

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991

AND of appeals in respect of Topic ENV-2016-304-122 (Transport and Car-parking) of the Proposed Auckland Unitary Plan

BETWEEN THE NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED

(ENV-2016-AKL-191)

KIWI PROPERTY GROUP LIMITED & KIWI PROPERTY HOLDINGS LIMITED

(ENV-2016-AKL-192)

PROGRESSIVE ENTERPRISES LIMITED

(ENV-2016-AKL-201)

VERNON

(ENV-2016-AKL-243)

Appellants

AND AUCKLAND COUNCIL

Respondent

Counsel: G Lanning for Auckland Council (Respondent)
D Allan for The National Trading Company of NZ Limited, Kiwi Property Group Limited and Kiwi Property Holdings Limited (Appellants)
K Vernon for himself (Appellant)
J Riddell for Progressive Enterprises Limited (Appellant), Bunnings Limited, Scentre (New Zealand) Limited, (s 274 parties)
B Tree for AMP Capital Property Portfolio Limited, PSPiB Waiheke Incorporated, Stride Holdings Limited and Stride Property Limited (s 274 parties)
JA Gregory for The Warehouse Limited (s 274 party)
J Brinsdon for Business North Harbour Incorporated (s 274 party supporting Appellants)
J MacKay for Generation Zero, New Zealand Institute of Architects, Urban Design Forum of New Zealand (s 274 parties)
J Farquhar for North Eastern Investments Limited (s 274 party supporting Auckland Council)
C Kirman for Housing New Zealand Corporation (s 274 party)



PRE-HEARING CONFERENCE BEFORE JUDGE JA SMITH**(11 MAY 2017)**

Introduction

[1] These appeals relate to transport and car parking issues in relation to the Metropolitan Town and Local Centres zones and the Mixed-use zone.

Process issues

[2] Mr Vernon advised that he wished to withdraw his appeal in relation to Transport and Car-parking and no party raised any issue for costs. Accordingly, those proceedings are withdrawn and discontinued, and Mr Vernon's appeals may be closed in relation to the transport and car-parking matter 043/044.

[3] Ms Kirman appeared for Housing New Zealand Corporation and indicated that an agreement had been reached at mediation that the maximum car-parking requirement would be withdrawn. This requires the agreement of the Court, but represents a position agreed between all parties. Although Ms Kirman had filed an application to join the Kiwi Property Group appeal (ENV-2016-AKL-192), she indicated that, if the memorandum of the parties was signed, she would take no further part in the proceedings.

Issues

[4] There was then some discussion as to what issues (from the parties' perspective at least) would remain before the Court. The question of maximum car-parks allowed was the subject of agreement for deletion. However, the minimum car-parking requirement still required some clarification as to issues for hearing. It appears to be agreed that it relates to the Mixed Housing Metropolitan Town and Local Centres zones and seeks a minimum parking requirement of 1:30m², with some variations and exceptions sought by parties. Currently there is no minimum parking requirement.

[5] Accordingly, the parties have agreed that they will file a memorandum with the Court advising:



- (a) what matters have been agreed between them in relation to the maximum parking issue; and
- (b) the issues that remain for resolution from the parties' perspective in relation to the minimum parking issue.

[6] Evidence will have to be given on the matters that are agreed between the parties for amendment, to satisfy the Court that the amendments are appropriate, and also on matters still remaining in dispute.

Directions

- [7] To that end the parties consented, in general terms, to the following Directions:
- (a) A joint memorandum of the parties will be filed by **19 May 2017** advising 5 (a) and (b) above:
 - (a) what matters have been agreed between them in relation to the maximum parking issue; and
 - (b) the issues that remain for resolution from the parties' perspective in relation to the minimum parking issue.
 - (b) Council evidence is to be filed by **5.00pm, Friday 23 June 2017** in relation to changes to the plan agreed and those still remaining in disagreement;
 - (c) Generation Zero, NZ Institute of Architects and Urban Design Forum of New Zealand and North Eastern Investments Limited (**NEIL**) (s 274 parties) are to file their evidence in support of changes agreed and those issues still requiring resolution by **5.00pm, Friday 7 July 2017**;
 - (d) the Appellants are then to file their evidence, in support of the changes to the plan agreed and matters remaining in dispute by **5.00pm, Friday 28 July 2017**;
 - (e) the s 274 parties are to file their evidence on these matters by **5.00pm, Friday 11 August 2017**;
 - (f) Council is to file its rebuttal evidence by **5.00pm, Monday 28 August 2017**;
 - (g) four extra copies of the evidence and an agreed bundle of documents is to be forwarded to the Council and filed by them by **5.00pm, Monday 4 September 2017**. This documentation is to be clearly indexed, tabbed and



paginated, and volumes should be spiral-bound or stored in A4 Eastlight folders;

- (h) a tracked-change version of the plan showing the changes agreed (colour-coded in green), changes sought by the Council (if any) and changes sought by the appellants (colour coded to each party).

[8] The parties agree that the page limit for non-key witnesses will be twenty (20) pages, and for key witnesses the page limit shall be thirty (30) pages. Key witnesses are:

- Planning
- Traffic
- Urban design
- Economic

[9] The parties identified witnesses by group:

- For the appellants – seven company witnesses, three planning witnesses, three traffic witnesses, one economist, and one urban designer.
- For the Council – one transport strategy, one transport engineering, one economist, one urban development, one parking control, one planner.
- For the s 274 parties:
 - NEIL – one traffic, one planning, one urban design.
 - For Generation Zero, NZ Institute of Architects and Urban Design Forum of New Zealand – one planning, one architectural, one Generation Zero.

[10] The parties are agreed that the matter is likely to occupy five days and agreed that the hearing should commence after 4 October 2017. At this stage the matter is to be set down on or after 9 October for five days. A notice of hearing is to issue when available.



JA Smith
Environment Judge
 Issued:

11 MAY 2017

