

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

AND

IN THE MATTER of Intensification Planning Instrument Proposed
Plan Change 78: Intensification (**PC78**) to the
Auckland Unitary Plan Operative in Part (**AUP**)

MEDIATION AGREEMENT IN RELATION TO:

Hearing Topic 020AL I540 Takapuna Precinct

Mediation held on	31 May 2023
Venue	Online
Time	9.30am – 12.22pm
Independent facilitator	Kim Hardy
Secretariat staff	Fiona Sprott

1. Attendance

1.1. The list of participants is included in the schedule at the end of this Agreement.

2. Background

2.1 The parties attended mediation on 31 May 2023.

2.2 Strike-through indicates matters that were not discussed.

2.3 Other issues remain live/outstanding between the parties and require further discussion between the parties, at expert conferencing and/or at hearings.

3. Authority to participate in mediation

3.1 The mediator confirmed with the submitters or their representatives that they have full authority to participate in the mediation sessions and where necessary can reach agreement on the matters being mediated for and on behalf of the submitters / further submitters that they represent.

3.2 Submitters and further submitters were reminded that they must follow their submissions and cannot act outside the scope of their submissions.

4. Matters considered at Mediation - agenda and outcomes

Unless otherwise stated - no name reflects a neutral position.

Parties discussed the matter of submissions that seek to change the height in Takapuna Centre but have not been set down for discussion at this mediation as they have been allocated to other topic(s) for ADR and hearing. This raises an issue of overlapping processes.

Parties note that the submission points of parties not in attendance were not discussed (Takapuna Residents Association).

Auckland Council will provide the shading modelling from the PAUP Hearings¹.

Issue 1: Can a stepped height approach be appropriate in Takapuna 1 Precinct?

Auckland Council – support retaining existing stepped heights

Foodstuffs – does not dismiss the concept provided that there are appropriate increased height metrics and a reconsideration of where the stepping would occur.

HND TS Limited – Maintain existing position regarding stepped height

Willis Bond – Maintain that stepping is appropriate subject to increasing height and a clear logic to stepping.

McConnell Developments Limited/ Crown Mutual Limited and State Advances Corporation Limited – Support stepped height approach but want a review of the height in the context of the NPS UD. In Sub- Precinct A the incentivised height should be the height (27m).

¹ 081c Ak Cncl - North Shore - Precincts (Takapuna 1) - (A Sills) - Shading Diagrams and 081c Ak Cncl - North Shore - Precincts (Takapuna 1) - (T Mackie) – Planning (<https://hearings.aupihp.govt.nz/programmes/ListProgrammeEvents?id=1>)

4.1. Sub-precinct D

4.1.1. Issue: Height in sub-precinct D

Whether to retain the operative height standard of 12.5m or increase the height standards for sub-precinct D as requested in submissions? Note that sub-precinct D has a qualifying matter in relation to height.

4.1.2. Discussion: No agreement reached

4.2. Sub-precinct A

4.2.1. Issue 1: Height in sub-precinct A

Whether to retain the operative height standard of 24.5m or increase the height standards for sub-precinct A as requested in submissions.

4.2.2. Discussion: No agreement reached

4.2.3. Issue 2: Through site lanes in sub-precinct A

Whether rule I540.6.5 [which requires a through site lane where shown in the I540.10.2 Precinct Plan] should be retained, or deleted as requested in submissions?

4.2.4. Discussion:

Auckland Council – The through site lane provisions should be retained.

Crown Mutual Limited and State Advances Corporation Limited - even though the development right of through site lanes is not transferable, the Plan provides that the effects of the maximum height are already accepted, then why not allow that height as permitted? Does not fit in the RMA framework as has been assessed by Council for the City Centre Zone FAR rules. Policy 3 is sufficient, potentially other matters and assessment criteria may be needed (e.g., the veranda controls in MCZ).

4.3. Sub-precinct B

4.3.1. Issue: Height in sub-precinct B

Whether to retain the operative height standard of 36.5m or increase the height standards for sub-precinct B as requested in submissions?

4.3.2. Discussion: No agreement reached

4.4. Sub-precinct C

4.4.1. Issue 1: Floor area ratio and through site lanes

Whether the Floor Area Ratio (FAR) rule 1540.6.4 which sets a FAR for sub-precinct C of:

- 5.1 per site with a through site lane, or
- 6.1 per site with no through site lane,

should be retained or deleted in sub-precinct C as requested in some submissions?

4.4.2. Discussion:

Auckland Council – Acknowledge the matters raised and will consider.

McConnell Developments Limited - The standard is an incentivisation standard only (e.g., no matters of discretion etc) to provide through site lanes. The control may result in not achieving 6 storeys as required by NPS UD Policy 3 when it is combined with the minimum frontage height standards for Sub precinct C. The s32 analysis does not appear to have factored in the effect of the FAR constraints in Sub precinct C in its assessment of demand and supply in the Metropolitan Centre Zone (MCZ), and while the FAR standard in Sub-precinct C is not stated to control bulk and scale, there are other standards that manage this, such as the Maximum Tower Dimension Standard of the MCZ, and the outcome of through site lanes could be addressed through new matters of discretion and assessment criteria related to new buildings.

The outlook control also inherently controls FAR.

Foodstuffs – the minimum in Policy 3 is not the target, can achieve more to achieve the purpose of the NPS UD. Support the position of McConnell Developments Limited.

HND TS Limited and Michael Campbell supports the position of McConnell Developments Limited.

4.4.3. Issue 2: Raising the height standard in sub-precinct C

Whether the height standard should be raised as requested in the submission?

4.4.4. Discussion: No agreement reached

4.5. **Business – Metropolitan Centre Zone rule application in the Takapuna Precinct (all sub-precincts)**

4.5.1. Issue: should the precinct rules be amended as requested to delete the application of the zone rules specified in the submission?

4.5.2. Discussion:

Anthony Blomfield circulated the Practice and Guidance Note:
<https://content.aucklanddesignmanual.co.nz/regulations/practice-notes/Documents/RC-3.2.30-Precinct-Rules-and-Standards.pdf>

Auckland Council – the council reserves its position on scope and will consider positions presented.

McConnell Developments Limited – The Precinct provisions should be amended to explicitly state that the following MCZ standards do not apply – Building Height, Building Setback at Upper Floors and Outlook (except in Sub-precinct C).

Foodstuffs, HND TS Limited and Michael Campbell support the position of McConnell Developments Limited

~~4.6 Takapuna market area~~

~~4.6.1 Issue: Retention of the market in central Takapuna~~

~~4.7 Residential zoning to the north of the Takapuna 1 Precinct~~

~~4.7.1 Issue: what is the appropriate residential zoning for the areas identified in the submission. Note that these areas are outside of the precinct boundaries.~~

5. PC 78 provisions

5.1. No amendments to provisions in Chapters were agreed.

6. Participants to Mediation Agreement

6.1. The participants to this Mediation Agreement, as listed below, confirm that:

- a) They agree that the outcome(s) of the mediation are as recorded in this agreement; and
- b) The matters addressed in this agreement are within scope of their submission; and
- c) As this session was held online, in the interests of efficiency, it was agreed that each participant would verbally confirm their position to the Facilitator, and this is recorded in the schedule below.

6.2. **Confirmed online 31 May 2023**

Unless otherwise stated - no name reflects a neutral position. Some experts were not present during all of the discussion/paragraph statements.

Name of representative	Party	Representative's confirmation
Michael Campbell	HND TS Limited (740)	Yes
Anthony Blomfield (Bentley)	Crown Mutual Limited and State Advances Corporation Limited (1251) McConnell Developments Limited (1328)	Yes
Douglas Allan, Cordelia Woodhouse, Rebecca Sanders	Foodstuffs North Island Limited (FS340)	Yes
Christopher Turbott, Sarah Lindsay, Anne Buchanan, Peter Vari	Auckland Council	Yes
Will Ellison	Willis Bond	Yes. Left at 10.50am but represented by Michael Campbell for the remainder of the meeting.

Mediation attendance sheet

Topic 020AL I540 Takapuna Precinct

Date: 31 May 2023

Facilitator: Kim Hardy

Location: Online

Time: 9.30am – 12.22pm

Submission number	Submitter name	Representative at mediation	Email	Notes
740	HND TS Limited	Michael Campbell	michael@campbellbrown.co.nz	
1251	Crown Mutual Limited and State Advances Corporation Limited	Anthony Blomfield	ablomfield@bentley.co.nz	
1328	McConnell Developments Limited	Anthony Blomfield	ablomfield@bentley.co.nz	
FS340	Foodstuffs North Island Limited	Rebecca Sanders	RebeccaS@barker.co.nz	
FS340	Foodstuffs North Island Limited	Cordelia Woodhouse	cwoodhouse@ellisgould.co.nz	
FS340	Foodstuffs North Island Limited	Douglas Allan	dallan@ellisgould.co.nz	
1975	Willis Bond and Company Limited	Will Ellison	Will@willisbond.co.nz	
	Auckland Council	Christopher Turbott	christopher.turbott@aucklandcouncil.govt.nz	

Plan Change 78 Intensification

Submission number	Submitter name	Representative at mediation	Email	Notes
	Auckland Council	Peter Vari	peter.vari@aucklandcouncil.govt.nz	
	Auckland Council	Sarah Lindsay	sarah.lindsay@aucklandcouncil.govt.nz	
	Auckland Council	Anne Buchanan	anne.buchanan@dlapiper.com	