

**Before the Independent Hearing Panel appointed by Auckland Council**

In the matter of

**The Resource Management Act 1991 (RMA)**

and

In the matter of

**Plan Change 78 to the Auckland Unitary Plan**

Between

**The Parc Bodies Corporate Et al**

**Submitter 2291**

and

**Auckland Council**

**Local Authority**

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**Written statement on behalf of The Parc Bodies Corporate Et al**

Dated 1 May 2023

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**MAY IT PLEASE THE COMMISSIONERS**

1. The Parc Bodies Corporate Et al (**Bodies Corporate**) (submitter 2291) made a submission on Plan Change 78 (**PC78**) largely supporting the provisions applying to the Viaduct Harbour Precinct provisions and City Centre zone provisions. The Bodies Corporate are also a further submitter (further submitter 392) to the submission by Viaduct Harbour Holdings Limited (**VHHL**) which seeks to increase the height and intensification in the Viaduct Harbour Precinct. The Bodies Corporate oppose VHHL's submission.
2. On 26 April 2023, the Independent Hearing Panel (**IHP**) directed that a Conference be held in response to Auckland Council's (**Council**) request that the IHP pause all alternative dispute resolution (**ADR**) and hearings for PC78.
3. In summary, the Council requests a pause on all ADR and hearings for PC78 because:
  - (a) The changes required to PC78, in light of the flooding and natural hazards investigations being undertaken following the Anniversary weekend flooding, may be significant and the Council may need to notify a variation to PC78 in late 2023 or early 2024;
  - (b) Notices of Requirement for Auckland Light Rail are likely to be lodged in August 2023, and the Council's planning response for the Auckland Light Rail Corridor may not be notified until the end of 2023 or early 2024; and
  - (c) The Council's planning response to the flooding and natural hazards investigations and intensification in the Auckland Light Rail Corridor is likely to impact on multiple PC78 topics currently set down for hearings and ADR. Continuing with hearings and ADR for PC78 topics under the current programme may result in duplication of time, costs, and resources for all parties.
4. The Bodies Corporate support the Council's request to the extent that ADR and hearings for the following Topics should be paused:
  - (a) Topic 020G Precincts – I211 Viaduct Harbour Precinct; and

- (b) Topic 016A Business – City Centre zone provisions.
5. The Bodies Corporate consider that ADR and hearings for the above topics should be paused because:
- (a) Flooding and natural hazards investigations are likely to be relevant to the level of intensification provided for in the Viaduct Harbour Precinct; and
  - (b) If the hearings and ADR for the Viaduct Harbour Precinct and City Centre zone provisions proceed, there is likely to be duplication of time, costs, and resources.

**Flooding and natural hazards investigations are likely to be relevant to the level of intensification provided for the Viaduct Harbour Precinct**

6. Council officers are investigating the impacts of flooding and natural hazards following the Anniversary weekend flooding. As a result of the investigations, the Council may make changes, including notifying a variation, to PC78 to provide for the appropriate level of intensification in areas susceptible to flooding and natural hazards.
7. The Viaduct Harbour Precinct is an area that was subject to flooding in the Anniversary weekend floods. For example, Stratis Body Corporate's legal submissions for the PC78 Pre-hearing Conference note that Halsey Street was subject to severe flooding, Stratis' carpark nearly flooded, and the Sofitel carpark and first floor flooded and had to be evacuated.<sup>1</sup>
8. It is likely that the Council's investigations into flooding and natural hazards will include new information about flood risks in the Viaduct Harbour Precinct. Any new information may be relevant in considering the relief sought by VHHL. Therefore, the hearings and ADR for the Viaduct Harbour Precinct and City Centre zone should be paused until the information on flooding and natural hazards is available.

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<sup>1</sup> Pre-hearing conference, *Opening legal submissions from Stratis Body Corporate*, Peter Fuller (20 February 2023) at paragraph 4(d).

**If the hearings and ADR for the Viaduct Harbour Precinct and City Centre zone provisions proceed, there is likely to be duplication of time, costs, and resources**

9. If the hearings and ADR for the Viaduct Harbour Precinct and City Centre zone provisions proceed before the information about flooding and natural hazards is available, there will likely need to be further ADR and hearings to take this information into account.
10. Further hearings and ADR on topics that have already been covered is inefficient and will impose unnecessary costs on the Council and submitters.

**CONCLUSION**

11. The Bodies Corporate support the Council's request to the extent that hearings and ADR for the following Topics should be paused:
  - (a) Topic 020G Precincts - I211 Viaduct Harbour Precinct; and
  - (b) Topic 016A Business - City Centre Zone provisions.

**DATED** at Auckland this 1<sup>st</sup> day of May 2023



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**Bianca Tree / Henry Sullivan**

Counsel for The Parc Bodies Corporate  
Et al (Submitter 2291)