

UNDER The Resource Management Act 1991 (“**RMA**”)
IN THE MATTER of Plan Change 78 to the Auckland Unitary Plan

**MEMORANDUM ON BEHALF OF DRIVE HOLDINGS LIMITED,
FOODSTUFFS NORTH ISLAND LIMITED, KIWI PROPERTY GROUP
LIMITED AND VIADUCT HARBOUR HOLDINGS LIMITED**

PC78 – TIMETABLING ISSUES

1 May 2023

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1. This memorandum is filed on behalf of Drive Holdings Limited, Foodstuffs North Island Limited, Kiwi Property Group Limited and Viaduct Harbour Holdings Limited (“**the Submitters**”) in response to the Independent Hearings Panel’s Direction of 26 April 2023 inviting parties to attend a Conference on 3 May 2023 to discuss Auckland Council’s request for a pause in the PC78 hearing and ADR processes.
2. The Submitters wish to be heard at the Conference.
3. The Submitters oppose the Council’s request for a general pause in the hearing and ADR processes relating to PC 78:
 - 3.1 The one-year extension granted by the Minister was in response to concerns expressed by the Council arising from the adverse weather events in the early part of 2023. The purpose of the extension was not to delay the PC 78 process as a whole but, rather, to enable specific matters to be addressed in more detail.
 - 3.2 There is no rational basis for delaying the entire PC 78 process. There are many aspects of the plan change that are highly unlikely to be affected by the additional research being undertaken by Council. Hearings should proceed on those matters in the interim.
 - 3.3 The extension provides an opportunity for the Panel to take a more considered approach to all issues raised with regard to PC 78. It will result in changes to the hearing schedule. Matters unrelated to the weather events should be brought forward for hearing while hearings on aspects affected by the research can be delayed.
 - 3.4 Putting the entire PC 78 process on hold will result in a compressed hearing schedule in a year’s time and will waste the opportunity to undertake a more considered analysis of the extensive relief sought by many submitters.
4. The Submitters repeat their earlier submission that the Council and the Panel should take advantage of the opportunities provided by PC 78, particularly with respect to the provisions in the NPS-UD which reinforce the planning philosophy in the Unitary Plan:
 - 4.1 The Submitters acknowledge that the MDRS is a crude mechanism, developed without the level of analysis that would be

required were it subject to the Schedule 1 RMA process. In that context, there is a rationale for ensuring that the Council has a full understanding of the implications of applying the MDRS through residential zones, particularly in terms of infrastructure capacity and stormwater. It would be sensible to address the application of the MDRS to vulnerable residential parts of the city only after the Council has undertaken its additional research.

- 4.2 The obligation on Council to give effect to Policy 3 of the NPS-UD raises very different issues. The NPS-UD is a high level planning instrument that expresses a coherent planning philosophy related to intensification within and around centres. The NPS-UD is consistent with and reinforces the approach adopted through the Unitary Plan.
- 4.3 Given that the NPS-UD, the Regional Policy Statement and the Unitary Plan rules all prioritise development within and adjacent to centres, the additional analysis being undertaken by the Council should at most inform the way in which such development might be undertaken within and around centres (e.g.: through imposing standards), rather than precluding such development. That is particularly true of higher order centres (e.g.: the city centre, metropolitan centres and town centres).
- 4.4 While your consideration of how the MDRS is to be applied within a local context is subject to strict statutory constraints, the application of Policy 3 NPS-UD to individual centres involves greater discretion and will be largely dependent upon a site-specific analysis. The application of Unitary Plan provisions (e.g.: zonings; height standard) within and around centres is likely to vary because the planning contexts differ. Accordingly, these submissions should be addressed on a centre-specific basis rather than collectively.
5. The Submitters propose that the Panel timetables hearings in accordance with the following priorities:
 - 5.1 Any matters that are of broad relevance and that need to be resolved with respect to centres as a consequence of Policy 3 NPS-UD.

- 5.2 The application of Policy 3 NPS-UD to the city centre zone (including its precincts). [Nb: the Submitters exclude areas around the city centre zone from this category because of the range of issues raised by both Council and submitters (e.g.: relating to the Light Rail Corridor, stormwater management and infrastructural capacity issues).]
- 5.3 The application of Policy 3 NPS-UD to the metropolitan centre zones and their environs. This would include changes sought to height standards, walkable catchments, and zonings (e.g.: around Sylvia Park).
- 5.4 The application of Policy 3 NPS-UD to the town centre zones and their environs (including any zoning and other rule changes sought by submitters).
- 5.5 The application of Policy 3 NPS-UD to the local centre zones and their environs (including any zoning and other rule changes sought by submitters).
- 5.6 The application of Policy 3 NPS-UD to the neighbourhood centre zones and their environs (including any zoning and other rule changes sought by submitters).
- 5.7 Any matters that are of broader relevance and that need to be resolved with respect to the incorporation of the MDRS into residential zones. This is likely to be influenced, at least in part, by the additional research being undertaken by Council and may need to await the notification of variations.
- 5.8 Site specific issues regarding the incorporation of the MDRS into residential zones.
- 5.9 Any residual issues.

Dated this 1st day of May 2023
D A Allan