner Avenue, Links Road, Durrant Place, Hinau Street, Nikau Street, Rata Street, Margan Avenue, Melview Place, Tane Street, Mayville Avenue, Caspian Close, Tiki Street, Karaka Street, Kohekohe Street, Maui Street, Hutchinson Avenue, Hill Crescent, Copplestone Place, Stolford Crescent, Dolan Place, Lynwood Road, Willerton Avenue, Rankin Avenue, Delta Avenue, Korama Lane, Ceramic Lane, Kaponga Crescent, Briar Way, Queen Mary Avenue, Craigbank Avenue, Maunder Place, Denyer Place, Kuaka Place, Akehurst Avenue, Wharetana Crescent, Westall Road, Whakahi Lane, Kaweka Street, Folkes Lane, Clinker Place, Rickards Place, Waters Place, Chettle Court, Korowha Place, Hugh Brown Drive, Hinekohu Street, Bickleigh Grove, Rewa Street, Parker Avenue, Bolton Street, Dainton Place, Pilsdon Place, Reiman Street, Skilgate Avenue, and Thom Street New Lynn]</p>	
941.53	Foodstuffs North Island Limited	<p>Amend the maximum height for 17-19 Fred Taylor Drive, Massey (Westgate Pak'n Save) to 72m. [Refer to Attachment 2, Map 23 for further details]</p>	014B

<b>2049.13</b>	Waka Kotahi	Increase heights in Newmarket to maximum possible under and around viewshafts.	014F
<b>1967.6</b>	Jennifer Andrew	Seeks design of all buildings in a metropolitan area and MDRS zone provide a good quality of life to residents to ensure liveable communities.	016K
<b>873.70</b>	Kāinga Ora	Delete qualifying matters pertaining to 'historic heritage buildings' from the I607 New Lynn Precinct framework where these matters have been applied to sites adjoining sites with identified historic heritage buildings.	020AT
<b>1086.120</b>	Sonn Group	Retain I615.4 Activity Table Pre-Amble.	020AW
<b>1086.126</b>	Sonn Group	Reject inclusion of Westgate Precinct as a qualifying matter. See page 7 of submission.	020AW
<b>1087.3</b>	Kiwi Property Group Limited	Delete provisions governing or constraining the height of development in the New Lynn Sub-Precinct C (the LynnMall Block) and their replacement with the maximum height standard across the whole of the New Lynn Sub-Precinct C of 100 metres.	020J
<b>873.340</b>	Kāinga Ora	Rezone Future Urban Zone to Business - Metropolitan Centre Zone and Business - Mixed Use Zone in parts of Drury. Relates to the private plan change 48 area. Refer to Appendix 2, Map 140 of the submission. [inferred: proposes to rezone some or all of the properties in these streets from Future Urban	008

		<b>Zone to Business - Metropolitan Centre Zone and Business - Mixed Use Zone, includes: Fitzgerald Road, and Waihoehoe Road, Drury]</b>	
<b>873.353</b>	<b>Kāinga Ora</b>	<b>Rezone Future Urban Zone to Business - Metropolitan Centre Zone and Business - Mixed Use Zone in parts of Drury. Relates to the private plan change 48 area. Refer to Appendix 2, Map 144 of the submission. [inferred: proposes to rezone some or all of the properties in these streets to Business - Metropolitan Centre Zone and Business - Mixed Use Zone, includes: Waihoehoe Road, and Fitzgerald Road, Drury]</b>	<b>008</b>
<b>901.143</b>	<b>Metlifecare Limited</b>	<b>Retain and support the Metropolitan Centre zoning of the Waitakere Gardens Retirement Village at 15 Sel Peacock Drive, Henderson.</b>	<b>008</b>
<b>941.52</b>	<b>Foodstuffs North Island Limited</b>	<b>Rezone 17-19 Fred Taylor Drive, Massey (Westgate Pak'n Save) to Metropolitan Centre Zone. [Refer to Attachment 2, Map 23 of the submission for further details]</b>	<b>008</b>
<b>1087.6</b>	<b>Kiwi Property Group Limited</b>	<b>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 [page 8].</b>	<b>008</b>