I hereby give notice that an ordinary meeting of the Planning Committee will be held on:

Date: **Thursday, 31 March 2022**
Time: **10.00am**
Venue: **This meeting will be held remotely and can be viewed on the Auckland Council website**
https://councillive.aucklandcouncil.govt.nz/

Kōmiti Whakarite Mahere / Planning Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Chris Darby	
Deputy Chairperson	Cr Josephine Bartley	
Members	Cr Dr Cathy Casey	Cr Richard Hills
	Deputy Mayor Cr Bill Cashmore	Cr Tracy Mulholland
	Cr Fa'anana Efeso Collins	Cr Daniel Newman, JP
	Cr Pippa Coom	Cr Greg Sayers
	Cr Linda Cooper, JP	Cr Desley Simpson, JP
	Cr Angela Dalton	Cr Sharon Stewart, QSM
	Cr Alf Filipaina, MNZM	Cr Wayne Walker
	Cr Christine Fletcher, QSO	Cr John Watson
	Mayor Hon Phil Goff, CNZM, JP	IMSB Member Karen Wilson
	IMSB Member Hon Tau Henare	Cr Paul Young
	Cr Shane Henderson	

(Quorum 11 members)

Kalinda Iswar
Kaitohutohu Mana Whakahaere Matua / Senior Governance Advisor
28 March 2022

Contact Telephone: 021 723 228
Email: kalinda.iswar@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

Terms of Reference

Responsibilities

This committee guides the physical development and growth of Auckland through a focus on land use, transport and infrastructure strategies and policies relating to planning, growth, housing and the appropriate provision of enabling infrastructure, as well as programmes and strategic projects associated with these activities. The committee will establish an annual work programme outlining key focus areas in line with its key responsibilities, which include:

- relevant regional strategy and policy
- transportation
- infrastructure strategy and policy
- Unitary Plan, including plan changes (but not any wholesale review of the Plan)
- Resource Management Act and relevant urban planning legislation framework
- oversight of Council's involvement in central government strategies, plans or initiatives that impact on Auckland's future land use and infrastructure
- Auckland Plan implementation reporting on priorities and performance measures
- structure plans and spatial plans
- housing policy and projects
- city centre and waterfront development
- regeneration and redevelopment programmes
- built and cultural heritage, including public art
- urban design
- acquisition of property relating to the committee's responsibilities and in accordance with the LTP
- working with and receiving advice from the Heritage Advisory Panel, the Rural Advisory Panel and the Auckland City Centre Advisory Board to give visibility to the issues important to the communities they represent and to help effect change.

Powers

(i) All powers necessary to perform the committee's responsibilities, including:

  (a) approval of a submission to an external body

  (b) establishment of working parties or steering groups.

(ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

(iii) If a policy or project relates primarily to the responsibilities of the Planning Committee, but aspects require additional decisions by the Environment and Climate Change Committee and/or the Parks, Arts, Community and Events Committee, then the Planning Committee has the powers to make associated decisions on behalf of those other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

(iii) The committee does not have:

  (a) the power to establish subcommittees

  (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).

Code of conduct

For information relating to Auckland Council's elected members code of conduct, please refer to this link on the Auckland Council website - https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/elected-members-remuneration-declarations-interest/Pages/elected-members-code-conduct.aspx

Auckland Plan Values

The Auckland Plan 2050 outlines a future that all Aucklanders can aspire to. The values of the Auckland Plan 2050 help us to understand what is important in that future:

Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a "need to know" basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	9
2	Declaration of Interest	9
3	Confirmation of Minutes	9
4	Petitions	9
	4.1 Scotty Witherow - Petition relating to private helipads on Aotea/Great Barrier Island	9
5	Public Input	10
6	Local Board Input	10
	6.1 Local Board Input: Orakei Local Board - National Policy Statement on Urban Development	10
	6.2 Local Board Input: Waitemata Local Board - National Policy Statement on Urban Development	11
	6.3 Local Board Input: Aotea/Great Barrier Local Board - helipads	11
	6.4 Local Board Input: Waiheke Local Board - helipads and helicopter matters	12
7	Extraordinary Business	12
8	Review of the Auckland Parking Strategy - endorsement for public consultation	15
9	Auckland Cycling and Micromobility Programme Business Case	99
10	National Policy Statement on Urban Development - Overview	109
11	Changes to the Auckland Unitary Plan and the Auckland District Plan (Hauraki Gulf Islands Section) to deliver better quality intensification and implement the National Policy Statement on Urban Development and Resource Management (Enabling Housing Supply and Other Matters) Act	243
12	National Policy Statement Urban Development - Policy Direction for the City Centre	271
13	Thriving Town Centres - Guidance for Urban Regeneration in Tāmaki Makaurau / Auckland	401
14	Resolutions from the Aotea/Great Barrier, Waiheke and Waitematā Local Boards regarding concerns about helicopter activity	445
15	Auckland Unitary Plan (Operative in Part) - Private Plan Change request from the Waitemata District Health Board at Wairaka Precinct (Unitec) RMA Clause 25 decision	491
16	Auckland Unitary Plan - Proposed Plan Change - Rezoning of 1023 and 1039 Linwood Road, Kingseat (Covering report)	577
17	Auckland Unitary Plan - Making Operative Plan Change 54 and Plan Modification 13 - Enabling Rainwater Tank Installation in Residential and Rural Zones	579
18	Summary of Planning Committee information items and briefings (including the forward work programme) – 31 March 2022	615
19	Consideration of Extraordinary Items	

PUBLIC EXCLUDED

20	**Procedural Motion to Exclude the Public**	**635**
C1	**National Policy Statement on Urban Development - Auckland Council Preliminary Response - Endorsement For Public Engagement**	**635**

1 Apologies

At the close of the agenda no apologies had been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes

That the Planning Committee:

a) confirm the ordinary minutes of its meeting, held on Thursday, 3 March 2022 as a true and correct record.

4 Petitions

4.1 Scotty Witherow - Petition relating to private helipads on Aotea/Great Barrier Island

Te take mō te pūrongo
Purpose of the report

1. To present a petition to the Planning Committee.

Whakarāpopototanga matua
Executive summary

2. Scotty Witherow, a resident of Great Barrier Island, has organised a petition to the Planning Committee. The prayer of the petition is as follows:

   "We, the undersigned, call for an immediate moratorium on all new helipad consents for Aotea/Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island."

3. Standing Order 7.6.1 allows for the presentation of a petition to the Governing Body and its committees.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) receive the petition and forward it to the Chief of Strategy for consideration.

Attachments

A Petition relating to private helipads on Aotea/Great Barrier Island..... 639

5 Public Input

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than **one (1) clear working day** prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5) minutes** speaking time for each speaker.

At the close of the agenda no requests for public input had yet been approved.

6 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5)** minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **one (1)** day's notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

6.1 Local Board Input: Orakei Local Board - National Policy Statement on Urban Development

Te take mō te pūrongo
Purpose of the report

1. Scott Milne, Chairperson and Member Troy Churton of the Orakei Local Board will speak to the committee about the National Policy Statement on Urban Development. Specifically, the input will cover principles of the national policy statement, residential and city centre provisions, the intensification plan change and public engagement.
2. This input relates to report(s) on the committee agenda.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) receive the Orakei Local Board input regarding National Policy Statement on Urban Development and thank local board Chair Scott Milne and Member Troy Churton for attending the meeting.

6.2 Local Board Input: Waitemata Local Board - National Policy Statement on Urban Development

Te take mō te pūrongo
Purpose of the report

1. Alexandra Bonham, Deputy Chairperson of the Waitematā Local Board will speak to the committee about the National Policy Statement on Urban Development (NPS UD). Specifically, the input will cover the opportunity of the NPS UD to improve wellbeing by addressing noise issues.
2. This input relates to report(s) on the committee agenda.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) receive the Waitematā Local Board input regarding National Policy Statement on Urban Development and thank local board Deputy Chair Alexandra Bonham for attending the meeting.

6.3 Local Board Input: Aotea/Great Barrier Local Board - helipads

Te take mō te pūrongo
Purpose of the report

1. Izzy Fordham, Chairperson of the Aotea/Great Barrier Local Board will speak to the committee about helipads. Specifically, the local board are seeking a review of the Hauraki Gulf Islands District Plan regarding helipads and for all helipad consent applications to be fully notified while a review is underway.
2. Aotea/Great Barrier Local Board resolutions from 22 March 2022 are provided as Attachment A.
3. This input relates to a report on the committee agenda: Resolutions from the Waiheke Local Board, Waitemata Local Board and Aotea Great Barrier Local Board regarding concerns about Helicopter Activity.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) receive the Aotea/Great Barrier Local Board input regarding helipads and thank local board Chair Izzy Fordham for attending the meeting.

Attachments

A Aotea/Great Barrier Local Board resolutions on helipads from 22 March 2022..... 669

6.4 Local Board Input: Waiheke Local Board - helipads and helicopter matters

Te take mō te pūrongo
Purpose of the report

1. Cath Handley, Chairperson of the Waiheke Local Board will speak to the committee about helipads and helicopter matters. Specifically, the board seeks support from the committee for:
    - ongoing monitoring at existing helipads on Waiheke Island consented after 2015, and education for owners of helipads consented prior to 2015
    - resourcing the relevant council departments to respond to the Hauraki Gulf Island District Plan and helicopter consenting issues to mitigate and reduce the cumulative effects on amenity and the environment of more helipads and helicopter movements on Waiheke Island
    - seeking an urgent ruling in the Environment Court for helipads to be considered as having non-complying status under the Hauraki Gulf Islands District Plan.
2. Waiheke Local Board resolutions from 15 December 2021 are provided as Attachment A.
3. This input relates to a report on the committee agenda: Resolutions from the Waiheke Local Board, Waitemata Local Board and Aotea Great Barrier Local Board regarding concerns about Helicopter Activity.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) receive the Waiheke Local Board input regarding helipads and helicopter matters, and thank local board Chair Cath Handley for attending the meeting.

Attachments

A Extract from minutes of a meeting of the Waiheke Local Board held 15 December 2021 671

7 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

(i) That item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

Review of the Auckland Parking Strategy - endorsement for public consultation

File No.: CP2021/07067

Te take mō te pūrongo
Purpose of the report

1. To seek Planning Committee endorsement of the Draft Auckland Parking Strategy 2022 for public consultation before being submitted to the Auckland Transport Board for approval.

Whakarāpopototanga matua
Executive summary

2. The Auckland Parking Strategy is currently being reviewed. The strategy provides the guiding principles and policies for planning, supply, management and removal of on-street and Auckland Transport (AT)-controlled off-street parking. The pressing need for the review comes from the need to align with Central Government policy and Auckland Council strategy, to manage increasing demands on the limited public resource of parking, to align parking management to emission reduction targets and to reset customer expectations around parking provision.
3. Following strategic direction given by the Planning Committee and AT Board in November 2021, AT and Auckland Council released a Parking Discussion Document to 'start the conversation' with the public around parking management. The Parking Discussion Document was available on the AT website for wider public access and targeted to key stakeholders, involved in Auckland's development.
4. Feedback on the Parking Discussion Document has led to minor proposed amendments to the previously agreed direction around consultation on parking removal on the strategic transport network.
5. The Draft Auckland Parking Strategy 2022 has been developed using the 2015 Parking Strategy as a basis, guided by the Planning Committee's strategic direction and with feedback from Iwi (via a series of hui) and key stakeholders, including local boards (via two rounds of workshops, most recently in March 2022).
6. The Draft Auckland Parking Strategy 2022 outlines the wider context for parking management, the strategic direction and objectives and includes objective-based policies.
7. The Draft Auckland Parking Strategy 2022 has been endorsed by the AT Board and since workshopped with the Planning Committee. We are now seeking Planning Committee endorsement to publicly consult on this draft in April.
8. Following public consultation, this feedback will be reported to local boards to enable them to provide formal feedback for final amendments before seeking Planning Committee endorsement and final approval of the Draft Auckland Parking Strategy in August 2022.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) note feedback received on the Parking Discussion Document which has helped shape the development of the Draft Auckland Parking Strategy 2022.

b) endorse the Draft Auckland Parking Strategy 2022 for public consultation in April 2022 as shown in Attachment A.

c) note that following the committee's endorsement the Auckland Transport Board will consider approving the Draft Auckland Parking Strategy 2022 for public consultation.

Item 8

Horopaki
Context

Why we need to refresh the Parking Strategy

9. Our region needs to change. We are faced with a number of key challenges that require immediate action. We have a climate emergency and need to transform the transport system as it is a key contributor of our carbon emissions. We have continuing high growth and key changes to government policy to respond to, to enable a future land use system that accommodates growth in the right place at the right time. We need to eliminate harm to users of the transport system and not accept deaths and serious injuries as part of the transport system. We need to connect people, making journeys easy across a range of different modes, and importantly deliver travel choice so that people are not reliant on a single option for their travel.

10. Parking intersects with all of these challenges and opportunities. It can facilitate easy journeys and contribute to the delivery of travel choices. By changing our policies we can support a shift to sustainable transport modes and an overall safer transport system, and we can ensure that growth impacts are minimised on Aucklanders. The 2015 Strategy has served Auckland well, but an evolved Strategy is needed for the challenges of 2022 and beyond.

Overview of work to date

11. Development of the Draft Auckland Parking Strategy 2022 (the Strategy) has involved phases of work:

Discovery of issues and opportunities (early 2021)

12. The project team worked to get an understanding of the current environment and key policy directions that influence parking management. The most significant of these are the National Policy Statement on Urban Development, which removes planning requirements for private parking, and Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan and the developing Transport Emissions Reduction Plan. This phase also involved identifying issues with the current Strategy, through speaking to the AT Parking and Compliance teams and reviewing customer data.

Discussions with local boards (June – September 2021)

13. Discussions with local boards (16 sought workshops in the initial round) provided insight into more specific community and local issues. The key feedback from these discussions was that a blanket approach to parking management would not suit the whole region, that parking management should be in relation to the availability of alternative access options and that local boards remained interested in how parking management would apply in their local areas. This provided the challenge of developing a regional framework for parking management that accounts for more localised differences.

Strategic direction-setting (November 2021)

14. In November 2021, the Planning Committee endorsed the strategic direction for parking management, including principles on the role of roads and streets as valuable public space, the role of parking within the context of roads and streets and principles for engaging with the community on parking changes. Additionally, the Planning Committee endorsed a concept for regional parking management based on an area's 'readiness for change'. Areas with greater urban density, better active travel and public transport access options were considered to be more ready for greater parking management intervention.

Tātaritanga me ngā tohutohu
Analysis and advice

Progress since the November 2021 Planning Committee Meeting

Parking Discussion Document (December 2021 – January 2022)

15. In December 2021, Auckland Transport and Council released a Parking Discussion Document to start the conversation with the public on future parking management in Auckland. The Parking Discussion Document was available on the Auckland Transport website for wider public access and targeted to key stakeholders involved in Auckland's development. During this period, AT received 32 pieces of written feedback, including detailed submissions from eight stakeholders. The key insights from this feedback included:

- majority support for the strategic direction
- desire to see the bigger picture - how parking fits and will achieve transport objectives, especially with regards to climate change action
- desire to paint a balanced picture of parking, reflecting it has both advantages and disadvantages
- call for the Auckland Parking Strategy to acknowledge the costs of parking
- desire to include safety and mode shift (away from private vehicles) as the highest priority use for kerbside space
- the need for a very well developed and sophisticated ongoing community engagement and communication campaign, to address the need to 'reposition' parking
- desire to see changes aligned with land use and the ability of other modes to replace trips.

Advice on public engagement (including regarding the Strategic Transport Network)

16. The Discussion Document proposed changes to how AT engages with the public on parking changes. The proposal was to:

- remove consultation on repurposing parking lanes on the Strategic Transport Network,
- engage the community on the development of Comprehensive Parking Management Plans
- inform the community of changes to parking that are consistent with CPMPs
- inform the community of small scale changes to parking (such as safety related changes).

17. There was, however, some debate around the first component of this proposal so external advice was sought on the requirements of Auckland Council's Consultation and Significance Policy. The advice was that parking removal constituted a significant change which required public consultation due to public expectation. Considering this, consultation of parking lane repurposing will still occur as part of projects on the Strategic Transport Network, but with the starting assumption that parking will be removed unless there is evidence of significant adverse consequences, such as hardship, which outweighs the benefits of parking removal. All other components of the proposed engagement approach remain as initially planned.

18. The revised approach to parking repurposing on the Strategic Transport Network recognises that parking removal may inconvenience some vehicle users, but generally such individual interests are likely to be outweighed by the benefits of improved network performance for the Auckland community as a whole.

19. This change necessitated slight wording amendments to two of the Parking Principles, to reflect the above new position.

Customer sentiment survey

20. In November 2021, AT undertook research to understand themes around parking. This gives a 'baseline' of perceptions around parking provision and management. The survey shows:
    - Aucklanders believe driving is currently the most convenient (77%) and cost-efficient (61%) way to travel around the city
    - the vast majority (86%) of Aucklanders believe that the availability of affordable parking is important for any world class city, and a similar number (83%) believe there is currently a lack of affordable parking in Auckland
    - around two thirds of Aucklanders believe that paid and time limited parking are good ways to manage demand and ensure the availability of parking for Aucklanders in high density areas.
21. This research shows there is a need to reset community expectations and reposition public parking provision and management.

Developing a Parking Strategy Implementation Plan

22. An implementation plan is currently under development, which is designed to articulate the tasks, time, cost and resources required to implement the Parking Strategy over the next decade. An observation that AT has received during engagement on the new draft Parking Strategy is that the previous Strategy was not fully implemented. The implementation plan is designed to mitigate this, with full details on what delivery will require and cost over the next decade.

Drafting the Auckland Parking Strategy 2022

23. Because of the feedback on the Parking Discussion Document, several areas of the draft Parking Strategy and policies have been developed, including:
    - developing the narrative, to better link it to the broader transport story, strategic objectives and policy rationale, as well as regulatory areas in need of reform
    - we have been careful to articulate the benefits and implications of parking to the community and have maintained the parking principles, aside from the changes discussed above
    - as noted above, we have modified how we propose to consult on development of the Strategic Transport Network
    - there are a number of areas of policy that address the comments/issues raised through feedback, for example, acknowledging the costs of parking provision, outlining indicators of success and emphasis on parking diversity to enable mode shift
    - we have focussed on the benefits of parking management to enable and support access, resulting in a more equitable transport system
    - we are emphasising that roll-out of further parking management will happen over time, starting where there is most readiness for change, and that this is a ten-year plan. Consultation on the Strategy will acknowledge the existing context and public fatigue.

The strategic direction provided by the Planning Committee has guided development of the Draft Auckland Parking Strategy 2022

24. The draft Parking Strategy sets out the strategic context and need to manage the transport system, as well as the strategic objectives and agreed principles for parking management. The Strategy includes proposed parking policies, based on the principles and concept endorsed by the Planning Committee, as well as feedback received over the past few months.

25. The parking policies provide more technical detail on how parking is (proposed to be) managed, to align to the principles set out in the strategic direction. The policies are grouped by:
    - provision and approach
    - on-street and off-street
    - specific vehicle classes
    - specific situations.
26. The Strategy also includes a section on advocacy to Government for legislation/regulatory reform as there are some areas of parking management that are outside of local government control. We are including these to advocate for reform. They also provide context on the limitations of regulation in areas we would like to effect change and achieve better outcomes. These areas include:
    - parking infringement fines
    - banning berm parking
    - residential parking permit cost-setting
    - influencing private parking through parking levies.
27. The full text and policies are included in Attachment A, the Draft Auckland Parking Strategy 2022.

Consulting on and finalising the Parking Strategy

28. Pending endorsement of the Draft Auckland Parking Strategy, public consultation is proposed throughout April 2022. An extensive public consultation campaign is proposed. The key components of this include:
    - advertisements in print and online
    - media releases
    - drop-in sessions – online and in person and libraries
    - stakeholder communications
    - website, online survey/feedback portal.
29. A summary version of the draft Auckland Parking Strategy will be provided to help make it easier to understand, as well as accessible versions and translations of the summary documents into Te Reo, Tongan, Samoan, Chinese and Korean. This information will be provided to all local boards to assist in raising awareness of this consultation.
30. In May, feedback will be collated and reported to local boards, in order that local boards can provide formal feedback on the Strategy at their June board meetings.
31. Public feedback and local board feedback will be taken into consideration in amending the document before it is presented to the Planning Committee and AT Board for approval in August 2022.

Tauākī whakaaweawe āhuarangi
Climate impact statement

32. Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan outlines the need for Auckland to reduce its transport related emissions significantly, to meet the target of 64% reduction by 2030. This means that business-as-usual for project planning and delivery, and the management of the transport system cannot continue.
33. Parking management is a lever in managing the transport network, both in terms of the opportunities that repurposing of road-space offers to enabling other modes and in disincentivising car use.

34. Implementing the draft Parking Strategy will mean that repurposing parking lanes on key roads in Auckland will be delivered, increasing the diversity of movement options and improving the safe and efficient access of people using sustainable modes in particular. This is a key change required to reduce transport related emissions, meaning the draft Parking Strategy is of significant importance as an early step to transport-related climate action.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

35. Auckland Council strategy staff have been part of the working and steering group for this project and have reviewed and contributed to this committee report.

36. Eke Panuku and Auckland Unlimited provided feedback during engagement on the Parking Discussion Document. Their feedback has been supportive and we will continue to engage with them during the public consultation period.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

37. Between June and August 2021 local boards were informed of the review. Local boards were sent a memo outlining the rationale for the review and presentations were made at the Local Board Chairs' Forum. Workshops with 16 local boards were held to outline the Parking Strategy review, answer questions and receive feedback on parking management. All local boards had an opportunity to provide feedback on the review. Key feedback included the message that "one size does not fit all" in relation to regional parking management, caution around changes without alternative options and a desire for substantial input into the CPMPs.

38. All local boards have had workshops during March 2022, to inform them of upcoming public consultation and give them more information on the likely changes the Strategy will bring to their area.

39. During May each local board will be provided the consultation feedback for their local area, in order for them to consider this in any final formal feedback they may wish to give on the Strategy, prior to Planning Committee endorsement and AT Board approval.

Tauākī whakaaweawe Māori
Māori impact statement

40. In July 2021, Mana Whenua Kaitiaki Forum members were sent a memo outlining the Parking Strategy Review and asking for feedback on any aspects of interest to mana whenua. AT project staff approached the forum multiple times but were unable to secure a place on the agenda due to other items being given higher priority. In December 2021, we sent another memo to mana whenua, introducing the Parking Discussion document and inviting feedback on the strategic direction for parking management. This same information and engagement process was shared with the Independent Māori Statutory Board Chair. We had no response from these approaches to mana whenua.

41. Over the past month, AT has engaged with mana whenua representatives through AT's regional hui. Feedback from these hui has reinforced that parking is a topic of considerable concern to Māori. There was acknowledgement that, as well as the strategic concerns around air quality and resource management, parking enables access. Concerns were raised about the potential for parking management to further-reduce access, particularly for less able-bodied kaumatua and kuia, to the whenua, moana and wahi tapu.

42. An early consideration of potential impacts of increased parking management for Māori are that they are likely to be similar impacts as for the wider population. Some parts of the community are more reliant on cars for access, particularly if they do not have good access to public transport. Barriers to public transport, such as cost and network coverage, influence access to necessities such as education, healthcare, employment, shopping and social services.

Ngā ritenga ā-pūtea
Financial implications

43. Parking management resourcing will be delivered through AT operational budgets. Initial work to understand the resourcing required to implement the Strategy indicates that this will require significant resource increases for planning, design, compliance monitoring and enforcement.

44. Revenue from parking management helps to offset AT operational costs and therefore reduce reliance on ratepayer-funding.

45. While additional budget would be required for specific areas within AT, it is currently expected that a strategy based on the above principles would be at least revenue-neutral overall once compliance monitoring/enforcement revenue is considered.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

46. Release of the Parking Discussion Document was intended to address a preference for the status quo for parking in Auckland by setting out the need for change in the way that we travel and park and highlighting the benefits of the overall strategy of a shift to more sustainable modes. The forthcoming draft Parking Strategy has a proactive media plan, with careful consideration of media interest and risks at each stage of the project. There will be opportunities to adapt the draft Parking Strategy in light of public feedback through a further decision-making round, and changes to specific areas will occur through local Comprehensive Parking Management Plans, which will provide the public a further opportunity to shape the parking outcomes for their area.

47. There is a risk that resourcing to implement the Strategy may not be prioritised or forthcoming. Delivery of the Strategy is dependent on having resourcing for parking management. Without adequate resourcing, we will continue to see areas of high parking demand with non-compliant parking.

48. AT is developing a Parking Strategy Implementation Plan to clearly articulate operational requirements for all stages of parking management, from planning through to design, delivery and enforcement. This will be a critical operational consideration for AT, as well as to set public and Council expectations.

Ngā koringa ā-muri
Next steps

49. Following the decision of the Planning Committee, we will:

- Seek approval to consult on the Draft Auckland Parking Strategy 2022 from the AT Board
- Publicly consult on the draft Auckland Parking Strategy throughout April
- Consider consultation feedback and any local board feedback and make any appropriate amendments to the Draft Auckland Parking Strategy
- Return to the Planning Committee in August for endorsement of the final version of the Strategy before seeking approval by the AT Board.

Item 8

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	draft Auckland Parking Strategy 2022	21

Ngā kaihaina
Signatories

Authors	Claire Covacich - Principal Transport Planner Andrew McGill - Head of Integrated Network Planning
Authorisers	Hamish Bunn - Group Manager: Investment, Planning and Policy Jenny Chetwynd - Executive General Manager, Planning and Investment Megan Tyler - Chief of Strategy

Draft Auckland Parking Strategy | April 2022

DRAFT – NOT APPROVED

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Item 8

Attachment A

DRAFT – NOT APPROVED

Contents

Foreword **4**

1. Introduction **6**

1.1 Purpose 6

1.2 How we developed this draft Strategy 8

1.3 What we heard from the Discussion Document 9

1.4 The structure of this document 10

2. The way forward for Auckland's transport network **12**

3. Parking **16**

4. Parking principles **22**

5. Our proposed approach to parking management **26**

6. Parking policies **38**

7. Where to next **64**

7.1 Have your say; we're listening 64

7.2 Implementation 65

7.3 Changes needed to Government Policy 65

Glossary **68**

DRAFT – NOT APPROVED

Foreword

Parking is an important part of Auckland. It influences the way our city grows and how people get around.

When managed effectively, parking helps make Auckland a better place to live. It supports sustainable growth patterns and an efficient transport system. Well-managed parking encourages people to leave their cars at home, but it also facilitates the efficient delivery of goods, and improves access to services for people that can't easily get around by public transport, walking, or cycling.

Historically our approach to parking management has supported a transport system primarily based around travel by private motor vehicles. While this system has helped the city grow, unfortunately, it isn't sustainable or efficient.

Given the challenges we face as a region with significant growth and the need to urgently reduce our climate impacts, it's clear we need to give Aucklanders better and more reliable travel choices so people are less reliant on getting around by car. To achieve this there are some key things we are working towards:

- Safer, more reliable, efficient, and frequent public transport, walking, and cycling systems
- Denser land use patterns near town centres and public transport services. This means more people can access key services by foot or bike, and that there is sufficient demand to provide high frequency public transport services
- Better management of parking.

DRAFT – NOT APPROVED

Why is parking management important?

Because it influences the way our city grows and how people get around. This is where the Parking Strategy comes in. The Parking Strategy proposes to manage parking in a way that supports a better transport system and more sustainable growth patterns.

Due to Auckland's varying transport and land use characteristics a one-size-fits-all approach to parking management would not be appropriate. That's why we have assigned all parts of Auckland into one of three parking management tiers so parking can be managed in a way that reflects the transport and land use characteristics of each community. In locations that require changes, we will also work with the local community to plan out changes through the development of parking management plans.

The strategy also proposes changes to the management of parking on roads that are part of the Strategic Transport Network - the main transport routes that connect people and goods throughout Auckland. On these roads moving people and goods is critical; to acknowledge this we propose that parking is repurposed to make it easier and cheaper to deliver projects such as freight lanes, T2/3 lanes, bus lanes and cycleways. This will help provide Aucklanders with more reliable and efficient travel choices and help make our transport system safer.

There are many other proposals in this strategy. I encourage every Aucklander to share their thoughts - it's easy, just read this document (or the summary version) then go to AT.govt.nz/parkingstrategy to have your say.

Adrienne Young-Cooper
CHAIR, AUCKLAND TRANSPORT

Councillor Chris Darby
CHAIR, PLANNING COMMITTEE
(AUCKLAND COUNCIL)

1. Introduction

1.1 Purpose

The draft Auckland Parking Strategy establishes the principles and policies for the planning, supply and management of on-street and AT controlled off-street parking in Auckland. It enables the application of a consistent approach across the Auckland region, contributes to the achievement of the strategic objectives for the transport system, and aligns with relevant local and central government policy.

This new Strategy will replace the 2015 AT Parking Strategy. A new strategy is needed due to significant changes to central and local government policies and the way Auckland is growing. Key policy changes include a greater focus on encouraging a shift to more sustainable transport modes, the need to rapidly make major reductions in our transport emissions to support Auckland Council's target of reducing emissions by 50 percent by 2030, and the increased emphasis on creating a safer transport system.

This new Strategy, therefore, responds to these challenges and direction by providing a fit-for-purpose approach to parking for 2022 and beyond.

AT wants to hear what you think about this draft Strategy. Your views will help us develop the final Strategy to be released later in 2022.

DRAFT –
NOT APPROVED
Devonport
7

Item 8

Attachment A

DRAFT – NOT APPROVED

1. Introduction continued

1.2 How we developed this draft Strategy

The development process for the Strategy and the next steps are outlined below.

Early to mid 2021
- Discovery of parking issues and opportunities
- Policy analysis and ensuring strategic allignment
- Workshop with Auckland Council's Planning Committee

July to August 2021
- Workshops with local boards
- Developed draft 'Principles' and 'Approach to parking management'

September to October 2021
- Made changes in response to local board and Planning Committee feedback

Early November 2021
- Planning Committee endorses draft 'Principles' and 'Approach to parking management'

November to December 2021
- Discussion Document released to promote a conversation with Aucklanders about parking
- Developing policies

January to March 2022
- Use feedback to guide Draft Parking Strategy
- Get permission to consult on the Draft Parking Strategy from AT Board and Planning Committee

April to June 2022
- Public consultation on Draft Parking Strategy
- Local Boards provide feedback in consideration of public feedback
- AT make appropriate changes based on feedback

Mid 2022
- Final Parking Strategy submitted for endorsement to Auckland Council's Planning Committee
- Submit for approval to the AT Board

1.3 What we heard from from feedback on the 2021 Discussion Document

Following the release of the Parking Discussion Document in November/ December 2021 we received feedback from key stakeholders and members of the public. The key guidance and views we received and have used to guide this draft Strategy were:

- Majority support for the proposed parking principles and approach to parking management
- Desire to see the Strategy clearly explain how it will achieve the objectives for Auckland's transport system, particularly in relation to climate change action
- Some interest in seeing areas which are at lower tiers of readiness for change to move to higher tiers
- Request to present a balanced picture of parking, reflecting it has both advantages and disadvantages
- Support for including safety and mode shift (away from private vehicles) as the highest priority use for kerbside space
- Call for the Strategy to acknowledge the costs of parking
- The need for a very well developed and sophisticated ongoing community engagement and communication campaign to address the need to 'reposition' parking
- Need for the Strategy to be grounded in the reality of the land use, trip patterns and ability of sustainable modes to be substituted for trips.

As a consequence of the feedback we have further developed several areas of the Strategy and policies, including:

- the narrative, to better link it to the broader transport story, strategic objectives and policy rationale, as well as regulatory areas in need of reform
- carefully articulating the benefits and implications of parking to the community, and have maintained the parking principles, aside from changes where needed
- modifying how we propose to consult on parking removal on the Strategic Transport Network.

There are a number of areas of policy that address the comments/issues raised through feedback, for example acknowledging the costs of parking provision, outlining indicators of success and emphasis on parking diversity to enable mode shift.

Item 8

Attachment A

DRAFT – NOT APPROVED

1. Introduction continued

1.4 The structure of this document

Part 1 explains **the why**:

- How Auckland has been growing and the challenges we face
- The pros and cons of different approaches to growth and transport investment
- The agreed direction/vision for growth and transport investment in Auckland
- How the management of parking can hinder or help achieve this vision.

Part 2 of the document outlines **the how** - our proposed approach to parking management in the following format:

PART 1 – THE WHY
The parking system, its issues and the need for change
DRAFT – NOT APPROVED
Victoria Street West
11

DRAFT – NOT APPROVED

2. The Way Forward for Auckland's Transport Network

Our roads and streets are some of the most valuable public spaces we have. We use them every day and they play a big role in our lives, particularly in how we get around Auckland and how attractive and enjoyable our local neighbourhood is.

There is so much change happening throughout Auckland and our roads are under increasing pressure. We need to ensure they are designed and utilised in a way that balances the needs of the local community and the wider Auckland public.

It is not sustainable or efficient to grow Auckland in a way that is heavily reliant on private vehicles and ever-widening roads to get around. Such an approach results in many negative effects, such as more emissions and pollution, lack of genuine travel choices, more deaths and serious injuries (DSI), increasing traffic congestion, communities dominated by roads and traffic, and increasing costs and space requirements to upgrade roads to accommodate growth.

To ensure we make the right decisions going forward, AT, Auckland Council and the New Zealand Government have agreed on the following strategic objectives for Auckland's transport system:

- **Improve the resilience and sustainability of the transport system and significantly reduce the greenhouse gas emissions it generates**
- **Accelerate better travel choices for Aucklanders**
- **Better connect people, places, goods and services**
- **Make the transport system safe by eliminating harm to people**
- **Enable and support growth.**

Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan also sets the critical goal of halving Auckland's greenhouse gas emissions by 2030 in order to mitigate against some of the worst effects of climate change. This dramatic reduction in emissions is particularly important for transport, which accounts for around 40% of Auckland's emissions.

DRAFT – NOT APPROVED

Repurposing Auckland's Transport Network

The strategic objectives for Auckland's transport system make it clear that we need to grow the city in a more sustainable, environmentally-friendly and efficient way that provides better and safer travel choices for more people. To achieve this, AT and its partners are undertaking a decades-long strategy to repurpose the transport system, including the following key elements:

- Ongoing major investment in Auckland's PT and rapid transit network (RTN) through new projects like the City Rail Link (CRL) and the Eastern Busway, as well as Auckland Light Rail, coordinated with increases in the frequency of many rail and bus services across Auckland
- Improvements to Auckland's cycle and micro-mobility network and associated facilities, which will see over 200 kilometres of safe cycle and micro-mobility facilities delivered across Auckland over the next decade
- Coordinating investment with development of key growth areas to support more intensive development occurring in a way that is less reliant on private vehicle travel to move around
- Implementing our Vision Zero safe systems approach, combining $700 million of investments to address black spots and other high-risk parts of the network with a comprehensive programme of speed management areas
- Continuous improvements to the way our customers experience the PT and cycle and micro-mobility networks, along with communications and advertising to highlight the opportunity to shift to more sustainable travel modes
- Implementing 'the Congestion Question' road pricing scheme to help address congestion across the network – without enabling the increase in demand for private vehicle travel normally resulting from such improvements
- Advocacy to Central Government and other partners for changes to legislation, funding and policy to support the shifts in travel behaviour needed to achieve emissions reduction and other key outcomes.

In combination, these measures will dramatically improve the attractiveness, competitiveness, profile and understanding of Auckland's transforming PT and cycle and micro-mobility networks.

DRAFT – NOT APPROVED

2. The Way Forward for Auckland's Transport Network continued

To create a more cost-effective, balanced, efficient, sustainable and safer transport network, we are committed to investing significantly more funds into safety, PT, walking, and cycle and micro-mobility. If we don't give people safe travel choices then they will be unlikely to change their travel habits.

This is about building a city that is efficient, equitable, safe and convenient for all people. It will mean we may have to sacrifice convenience for some car trips, but in return we will gain a more attractive, efficient and reliable PT and active transport system that gives people genuine choices as to how they travel.

The Strategy promotes an equitable transport system

At the heart of this Strategy is the concept of bringing people together. By creating a transport system which enables movement by more people on the same space we are connecting people and helping them travel in more ways. We need to focus on the needs of, and benefits to, the whole community and not be inhibited by small inconveniences. This Strategy provides the opportunity to unlock an accessible, connected city.

How does the Auckland Parking Strategy fit in?

The draft Auckland Parking Strategy is a key element in the rebalancing of Auckland's transport network. It will support the shift towards more sustainable modes and a low emission transport network by:

- Setting a clear direction supporting the repurposing of parking and the repurposing of road space where projects occur on Auckland's Strategic Transport Network
- Using price and other parking management mechanisms to dis-incentivise private vehicle parking and travel across more of Auckland's urban area, encouraging a shift to more sustainable alternatives
- Shifting the emphasis to support a wider range of parking types, particularly for more sustainable modes in town centres
- Confirming the role of on-street car parking as the lowest element in the transport hierarchy (below moving vehicles, goods and people in all travel modes) and therefore deserving of space only when those needs are catered for
- Signalling changes in policy to enable AT to address car parking issues that may arise as a result of residential intensification without adequate off-street parking provision
- Streamlining implementation of changes in parking management.

At the same time, the Parking Strategy recognises that not all of Auckland is ready for major changes in the way parking is managed.

This has been a key message from the Auckland Council Planning Committee and local boards. Consequently, the changes initiated by this Strategy will be tailored to the different travel opportunities available across Auckland. Areas with greater access to PT and active mode options will see more proactive shifts away from private vehicle parking, while other parts of Auckland may only see changes in response to specific parking-related problems.

The Strategy is also dynamic. As Auckland's transport network changes and improves, the approach to parking management will change in parallel. This ensures parking management is coordinated with the delivery of infrastructure and services, while also providing time and opportunities for Aucklanders to adapt. The Strategy is planned to be rolled out over the next 10 years.

Tailoring parking management approaches to the characteristics of an area is a more equitable approach to parking management.

DRAFT – NOT APPROVED

3. Parking

The basics of parking

Below you will find basic information about different types of parking and who is responsible for the management of parking.

Types of parking

- Car, bicycle, motorcycle, and micro-mobility parking
- Delivery and servicing vehicles
- Passenger pick up
- Bus layovers
- Park and rides.

Parking restrictions

- Unregulated parking – no time limits, charges, or restrictions on the type of vehicles
- Time restrictions – there are time limits on how long a vehicle can use a car park
- Priced parking – people are charged to park their vehicles in a car park.

Parking repurposing

Parking is sometimes not allowed in certain locations to assist with traffic flow or safety, bus and/or cycle priority lanes, or to give more public space to people walking.

Parking enforcement

Parking enforcement is undertaken by AT. The enforcement of parking restrictions is required to reduce illegal parking, so that everyone has a reasonable opportunity to access and benefit from the parking available, and improve the safety of the network.

Planning, decision making, and implementation

AT is responsible for deciding how to manage existing parking. However, when changes are proposed to the management of parking a special committee (the Traffic Control Committee) is responsible for determining whether the proposed changes proceed to implementation.

Parking system diagram

DRAFT – NOT APPROVED

Good public transport access means that people will not be so reliant on cars for travel.

AT has design standards that specify how a road should be set out, including on-street parking and bike parking provision. https://at.govt.nz/about-us/manuals-guidelines/transport-design-manual/

Once the road becomes public, it is over to AT to manage it, including any changes to parking regulation. The Traffic Control Committee makes decisions on parking management https://at.govt.nz/about-us/working-with-at/traffic-and-parking-controls/

Aucklanders are very reliant on their cars to get around the region. This leads to congestion, air pollution and lots of space required for parking

It costs AT (via rate/tax payers) significant resources to manage and maintain roads and streets. Any revenue from paid parking offsets AT's (rate/tax payers) costs.

More intense and mixed land use means that people may not need to travel so far for day-to-day activities, making options other than using a car more appealing.

Residential Parking Zones help to recognise varying on-street parking needs. RPZs enable on-street parking for eligible residents.

The Auckland Unitary Plan sets out development requirements, including any onsite parking provided as part of a development. https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/Pages/default.aspx

In Greenfield areas, developers may build local and collector roads (AT builds roads with more strategic functions). Once a road is built and handed over to AT, AT (in engagement with the community) decides how the road is safely and efficiently managed.

Kerb zone uses, including on-street parking, pick up and drop off or outdoor dining.

Park and ride sites are intended to improve access to the regional public transport network and reduce downstream traffic congestion.

Council-owned off-street carparks are typically managed by AT (although many carparks associated with Council community facilities are not currently regulated by AT). Council has the option to sell/redevelop carparking as seen fit. Commercial companies may offer off-street public parking too.

https://at.govt.nz/driving-parking/

Land uses, such as schools, have peak busy times and downtimes. This offers opportunities and constraints for the transport system, e.g., parking near schools may be able to be used for other purposes outside of these peaks.

Strategic Transport Networks are important roads for transport and on-street parking may need to be repurposed if it hinders transport movement or safety. https://at.govt.nz/about-us/transport-plans-strategies/future-connect-auckland-transports-network-plan/

17

DRAFT – NOT APPROVED

3. Parking continued

How does parking contribute to the transport system and Auckland's growth?

If we want to maximise the value of investing in PT, walking, and cycle and micro-mobility we need to manage parking in a way that encourages people to use these travel options.

The section below explains:

- The issues created by current parking management practices, and
- The benefits of better parking management.

The issues created by current parking management practices

Parking is an important component of the transport system and has many positive impacts, including:

- Facilitating easy access to work, education, recreational, and social opportunities
- Supporting access to town centres and other retail areas
- Providing space for goods deliveries and service vehicles (loading zones)
- Improving accessibility for people with mobility needs (mobility parking), and other people who are unable to use active modes or PT.

Ideally, parking would primarily play a supporting role in the transport system by extending access to places outside the reach of PT, or to where houses and shops are not nearby. Unfortunately the ample supply of car parking in Auckland encourages excessive private vehicle use which has contributed to some significant and unsustainable trends. These include:

- Urban sprawl and low-density development that results in people living further from services and centres
- Large investments in roads, further increasing the demand for private motor vehicle travel and creating barriers between communities
- Traffic congestion, which historically has stimulated further investment in roads to try and alleviate congestion
- Continued under-investment in PT and active transport which is keeping demand for these modes low
- Associated emissions, air and noise pollution, and negative environmental impacts
- Social inequality, where those who cannot drive are restricted from accessing some services and opportunities
- Under-utilisation of kerbside space. In many locations different uses of kerbside space would generate more benefits to local communities and to the wider public (see 'the benefits of better parking management' below).

DRAFT – NOT APPROVED

The benefits of better parking management

There are several benefits that can be realised through improved parking management. These include better utilisation of space, increased parking turnover and reduced commuter parking, decreased costs and construction timeframes, and prevention of developers passing on the costs of parking to ratepayers.

Better utilisation of space

Converting parking lanes to bus/T3/T2/freight/traffic lanes, cycleways and footpaths:

- means we can transport more people or goods using the same amount of space
- increases the people carrying capacity of roads leading into town and metro centres and increases the number of people that can remain in the centre (as the number of people that can visit is not constrained by parking availability)
- frees up the roads for the likes of freight, trades people and emergency services
- can reduce travel times and improve travel time reliability.

Converting space to make the environment more attractive and enjoyable means:

- more gardens and green spaces
- wider footpaths
- more public spaces and street furniture, providing places for people to socialise, rest and enjoy Auckland's natural and/or built environment
- more outdoor retail space, such as markets and outdoor dining.

Converting space to loading zones, or other types of parking such as mobility, bicycle or micromobility (e.g. scooter) parking:

- makes it easier for truck drivers and couriers to pick up and deliver goods to businesses;
- improves access for people with accessible needs; and
- improves access by encouraging space-efficient, more environmentally-friendly transport modes such as bicycles and scooters (i.e. people can easily find somewhere to park their bicycle or scooter).

Increased parking turnover and reduced commuter parking

Introducing time-limited parking or paid parking can:

- help to ensure there will always be some parking spaces available, for example, by managing price or time limits to achieve an average occupancy rate of around 85 percent;
- increase parking turnover, so that car parks are not monopolised by a small number of users. This can be beneficial for town centres as it increases the number of shoppers that can use each car park over the course of a day
- discourage commuter parking. This may reduce parking pressure around town centres and residential areas and encourage people to use more sustainable modes of transport.

DRAFT – NOT APPROVED

3. Parking continued

Decreased costs and construction timeframes

- Aucklanders have told us they want things done quicker. A better approach to parking management and supply can significantly speed up the delivery of transport projects and reduce their costs.
- Widening road corridors beyond their current boundaries requires property purchases and usually also requires the removal of houses, buildings and businesses. Not only can this uproot people's lives, but projects also become significantly more expensive and can take many more years to deliver.
- By utilising the existing kerbside space currently allocated to parking we can save time and money by avoiding property purchases and limit the amount of construction required. This means we can deliver projects quicker and deliver more projects with the funding available (better utilising rate and tax payer money).

Prevents developers passing on the costs of parking to rate payers

To help address the negative impacts of urban sprawl and low-density development (cities growing outwards and not upwards), the National Policy Statement on Urban Development 2020 directs Auckland Council to remove requirements for carparking to be provided as part of new developments. This means that developers can decide how much (or how little) onsite parking they provide. This change should encourage more intensive developments (such as apartment buildings), help to create a more compact city, and reduce the private supply of parking (all of which are important components of getting more people travelling by space-efficient modes such as PT, walking and cycle and micro-mobility). However, it does create the potential for parking to spill out onto surrounding streets.

To respond to this issue, in the principles for the management and supply of parking outlined below, we propose that accommodating this 'overspill' parking should be the lowest priority use of kerbside space. This means that activities that bring more public benefit will have priority to use this space. It will also signal to developers that they can't simply pass on the costs of parking to ratepayers.

Importantly, the changes we propose also mean that people considering buying a house or renting a property will need to think carefully about their parking needs, especially in locations of high parking management/readiness for change, and on the Strategic Transport Network, as the road will not be available for overnight parking.

Aucklanders can not expect to rely on parking their car out on the road.

PART 2 – THE HOW
The principles and policies which we will use to guide the parking system of Auckland and contribute to the strategic objectives.
DRAFT – NOT APPROVED
Wynyard Quarter • Britomart • Que
NB6010
Queen Street, Kerb zone
21

DRAFT – NOT APPROVED

4. Parking principles

The following principles will guide how we approach the management of parking over the next decade. They were endorsed by the Auckland Transport Board and Auckland Council Planning Committee, and provide a summary of our overall approach to parking. The management approach and policies which follow then articulate how AT will manage the parking system to comply with the principles and contribute to the strategic objectives.

Principles guiding the role of the road corridor, and the role of parking within the road corridor

I. The road network is a valuable public asset that needs to be managed to benefit all Aucklanders. Acknowledging this, parking will be supplied and managed in a way that helps deliver:

- the Government Policy Statement on land transport 2021
- the Auckland Plan 2050
- Auckland Transport's strategic objectives for transport
- other agreed strategic planning documents, policies, and tools (Future Connect, The Roads and Streets Framework etc).

II. To align with Government and Council direction we need to ensure that the way we manage parking:

- encourages travel by sustainable and efficient transport modes such as PT and cycle and micro-mobility
- prioritises trips by modes other than private motor vehicles
- enables kerbside space to be utilised for more beneficial activities.

III. Kerbside space will typically be allocated in the following priority order:

1. To ensure and improve the safety of people using the transport system
2. To preserve existing property access (e.g. retain existing property accesses and also accommodate vehicle movements to access properties)
3. To support the movement of people (e.g. allocate space for PT, cycle and micro-mobility, walking, freight, and general traffic in accordance with the Strategic Transport Network)
4. Public space improvements, such as public spaces for seating, plantings and trees, and outdoor dining areas

DRAFT – NOT APPROVED

5. Mobility parking
6. Specialty parking such as loading zones, car share parking, cycle and micro-mobility parking, motorbike parking and electric vehicle parking
7. General vehicle parking
8. General vehicle parking to accommodate overflow parking from developments that occurred after September 2013.

Priorities 3 and 4 can be switched to reflect the local characteristics, for example, movement of people is more important on the Strategic Transport Network but enhancing the local environment could be more important in locations such as town centres.

IV. Vehicle parking is the lowest priority use of kerbside space on the Strategic Transport Network and will automatically be repurposed to provide space for projects that increase the movement of people and goods, except under exceptional circumstances.

V. Principles I-IV need to be applied in a way that is consistent with Principles VI-XIII below.

Principles guiding how the approach to parking management should be applied to different locations across Auckland

VI. Auckland is a large and diverse region, with varying levels of access to PT and differing land use patterns. To recognise this, the parking implementation approach will be dependent on and tailored to the transport and land use characteristics, and community needs of each location.

VII. In areas with the highest readiness for change (i.e. good access to PT and denser land use activities) parking will be managed proactively and in a way that prioritises/encourages travel by modes other than the car. A broad approach to the management of AT controlled parking is proposed.

VIII. For areas with moderate readiness for change, we will focus on encouraging a shift to sustainable modes for commuting while still supporting short-stay parking.

IX. In areas with lower access to PT and less dense land use activities, we will manage parking responsively (i.e. respond to issues as they arise).

X. The parking management approach for an area will be updated as the PT and active modes networks improve, and land uses change (e.g. land use intensifies in an area).

Item 8

Attachment A

DRAFT – NOT APPROVED

4. Parking principles continued

Principles guiding how we will work with communities to implement the approach to parking management

XI. In areas where significant changes to parking management and supply are likely to occur we will work with the community and local boards to develop parking management plans.

XII. Our community's receptiveness to change is diverse. We will work with communities as we develop and implement projects that impact on the management and supply of parking.

XIII. Projects on the Strategic Transport Network will be treated differently, however. We are aware that parking removal for new projects on the Strategic Transport Network, under Principle IV, may inconvenience vehicle users and impact some businesses that may have customers using parking. However, we consider that generally such individual interests are likely to be outweighed by the benefits of improved network performance to the Auckland community as a whole – except possibly in exceptional circumstances. Parking-related consultation on these projects will, therefore, be limited to seeking feedback on possible exceptional circumstances that may outweigh the benefits of parking removal.

Principle XIII will help alleviate the frustration of Aucklanders being asked for their views on elements of proposals where there is little room for change. This is not about removing public feedback/consultation opportunities. Rather it's a more honest and upfront way to manage expectations through this process.

DRAFT –
NOT APPROVED

DRAFT – NOT APPROVED

5. Our proposed approach to parking management

A key piece of feedback we heard during the development of this draft Strategy is that our approach to parking cannot be the same across Auckland, as transport options vary from place-to-place. Consequently, the approach in this draft Strategy reflects the transport and land use characteristics of each location. This is a more equitable approach to parking management and will ensure that parking interventions are appropriate for the local context.

For example, in areas with better/higher access to PT and denser land use activities we propose managing parking proactively, and in a way that prioritises and encourages travel by modes other than car. 'Proactively' means we will start working with local boards and their communities to develop parking management plans that align with this Strategy as soon as possible.

In areas with less access to PT and less dense land use activities we propose to manage parking responsively. 'Responsively' means that generally we will act when parking issues arise, such as high demand or safety issues, or when the transport and land use characteristics of the area change. In those situations, we will determine the most appropriate parking management response.

We have assessed the transport and land use mix across the region and put each area into one of the following three tiers:

- **Tier 3** – High Readiness for Change
- **Tier 2** – Moderate Readiness for Change
- **Tier 1** – Low Readiness for Change

Essentially 'readiness for change' is an assessment of how ready a community/ area is to replace private vehicle trips for more efficient and sustainable modes of transport. If an area has a high degree of readiness, parking will be managed in a way that supports and encourages people to take more trips by PT, cycle and micro-mobility and walking. This will reduce traffic pressures, making travel on these roads easier for those who need it the most (e.g. freight, trades people, emergency services).

The readiness for change of an area is primarily determined by assessing the density of its land use and its access to PT by 2031 when roll-out of the Strategy is planned to be complete (although access to high quality cycleways will also be considered). Areas with denser land use and good access to PT, like the City Centre and Newmarket, will have a higher readiness for change.

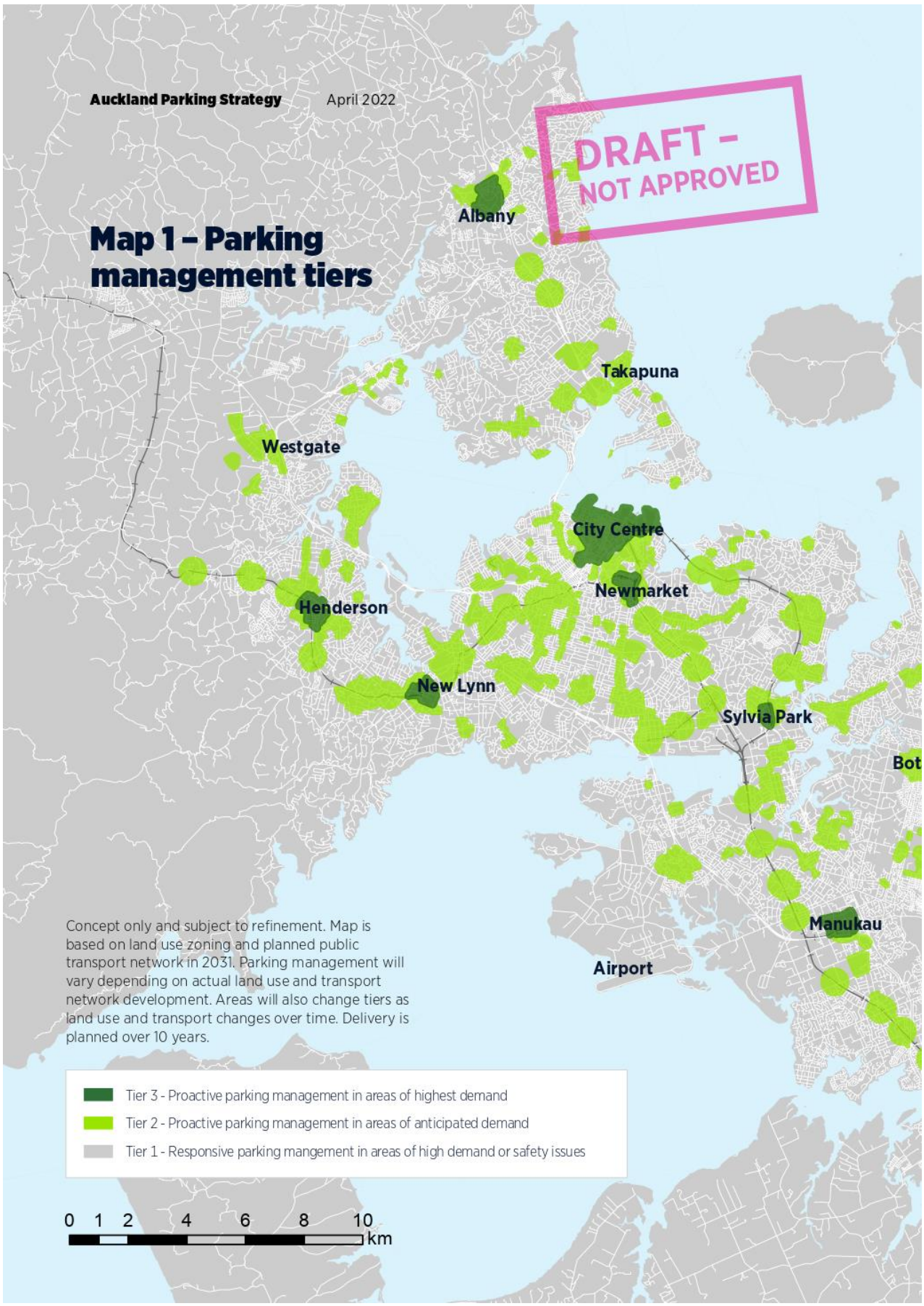
More details about the application of this approach are contained in the Parking Planning policy, On-street Parking Management policy and Off-street Parking policy.

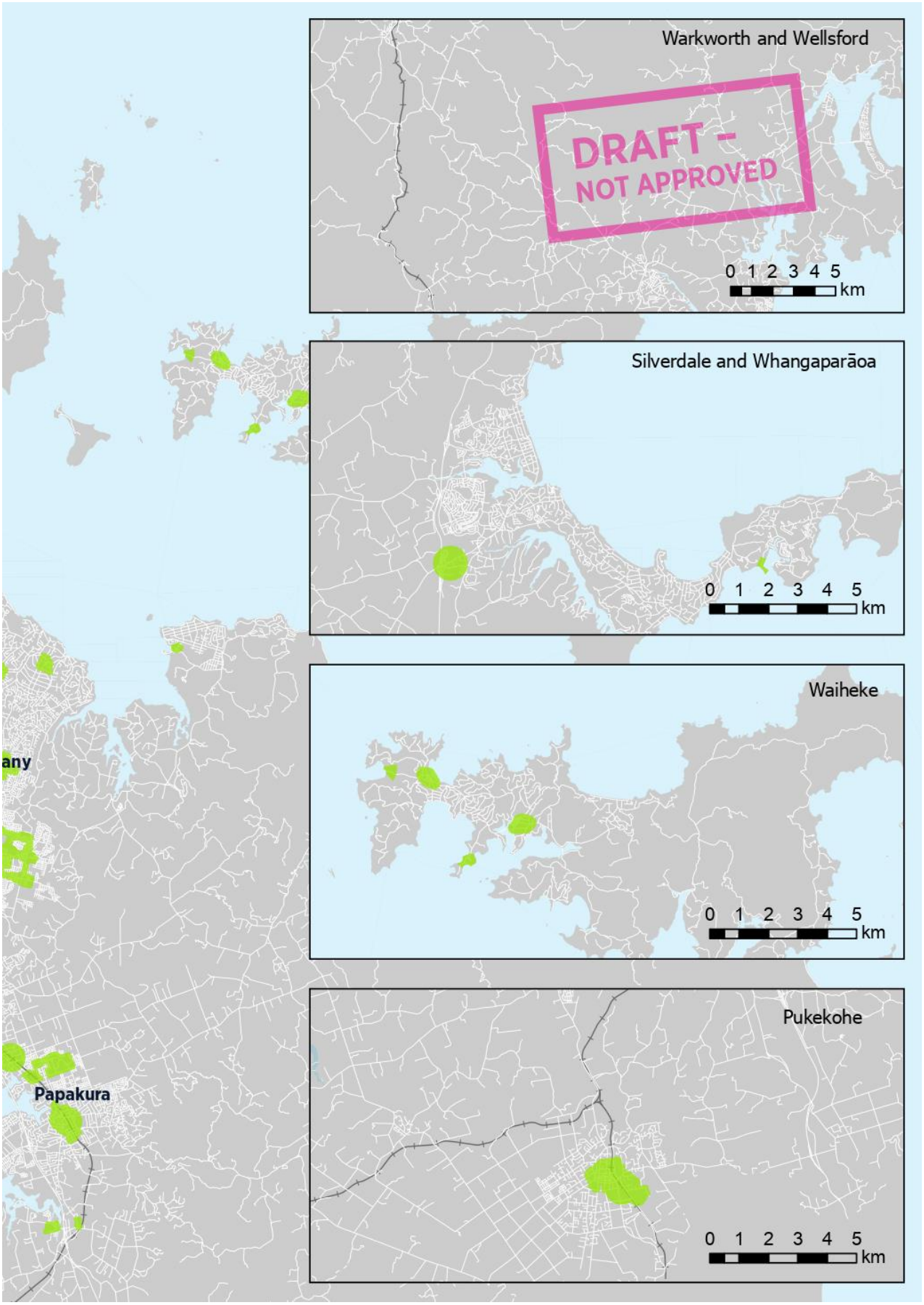
DRAFT – NOT APPROVED

27

Item 8

Attachment A




Warkworth and Wellsford
DRAFT – NOT APPROVED
0 1 2 3 4 5 km
Silverdale and Whangaparāoa
0 1 2 3 4 5 km
Waiheke
0 1 2 3 4 5 km
Pukekohe
0 1 2 3 4 5 km
Papakura

DRAFT – NOT APPROVED

5. Our proposed approach to parking management continued

Strategic Transport Network

The Strategic Transport Network consists of the main transport routes that connect people throughout Auckland. They are predominantly roads, but also include railway lines, busways, and off-road cycleways.

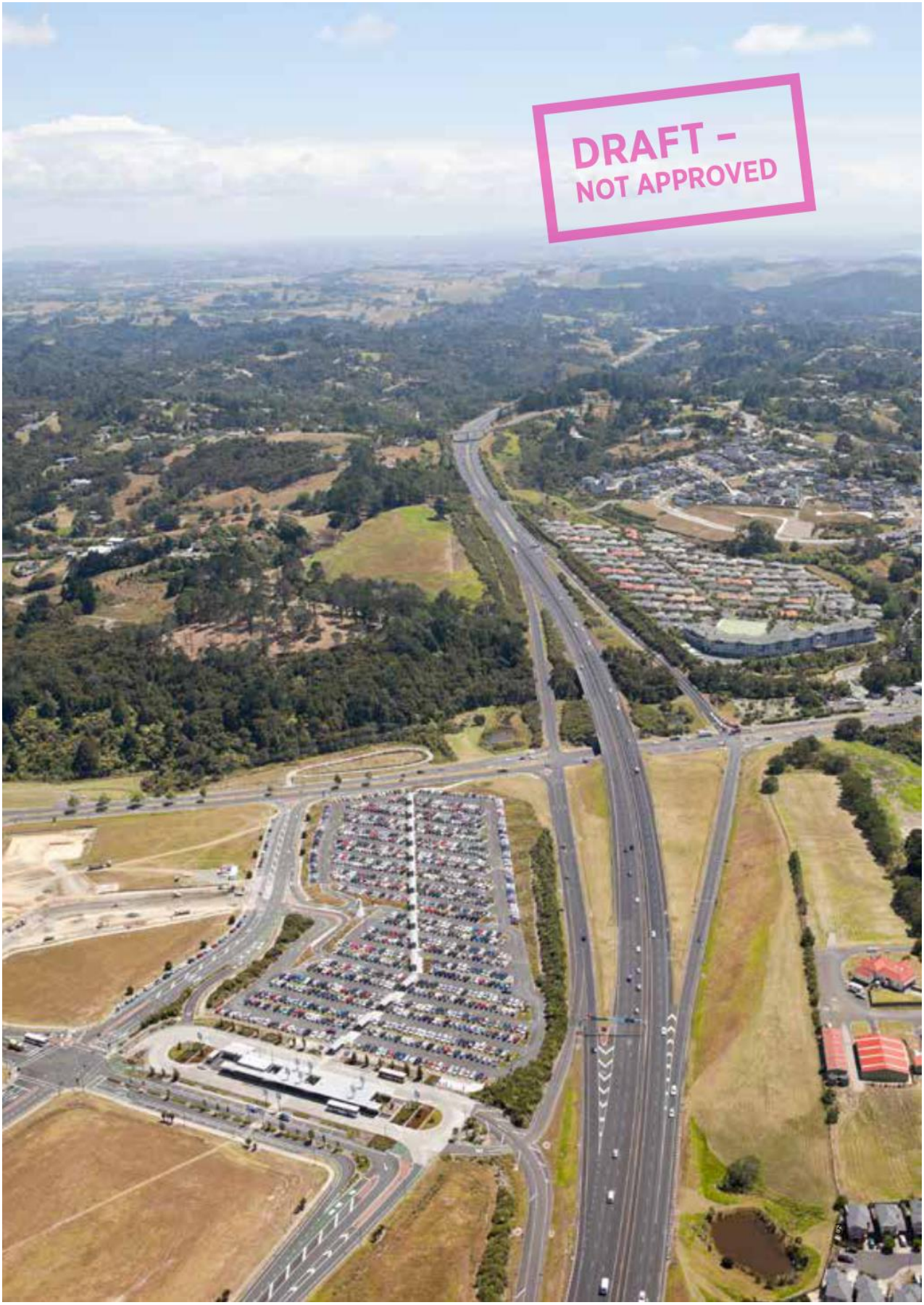
The Strategic Transport Network needs to carry as many people as possible in the space available. To achieve this in a way that is attractive and safe for people, many of its roads will be repurposed or modified to allow for faster and more frequent public transport, and dedicated safe access for cycles, micro-mobility devices and walking. At the same time use of motor vehicles will be made as efficient as possible through a variety of management systems. At this stage, about one fifth of the roads on the Strategic Transport Network are proposed for improvements over the next 10 years.

It is important we deliver these improvements in a timely and cost-effective manner. Widening these corridors beyond their current boundaries requires extensive land purchases, and often includes the removal of houses, buildings and businesses. Not only can this uproot people's lives, but projects also become significantly more expensive and take many years to deliver.

By utilising kerbside space currently allocated to parking we can save time and money by avoiding property purchases and limiting the amount of construction required. This means we can deliver projects quicker and deliver more projects with the funding available.

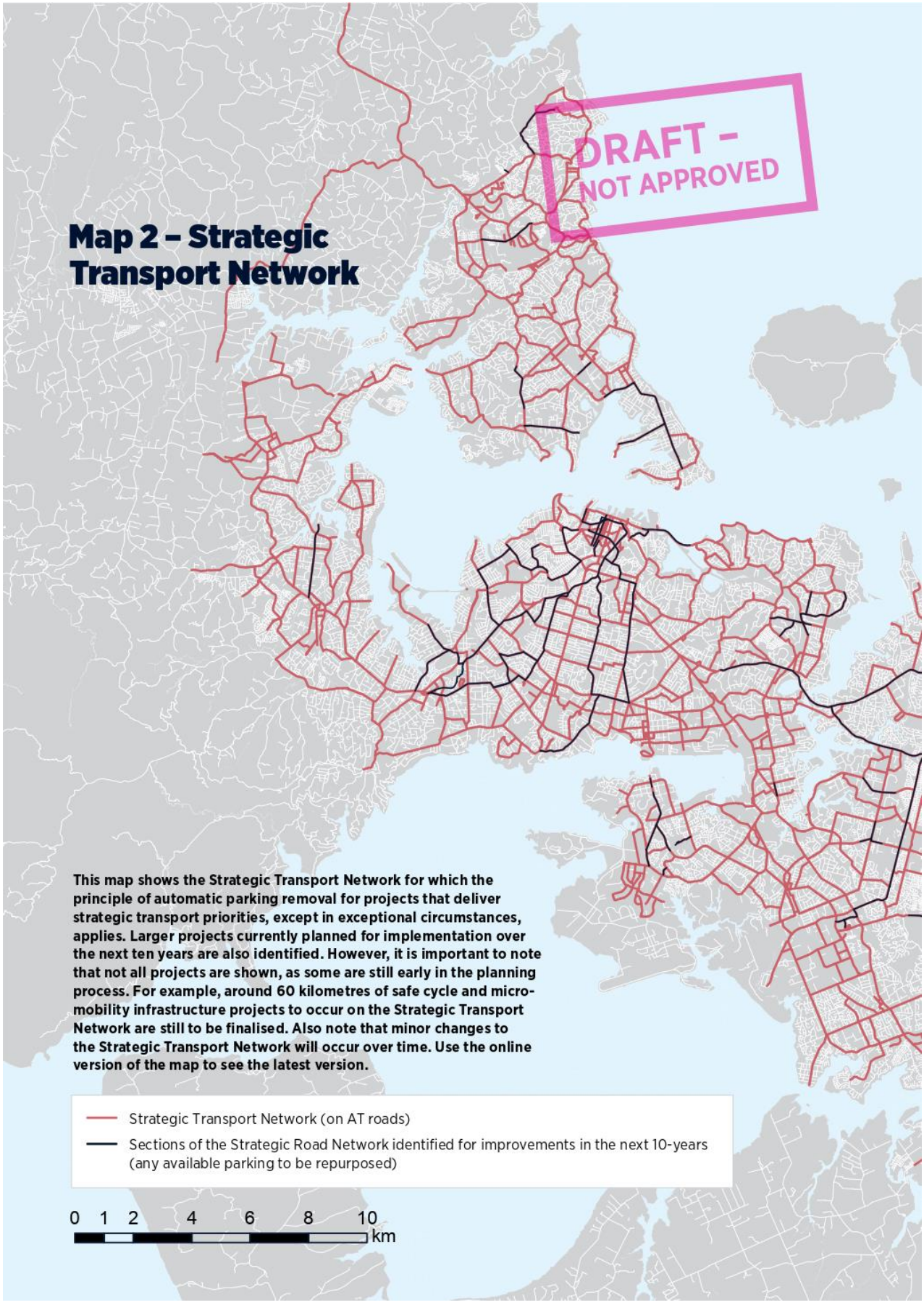
To ensure these outcomes, the principles for the management and supply of parking direct that all forms of kerbside parking is automatically repurposed to accommodate projects on the Strategic Transport Network – unless exceptional circumstances are identified during consultation.

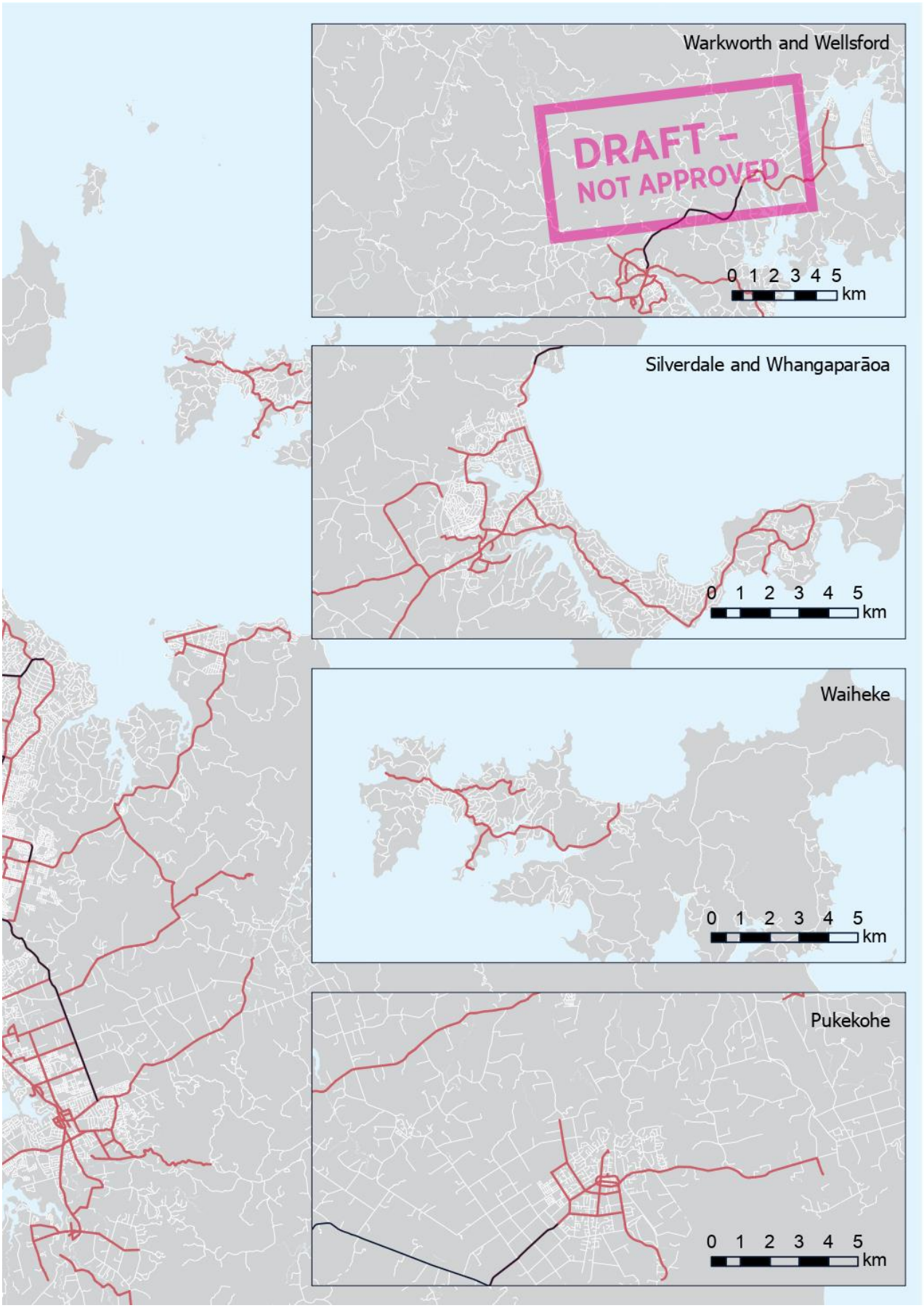
In setting this principle, AT is aware that parking removal for new projects may inconvenience some vehicle users and impact on some businesses that may have customers using parking. However, we consider that generally such individual interests are likely to be outweighed by the benefits to the Auckland community as a whole from improved network performance and faster project delivery associated with parking removal.


DRAFT –
NOT APPROVED

Item 8

Attachment A




Warkworth and Wellsford
DRAFT – NOT APPROVED
0 1 2 3 4 5 km
Silverdale and Whangaparāoa
0 1 2 3 4 5 km
Waiheke
0 1 2 3 4 5 km
Pukekohe
0 1 2 3 4 5 km

Item 8

Attachment A

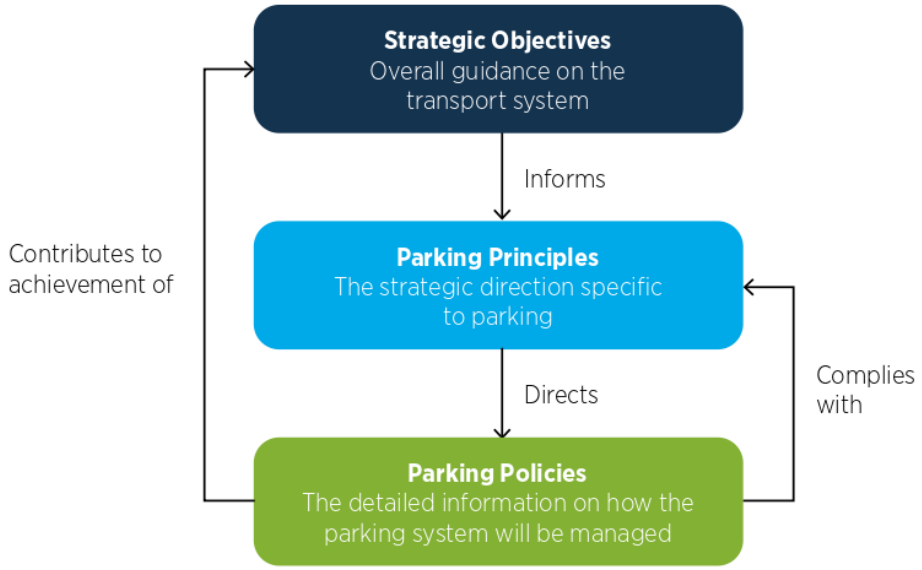
DRAFT – NOT APPROVED

5. Our proposed approach to parking management continued

How our proposed approach to parking management supports our transport objectives and principles

The proposed parking management approach outlined above will help parking to make a strong, positive contribution to achieving our strategic objectives. These contributions are articulated in the table below.

While the strategic objectives provide the overall guidance to the transport system as a whole, more detailed direction for the parking system has been provided by the Parking Principles. These were approved by the AT Board and the Auckland Council Planning Committee and set out the overall approach to parking management. They have guided the development of the Parking Policies, which provide the specific detail on how the parking system will be managed. The relationship between each of these is shown below.



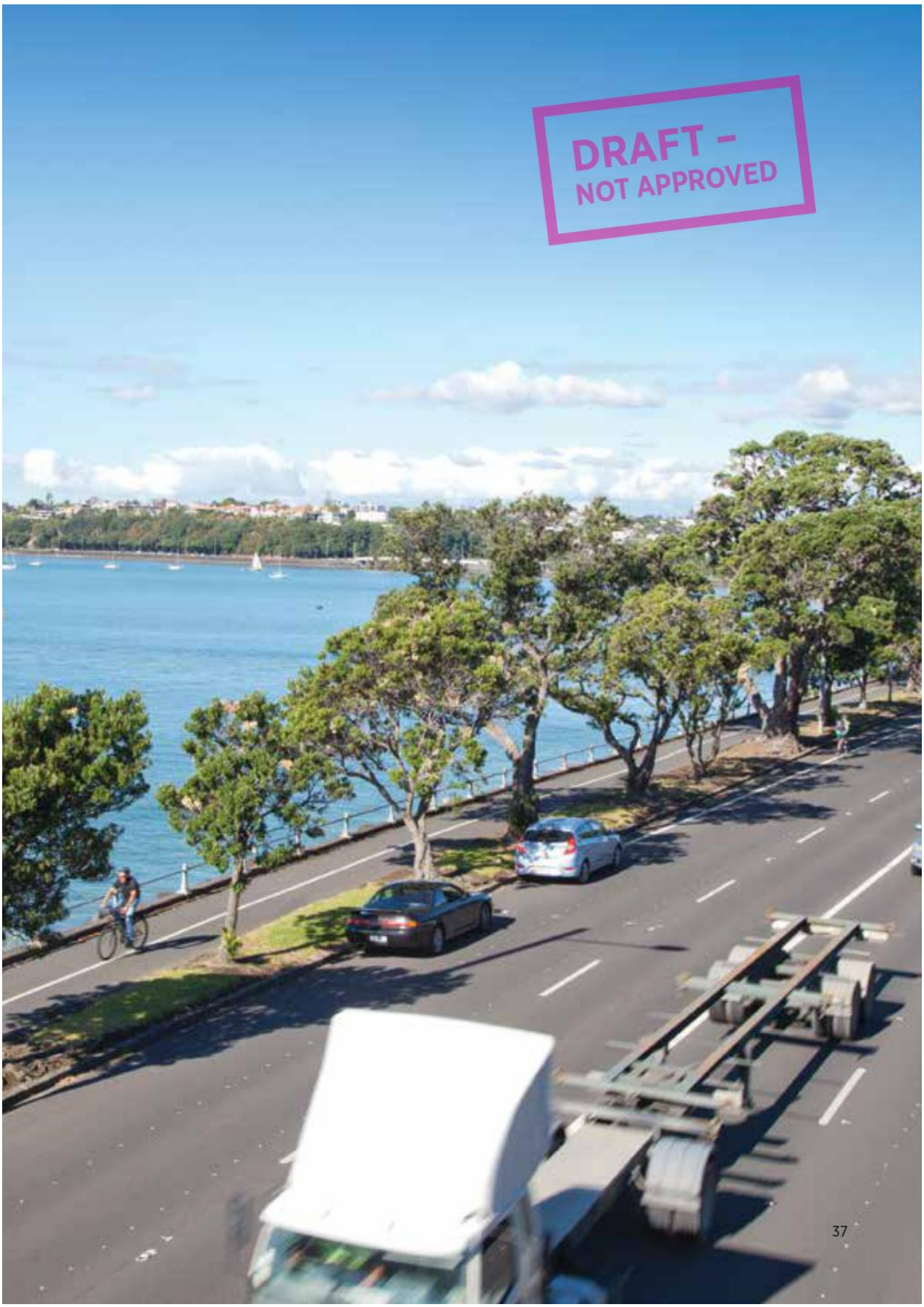
DRAFT – NOT APPROVED

Transport objective	Some examples of how our proposed parking management approach supports this objective
Improve the resilience and sustainability of the transport system and significantly reduce the greenhouse gas emissions it generates.	**Being priced, regulated, allocated and managed in a way that supports the shift to a low carbon future:** • Supports the removal of parking space on the Strategic Transport Network in favour of projects to improve network operation – which will generally improve sustainable modes and encourage a shift away from private vehicles • Reduces the availability and increases the price of parking in Tier 2 and Tier 3 areas, supporting a shift away from private vehicle movement and therefore emissions • Pricing strategy with 85 percent occupancy target ensures some parking spaces are generally available and minimises congestion and emissions from vehicles searching for parking.
Accelerate better travel choices for Aucklanders.	**Being provided in a way that supports and incentivises travel choices that align with broader strategic goals and intent:** • Supports removal of parking space on the Strategic Transport Network in favour of projects to improve network operation – which will generally improve sustainable modes and encourage a shift away from private vehicles • Reduces the availability and increases the price of parking in Tier 2 and Tier 3 areas, supporting a shift away from private vehicle movement and therefore emissions • Increase allocation of parking space to a wider range of modes and users, such as shared bike and e-scooter schemes.
Better connect people, places, goods, and services.	**Supports and improves connections between people, places, goods and services, particularly where PT, walking and cycle and micro-mobility options are limited:** • Aligns parking management approach to the local land use conditions – for example supporting and incentivising use of more space efficient modes in dense Tier 3 centres while still providing for appropriate parking access in less dense Tier 1 areas • Pricing management approach ensures parking spaces will generally be available at a price that supports short trips but deters commuter parking • Ensures sufficient availability of mobility parking, loading zones and other key special vehicle parking • Provides the policy direction to address any parking issues that may impact operation of Auckland's transport network.

DRAFT – NOT APPROVED

5. Our proposed approach to parking management continued

Transport objective	How parking management approach supports objective
Making the transport system safe by eliminating harm to people.	**Being designed, delivered and managed to be safe:** • Projects to improve safety are clearly prioritised over parking in the kerbside space allocation principle. • Simplifies safety projects by removing requirement for consultation on small scale changes to parking provision • Encourages a shift to more sustainable and safer modes such as PT.
Enable and support growth	**Supporting transport and land use development to a more compact and less car dependent urban form, aligned with regional growth plans and broader strategic goals and intent** • General support for shift towards more sustainable modes will also contribute to more intensive land use development • Provides clear direction on managing any issues that may arise from lack of off-street parking facilities in new intensive developments.


DRAFT –
NOT APPROVED
37

DRAFT – NOT APPROVED

6. Parking policies

The policies outline how the parking system will be planned, designed, implemented and operated to contribute to the delivery of the strategic objectives in a way that is consistent with the agreed parking principles.

For each policy there is:

- a policy statement, summarising the core approach, and
- policy detail which provides more information about the policy.

The policies are divided into four groups:

- **Group 1 – Provision and approach**
- **Group 2 – On-street and off-street**
- **Group 3 – Specific vehicle classes**
- **Group 4 – Specific situations**

For each group of policies there is:

- a rationale which explains why the policy group is needed and what it helps achieve, and
- indicators of success, which outline how we will track the implementation of the policy group.

GROUP 1 – Provision and approach

Policy rationale

AT recognises that parking is a significant issue for many Aucklanders and wants to be responsive, while also following process and ensuring consistency and fairness. Therefore we have developed a transparent process for the planning, design, delivery and operation of parking across the region, including what happens to parking revenue.

Having Comprehensive Parking Management Plans (CPMPs) will ensure that all factors are considered and that the community has a say on the parking future for their area.

We are setting expectations around how the community will be involved throughout the parking change process, and also around the interdependencies which will affect what is changed, where and when.

Indicators of success

- CPMPs completed in accordance with internal programme and with public feedback.
- CPMP outputs are delivered by AT Parking, using compliant design standards.
- Customers understand and have an appropriate role in the engagement process.
- The parking system pays for itself and is adequately resourced to ensure appropriate oversight.

DRAFT – NOT APPROVED

GROUP 1 – Provision and approach

Parking planning

Policy statement:

AT will plan any large scale (Tier 2/Tier 3) parking changes through the development of publicly consulted Comprehensive Parking Management Plans (CPMPs).

Policy detail:

- Where CPMP criteria are met, AT will plan parking management via the development of CPMPs. CPMPs will have local board input and will be publicly consulted on.
- CPMPs will be prepared in accordance with the *Comprehensive Parking Management Plan Framework* guidance document.
- AT will plan any new on-street parking for greenfield areas using the principles of the Auckland Parking Strategy, with a recognition that parking space may be regulated or reallocated as the area changes. Any developer-led greenfield parking planning should also comply with the principles of the Auckland Parking Strategy.
- Removal of parking on the Strategic Transport Network for delivery of modal priorities will not require a CPMP, but may be incorporated into an existing/separate CPMP where available.
- AT will continue to work with and advise Auckland Council development consenting on transport and land use issues, including parking, and will seek to minimise the risk of public parking space being used to meet private parking demand that has not been provided for.

Parking design and delivery

Policy statement:

Parking design and delivery will align with strategic parking outcomes, design standards and will be responsive to customer, operational and safety needs.

Policy detail:

- AT-provided parking will be designed in accordance with safe system principles to improve the safety (including perceived) of customers and vulnerable road users, including those exiting and entering their vehicles/devices.
- Parking design and delivery will operationalise CPMPs and ensure delivery is consistent with the plan.
- Parking design and delivery will focus on making the CPMP 'fit' and will make decisions to enable the intent of the plan, while retaining the customer and operational focus of the plan.
- Detailed parking designs for delivery will be taken through the Traffic Control Committee (TCC) prior to implementation.
- Delivery of parking changes that are consistent with a recent approved CPMP will be communicated to the community in advance using an 'inform' approach, which is consistent with the **Public Engagement on Parking Policy**.
- AT will provide guidance to private developers where parking is being provided and intended to be vested to AT, to ensure it is designed according to best practice, uses the AT *Transport Design Manual* and complies with the *Land Transport Act*.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 1 – Provision and Approach

Public engagement on parking

Policy statement:

Public engagement on parking matters will be fit for purpose and align to the nature, size and reason for change so that community voices are heard at the right time and place.

Policy detail:

- Public engagement will be delivered in accordance with best practice, as outlined in the IAP2 principles and approach*. This means AT will authentically seek public feedback where the right opportunity exists for the public to influence the outcome.
- Broadly, public engagement on parking management changes will involve:
  - informing the community where parking is being managed for safety reasons,
  - informing the community where changes to parking are required to enable:
    - access by emergency vehicles
    - property access
    - the provision of bus stops
    - the provision of mobility parking, taxi stands, and loading zones,
  - informing the community where parking is being managed/removed on narrow streets (narrower than six metres kerb-to-kerb),
  - consulting the community on the repurposing of parking space to other uses on the Strategic Transport Network. However, we will only consider retaining parking if exceptional circumstances are raised and found to require further consideration. This is because these routes are critical connections across Auckland that need to transport as many people and goods as possible, in the most efficient way. Projects that help to move more people and goods and improve travel times are the most beneficial use of kerbside space on the Strategic Transport Network,
  - consulting the community on CPMPs. AT will work with and seek feedback from the community when developing CPMPs, but once the CPMP is adopted we will not seek further feedback when implementing the parking interventions outlined in the CPMP,
  - consulting the community on changes to parking not listed in the bullets above.
- All AT public engagement will abide by the broader AT engagement policy.

Please note:

- informing the community means we will inform the community that changes are happening, but will not seek their feedback on the changes.
- consulting the community means we will seek feedback from the community on the proposed changes.

* https://iap2.org.au/resources/iap2-published-resources/

DRAFT – NOT APPROVED

Parking operation

Policy statement:

Parking will be managed to deliver the Auckland Parking Strategy and broader organisational objectives, and will ensure the safe and effective operation of the parking system and transport system.

Policy detail:

- Parking will be managed to deliver the objectives, principles and policies set out in this Strategy (within available resources).
- The AT Parking team will proactively manage the parking system, focussed on maximising the safe and efficient operation of the transport system for all users through the use of changes to parking management, effective use of compliance and transport officers, technology support and a customer-oriented approach that places parking need as a core focus.
- The management of parking will be agile to adapt to new Government regulations/restrictions and will embrace innovative technology to improve management efficiency.
- AT will resource the parking system to ensure that an appropriate level of oversight of its operation is provided for the region.

Parking revenue reinvestment

Policy statement:

Parking revenue will be managed so that revenue from parking covers the costs of parking management activities. Surplus revenue (funds remaining after expenses are covered) will be reinvested in the transport system to support the delivery of strategic objectives.

Policy detail:

- The parking system, particularly the parking operations and enforcement activities, will be managed in such a way that it pays for itself.
- Parking charges will be set to manage parking demand and support the achievement of the transport system strategic objectives (not to maximise revenue).
- Any surplus revenue from the parking operations and enforcement activities, net of costs, will be re-invested by AT into the maintenance, operation, renewal and improvement of Auckland's transport system (excluding state highways and KiwiRail activities) to supplement funding from Auckland Council.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 2 – On-street and off-street

Policy rationale

On-street parking is often a relatively inefficient use of space that competes with other uses of our limited roading assets. Wherever possible, AT will manage parking to maximise the movement of people and goods and meet our strategic objectives. However, we also recognise that there are differences across Auckland's transport network that means some areas will remain more reliant on parking.

Consequently, we have designed the tiered system to ensure that more significant and proactive changes to parking management occur in areas where Aucklanders have good alternatives and are most able to adapt and change their travel behaviour. These are Tier 3 areas. By contrast, Tier 1 areas are less able to adapt to change and will not see proactive changes in parking management, although small scale changes may occur in response to specific parking issues. This approach will provide the best application of resources to the areas that need them the most.

The repurposing of road space from parking lanes to transport movement functions on the Strategic Transport Network is an important change to on-street parking. Generally on-street parking lanes represent a low priority use of space, particularly on roads which are critically important for the functioning of the network. There will be many changes in this area over the coming decade.

Further changes to on-street parking space will come from diversifying the parking offering and looking at the allocation of road-space for parking versus movement or place functions. The transport system needs to meet the needs of all users, and by having a greater diversity of parking types, and greater diversity of road-space functions, we will encourage and support modes other than private vehicles.

Off-street parking facilities are a premium product as they often use valuable land, close to busy areas. Short stay parking is the priority for off-street parking, except park and rides, as it supports the local economy, increases access for more people and reduces the risk of public parking being used for long term private storage. Therefore our approach will be to target the short stay market going forward via our parking regulation and pricing.

While park and rides will continue to cater for, and focus on, long stay, they will also be priced to encourage access by other modes where possible, and to recognise the cost to provide parking facilities.

DRAFT – NOT APPROVED

Indicators of success

- Delivery of the Strategic Transport Network as planned, increasing the throughput of people and goods on the Auckland transport system.
- Parking management is implemented in tiers, in priority order.
- The public is clear about the need for management of on-street parking in these areas.
- Parking management in these areas contributes to a better transport system.
- Continued strong use of off-street parking and park and ride facilities.
- Implementation of short stay pricing systems for off-street and long stay pricing for park and rides (initially via a pilot).
- Kerb zone needs and diversification focus (across all parking types) are included as part of all CPMPs.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 2 – On-street and off-street

On-street parking management

Policy statement:

On-street parking will be managed in accordance with a tiered system, with more significant management for higher tiers (which represent areas with greater capacity and readiness for change). The type of parking management and interventions used will be tailored to the characteristics of each area.

Policy detail:

- Parking management will be applied in accordance with the intent and purpose outlined for each tier in the table below.
- A key principle for assessing how these tiers of parking management will be applied is 'readiness for change', based on PT access and land use activity (as outlined earlier in the Strategy).
- The geographic areas subject to each tier are shown on Map 1.
- A range of interventions are available to use. AT will select the interventions appropriate for each area, and these will be consulted with the community through the CPMP process.
- Parking charges will be a primary intervention, used significantly across Tier 2 and Tier 3.
- AT will develop and implement parking management in a priority order which considers the tier level, urgency for intervention and co-programmed interventions/projects (such as a new train station).
- Enforcement of parking management will also include enforcement of the broader transport system (such as illegal parking in bus lanes etc).
- Small scale interventions will also be implemented where there are safety or operational issues which require urgent unplanned change, particularly in Tier 1 areas.

The on-street parking management tier system:

Tier 1	Tier 2	Tier 3
• Responsive parking management. This means where parking issues arise, such as high demand or safety issues, we determine the most appropriate parking management response, such as priced parking. • Otherwise there will be little or no change to the management or supply of parking.	• Proactive parking management. • Focus on reducing private vehicle use for commuter trips (e.g. work and education). • Maintain or increase the amount of time limited/short stay parking (to increase turnover). • Increased parking charges are possible. • Some parking space reallocation is possible to improve travel choices other than private car.	• Proactive parking management. • Focus on reducing private vehicle use for all types of travel. • Increased charges for parking and more time restricted parking. • Some parking space reallocation is likely to improve travel choices other than private car.

DRAFT – NOT APPROVED

Parking management on the Strategic Transport Network

Policy statement:

Parking is a lower priority use of kerbside space on the Strategic Transport Network. Where projects are delivering the strategic modal priority/priorities of a particular road/street the existing on-street parking will be repurposed to that more beneficial use - unless there are exceptional circumstances that are considered to outweigh the benefits of parking removal.

Policy detail:

- Where delivery of projects on AT's Strategic Transport Network requires the reallocation of road-space dedicated to parking, AT's policy is to repurpose that space to the more beneficial use - unless there are exceptional circumstances.
- AT is aware that parking removal for new projects on the Strategic Transport Network may inconvenience vehicle users and impact on some businesses that may have customers using parking. However, we consider that generally such individual interests are likely to be outweighed by the benefits of improved network performance to the Auckland community as a whole.
- AT will consider exemptions to this policy where exceptional circumstances apply. Exceptional circumstances may be issues of significant hardship or other unexpected factors considered by AT that outweigh the benefits of parking removal to a project or its outcomes. Exceptional circumstances will not be the everyday inconvenience to drivers, residents or businesses that can reasonably be expected to arise from parking removal on our Strategic Transport Networks.
- Strategic Transport Networks are set out in Map 2 in the Strategy, and can be viewed in more detail at AT.govt.nz/futureconnect.
- The Strategic Walking Network is excluded from this policy.

Off-street parking management

Policy statement:

Off-street parking facilities will be managed in accordance with the parking management tier level it is located in, with recognition that they are a premium product and with a goal to optimise their use.

Policy detail:

- Off-street parking facilities are premium products, as they use often valuable land that could be used for other important purposes.
- As on-street parking spaces are repurposed in some key corridors, there are locations where off-street parking provision will become more important.
- AT will look to manage off-street parking facilities in such a way that they emphasise short stay parking, are priced and managed appropriately, enable and support other strategic outcomes and are considered when decisions are made about on-street parking supply.
- AT will manage off-street facilities with price and time restrictions, in accordance with the tiered system, as outlined in the table below.
- AT will support opportunities for parking sites to be redeveloped (in line with the table below), and will identify any needs for any public parking space incorporation as part of any redevelopment, with awareness of the need not to impact development feasibility.
- There will be a range of parking options in off-street facilities, tailored in accordance with the **Parking Diversity Policy**.
- All off-street parking management will be consistent with, and subject to, the delegations provided for their management to AT from Auckland Council.

45

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 2 – On-street and off-street		
Off-street parking management tier system		
Tier 1	**Tier 2**	**Tier 3**
• Retain off-street parking as an alternative to relieve pressure on on-street parking. • Only redevelop if there are major opportunities for commercial development. In those instances keep parking provision as part of those development conditions. • Progressively convert parking to short-stay parking when occupancy rates are high. • Increase the price of long-stay parking progressively. • Optimise parking to ensure 85% occupancy.	• Retain off-street parking for short-stay purposes as an alternative to relieve pressure on on-street parking • Only redevelop if there are demonstrated opportunities for commercial development. • Progressively shift all long-stay parking to short-stay. • Optimise parking to ensure 85% occupancy. • Increase the price of long-stay parking to match market price. • Pursue management of Council community facility off-street parking resources, in collaboration with Council Community Facilities and local boards, particularly to avoid shift to long-stay parking in these facilities.	• Retain off-street parking for short stay purposes as an alternative to relieve pressure on on-street parking • Actively seek opportunities to redevelop off-street parking facilities. • Shift all long term parking to short-stay. • Optimise parking to ensure 85% occupancy. • Increase the price of short stay parking to match market price. • Actively pursue management of Council community facility off-street parking resources, in collaboration with Council Community Facilities and local boards, particularly to avoid a shift to long-stay parking in these facilities and implement management tools where needed.

DRAFT – NOT APPROVED

Park and ride management

Policy statement:

Park and Ride facilities will be provided and managed in locations where they improve access to the PT network and make a meaningful contribution to congestion reduction. They will be priced and managed in recognition of their role as a premium product and to ensure utilisation is targeted to those without travel choices.

Policy detail:

- Park and Ride will be provided as a service to support growth by improving access to the PT network (primarily the Rapid Transit Network (RTN)) in areas where local connections to RTN stations are not as mature.
- Park and ride facilities will be priced and time regulated to recognise the cost associated with their provision and to encourage other ways of accessing RTN stations. Space will be allocated for a range of modes, in accordance with the **Parking Diversity Policy**.
- Pricing for park and ride will be based on the PnR Fee Schedule, which determines price with consideration of:
  - the cost of PT access to a station and cost of PT to the City Centre,
  - the park and ride area's readiness for change (parking tier level), and
  - park and ride parking demand, including from non-PT users.
- AT will encourage and support redevelopment opportunities for park and ride sites, however, will advocate for parking retention where there remains sufficient demand that is unlikely to convert to other modes.
- Any development or investment in additional park and ride must be justified through a business case (including Waka Kotahi NZ Transport Agency support where appropriate), consistent with AT's responsibilities.

Park and ride fee schedule

The fee schedule will be revised each year, in time with the annual revision of PT fares, and will be approved by the Transport Control Committee (TCC). The fee schedule review will ensure that the pricing reflects the broader costs of the transport system and the policy guidance. Any changes to fees will be communicated to customers in advance of implementation.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 2 – On-street and Off-street

Kerb zone space allocation

Policy statement:

The kerb zone, generally consisting of the kerb-adjacent lane and the berm/footpath space (the space between the property boundary and the kerb), will be managed to ensure that the needs of all road users (with a focus on strategic modal priorities) are catered for and space needs are met.

Policy detail:

- The kerb zone will be managed as part of the on-street parking management system.
- Kerb zone management will be part of the CPMP process and intervention options will be drawn from the *Kerb Zone Management Framework*.
- Kerb zone space, either on the footpath zone, or in the kerbside lane zone will be allocated to assist with the delivery of strategic modal priorities, even where most space is retained for parking. This will include reflecting the Place function of the street.
- Interventions are designed to be agile, but should be implemented in time with parking management interventions, to minimise impact on the community and maximise the cumulative benefits of such changes.
- At a micro level, the location of interventions applied from the *Kerb Zone Management Framework* will be important and will need to be consulted on as part of the CPMP (or lead project).

Parking diversity

Policy statement:

AT will diversify parking provision (both on-street and off-street), to incentivise types of vehicles or users, in alignment with strategic objectives.

Policy detail:

- Parking will be allocated and managed to support more sustainable travel by, for instance, prioritising space for High Occupancy Vehicle (HOV) parking, Electric Vehicle (EV) parking, motorcycle, mobility and cycle and micro-mobility parking.
- Diversified on-street parking allocation should support the shift to short-stay parking by providing more loading zone space for passengers and goods, as well as more flexible space which is allocated to different uses/users at different times and maximises the number of users.
- Parking diversity rates will be set by the TCC.

Parking diversity rates

Parking diversity rates will not be set as specific numbers, but will instead be crafted as part of the CPMP process to account for the broader transport and land use system and strategic goals. The TCC will use a process as part of its consideration of CPMPs to ensure that appropriate diversity of parking types is provided.

DRAFT – NOT APPROVED

GROUP 3 – Specific vehicle types

Policy rationale

AT is keen to shift the Auckland Parking Strategy away from the focus on private cars, and to be truly multi-modal. Providing strong support for parking across a range of modes is just as critical as providing space for the movement of these modes. AT is committed to a future with more cycle and micro-mobility, more PT, more shared transport, and an efficient and agile freight system – all contributing to a more sustainable, safer, equitable and space-efficient transport system.

Indicators of success

- Increased provision and use of cycle and micro-mobility, rideshare/carshare, motorcycle/moped, EV and mobility parking spaces.
- Feedback from bus operators indicates support for location and scale of spaces, and operations are not negatively affected by location/space provision.
- Loading zones are well utilised for the full duration of their period of operation and with minimal circulation by couriers.
- Reduction in unsafe parking behaviour.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 3 – Specific vehicle types

Cycle and micro-mobility parking

Policy statement:

AT will provide parking for bicycles (including e-bikes) and other micro-mobility devices, such as e-scooters, to support strategic objectives and ensure their useful placement.

Policy detail:

- Cycle and micro-mobility parking will be provided in more locations, either on the footpath zone or the kerbside lane zone. It will also be provided at all AT managed off-street parking facilities (unless impractical), including park and rides and Rapid Transit Network stations.
- The locations where these facilities will be provided will be carefully chosen to emphasise:
  - proximity of key destinations,
  - proximity of cycle and micro-mobility Strategic Transport Network,
  - non interference with the safe movement of other modes, with a particular emphasis on walking,
  - where parked cycle and micro-mobility vehicles (and their users) will be safe and people on foot are not obstructed,
  - at appropriate spacing, and
  - with consideration for parking demand (current and future).

  They will be included as part of the CPMP process.
- The type of facility chosen will consider expected duration of stay and they will be designed to be inclusive and easy to use.
- Private operators of shared schemes will be required to be licenced and will need to comply with the shared bicycle/scooter code of practice https://www.aucklandcouncil.govt.nz/licences-regulations/Pages/e-scooter-licences-regulations-auckland.aspx

Motorcycle and moped parking

Policy statement:

Motorcycle/moped parking will be provided and managed to meet demand.

Policy detail:

- Dedicated on-street motorcycle/moped parking will generally be provided on a case-by-case basis, based on areas of evidenced demand, however, it will be provided at all AT-managed off-street parking buildings.
- Some dedicated motorcycle/moped parking will be considered as part of the toolbox of interventions in CPMPs, primarily in town centres.
- Where provided, motorcycle and moped parking will be managed/priced to reflect its value as with general car parking, however, the price will be lower than that required of car parking to reflect the reduced space needed for motorcycles/mopeds.
- Motorbikes and mopeds can use standard carparking spaces, but will need to adhere to the same requirements as cars when using those spaces (including payment of fees). Motorcycles and mopeds are not permitted to park on a footpath or berm, unless the area is specifically signed for that purpose.

DRAFT – NOT APPROVED

Electric vehicle parking

Policy statement:

AT will support EV parking, to encourage uptake.

Policy detail:

- AT may provide dedicated EV car parking spaces within AT-managed parking facilities (which may include charging) and may provide dedicated car spaces on-street at key locations (without charging).
- Any EV parking provision will be scaled to support an increase in the overall light vehicle EV fleet, but will ultimately be removed as a dedicated provision once a majority of new light vehicles sold in Auckland are EVs.
- AT may facilitate third party installation of publicly available EV chargers at AT-managed off-street parking facilities (subject to formal agreement), consistent with the wider management of that parking space.
- AT will not typically permit EV chargers on-street, due to the need to retain future flexibility over the reallocation of space, to avoid issues with perceived privatisation/ commercialisation of road space and to avoid safety issues associated with charging cables.

Rideshare and car share parking

Policy statement:

AT will provide rideshare zones and car share parking spaces to support these modes.

Policy detail:

- Rideshare spaces will be located and sized in accordance with demand, in conjunction with space availability and other priorities. Rideshare space provision will recognise that requirements are often different at different times of the day and on different days, therefore we will have increasing use of flexible spaces and shared spaces for these purposes.
- Car share spaces will be primarily allocated off-street, where spaces can be allocated to individual companies as on-street car spaces cannot be individually allocated. On-street car-share space allocation, as well as car-share pricing, permitting and enforcement will be undertaken in accordance with the AT Car Share Framework https://at.govt.nz/about-us/working-with-at/car-share-services/

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 3 – Specific vehicle types continued

Bus/coach parking

Policy statement:

AT will ensure that AT Metro bus parking needs are met for staging, recovery and short term layover, as well as providing some coach parking spaces.

Policy detail:

- AT will work with bus operators who provide AT Metro services to identify kerbside space needs for staging, recovery and short term layover needs.
- These will be located with consideration of:
  - close proximity to in-service operating location,
  - easy access between staging/recovery/layover space and bus stop locations,
  - areas outside the Strategic Transport Network (which may be subject to removal),
  - the effects on adjacent land use,
  - where their presence does not impact on the safety of other transport system users, and
  - meeting the stipulations of contracts with operators.
- AT will consider, where appropriate and on a case-by-case basis, meeting staging/recovery/layover needs off-street where demand and duration is sufficient and other criteria (above) struggle to be met.
- Private coach operators are expected to identify and meet their own space needs, without using public kerbside space.
- Where there is sufficient demand and available space, AT may work with coach companies to provide kerbside space for their short stay/pick up/drop off purposes (with no exclusivity of use and no certainty of continued use should other needs arise). AT may charge coach companies for the use of such space.

DRAFT – NOT APPROVED

Loading zones

Policy statement:

Where loading zones are provided, these will be managed to maximise access for the delivery of goods and services, as well as the loading and unloading of passengers.

Policy detail:

- Loading and servicing functions should typically be provided for onsite. AT will not provide loading zone space on-street to compensate for individual businesses which have not provided this space on their property.
- AT will work with courier and freight companies to identify loading zone requirements (location, timing and size) and will seek to provide these to meet needs while also recognising other kerbside space needs.
- Loading zones may be allocated to specific purposes (such as goods vehicles) and this will be clearly communicated.
- Where feasible, AT will employ multi-purpose loading zones (for use by passengers and freight/deliveries), due to the simplicity of their operation. Where this occurs, courier and freight needs will generally need to be met first.
- AT will use survey data and industry insight to identify the appropriate time restrictions for specific loading zones, rather than a default time limit.
- AT may implement formal management of specific loading zones where there is significant and growing demand at key times with no opportunity for increased capacity.
- AT will notify the freight/courier industry of any changes to loading zones (subject to the requirements as set out in other Auckland Parking Strategy policies).

No parking areas

Policy statement:

AT will typically prohibit parking in any location where parking would impede the safe and efficient operation of the transport system.

Policy detail:

- AT may prohibit parking on all or part of any roads/streets under the following conditions:
  - Where parking could create an unacceptable safety risk (such as affecting sight lines)
  - Where parking could restrict the clear passage and movement of emergency vehicles
  - Where parking could prevent the clear passage of vehicles, in particular PT, including any bidirectional street with a width (kerb to kerb) less than six metres
  - Where parking could impede property access.
- In these cases AT will remove parking as necessary and will communicate to users in accordance with the **Public Engagement on Parking Policy**.
- Consistent with national policy, AT prohibits parking on driveways/vehicle crossings where this blocks or partially blocks use of, or access to, the footpath or property access. AT also prohibits parking on cycle facilities and shared zones except where signed.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 3 – Specific vehicle types continued

Accessibility/mobility parking

Policy statement:

AT will provide mobility parking for people with accessibility needs who possess and display a mobility card and will provide this parking at an appropriate ratio to enable movement by people with accessibility needs.

Policy detail:

- Accessibility/mobility parking will be provided to support access for mobility card holders.
- AT will provide off-street accessibility/mobility parking at all AT managed off-street parking facilities, at a minimum based on the ratios/rates set out in the *New Zealand Standard: Design for Access and Mobility – Buildings and Associated Facilities.*
- For on-street parking, AT will provide parking for accessibility/mobility card holders in-line with demand and in accordance with the **Parking Diversity Policy**.
- Mobility parking will be located with consideration of the surrounding environment, to ensure accessible and safe journeys to nearby destinations.
- Time restrictions will be applied to mobility parking spaces where surrounding parking is regulated.
- Vehicles displaying a mobility parking permit but parking in a general parking space can remain in time restricted on-street parking spaces for double the posted time.
- In all on-street paid parking areas, vehicles displaying a mobility parking permit but parking in a general parking space are given one-hour free parking over and above any period paid for.
- Mobility parking in AT off-street parking facilities is free for the first two hours, free after 6pm on weekdays and free all weekend.
- In general, mobility parking will not be provided if there are existing and generally available mobility parking spaces within 200 metres of an accessible route to the destination.
- Mobility parking spaces will not be implemented in residential areas/streets.
- Use of mobility spaces by vehicles without a properly displayed card is strictly prohibited. Vehicles will be ticketed and towed.

DRAFT -
NOT APPROVED
55

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 4 – Specific situations

Policy rationale

There are many specific situations which require their own policies. These policies have been developed to ensure that, in these situations, the integrity of the parking and transport system is maintained for all users and that these situations reflect the processes outlined in the earlier policies.

Sometimes, AT has to make **temporary changes** to the transport network to enable different activities, like roadworks, in response to unplanned events, like water pipes bursting, or for planned events like sport matches or concerts. Often this involves changes to parking to enable the the safe and effective operation of traffic management. While disruption can be difficult, minimising disruption is a core component of any temporary event, as is ensuring safe and sustainable access to spectator events.

Schools are key destinations for very vulnerable community members. As they are often located in suburban settings, the transport system is not equipped to handle the effects of the peak arrival and departure demand created by a high private motor vehicle mode share. Keeping kids safe, while also enabling the transport system to function, are core requirements.

AT is delegated authority by Auckland Council to manage parking of some **community facility parking** (around pools, libraries etc). However, most council facilities are not managed by AT. AT will work with Auckland Council and local boards to investigate parking sites which are experiencing excessive demand or at risk of being used for reasons other than their intended purpose and will introduce parking management intervention, where agreed upon with Auckland Council, to protect these parking facilities and ensure their continued usability by the community.

DRAFT – NOT APPROVED

Residential Parking Zones (RPZs) are designed to help balance parking demands and recognise varying on-street parking needs. RPZs enable on-street parking for eligible residents. RPZs essentially provide a segment of parking in an area for the exclusive use by the residents of that area. This is not consistent with the rest of the parking system and, therefore, must be sparingly and carefully used. AT will not significantly expand the existing RPZs throughout Auckland. There are strict criteria to be considered for a Residential Parking Permit (RPP) and space is allocated in such a way that broader parking needs are also able to be met.

Parking **permits or coupon**s are also available for selected users. These provide an exemption from a parking restriction and are currently allocated to a wide range of users including residents, tradespeople, healthcare organisations, and sports clubs. AT will seek to minimise the use of coupons as they represent an anomaly of the parking management system.

Indicators of success

- Planned changes are well communicated, while unplanned changes and disruptions are responded to in a way that minimises any unnecessary inconvenience or change.
- Streets around schools are safer and operate better.
- Most attendees at all planned events each year attend via active modes and PT.
- Managed facilities can meet genuine needs.
- Good utilisation of RPZ spaces.
- Alignment of permits with level of need.
- No growth in coupon use and careful monitoring.

57

Item 8

Attachment A

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 4 – Specific situations

Temporary changes

Policy statement:

Temporary Traffic Management Plans may remove parking or alter provision of parking.

Policy detail:

- Where temporary changes to roads/streets are required to enable the safe and effective operation of traffic management (regardless of the reason for the traffic management), any and all kerbside space allocation required to assist with this may be closed for regularly allocated uses for the duration of the temporary traffic management, with no requirement for relocation (with the exception of bus stops and some loading space).
- Where traffic management is unplanned, no notification is required and towing of vehicles is allowed where appropriately authorised.
- Where traffic management is planned, notification of the affected kerbside space (by way of on-site signage) is required no less than five working days in advance of the space closure.

Parking around schools

Policy statement:

AT will work with schools to manage on-street parking to prioritise safety for children.

Policy detail:

- On-street parking will be managed to prioritise safety for all, particularly for vulnerable road users.
- Parking management will support other areas of AT working with schools.
- On-street parking management changes will be developed in consultation and collaboration with schools, with consideration of their specific circumstances and needs.
- As with all other land uses, there is an expectation for schools to manage the impacts of access to their site, onsite and not assume kerbside space can be used for passenger pick-up/drop-off.
- As per the **Parking management on the Strategic Transport Network policy**, on-street parking adjacent to schools may be repurposed to more beneficial uses to assist in the delivery of projects on the Strategic Transport Network.

DRAFT – NOT APPROVED

Event parking

Policy statement:

AT will work with event organisers and key stakeholders to develop Traffic Management Plans for events. AT may use special event pricing and specific parking management measures to manage the impacts of special events and short seasonal peaks such as school holidays.

Policy detail:

- AT does not support or enable access for major events by private motor vehicle for spectators. In all situations, PT and active modes will be the preferred methods of access for spectators/attendees of events. AT may, at its discretion, enable and support parking for events, only where there are significant benefits and limited impacts in doing so.
- Through the TMP process AT will look to ensure that mobility parking is provided as close as possible to the event. For most events the loss of parking will be limited to meet the needs of the event (such as providing access/space for event transport, providing a secure and safe event space and providing sufficient space to meet pedestrian needs and safety).
- For some events it will be necessary to create a cordon area of removed parking to prevent significant demand overwhelming an area and impacting on either the event operation or the operation of the transport system.
- Any kerbside space relocation/removal will be communicated to the affected stakeholders/community in advance for planned events.
- AT will work with event organisers to provide good quality PT access to events, as well as dedicated cycle and micro-mobility parking and rideshare passenger pick up space where possible.
- AT may charge event organisers the cost of foregone revenue from the temporary loss of any paid parking for the duration of its loss.

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 4 – Specific situations

Council community facilities parking

Policy statement:

AT will work collaboratively with Auckland Council and local boards to develop appropriate parking management of Auckland Council-owned parking not managed by AT.

Policy detail:

- Auckland Council community facilities provide parking for access to locations like libraries, parks and swimming pools. However, these facilities can also come under demand pressure.
- Most council community facilities are not managed by AT and do not have regulation or demand management.
- AT will work with Auckland Council and local boards to investigate parking sites which are experiencing excessive demand or at risk of being used for reasons other than their intended purpose, and will propose solutions for consideration by Auckland Council.

Residential parking zones and residential parking permits

Policy statement:

Residential Parking Zones (RPZs) will be limited to areas meeting prescribed criteria. Residential Parking Permits (RPPs) will be priced to better reflect the value and cost of the parking once Central Government policy allows.

Policy detail:

- AT has the ability to change the boundaries of any Residential Parking Zone for any reason.
- RPZs will only be considered when,
  - parking demand for the subject area is greater than 85% occupancy across the average peak parking period (generally 4 hours), and
  - priced and time restricted parking is already in place in the subject area, and
  - the area is within a Tier 2 or Tier 3 location.
- Residential Parking Permits (RPPs) will not be issued for properties that were consented after 30 September 2013*. The priorities for allocation of RPPs, in order of priority, are:
  1. A house on a single title without off-street parking or an apartment building built before 1944 without off-street parking
  2. A house on a single title with one off-street space
  3. All other houses or townhouses
  4. Apartments.

DRAFT – NOT APPROVED

Residential parking zones and residential parking permits continued

Policy detail continued:

- RPPs will be issued on an annual basis and will otherwise expire at a set date each year.
- Allocation of RPPs will be capped and relative to the number of available on-street carpark spaces.
- AT will invite expressions of interest to determine likely RPP demand. RPPs will then be allocated based on a priority system as set out above. One permit will be allocated to each member of the highest priority category before issuing a second permit. This will then cascade down through the lower priority categories until the total cap on permits is reached.
- Price will be set to cover the administrative cost to provide the permits, until such time as Government regulation is changed. When that occurs (subject to the new Government regulation) price will be set relative to administrative costs, costs relative to the provision and maintenance of the parking asset, and the market value of the parking space (i.e. estimated lost income that would have been derived from the parking space if it was general paid parking).
- A RPP will relate to a vehicle's registration. Users must show proof of residence and the RPP can be transferred in the case of change of residence ownership/tenancy during the year (requiring re-submission to AT and an administrative charge).
- Having a RPP does not guarantee spaces will be available - they only provide the right to park in any available space in the designated residential parking zone.
- A RPP only applies to the RPZ for which it is permitted (a RPP for one RPZ does not permit the user to park in another RPZ).
- Residential parking zones use will be strictly enforced.
- A separate category of off-peak parking permit will be available for parking overnight and on weekends only. This permit will be available where daytime weekday parking is not required.
- All existing Residents Only permits will no longer be valid and users of those permits will need to apply for residential permits (should they be eligible)
- Note that parking within RPZs is subject to removal where it falls on the Strategic Transport Network using the same approach as all other parking on the Strategic Transport Network.

*as included in the 2015 AT Parking Strategy

DRAFT – NOT APPROVED

6. Parking policies continued

GROUP 4 – Specific situations

Permits, coupons and concessions

Policy statement:

Coupons and concessions will be used sparingly for critical uses for which no other option is available and their use will be monitored closely.

Policy detail:

- The coupon types in the table below have been designed to ensure that parking permits and coupons are allocated in a fair and equitable manner based on need, and that eligibility is clearly understood. There may be instances where parking concessions are considered appropriate. Examples of this include concessions for particular classes of vehicle or users. AT may develop concessions, as these needs are identified and arise.
- AT will continue to improve parking permitting administration systems and processes.
- AT will phase out permits as needed and as the system evolves.

Coupon and permit types

Permit/coupon type	Description
Critical services permit	• These permits are available for the following services: – Emergency services (police, ambulance) attending emergency situations in an unmarked vehicle – Critical healthcare and non-profit community support services – Emergency infrastructure repair services, such as vehicles repairing Auckland's energy, water and phone networks. • These permits are able to be used in some time-restricted areas and paid parking areas.
Event permit	These permits will be issued by AT only after approval by Auckland Unlimited or the ATOC Major Events team. These permits are able to be used in time-restricted and paid parking areas and will only be valid for the duration of a specific event.
Authorised vehicles parking permit	These permits can be used in a specific area that is set aside for permit holders' parking only such as a car share space. Permits are only considered in exceptional circumstances where a solution cannot be provided under the existing parking permits categories.
Residential parking permit	As detailed in the **Residential Parking Zones and Residential Parking Permits Policy.**

DRAFT – NOT APPROVED

Permit/coupon type	Description
Off-peak parking permit	Off-peak parking permits will be available for on-street parking in areas of high parking demand for overnight and weekend parking only.
Coupon (different coupons will be valid in different areas based on the restriction they are exempting)	Coupons will be based on a daily price that will allow exemption from the restrictions in that area. Coupons will be available for: • Tradespeople and contractors • Some public service entities. Coupons will be technology-based and simple to use.

DRAFT – NOT APPROVED

7. Where to next

7.1 Have your say, we're listening

Listening to what you have to say is important to us.

We want to know your thoughts on the proposed/draft Auckland Parking Strategy.

Public and stakeholder feedback can influence any part of the Strategy, however, we won't be able to make changes if they would cause it to lose alignment with the transport direction/objectives of Government and regional documents/strategies that have already been adopted. These objectives and documents are outlined throughout the Strategy.

Here's how you can have your say:

Online survey: AT.govt.nz/haveyoursay

Give your views until **Sunday 1 May 2021**

Want to talk to us?

Phone: (09) 355 3553

Email: ParkingStrategy@at.govt.nz

To find out how to talk to us in person visit AT.govt.nz/parkingstrategy

What happens next

May/June:

- Each local board will receive a report on public feedback based on the responses received from their area.
- Local boards endorse local feedback.

July:

After taking on board public, key interest group and elected member feedback, AT will present the revised draft Auckland Parking Strategy 2022 to the Auckland Council Planning Committee for endorsement.

August:

The proposed final Auckland Parking Strategy 2022 will be presented to the Auckland Transport Board for adoption.

September/October:

- A report on public feedback will be released that outlines the feedback received as well as the final decisions on, and changes made to, the draft Auckland Parking Strategy. If you provide your contact details, we will notify you when the report is available.
- The final Auckland Parking Strategy 2022 will be released.

DRAFT – NOT APPROVED

7.2 Implementation

Following final approval of the Auckland Parking Strategy 2022 by the Auckland Transport Board, AT will start implementing the Strategy, commencing with CPMPs for key Tier 3 centres. A separate implementation plan is being developed to ensure the smooth delivery of the Strategy, and to coordinate the various activities needed.

7.3 Changes needed to Government policy

While AT manages the public parking system for Auckland, it does so under the policies and regulations set by the New Zealand Government, via the Ministry for Transport and Waka Kotahi.

These policies and regulations limit some of the power of local government and road controlling authorities, including how AT manages parking.

Through the development of the Strategy, AT and Auckland Council have identified a number of areas where changes to Government policies and regulations are urgently needed to improve the ability of AT to manage the parking system. AT will continue to advocate to Government to review their policies and regulations so that they work for Auckland in 2022 and beyond.

The Government policies and regulations that need immediate attention are outlined below.

Parking fines

Parking fines are not set by AT, but are instead set by Government legislation via a national maximum fee schedule. The schedule setting maximum fines has not been reviewed since 1999, which means that fines have not kept pace with inflation or current fines for other prohibited activity. AT's experience is that parking fines no longer represent an appropriate or effective deterrent to illegal behaviour in their current form.

AT's view is that, consistent with the practice of many other countries, local government/ road controlling authorities should be empowered to set their own parking fines, so they are fit-for-purpose for the local context and do not attempt to provide a national solution to a bespoke local problem.

The process for setting parking fines needs to be reviewed by Government.

DRAFT – NOT APPROVED

7. Where to next continued

Parking on berms

Parking on grass berms outside homes and businesses impedes the safe movement of pedestrians, particularly those with accessible needs, and can damage public infrastructure including utilities infrastructure laid in the berm.

Despite parking on berms being the subject of many complaints to AT, we are unable to consistently enforce a ban on berm parking due to the limited regulatory support for such an approach from the Government. AT believes this urgently needs to be addressed so that this unsafe behaviour can be easily stopped without resorting to resolutions and signage across the transport network. Until this issue is resolved, AT will remain unable to enforce a general ban on berm parking in Auckland.

Residential Parking Permit costs

AT manages a Residential Parking Permit (RPP) scheme for several suburbs in Auckland in which many dwellings do not have off-street car parks due to their age/time of construction and where on-street parking is sparse due to other needs. Car parking spaces in these areas, both on and off-street, are valuable, however, Government legislation means that AT is not able to charge the true value of these car parks to residents, only the administrative cost involved in generating the permits.

In 2022, the RPP cost is $70 for unlimited parking for a full year (or 20 cents a day). In contrast the paid space next to a residential parking permit space can generate several thousand dollars a year. The current approach is inadequate. It does not recognise the value of on-street space and potentially allows private residents to on-sell priority parking on public land at a greatly reduced price. AT considers that the Government needs to amend the approach to enable AT to charge the foregone revenue, and match the demand for parking in the area.

DRAFT – NOT APPROVED

Parking levies

While not part of the management of the public parking system, Auckland Council and AT are keen to investigate the ability to influence parking use in the City Centre, where 87 percent of parking is private parking and currently beyond our control or influence, creating flow on impacts to the broader transport system. We would like to investigate the introduction of a parking levy on businesses which have private parking in the City Centre, in order to use the revenue to mitigate the effects of so many vehicles (around 35,000 spaces) or enhance PT services to encourage mode shift. Central Government regulation prevents this from being implemented. AT and Auckland Council believe that Government should review this, which would allow further investigation and research into the possible use of such a scheme.

DRAFT – NOT APPROVED

Parking strategy glossary of terms

Term	Definition
Auckland Plan 2050	This is Auckland's long-term spatial Plan, it sets out Auckland's challenges of population growth, shared prosperity, and environmental degradation, as well as reflecting key areas for growth and development; see aucklandcouncil.govt.nz/plans-projects-policiesreports-bylaws/our-plans-strategies/auckland-plan/Pages/default.aspx
Auckland Transport (AT)	Auckland's Council Controlled Organisation responsible for the transport system.
Auckland Unitary Plan (AUP)	This guides the use of Auckland's natural and physical resources and provides the rules and policies for land use development; see aucklandcouncil.govt.nz/plans-projectspolicies-reports-bylaws/our-plans-strategies/unitary-plan/Pages/default.aspx
Bus layover	Space for buses to park while not in use, typically when waiting to start another service. Bus layover may be kerbside or offstreet.
CAM/Cycle and Micromobility	A term used to refer collectively to bicycles and micromobility devices (see micromobility)
Carshare	Carshare is a model of car rental where people rent a vehicle for short periods of time (usually by the hour). This means that people do not need to own their own vehicle. Under the typical business model, membership enables access to a fleet of vehicles which are located around the city. Members are then able to rent cars for the required period of time from a location that is convenient to them.
Clearway (with time-of-day restrictions)	This is where no stopping restrictions during certain times of the day are applied to kerbside space that is typically used for parking. For example, during the clearway operating time the kerbside space will be used as a traffic lane, outside the clearway times the space reverts back to parking.
Comprehensive Parking Management Plan (CPMP)	This is a plan for a specific area that takes into account land use and access characteristics of the area and sets out parking management requirements, over time.
Demand responsive	This term usually relates to when a level of parking demand of 85% occupancy is met and there is a need to continue to incentivise parking turnover through time restrictions or through pricing that parking.
Driveway	Provides vehicle access to a site from a road/street. If a driveway crosses a footpath, the users of the footpath have right of way over vehicles using the driveway.
Electric vehicle charging station/ point	A parking space that includes an electric vehicle charging device.
EV / Electric Vehicle	Electric vehicle. For definitions see Waka Kotahi NZ Transport Agency website: https://www.nzta.govt.nz/vehicles/vehicle-types/

DRAFT – NOT APPROVED

Frequent Transit Network (FTN)	This is a classification of public transport service, defined as having services operating at least every 15 minutes between 7am and 7pm, every day of the week, but without full priority measures (e.g. bus lanes and signal priority).
Future Connect	Future Connect is the long-term network plan for Auckland's transport system. It identifies the most important parts of the transport network, and the most critical issues and opportunities. This helps us make our 10-year investment programme, the Regional Land Transport Plan (RLTP). For more information see: at.govt.nz/about-us/transport-plans-strategies/future-connect-auckland-transports-network-plan/
Government Policy Statement on Land Transport 2021	This sets out how the Government wants to see transport investment prioritised over the next ten years. See: transport.govt.nz/area-ofinterest/strategy-and-direction/government-policy-statement-on-land-transport/
Greenfield areas	Areas that have not previously been subjected to significant development, such as farm land.
Kerb zone	The space on the street between private property boundaries and the first carriageway lane. The kerb zone includes the footpath and parking spaces on the side of the road.
Land Transport Act (1998)	An overarching piece of national legislation, which sets out key safety obligations for operating within New Zealand's land transport system, and outlines the rules relating to drivers, operators and the licencing regimes that underpin these obligations. (based on a summary of the LTA provided by the Treasury: https://www.treasury.govt.nz/sites/default/files/2016-06/ris-transport-ltap-sep16.pdf Land Transport Act 1998 – Proposed Miscellaneous Amendments - 12 September 2016 - Regulatory Impact Statement - Ministry of Transport (treasury.govt.nz))
Loading zone	An area of the road (usually kerbside) where vehicles can stop to unload goods or people.
Micromobility	Refers to a range of small, lightweight vehicles operating at speeds typically below 25kmph and driven by users personally. Micromobility devices include bicycles, e-bikes, electric scooters, electric skateboards, shared bicycles and electric pedal assisted bicycles (this list is not exhaustive).
Mobility parking	Parking reserved for vehicles displaying mobility permits.
Moped, motorcycle	For vehicle type definitions, see Waka Kotahi NZ Transport Agency website: https://www.nzta.govt.nz/vehicles/vehicle-types/
National Policy Statement on Urban Development 2020	The National Policy Statement on Urban Development (NPS-UD) sets the direction for urban development policy and rules throughout New Zealand. It aims to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. For more information: hud.govt.nz/urban-development/national-policy-statement-on-urban-development/
No stopping at all times (NSAATs)	Depicted by broken yellow lines / signage. This indicates that vehicles cannot park or unload goods in this location.

DRAFT – NOT APPROVED

Parking strategy glossary of terms continued

Park and ride	These are areas of AT controlled off-street parking, located near key public transport hubs, such as train, ferry and bus stations. Customers park their vehicles, and transfer to public transport services.
Off-street parking	This is parking that is available off the road, such as in parking buildings, or other off-street parking areas. Public off-street parking is typically owned by Auckland Council and often managed by AT. Park and ride is a form of off-street parking. For private off-street parking, see Onsite parking. Some private off-street parking is provided specifically for customer-use.
On-street parking	This is parking that is available on the road, typically within the kerb zone. AT controls and manages all publicly owned on-street parking in Auckland.
Onsite parking	Refers to parking associated with land use, sometimes called ancillary parking.
Parking	Refers to the temporary storage (short or long term) of all types of transport vehicles, and includes onsite parking, off-street and on-street parking. However the approach to parking management outlined in this document is concerned with on-street and off-street parking controlled by Auckland Transport.
Parking - paid	This is when there is a cost to use a parking space. The cost typically increases the longer a vehicle occupies the parking space.
Parking zone – parking restrictions apply	A Parking Zone may be used to signal parking rules for a wider area and are signposted at the start and end of each zone. Linear (kerbside) parking regulation may apply and take precedence over the parking zone rules.
Parking - time restricted	This is a time limit on how long a vehicle can occupy a parking space. The time limit is expressed in minutes and typically is one of the following durations - P5, P10, P30, P60, P120, P180, P240.
Parking - unrestricted	This is where the use of a parking space has no time restrictions, no costs, and no restrictions on the type of vehicle.
Parking management	Refers to how Auckland Transport manages the parking it has jurisdiction over. It covers the supply of new parking, the removal of parking, and the management of existing parking (such as changing the type of parking in a certain location).
Pick up/Drop off zone (PUDO)	Space dedicated to vehicles that are picking up or dropping off people or goods. They typically have a time limit associated with them.
Policies	These articulate how AT will manage the parking system to comply with the parking principles and contribute to the strategic objectives. Key policies for parking sit in the Parking Strategy; other more operational policies include AT's price adjustment policies for parking.
Principles (parking)	These guide how we approach parking management over the next decade and provide a summary of our overall approach to parking.

DRAFT – NOT APPROVED

PT / public transport	Public transport, the bus, rail, ferry and on-demand services provided by Auckland Transport.
Readiness for change	An assessment of how ready a community/area is to replace private vehicles trips for more efficient and sustainable modes of transport. Typically, this reflects the access to other modes of transport, and the availability of local services that reduce the need to travel by private vehicle.
Regional Land Transport Plan (RLTP)	This is the 10-year investment plan for Auckland's transport network. It details the areas that Auckland Transport, Waka Kotahi NZ Transport Agency and KiwiRail will invest in to respond to our region's transport challenges via a proposed 10-year investment programme for specific transportation projects; see at.govt.nz/about-us/transportplans-strategies/regional-land-transport-plan/
Residential Parking Permit (RPP)	See RPZ.
Residential Parking Zone (RPZ)	This is a parking zone that has a permit system that allow people with RPPs to be exempt from other parking management measures. RPZs are designed to help balance competing demands on kerbside parking. There are eligibility requirements for residents to obtain an RPP and there is a cap on the total number of permits available within each zone and priority criteria for obtaining a permit. Permits must be renewed each year. RPPs do not guarantee a parking space. For more information on RPZs and RPPs go to https://at.govt.nz/driving-parking/parking-permits/resident-parking-permits/
Responsive parking management	This means where parking issues arise, such as high demand or safety issues, AT determines the most appropriate parking management response.
Ride share	Ride share is when a passenger (or passengers) travel in a private vehicle driven by its owner, either for free or for a fee. This includes taxis. For example, a person living in Northcote may drive to work, but picks up two other passengers on the way that share the ride with them. There are a number of commercial ride share companies operating in Auckland.
Rapid Transit Network (RTN)	This is a classification of public transport service, defined as providing fast, frequent and high capacity public transport services along corridors separated from general traffic.
Strategic objectives	The strategic objectives that guide the management of, and investment in, Auckland's transport system.
Strategic Transport Network (STN)	The Strategic Transport Network consists of the main transport routes that connect people throughout Auckland. They are predominantly roads, but also include railway lines, busways, and off-road cycleways.
Taxi stand	Space (typically located in the kerb zone) reserved for taxis so they can pick-up and drop-off customers. Can be used by all rideshare vehicles.

Item 8

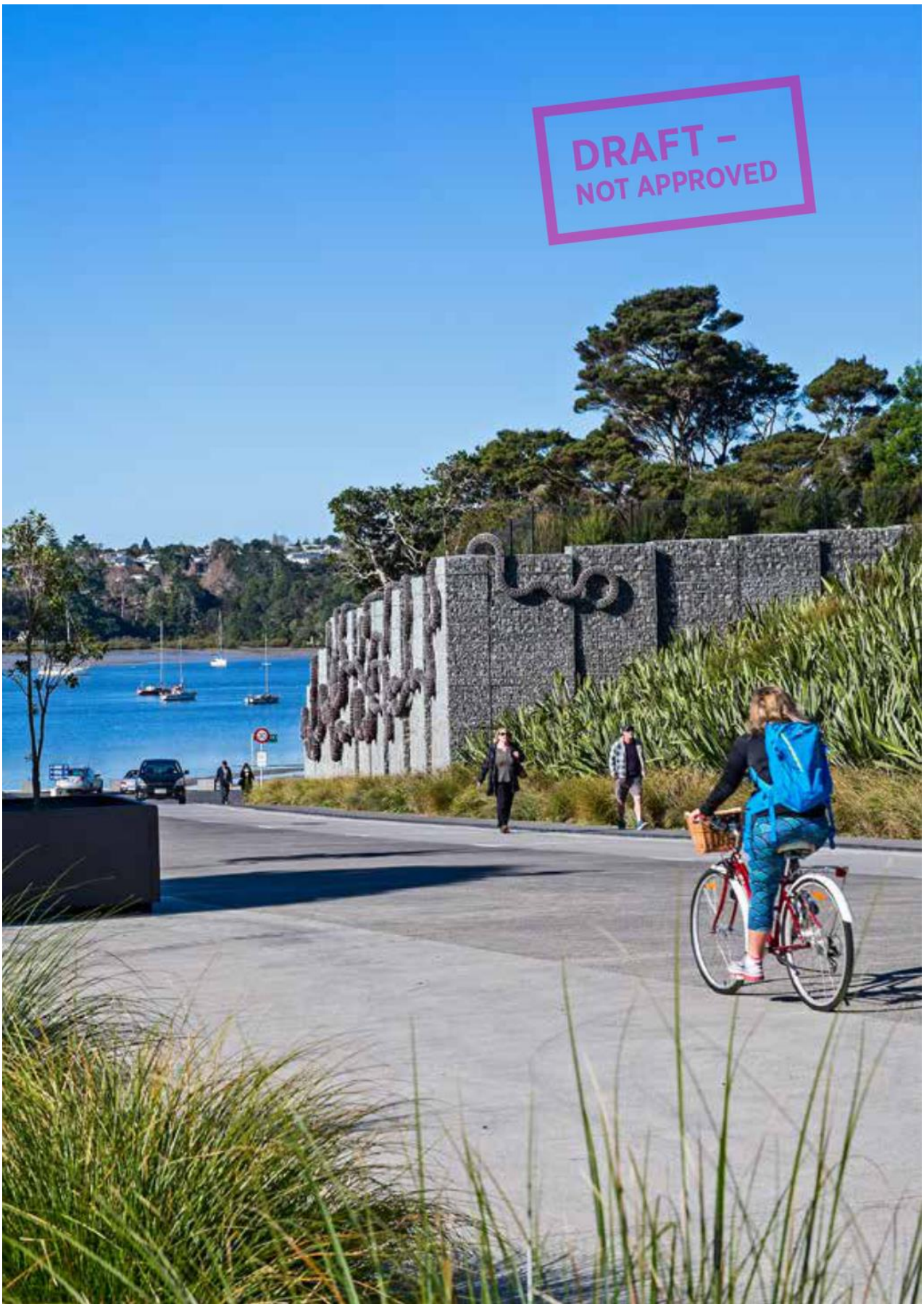
Attachment A

DRAFT – NOT APPROVED

Parking strategy glossary of terms continued

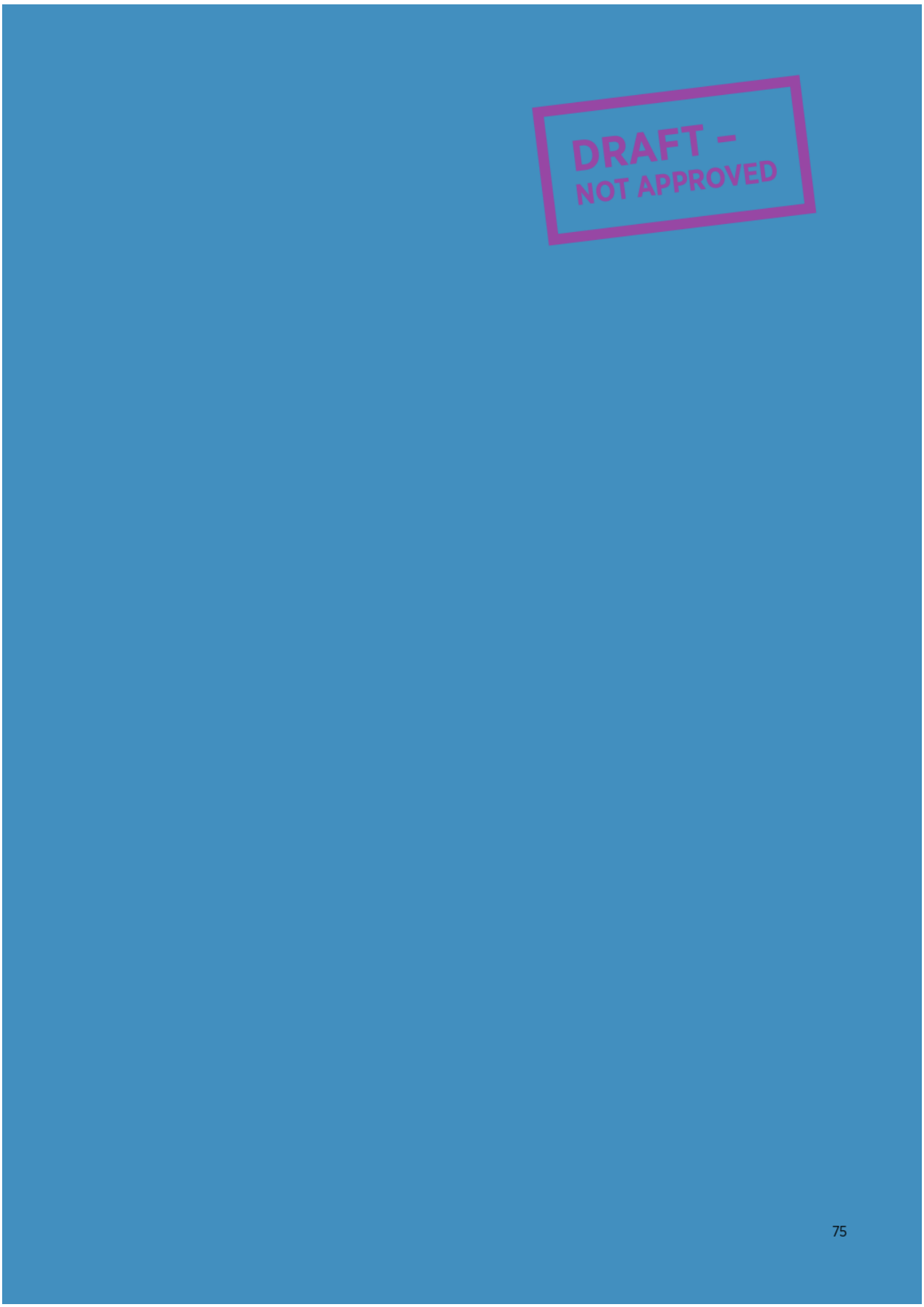
The Government's draft Emissions Reduction Plan and Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan	These signal the need for significant changes to how we travel and the way we travel. In particular the need to shift from petrol and diesel car use to other, low-emission travel modes. See: (mpi.govt.nz/consultations/emissions-reduction-plan/) (aucklandcouncil.govt.nz/plans-projects-policiesreports-bylaws/our-plans-strategies/Pages/te-taruke-a-tawhiri-ACP.aspx)
The Roads and Streets Framework (RASF)	This is used to inform any development design of a road or street. It is a fundamental tool for understanding how road-space might be allocated to serve the needs and catchment of adjoining land use, as well as the movement of people, goods, and services. See (at.govt.nz/about-us/transport-plans-strategies/roads-and-streets-framework/)
Traffic Control Committee (TCC)	Auckland Transport has delegated the power to the Traffic Control Committee to make decisions on proposed changes to parking controls/regulations across Auckland. For more information visit at.govt.nz/about-us/working-with-at/traffic-and-parking-controls/
Transport system	Refers to the wider transport system as a whole and encompasses all methods of getting around Auckland, for example roads, cars, rail, buses, bus lanes, ferries, taxis, freight, footpaths, scooters, bicycles, and cycleways.
Transport Design Manual	A set of guides, codes and specifications created specifically for the Auckland region, based on international best practice and robust common engineering theory. (taken verbatim from the AT website at: https://at.govt.nz/about-us/manuals-guidelines/transport-design-manual/
Travel choice	Means people have more than one (ideally a range) of travel options to get around Auckland safely and efficiently.

Note that any links to the AT website reflect existing/current policy. Proposed policy is outlined in this document, the Draft Parking Strategy.


DRAFT –
NOT APPROVED

DRAFT – NOT APPROVED

Notes


DRAFT –
NOT APPROVED
75

Item 8

Attachment A

Auckland Cycling and Micromobility Programme Business Case

File No.: CP2021/13821

Te take mō te pūrongo
Purpose of the report

1. The purpose of this agenda item is to enable the committee to formally consider and endorse the Auckland Cycling and Micromobility Programme Business Case.

Whakarāpopototanga matua
Executive summary

2. Cycling and micromobility need substantial investment to be equitable with other modes and meet the mode shift aspirations of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan. Ensuring safe cycling infrastructure is delivered across more of our network is also critical to enabling cycling in greater volumes as well as protecting users. Additional investment in cycling and micromobility improvements is justified because of the positive health and emissions outcomes, as well as the positive return on investment, which is twice that of similar scale roading projects.

3. The Cycling and Micromobility Programme Business Case (CAM-PBC) aims to improve safe cycle access to employment, education and retail and increase cycle and micromobility mode share. It does so through network development, cycle parking, customer growth initiatives (e.g., marketing, cycle skills training, bike hubs) and identifies policy changes required to support the investment strategy.

4. The CAM-PBC contributes to Auckland’s 50% emission reduction target and the 7% cycle mode share by distance aspiration in Te-Tāruke-ā-Tāwhiri: Auckland’s Climate Plan by 2030. It works alongside and complements other initiatives to reduce transport emissions and increase cycle and micromobility mode share, including other Transport Emission Reduction Plan initiatives.

5. A PBC is, in this case, a new 10-year funding case for cycling and micromobility that identifies how best to spend the $306 million that is currently available in the RLTP and prioritises future investments should any additional funding become available.

6. The current RLTP is expected to deliver 210km of strategic cycling connections by 2030, of which 45km would be delivered by the $306 million allocated to the CAM PBC. The funded portion of the CAM PBC will also deliver four focus areas of targeted cycling investment, which results in additional kilometres of cycling infrastructure, over and above the 210km highlighted in the table below.

7. As per the table below, the CAM-PBC also describes what can be delivered under different funding scenarios: a $1 billion package and a $2 billion package.

	Kilometres of strategic connections delivered by 2030	Number of focus areas delivered by 2030	Cycle parking and customer growth initiatives[1]
Non-PBC cycling investments (currently funded in RLTP)	165km		
$306 million CAM-PBC programme (currently funded in RLTP)	45km ($175 million)	4 focus areas, with additional kms of connections ($110 million)	($21 million)
$1 billion CAM-PBC programme ($700 million currently unfunded)	Additional 105km ($746 million)	Additional 3 focus areas, with additional kms of connections ($185 million)	($70 million)
$2 billion CAM-PBC programme ($1.7 billion currently unfunded)	Additional 110km ($1.5 billion)	Additional 7 focus areas, with additional kms of connections ($360 million)	($140 million)

8. Delivery of the CAM-PBC will contribute to reducing deaths and serious injurious by 40% by 2031; contribute to achieving a regional target of a 7% cycling mode share by distance; and increase the proportion of the population that can access opportunities within a 15-minute bike ride to 40% by 2031.

9. Auckland Transport's network plan - Future Connect – includes the Cycling and Micromobility Strategic Network, which is a planning tool that outlines where it is most important to provide safe cycling infrastructure and where the most people are expected to cycle. The CAM-PBC estimates the cost of delivering the full Cycling and Micromobility Strategic Network would be over $6 billion, and requires the components outlined in bullet points 'b' and 'c' of paragraph 10 below to complete the full Future Connect network.

10. The CAM-PBC identifies an investment strategy and programme that targets achieving the greatest uplift in mode share through accelerated delivery of cycling and micromobility infrastructure and customer growth initiatives. This includes:

    a. a cycling programme of $2 billion for new safe cycle facilities, cycle parking and customer growth initiatives;

    b. the implementation of currently funded cycling and multi-modal projects from the RLTP;

    c. the implementation of a number of currently unfunded projects (such as Connected Communities projects, Light Rail, Airport to Botany), that include significant cycling components within their overall project scopes and their funding envelopes; and

    d. implementation of a significant number of behaviour change policies to further lift cycling mode share and to close the gap between what infrastructure investment can achieve and the mode share target.

[1] Schemes to improve access to bicycles, promotion, activation and events, digital experience improvements, marketing, communications.

11. In addition to the gap between funding currently available and what is required to deliver the CAM-PBC's identified package, there are a number of other constraints on AT's ability to deliver including: market readiness and time required for the market to scale up, internal capacity (including delivery program managers) and funding certainty to minimise delays.
12. To reduce cost and accelerate delivery, the CAM-PBC has prioritised cycle projects based on (among other things) the ability to utilise existing road space that can be reallocated to safe cycle facilities, and a connected network that caters to multiple different trip types. In addition, the CAM-PBC supports:
    - a programme-level design standards departure to further enable road space reallocation;
    - the bundling of project procurement to gain further delivery efficiencies and cost savings;
    - the use of 'lite' / fast track business cases for projects less than $15 million (whole cost) to speed up investigation and design; and
    - scaling up in-house resources to support delivery and community engagement.
13. Endorsement of the CAM-PBC does not include approval of any additional funding at this stage. It does however relate to the endorsement of the CAM-PBC's investment strategy / pathway, and its prioritisation process that provides an agile programme that works towards the mode share target and enables a rapid scaling up of delivery should additional funding become available. Further, a strategic communications plan to support delivery of the walking and cycling programmes is being developed. Political support is required to help deliver its messaging and for delivering successful projects. It is also required for the advocacy and implementation of the behaviour change policies.
14. Following the Planning Committee being asked to formally consider and endorse the CAM-PBC, it will subsequently be tabled with the AT and Waka Kotahi boards for final endorsement.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) note that the Auckland Transport Board will consider final endorsement of the Auckland Cycling and Micromobility Programme Business Case following the Planning Committee's endorsement.

b) endorse the Auckland Cycling and Micromobility Programme Business Case as summarised in this agenda report including:

   i) acknowledgement of identified funding levels and policy components,

   ii) its investment strategy, and

   iii) prioritisation approach

   all of which are required to work towards the aspiration of a 7% cycling and micromobility mode share by distance by 2030.

c) note that while approval of additional funding is not sought at this stage, achieving the 7% mode share would require:

   i) An increase in capital funding from $306 million in the 2021-2031 Regional Land Transport Plan (RLTP) to $2 billion (for cycling connections, focus areas, cycle parking, and customer growth initiatives);

   ii) Implementation of the current cycling and multi-modal projects of the RLTP;

   iii) Currently unfunded projects such as Connected Communities and Airport to Botany that have crucial safe cycling connections being funded for implementation;

Item 9

iv) A significant proportion of the CAM-PBC's policy recommendations being implemented by Auckland Transport, its partners, Government, and other parties; and

v) Additional OPEX to enable delivery of the full suite of recommended Customer Growth Initiatives.

d) note that changes are required to current procurement and funding settings to enable delivery of the recommended CAM-PBC investment programme over the next decade.

Horopaki
Context

15. In February 2021, the Planning Committee nominated three members and invited two Local Board members to join the project's Political Reference Group. The developing direction of the CAM-PBC was presented to a workshop of the Committee on 15 December 2021.

16. The CAM-PBC is the result of a review of the 2017 Auckland Cycling Programme Business Case (2017-PBC). The CAM-PBC was primarily developed to respond to lessons learnt about the cost and speed of delivery of cycling facilities, new transport and funding policy, and to establish a new 10-year funding case for cycling and micromobility. It includes an investment strategy to increase cycling mode share through infrastructure, associated customer growth initiatives, and policy. The CAM-PBC was developed following Waka Kotahi business case guidelines and together with Waka Kotahi and Council staff, and further supported by broader technical reference groups as discussed below.

17. The strategic direction generally remains consistent with the 2017-PBC in that the Auckland transport system is failing to protect people on bikes who are over-represented in deaths and serious injuries; the unsafe and unattractive cycling experience means the mode is not fulfilling its potential which is leading to: poor environmental, social, health, and place outcomes. The following new 'problem' has been added: "Current cycling delivery mechanisms and resistance towards reallocating road space to cycling infrastructure are resulting in cost escalations, delays in delivery, and facilities that do not always meet customer expectations".

18. The CAM-PBC will: contribute to reducing deaths and serious injurious by 40% by 2031; contribute to a regional cycle mode share by distance target of 7%; and increase the proportion of the population that can access opportunities within a 15-minute bike ride to 40% by 2031.

19. These objectives reflect the following (noting that some are still in development): Vision Zero and Road to Zero; the 2021 Government Policy Statement; Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan that seeks to reduce greenhouse gas emissions by 50% by 2030 (with 64% of that allocated to transport); the Government's draft Emissions Reduction Plan, and Council and AT's joint development of a Transport Emissions Reduction Plan; and the National Policy Statement for Urban Development.

Tātaritanga me ngā tohutohu
Analysis and advice

20. Auckland Transport's network plan - Future Connect – sets out AT's ultimate indicative Cycling and Micromobility Strategic Network. The purpose of the CAM-PBC is to determine which projects should be prioritised to deliver on the investment objectives.

21. The recommended approach to achieving the objectives of the CAM-PBC is to leverage the network effects by closing gaps in the regional network, enhance connections to schools, rapid transit stations, and Metropolitan Centres. Connections to rapid transit stations have been prioritised on patronage with those with lesser boardings not having high enough benefits to bring into the programme list at this time, such as many outer ferry terminals. The shortlisting process also included the assessment of key anchors, such as tertiary institutions located in Metropolitan Centres.

22. Key features of the approach are a prioritised programme that can respond to various levels of funding, customer growth initiatives, and the policy recommendations that are crucial for Auckland to meet its targets.

23. The entire CAM-PBC programme exceeds the identified funding of $306 million of the on-going Cycling Programme of the RLTP. This is because the identified funding of $306 million and that of other RLTP projects and programmes (that include cycling improvements) are modelled to lift the cycling mode share to 1.3% by distance by 2030, or providing an additional 100,000 cycle trips a day (without the benefits of policy changes). The 7% cycling mode share goal would equate to roughly 750,000 additional daily cycling trips or 30 times that of today.

24. The full project list evaluated in the CAM-PBC includes 180 prioritised connections and focus areas that exceed $3 billion. Development of this extended list of connections and focus areas allows AT (and Waka Kotahi) to respond quickly and progress the next project/s if additional funding is made available. The existing projects of Henderson, Māngere East, and Manukau are programmed in the earlier years of the programme and will pivot to include road space reallocation (and minimal kerb movement) where possible, and to deliver cycling facilities quickly and in a cost-effective manner.

25. While it might appear that the prioritisation process results in network gaps (at the various investment levels), the ultimate Cycle and Micromobility Network in Future Connect closes these gaps. Such gaps will however remain as network gaps in the CAM-PBC programme until additional regional connections are brought forward, such as Skypath – Seapath, or regional funding is significantly increased. A *change management approach* has been built into the CAM-PBC that can respond to network and funding changes and in turn re-evaluate and potentially elevate local connections (that currently do not score high enough) and close any such network gaps.

26. Effective delivery of this programme relies on the Parking Strategy to support road space reallocation (removal of roadside parking); the potential removal of some flush medians and in some cases general traffic lanes; prioritised cycling connections that often favour secondary or parallel or lower order corridors to manage the interface with frequent PT; and designs that are safe but may not always include width for passing.

27. A proposed programme wide departure from AT's design standards underpins the reduced project costing assumptions made in the CAM-PBC. They are critical to the delivery of the programme and any safe cycling infrastructure targets that might arise from the CAM-PBC, for example, in any future Statement of Intent. Proposed changes to design standards have received positive feedback from our technical working group and independent reviewer.

28. Customer growth initiatives account for up to 7% of the programme cost and will be implemented with projects and across the programme.

29. Additional policy changes, such as the revised Parking Strategy and smarter transport pricing initiatives, will be needed to close the gap between what infrastructure can achieve and the goal of 7% cycling mode share. This gap is in the order of 4% of distance. AT is not the authority for many of the policy recommendations and will therefore work with its partners to advocate for these changes. A summary of the policy recommendations is included in attachment A.

30. The Benefit Cost Ratio of the programme is 2.0 - 3.4 for the first $2 billion spent, demonstrating very low diminishing returns and good value for money.

31. The following table sets out what is required to progress to 7% cycling mode share by distance by 2030. The following table sets out the CAM-PBC's pathway to 7% cycling and micromobility mode share by distance by 2030, along with mode share forecasts of the infrastructural and policy components. It is acknowledged that the mode share forecast from the infrastructural components (items a – d) will likely be higher than 3%, due to the limitations of the modelling tool to accurately forecast the impacts of large-scale cycling investment.

	Estimated Cycling mode share by 2030
a. $2 billion[2] of investment in safe cycling facilities (by taking the highest prioritised connections and focus areas forward for investigation, design and delivery); b. the various cycling connections of the RLTP's cycling and multi-modal projects; c. the crucial cycle connections of unfunded projects (such as those of Connected Communities) being funded and implemented in this decade; d. Additional OPEX for Customer Growth Initiatives; and	3% (from items 'a' to 'd')
e. Key policy initiatives are recommended by the CAM-PBC to make up the balance from what can be achieved through infrastructure investment [3].	4%
Total forecasted cycling mode share by distance by 2030	**7%**

32. The CAM-PBC concludes that $2 billion of investment is the minimum required[4] to meet the 7% mode share scenario. However, in addition to the gap between funding available and funding required there are a number of other constraints on AT's ability to deliver investment of this scale over the next decade. These constraints include: market readiness and time required for the market to scale up, internal capacity and dedicated cycling delivery program managers and funding certainty to minimise delays.

33. Staff from AT and Auckland Council will continue to engage with Waka Kotahi and the Ministry of Transport to advocate for options to address these constraints as quickly as possible, enabling cycling infrastructure to be upscaled rapidly should additional funding become available.

34. The CAM-PBC provides a solid basis to make the case for additional funding and to prioritise investment when funding is confirmed.

Tauākī whakaaweawe āhuarangi
Climate impact statement

35. Transport is Auckland's largest source of emissions. Transitioning to a sustainable transport system is critical to give effect to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which aims to halve regional emissions by 2030 and transition to net zero emissions by 2050. Increasing the uptake of cycling and micromobility is a priority in Te Tāruke-ā-Tāwhiri.

36. Auckland has a lower cycling mode share compared to other cities in New Zealand. However, around half of the car trips in Auckland are under 6km and therefore within cycling distance for many, especially with electric bikes.

37. Accelerating the delivery of safe and connected cycling and micromobility networks in Auckland will enable more people to undertake more of their daily trips through sustainable active modes, leading to reduced transport emissions and greater wellbeing. It also enhances community and transport resilience by providing affordable, fossil-fuel free travel options for people and goods.

[2] The $2 billion level of investment includes the committed $306 million of the RLTP.
[3] It is not considered possible to accurately estimate which policy changes will result in a particular mode share. Attributing 4% to policy recommendations is an estimate at this stage to demonstrate the pathway towards achieving a 7% mode share by distance.
[4] Included other projects, programme, and policy change.

38. The CAM-PBC represents one element of addressing the transport emissions reduction challenge in Auckland. Much greater funding and a range of policy and regulatory changes are required to achieve the cycling mode share targets in Te Tāruke-ā-Tāwhiri. The CAM-PBC's investment strategy sets the foundation for investment to be scaled up across the region, should additional funding be made available.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

39. Investment in cycling has a high degree of political and public interest. Establishing the project's Political Reference Group and involvement of Council and Waka Kotahi staff in the Project Working Group and Project Control Group sought to ensure the project had a greater level of awareness of both political, public, and partner views.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

40. The CAM-PBC Political Reference Group includes three councillors and two local board members. Feedback on a range of topics has been provided by the group, including transport equity, micromobility, the particular needs of rural areas, and the importance of building strong community support through local champions. The group also wanted the CAM-PBC to show a pathway to a significant increase in cycling mode share in Auckland.

41. Local board feedback on AT's RLTP shows overwhelming support for more investment for sustainable transport modes, including cycling, micromobility and walking.

42. Local boards have a critical role to play in generating public support for cycling improvements. Local boards also provide important input on specific improvements that help communities transition to low carbon travel, e.g., safety hotspots and missing links.

43. The CAM-PBC is a strategic document. Local board and community engagement will occur as part of the next step of the process when more detailed work is done on cycling connections in local areas.

Tauākī whakaaweawe Māori
Māori impact statement

44. Increasing the provision of safe, connected cycling and micromobility facilities across the region, and especially in areas with high Māori population, has significant benefits for Māori. These include more equitable access to opportunities, fewer traffic-related deaths and injuries, more opportunities to travel actively, cleaner air and lower transport costs.

45. The development of the CAM-PBC was informed by feedback from Mana Whenua, through Auckland Transport's mana whenua operational tables. A project specific Mana Whenua reference group was established after staff presented the project plan at each of the area hui. Three separate Mana Whenua reference group workshops were held. The intention to establish this reference group via the mana whenua operational tables was outlined to the Planning Committee on 25 February 2021. Key pieces of feedback include the desire to partner with AT to develop the CAM-PBC. Mana Whenua representatives also stressed the need to ensure an equitable distribution of investments across the region, not just in areas where there are already good cycling connections.

46. An equity lens has been applied in the prioritisation of the CAM-PBC projects, resulting in many connections in the south and west being identified as high priority.

47. Partnering with iwi, hapū and Māori-led organisations in the delivery of the CAM-PBC and other cycling projects will help amplify the benefits of the investment programme to Māori and identify barriers that need to be addressed.

Item 9

Ngā ritenga ā-pūtea
Financial implications

48. As this report does not request additional funding, there are no financial impacts on Auckland Council at this stage. Should it be approved the Climate Action Targeted Rate will help close the gap between current funding levels and that which is required to deliver the investment packages identified in the CAM-PBC.

49. Closing the gap fully will require a significant injection of funding from central government. Waka Kotahi's current nation-wide allocation to walking and cycling is insufficient to fully fund the $2 billion package identified in the CAM-PBC. While the government has signaled additional funding for active modes in its draft Emissions Reduction Plan this too has yet to be confirmed and staff do not have any insight into the quantum of potential funding this may involve.

50. The estimated cost of projects includes contingency for investigation, design, and implementation. Operating expenditure has been considered in the CAM-PBC, however the funding has not been secured.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

51. The following table sets out the key programme risks.

Key risk	Mitigation
Current funding, procurement, governance and delivery settings do not support the rapid roll out of the recommended programme in the CAM-PBC and the level of mode shift required.	Staff from AT and Auckland Council will continue to engage with Waka Kotahi and the Ministry of Transport to advocate for options to address these constraints as quickly as possible
The Parking Strategy is not agreed and / or does not support road-space being managed to prioritise safe and efficient movement of people, goods and services.	AT staff actively work with Council on approving the strategy.

Ngā koringa ā-muri
Next steps

52. The next steps include the CAM-PBC being tabled at: the May AT Board meeting for endorsement; and the Waka Kotahi Board for endorsement (likely in July).

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Summary of Auckland Cycling and Micromobility Programme Business Case policy recommendations	107

Ngā kaihaina
Signatories

Author	Jon Kearins - Principal Transport Planner
Authorisers	Jenny Chetwynd – Executive GM Planning and Investment Megan Tyler - Chief of Strategy

Entered by Board Secretary

Attachment A – Suite of policy recommendations

Policy area	Proposal	Key parties
National Land Transport Fund	Review and change funding settings that are restricting ability to enable faster and more effective delivery of safe cycling facilities: • Walking and cycling activity class. • Co-funding from different activity classes. • Road to zero activity class. • Low cost / low risk work category. • Local road maintenance activity class.	Waka Kotahi
RMA reform	Support legislation changes that facilitate improved land-use transport integration / more compact development via a new Strategic Planning Act	Central Government, Ministry for the Environment, AT
National Policy Statement – Urban Development (2020)	Pursue good outcomes for cycling and micro-mobility from the suite of AUP plan changes that are being progressed to implement the NPS-UD (2020). Such as: • More stringent parking restrictions in areas with high public transport availability. • Increase bike parking requirements in new developments. • Lower threshold for "end of trip facilities" in new developments.	AC, AT
Internal policies / processes	Continue internal work to review and refine AT organisational policies, processes, standards, and culture to ensure cross-organisational alignment with PBC investment objectives. E.g. review lighting standards to ensure lighting design benefits active modes users as well as lighting the carriageway.	AT
School trips	Mandatory cycling initiatives in schools such as: a requirement for School Travel Plans in all schools, Bikes in Schools, retrofitting of bike parking, limiting / removing staff parking, mandatory bike training and education, facilities and treatments outside the school gate.	Central Government, Ministry of Education, Waka Kotahi, AC, AT
Road rules	Road rules changes recommended by Cycling Safety Panel (eg automatic liability for hitting cyclists and allowing cyclists contraflow down one-way roads).	Central Government, Waka Kotahi
Vehicle regulations	Investigate changes to vehicle regulations recommended by Cycling Safety Panel – e.g. Transport for London's Direct Vision Standard and HGV Safety Permit regulation.	Central Government, MoT, Waka Kotahi
National safety marketing	Advocate for Waka Kotahi to expand their mass marketing (supporting Road to Zero Programmes) to include targeted safety campaigns for people on bikes.	Waka Kotahi
Road pricing	Advocate for the legislation that would allow congestion charging to be deployed in Auckland. Allocate funding to investment in sustainable transport alternatives.	Central Government

Entered by Board Secretary

Tax reform / workplace parking levies	Remove the ability for tax deductions for non-essential business vehicles and their running and maintenance costs. Implement city centre workplace parking levies	Central Government, Inland Revenue
Subsidise bike access	Public subsidies for individuals and businesses to purchase bicycles / establish or operate bike sharing schemes.	Central Government, AC, AT

National Policy Statement on Urban Development - Overview

File No.: CP2022/03816

Te take mō te pūrongo
Purpose of the report

1. To provide a brief overview of the National Policy Statement on Urban Development (NPS UD) and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (Amendment Act). The overview is intended to set the scene for the two subsequent reports on the open part of the agenda and the report on the confidential part of the agenda that relate to the NPS UD and the Amendment Act.

Whakarāpopototanga matua
Executive summary

Background

2. The NPS UD is a statutory document prepared by the government under the Resource Management Act (RMA). The NPS UD came into effect on 20 August 2020 and sets out objectives and policies for planning for "well-functioning urban environments". All councils are required to give effect to the objectives and policies in NPS UD and to carry out various actions by specific dates. A key action for Auckland Council is to prepare a major change to the Auckland Unitary Plan (AUP) by 20 August 2022. This change is referred to in the Amendment Act as the Intensification Planning Instrument (IPI).

3. Since the NPS UD came into effect, the council has been working to develop its response. Numerous workshops have been held with the committee and preliminary policy approaches have been agreed to by way of resolutions. The purpose of those resolutions has been to guide the development of an overall preliminary response for public engagement prior to the proposed IPI being finalised for public notification by 20 August 2022. Seeking feedback on a preliminary response is not a requirement of the NPS UD or the Amendment Act, however it is always the council's preference to seek feedback from the public on matters as significant as this before notifying a proposed change to the AUP.

4. In the fourth quarter of 2021, over one year into the council's programme of developing its response to the NPS UD, the government released the Resource Management (Enabling Housing Supply and Other Matters) Bill. The Bill proposed significant changes to the RMA that required Tier 1 local authorities (including Auckland Council) to apply Medium Density Residential Standards (MDRS) across all relevant residential zones, replaced parts of the NPS UD, and introduced a streamlined planning process for the IPI. The government did not seek feedback from any council on its intentions before introducing the Bill to the House.

5. The council supported the intent of streamlining the IPI process and the simplified policies relating to neighbourhood, local and town centres. However, the council made a very clear and strong submission in opposition to two key aspects of the Bill. The submission is attached at **Attachment A**. Additional information provided to the Environment Select Committee is attached at **Attachment B**. The council's oral submission to the Environment Select Committee can be viewed here at approximately 58 minutes https://www.facebook.com/environmentSCNZ/videos/636652324380457

6. Firstly, it was submitted that enabling three-storey medium density housing across all parts of Auckland's urban environment via the MDRS (other than where "qualifying matters" apply) would result in many more Aucklanders living in places where it is simply unviable to provide the necessary physical and social infrastructure. The submission stated a strong preference for the quality compact city approach to intensification enshrined in the Auckland Plan and the AUP, and largely embodied in the NPS UD itself. Under this approach, medium and high-density housing is enabled in areas with good to excellent existing or planned public transport access to employment, education, goods and services. It was pointed out that the AUP already enables over 900,000 dwellings to be built on residential-zoned land and that the capacity for housing under the AUP is far greater than this when the city centre, other centres, mixed use zoned areas and future urban areas are taken into account.

7. The submission made it clear that the key issues associated with housing in Auckland are the need for greater investment from the government in infrastructure, the council being provided with new sources of funding for infrastructure, housing supply chain issues and skilled labour shortages. Changes to demand-side factors (e.g. tax and investments policies) were also referenced as being a key part of any solution.

8. Secondly, it was submitted that the proposed MDRS would result in poor quality design outcomes. Council's submission emphasised the importance of place and design, not just supply of housing, and highlighted some physical examples of poor design outcomes. However, these submissions were rejected by Parliament.

9. Lastly, it was submitted that the Minister for the Environment should not have the final say in situations where councils reject the recommendations of an independent hearings panel. The council submitted that a process similar to that used for the AUP between 2013 and 2016 was more appropriate.

10. The Amendment Act includes improvements to the MDRS as a result of the council and other submissions (although the standards remain of concern to the council's and many other urban design experts), however the Bill was not changed to address the council's fundamental concerns with enabling three-storey medium density housing across all parts of Auckland's urban environment. The Minister for the Environment continues to have the final say in situations where councils reject the recommendations of the independent hearing panel that must be established to hear and make recommendation on the council's IPI.

11. A major consequence of the Amendment Act is that the IPI requires far more extensive changes to the AUP and far more research and analysis to be undertaken. Despite the major challenges associated with this, including the ongoing impact of the pandemic, the timeframe for notifying the IPI was not changed. A far greater number of Aucklanders will also have a direct interest in the IPI than under the original NPS UD.

12. The agenda includes three additional reports that relate to the NPS UD and the Amendment Act. The first deals with residential design-related issues, the second deals with the policy approach to the city centre and the final report (on the confidential part of the agenda) presents the council's overall preliminary response for the purpose of engaging with the public between mid-April and early May 2022. Engaging on the preliminary response will greatly assist the council in finalising the proposed IPI for public notification by 20 August 2022.

Key preliminary policy directions

13. A chronology of Planning Committee and local board workshops and meetings that have addressed the NPS UD and the Amendment Act is set out in **Attachment C**. Resolutions passed by the committee are set out in **Attachment D**. The preliminary policy directions agreed by the committee to assist in developing the council's response are summarised below.

Walkable catchments of the city centre, metropolitan centres and stops on the Rapid Transport Network

14. Unless "qualifying matters" justify lower building height standards, the NPS UD requires the council to enable buildings of at least six storeys within what are referred to as the "walkable catchments" of the city centre zone, metropolitan centre zone and stops on the Rapid Transit Network (RTN). Auckland's 10 metropolitan centres are Albany, Takapuna, Westgate, Henderson, New Lynn, Newmarket, Sylvia Park, Botany, Manukau and Papakura.

15. Walkable catchments are not defined in the NPS UD, however the term is used extensively in planning research and analysis to indicate the distance people will generally walk to catch frequent and reliable public transport. There is no universally agreed distance. Figures range from 400 metres or less to 1.5 kilometres. After considering expert advice, the committee endorsed a distance of around 800 metres from the edge of metropolitan centre zones and stops on the RTN. Given factors such as the high density of employment, access to tertiary education and availability of goods and services, the committee endorsed a distance of around 1200 metres from the edge of the city centre zone.

Intensification around neighbourhood, local and town centre zones (outside walkable catchments)

16. Unless "qualifying matters" justify lower building height standards, the NPS UD requires the council to enable buildings of a height and density around neighbourhood centre zones, local centre zones and town centre zones that corresponds with the level of commercial and community services available.

    Neighbourhood centres

    Neighbourhood centres are small groups of shops and businesses such as a dairy, takeaway restaurant and local hairdresser. The council's preliminary response relies on the widespread application of the MDRS to enable appropriate building heights and densities around neighbourhood centres.

    Local centres that are small in size and/or have poor access and town centres that have poor access

    Local centres mostly comprise a single main retail street. Town centres are typically larger than this, and mostly comprise two or more retail streets, or a single retail street with a large enclosed shopping centre. The council's preliminary response is to retain the current building height and density controls around local centres that are small in size and/or have poor access and town centres that have poor access.

    Large local centres and small town centres with good access

    The council's preliminary response for large local centres and small town centres with good access is to apply the standard Terraced Housing and Apartment Building (THAB) zone to residential zoned land generally within 200 metres. The standard THAB zone enables buildings of around five storeys. In many places the AUP already applies this zone around these centres.

    Large town centres with good access

    The council's preliminary response for large town centres with good access is to apply the Terraced Housing and Apartment Building (THAB) zone to residential zoned land generally within 400 metres. The standard THAB zone enables buildings of around five storeys. In many places the AUP already applies this zone around these centres, although the distance is typically less than 400 metres. Around some large town centres with good access, buildings of greater than five storeys are already enabled.

Intensification within neighbourhood, local and town centre zones (outside walkable catchments

17. Height controls within centres were carefully considered as part of the AUP process and significant increases made in many places compared to the legacy district plans. The height controls that apply to centres within the AUP have been reviewed and the council's preliminary response is to retain the existing controls that apply outside walkable catchments.

Qualifying matters

18. The NPS UD and the Amendment Act acknowledge that in some places, enabling buildings of six storeys within walkable catchments and three storey medium density housing (as enabled by the MDRS) in other locations could make plans such as the AUP contrary to section 6 (Matters of National Importance) of the RMA, other National Policy Statements (such as the New Zealand Coastal Policy Statement), legislation such as the Waitakere Ranges Heritage Area Act, Treaty Settlement legislation and other matters. These are referred to in the NPS UD as "qualifying matters".

19. There are two main types of qualifying matter: those specifically listed in the NPS UD and "any other matter" identified by a council. In the case of council-identified matters, the bar is set very high, with a requirement to undertake a specific assessment for every property affected by the qualifying matter and the qualifying matter to be justified in light of the "national significance of urban development and the objectives of [the NPS UD]". Effectively, therefore, any matter that council considers as an "other" qualifying matter has been deliberately removed by the Government and it is up to council to make the case to retain it. The qualifying matters endorsed by the committee (over-and-above those that relate to matters specifically listed in the NPS UD) are:

    - Notable Trees Overlay
    - Ridgeline Protection Overlay
    - Local Public Views Overlay
    - Special Character Areas Overlay that is of high quality
    - Auckland War Memorial Museum Viewshaft
    - Stockade Hill Viewshaft
    - Airport Approach Surface Overlay
    - Character buildings in City Centre zone and Queen Street Valley Precinct
    - Some of the existing built form controls in City Centre (e.g. Admission of sunlight into public places, Aotea Square height control)
    - Natural hazards that are less than significant
    - Areas with long-term significant infrastructure constraints.

Special character areas

20. The AUP applies a Special Character Areas – Residential overlay to approximately 21,000 properties in some of Auckland's oldest suburbs (just over 3% of all residential zoned land). This is the most extensive of the AUP overlays listed above. The overlay (and the associated Single House zone) apply in recognition of the importance of these areas to Auckland's local, national and international identity. Opportunities for housing intensification in these areas is modest, however the AUP enables dwellings to be converted into two homes and a minor dwelling to be built for family members or home and income opportunities.

21. The AUP also applies a Special Character Areas – Business overlay to parts of Auckland's oldest local and town centres. The specific approach endorsed by the committee for these areas is set out in **Attachment D**. In summary, a balanced approach is proposed in which the Special Character Areas overlay is applied to areas that meet a "high quality" threshold. As an exception, the committee agreed that where this approach has a significant impact on development capacity, a combination of a heritage and planning assessment is required.
22. The council's heritage team has undertaken a comprehensive street-based survey of all properties in the Special Character Areas overlay. As a result of Covid 19 restrictions and the mandatory 20 August 2022 statutory timeframe, just over half of the properties were surveyed using Google Streetview, with the balance being physically reviewed by staff on the ground. The Google Streetview images were dated 2020 or 2021, and while there will be some level of discrepancy between the images and the field, the images are recent enough to ensure a good understanding of each area.
23. As the information relates to the council's preliminary response to the NPS UD and the Amendment Act that will be made available to the public from mid-April to early May 2022, more detailed discussion and analysis is included in the related item on the confidential section of the agenda.

Preliminary response for public engagement

24. The resolutions passed by the committee have enabled council staff and consultants to prepare a preliminary response to the NPS UD and the Amendment Act. It is intended that the preliminary response will be made available to the public via a Geospatial Information Systems (GIS) viewer. The GIS viewer will contain a series of maps that illustrate features such as walkable catchments, intensification around other centres and qualifying matters that would limit height and/or density.
25. It is important to note that the preliminary response is just that. The council is not required to make its response available until 20 August 2022, but has agreed that there is considerable merit in seeking feedback on early proposals prior to 20 August 2022 to help shape the IPI. A key aspect of public engagement will be making it clear as possible that many aspects of the IPI are mandatory (e.g. identifying walkable catchments and enabling at least six storeys within them and applying the MDRS across almost all urban areas), and that the evidence threshold for qualifying matters is high.

Next steps

26. If endorsed by the committee, the council's preliminary response will be made available for feedback from mid-April to early May 2022. A range of online activities are being planned to explain the preliminary response and encourage feedback. The feedback received will be reviewed and presented to the committee at workshops and meetings in June, July and August 2022.
27. Extensive work continues on the aspects of the IPI that require considerably more analysis. One such aspect is the way in which buildings of at least six storeys can be enabled and the MDRS incorporated into the AUP. This topic is addressed in a subsequent report on the agenda. Once the IPI is completed and approved by the committee, it will be notified for submissions by the statutory deadline of 20 August 2022. Anyone who makes a submission will be able to present their submission to an independent panel of experts, who will make recommendations back to the council. The council will then make its final decisions. If the council rejects a recommendation from the panel, the Minister for the Environment will make the final decision. If the council accepts a recommendation from the panel, the only way to challenge this is through a High Court appeal or judicial review.

Item 10

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) receive the report.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Auckland Council's submission on Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill	115
B⇩	Auckland Council reponse to the Environment Select Committee request for further information about Qualifying Matters and options to address council's concerns	197
C⇩	Chronology of Planning Committee and local board workshops and meetings that have addressed the National Policy Statement on Urban Development	213
D⇩	Planning Committee resolutions relating to the National Policy Statement for Urban Development and Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill	215
E⇩	Medium Density Residential Standards applied to developments with multiple dwellings	237

Ngā kaihaina
Signatories

Author	John Duguid - General Manager - Plans and Places
Authoriser	Megan Tyler - Chief of Strategy

16 November 2021

The Environment Committee

Parliament Buildings

Wellington

Auckland Council's submission on Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

Auckland Council thanks the Environment Select Committee for the opportunity to provide assistance with its inquiry on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill). The council's submission is attached and has been approved by the Mayor, Chair of the council's Planning Committee, and a member of the Independent Māori Statutory Board, acting under delegation on behalf of the Governing Body. The council's local boards have provided input into this submission, and the formal feedback of 15 local boards is appended to the submission. The Council Controlled Organisations Auckland Transport, Watercare and Eke Panuku have assisted with developing the submission.

The council wishes to present its submission to the Environment Select Committee.

Please contact Phill Reid phill.reid@aucklandcouncil.govt.nz Manager Aucklandwide Planning should you have any queries regarding the submission.

Ngā mihi

Phil Goff

Mayor of Auckland

Councillor Chris Darby

Chair of the Planning Committee

Karen Wilson

Member of the Independent Māori Statutory Board

135 Albert Street | Private Bag 92300, Auckland 1142 | **aucklandcouncil.govt.nz** | **Ph** 09 301 0101

Item 10

Attachment A

Submission to the Environment Select Committee

Resource Management (Enabling Housing Supply and Other Matters Amendment) Bill

16 November 2021

aucklandcouncil.govt.nz

Mihimihi

Ka mihi ake ai ki ngā maunga here kōrero,

ki ngā pari whakarongo tai,

ki ngā awa tuku kiri o ōna manawhenua,

ōna mana ā-iwi taketake mai, tauiwi atu.

Tāmaki – makau a te rau, murau a te tini,
wenerau a te mano.

Kāhore tō rite i te ao.

I greet the mountains, repository of all that has been said of this place,

there I greet the cliffs that have heard the ebb and flow of the tides of time,

and the rivers that cleansed the forebears of all who came those born of this land

and the newcomers among us all.

Auckland – beloved of hundreds, famed among the multitude, envy of thousands.

You are unique in the world.

Item 10

Attachment A

Contents

1.0 Introduction	1
2.0 Executive Summary	1
Auckland's quality, compact approach	2
Key Area 1: MDRS and the minimum design standards	3
Key Area 2: Where the MDRS will apply	3
Key Area 3: Streamlining the intensification policies in the NPS UD	4
3.0 Tāmaki Makaurau Context	5
4.0 Key Submission Points	7
Strategic planning implications	7
Land use and transport integration	9
Water infrastructure	11
Infrastructure funding and financing	12
Environmental and cultural impacts	14
Cost benefit analysis	14
Housing affordability	15
Medium Density Residential Standards (MDRS)	17
Changes to intensification – Policy 3(d)	23
Local democracy and decision-making	24
Ministerial powers	25
Intensification Streamlined Planning Process (ISPP)	26
Other matters	26
5.0 Summary of Relief Sought	30
Appendix 1 – Local Board Views	32
Appendix 2 – Draft alternative Medium Density Residential Standards	70
Appendix 3 – Modelling of built form impacts of proposed MDRS	Refer separate attachment
Appendix 4 – Minimum building separation and maximum building length	77

1.0 Introduction

1.1 Auckland Council thanks the Environment Select Committee for the opportunity to provide feedback to its inquiry on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill). The council's submission is approved by the Mayor, Chair and Deputy Chair of the council's Planning Committee, and a member of the Independent Māori Statutory Board, acting under delegation on behalf of the Governing Body. The council's local boards have provided input into the submission and the formal feedback of 15 local boards is appended. The Council Controlled Organisations (CCOs) Auckland Transport, Watercare Services Limited (Watercare) and Eke Panuku have assisted with developing the submission.

1.2 While welcoming the opportunity to provide a submission on the Bill, this has been very challenging due to the compressed timeframe for submissions and the Covid lock-down in Auckland/Tāmaki Makaurau. These factors have prevented the council from engaging more widely with its stakeholders and iwi Māori and preparing a more detailed analysis of the assumptions underpinning the Bill. The council acknowledges the 19 iwi authorities of Auckland/Tāmaki Makaurau and the rights and responsibilities of the government to uphold its obligations to its Treaty/Tiriti Partners.

1.3 The council notes that the government is undertaking a substantial programme of reform across many interconnected systems. This includes the Resource Management System, Three Waters, the Future for Local Government, climate change response, such as emissions reduction measures including those for transport, and an ambitious programme of national direction including the National Policy Statements for Urban Development, Freshwater Management, Highly Productive Land and Indigenous Biodiversity.

1.4 The council is actively engaged across these reforms and has a general concern that there is insufficient coordination and alignment across the reform areas. In the context of the Bill, the council notes that a key aspect of the Resource Management System Reform is improving integration between infrastructure planning, funding and delivery, and land use management. As explained in this submission, the council believes the Bill in its current form works against this outcome.

2.0 Executive summary

2.1 We acknowledge and support the intent of this Bill, which is the need to boost housing supply and improve housing affordability. In 2020 Auckland Council also welcomed the National Policy Statement on Urban Development (NPS UD), which preceded this Bill.

2.2 However, the council believes that the Bill as drafted will not achieve the critical objectives it sets for itself and will also have unintended consequences, which will damage the liveability of the city for current and future Aucklanders.

135 Albert Street | Private Bag 92300, Auckland 1142 | aucklandcouncil.govt.nz | Ph 09 301 0101

2.3 The submission timeframes for the Bill have made it impossible for the council to genuinely engage with iwi and mataa waaka and we have not had the time to consider any specific impacts of the Bill on Māori. We have concerns around this lack of involvement of Māori in the Bill and question how the proposed methods will achieve greater equity or prosperity for Māori. We note that the retention of qualifying matters in the Bill will assist council and Māori in protecting areas of natural, cultural and spiritual significance. However, there may be areas of significance for Māori that will be adversely affected by this Bill.

2.4 This submission sets out to provide constructive alternatives, which we believe would achieve the intentions of Government and Parliament in a better way and support the significant intensification that Auckland has enabled since 2016.

Auckland's quality, compact approach

2.5 We support intensification within the framework of a quality compact city – that is the basis for Auckland Plan 2050 and the Auckland Unitary Plan (AUP).

2.6 The Medium Density Residential Standards (MDRS) are directly contrary to the quality compact city approach that underpins the Auckland Plan and AUP. This approach enables higher densities in and around the city centre and metro centres, then along rapid transit routes and town centres, with density reducing down as locations move further away from these nodes of employment and services. This approach provides different housing typologies and enables more efficient use of infrastructure. The broad-brush approach of the MDRS will see intensification dispersed across the urban area. This will set expectations of infrastructure provision which are unrealistic and unaffordable.

2.7 The AUP, operative in November 2016, has had a number of significant benefits for Aucklanders. It already enables over 900,000 dwellings to be built in residential areas alone, with an estimated market feasible capacity of around 650,000.[1] One of the aims of the AUP is to create a higher quality and compact Auckland where our communities can thrive and easily access work, study, and life's opportunities all within the context of the new future characterised by environmental and climate challenges and growing social inequity.

2.8 Under the capacity already enabled by the AUP, housing is being delivered at record levels, at higher densities in Auckland/Tāmaki Makaurau, and in the areas that follow our quality compact approach. The figures show:

- nearly 20,000 building consents now being issued, an all-time historic record, which is seeing more building consents issued in the current year than 2009, 2010, 2011, and 2012 combined.
- 62 % of all new building consents are for multi-unit complexes, such as apartments and terraced housing.
- Growth is following the quality compact approach and that specifically most growth is taking place in the existing urban area (82% of consented dwellings)

[1] Housing assessment for the Auckland region. National Policy Statement on Urban Development 2020 - Knowledge Auckland

2.9 Overwhelmingly, the challenge for Auckland Council and all growth councils is shortage of funding to provide all the infrastructure needed to create the places that our communities deserve. The Government, to its credit, has recognised this need with the establishment of its Housing Acceleration Fund and the New Zealand Upgrade Programme. However, much more needs to be done to remove this constraint from housing development. We are committed to pursuing a quality compact city approach and we do not support this Bill's departure from that approach.

2.10 There are three key areas which the council believes must be amended in this Bill.

Key area 1: MDRS and the minimum design standards

2.11 Intensification done well produces great results, decent houses to live in, successful neighbourhoods and places where people want to be.

2.12 Good quality design also reassures neighbours of intensive housing developments that their neighbourhoods can be advanced by intensification without damaging the quality of their lives and reduces resistance to it.

2.13 Developers, such as Ockham and Fletchers are just two examples of companies that know how to do intensification well.

2.14 Many of those involved in development share the council's concerns that the new legislation will allow development to be done poorly and some will also be submitting on the Bill.

2.15 Our experience under the Auckland Unitary Plan provisions has largely been positive in the quality of intensification. However, a formal review of how it has worked has also produced examples of poor design, including developers pushing the limits on current design standards and producing developments that will not stand the test of time. We are concerned that the minimum design standards in the Bill will result in more of these poor outcomes and will have genuine adverse effects on the wellbeing of residents and neighbours.

2.16 There is a suggestion that the Building Act and Building Code will ensure quality built outcomes. However, matters like daylight and sunlight access, outlook and privacy are not regulated by the Building Act or Code. That is why these controls, which go to the heart of having a reasonable quality of life and a well-functioning urban environment, are included in resource management plans.

2.17 We wish to assist the Select Committee to develop standards that will have better outcomes for our people across the country and have asked for a working group to be established concurrently with the progress of this Bill, involving Government, Tier one councils, groups like the Property Council, Urban Auckland, The NZ Institute of Architects, and developers with a reputation for excellence. We have provided a table of draft alternative standards at Appendix 2.

Key Area 2: Where the MDRS will apply

2.18 The council does not support the application of MDRS to all "relevant residential zones" as the universal application of MDRS will:

- disperse growth widely across the urban area, drawing growth away from centres and higher density residential areas by enabling growth in places unsupported by infrastructure, good public and active transport, social facilities, and planned and funded bulk infrastructure (wastewater and water supply);
- result in poor-quality built outcomes that reduce liveability for residents.

2.19 The environmental effects of imposing a MDRS across Auckland ignores the decades of work that have gone on with the community, with iwi and subject matter experts to understand the significant natural environments that define Auckland, reflected in a quality compact approach. For example, in Long Bay, to the north of Auckland, considerable areas of land are zoned Single House and Mixed Housing Suburban in recognition of the receiving environment of Okura, the bush-clad environment and the need to reduce sedimentation into the Long Bay-Okura Marine Reserve, an issue of concern to the Minister for the Environment.

2.20 We have committed to a 64% reduction in transport emissions through Te Tāruke a Tāwhiri, Auckland's Climate Plan, recognising the significant role we play in emissions reduction in New Zealand. Council is unable to reconcile this need with a consequence of applying the MDRS across Auckland which is likely to see a proliferation of density in areas not currently or forecast to be served by good public transport. We predict this will ultimately result in Aucklanders being required to make more frequent and longer vehicle trips resulting in more carbon emissions, as they spent more time commuting. We have not seen evidence of a climate impact statement to allay these concerns and the consequential impacts on all New Zealanders.

2.21 The council is very concerned about the imposition of infrastructure debt for current and future Aucklanders given the Bill's impact on infrastructure resourcing has been underestimated, and the provisions of the Bill become operative at notification. A well-functioning urban environment is more than housing supply – it requires critical infrastructure (such as roading and water networks) as well as necessary social infrastructure (such as swimming pools and libraries). All of the current tools available to the council (development contributions, rates, targeted rates, infrastructure growth charges and the Infrastructure Funding and Finance Act 2020) have limitations. As a consequence, the council has been severely challenged to keep pace with growth. The Bill will exacerbate these challenges by reducing the ability to align development with infrastructure. The council is particularly interested in financing mechanisms other than financial contributions to enable greater investment.

Key Area 3: Streamlining the intensification policies in the NPS UD

2.22 The council supports in principle streamlining the process for giving effect to the intensification policies in the NPS UD. However, it believes the process outlined in the Bill should be amended to enable matters that are rejected by a council after a hearing before an independent panel, to be heard in the Environment Court (if challenged), rather than determined by the Minister for the Environment. The Environment Court has the relevant expertise and processes available to make an appropriate determination on matters such as this.

3.0 Tāmaki Makaurau context

3.1 Auckland Council is a unitary authority, which is different to all other Tier 1 councils. It is the largest council in New Zealand in terms of population and it is also the most diverse. The Auckland region covers a wide range of land uses from dense urban to rural productive, includes areas with important conservation and recreation values, and encompasses a large coastal marine area.

3.2 Auckland is currently the only council in New Zealand that is required to develop a spatial plan to support coherent and co-ordinated decision-making and provide a basis for aligning the council's regulatory plans, infrastructure plans and funding programmes. The council's first spatial plan was adopted in 2012 ("The Auckland Plan 2012"), with a revised version adopted in 2018 ("The Auckland Plan 2050").

3.3 The Auckland Plan 2050 identifies that to achieve the Auckland/Tāmaki Makaurau Aucklander's want, we must address the three most important challenges of high population growth, ensuring prosperity is shared amongst all Aucklanders, and arresting and reversing environmental degradation.

3.4 Auckland Council provides a range of services and programmes to the region and has four substantive Council Controlled Organisations (CCOs):

- Auckland Transport manages and controls the physical systems, networks, corridors, structures and facilities that enable the provision of transport-related infrastructure services and the movement of people, goods and services on land, water and air.
- Eke Panuku works with Auckland Council, other CCOs and local boards towards implementing the Auckland Plan and encouraging urban regeneration.
- Watercare provides reliable water and wastewater services to the people and businesses of Auckland.
- Auckland Unlimited was formed from a merger of Regional Facilities Auckland and Auckland Tourism, Events and Economic Development. Auckland Unlimited enriches life in the city and promotes economic growth.

3.5 The council is unique in having an Independent Māori Statutory Board (the Board) to assist it in making decisions, performing functions and exercising powers. The Schedule of Issues of Significance and The Māori Plan for Tāmaki Makaurau provide a framework for these to be considered. The Board also undertakes Te Tiriti o Waitangi audits to assess whether the council acts in accordance with its statutory responsibilities.

3.6 More than 1.7 million people live in Auckland/Tāmaki Makaurau already. The rate and speed of Auckland's population growth puts pressure on our communities, our environment, and our housing and infrastructure networks. It also means increasing demand for space, infrastructure and services necessary to support this level of growth.

3.7 Many Aucklanders are prosperous and have high living standards, yet there are significant levels of socio-economic deprivation, often in distinct geographic areas. Key drivers of this include unequal access to education and employment opportunities, along with high, and often unaffordable, housing costs. Worsening affordability affects entire generations, which leads to the exclusion of a large number of households from the economic performance of the city. This may ultimately result not only in Auckland/Tāmaki Makaurau losing competitiveness but in many other social conflicts.

Item 10

Attachment A

3.8 Much of Auckland's identity and appeal is based on the natural environment, but this is vulnerable to degradation from the impacts of human activities. Despite regulation and considerable effort, Auckland's environment continues to be affected by past decisions, Auckland's rapid growth and development, as well as emerging threats such as climate change.

3.9 In June 2019, the council formally declared a climate emergency, recognising the importance and urgency required to address climate change for the benefit of current and future generations. As a C40 Innovator City and signatory to the New Zealand Climate Leaders Coalition, the council is also committed to doing its part in meeting the Paris Agreement ambitions of keeping global temperature rise to well below 2°C while pursuing efforts to limit the increase to 1.5°C.

4.0 Key submission points

Strategic planning implications

4.1 One of the council's responsibilities under both the Local Government Auckland Council Act (LGACA) and the National Policy Statement on Urban Development is to provide strategic planning over the 30-year horizon. The Auckland Plan addresses three key challenges: population growth and its implications, sharing prosperity amongst all Aucklanders, and reducing environmental degradation. As part of meeting its requirements for the NPS UD, the council must review its Future Development Strategy (included in the Auckland Plan) in time to inform its 2024-2034 Long-term Plan (LTP).

4.2 Integrating infrastructure with development through intensification primarily around transport nodes is crucial. By effectively up-zoning large parts of Auckland's urban area through the proposed wide-spread spatial application of the MDRS, the Bill risks foreclosing long-term options the council might have in its strategic spatial planning to focus and encourage growth in and around transport nodes. This includes supporting investment in large-scale infrastructure investment by the council and the government.

4.3 Auckland/Tāmaki Makaurau has robust and extensively tested zoning in the AUP, and an enabling development framework that provides a good level of certainty to infrastructure providers, developers (in terms of infrastructure planning and investment) and the public. The council's recent Housing Capacity Assessment, prepared under the specific and very detailed terms of the NPS UD, clearly demonstrates there is sufficient capacity well into the future for housing in Auckland/Tāmaki Makaurau.

4.4 The Housing Capacity Assessment 2021 results have calculated 'plan-enabled capacity' excluding capacity for apartments in the city centre, town centres and other business areas. These areas will be included in the next assessment. Even without these business areas, the current AUP provides the following capacity for housing:

Table 1. Summary of net plan-enabled capacity of Auckland Unitary Plan residential zones

Net housing capacity summary – Auckland Unitary Plan residential zones		
Auckland Unitary Plan zone	Net capacity for infill (dwellings)	Net capacity assuming redevelopment (dwellings)
Large Lot	2,296	2,323
Mixed Housing Suburban	26,359	327,125
Mixed Housing Urban	25,281	351,726
Rural and Coastal Settlement	2,500	2,504
Single House	25,211	28,586
Terrace Housing and Apartment Building	20,002	196,915
TOTAL DWELLING CAPACITY	**101,649**	**909,179**

7

4.5 The evidence clearly shows that under the capacity already enabled by the AUP, housing is being delivered at record levels in Auckland/Tāmaki Makaurau, with 19,035 residential dwellings consented in over the last year[2]. Figure 1 below shows the increase in total dwelling consents issued and typology changes over the last five years. A significant portion (62 per cent) of this continues to be in the multi-unit category (i.e. town houses, terraced housing and apartment buildings). In contrast, the rate of change in single detached houses consented remains roughly flat.

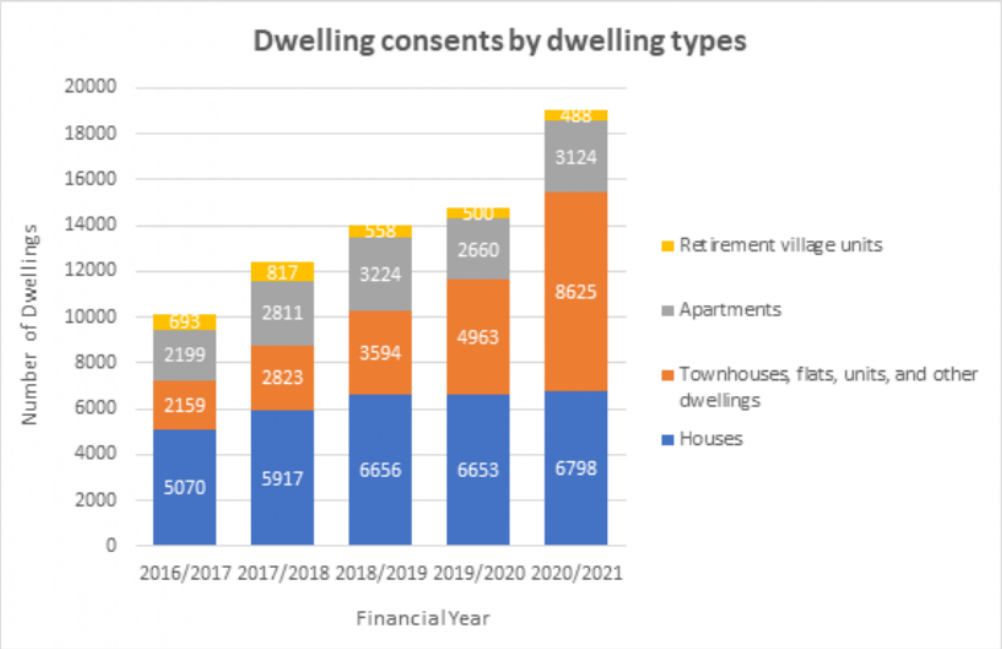
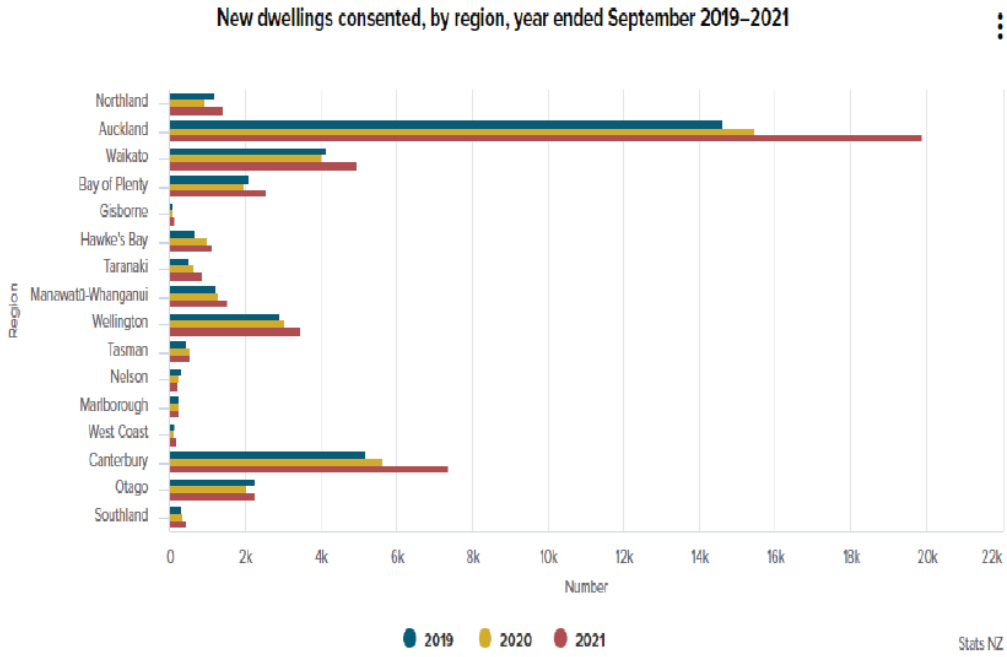


Figure 1- Dwelling Consents by dwelling types

4.6. The diagram below from Statistics NZ[3] shows the number of building consents (by region New Zealand-wide) issued to September 2021.

[2] Building consent data for the year 1 July 2020-30 June 2021
[3] https://www.stats.govt.nz/topics/housing



4.6 The numbers of new dwellings consented in the year ended June 2021 (compared with June 2020) were: 19,035 in Auckland – a rise of 29 per cent. There was a total of 7,676 in the rest of the North Island showing an increase of 29 per cent and 3,463 in Wellington with an increase of 13 per cent from last year.

Land use and transport integration

4.7 Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan commits to halve regional emissions by 2030, with a 64 per cent reduction in transport emissions. Road transport is the biggest contributor to Auckland's transport emissions (38.5% in 2018) with emissions having increased by 86 per cent between 1990 and 2018. The council's Transport Emissions Reduction Programme is central to making progress on Auckland's targets. Developing responses that improve land use and transport integration is one of the issues that needs to be addressed to achieve emissions reductions. This means ensuring that housing intensification occurs in places that are, or will be well-served by public transport, as opposed to dispersed throughout the urban area. This is accepted as best-practice internationally.

4.8 The council's land use planning outcomes in the Auckland Plan and AUP are closely linked to its transport strategy and delivery outcomes. The key investments planned by the council and Auckland Transport are focussed on a quality compact city with high density enabled around CRL investment (City Rail Link, Karangahape Road and Mount Eden Stations), metropolitan and town centres. These locations are served by rapid transport networks (RTN) or frequent transport networks (FTN).

4.9 The Joint Work Programme agreed between the council and the government focuses growth and investment in the following Spatial Priority Areas: City Centre (City Rail Link, Karangahape Road

and Mount Eden Stations), the Auckland Housing Programme suburbs (Mount Roskill, Tāmaki, Ōranga, Māngere and Northcote), Redhills/Northwest, Manukau Regeneration Area and Drury. These areas have been prioritised for intensification/development to enable Auckland/Tāmaki Makaurau to grow predominantly 'up' and to a lesser degree 'out'. Many of these places also have planned investment for re-development projects led by Eke Panuku. Related public transport investment in the Auckland Transport Alignment Programme (ATAP) and the Regional Land Transport Plan (RLTP) aims to secure quality public transport from 'day one' to encourage a mode shift from private motor vehicles to buses, trains and possibly light rail.

4.10 Contrary to the assumptions in the Regulatory Impact Statement and cost benefit analysis released with the Bill, the wide-spread spatial application of the proposed MDRS will encourage a dispersed growth pattern in locations that are currently not well-served by public transport, and in some cases, will never be. The provision of public transport is expensive for local and central government to build and operate. This means that resources need to be allocated carefully in locations where they will have maximum impact. Planned levels of service and the extent of the network must achieve 'best bang for buck' for the community. If a dispersed growth pattern emerges across urban Auckland, it will be difficult to incentivise housing and employment growth in Spatial Priority Areas. This could lead to more congestion on roads, under-utilised public transport assets in larger centres and an increase in carbon emissions from private motor vehicles.

4.11 The council's Future Development Strategy was informed by the Spatial Priority Areas agreed by the council and the government. The Spatial Priority Areas have infrastructure funding set aside in the LTP, RLTP and ATAP. Kāinga Ora has leveraged from that investment by planning to treble housing stock in those locations.

4.12 For these reasons, the council supports intensification in and around the city centre, metro centres, other centres and the Rapid Transit Network (as promoted in the NPS UD) and in agreed Spatial Priority Areas, over the wide-spread intensification proposed in the Bill.

4.13 Transport network changes typically have at least a two-year lead-in period. Business case approval processes and funding from both the council and Waka Kotahi are linked to ten-year funding cycles in the LTP, RLTP and Regional Public Transport Plan. This means that Auckland Transport must both plan ahead and be responsive to where growth is occurring on the ground, build stations, vary contracts for service and manage its fleet. Where the council and the government signal growth and related infrastructure investment, developers can leverage from that investment. This encourages quality growth outcomes in the right locations.

4.14 If growth occurs in widely dispersed locations, it will not be possible to service them. A dispersed medium density housing zone of the sort enabled by the proposed MDRS will leave some communities with sub-optimal access to employment, education, parks and community facilities. The council believes that sub-optimal access between these features of successful communities and housing will work against the achievement of a well-functioning urban environment. A well-functioning urban environment is much more than housing supply.

4.15 The Bill also creates the potential for significant traffic safety issues to arise. Many of the locations that would be subject to greater residential growth have historic road and subdivision layouts that do not achieve the expected standard of safety in a modern higher density neighbourhood.

Residential growth will result in more vehicles and more pedestrians, which will exacerbate road safety issues. Investment in road safety will be required to achieve the expected level of road safety and connectivity.

4.16 In summary, the council is strongly of the view that the Bill needs to be amended to ensure a far more considered relationship between housing and transport infrastructure.

Water infrastructure

4.17 Watercare owns and operates $8.4 billion worth of water and wastewater assets. Watercare publishes its Asset Management Plan (AMP) annually which describes what capital expenditure upgrades it will deliver. The AMP is based on information from the council's growth model which projects where housing and business growth will occur, together with information that Watercare has gathered from the development sector and maintenance upgrades to its network. The 2021-2041 AMP describes how Watercare plans to spend $18.5 billion over the next 20 years to maintain and develop a resilient water and wastewater network.

4.18 Auckland's population is expected to grow by almost half a million people over the next 20 years. A combination of population growth and industry, particularly food and beverage manufacturing, require secure supply of water to support the wider economy. Upgrades are expensive to deliver and network planning over a 20-year horizon is required.

4.19 Watercare's resource consent application to increase the amount of water drawn from the Waikato River is currently before a board of inquiry. If Watercare's consent is successful, the new treatment plant near Tūakau will be expanded to treat up to 150 million litres a day. That investment will significantly add to potable water capacity and increase resilience.

4.20 Major investment is also planned for wastewater infrastructure at Rosedale and Māngere which are being expanded and upgraded. This work will improve plant performance while reducing carbon emissions and waste.

4.21 Water and wastewater capacity relies on a physical network that cannot rapidly be expanded to cope with unplanned growth. The wide application of MDRS as proposed in the Bill is likely to exacerbate known capacity issues in the network and result in upgrades being re-prioritised. Expansion of the network must be funded from a combination of water and wastewater charges, borrowing within council funding constraints and infrastructure growth charges.

4.22 The wide-spread application of MDRS undermines planned additional water network capacity in Auckland's key growth areas, as capacity for housing will be enabled in a much more expansive way. This will create uncertainty for the development community, as connections to water and wastewater will not be guaranteed despite development being permitted by MDRS.

4.23 A consequence of the Bill is that Watercare will need to cater for potential development in areas of a scale that is not currently part of its investment planning, and potentially in areas that are already at capacity (in terms of existing infrastructure servicing) because of historical or environmental factors. This will have a significant impact on the ability of Watercare to plan for, and cater to, the infrastructure needs of Auckland/Tāmaki Makaurau.

4.24 A further concern is that the MDRS growth signalled in the Bill for rural and coastal settlements such as Patumahoe, Kawakawa Bay, Clarks Beach and Omaha may quickly out-strip what can realistically be provided. The Bill should remove provisions that encourage growth in remote settlements because they are difficult to service and maintain.

4.25 While the council does not support the mandatory application of the MDRS within all relevant residential zones, or its widespread application across the urban area, should the Environment Select Committee support some form of mandatory requirement for the MDRS, the council encourages it to investigate the incorporation of an additional standard relating to the ability to connect to water infrastructure with adequate capacity. This would incentivise developers to engage with water infrastructure providers at the outset, which is important to avoid infrastructure capacity issues arising. If there were a clear infrastructure capacity issue, it would require a consenting process, which would be an appropriate response in that situation.

Infrastructure funding and financing

4.26 The council has been advocating for new infrastructure funding and financing mechanisms for some time and is very concerned that the Bill's impact on infrastructure resourcing has been underestimated. All of the current tools available to the council (development contributions, financial contributions, rates, targeted rates, infrastructure growth charges and the Infrastructure Funding and Finance Act 2020) have limitations. As a result, the council has been severely challenged to keep pace with growth. The Bill will exacerbate these challenges by reducing the ability to align development with infrastructure.

4.27 The ability to forecast growth and its location is critical. Economic and population growth drives the need for new capital expenditure to meet that growth because they are the basis for forecasting future revenue (rates and growth charges), finance costs (debt and debt servicing), and capital expenditure required to meet the additional demand and asset renewals. The council has a modelling tool that is used by all parts of the business to inform asset management plans and financial policies. Asset management plans are essential to outline what agreed levels of service will be delivered for three-waters, transport, parks and community facilities and also reflect assumptions on growth.

4.28 In preparing financial strategies for the Long-term Plan, the council must factor in expected population changes, land use in the region and the capital and operating costs of providing services. Land use planning and financial policies must be aligned to get development contributions set at the right level. The Bill currently requires the council to enable a more dispersed growth pattern across the urban area, an approach that makes sound financial planning very difficult.

4.29 The council anticipates the Bill will facilitate growth in areas that are not adequately serviced by infrastructure, nor planned to receive infrastructure improvements. New or different services may be required. This could have a significant impact on the planned, consulted on and agreed investment programmes of the council family and government agencies.

4.30 The council anticipates an unknown degree of project reprioritisation will be required and this will need to pass through local democratic decision-making processes. The rapid implementation of the Bill, however, would begin to unlock demand for infrastructure services from the end of 2022.

Depending on the speed and scale of development, infrastructure pressures may arise before council funding and investment processes can respond.

4.31 Community facilities, water and wastewater networks and transport infrastructure typically take a long time to plan and build. If the council does not have the funds to pay for this infrastructure up-front, then it will borrow to initially pay for the asset. This means the council incurs the associated debt-servicing costs (interest). This debt-servicing charge will need to be financed. The council is nearing its debt ceiling and cannot afford to finance uncertain dispersed growth.

4.32 It is critical to carefully consider the connection between well-functioning urban environments with infrastructure provision and how that infrastructure will be financed. The Bill does not bridge the gap between enabling a more dispersed growth pattern across urban Auckland/Tāmaki Makaurau and ensuring that the critical infrastructure (such as roading and water networks) will be provided, as well as necessary social infrastructure (such as swimming pools and libraries). A well-functioning urban environment is more than housing supply.

4.33 The council would have expected to see more analysis of the infrastructure costs of the Bill and options for local authorities to fund and finance this infrastructure. Noting the council's debt limitations and standing investment programme commitments, significant government support is required, both in near-term resourcing and in longer-term funding and financing options.

4.34 The Bill creates the option of infrastructure being funded through financial contributions. The council supports this high-level acknowledgement of the financial impact of the Bill, and supports the allocation of the costs of development to beneficiaries. However, while financial contributions may be a useful tool to address the direct (and therefore more local impact of development) they are less suited to funding infrastructure to manage wider cumulative impacts, and they are not a financing tool.

4.35 The council has previously carefully considered whether to use financial contributions or development contributions to fund the share of the costs of infrastructure that was caused by or benefitted from growth. It decided to use development contributions. These are imposed on applicants/developers when building consents are approved. Development contributions are fixed levies, no evaluation is required at the time they are charged (the evaluation occurs as part of the Local Government Act process when development contribution policies are developed and consulted upon).

4.36 Financial contributions are not fixed levies; can be challenged; and their use on permitted activities would potentially generate additional resource consent applications for a reduced financial contribution – contrary to the purpose of the Bill both from certainty and regulatory perspectives.

4.37 A standard could be written in the AUP imposing a financial contribution on a permitted activity (e.g. the construction of up to three dwellings on a site as permitted by the proposed MDRS). However, the Environment Court has consistently rejected the maximum permissible amount being automatically applied. An evaluation is required and this is not possible on a building consent application.

4.38 Financial contributions, like development contributions, are funding tools. They allow councils to recoup some costs of its investment in infrastructure from those who generate effects, cause the need for or benefit from new infrastructure. The council encourages the government to develop other financing tools to support councils investing in infrastructure.

4.39 In summary, the proposed clarification in the Bill in regards to financial contributions does not resolve the fundamental concerns the council has with the proposed wide-spread spatial application of MDRS across the urban area and the associated funding and financing implications.

Environmental and cultural impacts

4.40 Another key reason why the council does not enable three-storey medium density housing across the urban area already is to protect locations that have particular environmental or cultural values that justify a lower height or density. Examples include the slopes and land immediately surrounding a number of Auckland's volcanic cones/maunga, and areas with urban streams and vegetation that would be compromised by housing at the heights and densities envisaged by the proposed MDRS. Many of these places are also of significant cultural value to Mana Whenua.

4.41 By applying a more enabling approach to development across the urban area, the council believes the Bill is likely to compromise environmental and cultural values and reduce the ability of iwi Māori to actively and meaningfully participate in the resource consent decision-making process. While the AUP significantly increased the opportunity for impacts on cultural values to be assessed through the resource consent process, the council often receives feedback from Mana Whenua about the need for a greater ability to influence development outcomes. The Bill runs a high risk of taking a step in the opposite direction.

4.42 The environmental effects of imposing a MDRS across Auckland ignores the decades of work that have gone on with the community, with iwi and subject matter experts to understand the significant natural environments that define Auckland, reflected in a quality compact approach. In many cases zones that enable two rather than three stories and/or limit housing densities (e.g. in the Auckland context the Single House zone and Mixed Housing Suburban zone) are in place to protect and enhance the natural environment in an urban setting. For example in Long Bay, to the north of Auckland, considerable areas of land are zoned Single House and Mixed Housing Suburban in recognition of the receiving environment of Okura, the bushclad environment and the need to reduce sedimentation into the Long Bay-Okura Marine Reserve, an issue of concern to the Minister for the Environment.

4.43 While the Bill includes the same qualifying matters mechanism as the NPS UD, the amount of work required to carefully evaluate all of these places right across the urban area is extensive and cannot realistically be completed within the timeframes set out in the Bill and the NPS UD.

Cost benefit analysis

4.44 Auckland Council and the many other parties with a strong interest in the Bill have not been given sufficient time to undertake a comprehensive review of the related cost-benefit analysis report. However, a preliminary review has identified the following key issues, some of which are fundamental to its reliability for a policy intervention of this significance:

Limitations in scope and methodology

- The core method to assess likely housing outcomes is highly simplified and excludes key influences on site development potential (plan-enabled capacity, feasibility, reasonably expected to be realised). These factors directly influence feasibility and affect

owner/developer decisions. They are core requirements under the NPS UD and no reason is provided for departing from the NPS UD approach.

Consistency in applying methodology

- The methodology allows for MDRS to affect land values, but does not allow for similar effects on land values in a without-MDRS scenario. By not comparing like-with-like, it overstates the with-MDRS scenario and understates the without-MDRS scenario.

Research structure

- The cost benefit analysis claims to adjust for the effects of the NPSUD but does not show the outcomes of NPS UD and MDRS together.

Accuracy

- Increases in land values from the proposed MDRS is estimated from observed land value changes between 2014 and 2017. However, that period straddled the implementation of the AUP, when there were twin effects on land value from both re-zoning of sites and the effects of economic growth. There is no evidence of how those two effects were differentiated to show the effect of zone change alone.
- There does not appear to be any recalibration of land values to allow for a city-wide readjustment. If MDRS was applied in all relevant residential zones (as proposed in the Bill), the market will adjust land values downwards on properties already zoned Mixed Housing Urban. Since demand is unchanged, these properties will have less value premium over land within the Mixed Housing Suburban and Single House zones. It is not accurate to assume all Mixed Housing Suburban and Single House zoned land will have an increase in value without some market re-adjustment.
- Much of the proposed impact of the Bill seems based on higher population growth. However, the analysis appears to assume a major down-turn in population growth from the current trend unless the MDRS is implemented.
- The MDRS analysis does not appear to take account of the NPS UD Policy 3 intensification provisions having effect at the same time. If the MDRS impact is only a marginal addition to the Policy 3 effects, then the claimed benefits would be substantially smaller.

City template is not reliable

- The expectation of what the city 'should' look like is based on a highly simplified spatial equilibrium model (Alonso-Mills-Muth). This model has significant limitations for the type of urban analysis on which the cost benefit analysis relies.

Housing affordability

4.45 Reducing housing affordability for low and moderate-income New Zealanders is caused by many factors. One significant factor was the withdrawal of the state from providing social housing during the 1980s, including the removal of the 'House for Life Policy'[4,5]. This policy shift initiated

[4] Howden-Chapman, Philippa. 2015. Home Truths: Confronting New Zealand's Housing Crisis. Home Truths: Confronting New Zealand's Housing Crisis. https://doi.org/10.7810/9780947492335.

5 Joynt, Jennifer L R, and Leon Hoffman. 2021. "Navigating in and out of Aotearoa New Zealand's Intermediate Housing Market:

a greater reliance on private rental provision supported through the government accommodation subsidy[6]. In tandem, demand for housing as an investment opportunity has grown, driven by preferential tax treatment for investors, a lack of capital gains tax and limited alternative secure investment options offering reliable returns. In addition, it has been estimated that the quantitative easing interventions to keep interest rates low and counteract the negative shocks of the COVID-19 pandemic caused prices to soar by 27% between 2020 and 2021[7].

4.46 To counteract reduced housing affordability, the council and the government have acted to streamline land supply and to remove unnecessary land use regulations that hinder new houses being built. However, house prices in Auckland/Tāmaki Makaurau have persistently increased despite these interventions. By way of example, the council's Research and Monitoring Unit (RIMU) investigated the causal effects of the Special Housing Areas (SHAs) programme on house prices and the implications on affordability[8]. RIMU used a dataset comprising more than 170,000 sales transactions between 2011 and 2016.

4.47 The findings reveal that the SHAs resulted in an average price increase of approximately 5% (over and above the market) and did not contribute to increases in the likelihood of affordable transactions. Though the Bill differs from the SHAs in many respects, the council does not believe the government has provided sufficient evidence to substantiate the far-reaching conclusions about its impacts on housing affordability.

4.48 Extensive research has been carried out in New Zealand and overseas on affordability policies that rely solely or predominantly on increasing opportunities for intensification. The research reveals that those policies may have achieved affordability outcomes had they been complemented with mandatory requirements for the delivery of affordable housing (e.g. inclusionary zoning) [9][10] and demand-side policies. The Bill does not include a mandatory requirement for the delivery of affordable housing and does not address the demand side of the housing challenge.

4.49 Importantly, the approach taken in the Bill does not adequately take into account the scale of capacity for housing already enabled in Auckland/Tāmaki Makaurau under the AUP. As previously stated, the AUP enables over 900,000 dwellings to be built in residential areas alone, with an estimated market feasible capacity of around 650,000.[11] This capacity is increased further when business zones (such as the city centre) are included (as apartments are permitted are permitted in many of these areas).

A Housing Pathways Analysis." Auckland: Auckland Council Technical Report, TR2021/14.

6 Johnson, Michael P, Jeffrey M Keisler, Senay Solak, David A Turcotte, Armagan Bayram, and Rachel Bogardus Drew. 2015. Decision Science for Housing and Community Development: Localized and Evidence-Based Responses to Distressed Housing and Blighted Communities. John Wiley & Sons.

7 Real Estate Institute of New Zealand

8 Fernandez, M. A., Gonzalo Sanchez, and Santiago Bucaram. 2019. "Price Effects of the Special Housing Areas in Auckland." New Zealand Economic Papers. https://doi.org/10.1080/00779954.2019.1588916.

[9] Murphy, Laurence. 2016. "The Politics of Land Supply and Affordable Housing: Auckland's Housing Accord and Special Housing Areas." Urban Studies 53 (12): 2530–47. https://doi.org/10.1177/0042098015594574.

10 Murray, Cameron K. 2020. "Time Is Money: How Landbanking Constrains Housing Supply." Journal of Housing Economics. https://doi.org/10.1016/j.jhe.2020.101708.

[11] Housing assessment for the Auckland region. National Policy Statement on Urban Development 2020 - Knowledge Auckland

4.50 The Bill purports to be an important mechanism to boost housing supply and improve housing affordability in New Zealand's high growth (Tier 1) local authority areas. However, the government has not produced sufficient evidence to support such a far-reaching conclusion. Addressing the demand-side of the housing equation, systemic issues in the building sector, and infrastructure funding and financing issues is what is required to address housing issues in Auckland/Tāmaki Makaurau. Continuing the government's large social housing programme well into the future, and making it easier for councils to require that a proportion of new homes in medium and large-scale housing developments meet affordability criteria (i.e. inclusionary zoning) would also make a meaningful difference.

4.51 The council notes that one of the primary intentions of the Bill is to improve Māori and Pasifika housing outcomes by providing for multi-generational or extended family living arrangements by increasing the number of dwellings allowed on a site. This council also saw this as an opportunity when it developed the AUP. In response, the AUP already enables up to three dwellings to be built on most residential zoned land in Auckland/Tāmaki Makaurau, and even in the more restrictive residential zones, a minor dwelling is permitted as well as the main dwelling. In terms of this primary intention, the council recommends the government considers amendments to the Bill that would more directly support iwi, marae and Māori providers to enable bespoke housing solutions for communities.

Medium Density Residential Standards (MDRS)

Spatial application of the MDRS

4.52 This submission has already highlighted the council's key concerns regarding the broad-brush nature of the proposed MDRS. To expand on those concerns in the context of the NPS UD itself, the council highlights Objective 3 of the NPS UD. Objective 3 states:

Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- *the area is in or near a centre zone or other area with many employment opportunities*
- *the area is well-serviced by existing or planned public transport*
- *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

4.53 Following on from this objective, Objective 6 requires local authorities to make decisions that integrate infrastructure planning and funding with urban development decisions, and for those decisions to be strategic over the medium to long term.

4.54 The central tenet of NPS UD is that New Zealand has well-functioning urban environments. Policy 1 requires that as a minimum a well-functioning urban environment will:

- enable a variety of homes
- have good accessibility for all people between housing, employment, and community services including by public or active transport
- support competitive land and development markets, and
- support greenhouse gas emission reductions.

4.55 When read together, the council holds the strong view that the requirement in the Bill to enable three-storey medium density housing throughout Tier 1 urban areas, and in a number of

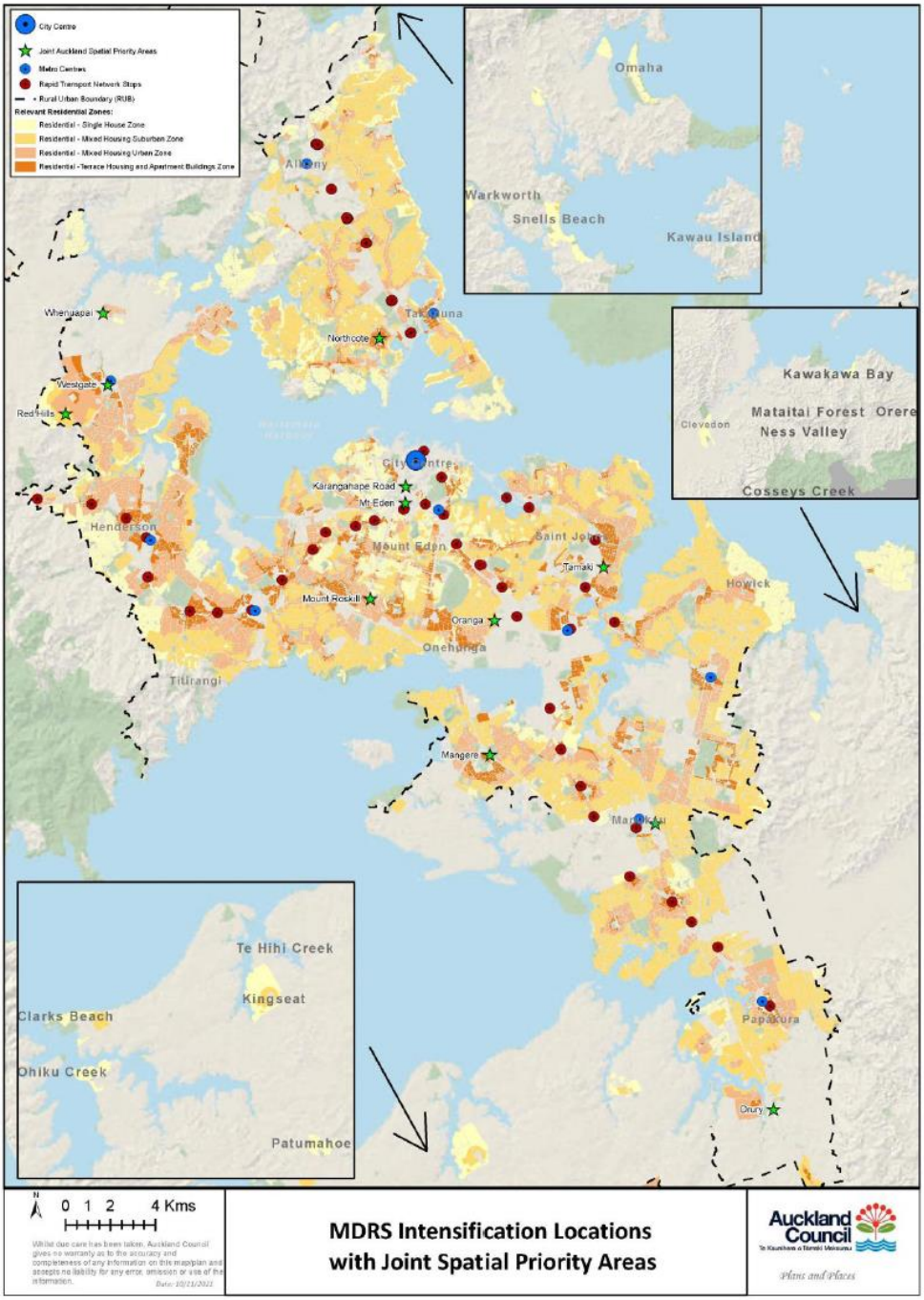
Auckland/Tāmaki Makaurau's rural and costal settlements, runs completely contrary to these core objectives and policies of the NPS UD itself.

4.56 For reasons already stated in this submission, the council does not support the application of MDRS to all "relevant residential zones". MDRS will actively work against achievement of a well-functioning urban environment at the regional level, at the neighbourhood scale and for individual blocks and sites. The wide-spread spatial application of MDRS would:

- disperse medium density housing extensively across the urban area, drawing growth away from centres and higher density residential areas by enabling growth in places unsupported by infrastructure, good public and active transport, social facilities, and planned and funded bulk infrastructure (wastewater and water supply)
- result in poor-quality built outcomes that reduce liveability for residents.

4.57 The map below provides an indication of the dispersed nature of the proposed MDRS. Under the AUP, three storeys is already enabled on the land shown as Mixed Housing Urban. Five to seven storeys (depending on the specific location) is already enabled in the Terraced Housing and Apartment Buildings zone. Together, these two medium and higher density residential zones apply to 30 percent of residential-zoned land within the urban boundary.

4.58 Subject to the potential exclusion of areas due to qualifying matters, all of the residential-zoned land coloured on the map would be required to enable medium density housing of at least three storeys. The council acknowledges qualifying matters may provide for lower levels of intensification that may be consistent with lower intensity zones and standards previously developed in consultation with the community. However, it is impractical to undertake the level of analysis required to support qualifying matters across the urban area on a site-by-site basis (as required by the NPS UD) within the timeframe.



4.59 The AUP already enables housing choice and a wide range of building typologies, the delivery of which is demonstrated by monitoring. As required under Section 35 of the RMA, the council has

been monitoring residential development in three of the AUP's "relevant residential zones". The preliminary results show that although modifications to some AUP standards would achieve better design outcomes:

- the AUP is delivering well on providing housing choice
- the AUP's unlimited density provisions and standards have been optimising yield
- AUP provisions are delivering medium-high density development with efficient use of the land.

4.60 The AUP's most intensive "relevant residential zone" is the Terrace Housing and Apartment Buildings zone. The council is very concerned the proposed MDRS will prevent the application of new or the retention of key standards within this zone. The Terrace Housing and Apartment Buildings zone is the most suitable zone for walkable catchments[12] where buildings of at least six storeys must be enabled under the NPS UD. Taller buildings have greater impacts on adjoining sites and streets. The MDRS as proposed are incompatible with the THAB zone, which requires a different set of standards to three-storey medium density housing. While most standards will be the same or relaxed, to achieve a well-functioning urban outcome, in some cases a more restrictive standard may be appropriate.

4.61 In summary, for the reasons outlined in this section of the submission and earlier, the council considers the incorporation of MDRS into all relevant residential zones is highly problematic and contrary to the NPS UD itself. The AUP already enables two-storey medium density housing throughout many parts of urban Auckland (through the Mixed Housing Suburban zone), and three-storey medium density housing close to many of Auckland's centres and in locations with good access to public transport (through the Mixed Housing Urban zone). More intensive than MDRS is development of five to seven storeys enabled adjacent to centres (through the Terrace Housing and Apartment Buildings zone).

4.62 Importantly, the council's work to date on the NPS UD indicates the spatial application of the three-storey Mixed Housing Urban zone is likely to increase, and within the walkable catchments of the city centre, 10 metropolitan centres and stops on the Rapid Transit Network, there will be significant increases in the amount of land zoned to enable residential development of up to six storeys or more.

4.63 The council's strong recommendation is that the MDRS are re-cast in the Bill as an optional tool for Tier 1 local authorities to use to implement the intensification policies in the NPS UD. Should the committee not agree, then the council recommends that its spatial application is reduced to locations with good access to public transport, goods and services, and that the MDRS are amended to address the design issues discussed in the following section, and related Appendices 2 and 3. An additional qualifying matter should also be expressly added to the Bill and the NPS UD to recognise infrastructure capacity constrains as a potential qualifying matter, rather than leaving it to councils to identify this as "any other matter".

4.64 In the Auckland/Tāmaki Makaurau context, this could be achieved by aligning the MDRS with locations to which the council has applied the Mixed Housing Urban zone, and additional locations introduced in response to the intensification policies of the NPS UD.

[12] Required by Policy 3(c) in relation to rapid transit stops, the edges of the city centre and metropolitan centre zones

Design issues with the MDRS

4.65 Like other local authorities, the council uses standards in the AUP to promote a quality built environment. The council's experience with medium and high-density housing shows that qualities such as sunlight and daylight, usable open space and privacy become increasingly important and in some cases more difficult to achieve as development becomes more intensive. Greater attention to achieving good design is necessary if residential development is to provide a well-functioning urban environment as required by the NPSUD. Monitoring undertaken by the council under section 35 of the RMA indicates that some modifications are necessary to ensure the quality built environment sought by AUP will be achieved.

4.66 Analysis undertaken by the council during the short submission period strongly indicates that MDRS-compliant development will generate significant adverse effects within developments and on adjacent sites in relation to:

- shading
- dominance
- loss of privacy
- loss of sunlight and daylight
- a highly constrained ability to accommodate landscaping.

Outdoor living spaces will be small and may be in shade all year round, which will significantly affect the overall quality of development. In short, buildings constructed to the proposed MDRS will not result in a well-functioning urban environment.

4.67 Achieving adequate landscaping (area and quality) is fundamental for achieving climate change objectives in suburban and urban areas. The MDRS building coverage standard of 50 per cent will make it very challenging for new trees with potential heights of over 2 metres to establish. Cumulatively, the lack of trees and vegetation, combined with a greater proportion of building coverage and impervious surfaces will have negative effects on climate change. Auckland's built environment will increasingly become a heat island and limit the ability of the city to achieve its climate change objectives and targets.

4.68 An example of a proposed standard within the MDRS that will facilitate development yield but provide poor design outcomes, is the proposed outdoor living space building standard requiring a minimum $15m^2$ for a ground floor residential unit, with no dimension less than three metres. This sized space is too small to be well-functioning.

4.69 The minimum size and dimension are insufficient for a ground level dwelling to accommodate the facilities associated with medium and high density living, especially as no separate service space is required. The outdoor living space must serve dual functions:

- provide adequate private outdoor spaces for occupants to enjoy by accommodating outdoor furniture, bbqs, or play equipment as the occupants choose to meet their needs and preferences
- act as a service space by accommodating hot water cylinders, compost bins, heat pump units, gas bottles, rubbish bins (refuse and recycling), sheds for cycle storage and clotheslines as the occupants choose to meet their needs and preferences. Many of these are part of the building's design: occupants do not have the option to exclude them from the outdoor space. These additional items can consume between 5^2 and$10m^2$ of the outdoor living space.

This outdoor living court, although modest, provides a space that is useable. It is 20m², with a 4m minimum dimension. This newly constructed unit is yet to be personalised by the building occupants. Note the rubbish and recycling bins occupying several square metres of available space. MDRS proposes reducing areas to 15m² and 3m minimum which will reduce the functionality and liveability of the space.

4.58. The proposed MDRS requires the outdoor living space to be accessed from the dwelling but does not recognise the importance of the internal space that connects to the outdoor living space. When access is provided from a bedroom, that room's functionality/privacy is reduced. Access to an outdoor living area via a garage, bedroom or space other than a kitchen, dining or living room will reduce the accessibility of the outdoor space and also its utility. A space that is difficult to access is not functional. A number of developments like this have been constructed in Auckland/Tāmaki Makaurau under the council's existing standards. It is unclear, but the Bill may prevent the council from changing its own standards to address design issues such as this.

4.59. It is also highlighted that the proposed MDRS has no orientation requirement. South-facing living courts with no sunlight access and subsequent adverse effects on liveability will result. Expert evidence accepted at the AUP hearings explains the issue well.[13]

"*Sunlight is important for the success of open spaces. In general it contributes to the appearance, environmental quality, ambience and perceived quality of spaces between buildings, and is also valuable to:*

(a) provide attractive sunlit views (all year);

(b) make outdoor activities like sitting out and children's play more pleasant (mainly warmer months);

[13] Statement of Evidence of Graeme Robert McIndoe, on behalf of Auckland Council - Architecture and Urban Design - 9 September 2015. Topics: 059, 060; 062; 063. Paragraphs 8.3.5 & 8.3.6

(c) encourage plant growth (mainly spring and summer);

(d) dry out the ground, reducing moss and slime (mainly in colder months); and

(e) dry clothes (all year).

Without some sunlight exposure outdoor at some stage during the day and right through the year, an outdoor living space or balcony will rarely be occupied. In that case it will tend to be used only for storage functions, therefore failing to perform its intended function and not contributing to the amenity of the unit."

Draft alternative MDRS

4.60 The council considers that the MDRS as currently drafted would enable poor quality development with significant adverse effects on occupants, adjacent sites and the public realm. To assist the Environment Select Committee in improving the MDRS, the council proposes an alternative set of draft standards that would deliver better housing and better urban outcomes. This is demonstrated in the 3-D modelling undertaken by the council during the submission period (see **Appendix 3**). The council hopes to have additional/more refined illustrations and analysis by the time it presents to the committee.

4.61 The council's draft alternative MDRS are set out in **Appendix 2**. **Appendix 4** explains the need for additional standards to address the overall length of buildings and separation between buildings. Due to the time constraints, a final form of these standards is not yet available.

Changes to intensification - Policy 3(d)

4.62 As previously discussed, the council applies a centres and transit oriented approach in promoting a compact urban form, and quality built environment. NPS UD Policy 3(a) to (c) directs intensification in and around centres, and in close proximity to the rapid transit network. The Bill's amendment to Policy 3(d) is better aligned with Policy 3(a) to (c) and the AUP by requiring consideration of intensification in and around lower-order centres. To that extent the council supports the proposed amendment. However, the re-wording of the policy could encourage dispersed intensification across Auckland/Tāmaki Makaurau where there are many centres and their proximity to employment and public transport differ. The policy requires that intensification is considered for all of them.

4.63 The amended Policy 3(d) will likely result in different areas being subject to intensification compared to gazetted Policy 3(d). The latter would have focussed intensification on the Auckland isthmus due to its greater accessibility and demand. Amended Policy 3(d) allows development to be spread out to all the small catchments across every centre. No distinction is drawn between the locations in which the listed centres are found.

4.64 To address this issue the council recommends that amended Policy 3(d) is further amended to distinguish between local centres and town centres on the basis of their location relative to accessibility (by active or public transport) to employment and population. Presently the same outcomes are directed for the same type and size of centre on the Auckland isthmus, where there is strong transport infrastructure and good access to employment, compared with the same type and size of centre that is less central with lower employment and/or population.

4.65 The council also seeks that neighbourhood centres are removed from amended Policy 3(d). Auckland's 400 neighbourhood centres (typically spot zoned, small and providing limited convenience retail or personal services) are dispersed and not always well aligned with transport

services. Increasing travel demand in locations where there is limited accessibility by public and active modes is poor integration of land use with transportation.

4.66 There is a further opportunity for alignment with the Bill and amended Policy 3(d). The Bill's Medium Density Residential Standards are to be applied in all relevant residential zones. Policy 3(d) would apply to these zones but will also apply to the other residential zones the Bill specifically excludes from intensification. The council recommends that Policy 3(d) is amended to make clear that it does not apply to the large lot residential zone or the settlement zone.

Local democracy and decision-making

4.67 It is well-known that Auckland Council went through an extensive process to develop the AUP and consulted with the public on a draft version before releasing the Proposed Auckland Unitary Plan. That engagement involved nineteen iwi authorities, the public, local events, drop-in sessions, civic forums, community meetings and local board engagement. The community had multiple opportunities to provide feedback, advice and insights before the proposed plan was released. Over 23,000 pieces of written feedback were received on the draft plan and over 9,000 primary submissions on the proposed plan. This level of engagement was important for a policy document and rule book covering regional and local matters. It was needed because like all cities, Auckland/Tāmaki Makaurau is one city with many voices.

4.68 The council is concerned the Bill in its current form overrides the ability of councils to determine planning rules appropriate to their area through public consultation. Clause 95 Part 6 of the Bill requires the council to undertake its best endeavours to satisfy the consultation requirements for normal plan changes (the process set out in Schedule 1 of the RMA), but has not considered that Auckland/Tāmaki Makaurau has been in lockdown since 18 August this year. On-line consultation does not work for those residents who do not have access to broadband, computers or cell-phones. It is difficult to engage with the community during a pandemic, with the additional economic, health and social stresses that prevail.

4.69 As previously stated, the council strongly recommends that the MDRS are re-cast in the Bill as an optional tool for Tier 1 local authorities to use to implement the intensification policies in the NPS UD. In the alternative, the council has recommended they apply in places with good access to public transport, goods and services. If the committee supports some form of requirement for Tier 1 local authorities to apply the MDRS, it would be preferrable for the Bill to specify that mandatory MDRS are included in district plans without a Schedule 1 or ISPP process. The reason for this is that there is no discretionary decision-making available. It would be clear and transparent that Tier 1 councils and the public cannot change those provisions. Any other course of action would give the public an expectation that they were being consulted when that is not in fact the case. A Schedule 1 or ISPP process could be used for those matters where there is a discretion for councils (and submitters) to alter and influence maps and provisions.[14]

4.70 Overall, the council is concerned that the Bill compromises local democracy. It decouples planning decisions from local elected members, with the Minister as overall decision-maker. Local politicians will have little influence over many of the planning provisions to be notified by August 2022, but will be held accountable by the public. Auckland and the other Tier 1 councils will also be faced with an inefficient ISPP hearing potentially thousands of submissions that will have no prospect of success.

[14] As a related matter, Clauses 102-and 105 of Schedule 6 should provide for public notices related to the availability of decisions and associated information rather than notification of recommendations and decisions.

4.71 The proposed approach fundamentally undermines the driving force behind the formation of Auckland Council. This is clearly articulated in *Making Auckland Greater*, central government's 2009 decision document on Auckland's Governance:

"For Auckland to fulfil its potential, all its plans for transport, infrastructure, economic development, environmental protection and managing growth need to be co-ordinated … More consistency and integration in planning will allow for growth to occur in a targeted, efficient and effective manner."

4.72 Given this, the council requests that Tier 1 councils, not the Minister for the Environment, should ultimately decide whether or not to accept the recommendations of the proposed independent hearings panel under the ISPP. There should be recourse to the Environment Court on decisions that are beyond the scope of submissions or rejected recommendations. This is a fairness issue and required by administrative law.

4.73 Clauses 102 and 105 requires the council to serve notice of decisions on all submitters even although they have no appeal rights. Serving notice of recommendations and decisions should be electronically to submitters' provided electronic address and on the council's website.

4.74 Commissioners appointed to the independent hearings panel should also reflect the council's commitment to Te Tiriti o Waitangi and its partnership approach with Mana Whenua. At a broader level, the Bill should be amended to include specific provisions relating to Te Tiriti o Waitangi to which all decision-makers must have regard.

Ministerial powers

4.75 The Bill would provide the Minister for the Environment with a number of decision-making powers that are broad, without adequate statutory direction or other safeguards. The council therefore opposes:

a) As noted in the previous section of this submission, the Minister for the Environment deciding on recommendations on intensification planning instruments (perception of predetermination bias and resourcing). In addition to the points previously made on this issue, it is unlikely the Ministry for the Environment will have sufficient capacity to assist the Minster in the relevant timeframe given significant reforms.
b) The Minister for the Environment making further changes to NPS UD without a clear partnership approach with iwi Māori and public participatory process, other than removing an inconsistency (not a potential inconsistency). National direction is important policy-making and should not be undertaken without public participation. Further national direction changes after the Bill is enacted makes them impossible to implement in the timeframe.
c) Absence of a timeframe in which a Ministerial direction may be issued. The council seeks that the Minister consults with and has particular regard to information provided by the Chief Executive Officer of the relevant Tier 1 council prior to making a direction under s80I(1)(c) regarding timeframes. The Minister is unlikely to be aware of the volume of submissions or other resourcing challenges when directing one or more time-periods for ISPP stages to be completed. Auckland Council must undertake a far more complex planning task than other councils as it is the only Tier 1 council with a combined plan that must be re-evaluated in preparing an intensification planning instrument for notification by August 2022.
d) Absence of statutory criteria to guide what may be included in a direction by the Minister setting out Ministerial expectations.

Intensification Streamlined Planning Process (ISPP)

Significant natural justice issues

4.73 While the council supports in principle a streamlining of the planning process for the intensification plan change required under the NPS UD, there are significant natural justice issues with the proposed ISPP process. To address this, the council seeks that decision-making powers and their allocation to decision-makers align with IHP/PAUP process under the Local Government (Auckland Transitional Provisions) Act 2010.[15] The expediency sought in the Bill would still be satisfied by confining appeal rights while avoiding natural justice issues.

4.74 Without amendment, the Bill creates significant natural justice issues:

- the power of the independent hearings panel to make recommendations beyond the scope of submissions, as the absence of appeals prevent the remedying of unfairness and impacts on submitters' rights
- the limitation on a territorial authority's ability to recommend rejection of out-of-scope panel recommendations unfairly prevents the local authority considering a matter on which there may not have been submissions or evidence before the panel
- there is no recourse available where an independent hearings panel recommendation that is out of scope is accepted and impacts on submitters' rights
- there is no separation of powers, with the Minister promoting the legislation having the ultimate decision-making power
- there are no criteria provided for the Minister to make a decision (the RMA requires decision-making be subject to Part 2 of that Act), no requirement to consider a territorial authority's reasons for rejecting a recommendation nor for the Minister to consider the authority's recommendation on equal footing with the panel's recommendation. The Bill contains no requirement for the Minister to rehear submissions and evidence before making a decision on any rejected recommendations.

4.75 The availability of judicial review does not address these natural justice issues. Application for judicial review is simply unavailable for most people given its cost.

4.76 Lastly, the proposal to require some intensification planning instrument provisions to be treated as operative from notification could undermine the outcome of decisions. This issue arises because building consents or certificates of compliance issued in reliance on the operative permitted activity status would continue, even if the rules were to change.

Other matters

Plan changes

4.77 Auckland Council is currently processing 33 private plan change requests, 20 of which are already notified for submissions. Private plan change requests are initiated by landowners and involve significant expenditure to prepare the analysis to support their requests. Given the significant expenditure involved, several prospective applicants who are at the pre-lodgement phase with the council have expressed concerns about the Bill's provisions, as have some applicants concerned their requests will be withdrawn. A number of council plan changes are also progressing through the Schedule 1 process.

[15] Limited appeal rights (to the Environment Court) were available where the council rejected a recommendation of the IHP, or where the council accepted a recommendation by the IHP that was 'out of scope' of submission - refer s156(1)(b) and s156(3) of the Local Government (Auckland Transitional Provisions) Act 2010

4.78 The Bill requires private plan changes and council plan changes to be withdrawn if they have not been heard by February 2022. The council notes that the provisions as currently drafted rely on applicants voluntarily withdrawing their private plan changes. The council cannot compel them to do so. There are several private plan changes where hearings have been accelerated or commissioners have issued directions to applicants advising them of the Bill's provisions to avoid potential conflicts with the Bill. The Bill's process requirements are unclear and create uncertainty for councils and applicants.

4.79 Not all plan changes would be captured by the provisions in the Bill requiring withdrawal. It is unclear whether private plan changes are intended to be processed contemporaneously by councils as the intensification planning instrument is prepared, heard, determined and then integrated. If the government wishes councils to consider withdrawn private plan changes as part of its response to NPS UD, that should be more clearly articulated in the Bill. The council notes that it only adopts private plan changes where there are very clear and significant public benefits.

4.80 Clause 31 (Schedule 12) of the Bill does not capture all relevant private plan changes. An accepted plan change cannot be modified by the applicant until evidence is submitted at a hearing. There is no opportunity to modify the private plan change after the clause 24 stage. This means that the private plan change applicant cannot modify their proposal to incorporate MDRS until the hearing which may be so different from what was notified that there would be natural justice/scope issues preventing it, or they will have to withdraw and resubmit the private plan change.

4.81 It is also unclear whether councils are meant to include land subject to private plan change requests within the intensification planning instrument, and if so, whether that includes private plan changes where a hearing is complete by February 2022. Commissioners will often leave hearings open after the presentation of evidence to enable issues that arose during the hearing to be resolved. The Bill as currently drafted may prejudice the process by requiring commissioners to close off hearings so as not to risk the private plan change from being withdrawn. It is also unclear what occurs where a decision may not have been released and/or private plan changes that are subject to appeal (i.e. should councils include that land in its planning instrument when the same matter is before the Environment Court?). Given the brief time to prepare the planning instrument by August 2022, this requires clarification.

4.82 In summary, the council supports the concerns raised by the private plan change applicants with whom it has spoken, but would need to have a clearer understanding of the intentions behind this aspect of the Bill before being able to offer a potential solution.

Resource consents, esplanades and engineering standards

4.83 The council does not support removal of shape factors or minimum section sizes for vacant lots from its Auckland-wide AUP rules. The subdivision standards outlining shape factors supplement the engineering codes of practice. Codes of practice set out the minimum dimensions of driveways, water and wastewater pipes and connections, depth of concrete, kerb and channel details. Shape factors influence how sites function and are important to ensure that building elements, infrastructure and access all integrate.

4.84 Driveway length, provision for passing bays and lot size dimensions are an integral package of controls (i.e. the number of properties serviced off a lane are important for the safe and efficient movement of people, rubbish trucks, fire and emergency vehicles, water, electricity and gas connections). These provisions should not be affected by the Bill.

4.85 The Bill needs to address how lakes, rivers and esplanade reserves will be treated. The MDRS rules and Bill do not provide guidance on whether the standard 20m esplanade reserves will continue to be applied. The MDRS rules do not provide for set-backs for riparian/stream areas. The AUP residential zones currently provide for a 10m building set back.

Support for specific clauses in the Bill

4.86 The council supports the following specific features of the Bill:

- the use of common qualifying matters for MDRS and Policy 3, but seeks amendments to promote land use and infrastructure integration. This can be achieved by amending sections 77G(c) and 77L(c) to recognise and provide for regionally significant infrastructure: "a matter required for the purpose of ensuring the safe or efficient or effective operation of nationally and regionally significant infrastructure".
- at section 80J the ability of a territorial authority to request that the Minister for the Environment amends a direction made under section 80I
- the listed exception at section 80K to the requirement to comply with the terms of a Ministerial direction (but seeks that the Minster's power to include a statement of expectations at s80I(2) be deleted).
- at section 86B(3A) the listed exclusions from rules having immediate legal effect being: a permissive area; a qualifying matter area; and a new residential zone.
- had it been included in the Bill, Auckland Council would have supported amending the definition of "planning decision" to include a decision on a private plan change request. However, the council opposes awarding the power proposed at section 77O to the Minister to amend this or any other definition.
- the power of the Minister for the Environment at section 77O to remove an inconsistency (but not a potential inconsistency) between the NPS UD and this Bill (when enacted). The power is discrete and may be used to correct a problem.
- the addition to clause 25, Schedule 1, but request further amendment to effectively implement the intended outcome: "Clause 13 amends clause 25 of Schedule 1 of the Act to require private plan changes to incorporate the MDRS, where relevant."[16] The proposed clause does not expressly state this requirement: it relates to a process, by preventing a council accepting or adopting the request. The amendment should require a local authority to reject a request, or deal with the request as if it was a resource consent application rather than being framed in the negative from which more than one inference may be drawn. A corresponding amendment should be made to new Sub Part 2 in Part 5 RMA to make clear that (with the exception of s77J) the same requirements apply to private plan change applicants as territorial authorities when initiating plan change requests.
- the independent hearings panel having the same duties and powers as a local authority conducting a hearing. The council considers the panel should also have the power under s41C(4) to commission a report on any matter on which the panel requires further information if, in the panel's opinion, it may have a significant adverse environmental effect. The Auckland Unitary Plan Independent Hearings Panel rarely commissioned reports but it was an effective power when used.
- at clause 101 Schedule 1: the ability to provide an alternative recommendation for any recommendation that the territorial authority rejects

[16] Explanatory note to Resource Management (Enabling Housing Supply and Other Matters) Bill

- the ability at to seek clarification from the panel. The council requests a corresponding power for the panel to prepare supplementary reports and/or to issue corrections or updated recommendations.

Section 5.0 Summary of relief sought

The council wishes to be constructive in making this submission, and has provided a number of carefully-considered alternatives for the Environment Select Committee to consider. These are collated below for ease of reference.

Making the MDRS workable

- Recognising that the NPSUD already requires intensification around key public transport routes, the council submits that the MDRS provisions should not apply to the Auckland region given the capacity and development already enabled
- In the event that the MDRS provisions remain for Auckland/Tamaki Makaurau, the spatial extent of the MDRS provisions should be refined to:
    - exclude Auckland's rural and coastal settlements where intensification is not envisaged and where significant infrastructure constraints apply
    - refine their spatial extent to align with the council's compact city approach which focusses on intensification in areas with good access to public transport, goods and services and infrastructure and which is delivering on intensification. This can be achieved by not applying the MDRS to the existing Terrace Housing and Apartment Building zone, and only applying it where the council applies its nearest equivalent, the Mixed Housing Urban zone
    - recognise the years of iwi and community involvement in protecting the natural environment, we submit that areas containing sensitive natural environments are excluded from the MDRS provisions. In doing so we note that the process of undertaking a site-by-site analysis to confirm that qualifying matters apply is an inefficient and highly onerous task.
    - in the event that the MDRS provisions remain, the improvements set out in Appendix 2 are made to provide for better housing and urban outcomes for current and future residents and neighbours.

Other Relief Sought

- Policy 3(d) is further amended to:
    - distinguish between the local centres and town centres on the basis of location relative to employment and accessibility – not every centre is created equal and the focus should be on those centres with strong access to public transport and employment
    - remove neighbourhood centres.
- Schedule 1 notification process should not be used for provisions (such as the MDRS) where there is no discretion available to the council or the public to change them. This will ensure there is a clear understanding at the outset of any public notification.
- Electronic service of notice of decisions should be provided for
- The proposed Ministerial decision-making powers are opposed and should remain within the jurisdiction of councils (and in the case of appeals, the Courts), in particular;
    - the Minister for the Environment deciding on recommendations on intensification planning instruments;
    - the Minister for the Environment making further changes to NPS UD without a public participatory process
- Should the proposed Ministerial decision-making powers remain, then the following amendments be made:

    - given there is currently no timeframe in which a Ministerial direction may be issued under s80I(1)(c), that the Minister consult with and have particular regard to the chief executive of the relevant council to ensure that he/she understands the workload and impact of such a decision on the council
    - provision of statutory criteria to guide what may be included in a direction by the Minister setting out Ministerial expectations
    - the Minster's power to include a statement of expectations at s80I(2) be deleted.
- The decision-making powers and their allocation to decision-makers in relation to the Intensification Streamlined Planning Process align with the decision-making process used for the Auckland Unitary Plan under the Local Government (Auckland Transitional Provisions) Act 2010
- The MDRS should not be operative at notification
- The government make develop and make available other financing tools to support councils investing in infrastructure from the time of notification.
- Amendments to clarify the government's intentions in relation to private plan changes that have not been heard by February 2022. This could potentially involve a process to ensure they are able to progress (albeit in a modified form) while maintaining principles of natural justice.
- That subdivision standards in the Auckland Unitary Plan are retained as they are critical to ensure the safe and efficient functioning of the site, provision of quality infrastructure and to enable the operation of emergency services and other service activities like waste removal.
- That sections 77G(c) and 77L(c) be amended to recognise and provide for regionally significant infrastructure: "a matter required for the purpose of ensuring the safe or efficient or effective operation of nationally and regionally significant infrastructure".
- That clause 25, Schedule 1 be further amended to effectively implement the intended outcome: "Clause 13 amends clause 25 of Schedule 1 of the Act to require private plan changes to incorporate the MDRS, where relevant."
- That s41C(4) be amended to give the independent hearings panel the power to commission a report on any matter on which the panel requires further information if, in the panel's opinion, it may have a significant adverse environmental effect;
- That a corresponding power be provided for the panel to prepare supplementary reports and/or to issue corrections or updated recommendations
- That the Bill should require collaboration with iwi, marae and Māori housing providers to enable bespoke housing solutions for Māori communities.

Item 10

Attachment A

Appendix 1

Local Board Views

LOCAL BOARD SERVICES

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Local board input to Auckland Council's submission on:

The Resource Management (Enabling Housing Supply and other matters) Amendment Bill

9 November 2021

aucklandcouncil.govt.nz

Item 10

Attachment A

Contents

Summary of local board feedback	35
Albert-Eden Local Board	36
Devonport-Takapuna Local Board	37
Howick Local Board	39
Kaipātiki Local Board	41
Māngere Ōtāhuhu Local Board	43
Manurewa Local Board	44
Ōrākei Local Board	46
Ōtara Papatoetoe Local Board	47
Papakura Local Board	49
Puketāpapa Local Board	51
Upper Harbour Local Board	53
Waiheke Local Board	54
Waitākere Range Local Board	57
Waitematā Local Board	59
Whau Local Board	67

Feedback was not received from the following local boards:

- Aotea Great Barrier
- Franklin
- Henderson-Massey
- Hibiscus and Bays
- Rodney

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Summary of local board feedback

The common areas of local board feedback on the Resource Management (Enabling Housing Supply and other matters) Amendment Bill are as follows:

All the local board submissions expressed concern about ensuring the quality of both design and build in future development. Many boards commented that the Bill is focused on quantity and that the design controls proposed by the Bill could be improved to ensure quality outcomes.

Most local boards expressed concern about how the Bill would negatively impact the capability for Auckland Council to deliver outcomes to support growth. Some noted that further ad hoc, small scale and spread-out developments would make planning proactively and strategically for community amenities and facilities more difficult.

Many local boards expressed support for the view that the Auckland Unitary Plan already has adequate provision for public and private sector development and housing supply across Auckland. It was widely noted that the Bill would enable growth in areas that are distant from jobs, services, and quality rapid or frequent transit. Many boards expressed the view that the most significant constraint on urban growth is the lack of funding for growth infrastructure.

There were many requests for the Government to pause to engage with Auckland Council and communities before making any further decisions, with comment that the timeframe for consultation was too short, limiting the ability for the local board or communities to properly consider the implications of this proposal. Some boards further noted that the Auckland Unitary Plan was the result of years of planning work, community consultation, and hearings.

There were also concerns that without further protections more intensive development would result in adverse environmental outcomes such as the further loss of trees in the urban ngahere.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Albert-Eden Local Board

That Albert-Eden Local Board:

a) note that the timeframe for feedback on the Resource Management Act (Enabling Housing Supply and Other Matters) Bill (the Bill) is short, which limits the ability for the local board to consider the implications of this proposal on local plans and communities, and that the implementation of this Bill will have lasting impacts on the local landscape.

b) acknowledge that the cost of housing is unaffordable for many and there is a high proportion of renters within the Albert-Eden Local Board area.

c) support actions to enable first home buyers, multi-generational whānau living and other arrangements which lead to home ownership.

d) note concern with some aspects of the Bill particularly around impacts on existing zoning in the Auckland Unitary Plan, timeframes for change and public participation in plan making processes; and therefore:

   i. request that if the Medium Density Residential Standards are progressed the following amendments are made prior enactment, to mitigate negative environmental and social impacts:
      - ensure quality design and buildings for all medium density development, for example by establishment of form-based codes that focus on good public realm outcomes, ensuring flexibility in accommodation provision whilst ensuring a high quality urban environment
      - provide better protection for access to sunlight for neighbouring properties to maintain the warmth and dryness of existing homes, for example by tighter control of the height in relation to boundary rule on the southern boundary
      - strengthen MDRS rules to mitigate impact of medium density intensification on storm-water infrastructure capacity eg further limits on impervious surfaces; prescription of rainwater detention tanks; and allowing green roofs to count towards pervious space
      - ensure MDRS rules are fit for purpose for papakāinga and co-housing.
      - do not support the new Intensification Streamlined Planning Process (ISPP) which reduces public participation in the plan change process and removes appeal rights.

   ii. do not support suggested changes to Policy 3(d) of the National Policy Statement –Urban Development as the current wording of the policy links height and density to levels of accessibility to a range of goods and services, and demand for housing, which are relevant in determining future urban form and development levels.

   iii. request that the current implementation process and timeframe for the National Policy Statement – Urban Development remain in place and territorial authorities and unitary councils continue to work through any changes to their planning documents with the public.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Devonport-Takapuna Local Board

That the Devonport-Takapuna Local Board:

a) note that on 19 October 2021 the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill'), which contained two main proposals that seeks to:

i) support councils to implement intensification policies in the National Policy Statement – Urban Development ('NPS-UD'); and

ii) require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (although some exemptions may apply based on qualifying matters set out in the NPS-UD).

b) note that the Auckland Unitary Plan already adequately supports public and private sector development and housing supply across Auckland and enables opportunities for different housing typologies and allows for increasing that housing supply over the existing Terraced Housing and Apartment Building (THAB), Mixed Housing Urban (MHU), and Mixed Housing Suburban (MHS) zones.

c) challenge the need for the proposed Bill.

d) express strong concern that this Bill overrides the right of local government in determining planning rules appropriate to their council area and undermines the very role of local government in that the Bill seeks to effectively remove the zonings provided in the AUP, which were the result of years of planning work, consultation, and hearings.

e) note that under the current rules in the Auckland's Unitary Plan there are instances where consented yield-led development has produced an environment of bad planning and design outcomes versus that of a design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents as proposed under the Bill.

f) express deep concern that the Bill focuses solely on quantity; and remains silent on quality and believe that this is an oversight which must be rectified.

g) note that the proposed Bill will require medium density residential standards from August 2022, and that some exemptions may apply based on qualifying matters.

h) strongly recommends that Auckland Council focus efforts and resources urgently to identify special character areas as a qualifying matter in the NPS-UD, to ensure these are in place if the Bill is passed and medium - density residential standards are required to be applied by Tier 1 councils from August 2022.

i) recommends that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland.

j) express deep concern that the Medium Density Residential Standards ('MDRS') in the Bill will result in the widespread degradation of the character of suburbs and communities across Auckland. The removal of the requirement for developers to attain a resource consent will enable the construction

of large, poorly designed townhouses up to 3 storeys and 12 metres high, and just 1 metre from the boundary. This will have a significant effect across the whole city. In particular, the board expresses concern about the degradation Auckland's remaining Single House Zones, and of special character and heritage areas including Devonport.

k) support statements by Auckland Mayor Phil Goff that the existing Auckland Unitary Plan ('AUP') already provides ample capacity for growth, and that the impediment to housing growth in Auckland is not the Unitary Plan but ability to provide the underlying infrastructure to support growth at greater levels than already provided by AUP.

l) express concern that the proposed Medium Density Residential Standards ('MDRS') will enable widespread intensification in areas that are not suitable for new growth due to their distance from jobs, services, and quality rapid or frequent transit. Intensification needs to be measured, rather than permitted in an ad hoc, haphazard manner, with little or no council oversight.

m) express concern that the removal of minimum carparking requirements in Policy 11 of the NPS-UD when coupled with the MDRS will result in an increase in vehicles parking in road corridors. The unintended consequence of this will be a reduction in road user safety, an increase in carparking demand in residential streets, and diminished neighbourhood appeal and amenity.

n) express its support for the resolution passed by the Orakei Local Board at its October 2021 business meeting (resolution number OR/2021/174) and its forthcoming presentation of that to the Auckland Council Planning Committee.

o) request that the Chairperson Ruth Jackson write to North Shore MP Simon Watts, expressing concern for his party's support of the Bill, outline the board's position, and seek his advocacy.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Howick Local Board

That the Howick Local Board:

a) provide the following formal feedback for inclusion in Auckland Council's feedback on the Government's Resource Management Enabling Housing Supply Amendment Bill:

1) The board understands the Government's desire and need to increase housing supply, improve housing affordability, reduce greenhouse gases and address climate change.

2) The board expresses it's dissatisfaction about the short time frame allowed for responses to the document. At a time when the whole of the Auckland region is extremely pre-occupied with dealing with the impacts of Covid 19 lockdown, to only allow three weeks for such an important document, the effects of which will be everlasting, is totally unacceptable. The board also notes that the current Auckland Unitary Plan had a high level of public engagement through the consultation period and this new bill has potential to have a greater impact on the community and therefore should require the same level of public consultation.

3) The board supports in principle that the provisions of the bill can apply to zones that are close to public transport or commercial centres (walkable catchments) but that there should be no further enabling of intensification in other areas beyond that able to be effected by the existing Auckland Unitary Plan provisions. In particular:

a) The board are concerned the Medium Density Residential Standards go totally against the hierarchal structure in the Auckland Unitary Plan where it is proposed for intensive living within and around town centres, cascading down into the lower density suburbs which are far from services and away from good public transport.

b) There appears to be conflict with the requirements of the Auckland Unitary Plan.

c) Is there still a desire to have well planned cities and communities or just allow development to occur in a hap hazard way?

4) The board does not support any intensification in areas that do not have suitable infrastructure. This was a clear message we received from the public during the Draft Auckland Unitary Plan consultation and continue to do so. Our concern is that many parts of Howick are older areas of Auckland with degraded infrastructure. (for example, next year Howick celebrates it's 175 year anniversary).

5) The board expresses concern that extremely rapid housing development could once again lead to shoddy housing due to inexpert contractors being engaged, inferior materials being used as there are already acknowledged shortages of standard building materials and a potential lack of resource within council to carry out requisite building inspections at scheduled intervals. This could also lead to poor planning and design, and has the potential to cause unnecessary problems for residents in the future.

6) The board expresses concern at the lack of explanation of what 'three buildings of three storeys' on a building site actually means, what size site is envisaged, and what site coverage is permitted. It is also concerned that there are varied interpretations of a "walkable catchment" and they are already seeing these developments moving off the "main road" encroaching into established neighbourhoods.

7) The board expresses strong concern that the very lifestyle that existing homeowners currently enjoy, and which was a major factor in their decision to purchase where they did, is under huge threat if the proposed provisions extend to the entire region. Residents that have owned a family home for years, paid significant money for, and/or have developed their properties to provide pleasant surroundings for their lifetime are threatened by ugly buildings being constructed close to their boundary bringing extreme loss of amenity and introducing all the other issues that will come with this, i.e. vehicles blocking suburban streets, concerns for pedestrian and vehicular traffic. These people pay substantial rates for their properties and contribute significantly to their communities. This is not NIMBYISM – it is unfair.

8) The board are also concerned that the proposed act does away with the notification process and therefore any democratic involvement that prevents affected property owners from any input. Also due to haste, with the introduction of the act, does not allow for any appeal to the Environment Court. The board also questions that if there is no resource consent required, how will council know development contributions need to be collected or will the building consent process trigger this?

9) The board is of the opinion that the proposed 1m side and rear boundary setbacks proposed for Medium Density Residential Standards are totally unacceptable, and in fact will lead to unsafe practices when maintenance is required on properties with only 1m setbacks, particularly where they are two storeys or more high.

10) The board does not support the lack of requirement for provision for at least some off-street parking in new developments. A lack of parking will present problems for charging electric vehicles – particularly for overnight charging, access for drivers with disabilities and have impacts on street clutter leading to loss of access for emergency vehicles, higher insurance premiums for vehicle owners and concerns around vehicle vandalism and theft. This is particularly relevant for tradespeople whose very livelihood is dependent on the tools of trade that are often left in vehicles overnight. This will also contribute to social/safety issues. We are still a society that relies on cars, and these vehicles, with no place to park will become a burden to others. Until we provide a perfect public transport system people will continue to own cars.

11) The board believes that more time needs to be taken to think outside the square. For example, to focus on locations that have become tired and uninteresting like Panmure and Otahuhu. Both are close to trains and buses. These areas could be totally rebuilt using a clean slate, offering a new planned "village" with shopping, dining, public facilities and some employment with new apartments/terraced housing. The same could be done adjacent to rail corridors in Drury, Pukekohe and beyond.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Kaipātiki Local Board

That the Kaipātiki Local Board:

a) note that on the 19 October, the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill'), which contained two main proposals that seek to:

   i) support councils to implement intensification policies in the National Policy Statement – Urban Development ('NPS-UD'); and

   ii) require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (although some exemptions may apply based on qualifying matters set out in the NPS-UD).

b) note that the Auckland Unitary Plan (AUP) already adequately supports public and private sector development and housing supply across Auckland, and enables opportunities for different housing typologies and allows for increasing that housing supply over the existing Terraced Housing and Apartment Building (THAB), Mixed Housing Urban (MHU), and Mixed Housing Suburban (MHS) zones.

c) challenge the need for the Bill.

d) support statements by Auckland Mayor Phil Goff that the existing AUP provides ample capacity for growth, and that the impediment to housing growth in Auckland is not the AUP, but the ability to provide the underlying infrastructure to support growth at greater levels than already provided by the AUP.

e) express strong concern that the Bill overrides the right of local government in determining planning rules appropriate to their council area, and undermines the very role of local government in that the Bill seeks to effectively remove the zonings provided in the AUP, which were the result of years of planning work, public consultation, and hearings.

f) note that under the current rules in the Auckland Unitary Plan, there are instances where consented yield-led development has produced an environment of bad planning and design outcomes versus that of design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents, as proposed under the Bill.

g) express deep concern that the Bill focuses solely on quantity; and remains silent on quality, and believe that this is an oversight which must be rectified.

h) note that the Bill will require medium density residential standards from August 2022, and that exemptions will apply based on qualifying matters.

i) strongly recommend that Auckland Council urgently focuses efforts and resources to identify special character areas as a qualifying matter in the NPS-UD to ensure these are in place if the Bill is passed and medium-density residential standards are required to be applied by Tier 1 councils from August 2022. Special Character Areas must be kept because they do not impede local housing capacity or regional housing capacity, and they add to the area's amenity, inter-generational amenity, and economic attraction.

j) express concern that the Medium Density Residential Standards ('MDRS') in the Bill will result in the widespread degradation of the character of suburbs and communities across Auckland. The removal of the requirement for developers to attain a resource consent will enable the construction of dwellings up to 3 storeys and 12 metres high, and only 1 metre from the boundary. This will have a significant effect across the whole city. In particular, the local board expresses concern about the degradation on Auckland's remaining Single House Zones, and of special character and heritage areas, including Birkenhead Point and Northcote Point.

k) express concern that the removal of the requirement for developers to attain a resource consent for up to 3 dwellings on one site, will remove the ability for Council to analyse and mitigate the consequential impact of the development on infrastructure such as roading, stormwater, sewerage, potable water, etc, and the local environment.

l) express concern about the possible impact that the MDRS in the Bill will have on existing overlays, including the Significant Ecological Areas overlay which restricts development in identified ecological areas of significance.

m) express concern that the MDRS in the Bill will enable widespread intensification in areas that are not suitable for new growth due to their distance from jobs, services, and quality rapid or frequent transit. Intensification needs to be measured, rather than permitted in an ad hoc, haphazard manner, with little or no council oversight.

n) express concern that the removal of minimum carparking requirements in Policy 11 of the NPS-UD when coupled with the MDRS, will result in an increase in vehicles parking in road corridors. The unintended consequence of this will be a reduction in road user safety, an increase in carparking demand in residential streets, and diminished neighbourhood appeal and amenity.

o) note the Ōrākei Local Board presentation to the Auckland Council Planning Committee on 4 November, and that much of the content also applies to the Kaipātiki Local Board area.

p) recommend that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland.

q) request that a copy of this resolution be sent to Northcote MP Shanan Halbert, Upper Harbour MP Vanushi Walters, North Shore MP Simon Watts, the Minister for Housing, the Governing Body, and all local board members of Auckland Council.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Māngere-Ōtāhuhu Local Board

1. The Māngere-Ōtāhuhu Local Board support the Bill's intent to enable more affordable and equitable urban living than what will happen in its absence. This will allow our community the opportunity of becoming first time homeowners that has become harder to achieve in the current property market.

2. The local board request the Bill to include equitable mechanisms to allow local first-time home buyers to purchase property in the local area.

3. Note that the Māngere-Ōtāhuhu Local Board area will accommodate over 10,000 new homes as a result of the large-scale residential redevelopment led by Kāinga Ora in this area. The Auckland Unitary Plan already provides more than enough development capacity through extensive areas zoned Terrace Housing and Apartment Buildings zone and Mixed Housing Urban zone in Māngere and Ōtāhuhu. The proposed Bill will add an excessive increase to the already generous development capacity in this Local Board area.

4. In particular, the Local Board request their concerns with the impact that the proposed Medium Density Residential Standards will have on Māngere and Ōtāhuhu communities are resolved. The local board believes by allowing residential development of three storeys in height across virtually all residential areas will not be in accordance with the direction of the Auckland Plan nor the centres approach in the Auckland Unitary Plan and will lead to poor quality urban environments. The Local Board is also concerned that this will result in remarkably high concentration of residents in Māngere and Ōtāhuhu, many of whom will be on low incomes, and exacerbate social inequity in Auckland.

5. The local board request further work to mitigate the effects of enabling a significant quantity of housing to be supplied without any requirement to provide quality urban environments that will remain in the long term. The local board believe the design controls proposed by the Bill are inadequate to achieve quality outcomes.

6. The local board request budget from central government to improve local infrastructure, as the Bill places little emphasis on the need for infrastructure such as open space, community facilities, and transport services to support a future intensified environment.

7. The board is concerned that the intent to exclude full public notification of applications for resource consent for residential development of up to three dwellings. Also, of concern is that four or more dwellings of up to three storeys can be applied for through a non-notified resource consent application. Furthermore, it is concerning that there will be no right of appeal to the intensification plan change which is to be notified in August 2022. These changes effectively remove the right of residents to shape their own neighbourhoods and localities and will cause resentment in our communities.

8. Ōtāhuhu contains numerous areas identified in the Auckland Unitary Plan as having historic character and special character. The Local Board is concerned that the proposed Bill may irreparably compromise these areas.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Manurewa Local Board

Overview

1. The Bill would enable development across urban Auckland (and in a number of rural settlements) at densities considerably beyond those anticipated in the Auckland Plan development strategy or planned for in the Long-term Plan. If enacted in its current form, providing the necessary physical and community infrastructure is likely to become increasingly difficult.

2. The Bill does not appear to acknowledge that Auckland has a well-considered, evidence-based, community endorsed growth strategy that supports housing choice and density close to centres and public transport, or that the Auckland Unitary Plan has already enabled capacity for over 900,000 dwellings in residential zones alone (approximately 650,000 of which have been assessed commercially feasible), without the need for the proposed Medium Density Residential Standards.

3. Considerably more capacity for housing, particularly around the city centre, Auckland's 10 metropolitan centres and stops on the Rapid Transit Network, and in other areas with high accessibility to jobs, goods and services will already be enabled under the current provisions in the NPS UD. Work is well-underway to identify those opportunities.

Timeframe

4. The board is concerned about the accelerated timeframe for this Bill. It does not provide submitters with sufficient time for consideration of the proposal and will potentially lead to unintended consequences.

Developments meeting existing requirements

5. The board believes this legislation should not negate the requirement for developments to meet current Unitary Plan controls, particularly in relation to, but not limited to, geotech and flood plain requirements.

Plan for good community outcomes

6. The board would like the legislation to reflect the principles of planning for good community outcomes as intensification increases, such as:
   - Provision of greenspace within or nearby intensive developments
   - A reduction in the threshold criteria for walking distance to local parks or reserves
   - Ensure all developments meet universal design standards to enable maximum accessibility
   - Public transport options must accompany intensification
   - Secure places to store cycles, e-bikes, e-scooters and other multi-modal transport devices
   - Secure recharging facilities for multi-modal transport options
   - Renewable energy options
   - Water tanks / recycling stormwater run-off
   - Encourage the retention and protection of any significant/large trees, in order to preserve upper tree canopy cover, support urban ngahere and reduce carbon emissions
   - Planting of trees to offer natural shade and as a contribution to mitigating climate disaster
   - Developments that allow access for emergency and utility vehicles as well as public transport options
   - Provision of separated and connected shared pedestrian / cycleways
   - Provision of a shared space to grow food - community gardens with associated tool sheds

Quality Urban Design

7. The board believes that the legislation should include requirements to adhere to principles of quality urban design and prevent significant adverse effects on adjacent properties, for example:

- infringements on privacy
- shading effects on neighbouring properties.

8. This needs to include the accumulative effects of ongoing intensification and development.

9. The board is concerned that the proposed Medium Density Residential Standards appear to be based on the Auckland Unitary Plan's Mixed Housing Urban zone, with more permissive controls, such as the ability to build the third storey considerably closer to adjacent properties, with considerably smaller outlook and outdoor living court requirements. It is our view that the Unitary Plan's Mixed Housing Urban zone is already overly permissive, and making it more permissive will lead to lower quality development being enabled.

Growth Infrastructure Funding

10. The board believes that the most significant constraint on urban growth is lack of funding for growth infrastructure. This legislation does not address this issue, and potentially increases the demands on local government to find this funding. The board strongly believes that any new central Government regulation that creates additional cost for local authorities should be accompanied by increased funding from central Government.

Special Character Areas Overlay

11. The Special Character Areas of Tamaki Makaurau contribute to its unique and diverse character and make the city the vibrant place it is. Areas such as Ponsonby, Devonport, Hillpark and others show growth of a city over time and make Auckland an attractive place to live, work and play. It also adds to tourism amenity.

12. Auckland Council has been through a long process of identifying the Special Character Area Overlays, and developing the rules that protect these places. The board believes this Bill threatens to wipe away all the protections that Auckland Council has put into place.

13. The board believes that decisions relating to already established Special Character Area Overlays should be the remit of local Government, not central Government. Local government has local knowledge and history that is not in the domain of central Government. This proposed blanket approach removes options to retain the many special characteristics that make Auckland what it is.

14. If changes relating to the 800-metre walkable catchment area from our rapid transport networks are to apply, then greater protection weight should be given on preserving Special Character Areas, for example reducing the walkable catchment area and building envelopes.

15. The environmental and biodiversity impact of this Bill must be considered. In Manurewa, the Hillpark Special Character Area includes clusters of native bush on public reserves. As well, many properties throughout Hillpark have larger established trees that form part of the urban ngahere network and ecosystem. Current high-density rules support the retention of these native trees. Allowing more intensive development will result in many of these trees being lost. Other Special Character Areas will be in a similar situation. This is a climate change issue.

Item 10

Attachment A

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Ōrākei Local Board

That the Ōrākei Local Board:

a) note that on the 19 October the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, which contained two main proposals that seeks to:

i) support councils to implement intensification policies in the National Policy Statement – Urban Development

ii) require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (exemptions will apply based on qualifying matters set out in the National Policy Statement-Urban Development)

b) note that the Auckland Unitary Plan already adequately supports public and private sector development and housing supply across Auckland and enables opportunities for different housing typologies and allows for increasing that housing supply over the existing MHS, MHU and THAB zones.

c) challenge the need for the proposed Bill

d) note that under the current rules in the Auckland's Unitary Plan there are instances where consented yield-led development has produced an environment of bad planning and design outcomes vs that of a design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents as proposed under the Bill

e) note that the proposed Bill will require medium density residential standards from August 2022 and that exemptions will apply based on qualifying matters

f) strongly recommend that Council focus efforts and resources urgently to identify special character areas as a qualifying matter in the National Policy Statement – Urban Development, to ensure these are in place if the Bill is passed and medium density residential standards are required to be applied by Tier 1 councils from August 2022

g) recommend that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland

h) agree to delegate to Member Churton and Member Milne to present to the Planning Committee on the 4 November

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Ōtara-Papatoetoe Local Board

That the Otara-Papatoetoe Local Board

a) note that on 19 October 2021 the Government announced the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill ('the Bill'), which contained two main proposals that seeks to:
   i. support Tier 1 councils to implement intensification policies in the National Policy Statement – Urban Development ('NPS-UD'); and
   ii. require Tier 1 councils to apply medium density residential standards from August 2022, which allows people to develop up to three homes of up to three storeys on most sites without needing resource consent (although some exemptions may apply based on qualifying matters set out in the NPS-UD).

b) generally **supports the Government's intention** to enable medium density residential development through Medium Density Residential Standards ('MDRS').

c) **express deep concern that the Bill focuses solely on quantity; and remains silent on quality and believe that this is an oversight which must be rectified**.

d) note that under the current rules in the Auckland Unitary Plan there are instances where consented yield-led development has produced an environment of bad planning and design outcomes vs that of a design-led development, meaning it is foreseeable that we will have greater negative cumulative effects if we start enabling density without consents as proposed under the Bill.

e) note that in Auckland at least 16 local boards are pursuing Urban Ngahere strategies and plans. The Ōtara-Papatoetoe local board area is one with the second lowest tree canopy cover in the city. Most canopy cover is being lost on private land and that this is likely to trend upward under the NPS-UD and the Bill.

f) express **concern that the removal of minimum carparking requirements** in Policy 11 of the NPS-UD when coupled with the MDRS will result in an **increase in vehicles parking in road corridors**. The unintended consequence of this will be congestion, and a reduction in road user safety, an increase in carparking demand in residential streets, and diminished neighbourhood appeal and amenity.

g) **express concern** that the proposed MDRS will enable widespread intensification in areas that are not the most suitable for growth due to their distance from jobs, services, and quality rapid or frequent transit. **Intensification needs to be measured, rather than permitted in an ad hoc, haphazard manner, with little or no council oversight**.

h) note **that if the Government proceeds** with implementing MDRS on Tier 1 councils, then the Ōtara-Papatoetoe Local Board agrees this **should be applied across all of Auckland** and **not singled out in suburbs such as Ōtara.**

Ōtara-Papatoetoe Local Board Feedback on the Resource Management (Enabling Housing Supply and other matters) Amendment Bill 4/7

i) note that the proposed Bill will require MDRS from August 2022 and that exemptions will apply based on qualifying matters

j) **does not agree that special character areas should be a qualifying matter**. Special character areas are largely located in central isthmus suburbs, and little in outer areas of the city. This puts the ability to intensify on areas further away from jobs, services, and quality rapid or frequent transit.

k) **express concern** that the Bill and NPS-UD **does not take a holistic view** of an area which could plan for environmental, social and economic issues. In particular, these spatial plans do not take into consideration that many of the negative impacts of the enablement of intensification will be felt hardest by those that can least afford to meet those impacts. The Unitary Plan set in motion steady growth and development in the local area. There are significant implications though on the people living in the local area who also need and equally value quality green open environments, high quality urban infrastructure to support the social and community needs. The challenge remains that our communities are living in conditions of high deprivation, low employment and income. They cannot afford to avail green areas nor are supported by easy public transport infrastructure to access such amenities.

l) Furthermore:
   i. **Provision of carparking** in a residential development will become a premium option, and developers are less likely to offer this in poorer areas where people are less able to purchase that premium option. Therefore by default, poorer areas will see intensification with no carparks, congestion and more affluent areas with developments and carparks.
   ii. The opportunities created for the rich **property investors must be regulated**, that are attracted to these types of developments, resulting in an unfair competition with local's wanting to be first-time home owners in the local area.
   iii. **Transport inequities** must be understood from the lens of our local people, who depend on vehicles for work, transporting of larger, inter-generational families. Private vehicles are currently more affordable than public transport. The reality for our communities is that the economics is too costly, and our **people are pushed further to the fringes of the city, and further away from jobs, services, and transport routes**. Alternatively, overcrowded housing will continue to worsen as families want to stay in our local board areas, but can only afford smaller sized houses in new developments.

m) requests that council urge the government to immediately **engage with our communities** to understand what the underlying implications of this Bill are for our communities. It is time that local and central agencies genuinely engage and not fail our communities who are most in need.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Papakura Local Board

That the Papakura Local Board:

a) provide the following feedback on the Resource Management Enabling Housing Supply Amendment Bill:

Timeframe

1) The board is concerned about the accelerated timeframe for this Bill. It does not provide submitters with sufficient time for consideration of the proposal and will potentially lead to unintended consequences.

Developments meeting existing requirements

2) The board believes this legislation should not negate the requirement for developments to meet current Unitary Plan controls, particularly in relation to, but not limited to, geotech and flood plain requirements.

Plan for good community outcomes

3) The board would like the legislation to reflect the principles of planning for good community outcomes as intensification increases, such as:

- Provision of greenspace within or nearby intensive developments
- A reduction in the threshold criteria for walking distance to local parks or reserves
- Public transport options must accompany intensification
- Secure places to store cycles, e-bikes, e-scooters and other multi-modal transport devices
- Secure recharging facilities for multi-modal transport options
- Renewable energy options
- Water tanks / recycling stormwater run-off
- Ensure the protection of significant trees
- Developments that allow access for emergency and utility vehicles as well as public transport options
- Provision of separated and connected shared pedestrian / cycleways
- Provision of a shared space to grow food - community gardens with associated tool sheds
- Planting of trees

Quality Urban Design

4) The board believes that the legislation should include requirements to adhere to principles of quality urban design and prevent significant adverse effects on adjacent properties, eg:

- infringements on privacy
- shading effects on neighbouring properties.

5) This needs to include the accumulative effects of ongoing intensification and development.

Growth Infrastructure Funding

6) The board believes that the most significant constraint on urban growth is lack of funding for growth infrastructure. This legislation does not address this issue, and potentially increases the demands on local government to find this funding. The board strongly believes that any new central

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Government regulation that creates additional cost for local authorities should be accompanied by increased funding from central Government.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Puketāpapa Local Board

Purpose of the Bill and Housing Intensification

That the Puketāpapa Local Board:

- supports the purpose of the Bill of improving housing supply in Tier 1 council areas by speeding up implementation of the National Policy Statement on Urban Development and enabling more medium density homes.

- supports housing intensification:
  - with quality development
  - where supported by sufficient infrastructure
  - where offsetting open space can be provided
  - that protects identified heritage buildiings
  - that protects maunga sight lines

- notes the need for housing intensification in order to meet:
  - Auckland's housing deficit and
  - Council's carbon reduction goals by slowing urban spread

- notes the PwC *Cost-Benefit Analysis of proposed Medium Density Residential Standards* report by published by the Ministry for the Environment on 27 Oct 2021 indicates a projected increase of 39,167 houses under the proposed Bill. The vast majority of this increase is projected in areas closer to the city, and PwC report that this shift will increase intensification closer to the city centre.

Planning

That the Puketāpapa Local Board:

- recommends that the Auckland Unitary Plan be reviewed in line with the objectives of the proposed Bill to identify areas where further housing intensification could be planned.

- acknowledges the work being done by Auckland Council's Plans and Places department to identify and define heritage areas, noting the importance of balancing this with the need to build homes close to infrastructure, jobs and recreation.

- Requests:
  - investigation into the use of inclusionary zoning (requiring a share of construction to be affordable by people with low to medium incomes)
  - investigation into allowing small retail in areas to be intensified, noting the desire for a 'walkable city.'
  - consultation with mana whenua regarding the effects on Māori land and Māori wellbeing outcomes.

Heritage

That the Puketāpapa Local Board:

- supports an approach that accelerates high-density urban development but also incentivises protection and restoration of heritage buildings where possible, noting that greater protection for what little built heritage remains in our rohe has been consistently identified as a priority for our communities.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

- notes there are a number of areas with a character overlay which currently prevent intensification in areas that are close to infrastructure, jobs, recreation and public transport.
- supports reclassifying these areas with identification of individual buildings and contiguous streetscapes of particular heritage value.
- notes that local board has a particular concern about natural heritage. Partnership with mana whenua is critical to ensuring that sites of historic significance to Māori are not only protected, but have their stories told and can receive Māori names and signage.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Upper Harbour Local Board

That the Upper Harbour Local Board:

a) provide the following feedback to be included as an attachment to the Auckland Council submissions on the Enabling Housing Supply Amendment Bill (Resource Management – Enabling Housing Supply and Other Matters – Amendment Bill):

   i) the local board notes that the stated purpose of the Bill is to improve housing supply in Tier 1 council areas (i.e. New Zealand's high growth cities) by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD) by at least one year and enabling more medium density homes.

   ii) the local board believes this will mean a loss of Auckland Council's ability to determining appropriate planning rules and controls which, through the Auckland Unitary plan, have been put in place to mitigate the effects of housing developments.

   iii) the local board questions the need for the level of intensification proposed in the Bill as the existing Auckland Unitary Plan ('AUP') already provides ample capacity for growth which was the result of years of planning work, consultation, and hearings.

   iv) the local board is concerned that the proposed Medium Density Residential Standards ('MDRS') will enable widespread intensification in areas that are not suitable for new growth due to their distance from jobs, services, and quality rapid and frequent public transport and the lack of infrastructure readiness.

   v) the Bill focuses solely on quantity; and remains silent on quality, and the local board believes that this is an oversight which must be rectified

   vi) the Bill will have the following potential negative effects on the communities within the region including the Upper Harbour Local Board area:

      A) potential to produce poor environmental planning and design outcomes

      B) due to the level of intensification being allowed there will be a loss of amenity in numerous areas

      C) car parking issues with the potential increase in cars per section

      D) increased traffic movements and congestion as not all areas have adequate public transport

      E) the proposed 1 metre side and rear boundary setback and increased heights allowed, will potentially reduce sunlight to homes creating damp unhealthy housing

      F) impact on neighbouring properties who will be unable to have a say due to the proposal in the Bill to allow developments (3 per section) without requiring a resource consent

b) recommend that the Planning Committee urgently requests Government to pause and engage with Auckland Council before making any further decisions in recognition of the significant impact this Bill will have on our communities and the amenity of Auckland.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Waiheke Local Board

The Waiheke Local Board is a strong advocate for an inclusive approach to resource management and for protection of the natural environment. This is reflected in its Local Board Plan 2017-2020 which has as key outcomes:

Support the design outcomes in the Waiheke Area Plan for a high-quality built environment, especially for the villages and main thoroughfare, that reflect a bespoke Waiheke design vernacular.

"Inclusive planning and place-making through fostering a regulatory environment which protects and enhances the unique character of Waiheke's people and environment.[1]

Essentially Waiheke

Adopted in 2000, and refreshed in 2016, the board recognises the document, Essentially Waiheke, as the voice of the community on matters of future planning and development. Its values and principles are considered central to the Hauraki Gulf Islands District Plan and subsequent planning documents. The vision for the Essentially Waiheke Refresh 2016 is included below:

Waiheke, a beautiful island that embraces its essential character through:

1. *Restoring, protecting and enhancing what makes Waiheke special: its character as a place and as a Community*
2. *Keeping the beauty, integrating the precious natural environment with the island's village and rural features.*
3. *Becoming a sustainable tourist destination, that attracts people for its natural environment and the symbiotic, relaxed island pace of life.*[2]

Waiheke Local Board members state that changes to resource management systems must align in terms of these values. The aspirations and concerns of the Waiheke community about the environment are very relevant to consideration of the Resource Management Enabling Housing Supply Amendment Bill (RMEHSAB) and can be accessed on page 13 of the document.[2]

Environmental and Resource Management Issues of concern for the Waiheke Local Board Area

There are a large number of environmental and resource management issues facing the islands in the Waiheke Local Board area including but not limited to:

- Residential intensification and the resulting impact on the island character and natural environment.
- Concern about the possible future imposition of reticulated sewerage systems to enable development.
- The long-term effects of the removal of vegetation, protection of mature trees and development on the terrestrial environment including the resulting erosion, pest incursion, sedimentation, loss of wetlands, stormwater and wastewater damage.
- An increasingly disenfranchised community where residents complain that they feel they have minimal influence over building and infrastructure developments on the island.
- The degradation of the marine environment.

The board has been actively working with the council planning team to produce the Draft Waiheke Area Plan. With regard to current challenges it states that:

E mahi ana mātou i te mahi mō Tāmaki Makaurau

"*Council's response in Auckland to exceptionally strong demand for housing is to increase the supply in existing and new urban areas and to provide a broad mix of housing types to meet varied needs and lifestyles. This is currently not possible on Waiheke as the boundary of the existing urban area is defined (the Rural Urban Boundary) and the lack of wastewater and stormwater infrastructure prescribes low-density detached housing on large sites." (p.28)*

The board makes the following high-level comments:

1. The board is against intensification of housing on Waiheke and has received huge amounts of community feedback to the current Local Board Plan, Draft Area Plan and Essentially Waiheke Refresh 2016 supporting this view.

2. The Local Board Plan has as its central premise Waiheke as a "natural sanctuary in the gulf" and one of the key elements is the preservation and indeed enhancement of the natural environment and rural character of the island. Critical to preserving the Waiheke character is the low-rise, low-density built form, with green-belts separating villages and the rural eastern-end separated by a durable rural-urban boundary.

3. The government's proposed new Medium Density Residential Standards (MDRS) run in direct opposition to the island character and low-density values for which the people of the island have clearly advocated.

4. The key qualifying matter is the disposal of wastewater, as there is no reticulated sewerage on Waiheke except for a small system which services the Oneroa retail precinct. The typical residential building site in one of Waiheke's villages would be unable to support a wastewater disposal field of sufficient area to accommodate three, three story buildings.

5. There has been consistent and very strong public feedback against the development of further reticulated sewerage systems on Waiheke as this is considered a potential precursor to residential intensification of the island.

6. Another qualifying matter is drinking water. The smaller roof area of medium density three story buildings would not allow sufficient collection of rainwater for potable use for up to nine homes. Potable water is drawn from Waiheke's aquifers, a resource that is finite in terms of capacity, and climate change indicates longer more frequent droughts will put more pressure on that critical resource.

7. Whilst larger rural sites would be an enabler for medium density dwellings, this type of development would run counter to the expressed views of residents, the operative Hauraki Gulf Island District Plan and to Essentially Waiheke's message of preservation of character.

8. The awareness of the value of trees in the landscape is critical. Tree protections would be reduced under the proposed bill, yet are another essential element of maintaining Waiheke's character and enhancing its biodiversity. The local board strategy embedded in statutory frameworks is to increase canopy cover and it is investing heavily in its Ngahere reafforestation strategy.

9. There has been no formal research to determine the carrying capacity of the island for residential purposes. It is not simply about buildings and wastewater systems, but also about

the capacity of the island for human habitation, its character, water supply (both artesian and rainfall), and about its environmental impact. Increased human population will inevitably negatively affect the quality of aquifers, marine and terrestrial environments, streams and rivers.

10. Health and social service agencies are of a small scale on Waiheke and distance from city services required for a larger population would become a significant issue.

11. The Auckland Unitary Plan already delivers sufficient supply of housing in the short, medium, and long term and the intensification of Waiheke would not make a material contribution to increased housing supply in the region. The board maintains it is far better to preserve Waiheke Island as a natural sanctuary in the Gulf for all to enjoy now and into the future, and to act as a positive carbon sequester for the region.

12. Currently the island is critically under-resourced for emergency accommodation, accommodation for the island's workforce (particularly for hospitality) and for the elderly. Waiheke and Great Barrier have the oldest median-aged populations in the region. Increasing the housing density is likely to make the provision of these resources even more stretched because of market desirability, and not support more affordable housing options.

13. To get a 'well-functioning urban environment' as required by the National Policy Statement on Urban Development, we need a more design-led approach to development than the proposed under the new Medium Density Residential Standards in the Bill. Consenting is a critical component for ensuring design and amenity outcomes and should be preserved for all residential development.

14. The community perceives that damaging development continues to occur despite council policies, plans and national legislation. Reform needs to result in a greater ability for communities to influence consent decisions in favour of environmental protection. This bill would work against this principle and allow developers to construct out of scale developments without the scrutiny of planning departments or public notification processes.

15. The Waiheke Local Board proposes that residential islands be excluded within the definitions of coverage of the proposed new legislation to help preserve these highly valued national assets.

Thank you for considering an island-centric view of urban development.

References:

1. Auckland Council. (2017). Waiheke Local Board Plan 2017-2020 (page 17).
2. Auckland Council. (2016). Essentially Waiheke Refresh 2016 (page 13) retrieved from https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/waiheke-local-board/Documents/essentially-waiheke-refresh.pdf
3. Draft Waiheke Area Plan (2020) www.aklc.govt.nz/Data/users1/inglism/Documents/Planning/Draft%20Waiheke%20Area%20Plan%20Final.pdf

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Waitākere Ranges Local Board

Context

The Waitakere Ranges Local Board area in west Auckland is a mix of rural and urban. The Waitakere Ranges Heritage Area Act 2008 (WRHA) established much of it as a heritage area of regional and national significance and identified its heritage features.

In our urban areas, (Glen Eden, Sunnyvale, Swanson), more intensive housing development is starting to happen around town centres and villages along the Western Line rail corridor. This is enabled by Auckland Council's current planning regime.

Several Special Housing Area developments were fast tracked in our area under the council's accord with central government, and more recently the Nola Estate development was fast tracked under the Covid 19 Fast Track legislation. The existing examples of cutting through the planning rules have not delivered exemplary results.

We support the compact city model with intensification around centres with rapid transit connections, for example along the Western Line rail corridor. We strongly support the aim of increasing Auckland's supply of affordable, quality housing. We have concern about whether the proposed change in the Housing Supply Bill will bring the desired result.

With the unitary plan and the NPS on urban development there are strong incentives already for construction and we are seeing the effect already. Glen Eden is awash in construction sites, as are other parts of Auckland. Construction takes a long time. There is a built-up head of steam that we are seeing the effects of now.

In a couple of years there may no longer be the pressure, just because we let the current housing boom play out. Continuous adjustment before seeing how the current rules play out may not be warranted.

We have some sympathy with the view of the Orakei Local Board on Auckland's special character areas, although we feel that the impacts of intensification need to be shared more equitably across the Auckland Region.

Feedback

Proposed Medium Density Residential Standards

1. Quality of housing – intensification happening in west Auckland includes a lot of low quality, badly designed houses put onto small sections. The proposed change encourages more of the same.

2. The streamlined process for housing intensification needs to be matched by mandatory standards for quality design of housing. The Auckland approach of having a design guide outside of the Unitary Plan has not worked.

3. Developing at the wrong scale – intensification on single sections leads to poor housing outcomes for design, quality, and neighbourhood amenity.

4. Allowing medium density housing in the single housing zone in outer areas of west Auckland increases the chance of housing intensification happening in areas that lack transport options and employment access. This will not deliver on the stated policy intent of creating a low carbon city.

5. In Auckland, the proposal seems to be taking aim at the extent of the single house zoning in the city fringe suburbs within 5km of central Auckland. At least that is the area examined in the Regulatory Impact Statement which then draws the conclusion that the best option is to make Medium Density Housing the default across the whole of urban Auckland.

6. A more refined approach is needed. Areas further out often have less access to jobs and transport choice.

7. Housing standards need to be fit for purpose for pandemic preparedness for both the current situation and future pandemics, eg to outdoor areas, whether there are shared facilities, communal areas.

Qualifying Matters

8. Support the inclusion of qualifying matters.

9. Ask that the Waitakere Ranges Heritage Area Act 2008 be listed as an additional qualifying matter.

10. Support the exclusion of all large lot residential zones.

Greenfield development

11. Do not support the inclusion of new greenfield land. Auckland needs strong edges to its urban boundary to stop the sprawl – the edge is the edge.

12. Auckland's food sovereignty and resilience – housing development in the wrong location is consuming elite and prime growing soils in places like Pukekohe and the north-west so is a risk to Auckland's resilience.

Infrastructure and resource

13. Support the view that the Unitary Plan already provides ample capacity for growth, and that the impediment to housing growth in Auckland is the underlying infrastructure.

14. Rapidly advancing housing supply in areas without the necessary infrastructure is a future burden to ratepayers.

15. Recommend that the Intensification Planning Instrument be required to address infrastructure constraints, including the provision and retention of green open space.

16. Consideration should be given to the circular economy in use of building materials to create durable quality houses and incentivise the re-use of building materials to reduce the volume of waste to landfill.

17. Consideration should be given to the reinstatement of tree protection as part of this process.

Community input

18. Express strong concern that this Bill overrides the role of local government in determining planning rules appropriate to their council area, which has happened in consultation with local and regional communities through the Unitary Plan, the Auckland Plan and local board spatial plans.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Waitematā Local Board

Key Points

1. The top priority of the Waitematā Local Board is to address climate change and meet Auckland Council's targets to halve total emissions by 2030 and to reach net zero by 2050. We support density done well and acknowledge the opportunity and advantages of bringing people together to live, work and play.

2. We recommend that the bill aligns with Auckland's Climate Plan[17]. Construction, stationary energy and transportation together make up a large portion of emissions. We support the creation of a quality compact form using and repurposing finite resources thoughtfully.

3. We would strongly urge halting urban sprawl and recommend not expanding the urban limit any further. We are happy to go up, but less happy about going out (unless there is good reason and new development is close to existing transport links and away from good growing land).

4. We strongly support increasing choices in *quality* housing at different price points that are suitable for different cultures and different stages of life.

5. We acknowledge that there is a housing affordability crisis and that it is unacceptable that younger people should be unable to purchase decent homes, or find decent rental homes with long-term secure tenure at a price that is affordable.

6. We note that the National Policy Statement is rooted in the Urban Growth Agenda, which states it aims to reduce emissions, improve access to employment, education and services and to enable quality built environments, while avoiding unnecessary sprawl[18]. We support these aims and so are surprised and concerned that the cost/benefit analysis on the current bill that accelerates the NPS (2021)[19] does not consider climate change, biodiversity or food security, nor how access to employment and education will be improved by enabling intensification in all areas including those far from transport links.

7. We are also concerned that the same PwC report admits that wellbeing is likely to be adversely affected by lowering built quality standards[20], though it speculates that this may be mitigated if one has strong support networks nearby. We acknowledge that more informal development can lead to vibrant areas and resourceful people but can have poor environmental outcomes, e.g., Lagos, or India. This might be mitigated through good planning rules and resourcing compliance effectively.

8. We observe that the population is not currently growing in Auckland, with the greatest fall in the densest urban area: the city centre. This suggests that unless density is designed well people with options will chose to live elsewhere even if this means greater commutes, or moving out of Auckland and other centres or abroad. Policies to encourage high earning "talent" to move to, stay in or

[17] https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/topic-based-plans-strategies/environmental-plans-strategies/aucklands-climate-plan/Pages/default.aspx
[18] https://www.hud.govt.nz/assets/Urban-Development/Urban-Growth-Agenda/62eeb57f4e/urban-growth-agenda-cabinet-paper.PDF
[19] https://www.hud.govt.nz/assets/News-and-Resources/Proactive-Releases/Cost-benefit-analysis_proposed-MDRS.pdf?fbclid=IwAR0opjMFseqIK0GI9fm-56ENdM2BgiUc-gQz-nBJ8cfTb90Yy5zV4qcQx04
[4] This view is consistent with earlier reports done by PWC: "the quality of outcomes for urban communities is strongly influenced by the design of the built environment" Darlington & Rice (2020). A methodology for strategic assessment of the wider costs and benefits of urban growth. HUD. https://www.hud.govt.nz/assets/Urban-Development/Urban-Growth-Agenda/Methodology-report-A-methodology-for-strategic-assessment-of-the-wider-cos:s-and-benefits-of-urban-growth.pdf

return to New Zealand depend to an extent on whether a city is attractive and vibrant, particularly when living costs here are higher than in comparable countries.

9. We are aware that in the future there may be fewer liveable areas in the world, and the probable loss of Pacific islands and seaboard areas suggest migration is likely, and it is prudent to plan ahead. It is essential to ensure that the homes of refugees and all New Zealanders whatever their income, race or class, are attractive, affordable and accessible, warm, dry, well-ventilated, and enjoy outlook, and sunlight for at least some hours of the day.

10. We observe that with record-breaking levels of consents perhaps there is less need for urgency than is suggested around reforming regulation, noting that more than 900,000 additional new homes are enabled already in the Auckland Unitary Plan. We would recommend government taking the time to engage with local communities on their priorities, and consider concerns, so as to ensure good outcomes and reduce fears of change.

11. We observe that we do lack sufficient quality affordable housing even as there is sufficient supply for luxury "lock'n'leaves".

12. We share Rebecca Macfie's view[21] that we cannot rely on the market to provide decent housing for people on low-median salaries, and we strongly support more state and council housing provision across Auckland including Waitemata. We acknowledge Kainga Ora's work here.

13. We would recommend councils also be encouraged and supported to provide or demand the provision (through council housing, inclusionary zones, or other means) of more secure tenure, rent-controlled housing for working people, as well as pensioners.

14. We observe that councils can raise the bar with regard to rules ensuring a well-functioning urban form and that this policy statement provides us with an opportunity for us to design a quality city for the future where it is possible to live a good low carbon life. We should take this opportunity.

15. We support density where this will mean improving cultural, social, economic and environmental wellbeing. Our feedback all generally sits around insuring these four wellbeings.

Social Wellbeing: Decent homes

16. While rules cannot ensure good design, they can stop the worst of bad design. Some recent developments in Auckland enabled by the AUP have been sub-optimal with developers maximising the building envelope, with little regard for the urban realm, spatial relationships, shading or the long-term wellbeing of residents. It has been yield driven and houses have not become particularly cheap. The proposed bill will tend to make this sort of development more common particularly in less affluent neighbourhoods where residents have fewer options. We also note that the PWC report does not claim that prices will come down but that their rise will slow down.

17. We would recommend that wellbeing for all should be at the heart of building standards. We propose that the minimum standards proposed in Schedule 3A are reconsidered with a view to ensure that all homes are good quality, healthy, accessible and safe.

[21] Macfie, Rebecca. (Sep 2021). "The Great Divide." *North & South*; Fraser, Jessamine (Nov 2021). "Housing at any Cost?" 1/200. https://www.1of200.nz/articles/housing-at-any-cost?fbclid=IwAR1vbGBP5n54fTyvQco94QtlANQd0qye_xlyD7Kfex245dcBJg7JjSCZ7kE

18. The proposed outlook standards will be insufficient to enable privacy and the private enjoyment of one's home. There will be considerable overlooking of dwellings, particularly three-storey housing overlooking other homes, gardens and living spaces.

19. The halving of outlook requirements (from 6x3m to 3x3m) for living rooms will mean there will often be insufficient natural light to use an internal space for reading etc without electric lights. This will be exacerbated by higher building heights, particularly in other rooms for which a 1m outlook space is deemed the minimum standard. We fear this will reduce the functionality and attractiveness of homes and impact on wellbeing.

20. There will be too much hard surface exacerbating flooding in storm events. We would recommend that maximum building coverage be limited to 45% of a site and maximum impervious surfaces be 50%.

21. We would recommend setting minimum landscape requirements of 40%, unless houses back onto a park or green space.

22. We would recommend encouraging permeable (green) space to be agglomerated in one area as far as possible to enable trees and playable gardens – perhaps shared with other housing as in perimeter blocks. The WLB is very supportive of allowing the removal of side setbacks where a party wall is planned 11(2).

23. We observe that there is more leeway to set design standards, outlook and green space where the building heights are greater than three storeys. We strongly recommend that in areas close to the city centre – where qualifying matters do not apply – that six-storey perimeter blocks are enabled. This would entail the removal of side setbacks, the reduction of front set backs, and the conglomeration of shared garden space in the back. We would argue that this might well be more popular than the proposed tiny private outdoor areas of ad hoc infill development.

24. Safety issues should be considered. With multiple dwellings on one site, it is essential that children and other vulnerable persons are able to access the street and outdoor play without using a driveway designed for vehicular movements.

25. Accessibility should be considered for individuals with access needs who are living in or visiting a place. Auckland has an ageing population and as new buildings no longer require parking, there needs to be sufficient dropping off areas to enable people to move around and have things delivered to them. This is also necessary for emergency services to access homes.

26. We would encourage and support developers consider good design values as provided by the Auckland Design manual and would recommend that all larger developments e.g., more than four dwellings on a site, or buildings of four storeys or more, go through an urban design panel process and that all developers have access to good design advice.

27. We recommend the bill be amended to allow three buildings of up to three storeys on a site as a restricted discretionary activity, subject to the lodging of a satisfactory urban design assessment

28. We recommend that planning rules, though they may not allow parking minimums, do include secure parking provision for micromobility and prams.

<u>Improving the Building Code</u>

29. At the levels of density proposed it might also be necessary to amend other regulations to ensure good outcomes around noise.

30. We would recommend the proposed revision of the building code clause G6 is implemented before the NPS UD goes into effect.[22]

31. We would also recommend that "dark stores" that serve as grocery distribution centres (and that can be very noisy throughout the day with banging and beeping) are classified in such a way so as to prevent them being located in residential areas unless the pick-ups and drop offs take place indoors.

32. Construction Waste. This is another issue for council: with this waste stream taking more than half of landfill space. We would recommend that where a building consent is applied for a deconstruction (or relocation) plan of any existing dwellings on site must be submitted along with a construction waste plan. This is likely to reduce waste substantially, while having little impacts on costs in the long run (due to savings by using fewer materials).

33. Recommend a changing of the code to enable building materials to be used again where they retain good functionality, for example hardwoods get better over time.

34. The risk of electrical fires for e-vehicles need be considered, especially if more wooden buildings are built close together creating fire risks that might be exacerbated with hotter, drier summers.

35. We would recommend updating the building code to incentivise the use of building materials that can be deconstructed, and reused if necessary, and that can be disposed of safely otherwise.

36. recommend the building code ensure that all livable rooms including all bedrooms have an opening window so as to ensure ventilation even through power cuts.

37. recommend active incentivisation of high-quality climate resilient builds that enable cross-ventilation, on site water capture and retention, access to green spaces within 500m of any dwelling, and future proofed energy needs that may include:

    - decentralised energy generation
    - access to electrical outlets suitable for EV charging
    - consideration to individual household or block energy storage
    - living buildings and climate change positive buildings

[22] The current building code clause G6 does not take in consideration noise from building services as in HVAC, plumbing and drainage and lifts; noise from common spaces as in plant rooms, corridors, stairs and lobbies; nor environmental noise.

The DBH Department of building and housing (now MBIE) proposed changes to the building code clause G6 performance requirements and associated compliance documents for protection from noise in October 2010 by proposing a new Building Code clause G6 and two new Acceptable solutions to replace the existing document. The proposal was intended to make new household units better insulated against noise. Under the proposals, occupants of new household units would enjoy extra protection from:

i. environmental noise in specified noise zones identified in District Plans (for example, near traffic, airports, ports and industry).
ii. noise related to building services (such as plumbing, air-conditioning equipment, and lifts), and noise from building movement (such as squeaking floors and stairs).
iii. noise from common spaces.
iv. noise from spaces that do not directly adjoin their household unit.

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Cultural Wellbeing: Well-functioning urban design at density

38. Central to the vision of the Auckland Unitary Plan is the idea of a quality compact form. We are very supportive at putting the focus on density around proximity to public transport. More density in these places should enable more walkability and the revitalisation of town centres.

39. Ad hoc growth makes it difficult to plan infrastructure including schools and community infrastructure.

40. We are nervous that the continuing relative ease in building low-rise housing in larger sections in the outlying suburbs may disincentivise quality affordable 6 storey housing closer to transport links.

41. We strongly support a design-led approach and thoughtful planning that makes moving around cities by active modes accessible and safe for all ages, and supports children's wellbeing and independent access to play spaces. We are concerned that a more laissez-faire approach will not lead to this outcome. Child-friendly cities are desirable to live in and attract mid-career talent (parents) looking to invest in the economic and community life of the city, that is good for the local economy.[23]

42. We would very much welcome Kainga ora and other community housing providers to only build in walking catchments of existing public transport. Walkable areas around public transport links are desirable for families but housing there can become too expensive unless supplied by the state.

43. We recommend a direction to central and local transport agencies to include recreational destinations in their route planning, particularly at the weekend. This would include sports and arts centres, regional parks and beaches. Three times as much driving is for recreational use than for commuting[24], and if people are to give up cars, other ways to ensure everyone and particularly children and youth can fully participate in the city should be made available.

44. We would recommend the consideration of form-based codes as a way to ensure high quality urban environments while still allowing some flexibility for developers.

45. We also support master planning that ensures a mix of private and public housing, mixed use areas with quality outdoor public and private spaces.

46. We would welcome high-density human scale (six-storey) walkable low-traffic neighbourhoods in which parks and bus stops are within five minutes' walk of all homes, shops and cafes are within ten minutes and community amenities are no further than 20-minute walk from homes. We would support master planning brownfield areas to transition to this form and planning rules to enable a transition to it. While councils can still do this, enabling lots of low-rise housing may make it harder to achieve this vision.

47. We are concerned that the increase in density in areas where there is limited public transport might lead to issues with dangerous parking across berms and pavements as well as vehicle movements across pavements and cycleways.

48. We would recommend government fund the purchasing of land and provide parking for shared vehicles decoupled from developments in mid and high-density areas. The intention would be to reduce traffic movements across footpaths and cycle lanes, and reduce the practice of parking in the streets or across berms etc. By enabling *all* residents access to cars sometimes we might

[23] Gill, Tim. (2020) *Urban Playground*. RBA.
[24] https://www.transport.govt.nz/statistics-and-insights/household-travel/sheet/key-facts

discourage private car ownership in a more equitable and not disempowering way. In time, if deemed no longer necessary, this land could become pocket parks and civic spaces.

49. Food production at home will become more challenging with density, but food sovereignty is a growing demand within our communities. We recommend that either in parks, or in addition to them, space is allocated for local food production in every suburb. This might include allotments, community gardens, gardens for health or urban farms. We would recommend enabling the urban farm model: not-for-profit enterprises that build community, follow and teach regenerative agriculture principles and are economically sustainable because the farmer is paid for through education contracts, placemaking budgets and the local sale of organic fruit and vegetables.

50. It is desired by our communities, and acknowledged in our urban ngahere strategy, to increase tree canopy to at least 20% in all suburbs.

51. We would recommend that the pre-2012 RMA provision for tree protections are restored.

52. Protection may be designed so as to enable density where desired. For example, it may be that non-scheduled trees can only be removed where there is a building consent that deems removal necessary. When trees are removed it may be required to plant young trees nearby.

53. With increasing density, we would support quiet businesses, offices, shops, cafes and social enterprises to establish themselves anywhere in the city.

54. We support provisions 77P & Q that enable councils to collect financial contributions for permitted activities and suggest that it is mandated that a reasonable proportion of these contributions must be spent in the suburb collected and that for the local portion contributions in kind may be considered, for example, the provision of a pocket park or community centre. This may help ensure that the challenges of growth are met where the growth actually happens.

Qualifying matters

55. The Waitemata Local Board supports the view that qualifying matters (as specified in the bill) may justify restricting some development due to inadequate infrastructure, risk of natural hazards, to ensure sufficient light into public spaces, to protect the environment, and also to enable good urban design outcomes.

56. We also support the protection of heritage, noting that not all old housing is of heritage value. We observe that heritage sites and areas would include sites of importance to mana whenua and many migrating groups, some from Europe but also the Pacific and other parts of the world. Keeping clusters of high- quality heritage housing would be to follow good practice in many cities around the world including Europe and China. While many old buildings may not be worth preserving, there will be some that should be, and protecting heritage clusters make the heritage values more legible. Heritage gives a city character and remind people of their history. Many of our constituents would like to see broader protections and we respect their view while also wishing to balance this with the need for more housing choice. With the considerable increase in housing already enabled by the AUP, and increased further with this policy statement, it seems to us that a good balance might be struck.

57. With regard viewshafts to the Maunga of Auckland these contribute to making Auckland unique. The Maunga are sites of significance to Māori. We would recommend consultation with mana whenua and all maori to ascertain their views on removing the right to a visual connection with them.

[Board] 64

E mahi ana mātou i te mahi mō Tāmaki Makaurau

Climate Change and Environmental Wellbeing

1. We are concerned that soils and food security have not been fully considered. We recommend ensuring there is sufficient space for horticulture to expand to feed the growing population with fresh fruit and vegetables at an affordable price bearing in mind that fresh food costs are already high in NZ.[25] We recommend government and councils food security policies should err on the side of caution as climate change is likely to increase challenges to farmers in producing good harvests.

2. Loss of much private green space will inevitably be the consequence of these reforms, and the loss of many thousands of mature trees. This is at odds with the community desire for more greening of the city and council's own targets for urban tree canopy. We would recommend consideration on how to incentivise and fund more green space and street trees in the city to support mental and physical wellbeing of residents, mitigating the heat island effect, providing shade and beauty for residents as much as to mitigate climate change.

3. We would support standards on the provision and maintenance of public parks, gardens and community gardens that increases the amount of green space in each suburb in correlation with population growth as in Singapore. This may include green roofs, and green walls.

4. Cities can be havens of biodiversity and we want our cities to be full of flora, fauna and birdsong. It would be desirable to have as much green space as London (47%[26] - and have this space across the city not just on the edge).

5. Councils are encouraged to plan for growth in populations, but it may also be prudent to plan for degrowth, and stabilising of populations. As every person travels, requires a home, clothing, and consumes food, energy and goods, allowing for the possibility for numbers to decrease may be prudent and improve quality of life. This will necessitate a shift in mindset with regards economic and spatial planning.

6. Ad hoc growth away from public transport may lead to more congestion, and a growth in transport emissions. We would recommend strongly disincentivising fossil fuel consumption through rationing or penalties to encourage those choosing to live large distances from their place of work to instead work from home, use public transport, share their car or shift to a less polluting mode.

7. Land use and poor construction practices is one of the greatest threats to our harbours including the Hauraki Gulf. We would strongly recommend enabling councils to issue fines where there is a breach in compliance so as to incentivise best practices, reduce negligence and effectively mitigate potential damage.

Economic Wellbeing: Addressing The Need for Affordable Housing

8. The Waitemata Local Board is concerned that enabling more market housing does not necessarily equate to sufficient quality affordable housing that is suitable for a variety of needs.

9. Furthermore, increasing the development potential of sites is likely to cause land values to increase, and subsequently rates, forcing people out and into more modest, or more outlying

[25] https://www.hortnz.co.nz/assets/Environment/National-Env-Policy/JR-Reference-Documents-/KPMG-2017-NZ-domestic-vegeable-production-.pdf
[26] https://www.gigl.org.uk/keyfigures/

accommodation. Unless there are good design standards for new builds there is a risk that decent housing will become a privilege when a generation ago it would have been a right.

10. We recommend using various other economic tools to ensure sufficient quality affordable housing that is suitable for families close to transport hubs. These would include:
    - inclusionary zoning
    - building significantly more state housing, community housing and council housing – with secure tenure
    - more financing and planning tools to enable co-housing and papakainga housing
    - rent controls
    - removing incentives for property speculation
    - equal financial support for housing provided by councils as is provided to community organisations such as access to income related rent subsidies
    - allowing property prices to fall
    - nationalising rental housing currently held by corporate interests
    - supporting housing associations that enable shared ownership, with greater ownership available for purchase over time (rent to buy).
    - Supporting build to rent housing at mid and high-density

Whau Local Board

Context

1. The local board welcomes the opportunity to provide views on the Resource Management (Enabling Housing Supply) Amendment Bill and will provide its feedback within the context of the overall changes associated with implementation of the National Policy Statement on Urban Development (NPSUD).

2. The local board strongly supports an accelerated transition to a compact, high quality urban form noting that this has generally not been achieved under the Resource Management Act 1991 (RMA).

3. The local board supports the development of a more aggressive approach to reducing carbon emissions to meet our commitment under Tāruke-ā-Tāwhiri: Auckland's climate change strategy and hopes that the NPSUD will support the necessary shifts towards emissions reduction.

4. The local board acknowledges the progress made by Auckland Council under the current Auckland Unitary Plan (AUP) but agrees that the current provisions are no longer fit for purpose and need to be amended to reflect the growing urgency of both the housing crisis and the climate crisis.

5. The local board notes concern expressed by members of the Governing Body and other local boards around lack of engagement with Auckland Council by central government. The local board shares these concerns and would support efforts to extend the timeframe of this legislation to enable such engagement.

Related feedback on provisions of the NPSUD relevant to this legislation

6. The local board supports in principle the changes proposed under the NPSUD but with some reservations as follows:

    a. the proposed changes associated with the NPSUD focus heavily on increasing housing density and place insufficient emphasis on quality of design, the need for development of essential infrastructure to support housing growth, and access to transport, essential services and recreational open space
    b. the proposed changes associated with the NPSUD place little emphasis on mitigating the effects of climate change and reducing carbon emissions
    c. there is a lack of incentives in the NPSUD for both developers and local government agencies to shift away from the currently favoured sprawling, low-density greenfields development on Auckland's rural fringe towards high-density brownfields development in urban areas with an emphasis on well-planned housing with high-quality design values.

7. The local board supports in principle Auckland Council's proposed approach to implementing the NPSUD as it currently stands, with some reservations as follows:

a. concern about lack of emphasis on urban ngahere (canopy) cover and supports policies to ensure that rapid urban development is accompanied by protections for existing trees and planting of new trees, including in the road corridor
b. support for the proposed increased density within walkable catchments of key transport hubs, but is concerned to ensure that this is accompanied by requirements for access to recreational open space, transport and other essential services
c. concern that Auckland Council and its CCOs are currently implementing a wide range of policies and strategies that:

    i. assume greenfields development as the default norm for future urban development, which is inappropriate
    ii. make inadequate provision for essential infrastructure and recreational open spaced based on out-of-date population data and growth projections
    iii. adopt a reactive (rather than proactive) model for determining the need for transport services and infrastructure (including public transport, safety interventions, and walking and cycling connections)

8. The local board would like to see Council, CCOs and government agencies such as Kainga Ora take a more proactive and joined-up and transparent approach to infrastructure planning to keep pace with growth and ensure that gaps in network provision are identified before they become a problem. This might include, for example, identifying the need for safe walking and cycling connections near major new housing developments early, rather than waiting for deaths and serious injuries to provide evidence of a problem.

Feedback on the Resource Management (Enabling Housing Supply) Amendment Bill

11) The local board has a number of reservations about the Resource Management (Enabling Housing Supply) Amendment Bill, and is particularly concerned that rapidly advancing housing supply without any requirements to fast-track the infrastructure required to support this intensification will lead to low-quality development that has negative environmental impacts.

12) The local board would be willing to support this legislation in principle subject to the following considerations:

a. The local board's concerns noted in clause (5) above, around climate change considerations, environmental impacts, and incentivising of high-quality brownfields (over greenfields) development, being more directly addressed
b. The introduction of specific requirements around quality and design of housing, noting that Aotearoa / New Zealand has an unfortunate history of ad hoc, low-quality infill leading to poor social, aesthetic, and environmental outcomes
c. Consideration of mitigations in respect of water-sensitive infrastructure (rain gardens, rainwater detention tanks) to offset the likely increase in impervious concrete surfaces in urban areas
d. Consideration of stronger requirements for local government entities around provision of both essential and recreational infrastructure to ensure that this is planned for proactively and in a strategic way rather than having infrastructure developed by multiple agencies in a piecemeal or reactive way

68 Footer

e. Consideration of specifically requiring the provision and retention of green open space ensuring access to passive and active outdoor recreation, opportunities for community gardening and food resilience initiatives, and tree cover
f. Consideration of tree cover (through protection of existing trees and requirements for tree planting) in the road corridor specifically
g. Consideration of the reinstatement of much wider tree protection (including potentially a return to blanket or de facto tree protection as per pre-2012 rules) as part of this process, noting local government's relative inability to protect its significant trees and canopy cover under the RMA as it stands
h. Consideration of the circular economy in use of building materials, including incentivisation of deconstruction and reuse of building materials on existing developed sites to reduce the volume of waste to landfill
i. Consideration of minimum standards for waste minimisation in the context of apartment living, including availability of composting facilities or food scraps collection
j. Consideration of accessibility in housing development, not only for disabled people but in recognition of our aging population and the needs of families with young children
k. This legislation being a "stop-gap measure" providing an interim solution until the Natural and Built Environments legislation can be developed, noting that further amending the current Resource Management Act (RMA) is not in itself a solution to the housing crisis, or the climate crisis
l. Assurance that the legislation will have a positive impact on Māori communities, diverse communities and deprived communities, resulting increased supply of high-quality, well-designed, affordable housing that is culturally appropriate, located in areas where people want to live, and provides genuine housing choice

13) The local board generally supports the qualifying matters agreed by Auckland Council's Planning Committee on 1 July 2021, but would support:

a. an enhanced emphasis on environmental protection, historic heritage, the enablement of tree protection and
b. a guarantee that current green open space (for example pocket parks) is not lost to development and that urban development provides an opportunity to maximise and/or increase green open space in Auckland

14) The local board supports the Waitākere Ranges Heritage area being retained as a qualifying matter.

15) The local board supports strong involvement of mana whenua in this process and is concerned that the rapid timeline may not be conducive to high-quality mana whenua engagement.

16) The local board looks forward to involvement in the development of the Natural and Built Environments legislation as this has potential for a more proactive, aspirational and values-based approach to resource management.

Item 10

Attachment A

Appendix 2 - Draft alternative MDRS

Auckland Council proposes replacement and additional standards to the building standards at Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Bill

Auckland Council is very concerned the building standards at Schedule 3A will produce poor built outcomes for individual sites, neighbouring sites and for neighbourhoods. The council proposes replacement standards and an additional standard to those proposed at Schedule 3A, as set out below. These standards would produce better buildings and better urban outcomes. The council would be happy to assist the Environment Select Committee with the development of building length and building separation standards for inclusion in Schedule 3A for the reasons set out in **Appendix 4**.

The recommended replacement and additional standards take into account the Bill's stated intention of enabling housing supply but also take into account the resulting building form. Standards from the council's three-storey medium density residential zone (Mixed Housing Urban zone) were one input. Schedule 3A's building standards were another. Modelling of the replacement and additional standards demonstrate both the desired intensification outcome and a higher-quality built form.

Notes:

1. Medium Density Residential Standards (MDRS) and their recommended replacements appear at rows 1-11.
2. The additional standard is set out beneath.
3. AUP: Auckland Unitary Plan
4. MHU: Mixed Housing Urban standards in the AUP. MDRS have some similarities to MHU.

Auckland Council replacement and additional Medium Density Residential Standards

Sch. 3A Clause numbers	Standard	Schedule 3A Medium Density Residential Standards	Auckland Council recommended replacement and additional standards for MDRS	Explanation and supporting standard requirements
Clause 9	Height	11m*	11m*	- Accept MDRS
Clause 10	Height in relation to boundary (HIRB)	6m+ 60 degrees	Apply AUP '**Alternative HIRB**' Refer to Figure H5.6.6.1 below	- Replace MDRS - MDRS does not adequately manage effects within site. - Apply current AUP MHU residential standard 'Alternative Height in Relation to Boundary'. Enables 3 storeys but more effectively contains effects within the site - less shading, privacy and dominance effects within site and adjoining sites. Refer to diagram and standard below.
Clause 11	Front yard with tree space	2.5m	4m	- Replace MDRS – too narrow to plant trees to support climate change objectives. - Apply 4m front yard setback to provide adequate space to accommodate a tree capable of growing up to at least 6m height (required by additional proposed landscaping standard). Front yard to exclude car parking spaces and service areas. With the adjoining street space, this location has space for trees of scale to support climate change objectives (carbon mitigation, heat island effects). Also contributes to street quality – shade, amenity (private/public), ecology corridors.
	Side yard	1m	1m	- Accept MDRS
	Rear yard	1m (excluded corner sites)	1m	- Accept MDRS
Clause 12	Building Coverage	50% of the net site area	45% net site area	- Replace MDRS - creates overly bulky buildings with insufficient site space for outdoor living, landscaping, daylight and sunlight, and managing effects within site. - Apply current AUP MHU residential standard of 45% of net site area to provide space for landscaping, limit impervious surfaces to prevent flooding and support climate change objectives; increase space for well-functioning, larger outdoor living areas and primary living outlook spaces with greater privacy.
Clause 13	Maximum Impervious surfaces	60% of the site area	60% site area	- Accept MDRS
Clause 14	Outdoor living space	15m^2, 3m min dimension at ground level, no orientation	20m^2 (4m x 5m) with a 4m minimum dimension, accessed directly from primary living area with minimum 2 hours sunlight at mid-winter solstice	- Reject MDRS – too small to be well functioning. - Apply current AUP MHU residential standard of 20m2 outdoor living space standard to support well-functioning primary living spaces. Adequate ground level outdoor living areas need space for children's play areas, passive recreation, trees, landscaping, etc. These spaces need to be adequate to accommodate rainwater tanks, hot water cylinders, compost bin, heat pump units, gas bottles, rubbish bins (refuse and recycling), sheds for cycle storage and clotheslines. These additional items can consume between 5-10m2 of outdoor living space.

Auckland Council replacement and additional Medium Density Residential Standards				
Sch. 3A Clause numbers	**Standard**	**Schedule 3A Medium Density Residential Standards**	**Auckland Council recommended replacement and additional standards for MDRS**	**Explanation and supporting standard requirements**
				A 4m minimum dimension for outdoor living space, and outlook space will have a strong influence on the minimum width of terraces and apartments to be 4m wide. - Require direct access to outdoor living space from primary living areas to support well-functioning housing. - Require 2 hours of sunlight at the winter solstice. This is to support mental and physical health; and enable the space to be used for recreation and other uses such as drying washing outside year-round (energy efficiency). The proximity of internal living areas to sunlit outdoor living spaces can also support passive heating into dwellings (energy efficiency).
Clause 14 (cont)		8m^2 balcony, min 1.8m dimension, no orientation	8m^2 balcony 1.8m dimension, accessed directly from primary living area with minimum 2 hours sunlight at mid-winter solstice	- Accept MDRS 8m2 balcony, min 1.8m dimension. - Require 2 hours of sunlight at the winter solstice. This is to support mental and physical health; and enable the space to be used for recreation and other uses such as drying washing outside year-round (energy efficiency). The proximity of internal living areas to sunlit outdoor living spaces can also support passive heating into housing.
Clause 15	Outlook space	3m x 3m principal living room	5m x 4m outlook space from principal living area with a minimum dimension of 4m Measured from the facade of largest window or balcony edge – whichever point is closer to the boundary or opposing building.	- Replace MDRS – this is too small to be well-functioning in terms of functionality, daylight access and privacy. - Require a 5m x 4m outlook space aligns with the 5m x 4m (20m^2) ground floor outdoor living space also proposed. Outlook for outlook space provisions to support well-functioning living spaces – personal safety benefits for residents' privacy, mental health benefits from amenity, daylight and natural ventilation (also reduces energy use - climate change benefits) - Include specification for outlook standard to be measured from the edge of a balcony where there are facing outlooks from buildings – this ensures there is sufficient separation for privacy.
		1m x 1m any other habitable room	1m x 1m habitable rooms - measured from the facade of largest window or balcony edge – whichever is closer to the boundary or facing building	- Accept MDRS 1m x 1m habitable room with refinements. - Include specification for outlook standard to be measured from the edge of a balcony where there are opposing outlooks from buildings – this ensures there is sufficient separation for privacy and to support personal safety.
New standard				
Auckland Council proposed standard	Land-scaped area	No standard in Schedule 3A	Landscaped area standard (1) The minimum landscaped area must be at least 35 per cent of the net site area. (2) At least 50 per cent of the area of the front yard must comprise landscaped area. (3) Require at least one tree capable of growing to at least 6m to be planted in deep soil in the front yard.	- Apply the current AUP MHU landscaped area standard of 35% net site area; and at least 50% of the area of the front yard comprising landscaped area. This is to support tree planting and vegetation to support a well-functioning environment. This includes climate change objectives and site and street amenity. - The 35% site area aligns with the unspecified MDRS site space. - Requirement to plant at least one tree in the front yard capable of growing to at least 6m (height is to avoid powerlines (power pole = 7m)) with deep soil. The front yard location enables tree growth into the road reserve space. This is to support climate change objectives, reduces buildings' absorption of heat at their frontage, ecology and contribute to site and street amenity. - Refer to standard below.

Extract one from AUP MHU standards

As noted in the table, the following standard replaces clause 10 Schedule 3A MDRS Height in Relation to Boundary. To assist the committee the council has included this standard and associated diagrams in full from the AUP Mixed Housing Urban standards.

H5.6.6. Alternative height in relation to boundary

79 Footer

Purpose: to enable the efficient use of the site by providing design flexibility at upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours.

(1) This standard is an alternative to the permitted Standard H5.6.5 Height in relation to boundary and applies to development that is within 20m of the site frontage.
(2) Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees) as shown in Figure H5.6.6.1 Alternative height in relation to boundary below.
(3) Standard H5.6.6(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
    (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
    (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone
        (i) that are greater than 2000m²;
        (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
        (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.
(4) Standard H5.6.6(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed
(5) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
(6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
    a) no greater than 1.5m2 in area and no greater than 1m in height; and
    b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H5.6.6.2 Exceptions for gable ends, dormers and roof projections and dormers below.
(7) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
(8) The alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site

Figure H5.6.6.1 Alternative height in relation to boundary

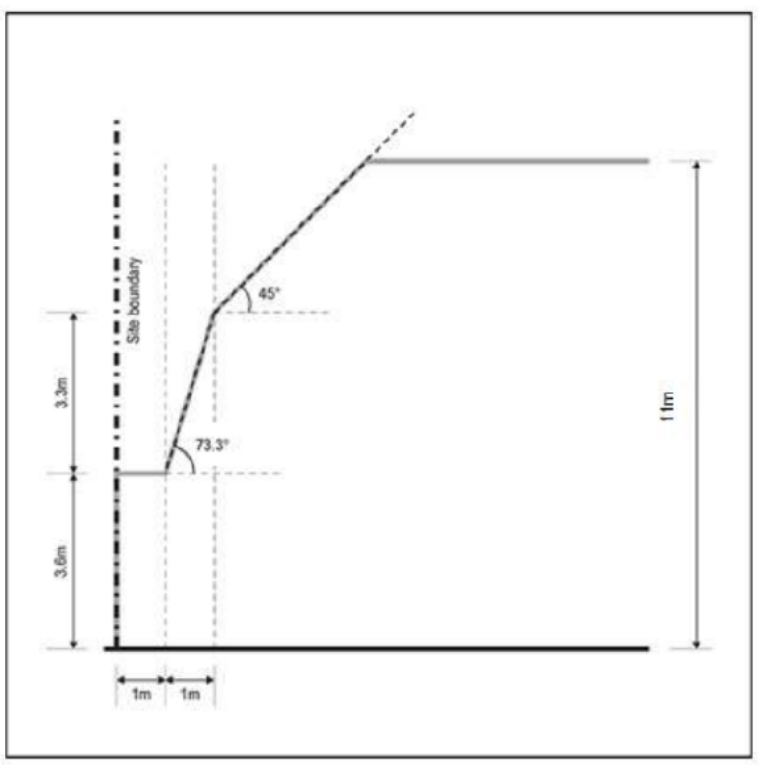
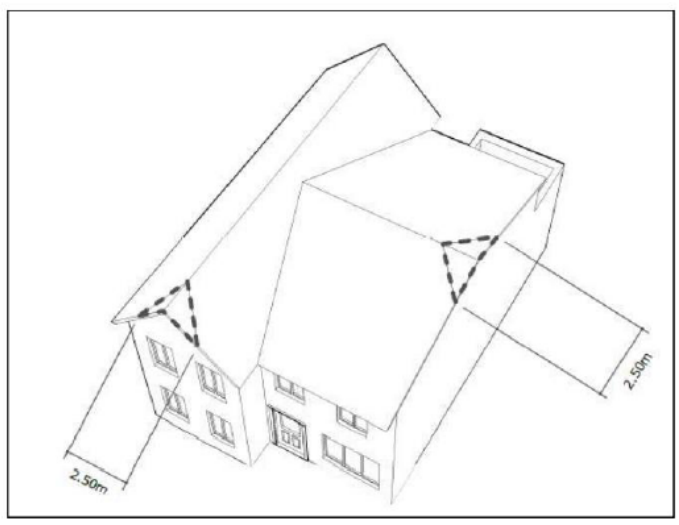


Figure H5.6.6.2 Exceptions for gable ends, dormers and roof projections and dormers



Extract two from AUP MHU standards

As noted in the table, the following landscape area standard is an additional standard recommended for inclusion within Schedule 3A MDRS. To assist the committee, the council has included for context the standard from the AUP Mixed Housing Urban standards with an expanded purpose and additional subclause (3) to support climate change objectives.

H5.6.11. Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space;
- to create a landscaped urban streetscape character within the zone.
- to provide shade, reduce buildings' absorption of heat and cumulatively address climate change by planting trees within sites.

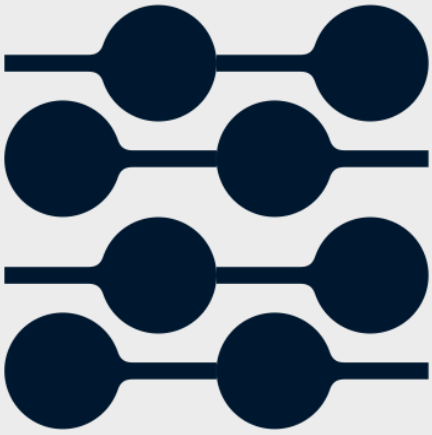
Standard

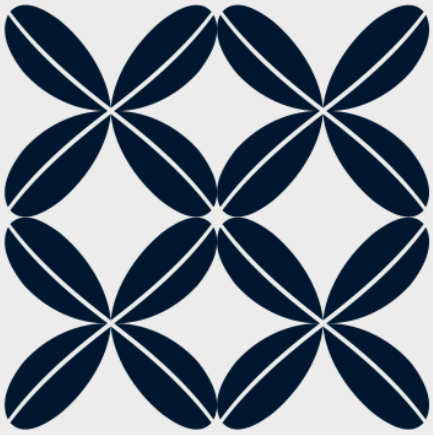
(1) The minimum landscaped area must be at least 35 per cent of the net site area.

(2) At least 50 per cent of the area of the front yard must comprise landscaped area.

(3) Require at least one tree capable of growing to at least 6m to be planted in deep soil in the front yard.

74 Footer





Appendix three – Modelling of Built Form Impacts of proposed Medium Density Residential Standards (MDRS)

Item 10

Attachment A

Refer separate attachment

76 Footer

APPENDIX 4 – Minimum building separation and maximum building length

Maximum Building Length and Minimum Separation Distance additional standards

Auckland Council recommends an additional standard be developed and included in Schedule 3A MDRS to encourage street facing terraces.

A Minimum Building Separation Standard, in conjunction with the Maximum Building Length Standard, can address issues likely to emerge when MDRS-compliant buildings are constructed, based on the bulky/dominant development observed in the Auckland Unitary Plan Section 35 monitoring.

The monitoring showed that excessive continuous building lengths are negatively impacting the quality of the built environment. They create large-scale wall-like buildings with dominance and overshadowing effect and generally do not align with principles of human-scale development. Large, bulky developments will also necessitate extensive earthworks rather than sympathetic developments which reflect the inherent qualities of underlying site conditions.

Long building lengths perpendicular to the street frontage (resulting from long narrow sites found in Auckland's historic subdivision patterns) create adverse effects on adjoining sites from bulk as well as primary orientation (through outlook and some outdoor living space). These include loss of privacy, dominance, shading effects[27], and changes in neighbourhood character. Site conditions and building bulk can exacerbate these effects. Perpendicular orientation also results in developments which do not support the principle of a public front/private back.

Additionally, the monitoring report recommends progressing the use of maximum building length and minimum building separation to avoid bulky perpendicular (to the street) developments. This encourages positive arrangements with primary outlook oriented front and rear rather than over adjacent sites.

[27] the monitoring found that the use of equinox rather than winter solstice reduced the functionality of adjoining sites -– especially during winter when sun access is valued most for passive heating, health and wellbeing.

77

This example demonstrates how bulky form perpendicular to the street dominates adjoining sites and causes loss of privacy by overlooking. The building mass on the development site appears to be one building but is actually two buildings that present as one to the side boundary. Occupants of the building are presently enjoying views over a "borrowed park" which is the private outdoor space of the single level house. When this neighbouring site is redeveloped the outlook will be lost, replaced by a similarly scaled building. Orienting buildings to the street, and breaking up the mass, produces a much better building product that is also better for the public realm. These problems are avoided with a Maximum Building Length Standard and a Minimum Building Separation Standards.

Benefits include ensuring quality outlook, sense of privacy and access to daylight[28], and onsite amenity necessary for a well-functioning urban environment.

Finally, the Auckland Unitary Plan monitoring also showed that just half of developments analysed had building lengths of 20m or less, and only half of developments which exceeded 20m had lengths greater than 30m. This suggests that the introduction of such a standard is unlikely to significantly affect responses from the development sector while ensuring a well-functioning urban environment from a quality perspective.

[28] On the importance of staying warm and healthy in winter, the Ministry of Social Development recommends the following: *https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/brochures/keeping-warm-healthy.html*

The Ministry of Health notes the costs associated with cold an damp housing as part of the Healthy Homes initiative https://www.health.govt.nz/our-work/preventative-health-wellness/healthy-homes-initiative

78 Footer

IN THE MATTER of the Resource Managaement (Enabling Housing Supply and Other Matters) Amendment Bill

AND

IN THE MATTER of submissions on the Bill to the Environment Select Committee

---

RESPONSE TO A REQUEST BY THE ENVIRONMENT SELECT COMMITTEE FOR FURTHER INFORMATION RELATING TO "QUALIFYING MATTERS" AND OPTIONS TO ADDRESS AUCKLAND COUNCIL'S CONCERNS

DATED 23 NOVEMBER 2021

1.0 SUMMARY

1.1 Auckland Council considers that the qualifying matters set out in the Bill and the National Policy Statement on Urban Development (NPS UD) do not address its concerns about the dispersed urban form enabled by the Bill. The two major barriers are:

a) qualifying matters are not an effective mechanism to focus medium density housing in locations with good public transport, walking or cycling access to jobs, goods and services; and

b) properly reviewing the Auckland Unitary Plan to identify qualifying matters (as required by the Bill as drafted) would be a highly inefficient way to achieve the outcomes the Bill seeks (e.g. recognising matters of national importance such protecting significant ecological areas and avoiding significant risks from natural hazards), especially given the seven months available between the proposed date for the Bill receiving Royal Assent and August 2022.

1.2 The council remains strongly of the view that the proposed Medium Density Residential Standards (MDRS) should be re-cast as an optional tool for Tier 1 and other councils to give effect to the NPS UD. However, should the committee support some form of mandatory application of MDRS, this memorandum sets out three Auckland-specific options that will be more effective and efficient in achieving the outcomes the Bill seeks. The options are:

- Option 1 - Apply the MDRS to Auckland's Mixed Housing Urban zone
- Option 2 - Apply the MDRS within a specified distance of Auckland's city centre
- Option 3 – Exclude specific locations from the MDRS.

1.3 These options can meet the intent of the Bill, while recognising the scale and complexity of the Auckland region, the capacity for housing already enabled, and the time and effort invested by Auckland Council, the Government, iwi authorities, hundreds of key stakeholders and many thousands of Aucklanders in developing the Auckland Unitary Plan.

1.4 Amendments would also be required to the qualifying matters to:

a) Amend qualifying matter 3.32(1)(c) and add cross-reference to Bill to state: "any matter required for the purpose of ensuring the safe or efficient or effective operation of nationally and regionally significant infrastructure" for the reasons discussed in the council's submission.
b) Add a new qualifying matter exempt from site-specific analysis: "Areas with significant long-term infrastructure constraints" for the reasons discussed in the council's submission.
c) Add a new qualifying matter exempt from site-specific analysis: "Areas subject to health and safety risks associated with heavy industrial activities and hazardous facilities". This significant matter is not specifically listed in the Bill or the NPS UD and should not require a site-specific analysis.

2.0 INTRODUCTION

2.1 A question was asked during Auckland Council's presentation to the Environment Select Committee about the use of qualifying matters. The committee was interested in whether qualifying matters could address the council's concerns about the spatial application of the proposed MDRS. This response is provided to help the committee understand why the council considers qualifying matters as currently drafted are unable to address its concerns.

2.2 In responding to this question, three options are set out for the committee to consider, together with important amendments to the qualifying matters listed in the Bill and the NPS UD.

3.0 WHAT ARE "QUALIFYING MATTERS"?

3.1 Policy 3.32(1) of the NPS UD defines a qualifying matter as any of the following:

a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Resource Management Act
b) a matter required in order to give effect to any other National Policy Statement
c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
d) open space provided for public use, but only in relation to the land that is open space

e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order[1]

f) a matter necessary to implement, or ensure consistency with, iwi participation legislation

g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement

h) any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.[2]

3.2 The NPS UD provides for exceptions to enabling full intensification in the identified and specific locations required by Policy 3, where accompanied by additional analysis. The Bill proposes the same use of the targeted tool of qualifying matters to the proposed intensification enabled by MDRS across all relevant residential zones.

3.3 Recognising the importance of the qualifying matters listed at (a) to (g), Tier 1 councils are not required to provide a site-specific analysis where its Policy 3 intensification or MDRS response accommodates any of these qualifying matters in its district plan. Auckland Council supports this approach. This is not the case for qualifying matter (h).

4.0 WHY DOES THE COUNCIL NOT BELIEVE "QUALIFYING MATTERS" ARE ABLE TO ADDRESS ITS CONCERNS ABOUT THE SPATIAL APPLICATION OF THE MDRS?

4.1 As the committee has heard, one of the council's three fundamental concerns with the Bill is the proposed widespread spatial application of the MDRS.[3] Given Auckland's strong support for the quality compact city model embodied in the Auckland Unitary Plan, which concentrates medium and high density housing in areas with good public transport, walking or cycling access to jobs, goods and services (i.e. near centres and frequent or rapid public transport), the council strongly recommends that the proposed

[1] Section 77G(e) of the Bill amends this qualifying matter in applying MDRS to relevant residential zones although the reason for this amendment is not stated: "the need to give effect to a designation or heritage order …"

[2] The Bill includes two amended qualifying matters, for MDRS at section 77G(h) and for urban non-residential areas at section 77L(h). No explanation is available for the exclusion of amended Policy 3(d) from the latter which applies only to Policy 3(a), (b), or (c) as the case requires.

[3] The council's other two fundamental concerns are the poor quality of design enabled by the proposed MDRS and the decision-making role of the Minister for the Environment under the proposed Intensification Streamlined Planning Process.

MDRS is an optional tool for Tier 1 and other councils to give effect to the intensification policies that already exist in the NPS UD.

4.2 In the event this is not accepted, the council recommends that the MDRS applies where the council has already applied its three-storey medium density residential zone, the Mixed Housing Urban zone. This zone applies to roughly 20 percent of the urban area in Auckland, and as the council notes in its submission, the spatial extent of this zone and its high-density Terrace Housing and Apartment Buildings zone will increase considerably in response to the existing requirements of the NPS UD.

4.3 If the council's recommendations are not accepted, it will have no option other than to rely on qualifying matters to address some of its concerns. Two significant issues arise with this approach.

ISSUE 1 - QUALIFYING MATTERS ARE NOT AN EFFECTIVE MECHANISM TO FOCUS MDRS IN LOCATIONS WITH GOOD PUBLIC TRANSPORT, WALKING OR CYCLING ACCESS TO JOBS, GOODS AND SERVICES

4.4 Qualifying matters are clearly intended to apply in places where there are factors that would make MDRS inappropriate. In theory, Auckland Council and the other Tier 1 councils could deem poor public transport, walking and cycling access to jobs, goods and services as a factor. One way to achieve this would be to specify a distance from local and town centres, and/or stops on a frequent public transport route, beyond which the MDRS does not apply.

4.5 An approach of this nature is likely to come under strong challenge though, as the policy underpinning qualifying matters is arguably about identifying targeted exceptions where intensification is inappropriate, rather than city-wide strategic planning considerations about the right places for intensification. It would also require the council to carry out a site-by-site analysis for every property excluded from the MDRS, a strange analysis to have to undertake to justify an exemption based on proximity to local and town centres, and/or stops on a frequent transport route.

4.6 In the council's view, if the MDRS does continue to be mandatory in some form, it is far better to focus the MDRS in the right place from the outset, than leave it to Tier 1 councils to attempt to achieve this by way of relying on qualifying matters.

ISSUE 2 – EXTENSIVE ANALYSIS AND EVIDENCE REQUIRED THAT CANNOT BE COMPLETED IN TIME

4.7 As the committee has heard, developing the Auckland Unitary Plan (AUP) was and remains New Zealand's most challenging and complex planning exercise. Over an intensive period of about five years, it cost the council well over $50M. The cost to the many Aucklanders and key stakeholders who helped develop the AUP by attending workshops, stakeholder forums, providing feedback, making submissions and preparing expert evidence would have easily exceeded an additional $50M.

4.8 Auckland's 19 iwi authorities were extensively involved from the beginning to the end. Over 23,000 pieces of written feedback were received on the draft AUP in early 2013. Over 9,500 formal submissions were made on the notified AUP in late 2013.

4.9 The AUP Independent Hearings Panel was chaired by Judge Kirkpatrick from the Environment Court supported by a range of experts in planning, economics, engineering and law. Providing for Auckland's growth over the next 30 years was one of their overriding concerns. 50 or more separate hearings were held over two years from 2014 to 2016.

4.10 As discussed in the council's submission, Auckland is now starting to see the benefits of the AUP as a result of the plan-enabled capacity for over 900,000 homes to be built in the residential zones alone (i.e. excluding the city centre, Auckland's 10 large metropolitan centres, town centres, local centres and other mixed use areas where considerably more capacity for housing is available).

4.11 **Attachment 1** is the zoning map for urban Auckland that resulted from this enormous undertaking. The reason for attaching this map is to provide the committee with an indication of the nuanced approach that evolved as a result of the extensive community input and technical analysis undertaken from initial concept in 2011 through to becoming largely operative in November 2016.

4.12 In looking at this map, and as previously stated, it is important to note that the council's work to date on the NPS UD indicates that considerably more areas of Terraced Housing and Apartments Buildings zoning and Mixed Housing Urban zoning will be introduced through the required intensification plan change in August 2022.

4.13 Subject to any qualifying matters, the Bill in its current form would apply the MDRS across all of the land zoned Single House or Mixed Housing Suburban, as these zones are not as enabling as the proposed MDRS.[4]

4.14 As explained in general terms to the committee and in more detail in the council's submission, there are several important reasons why the council has applied the Single House zone and Mixed Housing Suburban zones in parts of the city. They include:

- achieving a quality compact urban form with medium and high-density housing focused in areas with good public transport, walking or cycling access to jobs, goods and services
- addressing matters of national significance such as those identified as those listed as qualifying matters in the NPS UD and the Bill
- recognising the many places that have been subject to detailed planning processes (including Environment Court hearings and decisions) in recent years
- addressing matters of regional and local importance such as avoiding intensification in areas close to human health hazards (e.g. heavy industry and hazardous facilities).

4.15 Under the NPS UD, the council is already required to re-evaluate these factors:

- within the walkable catchments of the city centre, Auckland's 10 large metropolitan centres, and stops on Auckland's Rapid Transit Network; and
- other areas with good public transport access to jobs, goods and services or areas with high relative demand for housing.

4.16 While this is a major undertaking, particularly in light of the high evidential thresholds for qualifying matters, these areas are relatively confined. Carrying out a similar review across the entire urban area of a city the size and complexity of Auckland/Tāmaki Makaurau is an undertaking of a completely different magnitude and one that cannot be overstated. Put simply, it would be a monumental task to achieve in an unrealistic timeframe of roughly seven months between the proposed date for the Bill receiving Royal Assent and August 2022.[5]

4.17 While perhaps a technical matter, it is also important to draw the committee's attention to the fact that undertaking this type of review would not be limited to a consideration

[4] The Mixed Housing Suburban zone is a very flexible zone that does enable a considerable amount of redevelopment, just not at the density enabled by the MDRS.
[5] It is important to note that this work would be over-and-above the existing requirements of the NPS UD, including the bare minimum consultation requirement to properly engage with iwi and hapu.

of the current zoning in the AUP relative to the MDRS. It would also require a full review and potential re-drafting of more than 100 affected precincts, of which more than half apply to the Single House zone and/or the Mixed Housing Suburban zone. In many cases, the precincts that apply to the Single House zone and/or the Mixed Housing Suburban zone are distant from good public transport. In most cases, these locations have been the subject of detailed planning and Environment Court hearings in relatively recent years.

4.18 To give the committee a further sense of the overwhelming scale of the task and the major problem of continuing with the Bill in its current form, a full list of these precincts is included as **Attachment 2**.

5.0 WHAT CHANGES COULD THE COMMITTEE MAKE TO MEET THE INTENT OF THE BILL WHILE ADDRESSING THE COUNCIL'S CONCERNS?

5.1 Having set out in its submission the reasons why the council believes it is far better to re-cast the MDRS as an optional tool to enable Tier 1 and other councils to give effect to the NPS UD, should the committee support some form of mandatory application of the MDRS, the council sets out three alternative options for its consideration below. These options recognise the scale and complexity of the Auckland region and time and effort invested by Auckland Council, the Government, iwi authorities, hundreds of key stakeholders and many thousands of Aucklanders in developing the AUP.

5.2 Options 1 and 2 focus the MDRS in more suitable locations than the Bill currently enables. Option 3 excludes certain locations from the MDRS. To varying degrees, all three options would require amendments to the qualifying matters set out in the Bill and the NPS UD to address the impossible scale and complexity of the task described above.

OPTION 1 – APPLY THE MDRS TO THE MIXED HOUSING URBAN ZONE

5.3 The MDRS is essentially based on the Mixed Housing Urban zone. Together with the Terrace Housing and Apartment Buildings zone, these zones apply to approximately one third of Auckland's urban residential-zoned land. As previously noted, this percentage will increase as a result of the work the council is already undertaking to implement the intensification policies in the NPS UD. Applying the MDRS to the Mixed

Housing Urban zone would go a long way towards ensuring the MDRS is focused in areas with good public transport, walking and cycling access to jobs, goods and services.

OPTION 2 – APPLY THE MDRS WITHIN A SPECIFIED DISTANCE OF THE CITY CENTRE

5.4 Under the NPS UD, unless a qualifying matter applies, land within the walkable catchment of the city centre must enable buildings of at least six storeys. To build on this approach, and recognising the role of the city centre as the largest employment hub and civic heart of the Auckland region, with the highest level of public transport access, the Bill could be amended to apply the MDRS within a much wider distance of the city centre (i.e. several kilometers).

OPTION 3 – EXCLUDE SPECIFIC LOCATIONS

5.5 While unlikely to fully address the council's concerns about the dispersed urban form enabled by the Bill, the following specific locations could be excluded from the MDRS:

a) Land within the Single House zone and Mixed Housing Suburban zone precincts listed in **Attachment 2**; and
b) The rural and coastal settlements listed in **Attachment 3**.

AMENDMENTS TO QUALIFYING MATTERS

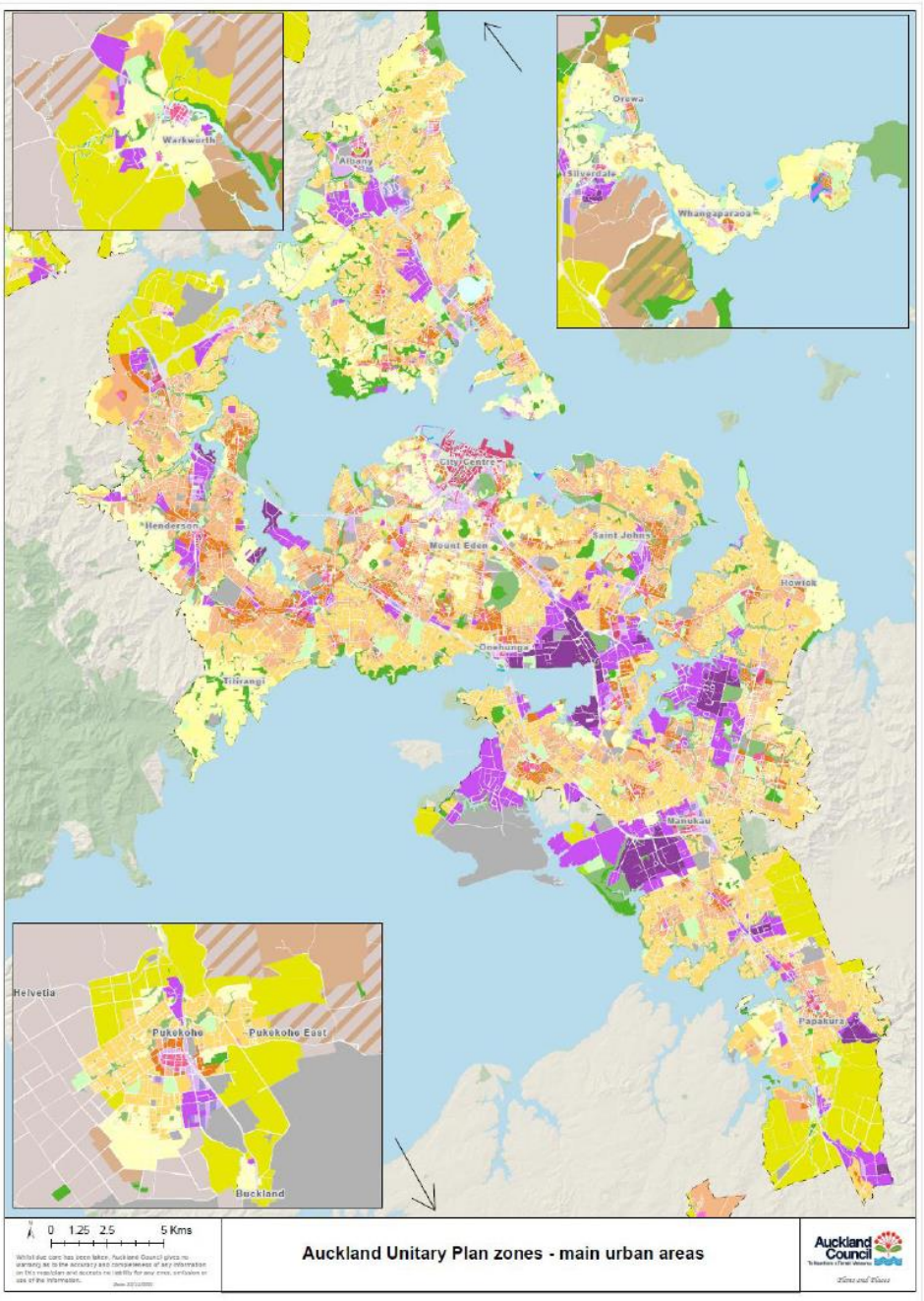
5.6 For the reasons discussed, it is also strongly recommended that the following changes are made to the qualifying matters set out in the Bill and the NPDS UD:

a) Amend "qualifying matter" 3.32(1)(c) and add cross-reference to Bill to state: "any matter required for the purpose of ensuring the safe or efficient or effective operation of nationally and regionally significant infrastructure" as set out in the council's submission.

b) Add a new "qualifying matter" exempt from site-specific analysis: "Areas with significant long-term infrastructure constraints" for the reasons discussed in the council's submission.

c) Add a new "qualifying matter" exempt from site-specific analysis: "Areas subject to health and safety risks associated with heavy industrial activities and hazardous facilities". This significant matter is not specifically listed in the Bill or the NPS UD and should not require a site-specific analysis.

ATTACHMENT 1 – AUCKLAND UNITARY PLAN ZONES



Item 10

Attachment B

Auckland Council
Te Kaunihera o Tāmaki Makaurau

ATTACHMENT 2

AUP PRECINCTS OVER THE SINGLE HOUSE AND/OR MIXED HOUSING SUBURBAN ZONE THAT SHOULD BE EXCLUDED FROM MDRS

Precinct Name
Albany 3
Albany 3 sub-precinct A, B & C
Albany 9 sub-precinct C
Ardmore 2
Avondale Racecourse
Babich sub-precinct A
Babich sub-precinct C
Beachlands 1
Beachlands 1 sub-precinct A & B
Birdwood 2
Clarks Beach
Clevedon sub-precinct A, B & E
Devonport Peninsula sub-precinct A-F
Drury 1
Drury South Residential sub-precinct A, B & C
Ellerslie 1 sub-precinct D & E
Ellerslie Racecourse
Epsom
Flat Bush
Flat Bush sub-precinct A, C D, E G H I, J and K
Glenbrook 3
Glenbrook 3 sub-precinct A
Hingaia 1 sub-precinct A, B C D
Hingaia 2
Hingaia 3
Huapai 2
Huapai Triangle sub-precinct A, B C D E & F
Karaka North sub-precinct A, B C
Kingseat sub-precinct A, B C, F & G
Long Bay sub-precinct A, D E G & G
Mangere 1
Mangere 2
Mangere Gateway sub-precinct E
Matakana 1 sub-precinct B
Millwater South
Mount Albert 2 sub-precinct A

Item 10

Attachment B

Precinct Name
Mount Albert 2 sub-precinct B
Omaha South sub-precinct A, B C D & E
Opaheke 1
Orewa 2 sub-precinct A, B , C D, E F G & H
Orewa 3 sub-precinct A, B C, D E, G, H & I
Pararekau and Kopuahingahinga Islands
Patumahoe
Patumahoe sub-precinct A, B C D
Penihana North sub-precinct B
Pine Harbour sub-precinct B & C
Pinewoods
Pukekohe Hill sub-precinct A
Red Beach
Red Beach sub-precinct A, B & C
Redhills
Riddell Road
Riddell Road sub-precinct A
Rosella Road
Scott Point
Smales 2 sub-precinct B
St John's Theological College
Takanini sub-precinct A, C & D
Wainui
Waiwera sub-precinct C
Warkworth Clayden Road
Warkworth North
Warkworth North sub precinct A
Whitford sub-precinct B
Whitford Village sub-precinct B, C

ATTACHMENT 3 – RURAL AND COASTAL LOCATIONS THAT SHOULD BE EXCLUDED FROM MDRS

Rural and coastal locations
Point Wells
Patumahoe
Eastern Whangaparaora Peninsula
Beachlands
Herald Island
Buckland
Waiau Beach
Waimauku
Glenbrook Beach
Snells Beach
Clarks Beach
Maraetai and Omana Beach
Point Wells
Te Hana
Wellsford
Matakana
Omaha
Riverhead
Kumeu-Huapai
Helensville
Parakai
Stillwater
Okura
Waiwera
Clevedon
Whitford
Kawakawa Bay
Karaka West
Kingseat
Waiuku

Item 10

Attachment B

CHRONOLOGY OF PLANNING COMMITTEE MEETINGS AND WORKSHOPS, AND WORKSHOPS WITH LOCAL BOARDS RELATED TO THE NATIONAL POLICY STATEMENT – URBAN DEVELOPMENT 2020

PLANNING COMMITTEE MEETINGS

Date	Items
04 February 2021	NPS-UD – Proposed Work Programme
01 July 2021	NPS-UD – Housing and Business capacity assessment
	NPS-UD – Well Functioning Urban Environment, Responsiveness and Significant Development Capacity
	NPS-UD – Implementing the intensification provisions – walkable catchments and qualifying matters
05 August 2021	NPS-UD – Intensification plan change – approach to "All other locations"
	NPS-UD – Pre notification engagement
02 September 2021	NPS-UD – Removal of car parking minimums
04 November 2021	Resource management (Enabling Housing Supply) Amendment Bill – seeking delegation to approve Auckland Council submission
03 March 2022	NPS-UD – Application of new Policy 3(d)

PLANNING COMMITTEE WORKSHOPS

30 September 2020

17 February 2021, 24 March 2021, 13 and 20 April 2021, 26 May 2021, 16 June 2021, 30 September 2021

02 March 2022

LOCAL BOARD WORKSHOPS

05 March 2021

04 March 2022

4 February 2021 Planning Committee

11 National Policy Statement on Urban Development proposed work programme

A presentation was given in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr R Hills returned to the meeting at 12.23pm.
Cr G Sayers left the meeting at 1.02pm.
Cr W Walker retired from the meeting at 1.20pm.

Resolution number PLA/2021/8

MOVED by Cr C Darby, seconded by Cr W Walker:

That the Planning Committee:

a) endorse the work programme and series of upcoming workshops and meetings to establish the council's approach to the National Policy Statement on Urban Development.

CARRIED

Attachments

A 4 February 2021, Planning Committee: Item 11 - National Policy Statement on Urban Development proposed work programme – presentation

Item 10

Attachment D

1 July 2021 Planning Committee

11 National Policy Statement on Urban Development – Housing and Business Capacity Assessment

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Electronic Attendance

Resolution number PLA/2021/76

MOVED by Cr L Cooper, seconded by Cr S Henderson:

That the Planning Committee:

a) approve the electronic attendance under Standing Order 3.3.3 for Cr D Simpson.

CARRIED

Note: changes to the original recommendation, adding new clause e), were made with the agreement of the meeting.

Resolution number PLA/2021/77

MOVED by IMSB Member T Henare, seconded by Cr A Dalton:

That the Planning Committee:

a) receive the high-level preliminary findings of the Housing Development Capacity Assessment (2021).

b) delegate authority to the Chair and Deputy Chair of the Planning Committee and an Independent Māori Statutory Board member, to sign off the Housing Development Capacity Assessment (2021) before 31 July 2021.

c) note that the final Housing Development Capacity Assessment (2021) will be published by 31 July 2021 as required in legislation and provided to the Planning Committee and to the Ministry for the Environment for their information.

d) note that the next Housing and Business Development Capacity Assessment analysis will commence soon after 31 July 2021, which will include additional assessment elements not completed for the Housing Development Capacity Assessment (2021).

e) agree that staff provide a work programme and timeline to the Planning Committee for demand analysis for housing by Māori (Mana Whenua and Mātāwaka) and how the demand is likely to be met in future, including identifying levers for affordable housing, and the demand for different types and forms of housing such as community housing, lower-cost housing and papakāinga.

CARRIED

Attachments

A 1 July 2021, Planning Committee: Item 11 – National Policy Statement on Urban Development – Housing and Business Capacity Assessment, presentation

12 National Policy Statement Urban Development 2020 – Well-functioning Urban Environment, Responsiveness and Significant Development Capacity

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

IMSB Member L Ngamane retired from the meeting at 3.20 pm.
IMSB Member T Henare retired from the meeting at 3.42 pm.

Note: changes to the motion were incorporated, under clause b) ii) F) and b) ii) H), with the agreement of the meeting.

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

a) note that the Auckland Unitary Plan Regional Policy Statement already includes appropriate policies to enable "well-functioning urban environments"

b) approve the development of a plan change to the Auckland Unitary Plan Regional Policy Statement that includes:

  i) a new policy (or policies) on reducing green-house gas emissions

  ii) criteria that private plan change requests will be required to meet to be considered as adding 'significant development capacity' under the National Policy Statement on Urban Development, using the following as a basis:

    A) Strategic alignment

    B) Scale of proposed development

    C) Location of proposed development

    D) Timing of proposed development

    E) Bulk and local infrastructure funding and financing

    F) Connectivity to public transport networks and active modes and three waters infrastructure

    G) Supports a well-functioning urban environment

    H) Identify limited exceptions where the proposed development provides one or more of the following:

      1) housing for Māori – papakāinga or other forms of housing

      2) affordable housing

      3) social housing

      4) innovative housing development models

      5) accessible housing

c) request staff to seek feedback from local boards, Mana Whenua and central government agencies on the draft plan change prior to bringing it to the Planning Committee for endorsement.

Item 10

Attachment D

The meeting adjourned at 3.24pm and reconvened at 3.52pm.

Cr S Henderson was not present.

Note: further changes to the motion were incorporated, under clause b) ii) H), with the agreement of the meeting.

Resolution number PLA/2021/78

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

a) note that the Auckland Unitary Plan Regional Policy Statement already includes appropriate policies to enable "well-functioning urban environments"

b) approve the development of a plan change to the Auckland Unitary Plan Regional Policy Statement that includes:

- **i) a new policy (or policies) on reducing green-house gas emissions**
- **ii) criteria that private plan change requests will be required to meet to be considered as adding 'significant development capacity' under the National Policy Statement on Urban Development, using the following as a basis:**
  - **A) Strategic alignment**
  - **B) Scale of proposed development**
  - **C) Location of proposed development**
  - **D) Timing of proposed development**
  - **E) Bulk and local infrastructure funding and financing**
  - **F) Connectivity to public transport networks and active modes and three waters infrastructure**
  - **G) Supports a well-functioning urban environment**
  - **H) Identify limited exceptions to one or more of A) to G) above where the proposed development provides one or more of the following:**
    - **1) housing for Māori – papakāinga or other forms of housing**
    - **2) affordable housing**
    - **3) social housing**
    - **4) innovative housing development models**
    - **5) accessible housing.**

c) request staff to seek feedback from local boards, Mana Whenua and central government agencies on the draft plan change prior to bringing it to the Planning Committee for endorsement.

CARRIED

Attachments

A 1 July 2021, Planning Committee: Item 12 - National Policy Statement Urban Development 2020 - Well-functioning Urban Environment, Responsiveness and Significant Development Capacity, presentation

13 National Policy Statement on Urban Development 2020 - Implementing the intensification provisions - walkable catchments and qualifying matters

A presentation was given in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr S Henderson returned to the meeting at 3.55 pm.
Cr D Simpson returned to the meeting electronically at 4.25 pm.
Cr G Sayers left the meeting at 4.37 pm.
Cr G Sayers returned to the meeting at 4.47 pm.

Note: changes were made, under clause b) and adding new clause c), as a Chairperson's recommendation.

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

a) endorse the following approaches in response to the intensification provisions of the National Policy Statement on Urban Development:

Walkable catchments

i) define 'walkable catchments' as:

A) around 1200m from the city centre, subject to modifying factors such as topography and physical barriers such as motorways

B) around 800m from metropolitan centres, subject to modifying factors such as topography, the nature of existing land uses in the area, the availability of existing or planned public transport (e.g. Westgate compared to Newmarket) and physical barriers such as motorways

C) around 800m from existing and planned Rapid Transit Network stops, subject to modifying factors such as topography, the nature of existing land uses in the area (e.g. Swanson compared to Mount Eden) and physical barriers such as motorways.

Qualifying matters

ii) identify qualifying matters in the Auckland context as the matters set out in Attachment A to the agenda report

iii) note that under the National Policy Statement on Urban Development the council is required to assess the impact that limiting development capacity, building height or density due to qualifying matters will have on the provision of development capacity, and to assess the costs and broader impacts of imposing those limits.

Special Character Areas Overlay

iv) in places where the Special Character Areas Overlay – Business applies within a 'walkable catchment' and the special character values are of high quality, enable building heights of up to six storeys or more in a way that will ensure special character values are retained (e.g. by introducing setback controls above three storeys)

v) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of high quality, retain

Item 10

Attachment D

the current zoning in the Auckland Unitary Plan (which in most cases is the Single House zone with a building height control of generally two storeys)

vi) as an exception to subclause viii) below, where retaining the current zoning would have a significant impact on the development capacity that would otherwise be enabled under the National Policy Statement on Urban Development, use a combination of a planning assessment and special character values assessment to rezone some properties within the Special Character Areas Overlay – Residential and enable building heights of up to six storeys or more

vii) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of medium or low quality, unless this would compromise another qualifying matter, enable building heights of up to six storeys or more

viii) where significant historic heritage values are identified within the Special Character Areas Overlay, develop a plan change for places or areas to be added to the Auckland Unitary Plan historic heritage schedule.

b) note that the spatial implications of these approaches will be worked through with the Planning Committee over the coming months, and that this may result in a refinement of the approaches in clause a).

c) note a plan for involving local boards and mana whenua and engaging with Aucklanders on the required Auckland Unitary Plan changes resulting from the National Policy Statement on Urban Development will be presented to the Planning Committee in August 2021.

d) note that the intensification policies in the National Policy Statement on Urban Development also require the council to review the building height and density controls outside 'walkable catchments', and that approaches for these areas will be recommended to the Planning Committee in August 2021.

MOVED by Cr R Hills, seconded by Cr S Henderson an amendment by way of replacement to clause a) Walkable catchments:

That the Planning Committee:

a) endorse the following approaches in response to the intensification provisions of the National Policy Statement on Urban Development:

<u>Walkable catchments</u>

i) define 'walkable catchments' as:

A) around 1500m from the city centre, subject to modifying factors such as topography and physical barriers such as motorways

B) around 1000m from metropolitan centres, subject to modifying factors such as topography, the nature of existing land uses in the area, the availability of existing or planned public transport (e.g. Westgate compared to Newmarket) and physical barriers such as motorways

C) around 1000m from existing and planned Rapid Transit Network stops, subject to modifying factors such as topography, the nature of existing land uses in the area (e.g. Swanson compared to Mount Eden) and physical barriers such as motorways.

Following discussion, the amendment was withdrawn with the agreement of the meeting.

The original motion was put.

Resolution number PLA/2021/80

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

a) endorse the following approaches in response to the intensification provisions of the National Policy Statement on Urban Development:

Walkable catchments

i) define 'walkable catchments' as:

A) around 1200m from the city centre, subject to modifying factors such as topography and physical barriers such as motorways

B) around 800m from metropolitan centres, subject to modifying factors such as topography, the nature of existing land uses in the area, the availability of existing or planned public transport (e.g. Westgate compared to Newmarket) and physical barriers such as motorways

C) around 800m from existing and planned Rapid Transit Network stops, subject to modifying factors such as topography, the nature of existing land uses in the area (e.g. Swanson compared to Mount Eden) and physical barriers such as motorways.

Qualifying matters

ii) identify qualifying matters in the Auckland context as the matters set out in Attachment A to the agenda report

iii) note that under the National Policy Statement on Urban Development the council is required to assess the impact that limiting development capacity, building height or density due to qualifying matters will have on the provision of development capacity, and to assess the costs and broader impacts of imposing those limits.

Special Character Areas Overlay

iv) in places where the Special Character Areas Overlay – Business applies within a 'walkable catchment' and the special character values are of high quality, enable building heights of up to six storeys or more in a way that will ensure special character values are retained (e.g. by introducing setback controls above three storeys)

v) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of high quality, retain the current zoning in the Auckland Unitary Plan (which in most cases is the Single House zone with a building height control of generally two storeys)

vi) as an exception to subclause viii) below, where retaining the current zoning would have a significant impact on the development capacity that would otherwise be enabled under the National Policy Statement on Urban Development, use a combination of a planning assessment and special character values assessment to rezone some properties within the Special

Character Areas Overlay – Residential and enable building heights of up to six storeys or more

vii) in places where the Special Character Areas Overlay – Residential applies within a 'walkable catchment', and the special character values are of medium or low quality, unless this would compromise another qualifying matter, enable building heights of up to six storeys or more

viii) where significant historic heritage values are identified within the Special Character Areas Overlay, develop a plan change for places or areas to be added to the Auckland Unitary Plan historic heritage schedule.

b) note that the spatial implications of these approaches will be worked through with the Planning Committee over the coming months, and that this may result in a refinement of the approaches in clause a).

c) note a plan for involving local boards and mana whenua and engaging with Aucklanders on the required Auckland Unitary Plan changes resulting from the National Policy Statement on Urban Development will be presented to the Planning Committee in August 2021.

d) note that the intensification policies in the National Policy Statement on Urban Development also require the council to review the building height and density controls outside 'walkable catchments', and that approaches for these areas will be recommended to the Planning Committee in August 2021.

A division was called for, voting on which was as follows:

For	Against	Abstained
Cr J Bartley	Cr S Stewart	
Cr C Casey		
Deputy Mayor BC Cashmore		
Cr P Coom		
Cr L Cooper		
Cr A Dalton		
Cr C Darby		
Cr A Filipaina		
Cr C Fletcher		
Mayor P Goff		
Cr S Henderson		
Cr R Hills		
Cr T Mulholland		
Cr D Newman		
Cr G Sayers		

Cr D Simpson

Cr W Walker

Cr J Watson

Cr P Young

The motion was declared CARRIED by 19 votes to 1.

CARRIED

Note: Pursuant to Standing Order 1.8.6, the following councillors requested their dissenting votes be recorded against clause a) Special Character Areas Overlay subclauses iv), vi) and vii):

- Cr G Sayers
- Cr W Walker
- Cr J Watson

Attachments

A 1 July 2021, Planning Committee: Item 13 - National Policy Statement on Urban Development 2020 - Implementing the intensification provisions - walkable catchments and qualifying matters, presentation

Item 10

Attachment D

5 August 2021 Planning Committee

9 National Policy Statement on Urban Development - Intensification Plan Change - Approach for "all other locations"

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr L Cooper returned to the meeting at 4.08 pm.
Cr E Collins returned to the meeting at 4.09 pm.
Cr W Walker returned to the meeting at 4.21 pm.
Cr W Walker retired from the meeting at 4.51 pm.
Cr G Sayers retired from the meeting at 5.16 pm.

Note: changes to the original motion were made, incorporating changes under clause a) and adding new clause f), with the agreement of the meeting.

Resolution number PLA/2021/97

MOVED by Cr C Darby, seconded by Cr L Cooper:

That the Planning Committee:

a) endorse the following preliminary approaches in response to the intensification provisions under Policy 3(d) of the National Policy Statement on Urban Development:

<u>Level of Accessibility</u>

i) Determine the level of accessibility based on how accessible properties are to a range of key destinations or opportunities including jobs, centres and mixed use zones, education facilities, supermarkets, convenience stores/dairies, medical facilities, and open space.

<u>Relative Demand</u>

ii) Determine the relative demand for residential and business uses based on land value (and removing the influence of zoning on the land value).

<u>Building Heights and Density</u>

iii) Determine the potential intensification on a weighted system between level of accessibility and relative demand, with a focus on enabling greatest heights and densities in areas that have both high level of accessibility and high relative demand.

iv) In residential areas of either high accessibility or high demand, enable unlimited density and a built form of at least two storeys. In zoning terms this means the Mixed Housing Suburban, Mixed Housing Urban or Terrace Housing and Apartment Buildings zone – not the Single House zone. In residential areas that have both high accessibility and high demand, enable unlimited density and a built form of at least three storeys. In zoning terms this means the Mixed Housing Urban or the Terraced Housing and Apartment Buildings zone – not the Single House or Mixed Housing Suburban zone.

b) note that building heights and densities in "all other locations" under Policy 3(d) will be dependent on the extent of intensification in walkable catchments.

c) note that the extent of intensification in "all other locations" will be limited by the qualifying matters agreed to by the Planning Committee in July 2021 (Resolution PLA/2021/80).

d) note that the spatial implications of these approaches and the extent of intensification will be workshopped with the Planning Committee, local boards and mana whenua and that this may result in a refinement of the approaches in clause a).

e) note that the approach to engagement on the intensification plan change required under the National Policy Statement on Urban Development is addressed in a separate report on the Planning Committee agenda

f) note its concerns around the ability to deliver quality outcomes for Auckland given the timeframes and changes required by central government to meet the requirements of the National Policy Statement Urban Development.

CARRIED

Note: Pursuant to Standing Order 1.8.6, the following councillors requested that their dissenting votes be recorded as follows:

- Cr E Collins against clause a) iv)
- Cr C Fletcher against clauses a) and b)
- Cr S Henderson against clause a) iv)
- Cr R Hills against clause a) iv)
- Cr D Simpson against clauses a) to e)

Attachments

A 5 August 2021, Planning Committee: Item 9 - National Policy Statement on Urban Development - Intensification Plan Change - Approach for "all other locations", presentation

10 National Policy Statement on Urban Development – pre-notification engagement on the required intensification plan change to the Auckland Unitary Plan

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr R Hills retired from the meeting at 5.45 pm.
Cr P Young retired from the meeting at 5.56 pm.

Resolution number PLA/2021/98

MOVED by Cr A Dalton, seconded by Cr E Collins:

That the Planning Committee:

a) approve the following engagement approach for the intensification plan change to the Auckland Unitary Plan required under the National Policy Statement on Urban Development 2020:

Item 10

Attachment D

i) workshops from October 2021 to early 2022 with the Planning Committee, local boards and mana whenua on the council's preliminary response

ii) engagement in March or April 2022 with Aucklanders and key stakeholders on the council's preliminary response

iii) workshops in May and June 2022 with the Planning Committee, local boards and mana whenua to consider feedback from Aucklanders and key stakeholders on the matters over which the council has discretion and to progress the proposed intensification plan change

iv) public notification of the proposed intensification plan change by 20 August 2022.

b) note that a more detailed plan for involving local boards and mana whenua and engaging with Aucklanders and key stakeholders will be prepared.

CARRIED

Attachments

A 5 August 2021, Planning Committee: Item 10 - National Policy Statement on Urban Development – pre-notification engagement on the required intensification plan change to the Auckland Unitary Plan, presentation

2 September 2021 Planning Committee

8 National Policy Statement on Urban Development - Removal of Carparking Minimums and Consequential Plan Changes

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: changes were made to the original recommendation, amending clauses c) i) to c) v), and adding new clause e), with the agreement of the meeting.

MOVED by Cr C Darby, seconded by Cr A Dalton:

That the Planning Committee:

a) note that as a result of the National Policy Statement on Urban Development the Auckland Unitary Plan (Operative in part) and the Auckland Council District Plan (Hauraki Gulf Islands Section) will have car parking minimum requirements deleted by the end of February 2022.

b) endorse the development of a plan change to the Auckland Unitary Plan (Operative in part) and a plan change to the Auckland District Plan (Hauraki Gulf Islands Section) to address consequential technical amendments to provide clarity and consistency within the plans and ensure that the effects of car parking (where developers choose to provide it) can still be addressed.

c) endorse the investigation of the following matters through amendments to the Auckland Unitary Plan (Operative in part) and/or the Auckland Council District Plan (Hauraki Gulf Islands Section), or other means in order to mitigate possible poor development outcomes as a result of the removal of carparking minimums:

   i) provision of accessible parking

   ii) the design of private pedestrian and bicycle / micro-mobility access where no vehicle access is proposed

   iii) provision of on-site bicycle / micro-mobility access and parking including where no vehicle access is proposed

   iv) where parking is proposed, the provision of electricity connections that enable installation of compliant smart electric vehicle chargers

   v) provision of on-site pick-up and drop-off/loading facilities and access for emergency services where no vehicle access is proposed.

d) request staff report the findings of the investigation referred to in clause c) back to the Planning Committee for further consideration.

e) note the consequences to communities who drive by necessity, not choice, because of current public transport inequality.

f) delegate to the Chair and Deputy Chair of the Planning Committee and a member of the Independent Māori Statutory Board authority to approve the consequential technical plan change for public notification if the wider investigation referred to in clause c) requires a longer timeframe than the consequential technical changes referred to in clause b).

The meeting adjourned at 12.19pm and reconvened at 12.25pm.

Note: debate on the motion continued.

Resolution number PLA/2021/104

MOVED by Cr C Darby, seconded by Cr A Dalton:

That the Planning Committee:

a) note that as a result of the National Policy Statement on Urban Development the Auckland Unitary Plan (Operative in part) and the Auckland Council District Plan (Hauraki Gulf Islands Section) will have car parking minimum requirements deleted by the end of February 2022.

b) endorse the development of a plan change to the Auckland Unitary Plan (Operative in part) and a plan change to the Auckland District Plan (Hauraki Gulf Islands Section) to address consequential technical amendments to provide clarity and consistency within the plans and ensure that the effects of car parking (where developers choose to provide it) can still be addressed.

c) endorse the investigation of the following matters through amendments to the Auckland Unitary Plan (Operative in part) and/or the Auckland Council District Plan (Hauraki Gulf Islands Section), or other means in order to mitigate possible poor development outcomes as a result of the removal of carparking minimums:

- **i) provision of accessible parking**
- **ii) the design of private pedestrian and bicycle / micro-mobility access where no vehicle access is proposed**
- **iii) provision of on-site bicycle / micro-mobility access and parking including where no vehicle access is proposed**
- **iv) where parking is proposed, the provision of electricity connections that enable installation of compliant smart electric vehicle chargers**
- **v) provision of on-site pick-up and drop-off/loading facilities and access for emergency services where no vehicle access is proposed.**

d) request staff report the findings of the investigation referred to in clause c) back to the Planning Committee for further consideration.

e) note the consequences to communities who drive by necessity, not choice, because of current public transport inequity and recognise that equity of service and choice for communities is an active outcome in all of council's policy work, including parking, transport, land-use, climate, water and housing.

f) delegate to the Chair and Deputy Chair of the Planning Committee and a member of the Independent Māori Statutory Board authority to approve the consequential technical plan change for public notification if the wider investigation referred to in clause c) requires a longer timeframe than the consequential technical changes referred to in clause b).

A division was called for, voting on which was as follows:

For	Against	Abstained
Cr J Bartley	Cr C Fletcher	IMSB Member T Henare

Cr C Casey	Cr G Sayers	IMSB Member K Wilson
Deputy Mayor BC Cashmore	Cr S Stewart	
Cr E Collins	Cr W Walker	
Cr P Coom	Cr J Watson	
Cr L Cooper		
Cr A Dalton		
Cr C Darby		
Cr A Filipaina		
Mayor P Goff		
Cr S Henderson		
Cr R Hills		
Cr T Mulholland		
Cr D Newman		
Cr D Simpson		
Cr P Young		

The motion was declared CARRIED by 16 votes to 5.

CARRIED

Note: Pursuant to Standing Order 1.8.3, the following councillors requested that their abstention for clause b,) be recorded:

- Cr D Newman
- Cr D Simpson

Attachments

A 2 September 2021, Planning Committee: Item 8, National Policy Statement on Urban Development - Removal of Carparking Minimums and Consequential Plan Changes, presentation

Item 10

Attachment D

4 November 2021 Planning Committee

8 Resource Management (Enabling Housing Supply) Amendment Bill - seeking delegation to approve the Auckland Council submission

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

MOVED by Cr C Darby, seconded by Mayor P Goff:

That the Planning Committee:

a) delegate to the Mayor, Chair and Deputy Chair of the Planning Committee and Independent Māori Statutory Board Member Karen Wilson the authority to approve the council's submission on the Resource Management (Enabling Housing Supply) Amendment Bill.

b) note that the submission will consider:

   i) the proposed Intensification Streamlined Planning Process, in particular the appropriateness of the proposed decision-making role of the Minister for the Environment

   ii) the proposed Medium Density Residential Standards, in particular the significant implications of enabling three-storey medium density development across most parts of urban Auckland (and some rural settlements) as well as the quality of development that would be enabled

   iii) other relevant aspects of the Bill.

c) note that the draft submission will be circulated to the Planning Committee on or about Thursday 11 November 2021 for urgent comment (i.e. a 24-hour turnaround) prior to final consideration by the delegated members in clause a).

d) note that local boards have been provided with the opportunity to include their views as an attachment to the council submission, and that, if received in time, the delegated members in a) will be able to consider those views.

e) note that Covid 19, uncertainty associated with the Bill and recent feedback from Mana Whenua requesting a high degree of involvement in the council's response to the National Policy Statement on Urban Development are placing considerable strain on an already tight timeframe for the 'intensification plan change'. An update and advice on these matters will be provided to the Planning Committee in a subsequent report.

At 10.56am, Deputy Chairperson Cr J Bartley temporarily assumed the chair as the Chairperson Cr C Darby experienced an electronic connection issue.

At 10.59am, Chairperson Cr C Darby re-established an electronic connection and resumed the chair.

Note: a Point of Order was raised under Standing Order 1.7.2 f) and pursuant to Standing Order 1.4.9, Cr C Casey objected to the words used by Cr C Fletcher and requested that the objection and words be recorded as follows:

"rape, gang rape and non-consensual molestation"

At 12.10pm, Deputy Chairperson Cr J Bartley temporarily assumed the chair as Chairperson Cr C Darby experienced an electronic connection issue.

At 12.13pm, Chairperson Cr C Darby re-established an electronic connection and resumed the chair.

The meeting adjourned at 1.03pm and reconvened at 1.32pm.

Note: a roll call was conducted that ascertained the following members were in attendance at the commencement of the meeting:

Cr Chris Darby	✓	Cr Shane Henderson	✓
Cr Josephine Bartley	✓	Cr Richard Hills (apology)	
Cr Dr Cathy Casey	✓	Cr Tracy Mulholland	✓
Deputy Mayor Cr Bill Cashmore	✓	Cr Daniel Newman, JP	✓
Cr Fa'anana Efeso Collins	✓	Cr Greg Sayers	✓
Cr Pippa Coom	✓	Cr Desley Simpson, JP	✓
Cr Linda Cooper, JP	✓	Cr Sharon Stewart, QSM	✓
Cr Angela Dalton	✓	IMSB Chair David Taipari (alternate)	
Cr Alf Filipaina	✓	Cr Wayne Walker	✓
Cr Christine Fletcher, QSO	✓	Cr John Watson	✓
Mayor Hon Phil Goff, CNZM, JP	✓	IMSB Member Karen Wilson	
IMSB Member Hon Tau Henare (apology)		Cr Paul Young	✓

Debate on the motion commenced.

IMSB Member K Wilson rejoined the meeting at 1.45pm.
IMSB Chair D Taipari rejoined the meeting at 1.45pm.

MOVED by Cr C Darby, seconded by Mayor P Goff:

That the Planning Committee:

a) delegate to the Mayor, Chair and Deputy Chair of the Planning Committee and Independent Māori Statutory Board Member Karen Wilson the authority to approve the council's submission on the Resource Management (Enabling Housing Supply) Amendment Bill.

b) note that the submission will consider:

   i) the proposed Intensification Streamlined Planning Process, in particular the appropriateness of the proposed decision-making role of the Minister for the Environment

   ii) the proposed Medium Density Residential Standards, in particular the significant implications of enabling three-storey medium density development across most parts of urban Auckland (and some rural settlements) as well as the quality of development that would be enabled

   iv) other relevant aspects of the Bill.

Item 10

Attachment D

c) note that the draft submission will be circulated to the Planning Committee on or about Thursday 11 November 2021 for urgent comment (i.e. a 24-hour turnaround) prior to final consideration by the delegated members in clause a).

d) note that local boards have been provided with the opportunity to include their views as an attachment to the council submission, and that, if received in time, the delegated members in a) will be able to consider those views.

e) note that Covid 19, uncertainty associated with the Bill and recent feedback from Mana Whenua requesting a high degree of involvement in the council's response to the National Policy Statement on Urban Development are placing considerable strain on an already tight timeframe for the 'intensification plan change'. An update and advice on these matters will be provided to the Planning Committee in a subsequent report.

MOVED Cr W Walker, seconded by Cr S Stewart, an amendment by way of addition:

f) agree that Council allocate a modest budget to inform Aucklanders of the likely consequences of the Resource management Amendment Bill and that this be undertaken with some urgency, including advertising in the appropriate media.

After debate, the mover and seconder withdrew the amendment with the agreement of the meeting.

Debate on the substantive motion continued.

Resolution number PLA/2021/123

MOVED by Cr C Darby, seconded by Mayor P Goff:

That the Planning Committee:

a) delegate to the Mayor, Chair and Deputy Chair of the Planning Committee and Independent Māori Statutory Board Member Karen Wilson the authority to approve the council's submission on the Resource Management (Enabling Housing Supply) Amendment Bill.

b) note that the submission will consider:

- **i) the proposed Intensification Streamlined Planning Process, in particular the appropriateness of the proposed decision-making role of the Minister for the Environment**
- **ii) the proposed Medium Density Residential Standards, in particular the significant implications of enabling three-storey medium density development across most parts of urban Auckland (and some rural settlements) as well as the quality of development that would be enabled**
- **iii) other relevant aspects of the Bill.**

c) note that the draft submission will be circulated to the Planning Committee on or about Thursday 11 November 2021 for urgent comment (i.e. a 24-hour turnaround) prior to final consideration by the delegated members in clause a).

d) note that local boards have been provided with the opportunity to include their views as an attachment to the council submission, and that, if received in time, the delegated members in clause a) will be able to consider those views.

e) note that Covid 19, uncertainty associated with the Bill and recent feedback from Mana Whenua requesting a high degree of involvement in the council's

response to the National Policy Statement on Urban Development are placing considerable strain on an already tight timeframe for the 'intensification plan change'. An update and advice on these matters will be provided to the Planning Committee in a subsequent report.

CARRIED UNANIMOUSLY

Attachments

A 4 November 2021, Planning Committee: Item 8 Resource Management (Enabling Housing Supply) Amendment Bill - seeking delegation to approve the Auckland Council submission, presentation

Item 10

Attachment D

3 March 2022 Planning Committee

10 Application of the new policy 3(d) of the National Policy Statement - Urban Development

A presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: changes were made to the original motion under clause b), with the agreement of the meeting.

Resolution number PLA/2022/11

MOVED by Cr C Darby, seconded by Cr A Dalton:

That the Planning Committee:

a) rescind the Planning Committee resolution PLA/2021/97 that related to a now superseded version of policy 3(d) in the National Policy Statement – Urban Development.

b) endorse the following principles for the application of the new policy 3(d) in the National Policy Statement – Urban Development for the purpose of developing draft proposals for public engagement in mid-April to early May in order to give effect to what central government has required of council:

- **i) no change to building heights and density of urban form *within* Neighbourhood, Local and Town Centre zones (subject to a review of the Height Variation Controls to ensure consistency with the heights of proposed new zones surrounding the centres)**
- **ii) no additional Policy 3(d) intensification (beyond the application of zone(s) containing the Medium Density Residential Standards) for:**
  - **A) All Neighbourhood Centres**
  - **B) Local Centres that are small in size and/or have low accessibility**
  - **C) Town Centres that have low accessibility**
- **iii) apply the Terrace Housing and Apartment Buildings zone to residential zoned sites adjacent to the edge of a centre zone (up to around 200 metres) for:**
  - **A) Local Centres that are both large in size and have high accessibility**
  - **B) Town Centres that are small in size, but have high accessibility**
- **iv) apply the Terrace Housing and Apartment Buildings zone to residential zoned sites adjacent to the edge of a centre zone up to around 400 metres for:**
  - **A) Town Centres that are large in size and have high accessibility.**

A division was called for, voting on which was as follows:

For	Against	Abstained
Cr J Bartley		Cr C Fletcher

Deputy Mayor BC Cashmore	Cr T Mulholland
Cr E Collins	Cr G Sayers
Cr P Coom	Cr S Stewart
Cr L Cooper	Cr W Walker
Cr A Dalton	Cr J Watson
Cr C Darby	
Mayor P Goff	
IMSB Member T Henare	
Cr S Henderson	
Cr R Hills	
Cr D Newman	
Cr P Young	

The motion was declared CARRIED by 13 votes to 0, with 6 abstentions.

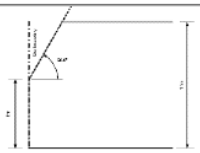
CARRIED

Attachments

A 3 March 2022, Planning Committee: Item 10 - Application of the new policy 3(d) of the National Policy Statement - Urban Development, Presentation

Medium Density Residential Standards applied to developments with multiple dwellings

The modelling shows how the proposed Medium Density Residential Standards (MDRS) could be applied to developments of multiple dwellings through a Restricted Discretionary consent. The building height, bulk and form shown in the model could also apply to permitted single dwellings or two or three attached dwellings.

MDRS specifications	
Building height	11m
Building coverage	50% net site area
Height in relation to boundary	6m + 60 degrees 
Maximum impervious surface	60% net site area
Minimum front yard setback	2.5m
Minimum side and rear yards	1m
Outlook space from principal living room	3m x 3m
Outdoor living space per unit (ground level)	3m x 5m - 15m^2

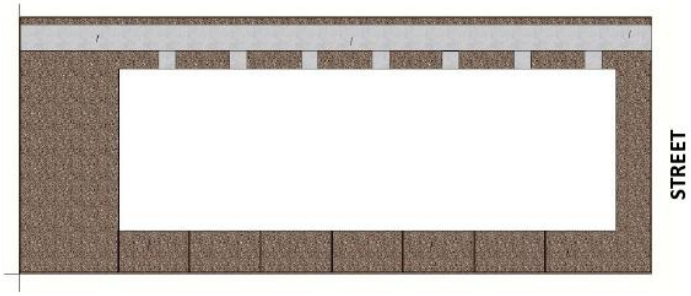
Model specifications

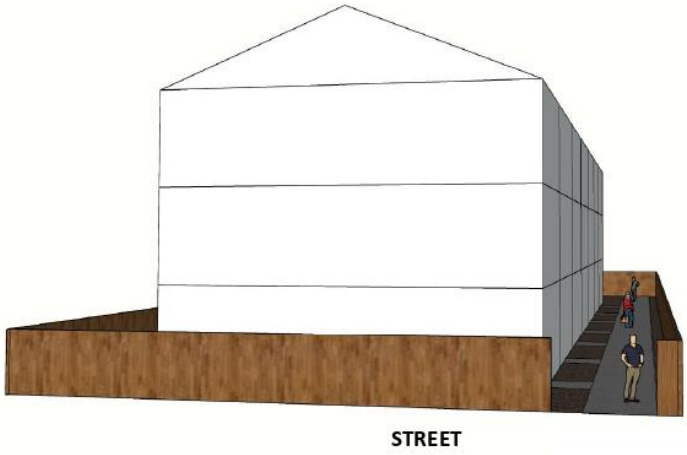
MDRS are applied to the typical Auckland site size of 800m^2 with a 18m width and 44.5m depth.
Building typology is unspecified – it could apply to developments of multiple dwellings in the form or apartments or terrace housing.
There is no requirement for parking but access for pedestrians and emergency services is provided.

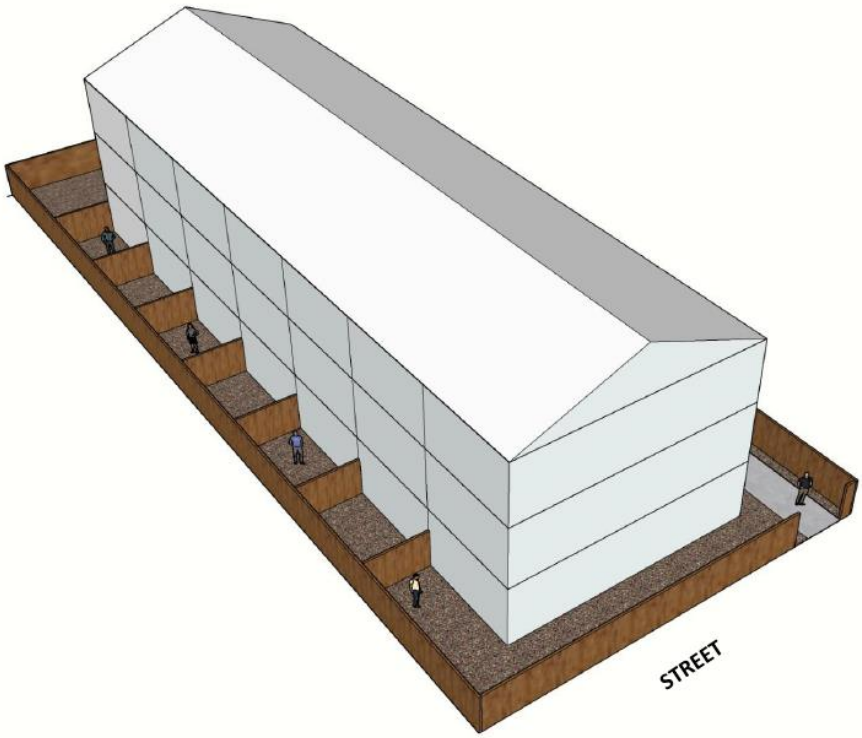
Modelling outcomes

- Total building dimensions – 11.45m wide X 35m long = 400m^2. This is 50% building coverage.
- The height in relation to boundary standard achieves a height of 11m and three storeys on a typical Auckland site.
- Ground level outdoor living spaces and primary living room outlooks influence side yard setbacks and potential width of dwellings.
- The outdoor living space overlaps with the primary outlook space.
- The dwellings are dimensioned to align with the 5m x 3m ground level outdoor living area standard and 3m x 3m outlook standard.
- A 15m^2 3m x 5m outdoor living space.
- Lack of specification for 40% permeable surfaces could result in expanses of permeable paving, gravel, artificial turf, decks or similar materials. These materials do not support climate change objectives or environmental sustainability and contribute to the urban heat island.
- A 4m wide side yard provides for 1.8m wide shared footpath, access to front doors and access for emergency services.

Plan view: Multiple dwellings:
- 50% building coverage
- Ground floor outdoor living areas 3m x 5m (15m^2)
- 3m x 3m outlook space facing towards side boundary
- side yard with shared pedestrian footpath, access to dwellings and emergency services (4m width)
- 60% impermeable surfaces
- 40% permeable surfaces (eg. gravel, pavers)
- 2.5m front yard setback from street

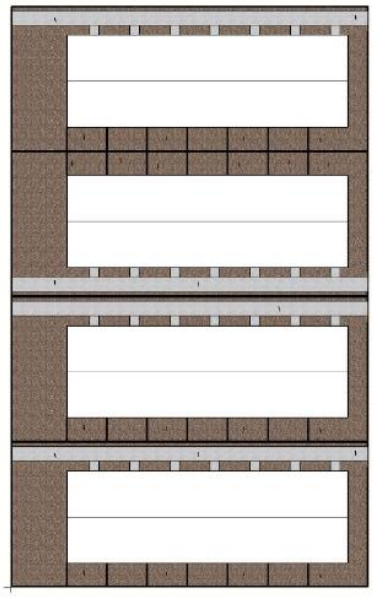




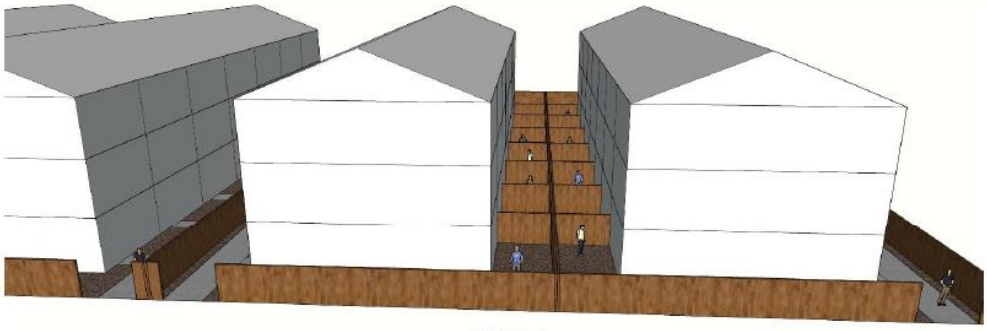


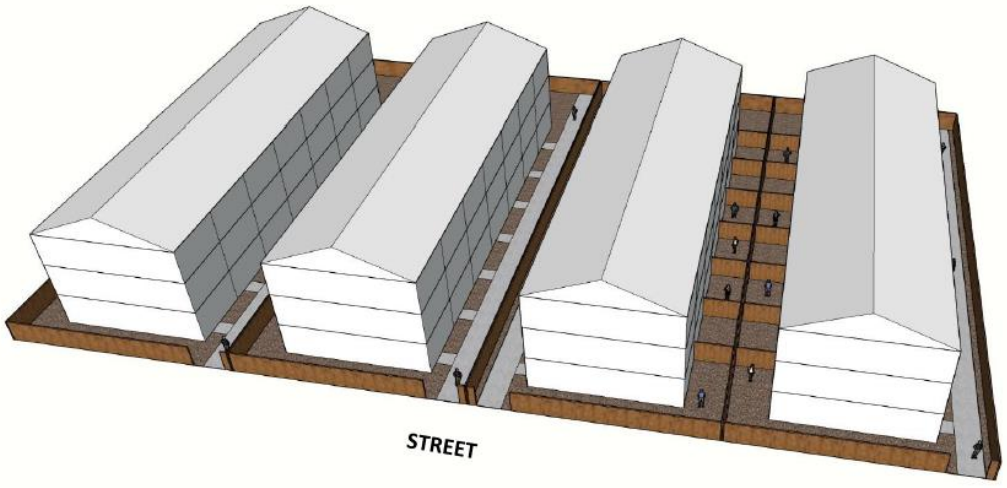
Images show outcomes for four developments on separate sites or could be a similar outcome for multiple buildings on the same site.

Plan view:
four development blocks



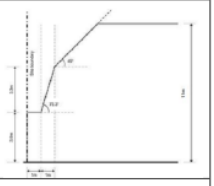
***Below**: There is 6m space between two building facades where there are facing outlook spaces. This is building separation is achieved through the 6m deep outlook spaces for each property being combined to create 6m.*





Auckland Council proposed Medium Density Residential Standards applied to developments with multiple dwellings

The modelling shows how Auckland Council's proposed Medium Density Residential Standards (MDRS) could be applied to developments of multiple dwellings through a Restricted Discretionary consent. The building height, bulk and form shown in the model could also apply to permitted single dwellings or to two or three attached dwellings.

Auckland Council proposed MDRS specifications *Standards proposed by Auckland Council that are additional or differ from the MDRS are shown in **bold***	
Building height	11m
Building coverage	**45%** net site area
Height in relation to boundary	**Apply Auckland Council's Alternative height in relation to boundary (refer to AUP MHU residential standards - H5.6.6.1)** 
Maximum impervious surface	60% net site area
Proposed landscape standard	**35% net site area**
Minimum front yard setback	**4m**
Minimum side and rear yards	1m
Outlook space from principal living room	**4m x 5m**
Outdoor living space per unit (ground level)	**4m x 5m - 20m^2**

Model specifications

Auckland Council proposed MDRS are applied to the typical Auckland site size of 800m^2 with a 18m width and 44.5m depth.

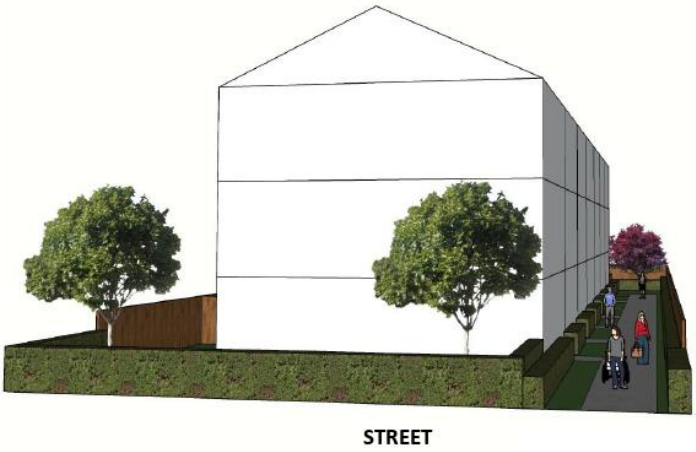
Building typology is unspecified – it could apply to developments of multiple dwellings in the form of apartments or terrace housing.

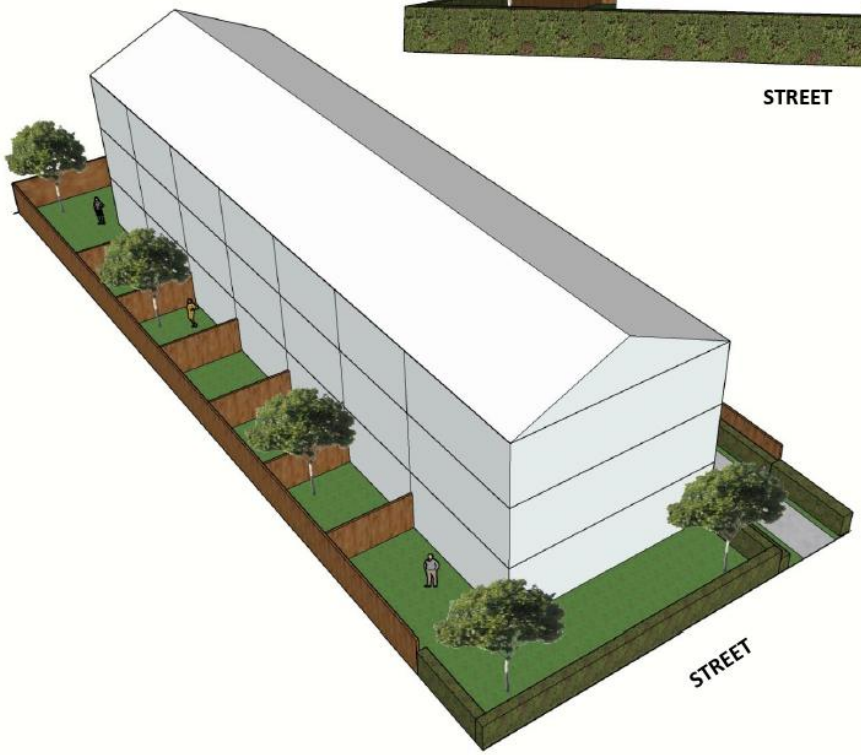
There is no requirement for parking but access for pedestrians and emergency services is provided.

Modelling outcomes

- Total building dimensions – 10m wide X 36m long = 360m^2. This is 45% building coverage.
- Proposed Auckland Council height in relation to boundary standard achieves a height of 11m and three storeys on a typical Auckland site.
- Ground level outdoor living spaces and primary living room outlooks influence side yard setbacks and potential width of dwellings.
- The dwelling widths are dimensioned to align with the 5m x 4m ground level outdoor living area standard and 5m x 4m outlook standard.
- A 20m^2 5m x 4m outdoor living space enables space for tree planting.
- A 4m front yard setback adjacent to the street allows adequate space for the spread of trees that are at least 6m height to support climate change objectives, site and street amenity and supports ecological corridors.
- A landscaped area standard encourages planting vegetation and trees to support climate change objectives and well-functioning environments.
- A 4m wide side yard provides for 1.8m wide shared footpath, access to front doors and access for emergency services.

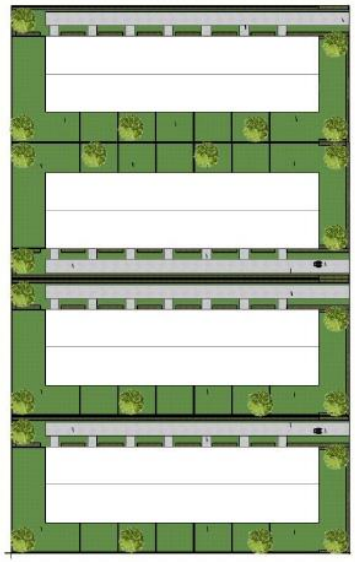
Plan view: Multiple dwellings:
- 45% building coverage
- Ground floor outdoor living areas 4m x 5m (20m^2) with space for trees
- 4m x 5m outlook space facing towards side boundary
- side yard with shared pedestrian footpath, access to dwellings and emergency services (4m width)
- 60% impervious surface
- 35% landscape area
- 4m front yard setback space for trees adjacent to street frontage





Images show outcomes for four developments on separate sites or could be a similar outcome for multiple buildings on the same site.

Plan view:
four development blocks



***Below**: There is 8m space between two building facades where there are facing outlook spaces. This is building separation is achieved through the 4m deep outlook spaces for each property being combined to create 8m.*

Changes to the Auckland Unitary Plan and the Auckland District Plan (Hauraki Gulf Islands Section) to deliver better quality intensification and implement the National Policy Statement on Urban Development and Resource Management (Enabling Housing Supply and Other Matters) Act

File No.: CP2022/01508

Te take mō te pūrongo
Purpose of the report

1. To seek endorsement to further investigate changes to the Auckland Unitary Plan (Operative in Part) (AUP) and the Auckland District Plan (Hauraki Gulf Islands Section) **(**HGI Plan) as follows:

    a) For both the AUP and HGI Plan to address five issues that arise from the removal of parking minimums as required by the National Policy Statement Urban Development 2020 (NPS UD).

    b) For the AUP to:

    - introduce planning provisions for private ways servicing 10 or more parking spaces or rear sites to achieve better quality outcomes
    - amend the zone provisions to:
        - enable building heights of least six storeys in walkable catchments as required by the Policy 3(c) of the NPS UD
        - incorporate the Medium Density Residential Standards (MDRS) in the relevant residential zones, as required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act)
        - provide for quality-built environment outcomes in residential areas of Auckland.

Whakarāpopototanga matua
Executive summary

2. The Plans and Places department maintains a ‘Residential Issues Register’ and has completed a Section 35 Monitoring: B2.3 Quality Built Environment report. The register and the section 35 report identified the need for changes to the AUP to achieve better-quality built form, access and car parking outcomes. A summary of the issues and options to address them was presented to the Planning Committee at workshops in the second half of 2021.

3. Responding to these issues and implementing the requirements of the NPS UD and the Amendment Act has seen the development of two packages of work that relate to the text of the AUP and the HGI Plan. The two packages seek to:

    a) address issues arising from the mandatory removal of car parking minimums, and the poor quality of private ways serving 10 or more parking spaces or rear sites

    b) enable building heights of at least six storeys in walkable catchments; incorporate the MDRS in every relevant residential zone; and provide for quality built environment outcomes within residential areas.

Item 11

4. While a key aim of this work is to provide for quality built environment outcomes within residential areas, it is important to note that the NPS UD and the Amendment Act limit the degree to which this can be achieved. This is due to the NPS UD requirement to enable buildings of at least six storey buildings on most existing properties within walkable catchments (unless qualifying matters apply), and the Amendment Act requirement to not have standards that are more restrictive than the Medium Density Residential Standards (unless qualifying matters apply).

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) endorse the further investigation of changes to the Auckland Unitary Plan and the Auckland District Plan (Hauraki Gulf Islands Section) to address the five issues discussed in the agenda report that arise from the mandatory removal of parking minimums under the National Policy Statement Urban Development

b) endorse the further investigation of changes to the Auckland Unitary Plan to:

   i) introduce planning provisions for private ways servicing 10 or more parking spaces or rear sites to achieve better quality outcomes

   ii) amend the zone provisions to:

      A) enable building heights of least six storeys in walkable catchments as required by the Policy 3(c) of the National Policy Statement on Urban Development

      B) incorporate the Medium Density Residential Standards in the relevant residential zones, as required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 202

      C) provide for quality built environment outcomes in residential areas of Auckland as discussed in the agenda report.

Horopaki
Context

Auckland Unitary Plan Section 35 Monitoring: B2.3 Quality Built Environment

5. Auckland Council has undertaken monitoring of the effectiveness and efficiency of the objectives and policies in AUP Regional Policy Statement Chapter B2.3: Quality Built Environment in accordance with Section 35 of the RMA (Duty to gather information, monitor and keep records). An analysis report has concluded that further research and actions need to be undertaken to improve the built form outcomes being delivered by the AUP to meet these objectives and policies. However, the report caveats that some findings require further monitoring to inform recommendations on planning responses and AUP provisions.

Auckland Unitary Plan Issues Register 2016 - ongoing

6. Over time Auckland Council has compiled an Issues Register which records issues arising from the implementation of the AUP. Issues have been raised regarding the performance of the residential zone provisions. Investigations into several of these issues confirmed the need for council to undertake further research and actions to achieve better quality outcomes in respect of built form and shared driveways.

7. This project is aligned with the wider monitoring of the performance of the AUP as part of the s35 monitoring required by council.

Work packages to implement intensification and quality built environments

8. Several packages of work have been progressing in response to the NPS UD and the Amendment Act. Responding to the issues identified in the section 35 report and issues register, while implementing the requirements of the NPS UD and the Amendment Act, has seen the development of two integrated packages of work. The two packages seek to:
    a) address issues arising from the mandatory removal of car parking minimums, and the poor quality of private ways serving 10 or more parking spaces or rear sites
    b) enable building heights of at least six storeys in walkable catchments; incorporate the MDRS in every relevant residential zone; and provide for quality built environment outcomes within residential areas.
9. Planning Committee meeting endorsed investigations into the five issues (PLA/2021/104). It was requested that staff report the findings of the investigation back to the Planning Committee for further consideration. Later in September 2021 local boards were briefed on these five issues as well as the technical consequential plan change. This is a matter of particular interest to local boards.
10. In relation to private ways a workshop was held with the Planning Committee (local board chairs were also invited) in July 2020 and the Committee was generally supportive of a plan change to address issues with private ways.
11. Similarly local boards have been briefed at workshops in January and February 2022, on this package. Local Boards were generally supportive of a plan change to address concerns with the five issues and private ways. This is discussed in more detail later in the report.
12. A Planning Committee workshop on 23 February 2021 set out the proposed changes to the Terraced Housing and Apartment Building zone provisions to implement the NPS UD and MDRS, within and outside walkable catchments.

Tātaritanga me ngā tohutohu
Analysis and advice

Five issues relating to the mandatory removal of car parking minimums

13. The five issues were discussed in detail in the September 2021 agenda item. In summary they are:
    a) Provision of accessible parking
    b) Provision of private pedestrian access, where no vehicle access is provided
    c) Provision of on-site pick-up and drop-off/loading facilities and access for emergency services where no vehicle access is proposed
    d) Design of bicycle / micro-mobility access and storage
    e) Provision of electricity connections that enable installation of compliant smart electric vehicle chargers.
14. Following consultation with key stakeholders and further research, five options were developed to address these issues. They are:
    a) No change
    b) Plan change to the AUP and HGI Plans
    c) Travel plans (statutory)
    d) Non-statutory approaches e.g. design guidance, resource consent guidance
    e) Advocate to Central Government to amend the Building Act 2004 and Building code.

Item 11

15. The initial evaluation of the above options is provided in **Attachment A**. Options b) to e) are recommended to address the range of issues. Council and Auckland Transport staff are currently continuing their investigations into addressing these issues.

Private ways

16. At a Planning Committee workshop on 21 October 2020 issues associated with the poor quality of private ways were presented including:

    a) Narrow and poorly designed private ways that create:

    - increased risks to pedestrian safety (especially for children) and accessibility challenges from the lack of dedicated footpaths with berms and in some developments with steep gradients, cross falls, and steps
    - access and manoeuvring difficulties for vehicles particularly emergency vehicles and large service vehicles such as waste collection trucks
    - difficulties in providing space for waste collection, letter boxes, lighting, installation and maintenance of utilities, trees and landscaping, and vehicle parking (including accessible parking and loading spaces)

    b) Poor connectivity to the wider road network and neighbourhood

    c) Likelihood that the removal of parking from future developments will place additional pressure for vehicle parking in private ways.

    d) A lack of awareness by property owners that they are responsible for operations and maintenance and the ongoing costs involved. There is a risk that in the future, landowners may seek to transfer private ways into public ownership, which have not been built to public road standards.

17. Council staff have continued to investigate these issues, defining the problems and developing options in response. In summary these options are:

    - 1: No change
    - 2: Plan change to amend the AUP
    - 3: Use the same standards that apply to local roads
    - 4: Review as part of a second generation AUP
    - 5: Develop technical guidance on design and construction standards for private ways (this work is underway and is led by the Resilient Land & Coast Department of council).
    - 6: Non-regulatory methods.

18. The evaluation of the above options is provided in **Attachment B**. Option 2, a plan change to amend the AUP, is the recommended option, supported by Options 5 and 6.Option 3 may be used as a benchmark for larger developments.

Combining the workstreams

19. There is considerable overlap between the five issues and private ways projects. Both are concerned with matters of pedestrian access and safety and the provision of access for servicing, pick up and drop off and emergency services and design and construction standards. Other common secondary matters such as lighting, waste management, landscaping and stormwater management and long-term operations, maintenance and management requirements were also identified. With the required removal of car parking minimums in both the AUP and HGI Plan it is likely that spillover parking will seek to park in private ways.

20. Several key stakeholders are common to both workstreams, and a joint engagement approach is mutually beneficial.

21. On this basis it is more efficient to combine both workstreams within the umbrella of a single plan change. This will allow for an integrated planning response.

22. Such a plan change would use the RMA Schedule 1 process as this work does not qualify for the IPI process, introduced under s80E of the Amendment Act, to expedite the planning process. It would be notified at the same time as the related NPS UD plan changes to ensure a comprehensive and integrated package of plan changes was available for public submissions.

Implementing intensification and quality-built environment provisions

23. As set out in the overview report, the NPSUD and Amendment Act require the council to implement intensification provisions. In providing for greater intensification as directed by the NPSUD, the AUP must also give effect to the policy direction of:

    a) Chapter B2.3 A Quality Built Environment of the Regional Policy Statement (RPS); and

    b) Objective 1 and Policy 1 of the NPSUD, which seek to a achieve a well-functioning urban environment.

24. Therefore, related provisions will need to be developed to achieve quality built environment outcomes and to respond to the findings of the section 35 monitoring on the Quality Built Environment, whilst providing for the intensification required by the NPSUD and the Amendment Act.

25. The provisions being investigated include:

    a) Enabling building heights of at least six storeys in the THAB zone within walkable catchments and achieving consequential built environment outcomes.

    b) Enabling at least six storey buildings in the Business - Mixed Use, Town Centre, Local Centre and Neighbourhood Centre Zones within walkable catchments.

    c) Incorporating the MDRS in all relevant residential zones and any consequential amendments to the zone provisions.

    d) Any consequential changes to related provisions in the AUP, such as subdivision standards.

Enabling building heights of at least six storeys and incorporating MDRS within Walkable Catchments, and achieving quality built environment outcomes

26. Five outcomes have been identified for enabling building heights of at least six storeys in walkable catchments, whilst continuing to give effect to quality-built environment components of the AUP RPS:

    - Outcome 1: Enable building heights of at least six storeys on a typical site
    - Outcome 2: Manage privacy, building dominance and shading effects on adjoining sites
    - Outcome 3: Manage dominance and shading effects on the street
    - Outcome 4: Ensure good onsite amenity for residents
    - Outcome 5: Respond to climate change.

27. To implement the intensification requirements of the NPS UD, residential zones in the walkable catchment will be rezoned Residential – Terraced Housing and Apartment Buildings zone unless a qualifying matter applies and requires a different approach.

28. To enable building heights of at least six storeys in walkable catchments, the THAB zone provisions will need to be amended so that six or more storey buildings can be developed on a typical site. The THAB provisions will also need to respond to the built form outcomes set out above.

29. The provisions of the Business - Mixed Use, Town Centre, Local Centre and Neighbourhood Centre zones are also being reviewed to determine whether changes are required to enable building heights of at least six storeys, and to achieve quality-built environment outcomes.

30. The types of provisions that are being investigated for the THAB zone in the walkable catchments include:

    a) Relaxing the height in relation to boundary standards:

        - within 21.5m of the street frontage, applying a height in relation to boundary standard of 19m + 60 degrees to side and rear boundaries
        - beyond 21.5m of the street frontage, or on rear sites, applying a height in relation to boundary standard of 8m + 60 degrees to side and rear boundaries

    b) Privacy separation of 8m between outdoor living spaces and outlook spaces located above three storeys, and side and rear boundaries

    c) Building setback from the street frontage of 6m applying at 19m (six storeys) and above

    d) Retaining the existing THAB daylight standards requiring separation between outlooks from habitable rooms in buildings on the same site

    e) Communal outdoor living space requirements for development of 40 or more dwellings

    f) Requirements for deep soil areas to support planted vegetation within landscaped areas.

Implementing the MDRS in residential zones outside of walkable catchments and achieving built environment outcomes

31. As required by the Amendment Act, the MDRS will be implemented into every relevant residential zone, except where qualifying matters apply and require an approach different to the MDRS. Where a qualifying matter applies, it may be used to:

    - Apply or retain a lower intensity residential zoning, where the qualifying matter is incompatible with the MDRS; or
    - Alter the provisions of the MDRS zone(s), through other mechanisms in the AUP such as overlays and controls.

32. The preliminary approach being investigated is to incorporate the MDRS into the THAB zone and Residential – Mixed Housing Urban (MHU) zone. Therefore, the MHU and THAB zone provisions are the focus of investigation for this package of work.

33. In addition to implementing the MDRS, this package of work is investigating applying other built form standards to the development of four or more dwellings within the MHU zone, in order to achieve quality-built environment outcomes for more intense forms of residential development. These investigations have been informed by issues raised by the council's Urban Design Unit in assessing resource consents for terraced housing and apartment developments, and the s35 monitoring of the AUP against Quality Built Environment outcomes in the Regional Policy Statement chapter of the AUP.

34. Refinements to standards and other provisions such as assessment criteria will be investigated to address the issues raised by the s35 monitoring findings and issues identified by the Urban Design Unit. These provisions will be included in the IPI plan change, where they can be demonstrated to be consequential to incorporating MDRS.

35. However, there are some matters identified in the s35 monitoring that require further investigation and evidence to inform amendments to the AUP. Given the 20 August 2022 statutory timeframe for the IPI, these will need to be addressed by a future plan change to the AUP.

36. Table 1 below outlines the matters being addressed in the amended MHU and THAB provisions from s35 monitoring, and those that will be addressed through another process, as those issues require further investigation and evidence before progressing:

Table 1: Matters being investigated for the IPI and with those requiring further investigation

Matters being investigated for the Intensification Planning Instrument (IPI)
Improving the residential provisions so that these adequately cater for and encourage apartment and terrace housing where this is an appropriate development outcome in the higher intensity zones
Encouraging apartments and terraces to front the street rather than being oriented perpendicular to the street frontage, to reduce the effects of dwelling outlooks facing adjacent properties.
Opportunities to require communal living space for larger scale developments
Accessing outdoor living space from the primary living area
Managing visual dominance effects on adjacent sites arising from long buildings orientated perpendicular to the street
Requiring deep soils area with planted landscaping
Requiring outlook space to be co-located with outdoor living space
Built form setbacks from private accessways
Matters identified through s35 monitoring that require further investigation
Managing cumulative effects from retaining walls and fencing on daylight and outlook space. Explore standards limiting the cumulative height of retaining walls and fencing adjacent to outdoor living and outlook areas
Minimum site width for the development of four or more dwellings on a site
On-site waste management, particularly for multi-unit developments.

Tauākī whakaaweawe āhuarangi
Climate impact statement

37. Objective 8 and policy 1 of the NPS-UD set out a policy framework that signals the need for decisions under the RMA to reduce emissions and improve climate resilience.

38. This framework is in line with the 'built environment' priority of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which has a goal of achieving "*A low carbon, resilient built environment that promotes healthy, low impact lifestyles".* The plan recognises that:

> *"To move to a low carbon and resilient region, climate change and hazard risks need to be integral to the planning system that shapes Auckland. Integrating land-use and transport planning is vital to reduce the need for private vehicle travel and to ensure housing and employment growth areas are connected to efficient, low carbon transport systems."*

39. Applying the NPS UD will enable additional residential intensification to occur in areas where jobs, services and amenities can be easily accessed by active modes and public transport. This will contribute to reducing greenhouse gas emissions and the more efficient use of land will reduce growth pressures in areas more susceptible to the effects of climate change. In some places, applying the MDRS required under the Amendment Act will also achieve this outcome. However, a key aspect of the council's submission on the Amendment Act was that enabling three-storey medium density housing across Auckland's urban environment, is likely to result in a greater number of people living in areas where it is extremely difficult to provide a high level of public transport service.

40. A more detailed analysis of climate impacts will be possible once the mapping work required to implement the NPS-UD and the Amendment Act is more advanced. As well as responding to the intensification requirements of the NPS-UD and Amendment Act, this mapping work applies qualifying matters such as avoiding natural hazards associated with climate change (e.g. coastal inundation and erosion associated with sea level rise).

41. In addition, the deep soil standards being investigated will support plant and tree growth, providing for carbon sequestration to mitigate greenhouse gas emissions, and reducing the heat island effect.

42. Residential standards such as improving daylight and sunlight penetration into sites and providing space for the trees capable of growing up to at least 6m, also support the mitigation of carbon emissions and heat island effects.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

43. All relevant council departments have been involved in the investigation of the matters discussed in this report and will have an ongoing role in the project.

44. The relevant Council Controlled Organisations, Auckland Transport and Watercare have been working closely with staff on private ways. For the five issues workstream AT and council are working on a joint response.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

45. Engagement with local boards has been undertaken on the implications of the NPS UD and local board chairs were invited to the series of Planning Committee workshops throughout 2021. This engagement is continuing in 2022 including analysis on the implications of the Amendment Act and the results of council investigations.

46. Specific engagement has been undertaken with local board on the matters discussed in this report relating to the mandatory removal of car parking minimums and the design of private

ways. The local boards were generally supportive of the need to address the issues identified and came up with a number of examples of these issues in their local board areas. They were supportive of addressing the issues primarily through the plan change options and as soon as possible.

47. For five issues relating to parking they noted the disadvantages of relying on non – statutory methods and/or advocating to central government, but did indicate that some non-statutory methods could be used in conjunction with changes to the AUP and the HGI Plan. For private ways (or shared driveways) the local boards also supported the development of technical guidance on design and construction standards and the continued use of non-regulatory methods.

48. It is intended to seek further feedback and resolutions from the local boards in June 2022 prior to the Planning Committee receiving any proposed plan changes for a decision to notify in August 2022. This programme is scheduled to align with the wider NPS UD engagement programme.

49. At this stage staff have not sought any input or consulted with individual local boards in relation to the remaining matters discussed in this report. It is intended that engagement with local boards will take place in early June 2022 and staff will also report back to the Planning Committee in August 2022.

Tauākī whakaaweawe Māori
Māori impact statement

50. Auckland Council has obligations under Te Tiriti o Waitangi and its Significance and Engagement Policy to take special consideration when engaging with Māori and to enable Māori participation in council decision-making to promote Māori well-being

51. The NPS-UD provides for the interests of Māori through intensification to increase housing supply, alongside its identification of qualifying matters. The widespread intensification sought by the NPS-UD has the potential to affect Māori both negatively and positively. This includes with respect to culturally significant sites and landscapes, Treaty Settlement redress land, the urban form as it reflects mātauranga Māori and accessibility, and Māori facilities where customs and traditions are observed (such as marae).

52. The relevant qualifying matters set out in the NPS-UD and Amendment Act include matters of national importance that decision-makers are required to recognise and provide for under section 6 of the RMA 1991, and matters necessary to implement, or to ensure consistency with, iwi participation legislation.

53. Policy 9 of the NPS-UD sets out requirements for local authorities as follows:

"Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and

b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and

c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and

d) operate in a way that is consistent with iwi participation legislation."

54. Policy 9 directs the council to involve iwi and hapū in the NPS-UD, during the preparation of planning documents, and to take into account the values and aspirations of hapū and iwi for urban development in the region. In the context of the NPS-UD, the council must involve mana whenua and mataawaka within the region.

Engagement

55. All mana whenua entities recognised by the council receive ongoing invitations to engage and provide feedback on the NPS-UD programme. All representatives (including those electing not to participate in collective meetings or workshops) receive information, updates and hui notes. The council planning team encourage and ask iwi representatives to share key programme information with appropriate advisors, specialists and staff within their tribal organisations.

56. Since October 2021, council staff have been engaging with mandated mana whenua representatives at both Governance and Kaitiaki levels on the NSP-UD and its wider implications across the region. This has been through collective and individual hui. Collective hui have been held on average every 4 to 6 weeks (excluding the Christmas period).

57. As the implications of the NPS-UD have become more apparent, particularly through the Amendment Act in December 2021, potentially affected mataawaka facilities and location specific mataawaka groups have been identified. This identification has been done in consultation with the council's Ngā Mātārae department and the Plans and Places Māori Heritage Team. Targeted engagement with these groups commenced in March 2022 and will continue through to April 2022.

58. Council staff also presented to the Tāmaki Makaurau Mana Whenua Forum in October 2021 and March 2022. The council has provided memorandum updates to Te Pou Toi, Toi Manawa and Te Pou Taiao in February 2022.

59. The engagement being undertaken is consistent with Clause 3(1)(d) of Schedule 1 of the RMA which is a requirement for standard plan change processes.

Themes emerging

60. Individual and collective engagement has raised several key themes relating to such matters as the protection of scheduled and known cultural heritage and managing potential interface effects from new development with existing marae. This is supported by research undertaken by the council team in advance of these discussions with mana whenua. This has drawn on a wide range of council documents and publicly available information.

61. Common themes that have been identified include:

    a) Universal access provided in residential design for less able whanau members

    b) Access to open space for health and wellbeing

    c) Safe and connected whānau and communities

    d) Avoiding development in areas poorly served by infrastructure

    e) Access to affordable housing options

    f) Maintaining access to customary activities e.g. waka launching, kaimoana gathering

    g) Protection of Māori sites and places of cultural significance. Maintaining precincts that protect cultural values or are otherwise culturally sensitive (such as Ihumātao)

    h) Avoiding negative effects of intensive residential development on established cultural activities/facilities (such as marae)

    i) Provisions for Kohanga reo and Kura Kaupapa Māori in urban areas

j) Use of Māori design concepts in the development of commercial centres and in large residential developments

k) Use of mātauranga and tikanga Māori in the management of resources

l) The support of measures to maintain and improve water quality, ecological areas, volcanic viewshafts, and the coastline.

m) Avoid exacerbating natural hazard risks

n) Maintaining the cultural significance of the Waitakere Ranges Heritage Area

o) Concern that Future Urban Zone land will be prematurely rezoned.

62. The council's engagement team is actively working across the NPS-UD project to consider these matters and are reporting back to the mana whenua representatives on progress.

Ngā ritenga ā-pūtea
Financial implications

63. Work on the NPS-UD has been progressing within existing budgets. However, the recent passing of the Amendment Act has resulted in a significant increase in the scale and complexity of the project, without any changes to the NPS-UD implementation timeframes. This will require a greater than anticipated level of change to the AUP and therefore a higher level of public participation and potential feedback and submissions.

64. The financial impact of these changes will affect the current 2021-2022 and the 2022-2023 financial year, and potentially the following year. While it is expected that additional costs in the current financial year can be met through a re-prioritisation of work programmes within the Chief Planning Office, further costs (primarily relating to operation of an independent hearings panel and engagement of specialists) may require re-prioritisation of other work programmes from across the organisation. Planning for the 2022-2023 financial year is currently underway, however any impacts will be of a scale that will not affect the council's overall financial position.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

65. The key risks from not addressing consequential technical amendments from the removal of minimum car parking requirements from the AUP and HGI Plan are:

a) broader issues are not addressed resulting in poor development outcomes

b) council may not achieve its climate objectives under Te Tāruke-ā-Tāwhiri: Auckland Climate Plan which anticipate 40 percent of light vehicles to be electric or zero emission by 2030, and 80 percent by 2050

c) alternative modes of transport to the private vehicle in light of the removal of car parking minimums are not supported

d) activities such as loading/servicing may spill over into the road network and adversely impacts its efficiency and detracts from the provision of improved public transport (e.g. bus only lanes) or separated cycle facilities.

66. The key risks associated with the lack of standards for private ways are poor development, safety, efficiency, accessibility, amenity, environmental, convenience and public health (from greater car dependency) outcomes. This will not achieve the NPS UD objective of a well-functioning urban environment.

67. The key risks associated with enabling buildings of at least six storeys in walkable catchments and the relevant zones implementing MDRS are:

a) broader issues are not addressed and result in poor amenity outcomes and poor-quality built environment

b) health and safety impacts on people living in developments with inadequate privacy and personal safety, lack of space for children's play areas, passive recreation including gardening, for household infrastructure (including rainwater tanks, rubbish bins, heat pump units, storage sheds) access to sunlight (for mental wellbeing as well as drying laundry).

68. It is recognised that the proposed changes to the AUP to accommodate six storey buildings in walkable catchments and the MDRS will have a minor impact on development capacity. However, it is considered that this will be mitigated by the significant increase in additional development capacity created through the implementation of the NPS UD and MDRS, which is on top of Auckland's already significant development capacity.

Ngā koringa ā-muri
Next steps

69. Should the committee endorse the further investigation of changes to the AUP and HGI Plan to deliver quality intensification, consultation with mana whenua, local boards and key stakeholders will continue. Draft proposals will be reported back to the committee prior to 20 August 2022.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Evaluation of options for five issues related to the removal of car parking minimums	255
B⇩	Evaluation of options for private ways	267

Ngā kaihaina
Signatories

Authors	Michele Perwick - Senior Principal Planner Celia Davison - Manager Planning - Central/South
Authorisers	John Duguid - General Manager - Plans and Places Megan Tyler - Chief of Strategy

Five Issues Related to the Removal of Car Parking Minimums

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
1. Accessible parking	**Problem Definition** Policy 11 of the NPS-UD states that the council can continue to set minimum accessible parking requirements. The AUP and the HGI Plan both refer to the Building Code for accessible parking requirements. Under the Building Code, the number of accessible parking spaces is determined using a ratio based on the number of general car parks provided. The standard does not, however, apply to residential buildings. If, following the removal of the minimum car parking requirements there are no general car park spaces proposed as part of a development, there is no requirement in the AUP and the HGI Plan that enables the council to require the developer to provide accessible car parking. Accessible car parks could be required where carparking is provided or could be required where no onsite parking is proposed. **Evidence/Advice** Advice from Stakeholders: • Disability Advisory Panel • Public Transport Accessibility Group (PTAG) • Seniors Advisory Panel • Universal Design Forum Legal Advice	1. No change – i.e no accessible parking 2. Require accessible parking based on NZS:4121:2001 (excludes residential developments) 3. Option 2 plus add accessible parking for residential activities 4. Only require accessible parking where onsite parking is provided **Preliminary Preferred Option(s)** Option 3	**Advantages** 1. No action required 2. Maintains the status quo so should not be challenged through the plan change process 3. Addresses the issue of accessible parking for residential developments; this was an issue for the key stakeholder groups 4. No or minimal effect on development yield **Disadvantages** 1. Doesn't address the issue of accessible parking (which the NPS:UD does provide for) 2. Doesn't address the issue of accessible parking for residential uses; increasing percentage of the population has a disability/aging 3. Could likely be challenged in that it goes further than what the building code requires; potentially may adversely effect development yield 4. Potentially, a significant number of developments will not have accessible parking thereby excluding people with disabilities

DRAFT

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
2. Design of private pedestrian access	**Problem Definition** The AUP does not require car parking to be provided within the Residential – Terrace Housing and Apartment Buildings Zone and for studios and one-bedroom dwellings within the Residential – Mixed Housing Urban Zone. Where dwellings are not provided with vehicle access or onsite parking, they rely on private pedestrian access. This could now also apply to other sites where no carparking/vehicle access is provided as a result of the removal of parking mimimums. Where a land use consent is sought in a residential zone, the AUP requires pedestrian access if there is vehicle access serving 10 or more parking spaces. The existing AUP standards for pedestrian access relate to circumstances where the pedestrian access is provided alongside a much wider vehicle access. The pedestrian access is required to be one metre wide and can be located within the formed driveway[1]. Where a subdivision consent is sought in a residential zone, accessways serving six or more rear sites must provide separate pedestrian access which may be located within the formed driveway. The minimum width for the pedestrian access is one metre and it must be distinguished from the vehicle carriageway[2]. However, where no vehicle access is provided, there are currently no standards in the AUP for private pedestrian access. Evidence is emerging of residential developments with private pedestrian access routes of poor quality and safety. (Note: further evidence is too be collected on this issue, including examples of residential development where pedestrian access has been provided within the site to a good standard.	1. No change – status quo 2. Require private pedestrian access of appropriate width for residential developments with no vehicle access and no onsite parking 3. Prepare design guidance on private pedestrian access in the Auckland Design Manual 4. Lobby for changes to the Building Act/Code **Preliminary Preferred Option(s)** Option 2	**Advantages** 1. No action required; there is already a standard for pedestrian access where associated with vehicle access 2. Existing standard is inadequate; addresses the issues raised by recent "poorly" designed developments; RD activity status for developments that don't comply with the standard(s) 3. Can be implemented relatively quickly as no plan change is required 4. Building Act/Code already address access for fire and emergency purposes and lobbying can increase this standard; would apply across the country; ongoing opportunities to review Building Act/Code **Disadvantages** 1. Existing standard is inadequate 2. Potentially adversely effects development yield; standard can not be solely based on fire and emergency access

[1] Rule (T151) in Table E27.6.4.3.2, AUP Chapter E27 Transport
[2] Standard E38.8.1.2(4), AUP Chapter E38 Subdivision – Urban

DRAFT

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
	The number of developments without vehicle access and onsite parking is likely to increase across all zones once minimum car parking requirements are removed from the AUP. Without specific standards in the AUP, there is an increased risk of poorly designed and unsafe private pedestrian access. This presents a number of challenges in terms of practical access for occupants and visitors, universal access, emergency services access and egress (fire, police and ambulance), furniture deliveries, personal and public safety, convenience and general amenity. Legal advice is that the AUP cannot address the issue of access for fire and emergency services because that is already dealt with under the Building Act **Evidence/Advice** Advice from Stakeholders: • Fire and Emergency • St Johns Ambulance • NZ Police • Universal Design Forum • Seniors Advisory Panel • Disability Advisory Panel? Legal Advice NPS:UD – Removal of Parking Minimums: Consequential Effects on Private Pedestrian Access, Melanie McKelvie, July 2021 Report on Lighting Provisions for Private Pedestrian Access for Proposed Auckland Unitary Plan Change, S & T Lighting, September 2021		as this is addressed by the Building Act/Code 3. Design guidelines carry no statutory weight in the resource consent process and can be ignored 4. Width of access for fire and emergency services is only one aspect of access requirements, and may not address practical access for deliveries; other emergency services personnel such as NZ Police & St Johns Ambulance; and broader safety and amenity concerns, MBEI may not support any changes to the standards for fire access. This option is outside the scope of AC control and may not address the issue or if it does, my not be in a timely fashion.

LEAD

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
	Proposed Plan Change: Private Pedestrian Access, Urban Design Unit, July 2021 Private Pedestrian Access Design Considerations: Options Matrix, Melanie McKelvie, 19 November 2021		
3. Pick – up & drop-off facilities and loading spaces	**Problem Definition** There are broader issues associated with property access and the potential effects of this on the transport network. Developments or land uses that do not have vehicle access for servicing, pick up and drop off (including ride share and future potential for autonomous vehicles) and deliveries may be reliant on roadside access. This may lead to conflicts with transport network functions (parked cars blocking the carriageway or parking on the footpath) and may have safety effects (such as visibility constraints, unsafe vehicle manoeuvres and effects on pedestrian safety). The AUP requirements for on-site loading have relatively high development thresholds. The current on-site car parking requirements allow some of these loading and servicing tasks to occur without specific provision being made. Loading/servicing considerations should not just be limited to private vehicles but also include trucks, rubbish collection etc. **Evidence/Advice** Addison Urban Design Review, Hill Young Cooper Ltd, November 2019 (some commentary on service vehicle access) Memorandum from Liam Burkhardt & Dirk Osborne, Auckland Transport, National Policy Statement on Urban Development: The removal of carparking minima and	1. No change – status quo 2. Require onsite pick – up and drop – off facilities where there is no onsite parking 3. Lower the threshold for onsite loading facilities for non-residential land uses (retail and industrial) where there is no onsite parking 4. Lower the threshold for on-site loading facilities for residential land-uses where there is no onsite parking 5. Address pick-up and drop – off and loading facilities through the Travel Plan requirement (introduced via the Consequential Technical Plan Change) **Preliminary Preferred Option(s)** Options 2, 3 & 4	**Advantages** 1.There is an existing requirement for loading spaces 2. Pick -up and drop – off facilities can also double as on-site loading; increasing demand for parcel deliveries 3. Would result in an increase in on-site loading facilities for retail and industrial land uses; only applies where there is no onsite parking provided 4. Increasing demand for parcel deliveries; existing threshold is too high (5000 sqm) where no onsite parking is provided; road space in increasing demand so loading from the road becoming increasingly difficult; only applies where there is no onsite parking provided 5. Travel Plan requirement requires a comprehensive look at travel to and from a site (that meets the threshold). Travel Plan is a flexible approach that takes into account the surrounding area.

DRAFT

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
	consequential changes to the Auckland Unitary Plan, 15 October 2021 Auckland Transport's Parking Services cited the examples of Great North Road and Beach Road, where they have encountered service vehicles loading illegally within the road reserve due to inadequate loading space being provided on site. With the increasing popularity of e-commerce, an increased amount of goods will be delivered or picked up from businesses, which will result in adverse effects on the transport network without adequate provisions in the AUP. Auckland Plan 2050 – Transport and Access Chapter		**Disadvantages** 1.Existing requirement for loading spaces for residential development is set at a high threshold (5000sqm); the lack of onsite parking and loading has an effect on door-to-door services such as delivery services and specialised transport pick-up/drop-offs 2.Potentially adversely effects development yield; no/little evidence that the existing requirement for onsite loading facilities for non-residential land uses are not working, so changes may be hard to justify 3. Potentially adversely effects development yield; many non-residential land uses in centres will not have onsite parking; no/little evidence that existing loading space requirements are inadequate (this may be dependant on the zone) 4.Potentially adversely effects development yield, there is a threshold where loading is required, so some sites will not have loading and thus no associated pick – up or drop-off facility 5. Travel Plan does not include specific standards, so it is open to what is required. Maybe inconsistent application. Travel Plan is the

DRAFT

Item 11

Attachment A

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
			subject of the Consequential Technical Plan Change so may be changes or even deleted through that process. There are no assessment criteria within the travel demand rule which require specific consideration of loading/servicing.
4. Cycle access and storage facilities	**Problem Definition** The AUP does not require on-site bicycle parking until relatively high development thresholds are reached. Large developments (particularly residential) are an issue, particularly for visitor parking, or for sites with no garaging and communal parking areas. Developers argue, and with some legitimacy, that centralised cycle parking is inconvenient for users and rely on provision of secure parking (e.g. garages or yards) for individual units. Existing standard is more appropriate for business / commercial activities rather than residential. There are numerous consenting examples in Auckland (e.g. 3 Windmill Road, Pukekohe and 42-44 Westgate Drive) where developers have not provided bicycle parking at the rates specified in Table E27.6.2.5. AT's Development Consenting team noted that the current assessment criteria associated with non-compliance with the bicycle parking rates are somewhat weak and could be strengthened to avoid situations where developers can argue their way out of providing enough/any bicycle parking. This will be more important given that developers now do not have to provide carparking.	1. No change – status quo 2. Reduce the threshold for onsite secure bicycle parking for developments that don't provide onsite carparking and strengthen existing assessment criteria for non-compliance with the standard 3. New standard for bicycle access 4. New standard for secure and sheltered bicycle storage 5. Prepare design guidance on bicycle access and secure bike storage in the Auckland Design Manual 6. Enforce existing provisions 7. Address cycle access and storage through the Travel Plan requirement (introduced via the Consequential Technical Plan Change) **Preliminary Preferred Option(s)**	**Advantages** 1. AUP already requires cycle parking 2. Existing threshold is reasonably high at 1 per dwelling for developments of 20 or more. Reducing the threshold will mean more residential developments will provide cycle parking, future proofs residential developments for greater use of bikes; more residential units have a safe & secure place to store bikes (especially important for electric bikes – see evidence from Fire Service) 3. Currently no standard for access to cycle parking (other than pedestrian access requirements); this issue could be addressed by increased pedestrian access width 4. Addresses secure bike which has been previously

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
	Furthermore, there are no provisions in the AUP relating to the design of on-site bicycle access and secure, sheltered parking facilities for bicycles. There are numerous benefits for cyclists in providing secure and sheltered bicycle storage facilities, especially where residents do not have access to a garage. There are no provisions in the AUP that provide for bicycle access to properties. This can lead to adverse outcomes for cyclists. **Evidence/Advice** Memorandum from Liam Burkhardt & Dirk Osborne, Auckland Transport, National Policy Statement on Urban Development: The removal of carparking minima and consequential changes to the Auckland Unitary Plan, 15 October 2021 Consenting examples in Auckland (e.g. 3 Windmill Road, Pukekohe and 42-44 Westgate Drive) where developers have not provided bicycle parking at the rates specified in Table E27.6.2.5. Auckland Plan 2050 – Transport and Access Chapter	Options 2 and 4, with enforcement of the new standards, and improve the assessment criteria for option 2 Note: this assumes that bike access is adequately addressed by resolving the private pedestrian access issue (which can double as bike access)	highlighted as a deficiency with the AUP. 5. Can be implemented quickly as no plan change is required 6. Evidence is that lack of required existing cycle parking is an issues (i.e not implementing the existing standard), also need stronger assessment criteria so that developers cannot easily argue that they do not need to provide cycle parking or that it is not practical 7. Travel Plan requirement requires a comprehensive look at travel to and from a site (that meets the threshold). Travel Plan is a flexible approach that takes into account the surrounding area **Disadvantages** 1.Does not address the issue of the adequacy of cycling parking/secure storage; doesn't future proof residential developments for greater use of bikes etc 2. Developers may argue costs, impracticalities of secure cycle storage 3. Little point in having secure storage if it is difficult to access

Item 11

Attachment A

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
			it; this issue could be addressed by increased pedestrian access width (provides access for both pedestrians and bike owners) 4. Developers may argue costs, impracticalities of secure cycle storage 5. Design guidelines carry no statutory weight and can be ignored unless supported by standards or assessment criteria in the AUP 6. Addressing the lack of enforcement of existing standards does not address the issues of the adequacy of cycling parking/secure storage; doesn't future proof residential developments for greater use of bikes 7. Travel Plan does not include specific standards, so it is open to what is required. Maybe inconsistent application. Travel Plan is the subject of the Consequential Technical Plan Change so may be changes or even deleted through that process, the travel plan is not sufficient to address the issues highlighted in the problem definition. There are no assessment criteria within the travel demand rule which require specific consideration of on-site bicycle infrastructure. Relying on the travel demand rule would allow applicants to argue that

DRAFT

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
			access for bicycles and sheltered/secure bicycle parking is not required.
5. On-site electric vehicle charging facilities and shared charging spaces/bays	**Problem Definition** New Zealand's transition to electric vehicles is a key component of efforts to significantly reduce transport emissions. For example, Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan anticipates 40 percent of light vehicles to be electric or zero emission by 2030, and 80 percent by 2050. As charging electric vehicles typically takes a minimum of several hours, and ideally occurs at night to take advantage of off-peak power, future residential developments will need to provide spaces and charging facilities to support uptake of electric vehicles. Even if no formal car parking is provided, it is still expected that most households will own a vehicle and therefore some shared charging facilities will be required. This is particularly important as Auckland Transport staff have advised that Auckland Transport does not anticipate supporting on-street facilities.	1. No change – status quo 2. Require new residential developments, that have car parking to be 'pre-wired' with appropriate electrical ducting, cabling and capacity to facilitate later installation of EV chargers 3. Request amendments to the Building Act/Building Code to provide for future ev charging 4. Lobby Central Govt to introduce policies/standards to require 2 above (e.g Climate Change Response (Zero Carbon) Amendment Act 2019 – National	**Advantages** 1. No action required; leaves it to "the market" to provide for ev charging facilities 2. Future proofs residential developments for greater use of ev's, AUP may be the efficient way of addressing this issue 3. Addresses the issue nation - wide; Building Act/Building Code a more appropriate method to require ev charging facilities (than the AUP) 4. Addresses the issue nation - wide; National Adaptation Plan and/or NZ wiring rules are a more appropriate method to

LEVC

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
	Achieving the targets included in the Te Taruje-A-Tawhiri will require rapid adoption of electric and low emissions vehicles. However, at present, research shows that price, range and availability are the key impediments to vehicle take-up. An additional cost is installing safe home charging infrastructure. Globally, home charging is estimated to be 90% of charging because it is convenient and low cost. The cost of home charging installations will depend on a range of factors, including customer preference, charger technology and the existing electrical system within the dwelling or, in the case of multi-unit developments, the car parking area. To minimise the costs associated with installing charging infrastructure, AT recommends future developments that have car parking spaces are required to be fitted with appropriate ducting and wiring to enable easier charger installation as more of the vehicle fleet moves to electric technology. The pre-installation of appropriate ducting and wiring is likely to be particularly important for multi-unit dwellings with separate car parking spaces where retrofit may be more difficult or cost allocation amongst owners may be more complex. **Evidence/Advice** Te Taruke A Tawhiri: Auckland's Climate Plan, 2020 - demonstrates the importance of electric vehicles, setting an indicative target that 40 percent of passenger and light commercial vehicles are electric or zero emission by 2030 and 80 percent by 2050 Memorandum from Liam Burkhardt & Dirk Osborne, Auckland Transport, National Policy Statement on Urban Development: The removal of carparking minima and consequential changes to the Auckland Unitary Plan, 15 October 2021	Adaptation Plan and/or NZ Wiring Rules (AS/NZS 3000) **Preliminary Preferred Option(s)** Option 2	require ev charging facilities (than the AUP); once cited, the AS/NZS3000 will mandate that all new homes must have a facility to enable electric vehicle charging by requiring a dedicated EV circuit **Disadvantages** 1.Does not address the issue of ev charging; doesn't future proof residential developments for greater use of ev's 2. Is the RMA/AUP the most appropriate legislation/plan for such a requirement; doesn't address the fact that this is a nationwide issue , 3. Is the Building Act/Building Code the most appropriate legislation/plan for such a requirement 4. Is the National Adaptation Plan the most appropriate legislation/plan for such a requirement, the AS/NZS3000 may not be amended or if it is, within an appropriate timeframe, option relies on central government for changes which may not be timely

DRAFT

Issue	Problem Definition/Evidence	Options	Advantages/Disadvantages
	Auckland Plan 2050 – Transport and Access Chapter		

DRAFT

Workshop 15 December 2021

Private ways options evaluation

Comparison of options 1- 6

Option No.	Improvements to standards	Timeliness	Outcomes	Other comments	Recommendation to proceed
1: Do nothing	× Rely on PGN/ negotiation at pre-hearing meetings	× No action required.	× O1: Prioritise pedestrians × O2: Safe, efficient, accessible movement × O3. Amenity/ Env considerations × O4: Alignment AUP provisions × O5. Design & Construction Standards × O6. Landowner awareness × O7. Parking on private ways ×? Continued reliance on PGN and negotiations × No effect on development yield ✓	Doesn't address issues. No requirement to hold applicants to account. High pace of growth warrants immediate action to deliver better outcomes	Do not proceed
2: Amend AUP accessway provisions- E27 (Transport) & E38 (Subdivision- Urban)	✓	✓ Notification August 2022	O1: Prioritise pedestrians ✓ O2: Safe, efficient, accessible movement ✓ O3. Amenity/ Env considerations ✓ O4: Alignment AUP provisions ✓ O5. Design & Construction Standards ✓ (only to extent within scope of the AUP) O6. Landowner awareness × O7. Parking on private ways ×? Consistent and clear provisions in the AUP reduces need for negotiations and PGN	Focus here is on key safety and design matters. Specialist traffic and economic input required.	Proceed

Item 11

Attachment B

3: Apply same standards as local roads	✗ TDM focus is road design and construction. Private ways are not addressed in the TDM.	✓	Noted development yield likely to increase under RM Amendment Act 2021 - Medium Density Residential Standards (MDRS) and NPS UD removal of car parking minimums from the AUP ✓? O1: Prioritise pedestrians ✓? O2: Safe, efficient, accessible movement ✓? O3. Amenity/ Env considerations ✓? O4: Alignment AUP provisions ✗? O5. Design & Construction Standards ✓ O6. Landowner awareness ✗ O7. Parking on private ways ✗? Traffic Design Manual open to interpretation - lacks certainty and costs of application and negotiation ✗? Difficult to enforce as document wasn't developed with this outcome in mind. ✗ AT can require compliance with standards as vested roads must be built to an acceptable standard. Private ways are not owned by council.✗ Noted development yield likely to increase under RM Amendment Act 2021 - Medium Density Residential Standards (MDRS) and NPS UD removal of car parking minimums from the AUP ✓?	Focus here is on key safety and design matters. Specialist traffic and economic input required.	Take forward as a benchmark for larger scale developments

4: Next AUP review	In the interim rely on PGN & negotiation at prehearing meetings ✗	Not due to start until 2026. Operative around 2029. ✗ RMA reform creates significant uncertainty as to timing and content of future district plans	O1: Prioritise pedestrians ✗ O2: Safe, efficient, accessible movement ✗ O3. Amenity/ Env considerations ✗ O4: Alignment AUP provisions ✗ O5. Design & Construction Standards ✗ O6. Landowner awareness ✗ O7. Parking on private ways ✗? Continued reliance on PGN and negotiations ✗ No effect on development yield over next 8-10 years ✓	High pace of growth warrants immediate action to deliver better outcomes. The Auckland Plan Development Strategy anticipates that up to 320,000 additional residential dwellings could be required over the next 30 years. This equates to over 10,000 dwellings a year. In the past five years, over 70,000 dwellings have been consented in the Auckland region. [Auckland Plan 2050 – Monitoring report]	Do not proceed
5. Technical guideline – shared driveway construction	-	Best outcome is to align with the plan change in August 2022	O1: Prioritise pedestrians ✗? O2: Safe, efficient, accessible movement ✗ ? O3. Amenity/ Env considerations ✗? O4 Alignment AUP provisions ✗ O5. Design & Construction Standards ✓ O6. Landowner awareness ✗ O7. Parking on private ways ✗? Continued reliance on PGN and negotiations for AUP consent applications✗ Design standards carry no weight and can be ignored. ✗ Reference Technical Guidance in the AUP in assessment criteria	Supporting tool for options, 1, 2, 3 or 5. If incorporated by reference into the AUP these standards become mandatory. Once incorporated by reference the provisions can only be changed or updated through a plan change	Develop as a supporting tool

Item 11

Attachment B

6. Non regulatory methods	✓	✓	O1: Prioritise pedestrians ✓ O2: Safe, efficient, accessible movement ✓ O3. Amenity/ Env considerations ✓ O4: Alignment AUP provisions × O5. Design & Construction Standards × O6. Landowner awareness × O7. Parking on private ways ×? Continued reliance on PGN and negotiations × No effect on development yield from current practice ✓	Supporting tool for Options 1, 2, 3 or 4. Marginal improvements to outcomes 1-4 compared to option 2A	Continue to explore as a supporting tool

National Policy Statement Urban Development - Policy Direction for the City Centre

File No.: CP2022/02945

Te take mō te pūrongo
Purpose of the report

1. To seek committee approval for the council's approach to intensification and "qualifying matters" in the City Centre under the National Policy Statement – Urban Development 2020 (NPS UD).

Whakarāpopototanga matua
Executive summary

2. Policy 3(a) in the NPS UD requires that in the city centre the council enables "*building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification*". Policies 1 and 6 require that all planning decisions contribute to a well-functioning urban environment and Policy 4 allows for controls on height and density of urban form where "qualifying matters" apply.
3. A principled approach has been developed to meet the requirements of NPS UD Policies 1, 3, 4 and 6. This approach was workshopped with the Planning Committee on 16 February 2021.
4. Guidance from the Ministry for the Environment (MfE) on implementing the NPS UD, as well as a recent resource consent decision, also set a clear direction towards the removal of general height controls and floor area ratio controls in the city centre.
5. This report recommends a policy direction for the city centre that will enable staff to prepare amendments to the city centre provisions in the Auckland Unitary Plan (AUP). Draft provisions will be reported back to the Planning Committee for inclusion in the wider proposed intensification plan change that is required to be notified by 20 August 2022.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) approve the following policy direction for implementing Policy 3(a) in the National Policy Statement on Urban Development relating to the city centre:
   i) Fewer, simpler, more targeted controls
   ii) Protecting sunlight and daylight to open spaces
   iii) Protecting amenity and retaining the "human scale" of streets
   iv) Enabling tall slender towers with space between them to allow sunlight, daylight and views to permeate the city centre
   v) Protecting local and regionally significant views
   vi) Protecting the outcomes achieved by the existing city centre precincts
   vii) Protecting the relationship between the city centre and the Waitemata Harbour.
   viii) Protecting historic heritage in the city centre
   ix) Promoting climate change resilience.
b) approve in principle the removal of the general building height and floor area ratio standards in the city centre, and the application of alternative built form standards in line with the principles set out above.

Horopaki
Context

6. The National Policy Statement – Urban Development (NPS UD) came into force on 20 August 2020. In July and August 2021, the Committee endorsed the council's approach to implementing the policy and the work programme to respond to the NPS UD.

7. The NPS UD has significant implications for growth and development in Auckland. It directs changes to the Auckland Unitary Plan (AUP), under Policy 3, for regional policy statements and district plans to enable development capacity in the form of building height and density of urban form in specified locations.

8. In the city centre, this means enabling "*building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification*".

9. The implementation of Policy 3 may be tempered to an extent by Policy 4 which provides for modification of the relevant building heights or density requirements under Policy 3 only to the extent necessary to accommodate a "qualifying matter".

10. The council must also consider Objective 1, Policy 1 and Policy 6, which require "well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future."[5]

Implementation guidance

11. NPS UD guidance (**Attachment A**) has been released by the Ministry for the Environment (MfE), which advises that 'as much as possible' means removing barriers which are unnecessary and unreasonable and which prevent the maximum development capacity.

12. The guidance document directs councils to consider:

- that city centres are a step up in the zoning hierarchy from metropolitan centres, so should have heights and densities that are relatively higher than other centres,
- accessibility and demand, which economic modelling has shown are high in the city centre
- having no maximum building heights or maximum gross floor area (GFA) standards in city centre zones or large parts of city centre zones
- which qualifying matters apply to the city centre, and to look at to what extent heights and densities may need to be modified to accommodate them
- if the outcome and/or decision on what 'as much as possible' means for the city centre environment will ensure that a well-functioning urban environment is achieved.

City centre built form and current controls

13. The city centre is at the top of the centres hierarchy in the AUP, and already enables the greatest intensity of development in terms of height and floor area.

14. Under the current AUP, development potential is concentrated in the core, reduces towards the ridgelines and transitions to lower heights on the waterfront and the landward periphery. This has created a particular shape and form for the city centre.

[5] NPS UD, Objective 1

15. The City Centre Zone and precincts also manage the scale of development to protect important special character areas, sunlight admission to parks and public spaces, precinct character and outcomes, identified special views, and the relationship between the built form and the harbour edge.

16. When the city centre controls were prepared, council staff looked at harbour edge cities across the world to understand different types of built form. The AUP city centre controls were deliberately structured to enable a built form outcome that was distinctively Auckland and reflected the city centre's position as the economic capital of New Zealand, appealing to commercial and residential developers, while also maintaining and enhancing the distinctiveness of particular areas and the built form outcomes of the city centre as a whole.

General Height Control

17. Standard *H8.6.2. General building height* in the City Centre Zone manages the height of buildings within the city centre to:

    - enable the tallest buildings within the core central business district and
    - transition heights down to neighbourhoods adjoining the city centre and to the harbour edge;
    - respect the valley and ridgeline form of the city centre and the existing or planned character of precincts; and
    - avoid adverse dominance, shading and/or visual amenity effects of building height on streets and public open spaces.

18. This standard controls height differently in different locations. The lowest height limit is 15m at the western edge of Karangahape Road, increasing to 50m around Nelson Street, Greys Ave and Eden Crescent areas. The tallest buildings, with heights managed instead by the special height controls (a combination of controls protecting sunlight admission, views, and amenity of Aotea Square and the Harbour Edge), are enabled in the core central business district of the Queen Street valley and along Albert Street.

Floor Area Ratio

19. One of the primary controls for built form in the City Centre Zone is floor area ratio (FAR). This includes basic, bonus and maximum FARs (standards H8.6.10. – H8.6.21.).

20. The purpose of FAR is to manage the scale of development in the city centre, and the purpose of bonus FAR is to encourage developments to be designed, contain activities or provide features that provide a benefit to the public.

21. Although the bonus FAR system has achieved some notable benefits in the city centre over the years, it does not sit well within our current planning system. It was introduced in the City of Auckland District Scheme - Second Review (Operative 1981), under the Town and Country Planning Act 1977[6] and rolled over into the AUP.[7]

22. The Resource Management Act 1991 (RMA), however, is based on the principle of sustainable management and focuses on considering the effects of activities on the environment rather than just regulating the activities themselves.

---

[6] City of Auckland District Scheme 1981, 3.351 – *"Incentive in the form of bonus floor area is provided for specified uses and facilities of particular benefit to the public which might fail to be provided without encouragement in the form of a degree of compensation for establishment and maintenance costs. Additional building floor space for commercial uses is granted as a bonus for the provision of entertainment and recreational space, inner city residential accommodation and recreational space, environmental amenities and improved pedestrian circulation."*

[7] AUP, H8.6.11. Bonus floor area ratio – "*Purpose: encourage developments to be designed, contain activities or provide features that provide a benefit to the public."*

23. Because of their origin, the bonus FAR controls are not explicitly linked to the effects of development, and include 'transferring' of additional floor space between sites and buildings. Under an RMA effects-based system, the adverse effect of that additional floor space is considered on the subject site, whether it has been transferred from another development site, or not. This means the additional floor space and height can be granted without the need to achieve the bonus outcomes on the donor site.

24. This is exactly what was discussed in a resource consent decision by independent commissioners on behalf of the council in 2020 (BUN60341835: 74-80 Wellesley Street, **Attachment B**) which granted consent for a development that exceeded the maximum total floor area ratio. The decision noted that the bonus FAR framework is used to determine consent outcomes based on financial transactions unrelated to the subject site and the effects of development, and that this is not an acceptable reason to decline a resource consent application when the effects of the proposal are otherwise acceptable.

25. This decision confirms that the use of the bonus system to assign additional development capacity is not in line with effects-based planning under the RMA.

Tātaritanga me ngā tohutohu
Analysis and advice

26. In July and August 2021, the Planning Committee endorsed a list of potential "qualifying matters". This included:

- Character buildings in City Centre zone and Queen Street Valley Precinct
- Some of the existing built form controls in the City Centre (e.g. Admission of sunlight into public places, Aotea Square height control)

27. Since July 2021, a principled approach has been developed to provide for both intensification and qualifying matters within the City Centre. These principles are focused on enabling development capacity to maximise benefits of intensification, while ensuring a well-functioning urban environment and protecting the city centre "qualifying matters" endorsed by the Planning Committee.

28. The principles are:

- Fewer, simpler, more targeted controls
- Protecting sunlight and daylight to open spaces
- Protecting amenity and retaining the "human scale" of streets
- Enabling tall slender towers with space between them to allow sunlight, daylight and views to permeate the city centre.
- Protecting local and regionally significant views
- Protecting the outcomes achieved by the existing city centre precincts
- Protecting the relationship between the city centre and the Waitemata Harbour
- Protecting historic heritage in the city centre
- Promoting climate change resilience.

29. The intention of these principles is to retain planning provisions that protect the aspects of the city centre that are valued by Aucklanders either as "qualifying matters" or as provisions that do not affect height or density of urban form, and to remove provisions that would impede increasing height and density.

30. The effects-based nature of the RMA and MfE guidance mentioned above set a clear direction towards the removal of FAR controls in the city centre, as well as removal of general height controls. This has been considered in developing the principled approach.

31. This report seeks endorsement to remove general building height and floor area ratio standards in the city centre, and the application of alternative built form standards which are in line with the principles set out above.

32. This will essentially allow unlimited height and development capacity everywhere in the city centre zone (subject to controls contained with precincts and other modifying factors such as “qualifying matters”).

33. Where other “qualifying matters” overlap with the city centre, for example volcanic viewshafts or heritage buildings, it is proposed to treat those “qualifying matters” in the same way as they are being treated elsewhere in the region through.

34. The proposed approach will result in some changes. It will provide developers flexibility in where height is sought but potentially will reduce or remove the primacy of the current built form philosophy. For example, the ridge and valley landscape that has been promoted for many years may be lost. Additionally, the Queen Street core may no longer be a distinctive height feature, as developers take advantage of additional height elsewhere in the city centre.

35. However, the concurrent additional intensification in the walkable catchment around the city centre will still ensure a transition in heights from the city centre out to the suburban residential zones beyond. This means that the primacy of the city centre zone will still be highly distinguishable as a landscape element when viewed from afar.

Tauākī whakaaweawe āhuarangi
Climate impact statement

36. Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan sets out Auckland’s climate goals:

- to adapt to the impacts of climate change by planning for the changes we will face (climate adaptation)
- to reduce greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050 (climate mitigation).

37. NPS UD Objective 8 is “New Zealand’s urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.”

38. The proposed principles for the city centre include “Climate change resilience and environmental sustainability”, to support the Climate Plan, our obligations under the RMA, and the NPS UD.

39. The city centre is the most connected and accessible place in Auckland. Economic modelling has shown that people access the city centre with high frequency by both private and public transport methods. Significant investment in public transport infrastructure, including the City Rail Link and bus interchanges, will increase accessibility levels and help to shift people’s travel mode to public transport.

40. By increasing the level of intensification in the city centre through increasing height and density, the council will encourage more people to live, work and play in the city centre and thereby access goods and services via public transport and walking and cycling. This will reduce regional reliance on private vehicles and consequently help to reduce emissions.

41. Additionally, the principle of “Protecting sunlight and daylight to open spaces”, will help protect trees in the city centre. This will help to mitigate the effects of climate change including reducing the urban heat island effect.[8]

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

42. The principles have been developed by a city centre working group comprised of relevant subject matter experts from across the council group.

[8] Auckland’s Urban Ngahere (Forest) Strategy, p.16

Item 12

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

43. The city centre is within the Waitemata Local Board area. Representatives from the local board were presented the principles at the workshop on 16 February 2022.

44. Local board members have also been briefed this month on the implications of the NPS UD. Further workshops will be held between now and August 2022 to enable regular exchange of information and views between staff and elected members, including local board members. Local boards will also receive a report on the NPS UD in June 2022 after public engagement on the council's preliminary response from mid-April to early May 2022. At that point local boards (including the Waitemata Local Board) will be able to provide formal input to the Planning Committee prior to the proposed intensification plan change being finalised for notification by 20 August 2022.

Tauākī whakaaweawe Māori
Māori impact statement

45. Auckland Council has obligations under Te Tiriti o Waitangi and its Significance and Engagement Policy to take special consideration when engaging with Māori and to enable Māori participation in council decision making to promote Māori well-being

46. The NPS UD provides for the interests of Māori through both its identification of qualifying matters and in its objectives and policies. The widespread intensification sought by the NPS UD has the potential to affect Māori both negatively and positively. This includes with respect to culturally significant sites and landscapes, Treaty Settlement redress land, the urban form as it reflects mātauranga Māori and accessibility, and Māori facilities where customs and traditions are observed (such as marae).

47. The relevant qualifying matters include: (a) a matter of national importance that decision makers are required to recognise and provide for under section 6 of the RMA 1991, and (f) a matter necessary to implement, or to ensure consistency with, iwi participation legislation.

48. Policy 9 of the NPS-UD sets out the requirements for local authorities as follows:

> *"Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*
>
> *a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
>
> *b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
>
> *c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
>
> *d) operate in a way that is consistent with iwi participation legislation."*

49. Policy 9 directs council to involve iwi and hapū in the NPS UD, during the preparation of planning documents, and take into account the values and aspirations of hapū and iwi for urban development in the region. In the context of the NPS UD, the council must involve mana whenua and mataawaka within the region.

Engagement

50. All mana whenua entities recognised by council receive ongoing invitations to engage and provide feedback on the NPS UD programme. All representatives (including those electing not to participate in collective meetings or workshops) receive information, updates and hui notes. The council planning team encourage and ask iwi representatives to share key programme information with appropriate advisors, specialists and staff within their tribal organisations.

51. Since October 2021, council staff have been engaging with mandated mana whenua representatives at both Governance and Kaitiaki levels on the NSP-UD and its wider implications across the region. This has been through collective and individual hui. Collective hui have been held on average every four to six weeks (excluding the Christmas period).

52. As the implications of the NPS UD have become more apparent, particularly through the enacting of the Resource Management (Enabling Housing Supply and Other Matters) Amendment legislation in December 2021, potentially affected mataawaka facilities and location specific mataawaka groups have been identified. This identification been done in consultation with the council's Ngā Mātārae department and the Plans and Places' Māori Heritage Team. Targeted engagement with these groups is to commence in late February and through to April this year.

53. Council staff have presented to and provided updates to the Tāmaki Makaurau Mana Whenua Forum and its relevant Pou (Te Pou ToiToi Manawa, Te Pou Taiao, Te Pou Oranga) since October 2021.

54. The engagement being undertaken is consistent with Clause 3(1)(d) of Schedule 1 of the RMA which is a requirement for standard plan change processes.

Themes emerging

55. Individual and collective engagement has raised several key themes relating to such matters as the protection of scheduled and known cultural heritage and managing potential interface effects with existing marae.

56. This is supported by research undertaken by the council team in advance of discussions with mana whenua, which has drawn on a wide range of council documents and publicly available information.

57. Common themes that have been identified include:

    a) Universal access provided in residential design for less able whanau members

    b) Access to open space for health and wellbeing

    c) Safe and connected whānau and communities

    d) Access to affordable housing options

    e) Access to customary activities eg. waka launching, kaimoana gathering

    f) Protection of Māori sites of significance

    g) Provisions for Kohanga Reo and Kura Kaupapa Māori in urban areas

    h) Use of Māori design and naming in development

    i) Use of Mātauranga and Tikanga Māori in the management of resources

58. This research has been provided to mana whenua representatives and helps to guide individual and collective discussions.

59. The mana whenua engagement team are actively working across the NPS UD project workstream leads (including the City Centre workstream) to consider these matters and are reporting back to the mana whenua representatives on project progress.

Ngā ritenga ā-pūtea
Financial implications

60. Work on the NPS UD has been progressing within existing budgets. However, the recent passing of the Enabling Act has resulted in a significant increase in the scale and complexity of the project without any changes to the NPS UD implementation timeframes. This will require a greater than anticipated level of change to our Unitary Plan, and we expect this to result in a higher level of public participation and potential feedback and submissions.

61. The financial impact of these changes will affect the current 2021-2022 financial year, the 2022-2023 financial year and potentially the following year. While we expect additional costs in the current financial year can be met through a re-prioritisation of work programmes within the Planning division, further costs primarily relating to operation of an independent hearings panel and engagement of specialists may require re-prioritisation of other work programmes from across council. Planning for the 2022-2023 financial year is currently underway, however any impacts will be of a scale that will not affect the council's overall financial position.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

62. The next five months will be focussed on preparing the proposed plan change to implement the intensification provisions of the NPS UD. This will include analysing and updating the current city centre provisions (where required) for the council's proposed plan change and undertaking pre-notification engagement.

63. There is a risk that the significant volume of work required to prepare the necessary changes to the city centre provisions in the AUP may not be able to be achieved to a high standard within the required timeframe (i.e. notification of the proposed intensification plan change by 20 August 2022). To mitigate this risk, the NPS UD has been prioritised within the Plans and Places department work programme since it came into force in 2020. Consultants have also been engaged within the department's current budget to assist in progressing this work.

64. There is also a risk that as Covid spreads through the community resourcing for the NPS UD intensification plan change may be compromised to the extent that the council cannot meet the 20 August 2022 statutory timeframe for public notification, Staff will keep the Planning Committee regularly updated on this risk.

Ngā koringa ā-muri
Next steps

65. Staff will use the principles endorsed by the Planning Committee to progress work on the necessary changes to the city centre provisions in the AUP. Draft provisions will be reported back to the Planning Committee for inclusion in the wider proposed intensification plan change that is required to be notified by 20 August 2022. If necessary, a further workshop will be held with the Planning Committee to refine or seek further direction on the council's approach.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Ministry for the Environment guidance: Understanding and implementing intensification provisions for the National Policy Statement on Urban Development	281
B⇩	Resource consent decision for 74-80 Wellesley Street West, Auckland Central	337

Ngā kaihaina
Signatories

Author	Elisabeth Laird - Planner
Authorisers	John Duguid - General Manager - Plans and Places Megan Tyler - Chief of Strategy

Ministry for the Environment
Manatū Mō Te Taiao

MINISTRY OF HOUSING AND URBAN DEVELOPMENT

Understanding and implementing intensification provisions for the National Policy Statement on Urban Development

New Zealand Government

Item 12

Attachment A

Disclaimer

The information in this publication is, according to the Ministry for the Environment's best efforts, accurate at the time of publication. The information provided does not alter the laws of New Zealand and/or other official guidelines or requirements. Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained from this publication.

The Ministry for the Environment does not accept any responsibility or liability whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on the Ministry for the Environment because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.

This document may be cited as: Ministry for the Environment. 2020. *Understanding and implementing intensification provisions for the National Policy Statement on Urban Development.* Wellington: Ministry for the Environment.

Published in September 2020 by the
Ministry for the Environment
Manatū Mō Te Taiao
PO Box 10362, Wellington 6143, New Zealand

ISBN: 978-1-99-003313-1 (online)

Publication number: ME 1529

© Crown copyright New Zealand 2020

This document is available on the Ministry for the Environment website: www.mfe.govt.nz.

Ministry for the Environment
Manatū Mō Te Taiao

Making Aotearoa New Zealand
the most liveable place in the world

Contents

1 Introduction 6

1.1 Purpose 6

1.2 Scope 6

1.3 Structure of the guide 7

1.4 Timing of implementation 8

1.5 What happens before the intensification plan changes are notified 9

2 Intent and rationale of intensification policies 10

3 Key changes from National Policy Statement on Urban Development Capacity 11

4 Definitions 12

5 Analysis and evidence to support implementing the intensification provisions 13

5.1 Relevant policies 13

5.2 Definition of city centre and metropolitan centre zones 14

5.3 Measuring demand in metropolitan centre zones 14

5.4 Measuring accessibility 14

6 Determining heights and densities to support implementing the intensification provisions 28

6.1 Relevant policies 29

6.2 Enabling as much development capacity as possible in city centre zones (Policy 3(a)) 29

6.3 Metropolitan centre zones (Policy 3(b)) 31

6.4 Walkable catchments (Policy 3(c)) 33

6.5 Enabling building heights and density commensurate with accessibility and demand (Policies 3(d) and 5) 35

6.6 Qualifying matters – application 42

7 Full worked example of applying intensification provisions to determine heights or densities 49

8 Resources 55

9 References 56

Tables

Table 1: Intensification requirements and timeframes for tier 1, 2 and 3 local authorities 8

Table 2: Capitalisation (capital value) and land value and suitability for redevelopment and intensification 38

Figures

Figure 1: Expected outcomes of the intensification provisions 10

Figure 2: 75th percentile accessibility index for public transport access for SA1s in Dunedin, for March 2020 19

Figure 3: Total number of jobs accessible by public transport access for SA1s in Dunedin, for March 2020 19

Figure 4: Example of pedestrian entrances to a rapid transit stop compared to the station centre point (Kingsland Station, Auckland) 21

Figure 5: Example of edge of metropolitan centre zone 23

Figure 6: Example of ArcGIS generated walkable catchment isochrone for Glen Innes rail station in Auckland (Chung, 2012) 25

Figure 7: Example of GIS-generated catchment (isochrone) and property-based catchment for rapid transit stop 26

Figure 8: Example of difference between an 800-m walkable catchment from the edge of a metropolitan centre zone and an 800-m radius circle from the centre of metropolitan centre zone 27

Figure 9: Example of how a package of district plan controls could prevent the six-storey minimum being achieved in a metropolitan centre zone walkable catchment 32

Figure 10: Example of how a package of district plan controls could enable the six-storey minimum in a metropolitan centre zone walkable catchment 33

Figure 11: Sensible zoning patterns for intensification achieving a gradual step down 34

Figure 12: Example of neighbourhood shops that do not provide a 'range of services' 36

Figure 13: Example of a 'range of services' interacting with accessibility only and how this influences heights and density 37

Figure 14: Example framework for determining heights and densities for other areas in tier 1 urban environments 40

Figure 15: Spectrum of housing typologies 41

Figure 16: Step 1 – Identify the other qualifying matter or specific characteristic 46

Figure 17: Step 2 – Undertake a site-specific analysis of all sites with the area that the qualifying matter applies 47

Figure 18: Step 3 – Determine whether there are site-specific factors that may affect the level of intensification that can be realised eg, topography 47

Figure 19: Step 4 – Determine and spatially identify where the qualifying matter applies 48

Figure 20:	Step 5 – Enable intensification to the extent appropriate while managing the specific characteristic of the qualifying matter	48
Figure 21:	Legend/key for diagrams	49
Figure 22:	Current zoning pattern for a metropolitan centre that includes a rapid transit stop	50
Figure 23:	Determine the extent of the metropolitan centre zone	50
Figure 24:	Walkable catchment from edge of metropolitan centre zone	51
Figure 25:	Walkable catchment from rapid transit stop	51
Figure 26:	Identifying areas of higher demand	52
Figure 27:	Accessibility to commercial activities and community services	52
Figure 28:	Identifying any qualifying matters (heritage site and areas) that may apply	53
Figure 29:	Map showing all factors that need to be considered to determine heights and densities for each location	53
Figure 30:	Map using the combined information to apply appropriate heights and densities to a location	54
Figure 31:	Map showing new zoning pattern determined, reflecting the requirements of the intensification (and other) provisions	54

1 Introduction

1.1 Purpose

This guidance has been developed to help local authorities understand and interpret the provisions for intensification and in the National Policy Statement on Urban Development 2020 (NPS-UD). The specific provisions of the NPS-UD are Objective 3, Policies 3 to 5 and clauses 3.31 to 3.34 of subpart 6. The guidance provides methods, tools and examples to help implement these provisions effectively.

Local authorities can use this guidance to prepare principles for zoning to help inform and support the required plan changes. This guidance can also be used to understand the individual components of the intensification provisions (eg, accessibility, walkability, demand) to determine the intensification outcomes on the ground. This document is not intended to be a step-by-step guide to preparing plan changes to give effect to the NPS-UD intensification provisions. Plan changes and outcomes depend on the local context and local authorities will need to give effect to the intensification provisions in their local context.

Note the examples used in this guide are relatively basic examples which are intended to provide an indication of how the application of the provisions may work.

1.2 Scope

All local authorities that contain all or part of an urban environment are required to implement the relevant intensification provisions. The NPS-UD defines urban environment as an area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

(a) is, or is intended to be, predominantly urban in character; and

(b) is or is intended to be, part of a housing and labour market of at least 10,000 people.

The NPS-UD groups urban environments into three tiers.[1] Each tier has different policy requirements and implementation timeframes. The requirements for tier 1 urban environments are more directive than the requirements for tier 2 and 3 urban environments.

This guidance includes:

- a description of the intent of the NPS-UD intensification provisions, including an explanation of the expected outcomes of the intensification provisions
- methods, tools and examples to help tier 1, 2 and 3 local authorities implement the provisions.

Tier 1 local authorities are required to ensure that in metropolitan centre zones, building heights and density of the urban form reflects demand for housing and business space. This guidance provides

[1] Refer to the interpretation section (Part 1, clause 1.4) of the NPS-UD, specifically for the definitions of "urban environment", "tier 1 urban environment", "tier 2 urban environment" and "tier 3 urban environment". Also, refer to appendix 1 of the NPS-UD for classification of tier 1 and tier 2 urban environments. Tier 3 urban environments include all of those not listed in the appendix.

detail on how local authorities could reconcile demand with a possible urban form, but it does not provide detail on calculating demand. Guidance on calculating demand for both residential and business space is covered in the guidance on housing and business development capacity assessments. This will be made available on the Ministry for the Environment's website.

Local authorities will need to consider the intensification provisions for any private plan changes they receive or plan changes they initiate. Guidance on the responsive planning requirements of the NPS-UD can be found on the Ministry for the Environment's website. In addition to meeting the intensification requirements, local authorities will also need to ensure development outcomes described for zones in your district plans are consistent with the intensification provisions (clauses 3.36 and 3.37). The intent of monitoring the consistency of the development outcomes with the intensification outcomes required is to ensure district plans – specifically the plan provisions (eg, objectives, policies, rules and assessment criteria cumulatively) – do not unnecessarily undermine development outcomes.

This intensification guide should not be read in isolation. Applying the intensification requirements should also take into account the other objectives, policies and requirements of the NPS-UD. In particular, intensification outcomes need to contribute to well-functioning urban environments (as described in Policy 1), noting that intensification done well can make a major contribution to this.

1.3 Structure of the guide

This guide describes each of the components local authorities will need to consider when implementing the intensification provisions. It provides information on how to measure or determine accessibility, walkability and appropriate heights and densities. The guidance also provides examples of how to consider these matters together to apply the intensification provisions effectively in district plans and regional policy statements.

Also included in this guide is an explanation and examples for applying the qualifying matters, when it has been determined through evidence that exceptions to the intensification provisions are required.

The guide is divided into a number of sub-sections, each addressing a policy area or a component of analysis that forms a part of implementation. This is followed by a worked example of how local authorities should consider these aspects together to work out how best to use them in determining heights and densities and an appropriate zoning pattern. A high-level summary of the structure is described below.

The first sub-sections suggest methods to produce analysis or evidence, including:

- clarification of definitions relating to the city centre and metropolitan centre zones
- understanding how to measure demand in metropolitan centres
- methods and tools that can be used to measure accessibility, including understanding definitions of planned and existing public and active transport
- how to determine walkable catchments for metropolitan centre zones and for planned and existing rapid transit stops.

The later sub-sections outline how the evidence can be combined and used to determine locations suitable for intensification and what level of this might be appropriate, including:

- enabling development capacity in city centres

- determining heights and densities in metropolitan centres and in walkable catchments
- enabling heights and densities commensurate to the level of accessibility and relative demand
- applying qualifying matters, including understanding how 'other' matters may apply.

The last section of the guide provides a full worked example of how to collectively consider the above matters to apply the intensification provisions effectively in district plans and regional policy statements.

1.4 Timing of implementation

To better enable intensification in our urban environments, many local authorities will be required to implement new policies under the NPS-UD and make changes to their planning documents. The intensification requirements and timeframes for tier 1, 2 and 3 local authorities are summarised in table 1 below.

Table 1: Intensification requirements and timeframes for tier 1, 2 and 3 local authorities

<table>
<tr><th></th><th>Tier 1</th><th>Tier 2</th><th>Tier 3</th></tr>
<tr><td>Implementation timeframes</td><td colspan="2">Plan changes to give effect to intensification provisions notified as soon as practicable and no later than two years after commencement of the NPS-UD</td><td>Plan changes to give effect to intensification provisions notified <u>as soon as practicable</u> after commencement of the NPS-UD</td></tr>
<tr><td rowspan="5">Implementation requirements</td><td colspan="3">Provide for and enable the benefits of urban intensification through regional policy statements and district plans (ie, insert objective/s supporting intensification outcomes, new zone policies, changes to rules and rezoning)</td></tr>
<tr><td>City Centre Zone – enable building heights and density to realise as much development capacity as possible</td><td rowspan="4" colspan="2">Enable building heights and density commensurate to the level of accessibility or relative demand</td></tr>
<tr><td>Metropolitan Centre Zone – enable building heights of at least six storeys</td></tr>
<tr><td>Walkable catchments – enable building heights of six storeys within walkable catchments of rapid transit stops, city centre zones and metropolitan centre zones</td></tr>
<tr><td>All other locations – enable building heights and density commensurate to the level of accessibility and relative demand</td></tr>
</table>

1.5 What happens before the intensification plan changes are notified

Local authorities might receive resource consents or private plan changes which seek greater heights and densities (on the basis of the NPS-UD direction) before intensification plan changes directed in the NPS-UD are notified or take effect. In these instances, local authorities and other decision-makers considering resource consents must, under **section 104(1)(b)** of the Resource Management Act (RMA), have regard to "any relevant provisions" in a national policy statement (NPS). This is even before territorial authorities have amended their district plans to give effect to the intensification requirements. Except where otherwise specified in an NPS, this applies from the date of commencement of the NPS. Note that "any relevant provisions" includes any part of the NPS-UD. This means the preliminary provisions in Part 1, the objectives and policies in Part 2 and the implementation provisions in Part 3. All are "provisions" of the NPS, which may or may not be relevant to a particular resource consent.

Local authorities will need to amend their plans to give effect to the intensification provisions in the NPS-UD (Objective 3, Policies 3 to 5 and subpart 6 of Part 3). Before these plan changes take effect, the intensification provisions will need to be relevant to any resource consent application being considered for a development in areas covered by those provisions.

Private plan change requests lodged before a council-initiated plan change to implement the NPS-UD must give effect to the NPS-UD. This is a stronger direction than the requirement to "have regard to" an NPS in RMA section 104 for resource consents. On this basis, local authorities will need to consider whether the request gives effect to the intensification provisions when making decisions.

2 Intent and rationale of intensification policies

The intensification provisions are intended to ensure that in urban areas, intensification in desirable and suitable locations is enabled in plans. This is to support well-functioning urban environments and improve housing affordability through competitive land markets.

Some of the outcomes that are expected to be realised through the implementation of the intensification provisions are shown in figure 1 below.

Figure 1: Expected outcomes of the intensification provisions

Enabling higher-density development in locations with good access and amenity means people can live close to where they work, learn, shop or connect with friends and family. Such options let residents avoid congestion and long commute times. Businesses can also access more potential workers, customers and other businesses.

The intensification provisions are particularly important where they apply in areas close to current or planned rapid transit and frequent public transport services, as well as places where people can access many opportunities within walking distance. The provisions recognise the benefits of integrating transport and land-use policy. They allow for transport investment that can induce land-use change by encouraging greater supply of development capacity, thereby lifting the number of people living in high-amenity areas. This can help improve the economic case for public and active transport investments, for example by increasing the likely number of people using public transport services. Intensification is also important to support the reduction of greenhouse gas emissions and therefore has a role in climate change mitigation.

3 Key changes from National Policy Statement on Urban Development Capacity

The intensification provisions were not in the National Policy Statement on Urban Development Capacity (NPS-UDC 2016) and are new to the NPS-UD.

Local authorities often struggle to provide sufficient opportunities for higher-density development for a range of reasons, such as opposition from existing land owners, bias towards the status quo and concerns regarding amenity.

Lack of access to well-integrated, higher-density housing has played a role in the current constrained supply of housing. In addition, historically rigid controls in the locations that are now subject to the intensification provisions have increased the price of housing in urban environments and reduced the supply of higher-density development. This is a particular issue in places that are well connected to active and public transport and close to urban centres where people can access jobs, services and amenities.

4 Definitions

Part 1, clause 1.4 of the NPS-UD provides interpretations of terms used in the policy statement. The terms that are particularly relevant to the intensification provisions are reproduced below:

- **active transport** means forms of transport that involve physical exercise, such as walking or cycling and includes transport that may use a mobility aid such as a wheelchair
- **community services** means the following:
  (a) community facilities[2]
  (b) educational facilities[3]
  (c) those commercial activities that serve the needs of the community
- **planned** in relation to forms or features of transport, means planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003
- **public transport** means any existing or planned service for the carriage of passengers (other than an aeroplane) that is available to the public generally by means of:
  (a) a vehicle designed or adapted to carry more than 12 persons (including the driver); or
  (b) a rail vehicle; or
  (c) a ferry
- **rapid transit service** means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic
- **rapid transit stop** means a place where people can enter or exit a rapid transit service, whether existing or planned.

Other definitions relevant to the intensification provision include:

- **city centre** is the city centre zone as described in Standard 8 (Zone Framework Standard) of the national planning standards (the standards); or a reference to the nearest equivalent zone, for local authorities that have not yet implemented the Zone Framework in the standards (see clause 1.4(4))
- **metropolitan centre** is the metropolitan centre zone as described in Standard 8 (Zone Framework Standard) of the standards; or a reference to the nearest equivalent zone, for local authorities that have not yet implemented the Zone Framework in the standards.

The key definitions and concepts are discussed in further detail in the following sections of the guide.

---

2 Community facility is defined in the national planning standards.

3 Educational facility is defined in the national planning standards.

5 Analysis and evidence to support implementing the intensification provisions

To give effect to the intensification provisions, local authorities will need to understand, measure and determine:

- demand in metropolitan centre zones
- accessibility
- walkable catchments.

The sub-sections below provide further guidance on each of these components.

5.1 Relevant policies

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and

(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

(c) building heights of least 6 storeys within at least a walkable catchment of the following:

(i) existing and planned rapid transit stops

(ii) the edge of city centre zones

(iii) the edge of metropolitan centre zones; and

(d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:

(i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

(ii) relative demand for housing and business use in that location.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility by existing or planned active or public transport to a range of commercial and community services; or

(b) the relative demand for housing and business use in that location.

5.2 Definition of city centre and metropolitan centre zones

Where a local authority has not adopted the standards, then the nearest equivalent zone must be used. The standards define a 'city centre' to be "areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region". The standards define a 'metropolitan centre' to be "areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments". Local authorities should rely on the zone descriptions and intent in the standards and compare and align this with their current zoning to work out what the nearest equivalent zone is.

5.3 Measuring demand in metropolitan centre zones

Local authorities are required to prepare a housing and business development capacity assessment (HBA) for all tier 1 and tier 2 urban environments. HBAs provide information on the demand and supply of housing and business land, and the impact of planning and infrastructure decisions on that demand and supply. HBAs will support local authorities to ensure well-evidenced decision-making.

A local authority can choose how it segments its demand (and supply) by location for its HBA. Tier 1 local authorities are required to use demand assessments to determine appropriate height limits and densities under the intensification provisions across their urban areas. For this reason, local authorities may want to carefully consider these locations. Any demand assessment by location should also take into consideration the requirement to consider demand specifically in and around metropolitan centres.

Suitable height and density is calculated as part of an HBA for a tier 1 urban environment. Section 6.5.3 Determining relative demand for housing and business use of this guide outlines how demand and other factors could be used to determine appropriate heights and densities. More information on calculating demand will be made available on the Ministry for the Environment's website.

5.4 Measuring accessibility

Well-functioning urban environments provide communities with good access to social, economic and cultural opportunities (Objective 1 and Policy 1). There is a clear link between good accessibility and social, economic and cultural wellbeing, and the health and safety of all people.

> Accessibility refers to the 'level of service' as a whole and defines people's overall ability to reach desired services and activities (together called opportunities). Assessment typically examines the time, cost and amenity of accessing services and activities via different modes.

5.4.1 The purpose of planning for and providing good accessibility

Planning for and providing good accessibility makes it efficient and affordable for all people to safely access activities and social and economic opportunities such as work, education, healthcare and community services.

You can provide and improve good accessibility in many ways. For example, compact, mixed-use urban developments can enable many people to access opportunities within close proximity (eg, by walking or cycling). Rapid transit and frequent public transport services can enable people to access adjoining communities and opportunities in other parts of the city and avoid congestion at peak travel times as well as parking costs. Private vehicles can also allow people to travel long distances and access opportunities that are further away, although travel can often be affected by peak-hour congestion.

Planning for good accessibility enables prosperous communities by maximising access to opportunities while minimising travel costs and avoiding the social and economic cost of trips unable to be made.

A system view of accessibility considers the relative costs and ease of access, as well as gaps in access and service provision for important main services and destinations.

5.4.2 The accessibility requirements

Policy 1 of the NPS-UD requires that planning decisions contribute to well-functioning urban environments. Good accessibility (Policy 1(c)) is a feature of well-functioning urban environments and can be enhanced by increasing building heights and density (Policy 3 and 5). Policies 3(d)(i) and 5 require regional policy statements and district plans to enable building heights and density of urban form **commensurate with the level of accessibility** by existing and planned active or public transport to a range of commercial activities and community services.

- Local authorities need to link height/density limits with accessibility, by allowing for greater density in areas where people can easily access many jobs, services and amenities.
- Areas with the highest accessibility tend to also be places with the highest demand, where people can easily reach jobs and amenities by walking or cycling and/or using public transport.

Local authorities will need to assess the existing and planned level of accessibility to determine appropriate height and density limits in urban areas. Local authorities should be able to demonstrate how their spatial and district plans, resource consents and other RMA decisions contribute to the outcomes outlined in district plan policies. Local authorities should also be proactive in removing barriers to accessibility, for example through:

- designing new roads and connections to enable increased and safe use of active and public transport
- planning improvements to walking and cycling infrastructure, and public transport services
- encouraging mixed-use developments with a variety of housing, business and community services.

5.4.3 How to assess or determine accessibility

Accessibility can be assessed at a strategic national and regional planning level. It can also be assessed at a sub-regional and detailed neighbourhood planning level, for example, the journey to work, school and local services. An accessibility assessment can contribute to understanding the effects of proposed subdivisions, open-space provision, road, footway and cycle-path connections,

and other development applications through plan changes, resource consent applications and applications for notices of requirement.

In assessing or determining good accessibility to inform ideal and/or suitable locations and attributes for intensification, there are three key factors you need to consider as set out below:

1. People and demands

Accessibility needs vary over time, life stage and the degree of individual / household mobility. When considering accessibility needs, it is essential to consider mobility requirements at an individual and household level. For instance, a family with young children will prioritise accessibility and mobility needs around managing time and cost constraints to meet competing family demands and commuting. A retired couple will prioritise access to healthcare and extended family, but will probably drive less and possibly be less able to walk longer distances. A young couple are more likely to prioritise a broader range of social activities with a wide group of friends. The accessibility needs of these and other demographic groups vary enormously, regardless of whether these groups can access a car on a regular basis. The definition of accessibility used in the NPS-UD is one that embraces all people with varying needs and abilities.

2. Land-use proximity

A major determinant of accessibility is how close people live to economic activities and community services. Higher density, mixed-use development increases the number of people that can live close to these services and activities, making local economic activity more viable and enabling multiple-purpose trips. The locations of economic activity and community services change over time, driven in part by changes in accessibility. Proximity should translate into convenience, meaning that different land uses within an area should be easily accessed by a range of transport modes that support multi-purpose trips.

3. Transport system connectivity

Good accessibility is achieved when multiple origins and destinations are connected by a choice of safe and convenient travel options, including walking, cycling and public transport networks. Urban form contributes to viable public transport networks and safe, convenient connections by active modes. Multi-modal connectivity is achieved through creating transit-oriented urban centres which are accessible by walking and cycling and that have an appropriate mix of housing, jobs and services. This increases mode choice and enables mode shift. Walking and cycling require improved roads and pathways, more closely spaced connections and direct connections to public transport.

To measure accessibility or assess changes due to land-use or transport interventions, you will require data on where people live, the location of destinations, and the cost, time and ease of travelling between these destinations for users of each mode and for each component of the journey.

When assessing accessibility, you will also need to consider walkability as a key component of accessibility when implementing Policies 3(d)(1) and 5. Refer to **section 5.5** Walkable catchments for further information.

Typical measures of accessibility can be based on:

- the time required to reach each service (ie, on a door-to-door basis including any time waiting for a connecting service)
- the number and quality of opportunities that can be reached (eg, a general hospital has a broader range of higher-value services than a doctor's surgery)
- indices of relative accessibility based on both of the above
- value (ie, cost to reach each service including time) compared to the value provided.

5.4.4 Process for estimating accessibility

Availability of the accessibility tool and the StoryMaps interim accessibility tool

Waka Kotahi NZ Transport Agency is developing a comprehensive tool to provide detailed indicators of accessibility by walking, cycling and public transport. When available, a link to the tool will be available on the Ministry for the Environment's **website**.

In the meantime, we suggest you use the Waka Kotahi StoryMap tool. Waka Kotahi provides accessibility data in the tool, which is designed to share centralised data relevant to understanding transport problems and the benefits of investment in land transport. The tool is available to Waka Kotahi's co-investors, partners and all local authorities.

To request access to the tool, email **investment.benefits@nzta.govt.nz**. Confirmation of registration will be provided directly to the requesting organisation.[4]

Viewing accessibility results

The Waka Kotahi StoryMap accessibility tool shows the number of jobs accessible to an urban population by public transport within 45 minutes and by cycling within 30 minutes. The definition of urban areas is based on Census mapping information, which is similar but not identical to administrative boundaries. Census-mapping information is more useful for analysis purposes in this case.

At this stage, the interim accessibility tool can only provide accessibility indices on existing transport networks. The tool does not yet have the functionality to allow analysis of planned active mode or public transport networks.

The process for viewing accessibility results is as follows:

1. Locate the urban area of interest by zooming and panning the map as required.
2. Using the legend and content boxes, identify 'public transport' or 'cycling' accessibility data. Only use one data set at a time.

[4] Further information about Waka Kotahi NZ Transport Agency's Benefits Framework and the associated measures with data in the tool are available **on the NZTA website**.

3. Centre the map on the screen at an appropriate zoom level and take a screenshot of the available accessibility 'heat maps'.
4. Switch between public transport and cycling content boxes to ensure accessibility data for both modes are captured through a screenshot.

Accessibility results are sourced from SA1 (Statistical Area 1) based data. You can interrogate accessibility to jobs data within an urban area by clicking on specific SA1 areas. This will show the number of jobs available to the centroid of that SA1 area by driving (30 minutes), public transport (45 minutes) and cycling (30 minutes).

Interpreting accessibility results

All accessibility indices are measured on the basis of weekday (Tuesday) morning peak analysis in March 2020 (pre-COVID-19 lockdown). In the assessment, you should consider the frequency and capacity of the services available. The analysis uses jobs as a proxy for a range of commercial and community services that are commonly co-located. The distribution of jobs relative to the assessed population will vary according to the specific characteristics of the urban area.

Public transport indices

Access to public transport services is from the centroid of the closest SA1 unit. All data are shown for 45-minute inclusive public transport journey times and include a maximum of 800-metres walking distance to and from public transport services within this journey time. This is a practical time and distance for evaluating accessibility for intensification purposes.

The threshold at which the StoryMap tool can most effectively inform the intensification requirements (Policies 3 and 5) is at, or greater than, the 75th percentile index of the 'jobs available' metrices. The 75th percentile represents the top quarter of accessible jobs in that urban area (ie, the proportion of jobs within the urban area that are accessible within 45 minutes by public transport). Figure 2 below shows the 75th percentile accessibility index for public transport access in Dunedin, while Figure 3 shows the total number of jobs accessible by public transport.

Figure 2: **75th percentile accessibility index for public transport access for SA1s in Dunedin, for March 2020**

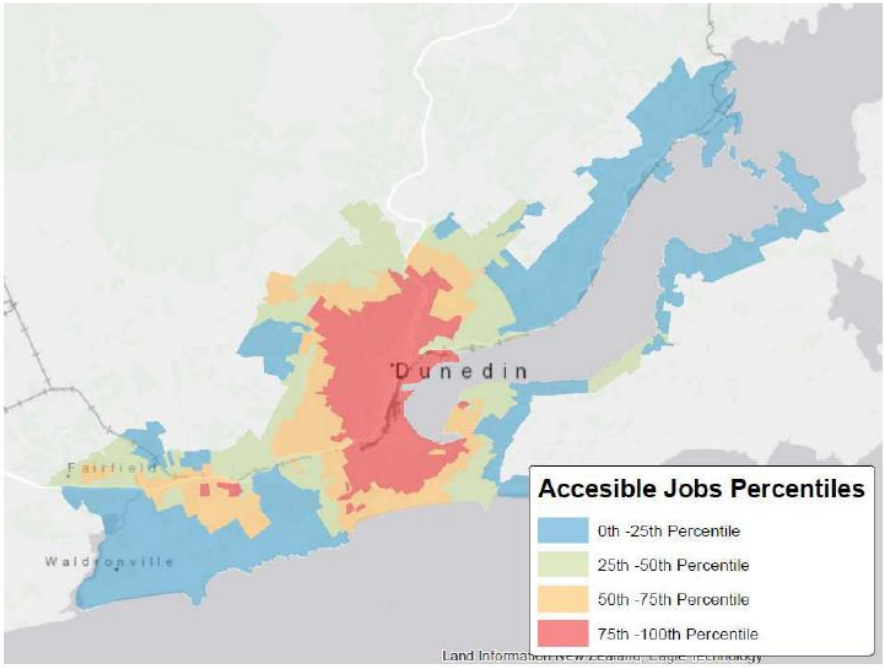
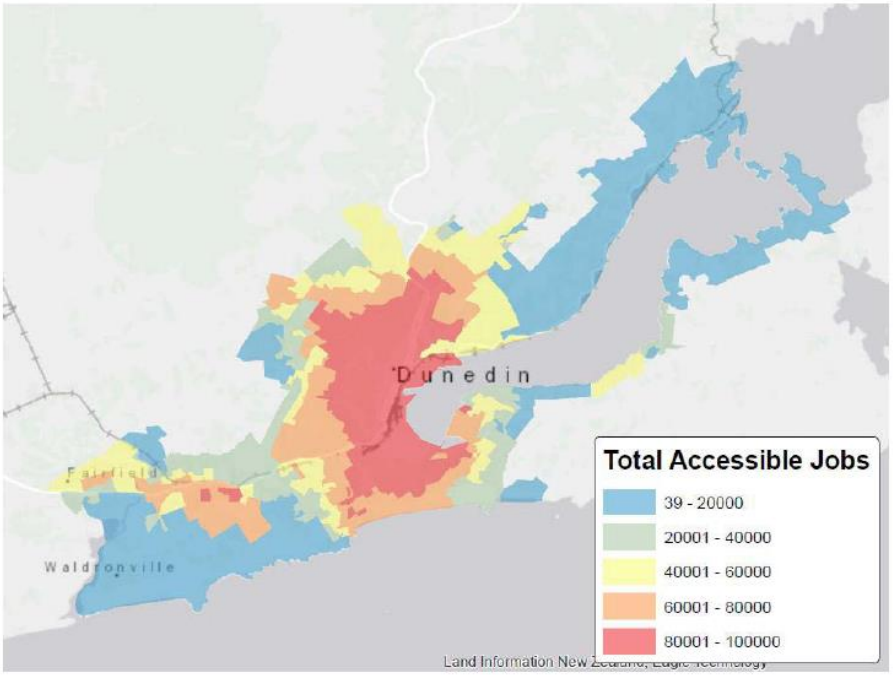


Figure 3: **Total number of jobs accessible by public transport access for SA1s in Dunedin, for March 2020**



Walking and cycling indices

You should view the walking and cycling indices as a starting point for analysis to determine the extent and scale of intensification.

We recommend you use the cycling indices to determine intensification in the absence of a detailed public transport network. Guidance on determining accessibility by walking is provided in **section 5.5** below on walkability.

The map-based cycle network includes cycle-specific infrastructure, such as off-road routes and paths, which are almost always available to pedestrians also.

A useful threshold for determining where the intensification requirements of Policies 3 and 5 are expected to apply would be at, or greater than, the 75th percentile index of the 'jobs available' metrices. The 75th percentile represents the top quarter of accessible jobs in that urban area.

Application to Policies 3 and 5

The information produced by using the accessibility tools outlined above identifies where most people can access most jobs easily by active modes and public transport. This analysis is the starting point for identifying where the relevant intensification provisions should apply.

5.5 Walkable catchments

A walkable catchment is the area that an average person could walk from a specific point to get to multiple destinations. A walkable catchment of 400 metres is typically associated with a five-minute average walk and 800 metres with a 10-minute average walk. These distances are also affected by factors such as land form (eg, hills take longer to walk up and can be an obstacle to walking), connectivity or severance (eg, the lack of ease and safety of crossing roads, highways and intersections), and the quality of footpaths. Walkable catchments can be determined either using a simple, radial pedshed analysis or a more detailed GIS (geographic information systems) network analysis.

Policy 3(c) of the NPS-UD requires tier 1 local authorities to amend their regional policy statements and district plans to enable building heights of at least six storeys within walkable catchments of existing and planned rapid transit stops and the edge of both city centre zones and metropolitan centre zones. This will require tier 1 local authorities to first determine the locations of these stops and zones, decide appropriate metrics or attributes for walkable catchments, and then use spatial analysis and other methods to determine the catchments.

Tier 2 and tier 3 local authorities do not have directive intensification requirements related to walkable catchments. However, understanding walkability and walkable catchments around public transport stops and networks and centres (city, metropolitan, local and neighbourhood) is a useful tool in thinking about what is accessible and locations that are likely to be appropriate for supporting intensification, as required under policy 5(a).

More reference material that may support you in understanding and determining walkable catchments can be found in **Resources**.

5.5.1 Important definitions for determining walkable catchments

Existing rapid transit stops

The NPS-UD defines a rapid transit stop as a place where people can enter or exit a rapid transit service. Rapid transit services are fast, frequent, reliable and high-capacity public transport services, which operate on a permanent route (road or rail) and that are generally separated from other traffic. Examples of existing rapid transit stops include train stations on the commuter rail services in Wellington and Auckland and bus stations on Auckland's Northern Busway.

For the purposes of determining walkable catchments for existing rapid transit stops, we suggest you use the pedestrian entrances and exits to the stops or stations. These better represent the location of the station as part of the pedestrian network than the station's centre point, which is often represented as a dot in the middle of the tracks and/or busway. Figure 4 below shows the pedestrian entrances to Kingsland Station in Auckland, compared to the station centre point.

Figure 4: Example of pedestrian entrances to a rapid transit stop compared to the station centre point (Kingsland Station, Auckland)

Planned rapid transit stops

The NPS-UD defines a planned rapid transit stop as one that is planned in a regional land transport plan (RLTP) under the Land Transport Management Act 2003.

Planned rapid transit stops identified in an RLTP are often only an intention to plan or build a station at some point in the future. Often the RLTP provides no specific information on the station's location. For example, the Auckland RLTP (2018) notes a number of new stations will be built for the Eastern Busway but does not show on a map where these will be. In other cases, an RLTP may only show on a map an approximate indication of where a proposed station may be.

The planning for some transport projects may be set out in other documents before these projects are added to an RLTP. Because of this, it may make sense for local authorities to use other transport planning documents to support their understanding of planned rapid transit stops and other proposed public transport and active mode infrastructure. This could include infrastructure proposed in:

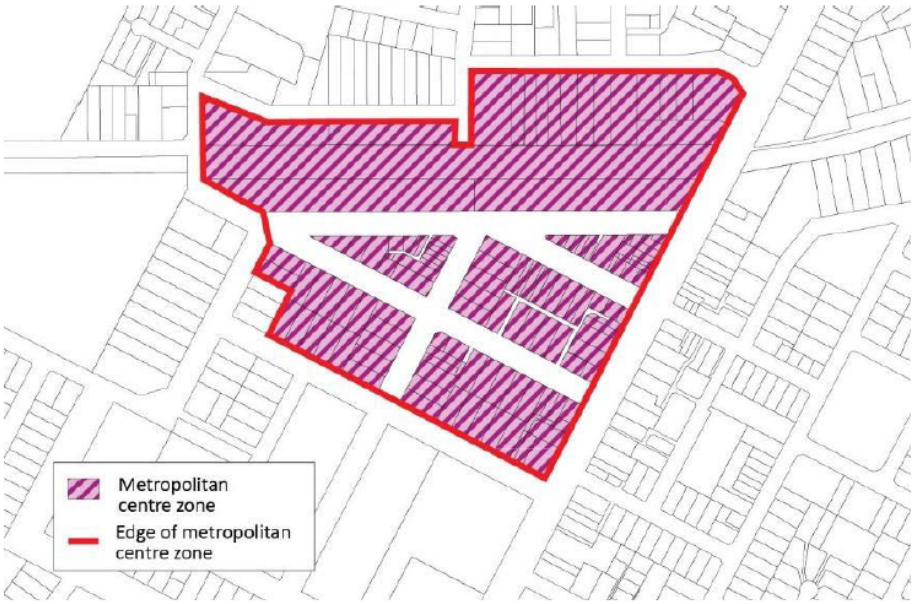
- regional spatial plans
- master planning and structure planning documents
- future development strategies
- infrastructure plans
- national infrastructure funding documents (such as the New Zealand Upgrade Programme)
- central-local government infrastructure agreements (such as the Auckland Transport Alignment Project).

It is difficult to determine a walkable catchment for a rapid transit stop before the exact location of a stop has been determined. Determining the walkable catchment requires you to assess the optimal corridor and/or location for a stop, including the potential for uplift, structure planning, transport network planning and detailed design work. Therefore, it is essential you ensure transport planning for public transport and active modes is done in an integrated and iterative way alongside land-use planning. This will be especially pertinent when considering the requirements of the NPS-UD intensification provisions, in both greenfield areas and existing urban areas.

Edge of city centre and metropolitan centre zones

Intensification will also need to be enabled within walkable catchments on the edge of city centre and metropolitan centre zones. For this, the 'edge' of the zone could be defined as the outside edge of the parcels, or groups of parcels, zoned as either city centre zone or metropolitan centre zone, including any streets or open space that may be within that area. An example is shown in Figure 5.

Figure 5: Example of edge of metropolitan centre zone



5.5.2 Size of walkable catchments

The walkability of a neighbourhood is determined by a range of factors. The general rule used by many organisations, including by the Ministry for Environment's **Urban Design Toolkit (Third edition)**, is that a walkable catchment is often around 800 metres.

The 800-metre distance was determined by assuming most people would be happy to walk 10 minutes to access services and amenities, and that they walk at a walking speed averaging 1.3 metres per second across the journey (Munro, 2009). The vast majority of people walk at speeds between 0.8 metres per second and 1.8 metres per second (2.9 kilometres per hour and 6.5 kilometres per hour) (New Zealand Transport Agency, 2009). Australian state government policies and the Ministry for the Environment's toolkit for urban design consider pedsheds (another term for walkable catchment) to be within a five- to 10-minute walk of an activity, node or urban amenity (Allen, 2018).

While the 800-metre catchment may be a good starting point, the draw of certain amenities will influence how far people are willing to walk to access them, and is likely to influence the size of a walkable catchment. While walkable catchments of 400 to 800 metres will be suitable for most tier 1 urban environments, it may be appropriate for larger tier 1 urban environments to consider greater distances in some situations. For example, where rapid transit is of high frequency, there is potential for higher densities and other factors such as high amenity along adjacent main routes and corridors.

Research in Auckland of pedestrians' trips to train stations (rapid transit stops) showed half of the people surveyed walked further than 800 metres to a train station. Using this information, Auckland Transport suggested a range of sizes for desirable walkable catchments for town and neighbourhood centres and amenities. These ranged from 400 metres (a five- to 10-minute walk), and 1000 metres or a 20-minute walk for town centres and rapid transit stops, to 1200 metres for intermediate or high schools (Auckland Transport, 2018).

5.5.3 Different locations will have different-sized walkable catchments

Not all places are equal and different locations with different characteristics may often have different-sized walkable catchments. We should expect walkable catchments of rapid transit stops and a city centre to be larger than those of metropolitan centre zones, particularly in larger tier 1 urban environments. This is because city centres are likely to be larger, have more services and amenities, and be better connected than a metropolitan centre. Also, the convenience of using rapid transit and the connections that rapid transit services often offer, mean people are prepared to travel further to use them than other modes of public or active transport.

The centre's size can also affect the size of the catchment. For example, a smaller metropolitan centre with fewer services and amenities than a larger centre, will also be likely to have a smaller walkable catchment. Additionally, a city or a metropolitan centre with a rapid transit stop located within or close by, is also likely to have a larger walkable catchment than a centre without a rapid transit stop.

Although it is up to each local authority to determine the size of walkable catchments appropriate for local circumstances, we offer the following recommendations consistent with long-standing academic and international best practice:

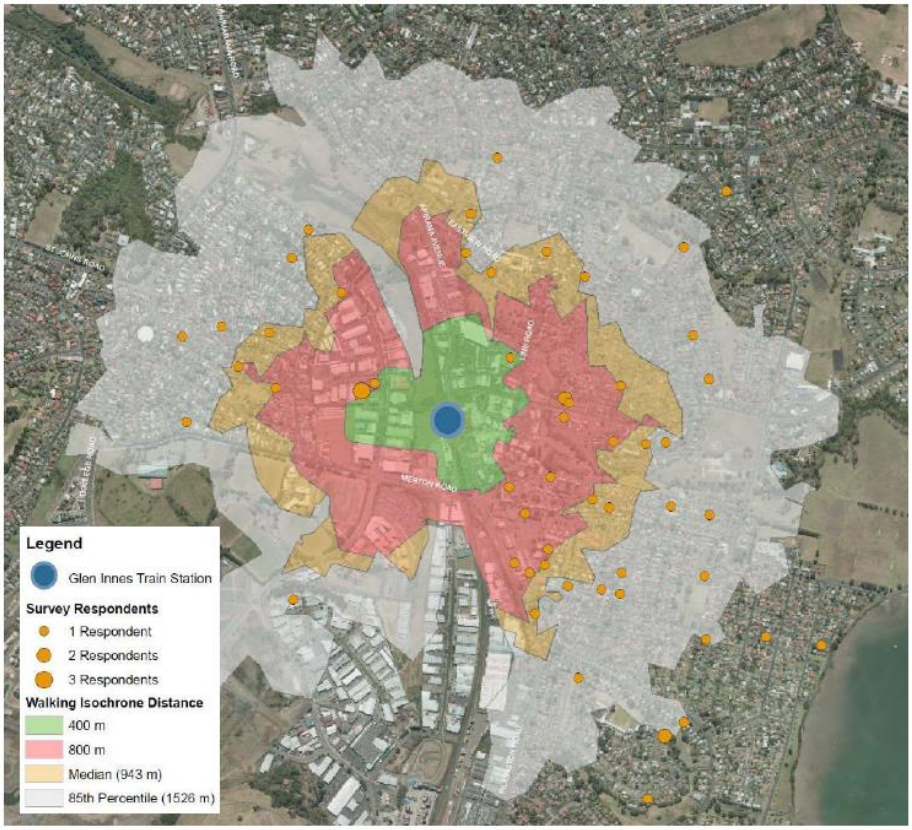
1. A distance of 800 metres from each main entrance to a transit stop is considered a minimum walkable catchment in all urban areas.
2. For larger tier 2 and all tier 1 local authorities, we suggest this threshold is extended further to account for local factors that include:
    - Street layout – are the streets laid out in a grid, or well connected through footpaths and open space that permit easier connectivity?
    - Severance – are major pieces of infrastructure or natural landscape interrupting or channelling convenient pedestrian movement?
    - Topography – how hilly or steep an area is will affect how easy or difficult it is for people to walk within a period of time.
    - Connectivity – are there footpaths on both sides of the roads? Is there access via pathways that run through reserves and open space? Are there pedestrian crossings?
    - Urban amenity – what other activities, such as local retail, pharmacy or green space, exist in streets within the extended catchment that would encourage local walking activity and multi-purpose trips?
    - Street lighting – are streets well lit, including through local footpath connections, to ensure that vulnerable groups feel secure?
    - Passive security – are footpaths and pedestrian routes overlooked by buildings with active frontages or otherwise designed to meet the security needs of vulnerable groups (noting that increased density can improve passive security)?
    - Mobility needs – is the street layout and accessible design suitable for those with mobility needs, specifically those using wheelchairs or with pushchairs, those using walking aids and other groups who may not be physically able to walk as far or as fast?
    - Other considerations – matters such as traffic light-controlled intersections, especially those that require pedestrians to wait for multiple lights to travel across a road, means a pedestrian's travel distance in a fixed period of time will be shorter.

5.5.4 Calculating walkable catchments

The most suitable way for tier 1 local authorities to calculate walkable catchments is to use spatial data and GIS. Tier 1 local authorities should have ready access to GIS software, digital road and pedestrian networks, which will enable a network analysis to determine walkable catchments. If you do not own and maintain your own digital road network that includes pedestrian access information, you can purchase these from a number of commercial providers.

You can calculate basic network catchments in GIS software, often known as isochrones, although these catchments may not always accurately represent true walkable catchments. An example is shown in Figure 6. Often, digital street and pedestrian networks do not take into account well-known walking paths and/or routes, such as those found in public parks, or other shortcuts. We recommend you check these software-generated catchments using other information, such as aerial photography and local knowledge, to ensure their accuracy.

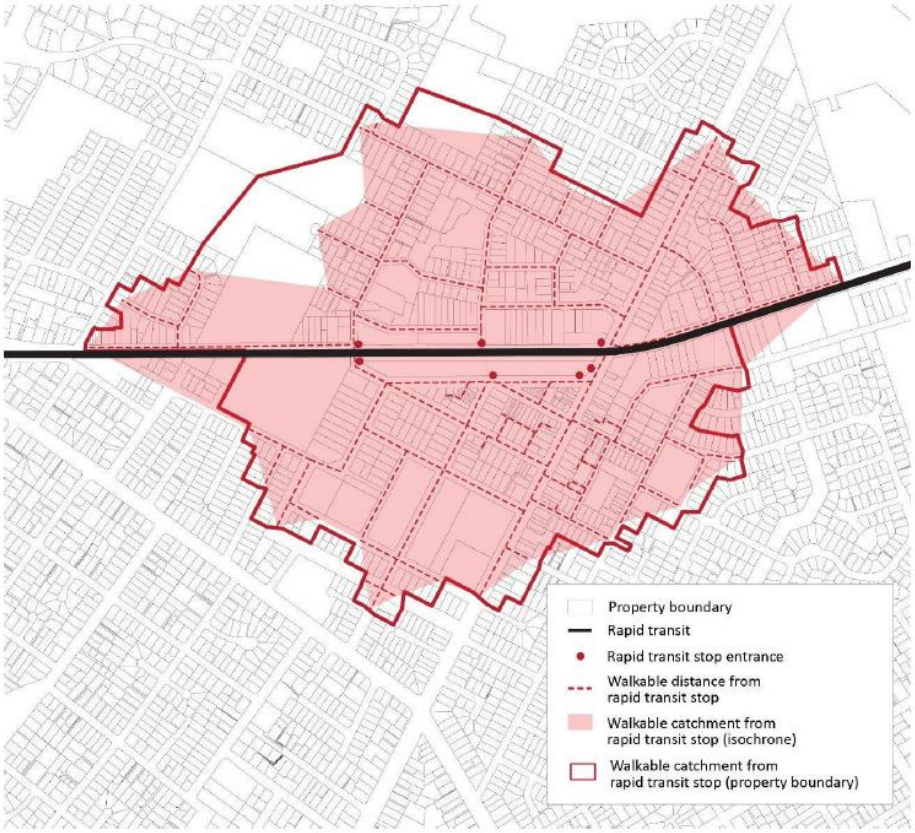
Figure 6: Example of ArcGIS generated walkable catchment isochrone for Glen Innes rail station in Auckland (Chung, 2012)



You may also want to consider using GIS-generated catchments as a guide to creating more formalised walking catchments based on property boundaries. This is because GIS-generated catchments will often cut across property boundaries, especially where properties are large. One benefit of having property-based catchments is they may help later when considering how to zone properties. Figure 7 below shows an example of the difference between a GIS-generated catchment

(isochrone) and a sense-checked, property-based catchment. This sort of assessment may also show where you could establish future walking connections.

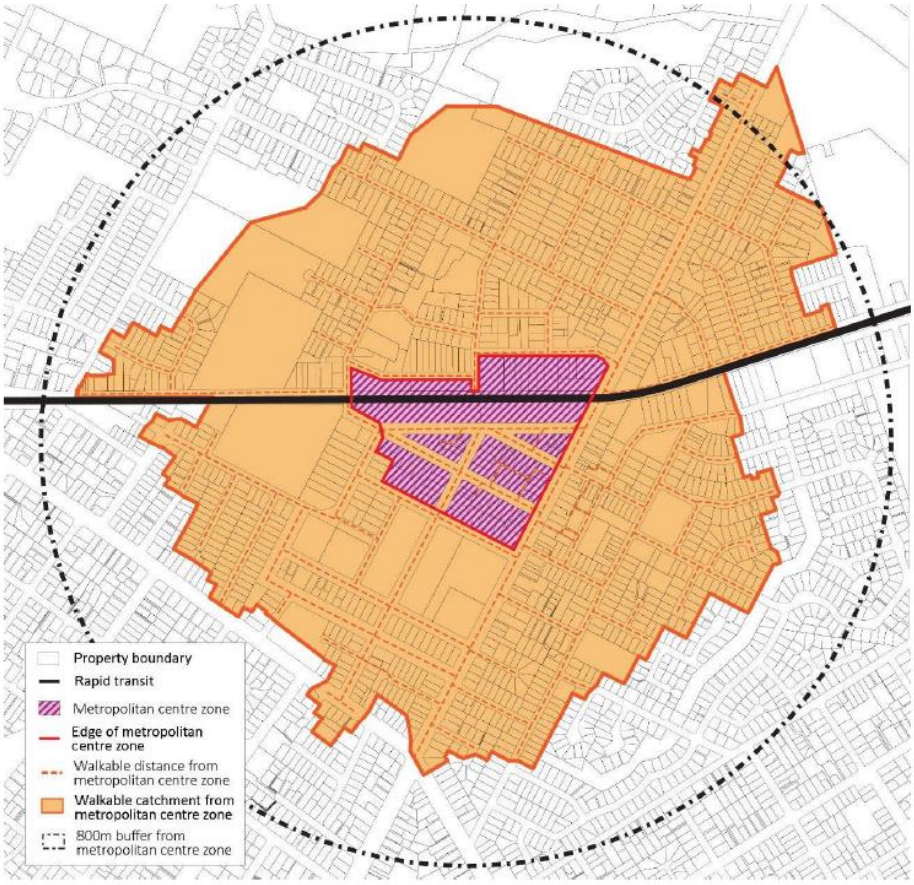
Figure 7: Example of GIS-generated catchment (isochrone) and property-based catchment for rapid transit stop



In the past, when complex digital road networks, including pedestrian access and the GIS network modelling tools to analyse them, were limited in availability and functionality, often radial circles from the centre point of an urban centre were used as a proxy for a walkable catchment. This technique is known as *pedshed* analysis. A link to a method for producing a pedshed by Active Healthy Communities can be found in **Resources**.

It is common practice to use an 800-metre diameter circle to represent a 10-minute walk for most people in a community. While these circles may have proved to be a useful proxy in the past, they often misrepresented the actual size of a centre's walkable catchment – for example, including land that did not effectively form part of the catchment or areas not accessible via the pedestrian network (Munro, 2009). Figure 8 below shows the difference in size between a property-based, 800-metre walkable catchment and an 800-metre radius circle from a centre point.

Figure 8: **Example of difference between an 800-m walkable catchment from the edge of a metropolitan centre zone and an 800-m radius circle from the centre of metropolitan centre zone**



While the use of a pedshed circle to illustrate catchments can be used to conceptualise locations, it is not appropriate for tier 1 local authorities to use as a proxy when considering walkable catchments. However, this approach may be suitable for tier 2 and tier 3 local authorities with smaller urban environments to understand areas that may be suitable for intensification under Policy 5(a).

Local authorities have discretion when determining what radius best matches the likely pedshed based on the local context. This may mean, in some areas, a smaller radius of 400–600 metres, for example, is appropriate for tier 2 and 3 local authorities. Pedshed analysis of city and town centres could provide a suitable indicator of locations with high levels of accessibility, especially in terms of active transport modes to a range of commercial activities and community services. Where possible, we recommend local authorities use a GIS network analysis approach.

6 Determining heights and densities to support implementing the intensification provisions

Policies 3 and 5 of the NPS-UD direct the levels and type of intensification that local authorities must enable in urban environments. The following sub-sections step through the different intensification requirements across tier 1, 2 and 3 urban environments and in particular:

- the anticipated outcomes
- principles to consider
- high-level suggestions for how to approach the work required to give effect to these policies.

District plans include a package of controls relating to built form that manage a range of effects. These controls are still relevant when giving effect to the intensification provisions.

The intensification provisions are not intended to direct local authorities to have no controls. Plans will still have development controls, however local authorities need to pay careful attention to controls that affect height and density. If the controls in a plan undermine or restrict the ability to enable intensification as directed and prevent intensification outcomes from being achieved, then those controls need to be reviewed. This does not necessarily mean removing those controls from plans, but carefully reviewing and testing each control to ensure it is balanced to enable intensification.

None of the intensification requirements are intended to override or undermine good quality urban design or quality urban environments.

You should read and consider the other provisions in the NPS-UD together with the intensification requirements. Also, local authorities should continue to ensure the intensification outcomes will support well-functioning urban environments and sensible zoning patterns. 'Sensible zoning patterns' refers to zoning that takes into account how the package of zones work together. Refer to **section 6.4** Walkable catchments (Policy 3(c)) for further detail on this concept.

The heights and densities that should be enabled by local authorities in Policies 3 and 5 will look different across urban environments. The policies require local authorities to consider the local context, while applying the principles and policy intent as outlined in **section 5** and **section 6** of this guidance. A guiding principle is that more height and density should be enabled where evidence indicates it would be appropriate. This may include areas:

- with higher residential and business demand – for example, those with good views and/or outlooks, close to open space or with good access to jobs and other amenities
- within walkable catchments of centres or rapid transit stops
- with good accessibility that support access to planned and existing forms of public transport.

When considering where to enable intensification, note that locations with both high demand and accessibility are the most suitable. However, you do not need both good accessibility and relative

demand to enable greater heights and densities. Intensification must be enabled even if you only have high demand and low accessibility or vice versa.

6.1 Relevant policies

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and

(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

(c) building heights of least 6 storeys within at least a walkable catchment of the following:

  (i) existing and planned rapid transit stops

  (ii) the edge of city centre zones

  (iii) the edge of metropolitan centre zones; and

(d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:

  (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or

  (ii) relative demand for housing and business use in that location

  .

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

(a) the level of accessibility by existing or planned active or public transport to a range of commercial and community services; or

(b) the relative demand for housing and business use in that location.

6.2 Enabling as much development capacity as possible in city centre zones (Policy 3(a))

In city centre zones, tier 1 local authorities are required to enable building heights and density of urban form to support as much development capacity as possible. This is to maximise the benefits of intensification. In practice, 'as much as possible' means removing unnecessary and unreasonable barriers to accommodate the maximum amount of development capacity that can be realised. Removing these barriers will help to enable greater up-zoning in city centres where intensification will have the greatest benefits.

Practically, 'as much as possible' will likely look different in various urban environments. City centres are a step up in the zoning hierarchy from metropolitan centres, so enabling as much development capacity as possible is expected to mean greater than six storeys (because six storeys is the minimum

for metropolitan centres). Tier 1 local authorities should be considering the level of demand and accessibility in determining what heights and densities can be enabled. In practice, this may mean:

- no maximum building heights or maximum gross floor area (GFA) standards in city centre zones or large parts of city centre zones
- development standards that may limit building height and density, where there is evidence that doing so will contribute to a well-functioning urban environment and achieving the objectives of the NPS-UD as a whole.

In giving effect to this policy requirement, local authorities need to step through the following:

- Consider what 'as much as possible' is going to mean in the city centre, taking into account local circumstances and factors – specifically, the level of demand and accessibility should be key considerations.
- Consider if any of the qualifying matters (eg, matters of national importance, open space, heritage orders or other matters) apply to the city centre. Also, look at to what extent heights and densities may need to be modified to accommodate the qualifying matter. (The qualifying matters set out the matters local authorities need to consider in enabling 'as much as possible'.)
- Review the current city centre controls and determine if they are enabling enough to support the outcomes intended in the NPS-UD and by Policy 3(a). This means checking the controls are enabling as much development capacity as possible to maximise the benefits of intensification. If not, the controls will need to be amended accordingly.
- In maximising the benefits of intensification, consider whether enough intensification has been enabled to support outcomes such as transport choice, accessibility and climate emissions reduction. If you are not maximising the benefits of intensification due to other factors (eg, character), ensure the effects of doing so have been taken into account using adequate evidence in a section 32 report.
- As directed by Policy 6, consider what 'as much as possible' will mean for the urban environment in terms of urban form, amenity changes and the benefits of urban development. Local authorities will need to ensure the specific outcome of enabling as much development capacity as possible is consistent with the wider NPS-UD policy direction.
- Consider if the outcome and/or decision on what 'as much as possible' means for the city centre environment will ensure that a well-functioning urban environment is achieved.

In some urban environments, there may be circumstances or factors, which are linked to the qualifying matters in the NPS-UD (subpart 6, clause 3.33), that will mean these will need maximum height limits or GFAs in city centre zones. Any such decisions will need to be supported by robust evidence and analysis. Where heights and density within city centres are scaled below maximum levels due to other circumstances or factors, the trade-offs of this approach should be clearly articulated in a section 32 report.

Local authorities will need to ensure they enable as much development capacity as possible and that the outcomes will deliver a well-functioning urban environment, which enables all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and into the future.

Subpart 7 of the NPS-UD requires local authorities to ensure objectives, policies and rules in district plans are consistent with the outcomes required by the intensification provisions. To ensure as much development capacity as possible is enabled in city centre zones, local authorities will need to:

- clearly articulate the development outcomes intended in the city centre zone objectives
- review and, if necessary, update the rule framework to ensure development controls relating specifically to heights and densities will not undermine intensification and that the cumulative effects of district plan provisions are consistent with the outcomes required.

6.3 Metropolitan centre zones (Policy 3(b))

The requirement for tier 1 local authorities to enable at least six storeys in metropolitan centres is intended to ensure there are sufficient opportunities to enable more people to live in, and more businesses and community services to be located in, areas with high demand and good access and well-serviced by existing or planned public transport. In most cases, metropolitan centre zones will exhibit most, if not all, of these attributes.

Tier 1 local authorities are required, at a minimum, to enable at least six storeys within metropolitan centre zones. The six storeys is a minimum and not a target, with Policy 3 requiring building heights and density of urban form to reflect demand for housing and business use. There may be cases where higher heights and densities than the six-storey minimum as directed might be appropriate, for example:

- where there is a high level of demand – this could include areas with good outlooks or views, or areas adjoining or near open space, which provide higher levels of amenity
- areas with more jobs or access to job opportunities
- areas where multiple modes of transport are accessible – both public and active.

In these types of scenarios, amongst others, it would be considered appropriate to enable more intensification than the minimum requirement. This would mean, for example, that if there was demand for residential and commercial space in a metropolitan centre that required more than six storeys, then that would be what should be enabled.

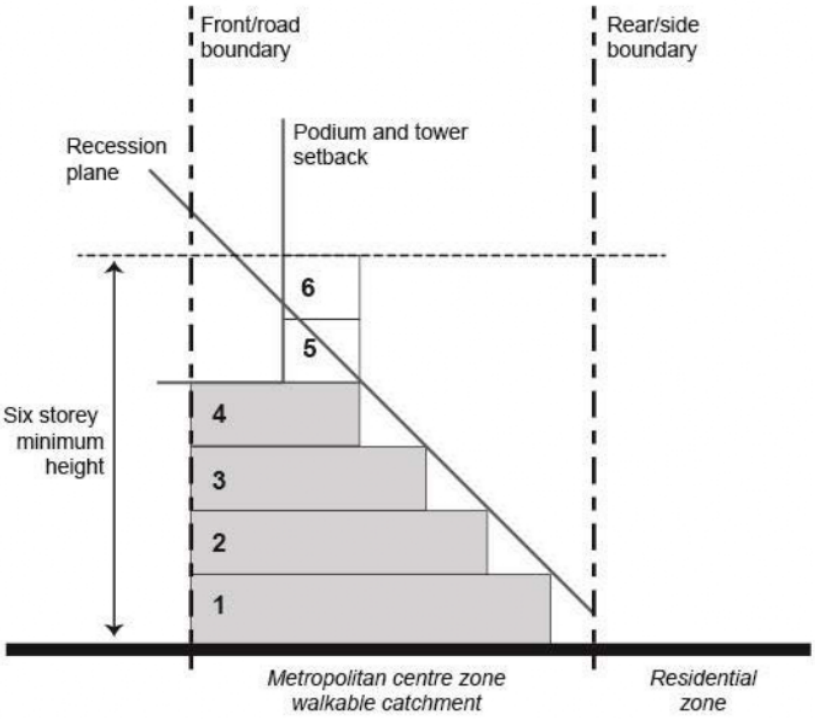
For the avoidance of doubt, the six-storey minimum is the minimum district plans must enable and not a minimum development rule. For example, local authorities are not required to set objectives, policies and rules to prevent the construction of buildings less than six storeys. While plans must enable six or more storeys, a developer or land owner can still choose to construct a four-storey building. Instead, district plans just need to be enabling, with the controls supporting the minimum height (six storeys or more) and as much yield of developable space across a site as appropriate, without compromising well-functioning urban environments. This will include:

- reviewing and, if necessary, updating provisions to enable these outcomes to be achieved, including understanding how the package of controls affects the delivery of both the minimum storey requirements and the total developable space yields. This will require understanding how the provisions relate to (but are not limited to) gross floor area, yard and podium setbacks and recession planes
- enabling maximum yield across a site – this doesn't mean density controls cannot be used but rather they shouldn't undermine or restrict these outcomes

- enabling different building typologies that support a greater yield across a site (eg, height and density).

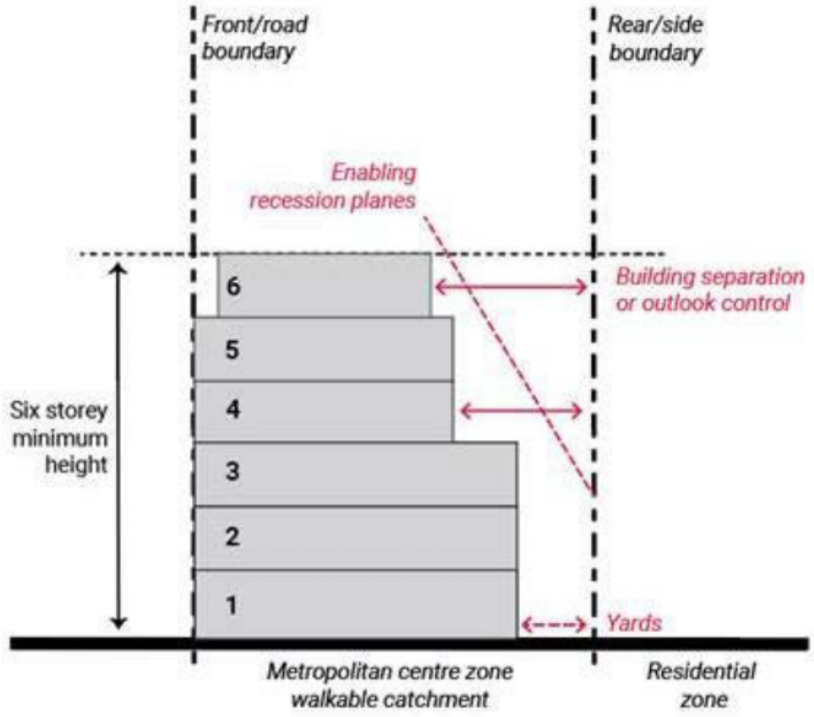
The below example (Figure 9) shows how a package of district plan rules could prevent or undermine six storeys from being realised on sites in the walkable catchment of a metropolitan centre zone. In this case, the application of rules (eg, setback from the front or road boundary and height in relation to boundary from the adjoining residential zone) in practice only allows four storeys to be realised and prevents the six minimum storeys being achieved.

Figure 9: Example of how a package of district plan controls could prevent the six-storey minimum being achieved in a metropolitan centre zone walkable catchment



Instead, local authorities should ensure the package of district plan rules allows six storeys to be realised on sites. Figure 10 below shows how district plan rules and controls can enable six storeys. In this case, recession planes may still be appropriate but need to enable flexibility at upper floors. In combination with other controls (eg, yards), increased recession plane angles and projection heights can support taller buildings. For example, these recession planes can still enable adequate daylight or sunlight to adjacent sites or zones, as well as encourage some building setback at upper levels to reduce perceived building height and visual dominance. Local authorities should also consider providing a gradual step down in zones and where to locate zone boundaries to avoid interface issues with adjoining zones.

Figure 10: **Example of how a package of district plan controls could enable the six-storey minimum in a metropolitan centre zone walkable catchment**



6.4 Walkable catchments (Policy 3(c))

The minimum height is also six storeys for areas within a walkable catchment of rapid transit stops, or the edge of city centre and metropolitan centre zones (refer **section 5.5** Walkable catchments). Again, six storeys is the minimum and not a target and, in many cases, local authorities should enable higher than six storeys, especially where there is evidence higher buildings would be appropriate, including when:

- the HBA for the urban environment shows there is high demand for residential and commercial space in a walkable catchment
- a walkable catchment of a city centre zone or metropolitan centre zone also falls within a walkable catchment of a rapid transit stop
- a walkable catchment enables access to planned and existing forms of public transport, especially frequent public transport services.

While enabling a minimum of six storeys is required within walkable catchments of city centre and metropolitan zones and rapid transit stops, it is likely there are cases where higher heights and greater density (ie, greater than six storeys) are appropriate within these walkable catchments that local authorities should consider. This will depend on local circumstances and evidence. An example might include:

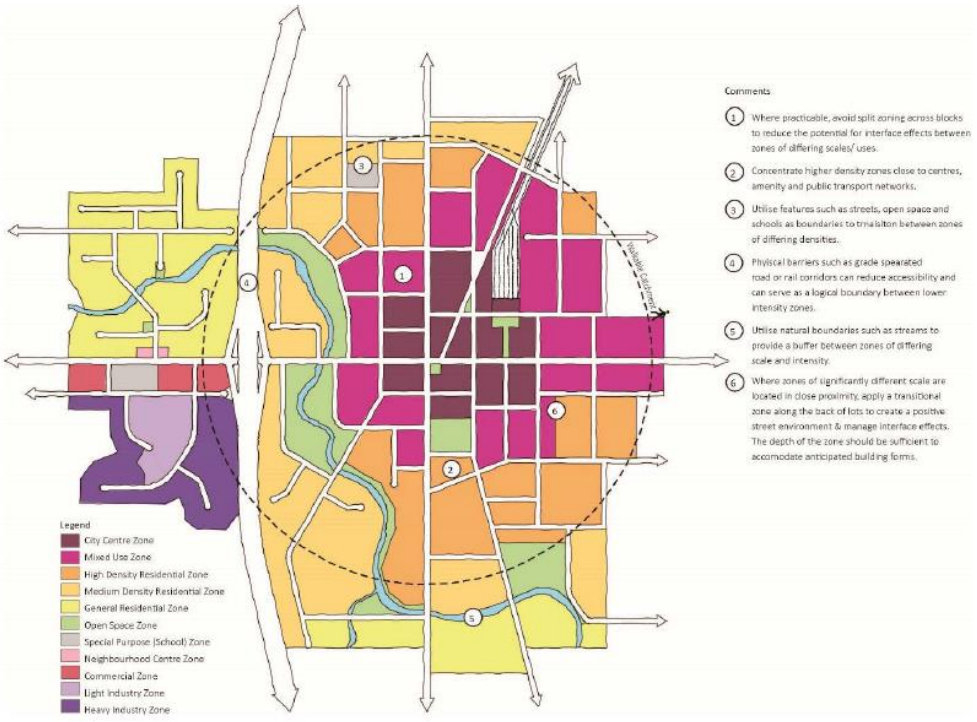
- Local authorities may wish to graduate or step down building heights, from the edge of their city centre or metropolitan centre zones that may have height limits considerably higher than six storeys, to the minimum six storeys that must be enabled inside, and to the edge of, walkable catchments.

As noted earlier, when enabling a minimum of six storeys within walkable catchments, local authorities should take care to ensure an appropriate zoning pattern is achieved. This is necessary to ensure there is consistency in the way areas are zoned and to ensure issues that can arise where different zones interface do not impact on delivering the other objectives of this NPS, such as well-functioning urban environments. Some key considerations for intensification in achieving sensible zoning patterns include:

- consistency in the way areas are zoned and how the different zones are applied
- interface of zones and avoiding putting zones side by side – this could include using steps down in zones to avoid the impacts on more sensitive zones
- integrating zones and trying to align or create more natural transitions between compatible zones.

In achieving a sensible zoning pattern as described above, local authorities will still need to ensure they enable at least the relevant height minimums. Figure 11 below provides one example of a sensible zoning pattern for intensification, achieving a gradual step down.

Figure 11: Sensible zoning patterns for intensification achieving a gradual step down



34 Understanding and implementing intensification provisions for the NPS-UD

6.5 Enabling building heights and density commensurate with accessibility and demand (Policies 3d and 5)

Policy 3(d) for tier 1 local authorities and Policy 5 for tier 2 and 3 local authorities of the NPS-UD requires building heights and densities of urban form to be enabled commensurate with the:

- level of accessibility by existing or planned active and public transport to a range of commercial activities and community services, or
- relative demand for housing and business use in that location.

For tier 1 urban areas, this will be for all areas outside of city centre and metropolitan centre zones, as well as walkable catchments of existing and planned rapid transit stops and the edge of city centre and metropolitan centre zones.

Tier 2 and tier 3 urban areas will need to apply Policy 5 to their entire urban area.

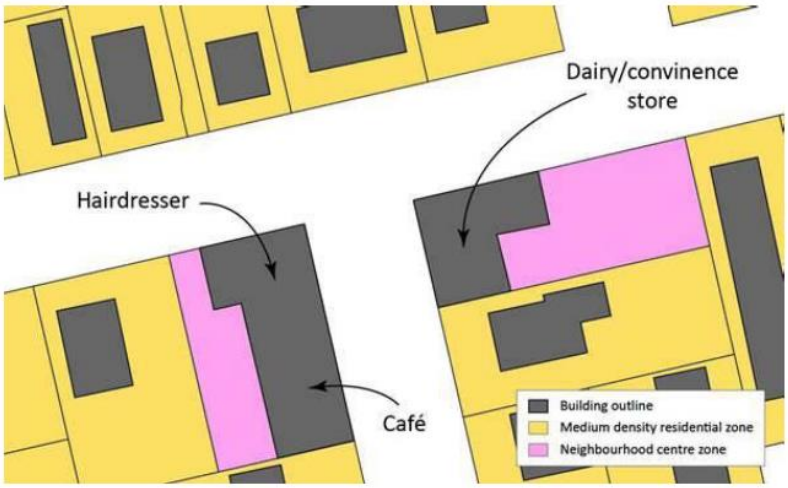
6.5.1 A 'range' of commercial activities and community services

Commercial activities include those that serve the needs of the community (eg, shops) and provide people with employment. Community services include health care, education (including universities and tertiary training institutes), cultural activities (eg, museums, galleries, churches) and land or venues for sport and recreation.

A 'range' of services should be thought of as a variety of commercial and community services that serve the needs of the catchment when implementing this policy. For example, a doctor and/or pharmacy, school and/or kindergarten and a café and shops would be considered as providing a range of services. The locations that provide a range of activities and services are likely to be places that are easily accessible to a wide range of people. These locations will often be commercial centres within urban areas, ranging in size from smaller local or town centres through to larger metropolitan centres or even city centres (in the case of tier 2 and tier 3 urban environments).

This also means a small set of neighbourhood shops, for example with amenities such as a dairy, hairdresser and butcher, would not likely be considered to be providing a range of services. An example of neighbourhood shops that would not be considered to provide a range of services is shown in Figure 12 below.

Figure 12: Example of neighbourhood shops that do not provide a 'range of services'



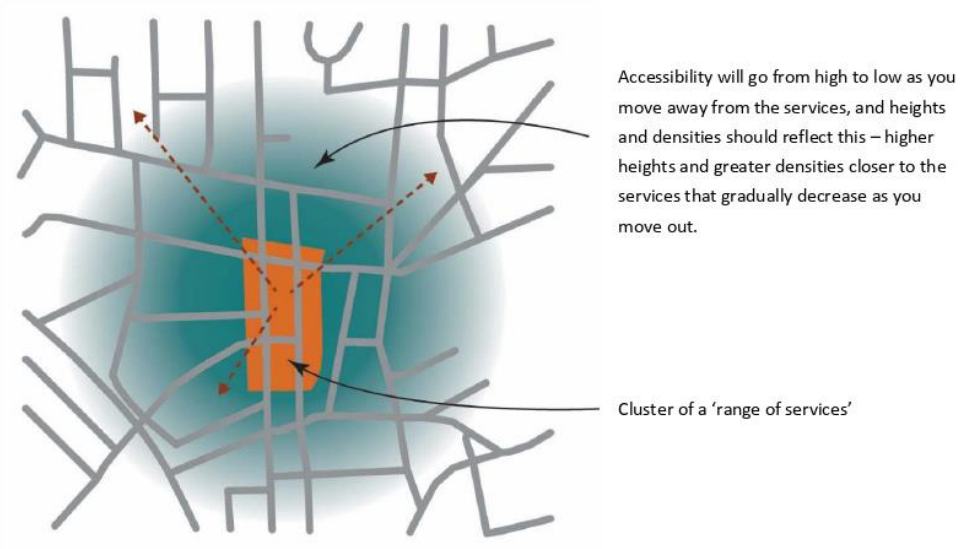
6.5.2 Determining the level of accessibility to a range of services

Guidance on accessibility is provided in section 5.4 Measuring accessibility above. This section should be referred to when determining accessibility.

Areas closer to a range of services will have a higher level of accessibility than areas further away from services. This means the level of accessibility will range from higher to lower, depending on the distance from a range of services. Heights and densities enabled must be commensurate to the level of accessibility. This means areas with high accessibility (ie, those areas closest to a range of services) should have greater heights and densities enabled which (depending on the level of demand) may gradually decrease as you move away from the services and as accessibility reduces. If you have both high demand and high accessibility, you may find heights and densities do not gradually decrease like they could if you were intensifying based on high levels of accessibility only.

Below, Figure 13 shows how accessibility to a range of services, represented by a town centre, decreases as you move further away from them. In such a case, district plan rules should reflect that heights and densities would need to be greater the closer or more accessible they are to services. This figure illustrates accessibility by active modes. The area that is considered accessible by public transport could be much larger (if frequent public transport services operate in this area).

Figure 13: Example of a 'range of services' interacting with accessibility only and how this influences heights and density



6.5.3 Determining relative demand for housing and business use

Determining relative demand for housing and business use to enable commensurate heights and density or urban form will be undertaken differently for tier 1, 2 and 3 local authorities.

In preparing the intensification plan changes, some principles or types of areas where demand is often high and intensification is likely to be appropriate could include:

- areas with high land prices relative to others
- locations close to open space and recreation opportunities
- areas within, or close to, centres
- areas with good transport opportunities – including frequent public transport, multi-mode transport opportunities (eg, public transport, walking and cycling) and freight
- areas close to key services including, schools, hospitals and supermarkets
- areas close to a range of business activities
- locations with good views, outlook and amenity, including areas with water views or green space outlooks.

Determining and understanding relative demand in tier 1, 2 and 3 urban areas could be achieved through a number of different methods. As a general starting point for all local authorities, land price is a good proxy to consider in understanding demand; areas with high land prices indicate the areas are more desirable to live in. When combined with capital values in an area, this will help highlight locations where it is desirable and/or feasible to deliver intensification.

Methods to understand and determine demand that local authorities may use include:

- using information produced as part of an HBA for tier 1 and 2 local authorities
- using population and growth projections and statistics for the areas or regions – this may be particularly helpful for tier 3 local authorities
- analysing recent resource consent data to highlight areas where there may be high demand, such as:
  - areas where a number of consents have been lodged for housing and business use
  - the number of consents seeking to infringe standards such as maximum building height, building coverage and height in relation to boundary gross floor area, or
  - other development controls that impact on the development potential of a site
- surveying consumer preferences under scenarios where higher-density housing is permitted using highly flexible zoning and building rules (ie, unconstrained demand for a greater range of housing types and prices). Additionally, local authorities could engage with the development sector to understand preference
- monitoring economic indicators such as land prices. As noted above, these can be used as a proxy to indicate demand; if comparable land prices are high, it would suggest there is higher relative demand.

One particular method an HBA can use to understand areas of high demand in an urban area is analysing the capital value-to-land value ratio of properties. This is detailed in **the Guide on Evidence and Monitoring,** which was produced to support the implementation of the National Policy Statement on Urban Development Capacity (2016).

A high land value-to-capital value ratio can indicate the land is in a location of high demand and the land use is under-capitalised. This is likely to mean it is feasible to redevelop for greater intensification. For example, when the relative price of a land parcel rises, it is a signal people want to live and work in that location. Land with low capitalisation is easier and more profitable for development because most of the value is in the land (as shown in the **cost-benefit analysis for the NPS-UD**). Under-capitalisation might also be in relation to a disparity between the current and possible land use, such as what is there now and what could be provided if greater density was enabled. This indicates these places could be suitable for intensification.

The matrix shown in table 2 below shows how local authorities could use this metric to understand and identify areas most suitable for intensification.

Table 2: Capitalisation and land value and suitability for redevelopment and intensification

	Low land value	High land value
High capitalisation	Low value land and high capitalisation, unlikely to be redeveloped Areas of low demand, likely not suitable for intensification	Valuable land and high capitalisation, limited likelihood of redevelopment Areas of some demand, may suitable for intensification
Low capitalisation	Low value land and low capitalisation, unlikely to be redeveloped Areas of some demand, may suitable for intensification	Valuable land and low capital value, likelihood of redevelopment Areas of most demand, most suitable for intensification

38 Understanding and implementing intensification provisions for the NPS-UD

The Ministry of Housing and Urban Development (HUD) have done some work on understanding the costs of growth. This work includes developing a methodology for local authorities to understand and measure the wider costs and benefits of different forms of urban development in different locations. We also expect the methodology could be used as an input into HBAs and to assess appropriate areas for intensification. The methodology will be available by the end of 2020.

When determining demand, tier 3 local authorities could also look to their centre type zones (city centre, town centre, neighbourhood centre), where demand and access is likely to be greatest, as starting points for locations that are best suited for intensification.

While tier 3 local authorities are not required to undertake an HBA, they must undertake basis evaluations and analysis as directed in subpart 3, clause 3.9 of the NPS-UD – for example, analysing the price of and rents for dwellings can assist in understanding housing demand. They may also wish to apply and consider the principles of an HBA to determine demand including:

- current supply of housing and whether there is additional demand
- housing affordability across the district
- location of housing
- dwelling typologies – for example, is there a shortage or desire for a particular typology
- number of dwellings that can reasonably be expected to be realised.

Heights and densities enabled in urban areas must be commensurate to the level of demand. This means areas with high demand should enable greater heights and densities than areas with low or no demand.

6.5.4 What this means for intensification outcomes

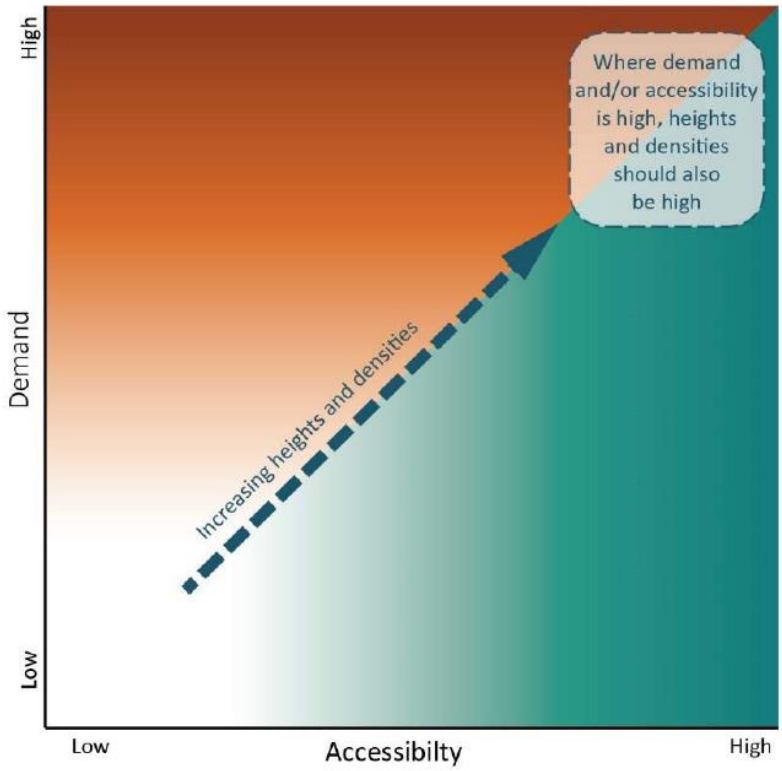
Enabling heights and density of urban form commensurate to accessibility and demand is going to look different across urban environments of varying size. It is important local authorities remember:

- you do not need both good accessibility and higher relative demand to enable greater heights and densities
- if you have high demand but no/low/moderate accessibility you still need to ensure greater heights and densities are enabled
- if you have high accessibility but no/low/moderate demand you still need to ensure heights and densities that reflect the level of accessibility are enabled
- if you have both high demand and high accessibility then you should be seeking to enable more height and density in those areas, as these are the most suitable to accommodate intensification.

In all the above situations, it is important intensification is enabled in a way consistent with meeting the definition of well-functioning urban environments (Policy 1).

Figure 14 below illustrates visually how you could think about enabling heights and densities when assessing a location against demand and accessibility. By plotting on the graph a location's demand and accessibility, you can understand the extent to which you should enable density and heights. The higher a location's accessibility or demand, the more enabling your density and heights will need to be.

Figure 14: Example framework for determining heights and densities for other areas in tier 1 urban environments



The building height and density of urban form that is enabled through development standards will result in different housing typologies and business uses.

Different housing typologies exist (see Figure 15 below) which result in a range of heights and densities. These include:

- detached single-level houses
- townhouses
- duplex and multiplex houses
- terrace housing
- apartments.

Figure 15: Spectrum of housing typologies

In general, terrace housing and apartments will have greater heights and densities than townhouses and detached single-level houses. Local authorities will need to think about the spectrum of typologies and outcomes that are appropriate to be enabled, based on the level of accessibility and demand. For example, if you have high accessibility and high demand it could be appropriate to enable apartments and more intensive business uses in an area.

6.5.5 Amending district plans

The level of accessibility and demand will be different across urban areas. Therefore, local authorities should consider options for implementing the intensification provisions through changes to regional policy statements and district plans. In giving effect to the intensification provisions, this could mean:

- rezoning areas to enable greater building height and density
- amending the development standards for an existing zone to enable commensurate heights and densities
  - there may be instances where most of an existing zone is suitable for intensification, with a small area that might not be suitable because it does not meet the accessibility or demand criteria. For consistent zoning outcomes, local authorities may decide to enable greater height and density throughout the zone
- using other planning tools such as:
  - precincts: in instances where there are various pockets across urban zones suited to intensification, but it is inappropriate to enable greater building heights and densities across the entire zone, local authorities could consider using a precinct to enable greater heights and densities within specific areas of an existing zone. Refer to Standard 12 (District Spatial Layers Standards) of the standards for further information on precincts
  - specific control: the standards provide for 'specific controls' to spatially identify where a site or area has provisions that are different from other spatial layers, or where district-wide provisions apply to that site or area. Particular areas of a zone may be suited to intensification, but it is inappropriate to enable greater building heights and densities across the whole zone. In these instances, local authorities could consider using a specific control to enable greater heights and densities within specific areas of an existing zone. Refer to

Standard 12 (District Spatial Layers Standards) of the standards for further information on specific controls.

6.6 Qualifying matters – application

The directive intensification outcomes in Policy 3 for tier 1 local authorities are designed to enable higher densities in locations where it is most suited. However, there may be some areas that are not suitable for higher levels of intensification, or any intensification because of a qualifying matter. Where a qualifying matter applies, this does not mean intensification should not be enabled, rather that local authorities should carry out a comprehensive analysis and must seek to enable the greatest heights and densities possible while managing the specific qualifying matter (clause 3.32 and 3.33).

6.6.1 Relevant policy

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Subpart 6, clause 3.32 Qualifying matters

(1) In this National Policy Statement, **qualifying matter** means any of the following:

- (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act
- (b) a matter required in order to give effect to any other National Policy Statement
- (c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
- (d) open space provided for public use, but only in relation to the land that is open space
- (e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order
- (f) a matter necessary to implement, or ensure consistency with, iwi participation legislation
- (g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement
- (h) any other matter that makes high-density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.

Subpart 6, clause 3.33 Requirements if qualifying matter applies

(1) This clause applies if a territorial authority is amending its district plan and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area.

(2) The evaluation report prepared under section 32 of the Act in relation to the proposed amendment must

(a) demonstrate why the territorial authority considers that:

(i) the area is subject to a qualifying matter; and

(ii) the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and

(b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and

(c) assess the costs and broader impacts of imposing those limits.

(3) A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:

(a) identifies the specific characteristic that makes the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and

(b) includes a site-specific analysis that:

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.

6.6.2 Qualifying matters

When giving effect to the Policy 3 (a, b, c and d) of the NPS-UD, tier 1 local authorities may modify, but only if necessary, the intensification requirements as directed if one of the qualifying matters in the NPS-UD apply. Qualifying matters mean any of the matters listed in subpart 6, clause 3.32. The matters are very specific, with the exception of 3.32(h) relating to 'other matters', which may also qualify for making higher-density development inappropriate. Where local authorities wish to use clause 3.32(h), a more robust evidence base is required to justify why intensification requires modification through a site-specific analysis, and also the requirements in clause 3.33(3) must be met. Some examples of what might be anticipated to be raised as an 'other matter' include:

- special character
- viewshafts
- less significant hazard risk, that is not covered by s6 of the RMA.

Where a qualifying matter is applicable for a tier 1 local authority, this does not mean intensification is excluded from an area, but instead that it is to be modified only to the extent necessary to accommodate the qualifying matter.

In addition, in the case of 'other' matters, it does not mean local authorities cannot have viewshafts or special character, for example. These can be retained where evidence supports their need. The qualifying matters simply provide the scope for local authorities to modify the level of intensification if it is required to protect the specific matter.

Local authorities will need to consider what qualifying matter is applicable carefully and then undertake a detailed assessment to determine the most appropriate level of intensification. This may look like:

- reduced building heights from the applicable minimum height required
- lower densities than the applicable minimum density required
- no intensification (although this is expected to be an exception).

This assessment will only be required if one of matters listed in clause 3.32(a–g) means that intensification will be limited.

6.6.3 Process to applying a qualifying matter

For any qualifying matter listed in subpart 6, clause 3.32 (a–g), for a tier 1 local authority to modify the intensification levels below those anticipated in Policy 3, an evaluation report must be prepared under section 32 of the RMA. This section 32 report must include and consider the following aspects in light of the requirements in subpart 6, clause 3.33:

- identify spatially, by location, where the qualifying matter applies, for example, a map showing the area to be assessed for a qualifying matter
- determine why an area is considered subject to a qualifying matter
- determine why the qualifying matter makes an area and/or site incompatible with the level of development directed by Policy 3 for that area
- assess the impact that limiting the development capacity, building height or density will have on providing development capacity overall
- assess the costs, benefits and broader impacts of imposing lower intensification levels in the area
- identify the appropriate alternative level of intensification for the area.

If a local authority believes there is an 'other' qualifying matter which is applicable under **subpart 6, clause 3.32(h)**, then a more detailed and robust assessment and higher evidential standard is required. In addition to the above matters, the following further evidence base must be prepared:

- identifying the specific characteristic or 'other matter' that makes the level of development directed by Policy 3 inappropriate
- justifying in the form of a detailed analysis and mapping to demonstrate why intensification is inappropriate (in light of the qualifying matter, the national significance of urban development and objectives of the NPS)
- conducting a site-specific analysis of the 'other matter' and where it needs to apply, such as the exact boundaries where intensification is inappropriate. Local authorities will need to undertake a site-by-site assessment, identifying the extent of the site or sites in the area subject to a qualifying matter. They will need to evaluate the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter
- evaluating an appropriate range of options of alternative heights and densities that could be applied to establish the best option to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.

Note that a blanket overlay approach to applying the qualifying matter is not appropriate. The qualifying matter should only apply to the specific, spatial extent required.

In practice, this means that:

- local authorities will need to justify their decisions on what 'as much development capacity as possible' means for determining heights and densities for a city centre zone with robust evidence in a section 32 report. They will also need to take into account any justifications under subpart 6, clause 3.33
- in metropolitan centres and other locations that require height limits of at least six storeys, local authorities will only need to provide justification where they believe a height limit needs to be less than six storeys, with site-specific analysis required if heights are being lowered due to an 'other matter'
- local authorities will need to justify any height limits or densities lower than what is standard in their plans for that zone, in other areas identified as suitable for intensification, either due to being in a location of high demand or having good access
- local authorities may review, reduce or remove spatial application of 'other' matters, such as viewshafts, following assessment to enable greater intensification.

If tier 1 local authorities wish to modify heights and densities of intensification because of a qualifying matter, it is important they provide a robust evidence base and section 32 analysis, which clearly articulates the trade-offs of having less intensification.

They should answer the following questions in their analysis:

- What is the qualifying matter?
- Why is the qualifying matter something that is being considered within the specific location?
- What would be the implications of enabling intensification as directed by Policy 3?
- What area does the qualifying matter cover or what is the spatial extent?
- Why does the qualifying matter require heights and densities to be reduced and by how much?
- Are there alternative approaches or mitigations that could be put in place to avoid the need to reduce intensification? If not, why?
- How does limiting or reducing intensification in the area impact development capacity?
- What alternative to building height and density is appropriate without compromising the qualifying matter? What are the options?
- What are the trade-offs of not intensifying as directed?

Local authorities need to be mindful that just because a qualifying matter may apply or have been identified over a specific area, this does not mean intensification is inappropriate or should not be enabled. The level of intensification that may be enabled within areas where a qualifying matter applies may vary due to site-specific factors. Several different outcomes may be reached following the robust analysis and evaluation required under subpart 6, clause 3.33. For example:

- no intensification may be appropriate
- intensification as directed may not be achievable across the area but some intensification can be enabled

- areas within the extent of the qualifying matter may require lower intensification requirements, whereas intensification as directed by Policy 3 may be achievable in other sites within the wider spatial extent due to site-specific factors (eg, topography).

6.6.4 Qualifying matter ('other matter') – worked example

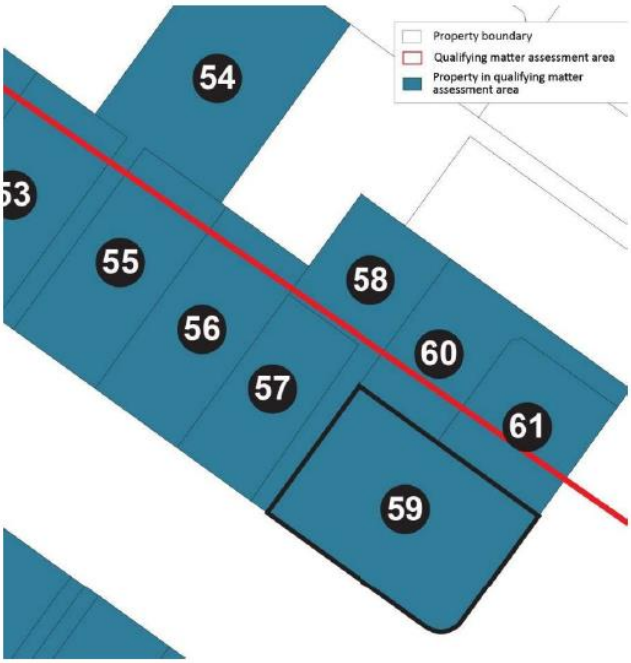
Figure 16: Step 1 – Identify the other qualifying matter or specific characteristic

Identify what the 'other' qualifying matter is – what is the specific characteristic, for example, view shaft, special character overlay that makes intensification as directed inappropriate.

Identify the area that the specific qualifying matter/specific characteristic applies, for example, the spatial extent.

Justify and clearly demonstrate why the qualifying matter needs to be considered and why intensification in the specific area is inappropriate in light of the importance of urban development and the objectives of the NPS-UD.

Figure 17: Step 2 – Undertake a site-specific analysis of all sites with the area that the qualifying matter applies



Undertake a site-specific analysis of all sites within the area that the qualifying matter applies.

Identify what the implications of enabling intensification as directed by Policy 3 would be.

Evaluate how and why the qualifying matter applies to each individual site.

Consider and clearly articulate the trade-offs of not enabling intensification as intended.

Undertake a cost-benefit analysis of a lower level of intensification.

Determine whether there are other mitigations or alternative approaches that could be put in place to avoid the need to reduce intensification.

Figure 18: Step 3 – Determine whether there are site-specific factors that may affect the level of intensification that can be realised eg, topography

Determine whether there are site-specific factors that may affect the level of intensification that can be realised, for example, topography.

Evaluate a range of options for each site within the qualifying matter area to achieve the greatest heights and densities possible, while managing the specific qualifying matter – for example, determine the different heights and densities that could be enabled without compromising the qualifying matter.

Figure 19: Step 4 – Determine and spatially identify where the qualifying matter applies

Following the site-specific assessments, determine and spatially identify:

- sites where the qualifying matter needs to apply and a lower level of intensification is required
- sites where the qualifying matter does not apply to the site and intensification as directed can be enabled.

The detailed assessment may result in local authorities wishing to remove or reduce the extent of the specific matter, for example, viewshaft or special character areas, to enable intensification as directed, if appropriate.

Figure 20: Step 5 – Enable intensification to the extent appropriate while managing the specific characteristic of the qualifying matter

Enable intensification to the extent appropriate while managing the specific characteristic of the qualifying matter.

This might mean that areas within the spatial extent covered by the qualifying matter have different levels of intensification enabled.

7 Full worked example of applying intensification provisions to determine heights or densities

This section of the guide takes you through an example to show how you need to consider the requirements of the intensification provisions. The example shows how you could apply the provisions to determine heights and densities in and around a metropolitan centre with a rapid transit stop and how this could translate to a zoning pattern.

There will be other factors beyond the ones shown in this example you may need to consider in zoning an area, including applying other provisions from the NPS-UD. This example presumes that open space and special zoning remain the same, while all other zones may be changed through applying the intensification provisions. This is reflected in the map figures.

Figure 21 below is a legend for the maps and aspects common to many of the figures in this section. Any additional features that you should note are shown in the legend for each individual map.

The example uses the standard zones set out in the national planning standards.

Figure 21: Legend/key for diagrams

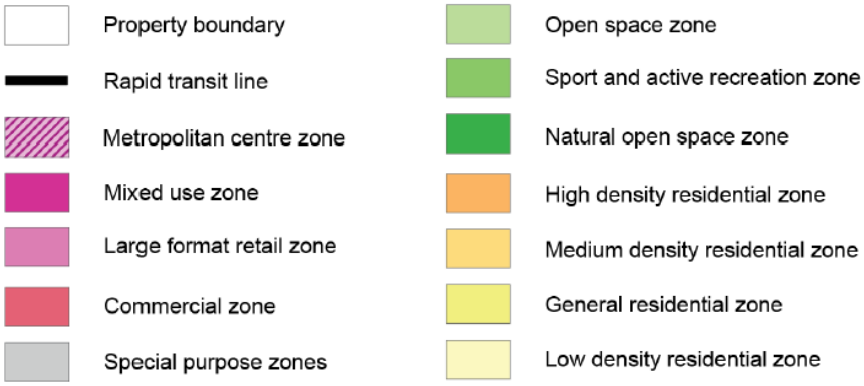
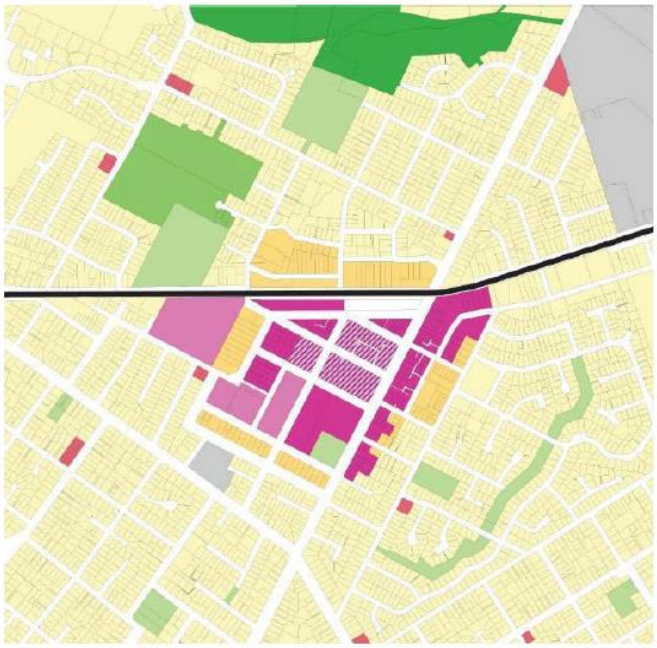


Figure 22: Current zoning pattern for a metropolitan centre that includes a rapid transit stop



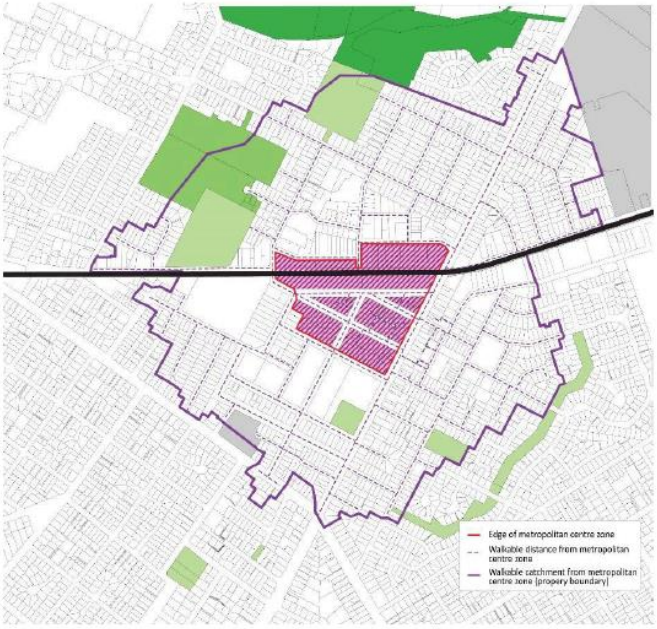
In this example, current metropolitan centre zoning is surrounded by mixed-use zoning and large format retail, which is further surrounded by areas of a high-density, residential zone. Most of the urban area in this example is currently zoned low-density, residential zone.

As part of applying the intensification provisions, the location of all of these zones would need to be reviewed.

Figure 23: Determine the extent of the metropolitan centre zone

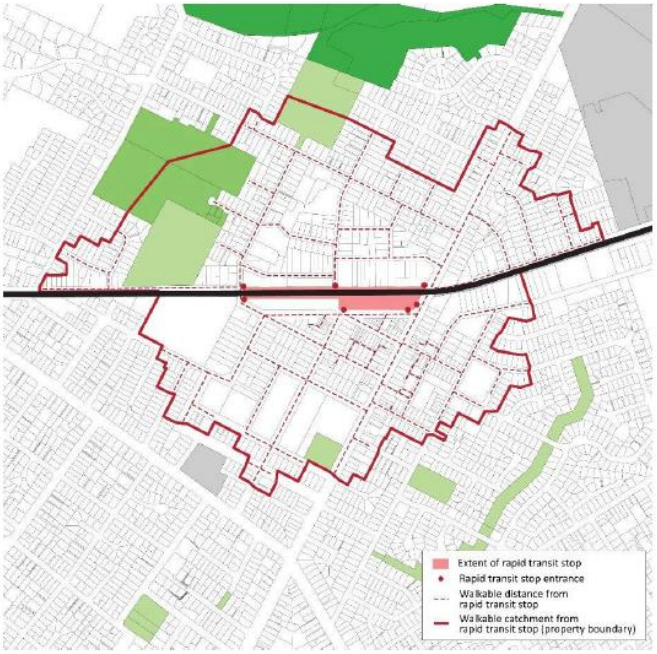
In this example, a review of the extent of the metropolitan centre zone was undertaken. It was decided it was appropriate to make the zone larger to accommodate demand.

Figure 24: Walkable catchment from edge of metropolitan centre zone



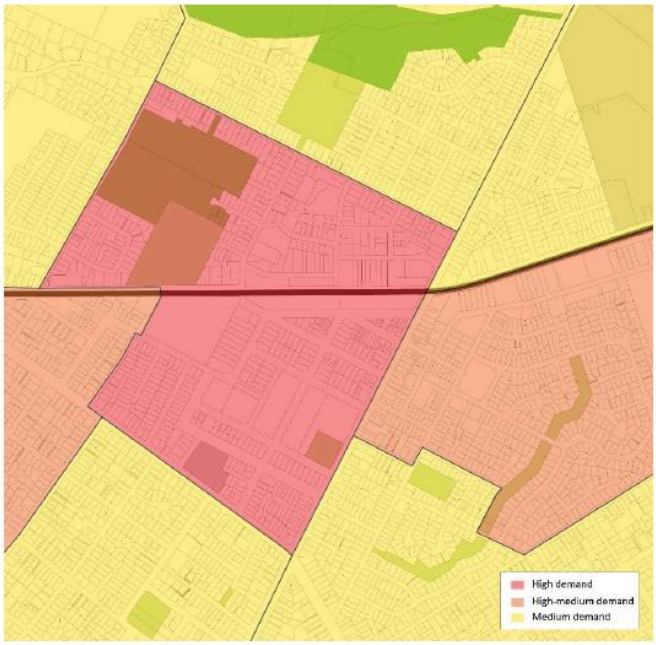
Using the extent of the metropolitan centre zone, the edge is determined. Then using GIS network analysis, the walkable catchment from the edge of the zone is determined.

Figure 25: Walkable catchment from rapid transit stop



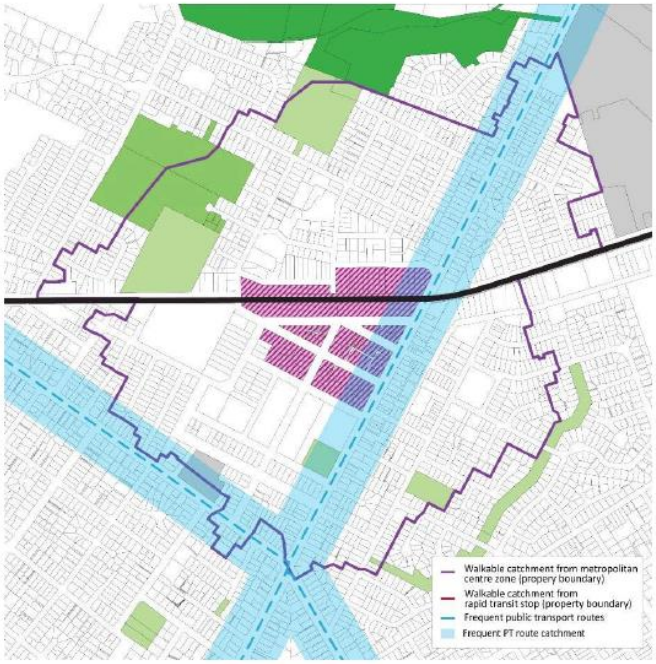
The entrances to the rapid transit stop are identified on this map. Using these as part of GIS network analysis, the walkable catchment from the rapid transit stop is determined.

Figure 26: Identifying areas of higher demand



Using information produced as part of an HBA or other evidence, identify the areas with greater demand relative to elsewhere in the urban environment.

Figure 27: Accessibility to commercial activities and community services



Information from accessibility assessments will be used to identify areas with high access to a "range of commercial activities and community services" by active or public transport. These areas are shown on the map as being the walkable catchments of the metropolitan centre (which contains a range of services).

In addition to this, areas served by public transport, such as rapid transit and frequent bus routes, have also been deemed accessible.

Figure 28: Identifying any qualifying matters (heritage site and areas) that may apply

In this case, there are several heritage sites and areas that need to be noted when determining heights and densities. Each site will need to have a section 32 assessment of the relevant qualifying matter to determine what the appropriate level of intensification will be.

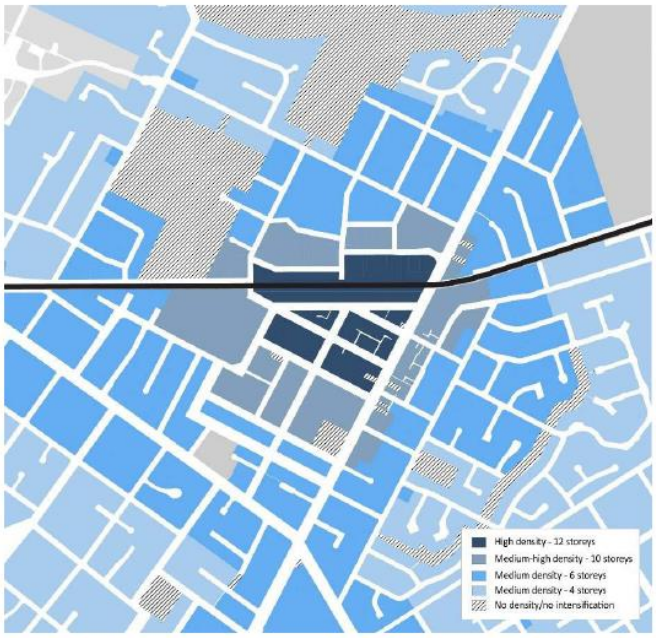
In this map example, the heritage items have been assessed as preventing any intensification. The provisions for heritage areas not located on open space-zoned land control building heritage features only. As intensification through increased heights is not limited by the presence of these heritage features (given that redevelopment can incorporate them), the assessment has determined this matter does not impact intensification.

Figure 29: Map showing all factors that need to be considered to determine heights and densities for each location

While all factors that need to be considered do not need to be shown visually on a map like this, you need to demonstrate that you have considered each component.

In places where many factors requiring intensification overlap – such as high demand, high accessibility and walkable catchment of rapid transit stops – we would expect to see rules that are the most enabling and heights above the minimum required for each of the components.

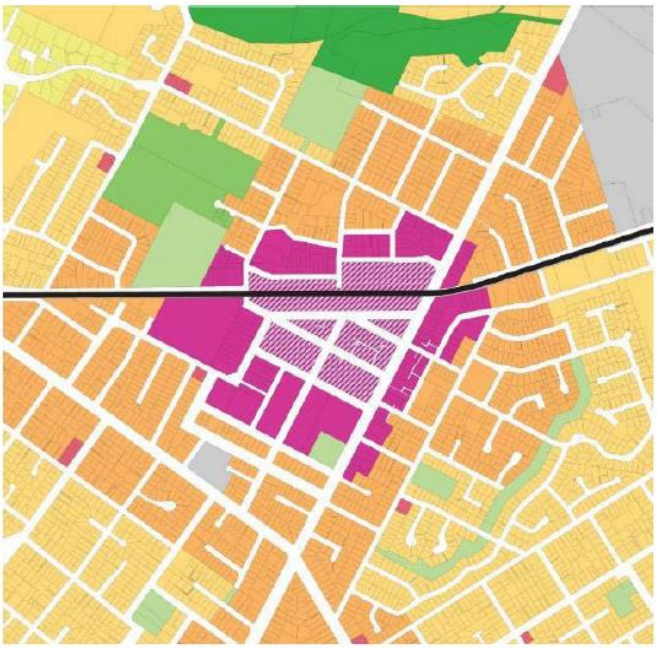
Figure 30: Map using the combined information to apply appropriate heights and densities to a location



Using the combined information to apply appropriate heights and densities to a location can be done either by calculating these first and then assigning zoning to fit, or by applying a range of appropriate zones.

In this example, you can see that qualifying matters have been applied to sites and, where relevant, no intensification is to be enabled.

Figure 31: Map showing new zoning pattern determined, reflecting the requirements of the intensification (and other) provisions



Note the application of a sensible zoning pattern, which takes into account neighbouring zones and other requirements, is to be expected and zoned outcomes will not always need to match catchments perfectly.

Note, in some cases, a change in zoning may not be necessary. The existing zoning may be suitable with a change in controls to enable intensification, or a precinct could be applied.

8 Resources

Pedestrian planning and design guide
Waka Kotahi NZTA, 2009
https://www.nzta.govt.nz/resources/pedestrian-planning-guide/

People, places, spaces urban design guide
Ministry for the Environment, 2002
https://www.mfe.govt.nz/publications/rma/people-places-spaces-mar02

Urban Design Toolkit (Third edition)
Ministry for the Environment, 2006
https://www.mfe.govt.nz/sites/default/files/urban-design-toolkit-third-edition.pdf

Roads and streets framework
Auckland Transport, 2018
https://at.govt.nz/media/1976084/roads-and-streets-framework-webcompressed.pdf

Urban street and road design guide
Auckland Transport, 2019
https://at.govt.nz/media/1980686/urban-street-and-road-design-guide.pdf

PedShed analysis
Active Healthy Communities, 2020
http://www.activehealthycommunities.com.au/plan/gis-analysis/walking-cycling-pedshed-analysis/

9 References

Allen N. (2018). *Concepts of neighbourhood: A review of the literature.* Wellington: Building Better Homes Towns and Cities National Science Challenge.

Auckland Council. 2012. *Auckland Plan.* Auckland: Auckland Council.

Auckland Council. 2018. *Auckland Plan 2050*. Auckland: Auckland Council.

Auckland Transport. 2018. *Roads and streets framework*. Auckland: Auckland Transport.

Auckland Transport. 2019. *Urban street and road design guide*. Auckland: Auckland Transport.

Chung P. 2012. *Walkable catchments analysis at Auckland train stations: New Lynn, Glen Innes and Mt Albert.* Auckland: Auckland Council.

Greater Christchurch Partnership. 2019. *Our space 2018–2048: Greater Christchurch Settlement Pattern Update*. Christchurch: Greater Christchurch Partnership.

Greater Wellington Regional Council. 2015. *Wellington Regional Land Transport Plan.* Wellington: Greater Wellington Regional Council.

Ministry for the Environment. 2002. *People, places, spaces urban design guide.* Wellington: Ministry for the Environment.

Ministry for the Environment. 2006. *Urban Design Toolkit (Third edition)*. Wellington: Ministry for the Environment.

Munro I. 2009. *The problem of catchment in centres-based residential growth planning.* 28–29. Urbanismplus Ltd.

NZ Transport Agency. 2009. *Pedestrian planning and design guide.* Wellington: NZ Transport Agency.

Porirua City Council. 2019. *Porirua Growth Strategy 2048.* Porirua: Porirua City Council.

PwC. 2020. *Cost benefit analysis for the National Policy Statement on Urban Development*. Auckland: PwC.

Decision following the hearing of an application for resource consent under the Resource Management Act 1991

Proposal

To demolish existing buildings and construct and operate a new hotel in a 12-storey building, plus partial basement resulting in groundwater diversion and dewatering.

This resource consent is **GRANTED**. The reasons are set out below.

Application numbers:	BUN60341835 (Council Ref) LUC60341836 (s9 land use consent) WAT60341837 (s14 groundwater permit)
Site address:	74-80 Wellesley Street West, Auckland Central
Applicant:	Hotel Grand Chancellor (Auckland) Limited
Hearing commenced:	Tuesday 19 May 2020, 9.30am
Hearing panel:	Richard Blakey (Chairperson) Kim Hardy
Appearances:	For the Applicant: Hotel Grand Chancellor (Auckland) Limited represented by: K R M Littlejohn (legal) F Delli Cicchi (Corporate) A de Filippis (Architecture) J Goodwin (Landscape, Urban Design & Visual Amenity) - Skype R Finley (Acoustics & Vibration) - Skype C McGarr (Planning) P Brown (Planning) For the Submitters: Govind Agarwal - Skype Val Loh (did not speak) For Council: Karen Long, Team Leader (Skype) Rachael Thomas, Planner (Skype) Sheerin Samsudeen, Urban Designer (Skype) Andrew Gordon, Noise Consultant (Skype) Meredith Bates, Traffic Engineer (Skype) Bevan Donovan, Hearings Advisor Sam Otter, Senior Hearings Advisor

Hearing adjourned	19 May 2020
Commissioners' site visit	1 May 2020 and 8 May 2020
Hearing Closed:	25 May 2020

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Richard Blakey (Chairperson) and Kim Hardy, appointed and acting under delegated authority under ss 34 and 34A of the Resource Management Act 1991 ("**the RMA**").

2. This decision contains the findings from our deliberations on the application for resource consent and has been prepared in accordance with s113 of the RMA.

3. The application was publicly notified on 17 January 2020. A total of 19 submissions were received and two submissions were received late after the close of the submission period. Of the submissions received, 19 were in opposition, one neutral and one in support.

Summary of proposal and activity status

4. The applicant proposes to demolish existing buildings and construct and operate a new hotel in a 12-storey building, plus partial basement resulting in groundwater diversion and dewatering.

5. The proposal requires land use resource consent (s9 RMA – LUC60341836) under the Auckland Unitary Plan (Operative in part) ("**AUP(OP)**") for the following reasons:

   Business – City Centre zone

   (a) Demolition of existing buildings on the site is a controlled activity under rule H8.4.1(A61).

   (b) Construction of a new building is a restricted discretionary activity under rule H8.4 1(A32).

   (c) Bonus floor area for visitor accommodation is a restricted discretionary activity under standard H8.6.11.(6) and Table H8.6.11.1. Within Bonus Area 4 visitor accommodation is entitled to a bonus floor area of $2m^2$ per $1m^2$ of feature up to a maximum of 1:1. This equates to a Gross Floor Area ("**GFA**") of $998m^2$.

   (d) The transfer to the site and use of a Heritage Floor Space Bonus ("**HFSB**") is a controlled activity under standard H8.6.11(6) and Table H8.6.11.1. This relates to the transfer of a HFSB to make up the deficit of $998m^2$ between the Basic Floor Area Ratio ("**BFAR**") and Maximum Total Floor Area Ratio ("**MTFAR**").

(e) A building that exceeds the MTFAR in standard H8.6.21 is a non-complying activity under rule H8.4.1(A46). Whereas the MTFAR for the site is 6:1 (5,988m^2), the proposal has a FAR of 9.2:1 (9,184m^2).

(f) Modification of the verandah standard H8.6.26 where height of the verandah to the Wellesley Street frontage is higher than the standard maximum and does not extend along the full width of the street frontage. This is a restricted discretionary activity under rule C1.9(2).

(g) Where a new building causes an existing wind speed, which exceeds the controls of standard H8.6.28(1)(a) or (b), to increase, this is a restricted discretionary activity under rule C1.9(2). In this case, the proposed building results in an increase in wind speed to "off-site locations" where the standards in (a) and (b) are already exceeded.

Earthworks

(h) Earthworks comprising 3,700m^3 in the City Centre Zone require resource consent as a restricted discretionary activity under rule E12.4.1(A10).

Signs

(i) Comprehensive development signage is a restricted discretionary activity under rule E23.4.2(A53).

Noise and Vibration

(j) Activities that do not comply with a permitted activity standard for construction noise and vibration require restricted discretionary activity consent under rule E25.4.1(A2). The proposal may breach both the noise limit and vibration limit for sensitive activities during the groundworks phase of the construction (being for an 18-week period).[1]

Transportation

(k) Infringement of loading space requirements under standard E27.6.2(8) is a restricted discretionary activity under rule E27.4.1(A2). In this case, one loading space is required for the retail component and one for the visitor accommodation component but no formal loading zones are proposed.

(l) Locating a vehicle access on a site within a Vehicle Access Restriction that applies under standards E27.6.4.1(2) or E27.6.4.1(3) is a restricted discretionary activity under rule E27.4.1(A5). A new activity is proposed to be established on the site, and a vehicle access is proposed from a road that is an arterial road.

(m) Infringement of bicycle parking requirements under standard E27.6.2(6)

[1] We have adopted the assessment of 18 weeks for this phase, as set out in the applicant's s92 noise response of 22 August 2019, rather than the 6-week period suggested at pp10 and 30 of the agenda report.

and table E27.6.2.5(T82) is a restricted discretionary activity under rule E27.4.1(A2). The proposed visitor accommodation units require 11 spaces (whereas only four visitor bicycle parking spaces are proposed).

6. The proposal also requires a regional resource consent (water permit) (s14 RMA – WAT60351837) under the AUP(OP) for the following reasons:

   (a) Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the AUP(OP), not meeting permitted activity standards or is not otherwise listed. The groundwater take will occur for a period greater than 30 days in soil and rock during the construction of the proposed building. The activity therefore requires resource consent as a restricted discretionary activity under rule E7.4.1(A20).

   (b) The diversion of groundwater caused by any excavation (including trench or tunnel) that does not meet the permitted activity standards or is not otherwise listed. The excavations for the proposed basement will be to a depth of 5.3m with adjacent buildings directly abutting the site boundary. Resource consent for a restricted discretionary activity is required under rule E7.4.1(A28).

7. Overall, the proposal has been considered as a non-complying activity.

Procedural matters

8. Under ss 37 and 37A of the RMA, we have resolved that the time limit for the receipt of late submissions from Heritage New Zealand Pouhere Taonga and the Kingsbridge Apartments is waived for the reason that the submissions raise new concerns that were not raised by the other submitters, and their acceptance is not opposed by the applicant.

Relevant statutory provisions considered

9. In accordance with s104 of the RMA, we have had regard to the relevant statutory provisions including the relevant sections of Part 2 and ss 104B, 104D and 108.

Relevant standards, policy statements and plan provisions considered

10. In accordance with s104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statements and plan provisions of the AUP(OP), as identified at section 14 of the agenda report, being:
    - Chapter E7 (Diversion of water);
    - Chapter E12 (Land disturbance - district);
    - Chapter E23 (Signs);
    - Chapter E25 (Noise and vibration);
    - Chapter E27 (Transport); and
    - Chapter H8 (City Centre Zone).

11. We have also considered the matter of plan integrity, and whether the proposal gives rise to an issue of precedent, to be a matter for our consideration in terms of s104(1)(c), even though this was perhaps an issue of more academic interest given the changes made to the application prior to the hearing.

12. Despite all s104 considerations being "subject to Part 2", the Court of Appeal[2] has held that consent authorities *"must have regard to the provisions of Part 2 when it is appropriate to do so"*. The Court of Appeal went on to find that there may be situations where it would be *"appropriate and necessary"* to refer to Part 2 when considering consent applications, including where there is doubt that a plan has been *"competently prepared"* under the RMA.

13. We find that the AUP(OP), in relation to this proposal, has addressed the relevant Part 2 matters and there are no identified issues with the competence of its preparation. We also find that the relevant provisions of the district plan provisions of the AUP(OP) have "*given effect*" to those of the Regional Policy Statement in the AUP(OP). Accordingly, we have relied primarily on the provisions of the AUP(OP) in our consideration of this application. However, for completeness we have included some concluding comments with respect to Part 2 at the end of this decision.

Local Board comments

14. No comments have been received from the Waitemata Local Board in respect of the proposal.

Summary of evidence heard

Agenda Report

15. The s42A agenda report, prepared by Rachael Thomas, the Council's Senior Planner and dated 20 April 2020 ("**agenda report**") was circulated prior to the hearing and taken as read. Ms Thomas' report recommended that the application be declined consent because, at the time of her report, the application did not seek to utilise another form of bonus feature to "*bridge the gap*" between the BFAR and the MTFAR. The reasons for Ms Thomas' recommendation centred on issues related to precedent and plan integrity, and we address those matters later in our decision. Following an amendment to the application prior to the hearing to incorporate a HFSB,[3] Ms Thomas prepared a memorandum dated 18 May 2020 advising of her revised recommendation to support a grant of consent, for the following reasons:

> *Given that the heritage floorspace bonus is now proposed to be provided with this application, which would completely bridge the gap between BFAR and MTFAR, I consider that there would be reduced possibility for impact to the integrity of the AUP(OP) and precedent setting.*

[2] *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316
[3] Delli Cicchi, para 6.3

While there is still a significant infringement to the allowable MTFAR, the standards do not lead/encourage an applicant to provide further bonuses to mitigate this infringement. The purpose of the MTFAR standard is to manage the overall scale of development in the city centre. As concluded in my report, I consider the scale of the proposed building to be appropriate in the context of the existing and currently underway development in the surrounding area and the proposed design features (green wall and art).

As the heritage floorspace bonus is now proposed and forms part of the application, I recommend that the application be granted subject to the conditions set out in Attachment 9 (Amended).

16. Overall, we found Ms Thomas' agenda report and subsequent memorandum to be comprehensive and thorough and assisted us to understand the relevant issues on which we are required to make a finding, and addressed a number of other relevant effects and statutory provisions which did not appear to be at issue.

17. The evidence presented at the hearing responded to the issues and concerns identified in the agenda report, the application itself and the submissions made on the application.

18. The legal submissions and evidence presented by the applicant at the hearing are summarised below.

Applicant

Kitt Littlejohn - counsel

19. Mr Littlejohn, though his legal submissions, introduced the evidence to be presented on behalf of the applicant and provided a discussion of the key planning and policy-related aspects of the AUP(OP) that are relevant to our consideration of the application. It was Mr Littlejohn's primary submission that the proposal would pass both thresholds under s104D of the RMA, and merit the grant of consent in terms of the relevant matters under s104, because:[4]

    (a) the evidence easily supports approval on the grounds that the proposal will not give rise to any adverse effects on the environment that are more than minor, and nor will it be contrary to any relevant objectives and policies of the Auckland Unitary Plan (AUP)

    (b) a grant of consent would not give rise to any adverse precedent or plan integrity effects; any concern that it might is militated by the fact that new hotel buildings a small proportion of new CBD building proposals and have specific floorspace requirements that differentiate them from 'normal' office or apartment tower builds.

[4] Legal submissions, para 1.11

20. Mr Littlejohn also addressed the matters raised by submitters, particularly in respect of effects on their amenity. Further, and notwithstanding the change in Ms Thomas' position with respect to the proposal, Mr Littlejohn also responded to the issues of precedent and plan integrity, noting that while the Council recommendation had changed, it remained as "*a point of principle (and practice) that needs comment*".[5] We address this matter later in our decision.

21. Mr Littlejohn concluded that "*[b]ased on the application design and the evidence provided in support, I submit that a grant of consent is appropriate on the conditions proposed and will ensure that the sustainable management purpose of the Act is achieved*".[6]

22. In terms of the conditions, and those related to the management of construction noise and an associated infringement of the construction noise standards, we queried whether the deferment of the details expected to be provided through a Construction Noise and Vibration Management Plan ("**CNVMP**") is appropriate. Mr Littlejohn's view was that in this case the actual effects are known, and as a limitation to the exceedance is proposed, it will be the responsibility of the contractors to tailor their construction methodology accordingly. We also return to this matter later in our decision.

Frank Delli Cicchi - corporate

23. Mr Delli Cicchi is the Group General Manager, Australia and New Zealand for Hotel Grand Central Limited, and provided evidence outlining the background to the Hotel Grand Chancellor and its various property interests in New Zealand and further abroad; the genesis of the project and the particular attributes of the site and the economic metrics for the new hotel. Mr Delli Cicchi also advised of the acquisition by the applicant of a HFSB to address the issues raised in the agenda report, noting that while the applicant was confident in the planning advice it had received "*it does not wish to be seen as anything other than a good corporate citizen in this situation*".[7]

24. As part of the presentation of his evidence, Mr Delli Cicchi referred to various images of hotels operated elsewhere by the applicant, including those that have been upgraded. He noted that the new hotel would be a complimentary offering to the SkyCity Convention Centre once it is completed, and that it would also be a point of difference from its existing Hobson Street hotel, which forms part of a managed residential complex.

Audrey de Filippis - architecture

25. Ms de Filippis is an Associate Director of Ignite Architects and provided evidence related to the architectural details and parameters of the proposed development, which described the building design process and outcome, the relevant assessment criteria of the AUP(OP) and hotel operational and feasibility

[5] Ibid., para 3.15
[6] Ibid., para 6.2
[7] Delli Cicchi, para 6.3

requirements. Ms de Filippis' evidence also addressed the matters raised in submissions as relevant to architectural considerations, as well as in respect of the agenda report and proposed conditions. Her evidence also highlighted aspects of the applicant's s92 response to the Council in respect to alternative development scenarios which met the MTFAR (through different floorplate arrangements and a higher floor-to-floor height), and which would have similar effects on adjacent apartment developments in terms of impacts on outlook and views.

26. We queried with Ms de Filippis whether a vertical representation of the shading effects of the building would have provided more detail as to the extent of this effect, but acknowledged her response that shading effects would be limited to later in the day, and that, based on her evidence, would be consistent with the effects of a compliant building. We also asked whether there was potential for an extension to the verandah canopy to each end of the building frontage. Ms de Filippis advised that such extensions would be inconsistent with the architectural approach, and that the proposed verandah would maintain coverage over most of the footpath and including the public coffee shop area. We also sought to understand what treatment might be used to address wind noise effects, in accordance with proposed condition 20.[8] We were advised that this would be resolved by way of a fin at the end of the seismic gap.

John Goodwin – landscape, urban design and visual amenity)

27. Mr Goodwin is a landscape architect and Partner of Boffa Miskell Ltd and provided evidence in respect of the landscape, urban design and visual amenity characteristics of the proposed development. He also commented on issues raised in submissions and the Council's agenda report. In particular, he outlined his agreement with the review of the proposal by Ms Samsudeen, the Council's urban design adviser, that from an urban design perspective "*the proposed streetscape, built form, scale, dominance, privacy, general amenity and visual amenity are generally consistent with built outcomes envisaged for the City Centre*"; and that *"the proposal is well-considered and on par with international best practice*".[9]

28. We queried some aspects of the proposed landscape plans, and whether these had been appropriately captured by the recommended conditions of consent in terms of ensuring a high standard of materials would be used. We also raised a point as to whether the replacement of street trees had been considered in conjunction with the relevant department of the Council. We understood from Mr Goodwin's response that there was potential for improvements in this regard to be undertaken in the detailed design stage prior to the commencement of construction.

[8] Condition number references throughout this decision are based on the updated condition schedule attached to Ms Thomas' memorandum and at the end of this decision.
[9] Goodwin, para 5.2

Richard Finley (acoustics and vibration)

29. Mr Finley is an acoustic engineer and a Technical Director of Agile Engineering Consultants and provided evidence in respect of noise and vibration effects, in terms of both the construction and operation of the proposed hotel. His evidence detailed the analysis that he had undertaken, and primary conclusions reached and responded to issues raised in submissions and the agenda report, as well as providing recommendations for changes to the proposed conditions of consent. His evidence concluded that "*[w]ith the proposed recommended conditions (including the amendments I have suggested to them above), and continued good design practices, I believe the proposed hotel will comply with all necessary legislation to ensure it does not cause any adverse noise or vibration effects*".[10]

30. We had a number of queries for Mr Finley arising from our concern, as raised with Mr Littlejohn, that a draft CNVMP had not yet been developed, and so the likely measures proposed to be undertaken to address the effects of the proposed construction noise infringement (for the Monday-Friday period) were unstated. Mr Finley noted other construction projects in the central area, such as the Central Rail Loop, included provision for such noise exceedances. However, he noted that construction noise would reduce once ground works were completed. In terms of likely measures to be detailed in a CNVMP, Mr Finley indicated that this would include an accessible complaints point, a monitoring system in place to manage spikes, training for workers to best operate the machinery, and conversations with neighbours, particularly around potential vibration effects.

31. We also sought to understand how internal noise limits on adjacent apartments would be measured (where external measurements were not able to be undertaken). Mr Finley advised that this would require access to such apartments, which may possibly be provided in response to a noise complaint, by way of example. He also clarified that although the upper level of 72 Wellesley Street West contains glazing, noise effects at this height from groundworks would be attenuated by distance to a level likely to be below 70dBA.

32. We also clarified the different noise levels referred to in the conditions in terms of the differences allowed for on Saturdays under the AUP(OP). Mr Finley advised that the AUP(OP) considers a lower level to be necessary for Monday to Friday, including the night time levels, when people are working. From that we understood that the increase sought by the applicant would effectively result in the same levels applying for Monday to Friday as those enabled for Saturday. The AUP(OP) allowances for late night construction noise appeared to us to be unduly generous when compared to actual expected construction activity, and Mr Finley agreed that these could potentially be limited to match the applicant's expected work programme.

[10] Finley, para 6.1

Craig McGarr (planning)

33. Mr McGarr is a planning consultant and director of Bentley & Co Ltd and provided evidence in respect of the floor area ratio issues posed by the application, and focussed on "*providing an explanation and assessment of the evolution of the Floor Area Ratio provisions, so as to provide a context to the interpretation and application of the current AUP standards, and the related policy provisions which they contribute to giving effect to*".[11] His analysis set out the changes to the provisions of district plans for the city centre since 1981, and included a detailed assessment of the objectives and policies of the AUP(OP). His evidence concluded that:[12]

> *In my view, the AUP has changed the 'settings' on this, placing more weight on the built-form and public amenity aspirations for the City Centre than on ensuring that development intensity is 'paid for' on a site by site basis by using bonuses. In appropriate cases, evaluated as non-complying activities, the Plan clearly envisages a consent being approved on its merits without the use of bonuses.*

34. In some respects, and given the amendment to the application to incorporate a HFSB and the change in Ms Thomas' recommendation, we found Mr McGarr's evidence to be of interest, but somewhat overtaken by events. However, we also understood from Mr Littlejohn that the applicant remained interested in the soundness of the position adopted by the Council and sought that we address this issue in our decision. Our query for Mr McGarr was then to understand whether the purpose of the FAR controls were solely about incentivising certain matters that the Council wished to achieve, rather than controlling the scale of buildings. In response, and essentially as a summary of his evidence, Mr McGarr said that it was important to note the "*mind shift*" in the approach to this matter under the AUP(OP), where changes to the district plans since the 1980s have put FAR considerations to the side, where good urban design outcomes are based on, and achieved by, other plan provisions, rather than FAR incentives *per se*.

Phillip Brown (planning)

35. Mr Brown is a planning consultant and director of Campbell Brown Planning Ltd and provided evidence that addressed the proposal in the context of the relevant statutory matters, including the objectives, policies and rules of the AUP(OP) and the other relevant matters set out in ss 104, 104B, and 104D of the RMA. His evidence also commented on precedent and plan integrity considerations, issues raised by submitters and the agenda report, and the recommended conditions of consent. He concluded that "*the proposed activity is appropriate in this location, and is consistent with the relevant objectives and policies of the AUP*", and that "*any adverse effects of the proposal are not significant when viewed in context, and significant positive effects will arise as a result of the hotel being*

[11] McGarr, para 1.8
[12] Ibid., para 3.10

established".[13] Accordingly, he was of the view that application should be granted consent, subject to the proposed conditions and the amendments recommended in section 12 of his evidence.

36. We queried with Mr Brown the basis for the proposed restriction to right-hand turns for vehicles from the proposed vehicle crossing, given the indications in the traffic assessments that there was no issue as to visibility from the crossing. He advised that, based on discussions with the applicant's traffic engineer that this was based on the need to avoid potential conflicts from right-turn-in and right-turn-out movements, but that such a restriction would not be required in respect of construction traffic in his view.

37. In terms of his evidence noting the need for hotels to accommodate "*back of house*" functions, and to absorb these within the FAR limits,[14] we queried whether the applicant, and/or the hotel industry in general, had sought changes to these standards through the AUP(OP) submission and hearing process. Mr Brown advised that he was not involved in such a capacity during that process and was not aware of any requests in this regard.

Submitters

38. The hearing was attended (via Skype) by two submitters, Govind Agarwal and Val Loh, however only Mr Agarwal addressed us in respect of his submission.

39. Mr Agarwal owns an apartment at 9C/125A Hobson Street, being located on the ninth floor of the apartment building on that site, and on the north-western corner of the building and directly adjacent to the south-eastern corner of the proposed hotel. He advised that he was concerned that the new building will limit sunlight to his apartment in winter, while some in the building at 72 Wellesley Street West will lose sunlight year-round. While he was not as concerned about impacts on his views (which he estimated to be likely to reduce by 50%), he did have issues with respect to the proximity of the new building to his window, being approximately 2m.

Council officers

40. Council officers also attended the hearing via Skype, and provided comments in response to the evidence.

41. Meredith Bates (traffic) commented in respect of right-turn restrictions, and confirmed Mr Brown's comments in this regard, noting also that right-turning vehicles were potentially a risk for pedestrians in this location, while effects on pedestrians during construction were expected to be addressed through a Construction Traffic Management Plan ("**CTMP**"). Ms Bates advised that delivery vehicles and taxis would be encouraged to left turn into the site where possible,

[13] Brown, para 14.1
[14] As also referred to by Mr Delli Cicchi at para 5.3

although we noted that we could not see that listed as a recommended condition.

42. Andrew Gordon (noise and vibration) noted that condition 22 as written in the agenda (at no.19) was inconsistent with the corresponding standard in the AUP(OP), but that this could be easily corrected, and that a change was appropriate to reflect the different times of construction activities and to better align with the AUP.

43. In terms of the change to condition 16, regarding the measurement of noise in hotel bedrooms, Mr Gordon suggested a different measurement point to incorporate a horizontal and vertical component, being 0.5m from the wall and 0.5m above the room mattress. Mr Gordon also reiterated his view that the proposed construction noise limits were acceptable, subject to preparation of a CNVMP and that the absence of a draft version of such a plan at this stage was not unusual in itself.

44. Sheerin Samsudeen (urban design) confirmed her view that the design of the proposal was of a high standard and did not raise any issues of concern in respect of urban design considerations. Ms Samsudeen agreed that it would be appropriate to include reference to landscape plan details, including specific references to the proposed green wall, in condition 19.

45. Ms Thomas (planning) commented with respect to construction noise that it would be appropriate to include a limit to proposed construction hours, including a limit with respect to Sundays. She also agreed with the recommendation that reference to landscape plan requirements be included in condition 19, and that changes were required to condition 7 to ensure that the performance of this condition was the responsibility of the consent holder.

46. Ms Thomas also responded to questions regarding the availability of heritage floorspace, and confirmed the view set out in her agenda report that, absent the use of another form of bonus feature such as HFSB, a grant of consent would not be appropriate. Karen Long (team leader) also offered the view that the FAR standards do seek to incentivise those outcomes desired by the Council, but acknowledged that the outcome of this hearing may influence the Council's policy in respect of future implementation of AUP(OP) provisions.

Applicant reply

47. Mr Littlejohn provided the applicant's reply. In this regard, he noted that the issues raised by Mr Agarwal misunderstood the manner by which the rules and standards in the AUP(OP) sought to enable new buildings in the city centre, with no provisions to protect the outlook or amenity of adjacent buildings, and that these were therefore quite different to the types of provisions that applied in residential zones. He also noted that purchasers of units or buildings in the city centre should ensure that they understood the potential for development, or redevelopment, of adjacent sites.

48. Mr Littlejohn noted that the hearing had identified the need for some conditions to be reviewed and tidied up, and that these would be provided by 22 May 2020. The hearing was adjourned on this basis and an amended set of recommended conditions were duly received on that date.

49. The covering email from Mr Littlejohn identified the changes to the conditions as follows:

- *Condition 7 – Tidied up the obligations to make the condition lawful;*
- *Condition 11 – We have enhanced this a bit more on the advice of Mr Finley. Also – note new cross references to new condition 23.*
- *Condition 16 – This keeps the bedhead measurement point per our suggestion, which Mr Finley considers to be the most practicable.*
- *Condition 19 – new sub para (e) to bring in the landscape details to final drawings.*
- *Condition 22 – Renovated to just include a table of noise limits consistent with Mr Finley's and Mr Gordon's advice.*
- *Condition 23 – new condition re hours of construction activity on site involving 'noisy' activities. This is intended to limit hours when heavy machinery can operate on site, but not restrict other construction activities that can occur without any noise (e.g., getting the site set up for the day/closing the site down; internal finishing work etc).*

50. The hearing was subsequently closed on 25 May 2020.

Principal issues in contention

51. After analysis of the application and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the agenda report, reviewing the submissions and concluding the hearing process, we have determined the issues that we need to make findings on under the following two topic headings:

- Effects on the amenity of adjacent residential apartments; and
- Effects of construction noise on adjacent properties.

52. We also note that while the application was amended to address the concerns raised in the agenda report with respect to the need for another form of bonus feature such as HFSB to be utilised, this matter remained an issue from the applicant's perspective for which some consideration in our decision was sought. As previously noted, we understood from Ms Long's response during the hearing that some guidance would also be welcomed from the Council's perspective. We therefore consider this to be a further matter of debate, if not contention in the usual sense, and so we have included our views in regard to that issue.

53. We also record here those matters which did not appear to be in contention, being the high standard of architectural design of the new building and its urban design attributes as regards its interface to Wellesley Street West and other matters for which consents were required relating to wind effects, verandah

length, signage, transportation effects and groundwater diversion. Where matters arose during the hearing in respect to these issues, and the associated consents were required, we are satisfied that the conditions recommended by Ms Thomas and the Council's specialist advisers are a suitable method by which to address, and mitigate where necessary, the potential adverse effects arising in respect of those matters.

Main findings on the principal issues in contention

Introduction

54. Our main findings on the principal issues that were in contention are discussed below. In this regard, we also set out the relevant parameters of the proposal that we have relied on to consider the evidence and that has informed our decision-making on each of the identified topics. We should highlight that the issue of construction noise was not pursued by submitters during the hearing and so was less of an issue of contention between the parties than one in which we required further comment in order to satisfy ourselves that the measures proposed were robust and represented best practice.

Amenity effects

55. The proposed building will involve the redevelopment of a site that is presently occupied by two 2-storey buildings. The new building will be 12 storeys high, or 45m, in accordance with the maximum height limit for the site and the Regionally Significant Volcanic Viewshaft to which it is also subject. The building also occupies all of the site, including the undeveloped frontages presently used for carparking and a vacant rear yard. Given its combination of height and floorplate, the proposed building will result in an obvious interruption to the views presently available from northern rooms and associated windows in the adjacent development at 125A Hobson Street, and the western outlook from the front and rear decks of the western-most apartments at 72 Wellesley Street West. As noted by Mr Littlejohn in his opening submissions, this impact is not disputed by the applicant.[15]

56. To some extent, the effects of the building on the outlook and views from these apartments, and the extent of additional shading, could be said to arise from additional floor space that exceeds the BFAR or MTFAR. However, the applicant has prepared indicative plans of a building compliant with MTFAR which has the same height and with elevations that similarly impact on these apartments. This arises from a combination of an alternative floorplate arrangement ('C' shape or 'L shape) and an increased floor-to-floor height (4.1m) consistent with what would be used in an office building, for example.[16]

[15] Legal submissions, para 3.8
[16] De Fillipis, para 6.3

57. The issue of compliance or otherwise with MTFAR is addressed by Ms Thomas in her memorandum of 18 May 2020 where she notes, with respect to the revisions to the proposal, that:

> *While there is still a significant infringement to the allowable MTFAR, the standards do not lead/encourage an applicant to provide further bonuses to mitigate this infringement. The purpose of the MTFAR standard is to manage the overall scale of development in the city centre. As concluded in my report, I consider the scale of the proposed building to be appropriate in the context of the existing and currently underway development in the surrounding area and the proposed design features (green wall and art).*

58. The effects of the proposal on these adjacent apartments, and on the submitters in particular, have been addressed in Mr Brown's evidence, and we note his observation that "*the relevant AUP provisions do not seek to preserve amenity for residential activities on adjoining sites*" and that "*[t]hese matters are not identified as a concern in the City Centre zone*".[17] He went on to highlight that "*residential uses must provide for their amenity within their own site and not rely on the unobstructed airspace that may exist over neighbouring sites*".[18] Therefore, while there will be impacts from the proposal on the amenity of adjacent apartments, particularly for 125A Hobson Street, we accept Mr Brown's evidence and assessment of the situation that:[19]

> *While these are tangible impacts of the proposal, relative to the existing situation, I consider that it is entirely appropriate to disregard them because the planning framework specifically provides for and anticipates such outcomes. In my opinion, any adverse effects on the closest apartment occupiers at 125A Hobson Street stem from the design of that apartment building, its failure to set back sufficiently from the common boundary, and its reliance on 'borrowed' amenity from HGCL's site.*

59. We also understand from questions to Mr Brown that the presently vacant site at 68/68A Nelson Street is subject to the same provisions under the AUP(OP) as the subject site, and so its eventual redevelopment is likely to result in a reasonably significant impact on the outlook and views from 125A Hobson Street if such redevelopment is undertaken in a way that similarly utilises the relevant height limits.

60. Mr Brown's findings are consistent, and in agreement, with those of Ms Samsudeen, and we note her conclusions as referenced in the agenda report[20] that the "*building scale, form and architectural quality are commensurate with its CBD location and contextual setting*" and that "*[f]rom an urban design perspective, the proposal is well-considered and on par with international best practice*".

[17] Brown, para 5.7
[18] Ibid., para 5.8
[19] Ibid., para 9.2
[20] At p22

61. Accordingly, while the effects on the amenity and outlook from adjacent apartment units are acknowledged, and are of some significant concern to submitters, such effects are consistent with the outcomes envisaged by the AUP(OP) for the city centre, and in this context it is our finding that they are acceptable and not more than minor (in a s104D(1)(a) sense).

Construction noise

62. Development of the proposed building requires the excavation of the site (by approximately 6m for the B1 basement level and involving 3,700m^3 of earthworks) and construction of associated piling and retaining, with groundworks expected to take approximately 18 weeks of a two-year construction programme. While such works are not unusual in a city centre context, they will be carried out immediately adjacent to existing buildings, including two apartment buildings to the east and south-east. Given the extent of those works, and their proximity to these buildings, the applicant has assessed that the construction noise standards will be infringed by 5dB L_{Aeq} at the upper floors of the adjacent apartment buildings, and the application has therefore sought consent for a maximum of 80dB L_{Aeq} during the groundworks phase. Mr Finley advised in this regard that "*there is a practical limit to what can be achieved with the current equipment available which necessitates a slight increase (5dBA) in permissible average noise levels during the groundworks phase*".[21] Mr Finley's evidence went on to set out the key aspects of the groundworks that would give rise to the noisiest construction effects, and greatest potential for adverse vibration impacts, for these adjacent buildings.

63. As discussed earlier, it became apparent during the hearing, and in the course of discussing the proposed table of noise limits in proposed condition 22, that this infringement relates to the Monday-Friday period, and would comply with the higher standards applicable on Saturdays.

64. We have also noted previously our initial concern that the proposal was advanced without any particular detail[22] as to how construction noise (and vibration) would be managed to ensure that adverse effects would be limited to what was provided for by the standards, or minimise the extent to which the standards would be infringed. These were to be set out in a CNVMP, which Mr Finley's indicated "*should be lodged prior to works commencing on site*".[23] Our concerns in this regard, in which the details of such management would be deferred to a later stage and beyond our purview, appeared to be inconsistent with approach to management plans adopted in the first instance decision of the Environment Court regarding the consents for the America's Cup bases.[24] More recently, the Court has stated in an interim decision (*Panuku Development*

[21] Finley, para 4.13
[22] Other than installation of a 2m high barrier fence to Wellesley Street, per Finley at para 3.14
[23] Finley, para 3.13
[24] *Panuku Development Auckland v Auckland Council* [2018] NZEnvC 179

Auckland v Auckland Council [2020] NZEnvC 024) relating to an apartment development in Dominion Road, Mt Eden, involving noisy ground works that:[25]

> *We signal our view that a more finegrained approach to the topic is likely to be required in the future for proposed developments in intensified urban areas where there is an interface with residential and commercial activities that are likely to be impacted by adverse construction noise and vibration effects.*

65. It went on to state, in declining to make an overall finding on the appeal, that:

> *In particular, we find that there are insufficient stand-alone conditions that set out requirements that must be achieved, with many such requirements buried in the list of items to be covered in a yet to be prepared management plan such as the Construction Traffic Management Plan or in the Construction Noise and Vibration Management Plan.*

66. We have therefore been mindful of the need to satisfy ourselves that the conditions related to construction noise and vibration provide sufficient certainty that adverse effects are able to be appropriately controlled and managed, while also recognising the more sensitive nature of the residential environment involved in the *Panuku* Dominion Road development and the more extensive basalt excavations required in that case.

67. Mr Littlejohn's submission to us during the hearing in regards to these concerns was that the applicant's approach was acceptable, as expert evidence had been provided which stipulates what the maximum noise exceedance will be (5dB L_{Aeq}), and that techniques and methods can be adopted to ensure that this adjusted standard is not exceeded. Further amendments were proposed by Mr Finley to provide greater surety in this respect, and further changes in this regard were incorporated into the applicant's reply conditions. These changes include a list of specific measures which are to be provided in the CNVMP, and the amended version of condition 22 is as follows:

> *Noise arising from construction work activities on the site not exceed the limits specified in the table below when measured for any 30-minute period 1m from the most exposed façade of any building in the Business – City Centre Zone that is occupied during the works:*

Time	***L_{Aeq} (30 min)***	***L_{AFmax}***
Monday to Friday 6.30am-10.30pm	*All site works excluding groundworks and piling - 75 dB Ground works and piling - 80dB*	*90 dB*
Saturday 7am-11pm	*80 dB*	*90 dB*
Sunday 9am-7pm	*65 dB*	*85 dB*

[25] At [242]

All other times (nighttime)	*60 dB*	*75 dB*

All noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

68. Accordingly, while we consider that best practice would indicate that some degree of effort is made to present the objectives of a condition in a working draft of a management plan, which would demonstrate to us how those effects are to be managed, we find that this matter has been addressed to a sufficient level in this case. This is for the reasons that:

- The duration of the noisiest works will be limited to 18 weeks;
- The noise levels are not incongruous with the nature of works typically associated with large development proposals in the city centre;
- The proposed noise standard is equivalent to the standard that applies on Saturdays in the city centre;
- No contrary evidence was heard that would suggest that the applicant's evidence was without merit; and
- The applicant has limited the construction hours when compared to the hours provided for by the AUP(OP).

69. We are therefore satisfied that the conditions addressing this matter will enable construction of the development to be carried out in a manner that will not give rise to adverse effects that are of significant variance to those that could reasonably be expected to occur in the city centre, and will not therefore be more than minor when considered in terms of the permitted standards.

Plan integrity and precedent

Introduction

70. The issue of 'plan integrity and precedent', as a s104(1)(c) RMA matter, was addressed in some detail in the agenda report, and had been a primary reason in the earlier duty commissioner decision to publicly notify the application under the special circumstances provisions of the RMA (s95A(9)). This issue formed the basis of Ms Thomas' original recommendation that consent be declined to the proposal, and was expressed in summary form in section 20 of the agenda report as follows:[26]

Overall, while the proposal would result in no more than minor adverse effects on the environment and there are positive effects in terms of

[26] Agenda report, p53

> *allowing for additional visitor accommodation for the Auckland tourism market, there is an absence of exceptional or unique distinguishing factors that may have differentiated this application from other applications such that this proposal could easily be replicated on another site and the granting of this application would set a precedent. This precedent set would encourage other applicants to either; not provide any bonus features, not completely bridge the gap between BFAR and MTFAR that the plan anticipates, and/or remove existing bonus features that have been approved as part of a comprehensive development. This would overall undermine the integrity and the public's confidence of the consistent administration of the AUP(OP) provisions.*

71. There was a further basis for this finding under the objectives and policies of the AUP(OP) which is also expressed in summary form below:[27]

> *The proposal will be contrary to an objective and policies namely that development has not been appropriately managed (H8.2(8)), nor have formal public amenities been provided (H8.3(32)). Further, the development is not of a design that positively contributes to the planning outcomes identified in the AUP(OP) (H8.3(3)) due to the lack of bonus features proposed.*

72. As previously noted, the applicant has since elected to obtain a HFSB, of 998m^2 and this was confirmed by way of Mr Delli Cicchi's evidence of 1 May 2020. Ms Thomas addressed this change by way of her memorandum dated 18 May 2020, advising that:

> *Given that the heritage floorspace bonus is now proposed to be provided with this application, which would completely bridge the gap between BFAR and MTFAR, I consider that there would be reduced possibility for impact to the integrity of the AUP(OP) and precedent setting.*

73. Mr Littlejohn stated that while Ms Thomas had changed her opinion in respect of this matter it remained as "*a point of principle (and practice) that requires comment*".[28] As previously noted, Mr Littlejohn confirmed to us that if we were so minded it would be of assistance if our decision included a determination as to whether the Council's approach expressed in the agenda report represented appropriate practice. Ms Long also indicated that a finding in this regard would assist the Council in its administration and policy approach to this issue. We have therefore determined that it would be some utility in expressing our own conclusions on this matter, notwithstanding that it will have no bearing on our ultimate findings on the application given our agreement with the conclusions reached in respect of the uncontested expert evidence presented to us on the primary matters of contention.

[27] Ibid.
[28] Legal submissions, para 3.15

74. In respect of this matter, Mr Littlejohn noted that while it is not a mandatory requirement for a consent authority to address these planning concepts, it is not wrong to do so "*in the context of non-complying (and sometimes, discretionary) applications which are clearly contrary to the objectives and policies of the relevant district plan*".[29] He advised that the Environment Court has summarised the legal position as being:[30]

> *an application will only be declined on the basis of precedent or plan integrity where:*
>
> *(a) the proposal clearly clashes with important provisions of the district plan; and*
>
> *(b) it is likely that further applications will follow, which are both materially indistinguishable and equally incompatible with the plan.*

75. A somewhat counter view was expressed in the agenda report where it suggests that "*precedent has been considered as a relevant factor in a number of cases by the Environment Court*", and that the courts have noted that:[31]

> *applicants are entitled to assume that "like" cases will be treated "alike" and that there is an expectation that rules will not be lightly set aside when a Plan has gone through an extensive consultation process by which communities have agreed aspirations.*

76. Although Ms Thomas' comments in this regard are not supported by specific citations, we accept the general proposition that she advances. We think that the difference in the principles to be addressed arises from the position from which the issue is approached – whether as an applicant seeking to demonstrate that their proposal has some unique quality such that a precedent issue does not arise, or as an applicant seeking to rely on a similar proposal that has been approved in the past. Either way, the considerations posed by the parties are in our view able to be suitably addressed for the purposes of our discussion by adopting the broad parameters of Mr Littlejohn's tests, given the specific citations on which they are based. We would also note that those tests generally accord with our understanding that where there are aspects of a proposal which take it outside the generality of cases, and where it can be said that the proposal is not contrary to the objectives and policies, then concerns as to public confidence in administration of the AUP(OP) and its overall integrity should not have a significant bearing on the outcome. In any event, every case, involving non-complying applications, will need to be considered on its own merits and context.

Provisions of the district plan

[29] Ibid., para 3.16, with reference to *Rodney DC v Gould* [2006] NZRMA 217 (HC)
[30] Ibid., para 3.17, with reference to *Blueskin Bay Forest Heights Ltd v Dunedin CC* [2010] NZEnvC 177
[31] Agenda report, p37

77. The aspect of the AUP(OP) that was at issue in the agenda report was that the applicant's proposal not to utilise another bonus featured such as HFSB[32] would not 'bridge the gap' between BFAR and MTFAR, and was not, we note, a concern as to the extent to which the proposed FAR would then exceed MTFAR (as evident by the conclusions in Ms Thomas' memorandum). In this regard, Ms Thomas' assessment was that a form of mitigation is expected for an exceedance of BFAR, where bonuses may "*be in the form of the transfer of a heritage floor space bonus (to support heritage restoration elsewhere in the City Centre) for example, or some other feature/provision of public benefit*".[33]

78. Ms Thomas went on to address the various aspects of the proposal highlighted by the applicant as supportive of consideration for additional floorspace, albeit not forming part of eligible bonus features defined by the AUP(OP), as follows:

- An artwork feature on the rear (southern) elevation (which cannot remain visible in perpetuity due to the potential for redevelopment of the adjacent site).
- The high quality design of the building which contributes to the urban fabric of the city.
- Provision of an internal laneway (but which does not function as a through-site link).
- Provision of additional visitor accommodation, being supportive of the tourism sector and Auckland economy.

79. These matters were highlighted by the applicant in its application correspondence, but we accept the general premise expressed by Ms Thomas that none of these qualify as bonus floorspace, and in most respects are outcomes that could generally be anticipated one way or another in meeting the design quality expectations for the City Centre Zone and the manner by which significant new buildings interface with, and enliven, the surrounding public realm.

80. Because the proposal is a non-complying activity as it exceeds the MTFAR (irrespective of whether it is able to bridge the gap from BFAR), the relevant provisions of the AUP(OP) to be considered are the objectives and policies for the City Centre Zone. As noted above, Ms Thomas' report identified that the proposal would be contrary to Objective H8.2(8) (because the "*development has not been appropriately managed*"); Policy H8.3(32) (because "*no formal public amenities have been provided*"); and Policy H8.3(3) (because "*the development is not of a design that positively contributes to the planning outcomes identified in the AUP(OP)*").

[32] In this case, use of the HFSB was the most logical choice from the suite of other bonus features that the applicant could utilise, given that 'visitor accommodation' had been used as a bonus feature already.
[33] Agenda report, p37

81. In respect of Ms Thomas' assessment of the objectives and policies, Mr Littlejohn stated that:[34]

> *The evidence from Mr Brown, supported by Mr McGarr, is that there is no relevant district level objective or policy that the proposal (with or without HFSBs) offends. There is no provision whatsoever in the AUP that a development proposal that exceeds MTFAR without utilising bonuses is contrary to. It has to be assumed that this is deliberate.*

82. Objective H8.2(8), which Mr Brown notes is "*most closely aligned with managing development*",[35] is as follows:

> *(8) Development in the city centre is managed to accommodate growth and the greatest intensity of development in Auckland and New Zealand while respecting its valley and ridgeline form and waterfront setting.*

83. Mr Brown considered that the proposal would be in accordance with this objective, for the reasons that:[36]

> *this objective seeks only to ensure that growth is accommodated at a high intensity, within the physical constraints of the landform. I consider that the proposal gives effect to this objective as it will accommodate growth while respecting the landform to the extent required by the AUP (through compliance with both the maximum height limit and the further constraint imposed by the Volcanic Viewshaft).*

84. We could not discern any particular analysis within Ms Thomas' report[37] that would support a contrary view to that expressed by Mr Brown, other than the suggestion that the bonus FAR system forms part of the basis by which development will be "managed". In this regard she references the memorandum prepared by Angela Smith, from the Council's policy department which suggests that the methods used to "manage" development are set out in policies H8.3(27) and (32).

85. However, we prefer Mr Brown's observation that the above objective would be "*achieved primarily through Policy H8.2(30), which is the only City Centre zone policy that directly addresses the scale of buildings and development*".[38] This policy is as follows:

> *(30) Manage adverse effects associated with building height and form by:*

[34] Legal Submissions, para 3.19
[35] Brown, para 7.3
[36] Ibid., para 7.4
[37] Including by reference to the memorandum from Angela Smith, Council's Policy Planner at pp132-134 of the Agenda.
[38] Brown, para 7.5

> *(a) transitioning building height and development densities down to neighbourhoods adjoining the city centre and to the harbour edge;*
>
> *(b) protecting sunlight to identified public open spaces and view shafts;*
>
> *(c) requiring the height and form of new buildings to respect the valley and ridgeline form of the city centre and building design to be complementary to existing or planned character of precincts; and*
>
> *(d) managing the scale, form and design of buildings to:*
>
> *(i) avoid adverse dominance and/or amenity effects on streets and public open space; and*
>
> *(ii) encourage well-designed, slender towers on sites identified within the special height area on Map H8.11.3.*

86. We agree with Mr Brown that this policy is clearly linked to the abovementioned objective, and in that respect it is not tenable in our view to reach any finding other than that the proposal is clearly consistent with the objective of achieving the highest intensity of development in Auckland, while also complying with those height standards that are designed to respect the characteristics of its valley and ridgeline form, and in a manner consistent with the outcomes sought by the above policy. Indeed, the only reference in this regard that would suggest that the AUP(OP) seeks to extend the meaning of "managing" the form and scale of buildings by way of incentive provisions is through the light and outlook bonus which is referenced somewhat obliquely in (d)(ii). However, even if that were the case, that incentive provision is not applicable here because the site is not identified within the 'special height area'.[39] Further, there is no characteristic or potential adverse effect that requires management in the present context that would make it unlikely that the increased MTFAR could be achieved on the site subject to specific design outcomes and/or mitigation of adverse effects.

87. As noted above, Ms Thomas identifies that the proposal does not meet Policy H8.3(27) which seeks to "*[e]ncourage the retention and conservation of the city centre's historic heritage through scheduling and through development incentives*". Ms Thomas comments in this regard that the applicant "*could have sought a heritage floor space bonus which would have provided for the retention and conservation of a heritage building, whereas this has not been provided*".[40]

88. Mr Brown states in this regard that:[41]

> *I consider that this policy is simply recording the methods that will be used in the City Centre zone to deliver the outcomes set out in the relevant*

[39] By reference to Map H8.11.3
[40] Agenda report, p33
[41] Brown, para 7.12, where he went on to note "*it is now proposed to utilise the heritage floorspace bonus to its maximum extent so I consider that this issue is unlikely to remain in dispute*".

> *objectives. In my opinion, a proposal cannot be contrary to this policy simply because it does not elect to take up an incentive that is in place to encourage retention and conservation of historic heritage.*

89. Ms Thomas also considers the proposal to be contrary to Policy H8.3(32) which seeks to "*[e]ncourage public amenities to be provided within developments, including publicly accessible open space, works of art and through site links*". In this regard she states that the applicant had not chosen (at the time of completing her report) to provide such public amenities other than the use of the visitor accommodation bonus. She goes on to say that even with the inclusion of that bonus, the proposal significantly exceeds MTFAR, where the allowable MTFAR is 6:1 (5,988m^2) and the proposal has a FAR of 9.2:1 (9,184m^2).

90. We note that this situation remains, because the use of the HFSB does not change the extent to which the proposal exceeds the MTFAR. Ms Thomas' review of the objectives and policies also highlights the purpose of the basic, bonus and maximum FAR provisions. These are noted here as follows:

- For Basic FAR: "*[to] manage the scale of development in the city centre*".[42]
- For Bonus FAR: "*[to] encourage developments to be designed, contain activities or provide features that provide a benefit to the public*".[43]
- For Maximum Total FAR: "*[to] manage the overall scale of development in the city centre*".[44]

91. It is apparent that if Bonus FAR is required to reach MTFAR, then both purpose statements must be applicable, while noting that the Bonus FAR purpose seeks to "encourage" the use of qualifying characteristics, rather than mandating them.

92. While Mr Brown did not comment specifically on Policy H8.3(32), it was addressed by Mr McGarr where he states that:[45]

> *The policy is inclusionary of elements of the FAR bonus provisions, as to how public amenities could be provided. It is not exclusionary, or directive that these are the measures necessary to be included with a development for such an outcome to be achieved.*
>
> *The ability to accommodate these particular elements, and the practicality (and necessity) to do so is a factor of the site's context, size, and relationship with the streetscape. The absence of the opportunity to provide for these elements (or the choice not to use them) does not correlate with the proposal being contrary to the policy.*

[42] AUP(OP) H8.6.10
[43] Ibid., H8.6.11
[44] Ibid., H8.6.21
[45] McGarr, p22

93. As Mr McGarr highlights elsewhere in his evidence, the provisions of the AUP(OP) relating to FAR and associated bonuses has evolved from a more directive approach in earlier plans for the city centre, to one that now sits alongside the criteria related to design outcomes. As he notes:[46]

> *When compared to the framework of the former District Schemes/Plans, the FAR controls of the AUP are now one of several bulk and location standards that together seek to manage the scale of development within the Central Area, which combined with the matters for assessment/assessment criteria for the consideration of the suitability of new buildings, manage the relationship of development with neighbouring properties, the streetscape and surrounding public realm, rather than being the key driver.*

94. He goes on to say:[47]

> *Correspondingly, the policy outcomes of the AUP for the form of the city, the quality of building design (to ensure new buildings successfully integrate with the city centre's existing and planned built form), and the amenity of the public realm to create an attractive and recognisable skyline, are now primarily attained through a combination of the zone and city wide standards and more particularly the urban design-related matters of discretion/assessment criteria, as opposed to the FAR standard.*

95. With respect to this theme, and for completeness, we note Ms Thomas' reference to Policy H8.3(3) and conclusion that because "*the development is not of a design that positively contributes to the planning outcomes identified in the AUP(OP)*"). This policy is as follows:

> *(3) Require development to be of a quality and design that positively contributes to:*
>
> *(a) planning and design outcomes identified in this Plan for the relevant zone;*
>
> *(b) the visual quality and interest of streets and other public open spaces; and*
>
> *(c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.*

96. We understand from Ms Thomas' memorandum that the revised proposal would now meet this policy, due to the acquisition of a HFSB. However, given that the proposal has not physically altered, it is difficult to see how different conclusions could be reached in terms of the quality and design of the building simply on the basis of that acquisition.

[46] Ibid., para 2.29
[47] Ibid., para 2.30

97. The problem that we discern in the Council's position is that, while the amended proposal still exceeds MTFAR by the same amount as it did originally, it is nevertheless now deemed to be of an acceptable scale such that it merits the grant of consent because a portion of that floor space has effectively been "paid for". We have the sense that the bonus feature in this respect is akin to a development contribution, albeit one where the resulting scale of the building has no obvious nexus in and of itself to heritage outcomes elsewhere in the city centre. Furthermore, there is no specific objective on which the Council can rely on to conclude that the proposal would be contrary to the bonus FAR provisions, let alone lead to a finding that it would be contrary to the objectives and policies as a whole.[48] We find ourselves in agreement with Mr Brown's conclusion that it does seem "*a little tenuous to suggest that a proposal can undermine the integrity of the AUP in circumstances where the use of available bonuses is encouraged and incentivised under the City Centre zone objectives and policies, but not mandated*".[49]

98. As Mr McGarr comments (albeit with respect to a potential precedent), for the policy provisions to be undermined they "*would need to be of a more prescriptive and directive nature so as to make a development that does not use the bonus provisions untenable, or result in a form of development or type of activity that is inappropriate, and that is simply not the case*".[50]

99. We can therefore only agree with Mr Littlejohn's observation that:[51]

> *the Council's planners are interpreting the plan by what they think it ought to say, rather than what it actually says. They are looking for a policy 'stick' to force the use of bonuses. But the policy framework has changed and is now focussed on built environment outcomes, with various 'carrots' included to encourage those outcomes.*

100. Having concluded that the proposal does not, in our view, offend the relevant provisions of the AUP(OP), either in terms of any specific objective or policy or in an overall sense, or whether or not an additional bonus feature such as HFSB was used or not, it is also necessary to consider whether this finding could result in an adverse precedent.

Precedent

101. The second question that we ask ourselves is whether "*it is likely that further applications will follow, which are both materially indistinguishable and equally incompatible with the plan*" (per the aforementioned Environment Court tests). This may be expressed simply as whether an adverse precedent would arise from a grant of consent in this case.

---

[48] Reference is made on pp43/44 of the Agenda report to rules and purpose statements, but these are not objectives or policies.
[49] Brown, para 8.15
[50] McGarr, para 3.9
[51] Legal submissions, para 3.20

102. Our earlier discussion answers that question in part, insofar as we have not found that a version of the proposal, that does not involve the use of an additional bonus feature such as HFSB, would not be "*incompatible with the plan*". It is therefore axiomatic that a similar proposal would also not be incompatible, and so while a precedent might arise, we are not convinced that it would be "adverse".

103. Nevertheless, we outline the opinions expressed in the evidence presented to us on this matter as follows.

104. Ms Thomas' report noted the correspondence from the applicant regarding the lack of opportunities within the site to rely on various bonus features provided for by the AUP(OP). However, she noted that the HFSB remained as an available option "*and would require no changes to the proposed design*".[52]

105. Ms Thomas also highlighted a number of other applications "*exhibiting almost all of the range of characteristics and circumstances of this proposal*", and that it is relevant to note that "*all of these examples provided bonus features to bridge the gap between BFAR and MTFAR*". She went on to conclude that the proposal would have a significant impact on the integrity of the City Centre Zone, noting that:[53]

> *The appropriateness of the form and scale of the building is not in question, rather, precedent setting and the integrity of the AUP(OP) through not bridging the gap between BFAR and MTFAR are the primary areas of concern. As this application could easily be replicated on another site (and broadly to all future applications as mentioned above) the granting of this application would encourage other applicants to either; not provide any bonus features (and in turn not provide public amenities or preserve heritage floor space), not completely bridge the gap between BFAR and MTFAR as the plan anticipates, and/or remove existing bonus features that have been approved as part of a comprehensive development (such as the [HFSB]).*
>
> *Given the absence of exceptional or unique distinguishing factors that may have helped to differentiate this application from the generality of other applications, and the clear plan direction, I consider that the granting of this consent would undermine the integrity and the consistent administration of the AUP(OP).*

106. Mr Brown provided a counter view, noting that there are likely to be very few new city centre buildings that would have substantially similar characteristics to the proposed hotel, and that:[54]

> *I therefore consider that the circumstances of this site and proposal are unique and distinguishable to the point that the same range of particular*

[52] Agenda report, p40
[53] Ibid., p45
[54] Brown, para 8.13

characteristics and circumstances are unlikely to be replicated on other sites. In my opinion, the elements of the proposal have been assembled in a way that presents no appreciable challenge to the relevant objectives and policies in a way that might otherwise erode the integrity of the AUP. On this basis, a significant precedent effect is not likely to arise and there would be no consequential undermining of AUP integrity.

107. Mr Brown also advised that while he had reviewed the list of sites and developments referenced in Ms Thomas' report, those examples involved "*either corner sites or through sites between two parallel roads which provide options for the use of a through-site link bonus that are not available on HGCL's site*". He also noted that "*[t]wo of the examples have scheduled historic heritage buildings on the site, which enable use of light and outlook bonuses for that part of the site above the protected building*".[55]

108. We observe that part of the applicant's case in this regard is that developments for hotels, or visitor accommodation more generally, form only a small part of the number of projects in the city centre requiring consent, and so any precedent value arising from this proposal can be limited to other hotel developments. We are not sure that this would be the case, as the discussion set out above is likely applicable to any development that seeks to exceed the FAR standards (assuming that it is for an activity that is otherwise provided for and addresses the Council's urban design criteria).

109. Accordingly, we are mindful that our findings in this regard may have some bearing on the issues highlighted in a submission by Werner Fontein[56] that if the applicant's argument can be run successfully, "*no-one will use the [HFSB]*", and this is perhaps also an underlying theme of Ms Thomas' discussion on this matter. We note that while this may well be the case, such an outcome reflects the problems that we find with the relevant provisions of the AUP(OP) rather than any wider intent on the part of the applicant.

110. As a result, we consider that if the Council wishes to pursue an incentive-led strategy to enable greater building scale then it seems to us that, in addition to a non-complying activity status, it would need to incorporate much more directive objectives, policies and methods toward that end, as noted by Mr McGarr above. As it stands, that framework and its interpretation by the Council presently adopts an approach of encouraging and determining consent outcomes based on an applicant demonstrating an agreed financial transaction between parties unrelated to the subject site context and the proposed development outcomes. Accordingly, it would not have been tenable in our view to decline a proposal on that basis, and where the proposal is otherwise acceptable in all other respects.

[55] Ibid., para 8.14
[56] Agenda, pp180-182

Part 2

111. While we have reached a conclusion in respect of s104D that we have jurisdiction to consider the application under s104, and have found in favour of the applicant in that respect, we consider that for completeness it is appropriate to make a final check against Part 2, having regard to the Court of Appeal's conclusions in *Davidson.* In this regard, we have previously noted a general premise that, having regard to our understanding of case law on the subject, Part 2 considerations are not necessarily engaged by the proposal, and that our decision is able to be made with reference to the relevant planning provisions and without recourse to Part 2.

Conditions

112. Because our decision is to grant consent to the application, we have turned our minds to the conditions as recommended by Ms Thomas, and the further amendments addressed through the course of the hearing and those provided by Mr Littlejohn following the adjournment of the hearing. We could discern no apparent omission as to the relevant effects or matters to be addressed within that final set, including those discussed during the hearing and referred to in Mr Littlejohn's reply. We have however undertaken a careful review of those conditions and made further minor editing changes where necessary, primarily for consistency purposes, but other technical changes including:

- the addition of "earthworks" as part of the references to demolition and construction activity;
- clarification of timing of actions with respect to building consent applications;
- deletion of cross-references at condition 30 to conditions 4 and 10, noting that the documents required under those conditions pre-date any discovery of unexpected contamination; and
- deletion of the second row to Schedule D (condition 62) which was not relevant to the information in the table.

Decision

113. In exercising our delegation under ss 34 and 34A of the RMA and having regard to the foregoing matters, ss 104, 104B, 104D, 108 and Part 2 of the RMA, we determine that resource consent to demolish existing buildings and construct and operate a new hotel in a 12-storey building, plus partial basement resulting in groundwater diversion and dewatering is granted for the reasons and subject to the conditions set out below.

Reasons for the decision

I. The adverse effects of the proposed development will not be more than minor, subject to conditions of consent, and will not be contrary to the objectives and policies of the AUP(OP), and so the proposal passes both thresholds of s104D, and we are therefore able to consider its merits under s104.

II. In terms of s104(1)(a), the actual and potential effects from the proposal will be of an acceptable nature and scale in this environment. This is because the form of development and proposed activities are appropriate within the site context and wider location within the CBD.

III. In respect of s104(1)(b), the proposal is consistent with the relevant objectives and policies of Chapter H8 and Chapters E7, E12, E23, E25 and E27 of the AUP(OP).

IV. In regard to s104(1)(c), we conclude that there are no other matters arising in respect of the proposal, given the amendment to the application to incorporate a heritage floorspace bonus, and which is reflected in the conditions set out below. We have, however, set out our view with respect to this matter as sought by the parties to address the alternative circumstance where such a bonus had not been offered in terms of plan integrity and precedent considerations.

V. We find that the proposal merits the granting of resource consent as it will provide for the sustainable management of the natural and physical resources as required by Part 2 of the RMA.

Conditions

<u>These conditions apply to all resource consents</u>

1. These consents shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the applications, detailed below, and all referenced by the Council as resource consent numbers LUC60341836 and WAT60341837:

    - Application Form and Assessment of Environmental Effects prepared by Campbell Brown Planning Ltd, dated 9 July 2019; and

    - The following reports and plans:

Report title and reference	Author	Rev	Dated
Resource Consent Design Statement	Ignite / Beca	2	04.11.19
Landscape Preliminary Design for Resource Consent	Boffa Miskell	-	05.07.19
Hotel Grand Chancellor – Wellesley St Civil Infrastructure Report	Beca	B	02.07.19
Waste Management Plan	Rubbish Direct		25.06.19

HGC Wellesley St – Transport Assessment	Beca	3	05.07.19
Pedestrian Wind Study #RWDI 1902639	RWDI	-	04.07.19
Geotechnical Interpretive and Groundwater Assessment Report	Tonkin & Taylor	0	June 2019
Ground Contamination Assessment	Tonkin & Taylor	1	June 2019
Acoustics and Vibration Resource Consent Report B010129	Agile Engineering Consultants	4	11.10.19

Drawing title and reference	Author	Rev	Dated
Proposed Site Plan RC1003	Ignite	C	26.06.19
Reference Floor Plan – Basement Level RC1301	Ignite	C	26.06.19
Reference Floor Plan – Ground Level RC1302	Ignite	D	04.11.19
Reference Floor Plan –Level 01 RC1303	Ignite	C	26.06.19
Reference Floor Plan –Level 02 - 10 RC1304	Ignite	C	26.06.19
Reference Floor Plan – Level 11 RC1313	Ignite	C	26.06.19
Reference Floor Plan – Roof Level RC1314	Ignite	C	26.06.19
Verandah Plan RC1315	Ignite	B	26.06.19
External Lighting Plan – Ground Level RC1702	Ignite	B	04.11.19
External Lighting Plan – Level 11 RC1705	Ignite	A	26.06.19
3D View – Wellesley West RC 1706	Ignite	C	04.11.19
3D View – Wellesley East RC 1707	Ignite	C	04.11.19
3D View – South RC 1708	Ignite	D	04.11.19
3D View – Courtyard Sections RC 1709	Ignite	C	04.11.19
3D View – Streetscape RC 1710	Ignite	C	04.11.19
3D View – Courtyard RC 1711	Ignite	C	04.11.19
External Finishes Schedule RC2000	Ignite	C	26.06.19

Elevation – North RC2001	Ignite	D	04.11.19
Elevation – South RC2002	Ignite	D	04.11.19
Elevation – West RC2003	Ignite	D	26.06.19
Elevation – East RC2004	Ignite	C	26.06.19
Elevation – North & South Courtyard RC2005	Ignite	C	26.06.19
Elevation – West & East Courtyard RC2006	Ignite	C	04.11.19
Sections RC2501	Ignite	C	26.06.19
Sections RC2502	Ignite	C	04.11.19
Sections RC2503	Ignite	D	26.06.19
Sections RC2504	Ignite	C	26.06.19
Sections RC2505	Ignite	C	26.06.19
Sections RC2506	Ignite	C	26.06.19
Sections RC2507	Ignite	C	26.06.19
Sections RC2508	Ignite	C	26.06.19
Signage – External RC7004	Ignite	C	26.06.19
Area Plans RC8001	Ignite	C	04.11.19
Proposed Services Plan CA-2002	Beca	A	21.06.19
Proposed Levels Plan CA-3001	Beca	A	21.06.19
Proposed Building Platform Levels CA- 3010	Beca	A	21.06.19
Proposed Earthworks Depths CA-3012	Beca	A	21.06.19
Proposed Erosion and Sediment Control Plan CA-3011	Beca	A	21.06.19

Other additional information	**Author**	**Rev**	**Dated**
Surveyor Producer Statement – Building Siting Correctness – Volcanic View Shaft Compliance	Survey Worx		25.06.19
Façade External Reflectivity – Letter to Audrey De Filippis – ref 190564	Richard Fairhead of Sellick Consultants Pty Ltd	-	Undated
Façade Internal Courtyard Glazing – Letter to Audrey De Filippis – ref 190564	Richard Fairhead of Sellick Consultants Pty Ltd	-	06.11.19

Section 92 Design Response (pages 4 – 8 and 9 – 17 of Design Statement updated)	Ignite/Beca	-	27.08.19
Section 92 Queries for Noise and Vibration – letter to Kate Morrissey	Agile Engineering Consultants	-	22.08.19
74-80 Wellesley Street, Auckland Central – Section 92 Response – Transport – letter to Kay Panther Knight	Beca	-	21.08.19
Letter by Kate Morrissey to Kay Panther Knight – Request for further information response	Campbell Brown Planning Ltd	-	28.08.19
Letter by Carol Han, Peter Millar to Peter Chou – Response to Auckland Council Request for Further Information	Tonkin & Taylor	-	23.08.19
Summary of Planning Argument	Campbell Brown Planning Ltd	-	08.10.19
Landscape, urban design and visual amenity assessment	John Goodwin, Boffa Miskell	-	27.09.19
Geotechnical Assessment Report	Golder Associates (NZ) Ltd	0	15.11.18
Additional Planning Commentary	Campbell Brown Planning Ltd	-	11.11.19
Section 92 Response & Design Features Statement	Ignite/Beca	2	11.11.19
74-80 Wellesley Street, Auckland Central – Updated s92 Response – Transport – letter to Kay Panther Knight	Beca	-	05.11.19
Correspondence between Beca and Fire & Emergency NZ (email)	Beca	-	05.11.19
Letter to Dushyant Parmar, Beca, re FAP location Approval for 74-80 Wellesley Street West, Auckland Central	Glenn Menzies, F&E NZ	-	04.11.19

Tonkin & Taylor response to groundwater query	Tonkin & Taylor	-	Undated
Letter titled "Second Section 92 Response – 78-80 Wellesley Street West (BUN60341835)"	Campbell Brown Planning Ltd		24.03.20
Shading Assessment titled "Hotel Grand Chancellor Wellesley Street, 74-80 Wellesley Street, Auckland, Resource Consent – Section 92 Response (V2)"	Ignite Architects	V2	03.20
Wind Memorandum titled "Request for Further Information – Residential Amenity (Wind)"	RWDI		20.03.20

2. The consent holder shall pay the Council an initial consent compliance monitoring charge of $1,010 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

   Advice note:

   The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consents have been met, will the Council issue a letter confirming compliance on request of the consent holder.

3. Under s125 of the RMA, this consent lapses five years after the date it is/ granted unless:

   (a) The consent is given effect to; or

   (b) The Council extends the period after which the consent lapses.

Specific Conditions – Land use consent LUC60341836

Pre-development

Requirement for a pre-start meeting

4. Prior to the commencement of the demolition, earthworks and construction activity, the consent holder shall hold a pre-start meeting that:

   (a) is located on the subject site;

(b) is scheduled not less than 5 days before the anticipated commencement of construction and/or earthworks;

(c) includes Council's Team Leader Compliance Monitoring Central; and

(d) includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other conditions e.g. the appointed geologist or geotechnical engineer.

The following information shall be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Demolition and Construction Management Plan
- Erosion and Sediment Control Plan
- Construction Traffic Management Plan
- Construction Noise and Vibration Management Plan
- Contingency measures to address unexpected contamination during earthworks
- Landscape Plan
- Street Tree protection conditions/requirements, including protective fencing prior to commencement of construction
- Site Plan showing wastewater treatment

Advice note:

To arrange the pre-start meeting required by Condition 4 please contact the Team Leader Compliance Monitoring Central to arrange this meeting or email monitoring@aucklandcouncil.govt.nz. The conditions of consent should be discussed at this meeting. All information required by the Council and listed in that condition should be provided a minimum of 2 days prior to the meeting.

5. The Council (Team Leader Compliance Monitoring Central) shall be notified at least two (2) working days prior to earthwork activities commencing on the subject site.

6. Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Management Plan (ESCP) shall be prepared in accordance with the plan referenced in Condition 1 and submitted to the Council (Team Leader Compliance Monitoring Central). No earthworks activity on the subject site shall commence until confirmation from the Council is provided that

the ESCP satisfactorily meets the requirements, and the erosion and sediment control measures referred to in that plan have been constructed and certified.

Advice note:

The Erosion and Sediment Control Plan required by Condition 6 should contain sufficient detail to address the following matters:

- *specific erosion and sediment control works (location, dimensions);*
- *supporting calculations and design drawings;*
- *catchment boundaries and contour information;*
- *details of construction methods;*
- *timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks);*
- *details relating to the management of exposed areas (e.g. grassing, mulching); and*
- *monitoring and maintenance requirements.*

During excavation, the ingress and accumulation of surface run-off water and/or perched groundwater can be minimised by:

- *maintaining a waterproof cover over any excavation trenches and pits outside of working hours;*
- *diversion of surface water flow around the works area; and*
- *regular disposal of the water, if ponding occurs within the excavation.*

Please note that the diversion of stormwater and/or groundwater may require a consent in accordance with the AUP(OP).

Heritage Floorspace Bonus

7. Prior to construction commencing, the consent holder shall provide evidence to the Council (Team Leader Compliance Monitoring Central) that it has entered into a covenant on terms satisfactory to the Council documenting the transfer of 998m^2 of heritage floor space bonus from the donor site to the recipient site at 74-80 Wellesley Street West, Auckland Central, being legally described as Lot 1 DP 156320 and Lot 2 DP 156320. The consent holder shall provide evidence that the covenant is registered against the record of title for the donor site.

8. The registered owner of the recipient site at 74-80 Wellesley Street West, Auckland Central, being legally described as Lot 1 DP 156320 and Lot 2 DP 156320 respectively shall, at no cost to the Council, have prepared and enter into

a covenant to the satisfaction of the Council (Team Leader Compliance Monitoring Central) documenting the transfer of 998m^2 of heritage floor space bonus from the donor site to the recipient site at 74-80 Wellesley Street West, legally described as above. The covenant shall be registered against the record of title for the recipient site.

9. The consent holder shall advise the Council (Team Leader Compliance Monitoring Central) immediately upon the covenants referred to in the conditions above, being registered against the respective records of title.

Demolition and Construction Management Plan

10. At least 10 working days prior to commencement of any demolition and/ or construction works within the subject site, the consent holder shall submit to the Council (Team Leader Compliance Monitoring Central) a Demolition and Construction Management Plan (DCMP) for certification. The DCMP shall include specific details relating to avoiding, remedying or mitigating adverse effects on the environment of the demolition, earthworks, construction and management of all works associated with the development, including but not limited to the following:

    (a) Who the site or project manager is and contact details (phone, facsimile, postal address);

    (b) The location of notice boards that clearly identify the name, telephone number and address for service of the site or project manager;

    (c) Measures to be adopted to ensure that pedestrian access past the works is provided and that such access is safe;

    (d) The location and design of all hoardings and gantries;

    (e) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;

    (f) Control procedures for delivery and removal of construction materials from public roads or places;

    (g) Location of workers conveniences (eg portaloos);

    (h) Ingress and egress to and from the site for construction vehicles;

    (i) Hours of operation and days of the week for construction activities; and

    (j) Measures to control dust deposition and nuisance.

    No works within the site shall commence until confirmation is provided from the Council that the DCMP satisfactorily meets the requirements above and any

required measures referred to in the plan have been put in place prior to commencement of works.

11. At least 10 working days prior to commencement of any demolition, earthworks and/or construction works within the subject site, the consent holder shall submit to the Council (Team Leader Compliance Monitoring Central) for written certification a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified and experienced acoustic specialist. The purpose of the CNVMP is to set out the details of how construction works will be managed to achieve compliance with Conditions 22 and 23. The CNVMP shall, as a minimum:

    (a) Include a description of the proposed works and their duration, anticipated equipment to be used, and processes to be undertaken;

    (b) Identify the times and days when noise and vibration is likely to be generated during construction works;

    (c) Include a contact name and number of the works supervisor who can be contacted if any issues arise;

    (d) Describe how noise and vibration complaints will be managed and responded to;

    (e) Identify the best practicable option for management and mitigation of all construction noise and vibration; and

    (f) Include the details specified in Annex E in New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

    No works within the site shall commence until confirmation is provided from the Council that the finalised CNVMP satisfactorily meets the requirements above and any required measures referred to in the plan have been put in place prior to commencement of works. The consent holder shall implement the certified CNVMP for the duration of the construction works and keep an updated copy at the construction site office.

12. Any subsequent amendment of the certified CNVMP shall also be prepared by a suitably qualified and experienced acoustic specialist. Amendments shall be tracked and the updated CNVMP submitted to the Council ((Team Leader Compliance Monitoring Central) for certification in accordance with the information requirements of Condition 11.

13. The construction works shall be carried out in accordance with the certified CNVMP and a copy of the updated CNVMP shall always be kept on site.

14. At least 10 working days prior to commencement of any demolition, earthworks and/or construction works within the subject site, the consent holder shall submit to the Council (Team Leader Compliance Monitoring Central) a Construction Traffic Management Plan (CTMP) for certification. The CTMP shall include

specific details relating to vehicle and pedestrian movements and safety during the removal, earthworks, construction and management of all works associated with this development, including but not limited to the following:

(a) The proposed hours of work, staging of the development and construction period.

(b) Provide parking management plan for visitors and construction traffic. Any parking must be contained within the site, or otherwise legally parked.

(c) The location and management of the loading areas during large vehicle movements, including schedule of deliveries and any measures that may be employed to ensure the safety for all users in this area. Truck and trailer deliveries to or from the site shall occur outside of peak traffic hours, i.e. 7am to 9am and 4pm to 6pm on weekdays.

(d) The provision and location of cleaning facilities within the site to thoroughly clean all vehicles prior to exit to prevent mud or other excavated material from being dropped on the road. In the event that material is dropped on the road resources should be on hand to clean-up as soon as possible.

(e) On occasions where larger trucks may be required to access the site a specific Temporary Traffic Management Plan (TTMP) detailing the manoeuvring of a large truck to ensure the safety of pedestrians and other road users. The TTMP shall be in compliance with the latest edition of the NZTA "Code of Practice for Temporary Traffic Management" (COPTTM) document.

(f) Methods for ensuring pedestrian safety in the vicinity of the site including but not limited to a pedestrian management plan outlining temporary pedestrian routes that are easily traversable, well-marked and safely separated from moving vehicles.

(g) Location of the site access point, which must be clearly signposted and ensuring that access to neighbouring properties is not compromised.

(h) Confirmation of where any cranage required will be located on-site. It will not be permitted within the road reserve.

No works within the site shall commence until confirmation is provided from the Council that the CTMP satisfactorily meets the requirements above and any required measures referred to in the plan have been put in place prior to commencement of works.

Advice note:

It is the responsibility of the applicant to seek approval for the Construction Traffic Management Plan from Auckland Transport in relation to any Corridor Access Permit.

Please contact Auckland Transport on (09) 355 3553 and review www.beforeudig.co.nz before you begin works.

15. Bedrooms and other noise sensitive spaces shall be designed and /or insulated so that the internal noise levels do not exceed the levels below based on the maximum incident façade noise levels for the Business – City Centre Zone:

Unit	Time	Noise level
Bedrooms and sleeping areas	Between 11:00pm to 7:00am	35 dB L_{Aeq} 45 dB Leq at 63 Hz 40 dB Leq at 125 Hz
Other noise sensitive spaces	At all other times	40 dB L_{Aeq}

16. Where the noise levels in Condition 15 can only be achieved when windows to rooms are closed, those rooms must have installed a mechanical ventilation system which does not generate a noise level greater than 35 dB L_{Aeq} in bedrooms (when measured at the bed head) and 40 dB L_{Aeq} in other spaces (when measured 1m from the diffuser) at the minimum air flows required to achieve the design temperatures and air flows under standard E25.6.10(3) of the AUP(OP).

17. At the time the building consent application is lodged the consent holder shall provide written certification from a suitably qualified and experienced acoustic and ventilation specialist/s to the Council (Team Leader Compliance Monitoring Central) confirming that the building has been designed to ensure internal noise levels in bedrooms and other noise sensitive spaces specified in Condition 15 can be met. Written certification shall be in the form of a report or any other form acceptable to the Council.

18. To ensure the permitted noise standards specified in E25.6.8 of the AUP(OP) are met all times, the selection, design, and installation of mechanical equipment on site must be overseen by a suitably qualified acoustic specialist at the detailed design stage of the project. A copy of the acoustic assessment shall be provided to the Council (Team Leader Compliance Monitoring Central) within 10 working days of a written request.

19. Prior to lodgement of the first architectural building consent application, a finalised set of architectural detail drawings and materials specifications shall be submitted to the Council for written certification by the Council (Team Leader Compliance Monitoring Central). The information shall include the following:

    (a) Details of the building's façade treatment / architectural features;

    (b) Materials schedule including sample palette of materials, surface finishes, and colour schemes;

(c) External / rooftop services, plant and visual / aural screening elements;

(d) Details of atrium glazing of guest rooms including the type, opaqueness and performance; and

(e) Details of the plant species, soil depths and irrigation to be installed in the internal courtyard/laneway area, including for the 'green wall' and 'green screen', together with a plant maintenance plan.

The finalised set of drawings shall show that the building's proposed architectural details, materiality and finished appearance is consistent with the plans and information referenced at Condition 1. All works shall then be carried out with the details certified by the Council, and thereafter retained and maintained to the satisfaction of the Council (Team Leader Compliance Monitoring Central).

Advice note:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

20. Prior to lodgement of the first architectural building consent application, the consent holder shall provide evidence from a suitably qualified aero-acoustic specialist that the eastern façade is designed to minimise wind noise. This evidence and details of the building's façade treatment for the eastern elevation shall be submitted to Council for written certification (Team Leader Compliance Monitoring Central, in consultation with the Council's Team Leader Contamination, Air & Noise and the Council's Urban Design Specialist).

Advice note:

The purpose of the above condition is to minimise the potential effect of wind noise as experienced by 125A Hobson Street. Wind noise (aero-acoustics) is largely governed by the detailing of the façade elements hence the detailed design of the eastern façade shall be designed to minimise wind noise.

21. Prior to lodgement of the first architectural building consent application, details of the proposed artwork on the external south elevation of the building shall be submitted to the Council (Team Leader Compliance Monitoring Central) for certification. The required details shall include the following:

(a) Name of the artist commissioned by the consent holder;

(b) Image of final artwork, drawn to scale;

(c) Outline of implementation methodology; and

(d) Any long-term maintenance proposals and requirements.

The details of the artwork shall be developed in liaison with Council's Urban Design Specialist and the certified artwork shall be implemented as detailed in the information provided.

During Construction

22. Noise arising from demolition, earthworks and construction activities (including earthworks) on the site shall not exceed the limits specified in the table below when measured for any 30-minute period 1m from the most exposed façade of any building in the Business – City Centre Zone that is occupied during the works:

Time	L_{Aeq} (30 min)	L_{AFmax}
Monday to Friday 6.30am-10.30pm	All site works excluding groundworks and piling - 75 dB Ground works and piling - 80dB	90 dB
Saturday 7am-11pm	80 dB	90 dB
Sunday 9am-7pm	65 dB	85 dB
All other times (night-time)	60 dB	75 dB

All noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

Advice note:

Where external measurement of construction noise is impractical or inappropriate, the upper limits for the noise measured inside the building will be 20dB less than the relevant levels specified in the condition.

23. Noisy construction activities on site shall be limited to the hours of 7am to 7pm Monday to Friday and 9am to 2pm on Saturdays. Outside these hours, the usual construction noise limits for established day-to-day activities (per E25.6.8 of the AUP(OP)) shall apply.

24. All construction works on the site must be designed and conducted to ensure that construction vibration from the site does not exceed the guideline vibration limits set out in the German Standard DIN 4150-3:1999 Structural vibration – Effects of vibration on structures when measured from any adjacent building in accordance with the DIN Standard and the vibration limits specified in Table E25.6.30.1 of the AUP(OP) unless otherwise provided for in the CNVMP (refer Condition 11).

25. The consent holder shall ensure that all neighbours within 50m of the subject site boundary are advised in writing no less than three days prior to the construction works (includes demolition and earthworks) commencing, and the written advice must include a brief description of the works, the timing and duration of the works, mitigation measures, and contact details for any concerns about noise and vibration. Notification details (who, when, frequency) shall be recorded in the

CNVMP.

26. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting neighbouring properties. In the event that such collapse or instability does, occur, it shall be immediately rectified.

27. The consent holder shall engage a suitably qualified engineering geologist or geotechnical engineer familiar with the Tonkin & Taylor Geotechnical Interpretive and Groundwater Assessment Report dated June 2019 (and referenced in Condition 1) to supervise all excavations, retaining and foundation construction. The supervising engineer's contact details shall be provided in writing to the Council (Team Leader Compliance Monitoring Central) at least two weeks prior to earthworks commencing on site.

28. The suitably qualified engineering geologist or geotechnical engineer cited in Condition 27 shall provide an excavation and retaining work method statement to the Council (Team Leader Compliance Monitoring Central) in writing prior to earthworks commencing on site. The work method statement shall include excavation time frames, weatherproofing of any proposed batters, and/or sequencing of boundary works.

Advice note:

The excavations are to consider the active/passive pressures on all existing retaining walls, particularly the neighbouring walls bordering 68 Nelson Street.

29. All earthworks shall be managed to ensure that no debris, soil, silt, sediment, or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Council (Team Leader Compliance Monitoring Central).

Advice note:

In accordance with Condition 29 all earthworks shall be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:

- *Catchpit protection*
- *run-off diversions*
- *sediment retention ponds*
- *silt and sediment traps*
- *decanting earth bunds*

- *silt fences*

During excavation, the ingress and accumulation of surface run-off water and/or perched groundwater can be minimised by:

- *maintaining a waterproof cover over any excavation trenches and pits outside of working hours;*
- *diversion of surface water flow around the works area; and*
- *regular disposal of the water into an appropriate sediment control device if ponding occurs within the excavation.*

Please note that the diversion of stormwater and/or groundwater may require a consent in accordance with the AUP(OP).

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Council (Team Leader Compliance Monitoring Central) for more details.

30. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease until contingency measures have been implemented and have been notified to the Council (Team Leader Compliance Monitoring Central).

Advice note:

In accordance with Condition 30 any unexpected contamination, may include contaminated soil, perched water, groundwater, or underground tanks. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Council (Team Leader Compliance Monitoring Central) prior to carrying out any further work in the area of the unexpected contamination to ensure this is within scope of this consent.

31. No building works shall proceed beyond the foundation stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Council (Team Leader Compliance Monitoring Central) that the works completed have been completed in accordance with the approved plans as referred to in Condition 1 of this consent.

Advice note:

The person providing the written certification should ensure that the finished floor level is clearly marked on the subject site before the foundations are put in place.

The purposes of certification at the foundation stage of construction are to:

- *provide assurance that the building works, to that point, have been undertaken in accordance with the consent;*
- *reduce the risk of non-compliance as the works continue. Written certification should include the following:*
  - *the finished ground level is clearly marked on the subject site*
  - *the relevant consent reference number and site address*
  - *levels, calculations, plans and drawings of the structure(s) that are the subject of certification*
  - *the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

Written certification is to be provided directly to the officer specified in this condition.

32. No building works shall proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Council (Team Leader Compliance Monitoring Central) that the works completed have been completed in accordance with the approved plans as referred to in Condition 1 of this consent.

Advice note:

The purposes of certification at the roof framing stage of construction are to:

- *provide assurance that the building works, to that point, have been undertaken in accordance with the consent*
- *reduce the risk of non-compliance as the works continue. Written certification should include the following:*
  - *the finished ground level is clearly marked on the subject site*
  - *the relevant consent reference number and site address*
  - *levels, calculations, plans and drawings of the structure(s) that are the subject of certification*
  - *the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

Written certification is to be provided directly to the officer specified in this condition.

Post-development

33. Within 20 working days prior to occupation of the building, the consent holder

shall provide a finalised Waste Management Plan (WMP) to the Council (Team Leader Compliance Monitoring Central) for certification. The WMP shall outline the methodology for refuse and recycling storage and disposal from the site, including proposed days/frequency of collection and hours of operation prior to the occupation of the building.

The objective of the WMP is to show that sufficient waste storage capability is provided on site, and to minimise where possible the number of waste collection vehicle trips. Once certified, the plan shall be implemented in perpetuity unless otherwise updated by the consent holder and reviewed by the Council (Team Leader Compliance Monitoring Central) consistent with the objectives of this condition. No occupation of the building shall occur until confirmation is provided from the Council that the WMP satisfactorily meets the requirements above.

Advice note:

The waste management plan required above is necessary for any multi-unit development under the Auckland Council Solid Waste Bylaw 2012. Assistance in determining the contents of the Waste Management Plan can be found within the Auckland Design Manual, www.aucklanddesignmanual.co.nz by searching for the Waste MUD Calculator. As part of the certification process, Council's monitoring officers will liaise with members of the Council's Auckland Design Office and Waste Solutions Team to ensure that the submitted details are consistent with the approved plans and information.

34. Commercial billboard signage shall not be erected on any external wall of the proposed building.

Advice note:

This condition has been offered by the consent holder on an Augier basis, in order to prevent commercial billboard signage on the building at any time in the future.

Transportation

35. The consent holder shall ensure that the vehicle access' lighting complies with the standards in E24 of the AUP(OP) at all times.

36. Prior to occupation, the consent holder shall erect a sign at the hotel lobby entrance informing visitor cyclists that bicycle parking is available in the lobby area. The sign should read 'bicycle parking available in lobby – please see hotel staff' or similar.

37. Prior to occupation, the consent holder shall install a 'watch for pedestrians' sign and 'left-turn only' sign at the vehicle access, being visible to drivers exiting the access.

38. Prior to occupation, the consent holder shall install a 'car approaching' sign at the vehicle access, which is visible to pedestrians on Wellesley Street approaching the subject site access.

39. Prior to occupation, the consent holder shall install a speed hump within the access, on the site, 1m from the property boundary

40. The consent holder shall reinstate the existing and redundant vehicle crossing on Wellesley Street, and shall ensure that full depth kerbs are reinstated to the satisfaction of the Council (Team Leader Compliance Monitoring Central).

    Advice note:

    The consent holder is advised that where vehicle crossings are constructed or modified, the level, form and material of the crossing is to be consistent with the adjacent footpath.

41. The consent holder shall ensure that hotel operators/staff actively monitor the use of the service lane so as to avoid taxis parking in the hotel access and not allowing more than two taxis to occupy that access at any one time.

42. The consent holder shall ensure that waste collection must only occur between 10.00pm and 7.00am.

Specific conditions – water permit WAT60341837

Alarm Level	Specific levels at which actions are required as described in the relevant conditions.
Alert Level	Specific levels at which actions are required as described in the relevant conditions.
Bulk Excavation	Includes all excavation that affects groundwater excluding minor enabling works and piling less than 1.5m in diameter.
Commencement of Dewatering	Means commencement of Bulk Excavation and/or the commencement of the taking or diversion of groundwater, other than for initial state monitoring purposes.
Completion of Dewatering	Means, in the case of a tanked building or structure construction, the stage when all the external base slab and walls are essentially watertight, the structures internal support mechanisms, including basement floors have been completed any temporary retention removed and no further groundwater is being taken for the construction of the basement.
Commencement of Excavation	Means commencement of Bulk Excavation or excavation to create perimeter walls.
Completion of Construction	Means when the Code Compliance Certificate (CCC) is issued by Auckland Council

Completion of Excavation	Means the stage when all Bulk Excavation has been completed and all foundation/footing excavations within 10 meters of the perimeter retaining wall have been completed.
Condition Survey	Means an external visual inspection or a detailed condition survey (as defined in the relevant conditions).
Damage	Includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage. Damage as described in the table below.
External visual inspection	A condition survey undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Includes as a minimum a visual inspection of the exterior and a dated photographic record of all observable exterior Damage.
GSMCP	Means Groundwater and Settlement Monitoring and Contingency Plan
Monitoring Station	Means any monitoring instrument including a ground or building deformation station, inclinometer, groundwater monitoring bore, retaining wall deflection station, or other monitoring device required by this consent.
RL	Means Reduced Level
Seasonal Low Groundwater Level	Means the annual lowest groundwater level – which typically occurs in summer.
Services	Include fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and infrastructure, road infrastructure assets such as footpaths, kerbs, catch- pits, pavements and street furniture.
SQEP	Means Suitably Qualified Engineering Professional
SQBS	Means Suitably Qualified Building Surveyor

Category of Damage	**Normal Degree of Severity**	**Description of Typical Damage** *(Building Damage Classification after Burland (1995), and Mair et al (1996))*	**General Category** *(after Burland – 1995)*
0	Negligible	Hairline cracks.	**Aesthetic Damage**

1	Very Slight	Fine cracks easily treated during normal redecoration. Perhaps isolated slight fracture in building. Cracks in exterior visible upon close inspection. Typical crack widths up to 1mm.	
2	Slight	Cracks easily filled. Redecoration probably required. Several slight fractures inside building. Exterior cracks visible, some repainting may be required for weather- tightness. Doors and windows may stick slightly. Typically crack widths up to 5mm.	
3	Moderate	Cracks may require cutting out and patching. Recurrent cracks can be masked by suitable linings. Brick pointing and possible replacement of a small amount of exterior brickwork may be required. Doors and windows sticking. Utility services may be interrupted. Weather tightness often impaired. Typical crack widths are 5mm to 15mm or several greater than 3mm.	**Serviceability Damage**
4	Severe	Extensive repair involving removal and replacement of walls especially over door and windows required. Window and door frames distorted. Floor slopes noticeably. Walls lean or bulge noticeably. Some loss of bearing in beams. Utility services disrupted. Typical crack widths are 15mm to 25mm but also depend on the number of cracks.	
5	Very Severe	Major repair required involving partial or complete reconstruction. Beams lose bearing, walls lean badly and require shoring. Windows broken by distortion. Danger of instability. Typical crack widths are greater than 25mm but depend on the number of cracks.	**Stability Damage**

Table 1: Building Damage Classification

Note: In the table above the column headed “Description of Typical Damage” applies to masonry buildings only and the column headed “General Category” applies to all buildings.

Activity in accordance with plans

43. The take (dewatering) and diversion of groundwater associated with the construction of a partial single level basement shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number WAT60341837 including:

    (a) Report titled “Hotel Grand Chancellor, 74-80 Wellesley Street West – Geotechnical Interpretive and Groundwater Assessment Report”, prepared

by Tonkin & Taylor Ltd, Ref: 1009709, dated June 2019.

(b) Drawings titled "Hotel Grand Chancellor – Resource Consent Issue", prepared by Ignite Architects Ltd, Ref: ISL-1424-003-IAL, Rev C, dated 26 June 2019.

(c) Report titled "Hotel Grand Chancellor – Wellesley St Civil Infrastructure Report", prepared by Beca Ltd, dated 2 July 2019.

(d) Report titled "Hotel Grand Chancellor (Auckland) Limited, Proposed New Building and Hotel, 74-80 Wellesley Street West, Auckland Central", prepared by Campbell Brown Planning Ltd, Ref: 1404WEL18, dated 9 July 2019.

(e) Letter titled "Hotel Grand Chancellor, 74 - 80 Wellesley Street West, Auckland Central. Response to Auckland Council Request for Further Information. Application No.: BUN60341835, LUC60341836, WAT60341837", prepared by Tonkin & Taylor Ltd, dated 23 August 2019.

(f) Drawing titled "74-80 Wellesley Street West, Auckland – Construction Monitoring Plan", prepared by Tonkin & Taylor Ltd, dated August 2019, Figure 3, Rev 2, Ref: 1009709.

Duration of the consent

44. The take (dewatering) and groundwater diversion consent WAT60341837 shall expire on 8 June 2055 unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the RMA.

Provide for a review under section 128

45. Under section 128 of the RMA the conditions of this consent WAT60339809 may be reviewed by the Manager Resource Consents at the consent holder's cost within six months after Completion of Dewatering and subsequently at intervals of not less than five years thereafter in order:

(a) To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage

(b) To vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:

- ground conditions
- aquifer parameters
- groundwater levels; and

- ground surface movement

Ground Dewatering (Take) and Groundwater Diversion Conditions

Notice of Commencement of Dewatering

46. The Council (Team Leader Compliance Monitoring Central) shall be advised in writing at least 10 working days prior to the date of the Commencement of Dewatering.

Design of Basement walls and Retaining

47. The design and construction of the partial single level basement shall be undertaken in accordance with the specifications contained in the reports referenced below:

(a) Report titled "Hotel Grand Chancellor, 74-80 Wellesley Street West – Geotechnical Interpretive and Groundwater Assessment Report", prepared by Tonkin & Taylor Ltd, Ref: 1009709, dated June 2019.

(b) Drawings titled "Hotel Grand Chancellor – Resource Consent Issue", prepared by Ignite Architects Ltd, Ref: ISL-1424-003-IAL, Rev C, dated 26 June 2019.

(c) Report titled "Hotel Grand Chancellor – Wellesley St Civil Infrastructure Report", prepared by Beca Ltd, dated 2 July 2019.

(d) Report titled "Hotel Grand Chancellor (Auckland) Limited, Proposed New Building and Hotel, 74-80 Wellesley Street West, Auckland Central", prepared by Campbell Brown Planning Ltd, Ref: 1404WEL18, dated 9 July 2019.

(e) Letter titled "Hotel Grand Chancellor, 74 - 80 Wellesley Street West, Auckland Central. Response to Auckland Council Request for Further Information. Application No.: BUN60341835, LUC60341836, WAT60341837", prepared by Tonkin & Taylor Ltd, dated 23 August 2019.

(f) Drawing titled "74-80 Wellesley Street West, Auckland – Construction Monitoring Plan", prepared by Tonkin & Taylor Ltd, dated August 2019, Figure 3, Rev 2, Ref: 1009709.

Excavation Limit

48. The Bulk Excavation shall not extend below 27.8m RL.

Performance Standards - Damage Avoidance

49. All excavation, dewatering systems, retaining structures, basements and works associated with the diversion or taking of groundwater, shall be designed, constructed and maintained so as to avoid Damage to buildings, structures and

Services on the site or adjacent properties, outside that considered as part of the application process unless otherwise agreed in writing with the asset owner.

Alert and Alarm Levels

50. The activity shall not cause any settlement or movement greater than the Alarm Level thresholds specified in Schedule A below. Alert and Alarm Levels are triggered when the following Alert and Alarm Trigger thresholds are exceeded:

Schedule A: Alarm and Alert Levels			
Movement		**Trigger Thresholds (+/-)**	
		Alarm	**Alert**
a)	Differential vertical settlement between any two Ground Surface Deformation Stations (the **Differential Ground Surface Settlement Alarm or Alert Level**)	1:500	1:750
b)	Total vertical settlement from the pre-excavation baseline level at any Ground Surface Deformation Station (the **Total Ground Surface Settlement Alarm or Alert Level**):	15mm	10mm
c)	Differential vertical settlement between any two adjacent Building Deformation Stations (the **Differential Building Settlement Alarm or Alert Level**)	1:750	1:1000
d)	Total vertical settlement from the pre-excavation baseline level at any Building Deformation Station (the **Total Building Settlement Alarm or Alert Level**) BS1 to BS9 BS10 to BS18	 13mm 10mm	 10mm 6mm
e)	Total lateral deflection from the pre-excavation baseline level at any retaining wall deflection station (the **Retaining Wall Deflection Alarm or Alert Level**): RW1 to RW5 RW6 to RW9	 20mm 15mm	 15mm 12mm

Advice note:

The locations of the Monitoring Stations listed in Schedule A are shown on the plan titled "74- 80 Wellesley Street West, Auckland – Construction Monitoring Plan, Figure 3, Rev 2, Ref: 1009709, dated August 2019", prepared by Tonkin & Taylor Ltd. These levels may be amended subject to approval by the Council (Team Leader Compliance Monitoring Central) as part of the Groundwater Settlement

Monitoring and Contingency Plan (GSMCP) approval process, and, after the receipt of pre-dewatering monitoring data, building condition surveys and recommendations from a suitably qualified engineering professional (SQEP), but only to the extent that avoidance of Damage to building, structures and Services can still be achieved.

There are conditions below that must be complied with when the Alert and Alarm Level triggers are exceeded. These include actions that must be taken immediately including seeking the advice of a SQEP.

Alert Level Actions

51. In the event of any Alert Level being exceeded the Consent Holder shall:

    (a) Notify the Council (Team Leader Compliance Monitoring Central) within 24 hours.

    (b) Re-measure all Monitoring Stations within 50m of the affected monitoring location(s) to confirm the extent of apparent movement

    (c) Ensure the data is reviewed, and advice provided, by a SQEP on the need for mitigation measures or other actions necessary to avoid further deformation. Where mitigation measures or other actions are recommended those measures shall be implemented.

    (d) Submit a written report, prepared by the SQEP responsible for overviewing the monitoring, to the Council (Team Leader Compliance Monitoring Central) within five working days of Alert Level exceedance. The report shall provide an analysis of all monitoring data (including wall deflection) relating to the exceedance, actions taken to date to address the issue, recommendations for additional monitoring (i.e. the need for increased frequency or repeat condition survey(s) of building or structures) and recommendations for future remedial actions necessary to prevent Alarm Levels being exceeded.

    (e) Measure and record all Monitoring Stations within 50m of the location of any Alert Level exceedance every two days until such time the written report referred to above has been submitted to the Council (Team Leader Compliance Monitoring Central).

Alarm Level Actions

52. In the event of any Alarm Level being exceeded at any ground deformation pin, building deformation pin, retaining wall deflection pin or inclinometer Monitoring Station the Consent Holder shall:

    (a) Immediately halt construction activity, including excavation, dewatering or any other works that may result in increased deformation, unless halting the activity is considered by a SQEP to be likely to be more harmful (in terms of effects on the environment) than continuing to carry out the activity.

(b) Notify the Council (Team Leader Compliance Monitoring Central) within 24 hours of the Alarm Level exceedance being detected and provide details of the measurements taken.

(c) Undertake a condition survey (this could comprise either a detailed condition survey or an external visual inspection at the discretion of the SQEP responsible for overviewing the monitoring) by a SQEP or suitably qualified building surveyor (SQBS) of any building or structure located adjacent to any Monitoring Station where the Alarm Level has been exceeded.

(d) Take advice from the author of the Alert Level exceedance report (if there was one) on actions required to avoid, remedy, or mitigate adverse effects on ground, buildings or structures that may occur as a result of the exceedance.

(e) Not resume construction activities (or any associated activities), halted in accordance with paragraph (a) above, until any mitigation measures (recommended in accordance with paragraphs (d) above) have been implemented to the satisfaction of a SQEP.

(f) Submit a written report, prepared by the SQEP responsible for overviewing the monitoring, to the Council (Team Leader Compliance Monitoring Central), on the results of the condition survey(s), the mitigation measures implemented and any remedial works and/or agreements with affected parties within five working days of recommencement of works.

Groundwater and Settlement Monitoring and Contingency Plan (GSMCP)

53. At least 10 days prior to the Commencement of Dewatering, a Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) prepared by a SQEP, shall be submitted to the Council (Team Leader Compliance Monitoring Central) for written approval. Any later proposed amendment of the GSMCP shall also be submitted to the Council (Team Leader Compliance Monitoring Central) for written approval.

The overall objective of the GSMCP shall be to set out the practices and procedures to be adopted to ensure compliance with the consent conditions and shall include, at a minimum, the following information:

(a) A monitoring location plan, showing the location and type of all Monitoring Stations including groundwater monitoring bores, ground and building deformation pins, inclinometers and retaining wall deflection pins. The monitoring plan should be based on the plan "74-80 Wellesley Street West, Auckland – Construction Monitoring Plan, Figure 3, Rev 2, Ref: 1009709, dated August 2019", prepared by Tonkin & Taylor Ltd. In any case where the location of a Monitoring Station differs substantively from that shown on the plan referenced above, a written explanation for the difference shall be provided at the same time that the GSMCP is provided.

(b) Final completed schedules B to D (as per the conditions below) for monitoring of ground surface, building and retaining wall deformation (including any proposed changes to the monitoring frequency) as required by conditions below.

(c) All monitoring data, the identification of Services susceptible to Damage and all building/Service condition surveys undertaken to date and required by conditions below.

(d) A bar chart or a schedule, showing the timing and frequency of condition surveys, visual inspections and all other monitoring required by this consent, and a sample report template for the required two monthly monitoring.

(e) All Alert and Alarm Level Triggers (including reasons if changes to such are proposed, for example as a result of recommendations in the building condition surveys or data obtained from pre-dewatering monitoring).

(f) Details of the contingency actions to be implemented if Alert or Alarm Levels are exceeded.

54. All construction, dewatering, monitoring and contingency actions shall be carried out in accordance with the approved GSMCP. No Bulk Excavation (that may affect groundwater levels) or other dewatering activities shall commence until the GSMCP is approved in writing by the Team Leader Compliance Monitoring Central.

Pre-Dewatering Building and Structure Survey

55. Prior to the Commencement of Dewatering, a detailed condition survey of buildings and structures as specified in Schedule B below shall be undertaken by a SQEP or SQBS and a written report shall be prepared and reviewed by the SQEP responsible for overviewing the monitoring. The report shall be submitted for certification by the Team Leader Compliance Monitoring Central.

The detailed condition survey shall include:

(a) Confirmation of the installation of building deformation stations as required in Schedule B below in the locations shown on the plan "74-80 Wellesley Street West, Auckland – Construction Monitoring Plan, Figure 3, Rev 2, Ref: 1009709, dated August 2019", prepared by Tonkin & Taylor Ltd.

(b) A description of the type of foundations.

(c) A description of existing levels of Damage considered to be of an aesthetic or superficial nature.

(d) A description of existing levels of Damage considered to affect the serviceability of the building where visually apparent without recourse to intrusive or destructive investigation.

(e) An assessment as to whether existing Damage may or may not be associated with actual structural Damage and an assessment of the susceptibility of buildings/structures to further movement and Damage.

(f) Photographic evidence of existing observable Damage.

(g) A review of proposed Alarm and Alert Levels to confirm they are appropriately set and confirmation that any ground settlement less than the Alarm Level will not cause Damage.

(h) An assessment of whether the monitoring frequency is appropriate.

(i) An assessment of whether the locations and density of existing building deformation stations are adequate and appropriate for the effective detection of change to building and structure condition.

Advice note:

This condition does not apply where written evidence is provided to the Council (Team Leader Compliance Monitoring Central) that the owner of a property has confirmed they do not require a detailed condition survey.

Schedule B: Buildings/Structures that require Detailed Condition Survey and Installation of Deformation Stations			
Number	**Address**	**Property known as**	**Number of building deformation stations required**
1	72 Wellesley Street West	N/A	6
2	125A Hobson Street	N/A	3
3	84 Wellesley Street West	N/A	9

Pre-Dewatering Services Condition Survey

56. Prior to the Commencement of Dewatering, a condition survey of potentially affected stormwater and wastewater services shall be undertaken in consultation with the relevant service provider.

Advice note:

This condition does not apply to any service where written evidence is provided to the Council (Team Leader Compliance Monitoring Central) that the owner of that service has confirmed they do not require a condition survey.

External Visual Inspections during Dewatering

57. External visual inspections of the surrounding ground and neighbouring buildings and structures shall be undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Inspections are to be carried weekly from the Commencement to Completion of Dewatering. A photographic record is to be kept, including time and date, of each inspection and all observations made during the inspection, and should be of a quality that is fit for purpose.

    The results of the external visual inspections and an assessment of the results are to be reviewed by the SQEP responsible for overviewing the monitoring and included in the bimonthly monitoring report for the relevant monitoring period.

    Advice note:

    This condition does not apply to any land, building or structure where written evidence is provided to the Council (Team Leader Compliance Monitoring Central) confirming that the owner of the land, building or structure does not require visual inspections to be carried out.

    Completion of Dewatering - Building, Structure and Services Condition Surveys

58. Between six and twelve months after Completion of Dewatering a detailed condition survey of all previously surveyed buildings, structures, stormwater, and wastewater Services, shall be undertaken by a SQEP or SQBS and a written report shall be prepared. The report is to be reviewed by the SQEP responsible for overviewing the monitoring and then submitted to the Council (Team Leader Compliance Monitoring Central) within one month of completion of the survey.

    The condition survey report shall make specific comment on those matters identified in the pre-dewatering condition survey. It shall also identify any new Damage that has occurred since the pre-dewatering condition survey was undertaken and provide an assessment of the likely cause of any such Damage.

    Advice Note:

    This condition does not apply to any building, structure, or Service where written evidence is provided to the Council (Team Leader Compliance Monitoring Central) confirming that the owner of that building, structure, or Service does not require a condition survey to be undertaken.

    Additional Surveys

59. Additional condition surveys of any building, structure, or Service within the area defined by the extent of groundwater drawdown or ground movement (as defined in the reports titled "Hotel Grand Chancellor, 74-80 Wellesley Street West – Geotechnical Interpretive and Groundwater Assessment Report", Ref: 1009709, dated June 2019, and "Hotel Grand Chancellor, 74 - 80 Wellesley Street West, Auckland Central. Response to Auckland Council Request for Further Information. Application No.: BUN60341835, LUC60341836, WAT60341837",

dated 23 August 2019, prepared by Tonkin & Taylor Ltd, shall be undertaken, if requested by the Council (Team Leader Compliance Monitoring Central), for the purpose of investigating any Damage potentially caused by ground movement resulting from dewatering or retaining wall deflection. A written report of the results of the survey shall be prepared and/or reviewed by the SQEP responsible for overviewing the monitoring. The report shall be submitted to the Council (Team Leader Compliance Monitoring Central).

The requirement for any such additional condition survey will cease six months after the Completion of Dewatering unless ground settlement or building deformation monitoring indicates movement is still occurring at a level that may result in Damage to buildings, structures, or Services. In such circumstances the period where additional condition surveys may be required will be extended until monitoring shows that movement has stabilised and the risk of Damage to buildings, structures, and Services as a result of the dewatering is no longer present.

Groundwater Monitoring

60. No groundwater level monitoring is required to be undertaken under the GSMCP.

Ground Surface and Building Deformation Monitoring

61. Ground Surface and Building Deformation Monitoring Stations shall be established and maintained at the approximate locations shown on the plan "74-80 Wellesley Street West, Auckland – Construction Monitoring Plan, Figure 3, Rev 2, Ref: 1009709, dated August 2019", prepared by Tonkin & Taylor Ltd. The Monitoring Stations will be monitored at the frequency set out in Schedule C. The purpose of the Monitoring Stations is to record any vertical or horizontal movement. Benchmark positions shall be established no less than 50 metres away from the excavated area.

Schedule C: Ground Surface and Building Monitoring			
Monitoring Station and type	**Frequency**		
	Pre-Commencement of Dewatering	**Commencement to Completion of Dewatering**	**Post- Completion of Dewatering**
Ground: *e.g 7 Points (GS1 to GS7)*	Twice to a horizontal and vertical accuracy of +/- 2mm (achieved by precise levelling)	Weekly	Monthly for 6 months
Buildings: *e.g 18 Points (B1 to B18)*	Twice to a horizontal and vertical accuracy of +/- 2mm (achieved by precise levelling)	Weekly	Monthly for 6 months

The monitoring frequency may be changed, if approved by the Team Leader Compliance Monitoring Central.

Retaining Wall Monitoring

62. Retaining wall deflection stations for the measurement of lateral wall movement, shall be installed along the top of the basement retaining walls for the measurement of lateral displacement shall be installed either within a retaining pile or immediately behind one and extending to the base of the retaining pile, as shown on the plan "74-80 Wellesley Street West, Auckland – Construction Monitoring Plan, Figure 3, Rev 2, Ref: 1009709, dated August 2019", prepared by Tonkin & Taylor Ltd. Monitoring of the retaining wall deflection stations and inclinometers shall be undertaken and recorded in accordance with Schedule D below and shall be carried out using precise levelling.

Schedule D: Retaining Wall Monitoring		
Frequency		
Pre-Commencement of Dewatering	**Commencement of Dewatering to one month after Completion of Excavation**	**One month after Completion of Excavation to Completion of Dewatering**
Twice to a horizontal and vertical accuracy of +/-2mm	Once for every 2 metres depth (on average) of excavation, and, in any case, at a minimum of once weekly.	Fortnightly

The monitoring frequency may be changed, if approved by the Council (Team Leader Compliance Monitoring Central), through the GSMCP.

Access to Third Party Property

63. Where any monitoring, inspection or condition survey in this consent requires access to property/ies owned by a third party, and access is declined or subject to what the consent holder considers to be unreasonable terms, the Consent Holder shall provide a report to the Council (Team Leader Compliance Monitoring Central) prepared by a SQEP identifying an alternative monitoring programme. The report shall describe how the monitoring will provide sufficient early detection of deformation to enable measures to be implemented to prevent Damage to buildings, structures, or Services. Written approval from the Council (Team Leader Compliance Monitoring Central) shall be obtained before an alternative monitoring option is implemented.

Contingency Actions

64. If the Consent Holder becomes aware of any Damage to buildings, structures or Services potentially caused wholly, or in part, by the exercise of this consent, the

Consent Holder shall:

(a) Notify the Council (Team Leader Compliance Monitoring Central) and the asset owner within two working days of the Consent Holder becoming aware of the Damage.

(b) Provide a report prepared by a SQEP (engaged by the Consent Holder at their cost) that describes the Damage; identifies the cause of the Damage; identifies methods to remedy and/or mitigate the Damage that has been caused; identifies the potential for further Damage to occur, and describes actions that will be taken to avoid further Damage.

(c) Provide a copy of the report prepared under (b) above, to the Council (Team Leader Compliance Monitoring Central) and the asset owner within 10 working days of notification under (a) above.

Advice Note:

It is anticipated the Consent Holder will seek the permission of the damaged asset to access the property and asset to enable the inspection/investigation. It is understood that if access is denied the report will be of limited extent.

Building, Structure, and Services Surveys and Inspections

65. A copy of all pre-dewatering building, structure condition surveys, and Service condition surveys and photographic records of external visual inspections required by this consent shall be submitted to the Council (Team Leader Compliance Monitoring Central) with the GSMCP. All other condition surveys and photographic records required by this consent shall be provided to the Council (Team Leader Compliance Monitoring Central) upon request.

Reporting of Monitoring Data

66. At two monthly intervals, a report containing all monitoring data required by conditions of this consent shall be submitted to the Council (Team Leader Compliance Monitoring Central). This report shall include a construction progress timeline, the monitoring data (including the results of condition surveys) recorded in that period, and a comparison of that data with previously recorded data and with the Alert and Alarm Levels for each Monitoring Station.

Upon Completion of Construction, one electronic data file (excel workbook) containing digital data for all groundwater monitoring bores shall be provided to the Council (Team Leader Compliance Monitoring Central). Data should include the monitoring bore name, type, location (NZTM easting / northing and elevation), screened depth for groundwater monitoring bores, absolute and relative readings (and their units of measure) and the date / time of each reading. The worksheets should contain data values only (no formulas, circular references, or links to other sheets).

Requirement for Close-out Report

67. The final post-construction report shall constitute a close-out report and present a summary of overall trends observed on the project and confirmation that monitored readings post-construction (groundwater level, and / or ground and building movement) have reached steady state conditions (accounting for seasonal variation.

Notice of Completion

68. The Council (Team Leader Compliance Monitoring Central) shall be advised in writing within 10 working days of when excavation and dewatering has been completed.

Advice Note

The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge rules that may apply.

Advice Notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*

2. *For the purpose of compliance with the conditions of consent, "the Council" refers to the Council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*

3. *For more information on the resource consent process with Auckland Council see the Council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*

4. *If you disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to s357B of the RMA. Any objection must be made in writing to the Council within 15 working days of receipt of the Council invoice.*

5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

6. *The consent holder is advised that a completed design of the proposed water supply and wastewater infrastructure must be prepared at engineering plan approval stage, and that it must be in accordance with the current Watercare Water and Wastewater Code of Practice for Land Development and Subdivision*

as well as Watercare's standards for material supply, construction and asset data capture.

(i) All public water supply and wastewater works required to service this development shall be designed and constructed by the consent holder at no cost to Watercare.

(ii) The public water supply and wastewater works must be demonstrated to comply with Watercare's requirements in accordance with Watercare's Compliance Statement Policy, Part 1 for Land Development and Subdivision Works.

(iii) Engineering plan approval must be obtained from the Council for all public water supply and wastewater works before construction begins.

(iv) All connections to Watercare's water/wastewater networks shall be made in accordance with Watercare's connection processes, and must comply with the Code of Practice.

(v) Reassessment for water and wastewater capacity will be required if the construction of this development has not commenced within 2 years of the date of grant of consent.

(vi) Watercare will review the proposed water and wastewater design after lodgement of the application to the Council for engineering plan approval and accompanying CS1 and CS2 if applicable.

(vii) All works on existing public wastewater drains and watermains shall be carried out only by a Watercare approved contractor at the applicant's expense.

(viii) Adequate provision shall be made during earthworks associated with construction to protect any existing public wastewater drains and watermains that traverse the site. Any damage to the drains or watermains that may occur during construction shall be the applicant's responsibility.

(ix) This letter does not constitute a guarantee from Watercare to provide a fire fighting capability in accordance with Fire and Emergency New Zealand Code of Practice. Water pressure could change in the future. To comply with FW2 fire risk classification, the installation of a sprinkler system and/or booster pump may be required for commercial, industrial high-rise and mixed-use buildings.

(x) Watercare approval is required before any individual building /lot is connected to the public water and/or wastewater network. An application for new connection shall be submitted to Watercare in conjunction with the application to the Council for building consent.

(xi) Watercare infrastructure growth charges will apply to this development.

Details of the charge are available on the website, watercare.co.nz.

7. *Construction activity that occurs longer than 2 years in duration is not a permitted activity and consent to exceed that timeframe has not been sought nor granted in this application and consent.*

8. *If you are demolishing any building that may have asbestos containing materials (ACM) in it:*

   (i) You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM;

   (ii) If any ACM is found, removal or demolition will need to meet the Health and Safety at Work (Asbestos) Regulations 2016 and the Management and Removal of Asbestos - Approved Code of Practice (WorkSafe, Amended December 2016); and

   (iii) Information on asbestos containing materials and your obligations can be found at www.worksafe.govt.nz.

9. *If archaeological remains are discovered during works, works will have to stop until such time as an authority is obtained.*

Richard Blakey

Chairperson

9 June 2020

Thriving Town Centres - Guidance for Urban Regeneration in Tāmaki Makaurau / Auckland

File No.: CP2021/19727

Te take mō te pūrongo
Purpose of the report

1. To recommend Planning Committee endorse the Eke Panuku guidance document "Thriving Town Centres – guidance for urban regeneration in Tāmaki Makaurau / Auckland".

Whakarāpopototanga matua
Executive summary

2. Thriving Town Centres is a guidance document for the urban regeneration activity Eke Panuku undertakes across Tāmaki Makaurau Auckland. Creating this new guidance document has brought together different stakeholders and interests to develop a shared understanding of the importance of town centres and the common factors that help make town centres successful. It is acknowledged that each town centre is unique and has its own characteristics and this is reflected throughout the guidance.

3. The work builds on Eke Panuku experience of urban regeneration, the diverse aspirations of partners and stakeholders, as well as local and international best-practice. The document is informed by Eke Panuku high-level project plans, masterplans, programme business cases as well as Auckland Council strategies and government policy.

4. Input was provided by the Planning Committee at a workshop on 27 October 2021. This workshop was also attended by Local Board Chairs or their delegates. Extensive stakeholder engagement was undertaken through the development of the guidance. Eke Panuku has engaged with the Eke Panuku mana whenua forum, technical advisory group (TAG), local boards, Auckland Council, Auckland Transport, Auckland Unlimited, Watercare, Independent Māori Statutory Board, and Kāinga Ora Homes and Communities. Key stakeholders have been involved across the urban design and development sectors, business improvement districts (BIDS), youth, disability, social services and community housing sectors. Due to the Covid-19 lockdowns many of these sessions were successfully held online.

5. Suggestions from the Planning Committee workshop, Eke Panuku Board and the comprehensive stakeholder engagement have been incorporated. Thriving Town Centres helps to clarify Eke Panuku's role and approach to urban regeneration in Tāmaki Makaurau Auckland (supporting the CCO review recommendations). The guidance provides a rationale for why town centres matter and how Eke Panuku is involved, provides a series of interconnected principles and criteria, and sets out the Eke Panuku urban regeneration toolbox. It is closely aligned and gives effect to the six outcomes of the Auckland Plan 2050 and the quality compact approach of the development strategy

6. The vision is for Tāmaki Makaurau / Auckland to become a city of strong neighbourhoods, with **thriving town centres** – that capture hearts and energise lives, unlock potential and possibilities, where people, businesses and communities can flourish. Six shared principles are expressed as strategic outcomes that will enable town centres to thrive – unique identity, integrated transport, supportive community, healthy natural environment, urban living and prosperous & robust local economy. The document also includes a toolbox that highlights the main approaches that underpin successful urban regeneration.

7. Following Planning Committee consideration, the Thriving Town Centres guidance will be communicated across Eke Panuku and with partners and stakeholders. It will be used as a guide and reference document for staff, including in design, masterplanning and placemaking, monitoring, assessment of new locations and substantial programme business case review.

Item 13

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) endorse “Thriving Town Centres – Guidance for urban regeneration in Tāmaki Makaurau / Auckland” (Attachment A of the agenda report) as a guidance document for Eke Panuku.

Horopaki
Context

8. Thriving Town Centres helps to implement the Auckland Plan development strategy and the quality compact approach within a city of strong neighbourhoods. Many existing town centres face a range of challenges such as the rise of online retail, decline in business and employment presence, and competition from large-format retail. Covid-19 has exacerbated a number of these existing trends facing local town centres. Although some centres have experienced a quicker ‘bounce back’ due to changes in the way people live and work and the increase in remote, flexible working. Regeneration of town centres offers several opportunities including the ability to support low-carbon lifestyles with daily needs easily accessible within a 15-minute walk.

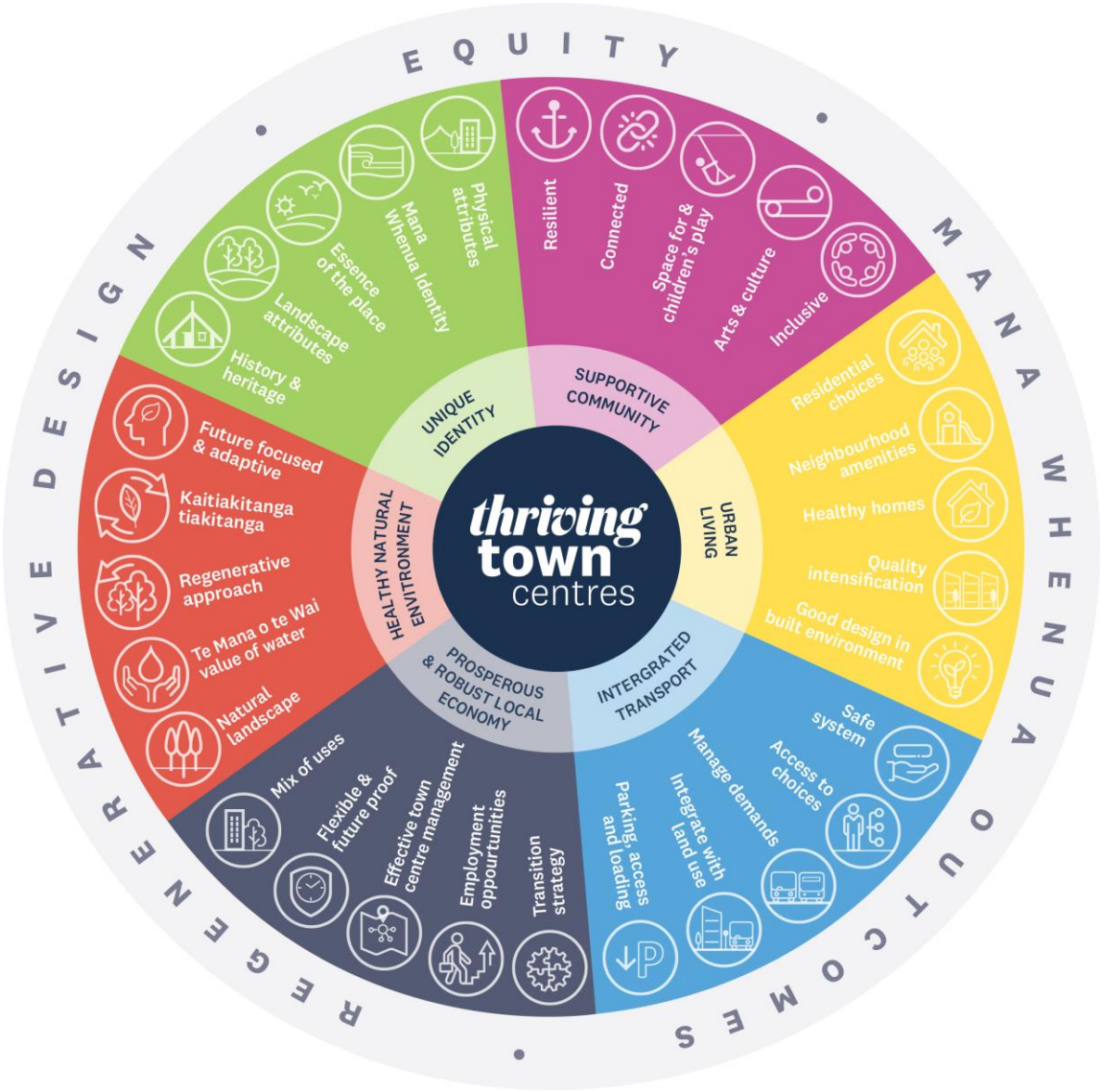
9. Since establishment, Eke Panuku has prepared, and council has endorsed, high-level project plans for each of the town centres Eke Panuku works in. Thriving Town Centres is an opportunity to bring this work together and articulate how urban regeneration activity can help implement strategies such as the Auckland Plan, Local Board Plans, Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan and the Regional Land Transport Strategy.

Tātaritanga me ngā tohutohu
Analysis and advice

10. The Thriving Town Centre guidance (Attachment A) applies to Eke Panuku town centre locations. However, it is hoped that it is also informative and useful for town centres across Tāmaki Makaurau Auckland and, perhaps beyond. The guidelines are provided as principles for a thriving centre for all Eke Panuku partners and stakeholders to consider, they offer guidance, are non-statutory and are not intended as detailed guidance. The guidance is consistent with council and government policy settings.

11. The guidance presents a rationale for why town centres are important. This creates the basis for urban regeneration activity, intervention and priorities. It highlights the trends and long-term factors that drive change in town centres. These present opportunities to create multiple economic, environmental, cultural and social benefits and leverage public and private sector investment within town centre programmes.

12. This guidance defines foundations, principles and criteria to express the common elements of thriving town centres. It describes how urban regeneration can support strategic outcomes such as climate action, low carbon lifestyles, Māori outcomes, facilitate new homes with better transport choices and enable economic opportunities.



13. The guidance also includes a toolbox that summarises how to achieve successful town centres with the tools available to Eke Panuku. This includes how Eke Panuku works together with different stakeholders to achieve thriving town centres through strong partnerships and collaboration. Every group has a distinct role to play to contribute to town centre success.

Item 13

Tauākī whakaaweawe āhuarangi
Climate impact statement

14. The guidance references Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan and Eke Panuku's Climate Change Strategy and supports objectives to establish low carbon, climate resilient communities. In particular, it supports greater housing density close to passenger transport helping to reduce transport emissions, greener communities with walking and cycling opportunities, sustainable building practices and low impact design approaches.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

15. Workshop sessions were held with Auckland Council officers, Auckland Transport, Auckland Unlimited and Watercare to support collaboration and alignment across the group with this project.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

16. Local boards where Eke Panuku are active in their town centres were invited to provide early input at a workshop held on 24 May 2021. This was followed up with the Planning Committee workshop on 27 October 2021 including all local boards to ensure local leadership and advice to the project. The guidance builds on the shared knowledge and relationships Eke Panuku has with the local boards.

17. The guidance will make a positive impact on the planning for and urban regeneration of town centres. Engagement with the community and the importance of local community aspirations are acknowledged.

Tauākī whakaaweawe Māori
Māori impact statement

18. To strengthen the relationship with mana whenua - our treaty partners - a mana whenua perspective on thriving town centres is included in the guidance. The aspirations within this guidance have been designed by iwi who make up the mana whenua forum for Eke Panuku. These aspirations look to benefit all communities across the region and hold wellbeing, equity and inclusivity at its heart. The forum's input was facilitated through a series of hui and several separate caucus sessions to discuss this kaupapa.

19. The Independent Māori Statutory Board Secretariat was also briefed on the project and the mana whenua engagement process with the forum.

Ngā ritenga ā-pūtea
Financial implications

20. Beyond existing budgets, the implementation of the guidance will be subject to the funding available to Eke Panuku for urban regeneration of town centres and to other organisations working in this area.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

21. Project risks were identified and proactively managed through the project plan and project governance. An acknowledged risk is that the guidance cannot be implemented fully everywhere.

Ngā koringa ā-muri
Next steps

22. The guidance will be used by Eke Panuku in several ways including as:

    - Communication and urban advocacy tool for stakeholders & partners
    - Guide and reference document for staff, including induction of new staff
    - Articulate agreed minimum standards with stakeholders
    - Reference for masterplanning and urban design review
    - Framework for town centre monitoring programme
    - Apply in the planning for any new location programmes
    - Apply to any programme level substantial reviews – programme business cases

23. It is intended Thriving Town Centres will be implemented and communicated, both internally and externally, with Eke Panuku from April 2022 onwards.

Item 13

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Thriving Town Centres – Guidance for urban regeneration in Tāmaki Makaurau / Auckland	407

Ngā kaihaina
Signatories

Authors	Naomi Craymer – Principal Strategic Advisor, Eke Panuku Gyles Bendall – General Manager Design & Place, Eke Panuku Brenna Waghorn – General Manager Strategy & Planning, Eke Panuku
Authorisers	David Rankin - Chief Executive - Eke Panuku Megan Tyler - Chief of Strategy

panuku

thriving town centres

Guidance for urban regeneration in
Tāmaki Makaurau / Auckland

panuku.co.nz

What's *inside*

01 HE MIHI
4

02 WELCOME FROM OUR BOARD CHAIR AND CHIEF EXECUTIVE - TE KAIHAUTŪ TE TUMU WHAKARAE
8

03 EKE PANUKU, WHO WE ARE - NGĀ KŌRERO MŌ
12

04 OUR PASSION FOR THRIVING TOWN CENTRES - TŌ MĀTOU KOHARA KIA MOMOHO NGĀ POKAPŪ TĀONE
16

05 PRINCIPLES AND CRITERIA - NGĀ MĀTĀPONO NGĀ MĀTĀPONO ME NGĀ PAEARU
20

06 CHANGING NATURE OF TOWN CENTRES - TE HURINGA O TE ĀHUA O NGĀ POKAPŪ TĀONE
26

07 WHY THRIVING TOWN CENTRES MATTER - HE TAKE I MEA NUI AI TE MOMOHO O NGĀ POKAPŪ TĀONE
32

08 VISION AND PRINCIPALS - TE TIROHANGA WHĀNUI ME NGĀ MĀTĀPONO
36

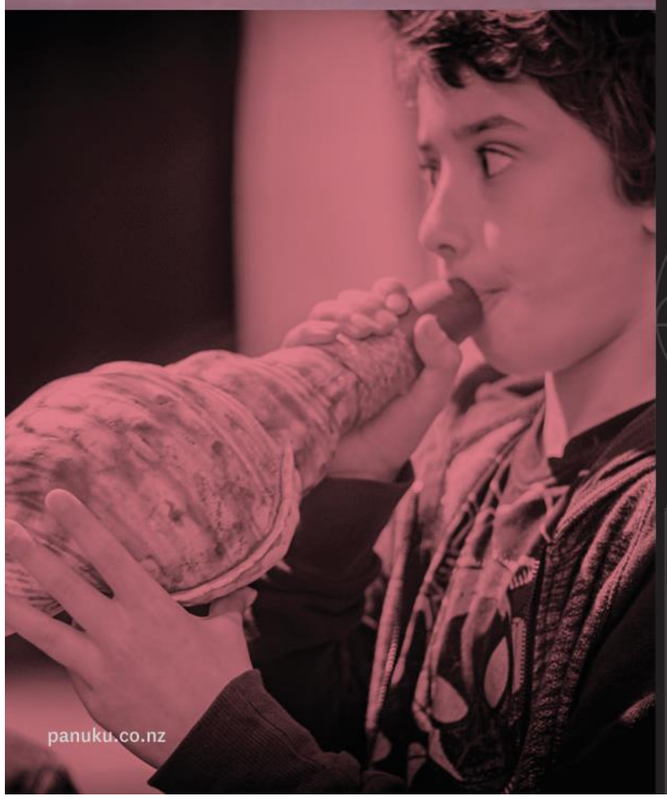
09 THE EKE PANUKU TOOLBOX - TE KETE TAPUTAPU A EKE PANUKU
52

10 RELATIONSHIPS AND PARTNERSHIPS - NGĀ HONONGA ME NGĀ PATUITANGA
60

panuku.co.nz

Eke Panuku Development Auckland

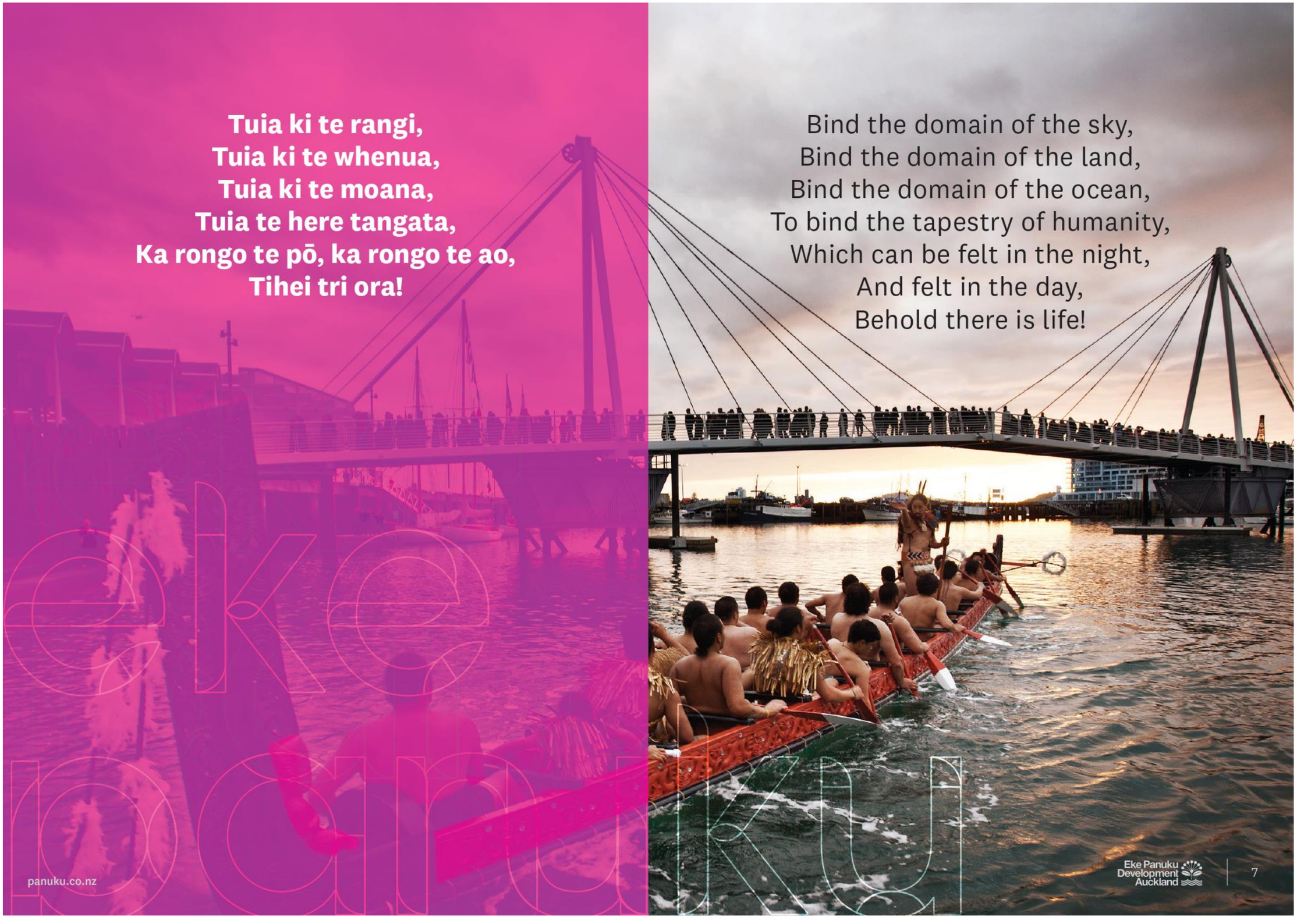
3



01

He mihi

eke panuku


Tuia ki te rangi,
Tuia ki te whenua,
Tuia ki te moana,
Tuia te here tangata,
Ka rongo te pō, ka rongo te ao,
Tihei tri ora!
Bind the domain of the sky,
Bind the domain of the land,
Bind the domain of the ocean,
To bind the tapestry of humanity,
Which can be felt in the night,
And felt in the day,
Behold there is life!
eke panuku
panuku.co.nz
Eke Panuku Development Auckland
7

02

Welcome

from our Board Chair and Chief Executive

Te Kaihautū Te Tumu Whakarae

Nau mai rā, kia kitea ai tā mātou e tūmanako nei e pā ana ki te momoho o ngā hapori o Tāmaki Makaurau. E ora ai te iwi, me mātua tōnui te hapori me ō rātou takiwā noho.

Paul Majurey
Eke Panuku Chair

David Rankin
Eke Panuku
Chief Executive

Welcome to the Thriving Town Centres guidance for the urban regeneration of Auckland's town centres. This is a celebration of the local town centre – those enduring places at the heart of our communities.

Town centres are, at their essence, the marketplaces where people trade and exchange, gather and connect. This is where the communities build enterprise and cohesion.

Eke Panuku is passionate about creating thriving town centres where people, communities and businesses flourish.

Tāmaki Makaurau / Auckland is one of thousands of cities worldwide that is working to revitalise urban places and reconnect people with their local communities. Global and local challenges such as climate change, affordable housing and recovery from the Covid-19 pandemic highlight the need for adaptive and innovative approaches. We take a holistic, place-led approach to our regeneration programmes to improve social, cultural, economic and environmental wellbeing.

Partnership and collaboration are essential to our work in urban regeneration. This is reflected throughout this guideline in our operating context, shared vision and principles, as well as the tools that we use. Mana whenua world views, mātauranga Māori and te reo are highlighted.

This guidance consolidates the experiences and lessons learnt from the urban regeneration of Auckland town centres. Six common principles for successful, thriving town centres have been gathered through a comprehensive engagement process with our partners and stakeholders.The principles recognise that each town centre is unique with its own character, history, and identity. We encourage you to use these principles and to consider where your work can add value to support local town centres to thrive.

In our toolbox we highlight nine main approaches that will help create successful town centres. We hope these provide insights and advice for others on how urban regeneration activity is delivered in a New Zealand context.

We are delighted to share this document with you and look forward to continuing to work together to create thriving town centres for all.

panuku.co.nz

03

14 Eke Panuku Strategic Framework -

15 Map of Eke Panuku town centres - **Te Mahere o ngā Pokapū Tāone o Eke Panuku**

Eke Panuku, Who we are

Ngā Kōrero mō mātou

EKE PANUKU STRATEGIC FRAMEWORK – TE REO TO COME

We are a council-controlled organisation (CCO) delivering urban regeneration in specific locations of Tāmaki Makaurau / Auckland.

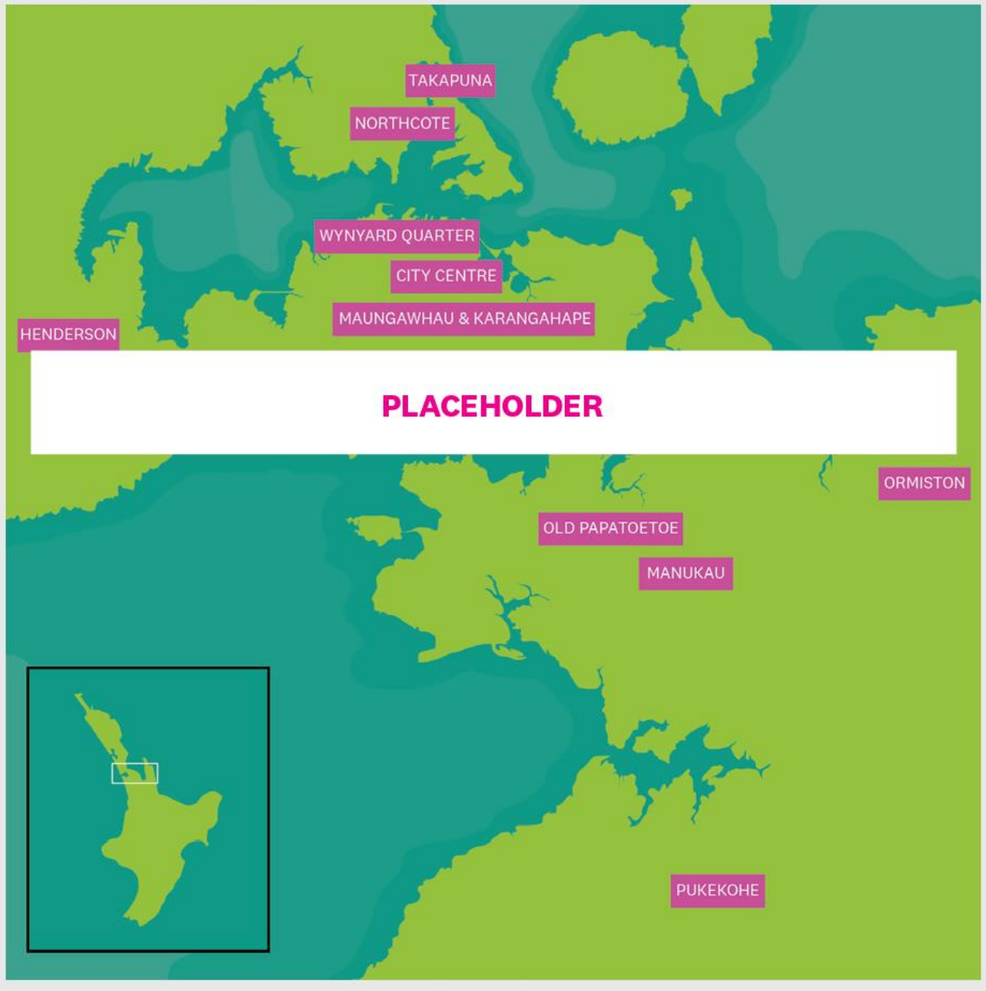
Within the Toolbox (section 9) there is further explanation of our strategic framework.

Eke Panuku has two core functions:

1 Our urban regeneration programmes across Tāmaki Makaurau/Auckland with a focus on town centres and locations agreed with Auckland Council.

2 Our property portfolio where we manage $2.3 billion of the council's non-service properties.

Map of Eke Panuku town centres - **Te Mahere o ngā Pokapū Tāone o Eke Panuku**



Eke Panuku town centre locations have been agreed with Auckland Council as priority places for our involvement and investment[1].

The town centres we work in range in size, from the Auckland city centre and waterfront, metropolitan centres such as Manukau and Takapuna, to smaller more local centres such as Avondale and Papatoetoe.

[1] Selection criteria includes: presence of key council land holdings, scale and impact, commercial viability, leveraging previous investment, proximity to public transport and partnership opportunities.

panuku.co.nz

04

18 Why we've prepared this document – **He take kua whakaritea tēnei aratohu**

19 Who's provided input? – **Ko wai kua tuku whakaaro mai?**

Our passion for thriving town centres

Tō mātou kohara kia momoho ngā pokapū tāone

At Eke Panuku, we have a bold ambition to achieve thriving town centres through place-based programmes and partnerships. Our Vision is to create amazing places and we do that by working closely with others.

As Tāmaki Makaurau / Auckland's urban regeneration agency, our focus is on strengthening and growing communities around thriving town centres. This guidance defines our core principles and critical success factors based on social, environmental, cultural and economic values. It describes our strategic urban regeneration approach and how we support climate action, low-carbon lifestyles, Māori outcomes, facilitate new kāinga (homes) with better transport choices and enable economic opportunities.

WHY WE'VE PREPARED THIS DOCUMENT – HE TAKE KUA WHAKARITEA TĒNEI TUHINGA

This guidance applies to our town centre locations; we recognise that each town centre is different. The guidance is provided as principles for a thriving centre for all our partners and stakeholders to consider - they offer guidance, are non-statutory, and not intended as technical guidelines.

The guidelines have been designed to:

- capture a common understanding of how, to become successful in this mission, everyone has a role to contribute
- guide us in our approach to town centre regeneration, clarifying our role and approach with our partners, stakeholders and the communities with whom we work
- bring together our experience of urban regeneration, a diversity of views and aspirations, market realities, plus indigenous, local and international best practice
- be flexible enough to reflect the aspirations and needs of different communities, while practical enough to be brought to reality given market and resource constraints and conditions
- be consistent with council and government planning and policy settings, including the Government Policy Statement on Housing & Urban Development, National Policy Statement Urban Development, Auckland Plan 2050, Local Board Plans, Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, Regional Land Transport Strategy, Thriving Communities and Economic Development Action Plan 2021-2024.

To strengthen our relationship with mana whenua - our treaty partners - their perspective on thriving town centres is included in this guidance. The aspirations within this document have been designed by iwi who make up the mana whenua forum for Eke Panuku. They look to benefit all communities across the region and hold wellbeing, equity and inclusivity at their heart.

WHO HAS PROVIDED INPUT? – KO WAI KUA TUKU WHAKAARO MAI?

We have undertaken a comprehensive engagement process to help develop the guidance. The generous sharing of information and ideas from these different groups has helped to ensure that the guidance benefits from diverse perspectives, values and experience.

We have engaged with our mana whenua forum, local boards, Te Kaunihera o Tāmaki Makaurau/ Auckland Council, Auckland Transport, Auckland Unlimited, Watercare, the Independent Māori Statutory Board, and Kāinga Ora Homes and Communities. We have also involved key stakeholders across urban design, the development sector, business improvement districts (BIDS), youth, disability and social services, and community housing sectors, alongside the whole Eke Panuku organisation.

05

22 Vision - **Te tirohanga whānui**
22 Foundations - **Te tūāpapa**
22 Mana whenua outcomes - **Ngā hua ā-mana whenua**
23 **Mātauranga Māori**
23 **Take Mauri, Take Hono**
25 Regenerative practice - **He tikanga whakaora ake**
25 Equity - **Te wairua tōkeke**

Principles and criteria

Ngā mātāpono Ngā Mātāpono me ngā Paearu

VISION – TE TIROHANGA WHĀNUI

Creating amazing places – thriving town centres

Tāmaki Makaurau / Auckland is a city of strong neighbourhoods with town centres that capture hearts and energise lives, unlocking potential and possibilities, where people can thrive.

FOUNDATIONS – TE TŪĀPAPA

People and place are at the heart of our work – our approach to town centre regeneration builds on the following foundations that are woven throughout our principles and criteria:

- **Mana whenua** outcomes
- **Regenerative** practice shifting beyond sustainable thinking
- **Equity** and communities of greatest need.

MANA WHENUA OUTCOMES – NGĀ PUTANGA Ā-MANA WHENUA

Eke Panuku is committed to upholding the principles of Te Tiriti o Waitangi (the Treaty of Waitangi, Aotearoa / New Zealand's founding document) and respecting the mana motuhake (independence, sovereignty) of the 19 independent iwi who represent mana whenua in Tāmaki Makaurau. The mahi ngātahi (collaboration) between Eke Panuku and mana whenua promotes te ao Māori (the Māori worldview) across Tāmaki Makaurau, and this is a hugely important part of our everyday mahi (work).

The regeneration of town centres, neighbourhoods, built environments and public spaces in Tāmaki Makaurau, is a chance to embed Māori identity as well as to grow opportunities for mana whenua, who tell us that their stories are hidden, and waiting to emerge from the landscape.

Māori identity and culture are Tāmaki Makaurau / Auckland's unique point of difference in the world. Iwi, hapū, whānau, and Māori communities (also known as mātāwaka) aspire to have healthy and prosperous lives. Mana whenua outcomes have been defined as the areas that matter most to whānau, marae, iwi, and communities – outcomes that will support and progress towards these aspirations.

Collaboratively created and monitored, the Mana Whenua Outcomes Framework - Te Anga Putanga a ngā Mana Whenua - signifies a partnership based on mutual respect and wellbeing. We share an interest in a place-based approach where impact and outcomes are not limited by lines on maps. Mana whenua outcomes have been identified as a foundation in the development of this town centre guidance.

The Mana Whenua Outcomes have been arranged into five pou (pillars). Located at the heart of the Outcomes Framework, these pou – te pou mō te mana hautu (governance), te pou mō te ahurea tuakiri (culture and identity), te pou ōhanga (economic), te pou oranga (wellbeing), and te pou mō te taiao māori (natural environment) help us to organise and focus outcomes into common activities.

FIVE POU OF THE MANA WHENUA OUTCOMES

Aspects of the five pou are woven through the town centre principles and criteria that follow.

Mātauranga Māori

There is significant regional variation of mātauranga Māori (Māori knowledge). Mana whenua are not a homogenous group and mātauranga varies between iwi, hapū, and whānau. Efforts should be made to connect with specific mana whenua who hold authority pertaining to the rohe (boundaries) of each project and to attain appropriate representation of mana whenua based on each distinct location. These are essential steps in ensuring positive Māori outcomes.

To respond effectively to the needs and aspirations of mana whenua and Māori communities, this guidance seeks to reflect te ao Māori and be informed by mātauranga Māori. A holistic Māori world view and regenerative practice recognises that Eke Panuku projects have the ability to influence the mauri (life essence) of the project both positively and negatively.

Take Mauri, Take Hono

Eke Panuku continues to evolve and develop approaches, frameworks and tools with mana whenua. Take Mauri, Take Hono is an assessment tool developed by mana whenua representatives for Eke Panuku. It reflects best practice for the evaluation and assessment of project development from the viewpoint of mana whenua. While the framework was designed to enhance the mauri of ecological settings, it reflects the values of te ao Māori that are applicable to many other projects. This tool needs to be applied on a case-by-case basis and is described in more detail in the Toolbox.

REGENERATIVE PRACTICE – HE TIKANGA WHAKAORA AKE

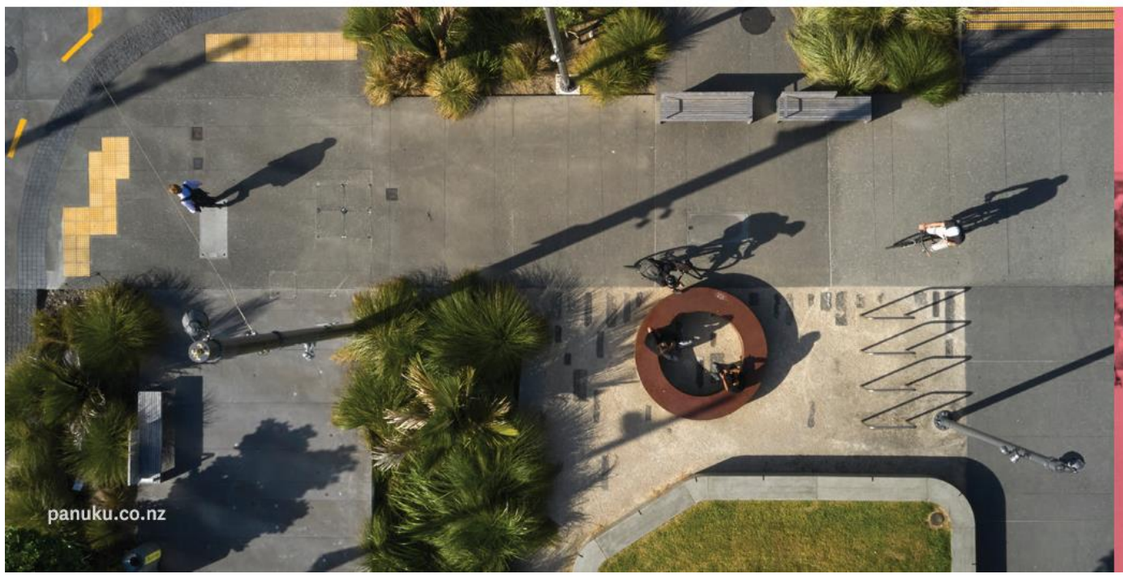
Regenerative approach – using a whole-system approach to strive for a future that is richer, healthier and more abundant through the evolution of natural, social and economic systems. Considering these living systems as nested and inextricably linked, we can support a future where a greater population and density can lead to a thriving economy, community and environment. Regenerative practice acknowledges that our town centres and their surrounding catchments have inherent natural attributes and potential

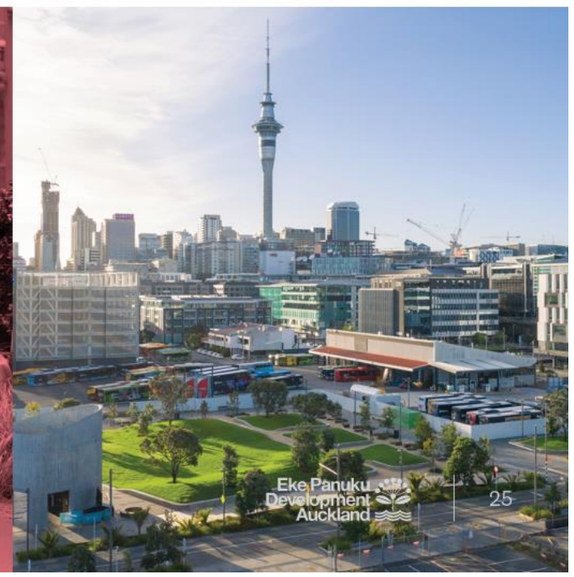
EQUITY[3] – TE WAIRUA TŌKEKE

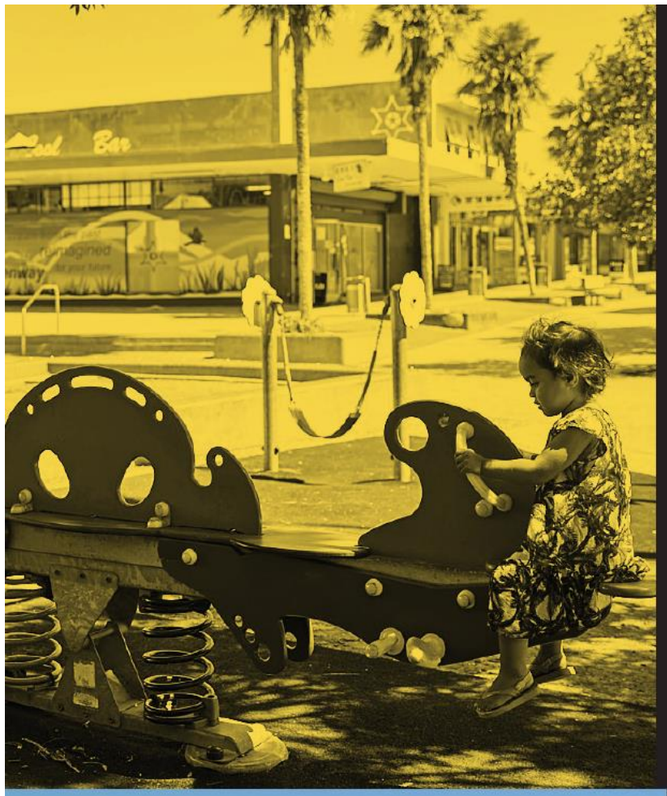
Equity –the Auckland Plan's goal is to enable all Aucklanders to feel part of and contribute to society, access opportunities and to develop to their full potential. Increasing equity means removing barriers and extending the range of opportunities and choices available for Aucklanders to participate in society in a way that they value. It also involves building people's capabilities to make the most of opportunities available to them. Equity also encompasses support for the most vulnerable members of society and directing resources to where they will have the greatest impact. Thinking about equity means considering the distribution of impacts (positive and negative) across society, taking particular account of vulnerable groups or people in vulnerable situations[4].

[3]Auckland Plan, Belonging and Participation outcome

[4]Communities of Greatest Need Practice Note (July 2021), Auckland Council, Thriving Communities 2018







06

28 The nature of town centres - **Te āhua o ngā pokapū tāone**
28 Current trends - **Ngā ia o te wā**
30 Future drivers of change - **Ngā ākinga o anamata mō te huringa**

Changing nature of town centres

Te huringa o te a o ngā pokapū tāone

Town centres are the heart of neighbourhoods, the focal points for their community. A town centre is an enduring location that offers a mix of activities and services.

THE NATURE OF TOWN CENTRES – TE ĀHUA O NGĀ POKAPŪ TĀONE

Town centres originally developed as places for the exchange of goods and services, as well as gathering places for people providing democratic spaces where communities can gather. As they have evolved over time, the civic nature of town centres as places for ideas, creativity and innovation - as well as social and cultural exchange, and places to live - has become a significant part of urban life. Their character, that reflects their history, heritage and contemporary culture, means they are a focus and the heart the community.

CURRENT TRENDS – NGĀ IA O TE WĀ

Many of our local town centres face significant challenges, including:

- a shift in business practices that has caused a decline in civic, business and employment presence. This has led to shop vacancies, empty office spaces, a loss of public amenity, such as council offices, government agencies and traditional local services e.g. banks, with a resulting loss of activity and vibrancy
- reduced investment in amenity and public realm, leading to a poor experience for the community and visitors, as well as reduced safety or a reduced perception of safety
- the dominance of vehicle infrastructure, larger roads and under-utilised parking, creating a poor-quality environment
- growth of online retail from 9% market share (2019) to 11% market share (2020), with significant expansion of online retail anticipated to continue
- online supermarket deliveries, which are changing the role of supermarkets and their function as anchors in centres
- concentration of retail activity in malls and large-format stores serving much larger catchments - shops offering comparison goods often locate out of centres, posing risks to town centres that may struggle to diversify their offering
- lack of leisure opportunities located in local centres
- the Covid-19 pandemic, which has accelerated a number of these existing trends, including a shift to more online retail and changes to the way people choose to live and work.

[11]Community Insights data or public life survey – check and add here
[12]NZ Post (2021) The Full Download

There are many reasons for optimism, however, as town centres respond and adapt, rebuilding on their fundamentals as places for goods, services and social exchange.

- Town centres can become destinations, focused on their unique offering providing opportunities for people to meet in safe, comfortable spaces that are place-led and responsive to the neighbourhoods they serve while attracting visitors.
- The recognition of the character and individuality of centres, with less demolition and more adaptive reuse of historic buildings.
- Town centres can diversify their offering. There are opportunities to restore and enhance social and community connections in centres through placemaking, shop-local campaigns, community functions and services, activations, and events.

- The Covid-19 pandemic has impacted the local town centres of Tāmaki Makaurau / Auckland in different ways, depending on the nature of the local economy. Many town centres have enjoyed a strong bounce-back as people spend more time in their local areas.
- Town centre retail can provide a personal customer experience and knowledge in-store.
- Despite the challenges of Covid-19 lockdowns, hospitality has been a growing sector for local centres. This sector helps to increase activity and people in the centre, including the night-time economy.
- People are increasingly placing value on flexibility in the way they work, working from home, close to home or close to the rapid transport network. Locally focused centres are benefiting from these structural employment changes.
- Multi-purpose community facilities and services help to attract people to visit and stay in a centre, while also increasing foot traffic.

FUTURE DRIVERS OF CHANGE – NGĀ ĀKINGA O ANAMATA MŌ TE HURINGA

Our planning for town centres needs to think long-term and consider the impact of large-scale, high-impact and often interconnected forces that will shape our society and economy in the future[6]. As the Covid-19 pandemic has highlighted, a significant challenge facing our communities and town centres today is that the pace of change is increasing at an exponential rate. We live in a dynamic world where our social, economic and ecological systems are experiencing changes faster than ever before. This requires us to develop new capability and capacity, and to embrace innovation and change as an ongoing opportunity.

These are the large-scale megatrends that are likely to shape the nature, function and experience of town centres over the long-term[7].

Town centres will continue to evolve and adapt as they address these drivers of change and leverage new opportunities. Plans for town centres today need to be aware of and consider how things will change in the future. This approach emphasises:

- resilient communities around town centres that empower individuals, whānau and businesses, equipping them to navigate increasing change
- mana whenua, indigenous and holistic approaches
- flexible, adaptable and multi-use buildings and places
- circular systems, regenerative practice, reuse and repair
- residential and transport choices that consider universal design, ageing in place, smaller households and larger multigenerational living
- decentralised systems for energy, transport, food and water
- changes in the way we work
- transition from current state to future state.

[6]Megatrends (Feb 2021), Auckland Council, Futures Toolkit
[7]Ibid.

07

34 Accommodate growth - **Te whakarite kia kaha ake te tupu**

34 Enable low carbon living - **Te tuku kia ora me te iti te waro**

35 Support community connection - **Te tautoko i te hononga ā-hapori**

35 Provide economic benefits - **Te tuku hua ā-ōhanga**

35 Use existing infrastructure - **Te whakamahi i ngā hanga matua kua tū kē**

Why thriving town centres matter

He take i whaitake ai te momoho o ngā pokapū tāone

WHY TOWN CENTRES ARE IMPORTANT? HE TAKE I WHAKAHIRAHIRA AI NGĀ POKAPŪ TĀONE

Research[8] continuously reinforces the importance of our mission to redevelop town centres as places to:

Accommodate growth - Te whakarite kia kaha ake te tupu

Thriving town centres deliver a quality compact approach[9] to future growth and development:

- One of the fastest-growing cities in the southern hemisphere, over the next 30 years it is estimated Tāmaki Makaurau / Auckland could grow from 1.7 million people to around 2.4 million. Town centres will play a role in providing new homes, jobs and services for this expanding population. Over the next 30 years, around 62% of development is anticipated to be within in the existing urban area, with an additional 32% of development in future urban areas[10].
- Increasingly, people want to access their daily needs within a walkable neighbourhood, and thriving town centres cater to this demand.
- Safe, affordable and secure housing is an ongoing challenge. Significant increases to the supply of new housing are needed to provide secure and healthy homes for Aucklanders.

Enable low carbon living - Te tuku kia ora me te iti te waro

Thriving town centres can support low carbon lifestyles[11] by:

- Taking bold action to reduce our greenhouse gas emissions by changing how we live, work and travel
- Planning land-use and transport planning to help shift to an eco-friendly, resilient region - 68% of Auckland's emissions relate to transport. New, mixed-use developments reduce the need for private vehicle travel with less need for trips, shorter trips, more walking and cycling, and better access to public transport
- Preparing communities for a changing climate and improving resilience (the ability to recover quickly) across health, wellbeing, infrastructure and the built and natural environments
- Supporting the Auckland Council urban ngahere (urban forest) strategy to increase tree canopy cover region-wide, which will support the many ecological functions and services the urban ngahere provides[12].

[8]Town Centre Guidelines research paper (Feb 2022)
[9]Auckland Plan 2050 Development Strategy
[10]Auckland Plan 2050 Development Strategy – Auckland's capacity for growth
[11]Te Tāruke-ā-Tāwhiri Auckland climate plan
[12]Auckland's Urban Ngahere (Forest) Strategy

Support community connection - Te tautoko te hononga ā-hapori

Thriving town centres can foster more connected and equitable communities[13] through:

- Shared spaces where civic, social and cultural life can flourish - an important way to develop a connected, inclusive society
- Welcoming and safe places that can help combat loneliness, depression and isolation, offering everyday interactions that are proven to support positive relationships, improve our perception of safety and contribute to our sense of community
- Neighbourhoods that reflect mana whenua identity, local character, diversity, heritage and culture
- Prioritising communities with limited access to social and economic resources and opportunities, ensuring that vulnerable communities - including people experiencing homelessness - are supported.

Provide economic benefits - Te tuku hua ā-ōhanga

Thriving town centres encourage business and employment growth and opportunities:[14]

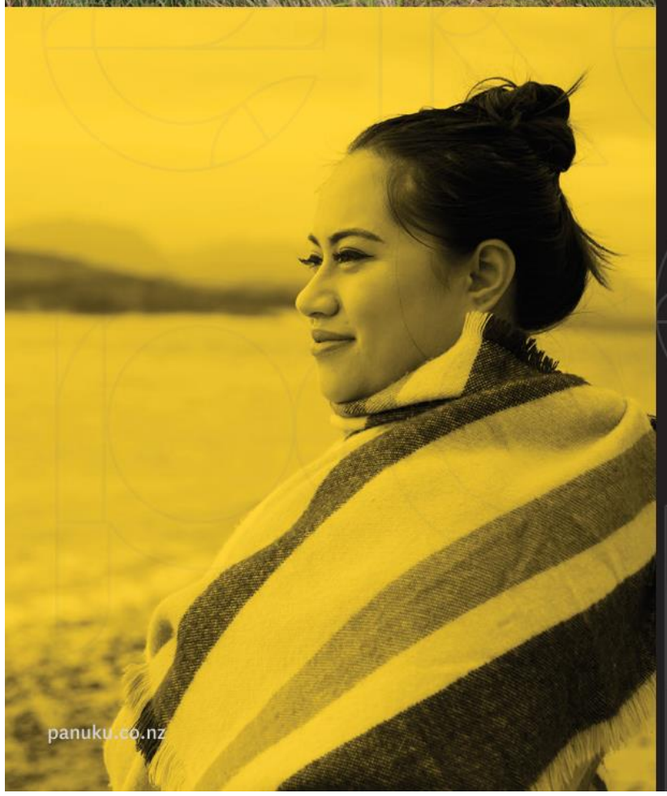
- Increasing opportunities for local economic growth, employment and investment that help retain spend within the neighbourhood catchment
- Supporting the city's local economic centres through high-quality, place-led urban regeneration projects, transit-oriented development, employment opportunities and attractive public realm.

Use existing infrastructure - Te whakamahi i ngā hanga matua kua tū kē

Thriving town centres in existing urban locations optimise the use of existing infrastructure[15], such as:

- Quality infrastructure systems that enable more housing choice, including affordable housing options, and provide value in terms of whole-of-life costs
- Maximising economies of scale in infrastructure investment through higher-density employment and housing clusters supported by quality, frequent public transport and community services (e.g. health, education)
- Encouraging the repurposing or redevelopment of buildings and spaces
- Optimising urban public spaces as Tāmaki Makaurau / Auckland grows to provide people with access to quality experiences. Including open space, sports fields, parks, greenways, walkways, cycleways, roads and streets, town squares and plazas.

[13]Auckland Plan Belonging & Participation
[14]Economic Development Action Plan 2021-2024
[15]Auckland Plan 2050 and Auckland's 30-year Infrastructure Strategy



08

38 Principles and criteria - **Ngā mātāpono me te Paearu**

40 Unique identity - **Te tuakiri ahurei**

42 Integrated transport - **Te kōmititanga o ngā waka**

44 Supportive community - **He Hapori Tautoko**

46 Healthy natural environment - **Te taiao hauora**

48 Urban living - **Te noho ā-tāone**

50 Prosperous and robust local economy - **Te ōhanga ā-rohe pātata e tōnui ana, e ruarangi ana**

Vision and Principles
Te Tirohanga Whānui me ngā Mātāpono

PRINCIPLES AND CRITERIA – NGĀ MĀTĀPONO ME TE PAEARU

Principles are the strategic outcomes that will enable town centres to thrive. Criteria are used to identify the main attributes that will help achieve success under each of the principles.

It is anticipated that some criteria will be more relevant than others, depending on the unique characteristics of each town centre and its location and history.

The combined principles and criteria will guide Eke Panuku urban regeneration programmes, and will be used:

- as a communication and advocacy tool for stakeholders & partners
- as a guide and reference document for staff
- to articulate agreed minimum standards
- as a reference for masterplanning & urban design review
- as a framework for town centre monitoring
- to apply in the planning for any new location programmes
- to apply to any programme-level substantial reviews.

[15]Auckland Plan, Belonging and Participation outcome
[16]Communities of Greatest Need Practice Note (July 2021), Auckland Council, Thriving Communities 2018

UNIQUE IDENTITY – TE TUAKIRI AHUREI

Create a feeling of belonging for people to be proud of and express a point of difference.

The unique, place-led identity of a town centre creates a feeling of belonging and strong sense of place. Such individuality helps foster genuine community attachment and pride, giving the town centre its own point of difference. This is represented through natural and built features, the local culture and history, and of course the people who live there. These all contribute to a place's identity in a positive way. Mana whenua values, pūrākau (myths / legends) and narratives will provide a deep understanding of the place and community connection to the wider region.

CRITERIA	GUIDELINES THROUGHOUT THE PRINCIPLES
1.1 Mana whenua identity	Seek opportunity to express mana whenua identity in public realm and buildings.
1.2 Built attributes	Create physical attributes which will be unique for each town centre. This can include buildings, public art or elements of public realm that reflect the community.
1.3 Essence of place	Embed the character of local community, culture and economy in the design, look and feel of a town centre. Provide opportunity for cultural practice and events to be visible and occur in place. Create an authentic and genuine attachment for a local community.
1.4 Landscape attributes	Enhance natural features within the landscape that define uniqueness of place. This includes views and vistas to the characteristic elements - maunga (mountains), water, recognisable trees or planting.
1.5 History & heritage	Respect and maintain identity of heritage features and characteristics. Draw out stories of the past and celebrate our traditions.

INTEGRATED TRANSPORT – TE KŌMITITANGA O NGĀ WAKA

Integrate strategies, for land use and transport, to design, plan and create safe, accessible centres for all.

Well-planned land use acts as a catalyst for change in transport uses to support active modes (walking and cycling) and public transport for local trips, whilst recognising other modes and servicing. This approach has a potential to reduce emissions, increase safety, improve public health, support urban intensification, and provide inclusive, equitable access.

CRITERIA	GUIDANCE
2.1 Integrate land use and transport	Ensure transport and land use strategies align to promote similar objectives, priorities and outcomes based on principles for transit-oriented developments (TOD). TOD is an approach that maximises the mix of uses, predominantly residential, business and leisure space within walking distance of public transport. Consider how the type, scale and capacity of different activities can encourage local trips.
2.2 Healthy and safe transport movement and networks	Create integrated strategies to contribute to improved public health outcomes, reducing emissions to improve air quality, managing noise levels, and planning streets that are green, healthy and safe. Enable universal accessibility to transport choices for all users, catering for vulnerable and disadvantaged people with specific needs. Prepare strategies for safety - e.g., speed management, street design etc - should be identified and the benefits they bring to all modes and users.
2.3 Accessible neighbourhoods for all	Provide transport choices for all people of all ages and abilities – equity is vital here. Prioritise, and make attractive, safe active modes – walking and cycling – in centres, supported by well-designed facilities and infrastructure. Design legible places with high-quality public realm, including street tree planting, to encourage people to access their daily needs within a 15-minute walk of their homes.
2.4 Manage transport demands	Use emerging technologies to encourage alternative travel modes (e.g. travel-planning apps) that can be part of a whole-journey approach.
2.5 Parking, access and loading	Actively manage and balance the provision of parking and loading to support the viability and vitality of town centres, encouraging active modes and the use of public transport. Minimise visual impacts through design. Use new technologies to optimise all transport modes. Provide charging points for cars and cycles and encourage shared car programmes. Integrate freight, loading and servicing requirements to support business and commercial activities.

SUPPORTIVE COMMUNITY – HE HAPORI TAUTOKO

Encourage connected, resilient places designed for all

Places that are connected and designed for all enable supportive communities to flourish and become more resilient. With these attributes, people feel a sense of belonging and civic pride in their local centre as a place where people can - and actively want to - connect, gather and celebrate locally. Art and culture, especially important in a city as multicultural as Tāmaki Makaurau / Auckland provide multiple opportunities for expression, awareness, learning, entertainment, leisure, personal growth and improving communication with others. An inclusive community values all its members, enabling people to feel involved, live with dignity, engage actively, and contribute to their community.

CRITERIA	GUIDANCE
3.1 Inclusive & accessible	Create inclusive, accessible, safe places that welcome a diverse range of communities and can support and encourage all users to participate. Foster a culture of respect by providing the opportunity to learn about and accept individual differences. Consider the impact of town centre changes on all communities to ensure that life is not made harder for our vulnerable citizens.
3.2 Connected	Ensure there are spaces that are welcoming, safe and inspire community connections through informal interactions and serendipitous meetings. Spaces where local events and civic community life can take place. in public spaces such as libraries, town squares, playgrounds and parks. Create opportunities for informal interaction and community activity to strengthen community bonds.
3.3 Space for all ages	Consider children, young people and older people when designing spaces in town centres. Include fun and play for children, and safe spaces for seniors. This will enable a sense of belonging for a wide range of the community and help to activate the space.
3.4 Resilient	Create resilient communities which are better able to withstand and recover from the impact of disasters and crises. Work alongside communities to ensure they can collaborate and be resilient in the face of ongoing change. Ensure communities are connected, and that neighbours can get to know one another.
3.5 Arts and culture	Value the importance of arts, culture to create opportunities that foster a strong sense of belonging.

HEALTHY NATURAL ENVIRONMENT – TE TAIAO HAUORA

Enable the regeneration of health and wellbeing for people, place and nature.

Quality urban places nurture and support the natural environment alongside the built environment. Supporting a shift towards low carbon futures, a healthy and thriving natural environment enables the regeneration of health and wellbeing for people, place and nature.

CRITERIA	GUIDANCE
4.1 Future-focused and adaptive	Create resilient, future-focused town centres that acknowledge the uncertainty, and plan for the projected changes to the climate such as increase in temperature, sea-level rise and extreme weather events. Ensure that design and planning include the need for adaptability and agility.
4.2 Low-carbon futures	Use a systems-based approach to support a shift towards low-carbon, resilient places that reduce greenhouse gas emissions, mitigate urban heat island effects and reduce flood risk. This also includes how we approach projects and work with local communities to ensure behavioural change. Include low-impact design interventions such as using energy efficient, low-carbon materials, environmental planting and daylighting of streams, while addressing construction and demolition waste through designing out waste, reusing materials and diverting from landfill.
4.3 Te Mana o te Wai (the value of water)	Value the role water plays in the health and wellbeing of Tāmaki Makaurau / Auckland. Work with water-sensitive design to both improve water efficiency / management and reduce waste. Ensure that designs improves the health of awa (rivers) and moana (ocean), and that the deep connection with water is supported, enabled and enriched.
4.4 Natural landscape	Work to rebalance nature within our city, seeing it as part of a functioning ecosystem and the role that it has in supporting biodiversity and wellbeing. This includes increasing canopy cover through tree planting, stream restoration and supporting green infrastructure projects. Recognise, respect, celebrate and protect the significant natural features such as maunga (mountains), awa and ngahere.
4.5 Kaitiakitanga tiakitanga	Collaborate with and support other organisations and other people to ensure a thriving natural environmental. Seek to enable mana whenua to enact their role as kaitiaki (guardians) and support a growing role for tiakitanga (care) by the wider community.

URBAN LIVING – TE NOHO Ā-TĀONE

Provide residential choices to accommodate growth and promote low carbon urban lifestyles

Town centres are changing, with increasing urban living and residential choices available for people at all stages of life. With more people living in a town centre, the centre itself can become more vibrant, and safer, with more activity during day and night. Ensuring that new homes are built to sustainable standards gives people the opportunity to live in warm, dry homes with lower running costs. More residential choices in town centres helps to accommodate future growth as well as enable low-carbon urban lifestyles. Town centres are the heart of their neighbourhoods and can provide the daily needs of residents within a 15-minute walk from home, especially important for those with extra mobility needs.

CRITERIA	GUIDANCE
5.1 Quality intensification	Increase supply of new homes in proximity with transport choices, jobs and services to reduce carbon emissions. Support higher-density typologies that enable urban, low-carbon lifestyles. Accommodate growth through a quality compact approach, with supportive planning, infrastructure provision and development by the private sector.
5.2 Residential choices	Encourage a wide variety of residential choices in the wider neighbourhood precinct. Facilitate an increase in supply of new homes, including social, affordable and market homes. Offer a mix of housing typologies, tenures, price points and sizes to complement existing housing options in the wider neighbourhood precinct. Carefully plan longer-term transition to increase housing opportunities in town centres whilst minimising any unintended detrimental impacts on existing communities. Support opportunities to improve housing outcomes for Māori in Tāmaki Makaurau / Auckland to support iwi, hapū and whānau to meet kāinga (housing) needs. Engage with emergency transitional housing support, provided through various agencies using the housing-first approach, based on kaupapa Māori (Māori ideology), with wraparound services. Encourage innovative housing models such as progressive home ownership, community-focused housing, key worker housing, build-to-rent and innovative construction methods (e.g. pre-fabrication, zero waste and social procurement approaches).
5.3 Low-carbon healthy homes	Ensure that new homes meet minimum sustainability standards, and are warm, dry and energy efficient with lower running costs. Support universal accessible design standards for homes designed to cater for diverse accessibility needs, with a focus on visitable and adaptable homes.
5.4 Enabling infrastructure & Neighbourhood amenities	Prioritise infrastructure investment that supports a quality, compact Tāmaki Makaurau / Auckland, and one that both builds resilience and supports climate action. Ensure town centres provide easy access to a range of services, including shops, professional services, community, health, education, transport and green spaces.
5.6 Good design in the built environment	Use careful design to ensure that new homes, other buildings, streets and open spaces contribute, rather than detract, from the overall amenity and value of a place. Add value to people's lifestyles through high-quality, new buildings that explore innovative solutions for higher-density homes, and provide safe and accessible outdoor environments, including streets, civic places, community spaces and green spaces.

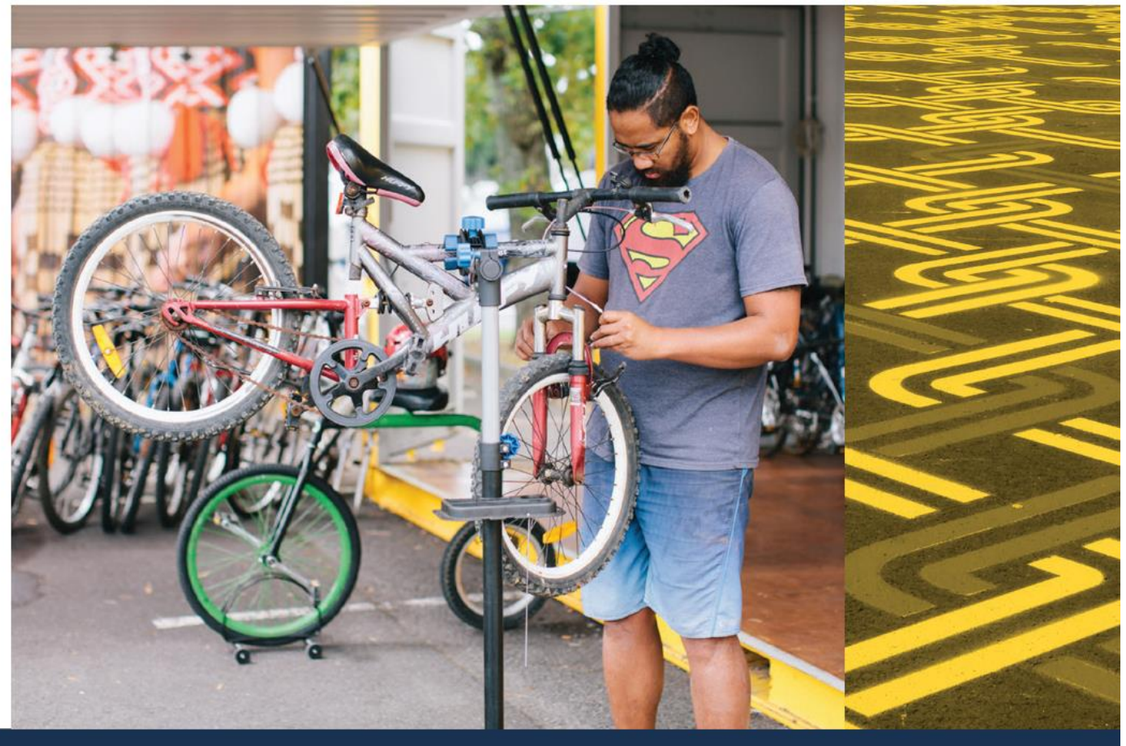
PROSPEROUS AND ROBUST LOCAL ECONOMY – TE ŌHANGA Ā-ROHE PĀTATA E TŌNUI ANA, E RUARANGI ANA

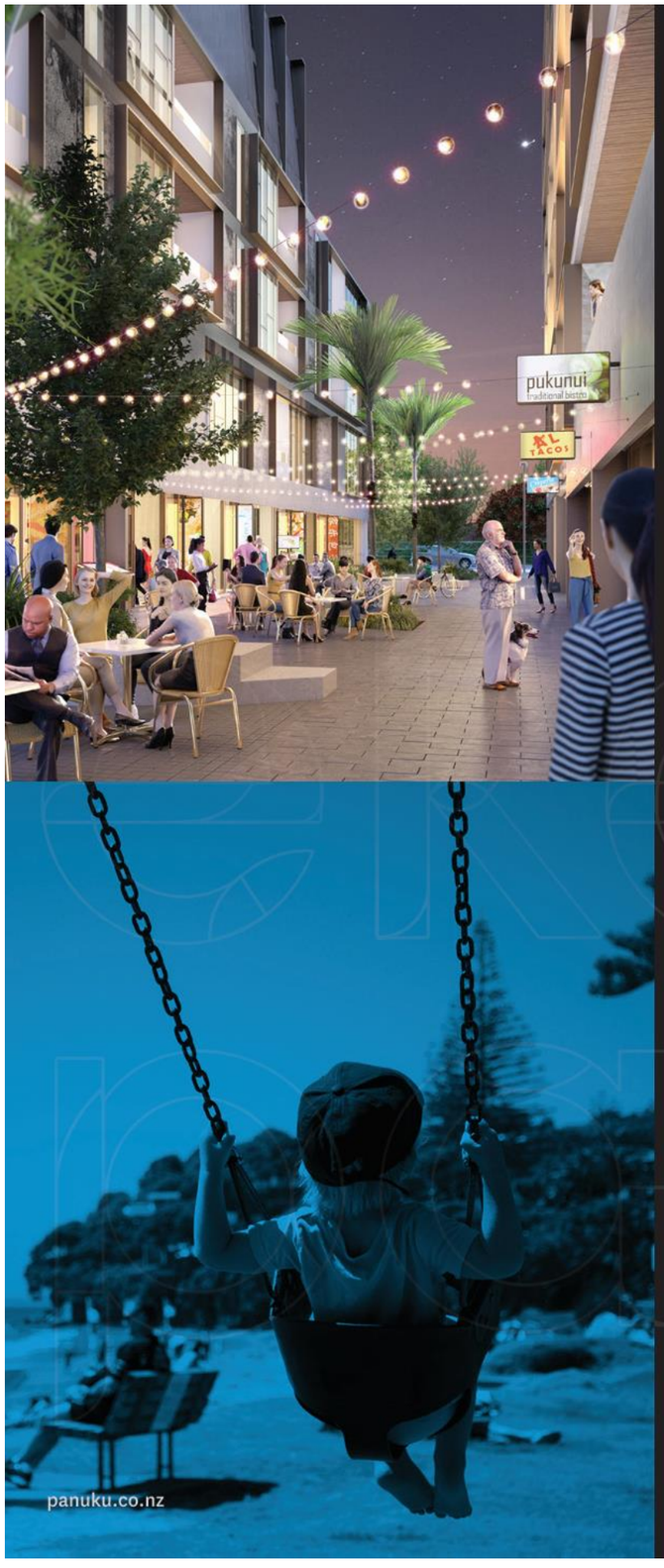
Adapt to change and prepare for future opportunities, nurturing prosperous places

Thriving town centres are prosperous places that support a robust and resilient local economy. They offer a range of shops, services, businesses, employment opportunities, community facilities, amenities and homes for people to live in.

A high-quality town centre will adapt to change and make the most of future opportunities with resilient businesses and communities. Effective, collaborative management nurtures the quality of the town centre experience, providing an attractive place to visit and stay.

CRITERIA	GUIDANCE
6.1 Mix of uses	Ensure a mix of uses and activities with businesses that reflect local identity, including a diversity of property types suitable for different enterprises. Create opportunities for a mix of businesses that reflect local identity, including a diversity of property types suitable for different enterprises.
6.2 Flexible and future proof	Plan for the future in a way that helps town centres become adaptable and flexible, anticipating climate, social and economic shifts. Make buildings, public realm and public assets adaptable to changing use and diverse community needs.
6.3 Employment opportunities	Establish opportunities and capacity for business growth, strong connections to local employment areas and jobs with easy access to public transport, cycling and walking networks. Collaborate with partners and stakeholders to attract investment and appropriate sector-based economic growth into town centres. Seek opportunities to progress sustainable procurement to improve social and economic wellbeing.
6.4 Effective town centre management	Enhance the unique offering of a town centre, such as its anchor activity/ies and nurture its retail / hospitality offering to compliment these attributes. Combine quality, in-store retail experiences with quality urban environments, local events and placemaking that engage with community hubs. Recognise the Business Improvement Districts' (BIDS) important role in managing the town centre on behalf of local businesses and retailers. Curate quality, place-specific experiences through a local offering with community hubs and facilities - e.g. retail, libraries, community centres, social sector groups - to attract visitors, create vibrancy and promote activity.
6.5 Transition strategy	Manage a transition strategy over time and effectively communicate this with businesses and communities for short, medium and long-term urban change. Be prepared for rapid change, with robust, flexible strategies in place that can be acted upon if needed.





09

54 Aspirational shared vision
54 Pragmatic investment strategy
55 Feasible development opportunities
56 High-quality sustainable design and development
58 Community support and participation
58 Council and Partners working together
58 Co-ordinated planning, property and infrastructure
59 Effective place-based monitoring
59 Take Mauri Take Hono

The Eke Panuku toolbox

Te kete taputapu a Eke Panuku

THE EKE PANUKU TOOLBOX
TE KETE TAPUTAPU A EKE PANUKU

Town centre regeneration is a complex undertaking, one that involves the successful collaboration of many different people and organisations towards a shared vision. Eke Panuku takes an active role in bringing people together, facilitating and delivering that vision.

We are collaborators, creators, curators and caretakers and, for the most part, Aucklanders ourselves.

Through our hard mahi and experience we have identified the following critical success factors of urban regeneration.

Aspirational shared vision

This is captured in our **high-level project plans** and **masterplans**. We build buy-in and support for the vision and urban change through ongoing placemaking, communications and engagement activity. Through early partnering with iwi, local communities and wider stakeholders, we are able to deeply understand our town centres and work together to co-create a clear purpose for our activity.

Pragmatic investment strategy

Prepared for each town centre location, the **programme business case** presents the optimal package of projects, budgets, responsibilities, benefits and delivery timeframe. **Spatial delivery plans** are a visual representation of key projects within each programme showcasing the vision for the place. Our **benefits realisation framework** and **total value analysis** method help us to identify and assess financial and non-financial benefits of urban regeneration.

Feasible development opportunities

We work with development partners such as the Crown, Kāinga Ora, mana whenua iwi, private developers and community housing providers to realise urban redevelopment opportunities. New development must be commercially feasible for development partners, whether they are private or public. This requires balancing multiple objectives and careful consideration of trade-offs. Development involves significant investment and risk, this requires an understanding of the market demand, ability to secure pre-sales, manage construction risk and financing.

We use **development agreements** to achieve essential outcomes as part of a site sale to ensure overall consistency of the development programme. We may acquire land or seek to consolidate sites to create value and lead to better urban outcomes, and this may sometimes require investigation under the Public Works Act. We may also undertake site infrastructure works to improve land feasibility and value.

High-quality sustainable design and development

Mana whenua, with mātauranga Māori and te ao Māori, help us to create authentic public spaces and development that are found nowhere else in the world.

Our interdisciplinary regeneration teams include embedded design professionals spanning architecture, landscape architecture and urban design. We use master planning to establish an overall spatial approach and scope for our projects. Master planning includes more detailed consultation, context analysis and feasibility studies. We also define essential outcomes through development agreements to summarise the vision and outcomes for the site supported by design guidance. This incorporates wider concerns e.g. the Auckland Design Manual, mana whenua and sustainability outcomes.

The Eke Panuku Climate Strategy, Te Rautaki mō te Huringa o te Āhuarangi, provides our approach to reduce greenhouse gas emissions and adapt to a changing climate. We use sustainability standards (e.g. using tools such as Homestar, Greenstar, Greenstar Communities, public realm) to enable low-carbon and resilient communities and support Auckland Council's climate plan, Te Tāruke-ā-Tāwhiri.

Sustainable procurement helps us to reduce environmental impacts and address aspects of social and economic disparity.

We also use our Technical Advisory Group (TAG) to provide external and independent design review. TAG is made up of experts in urban design, landscape and architecture. The panel's role is to ensure that our projects are high-quality, holistic and involve an integrated approach.

Great-quality development partners

We work with a range of leading development partners who share our vision for innovation and quality in urban regeneration, and who bring a wealth of experience to our projects. We acknowledge the significant role of the private sector in creating exciting urban places and thriving town centres. We build strategic partnerships with the Crown, Kāinga Ora Homes and Communities, mana whenua iwi, private developers, community & Māori housing providers to increase housing supply and residential choices in our locations.

We work with these development partners to explore opportunities to increase social and affordable housing in conjunction with government programmes, housing innovation and best-practice approaches. This supports the Government National Policy Statement (NPS) on Housing and Urban Development, MAIHI Ka Ora, the National Māori Housing strategy, and the Independent Māori Statutory Board's (IMSB) work on the Kāinga strategic action plan.

Catalyst projects make use of public investment as a catalyst to attract additional private (or partnership) investment and change the perception of the area (e.g. new apartment development, community centre, supermarket, or destination play area). **Exemplar projects** showcase design and construction innovation and best practice nationally and globally.

Land, property and business owners play a critical role in the successful regeneration of mixed-use town centres through the individual decisions that they make in developing, leasing or tenanting their properties, amalgamating sites, undertaking property fit-outs, street frontage upgrades and removing graffiti. A collective effort will enable the greatest transition.

Eke Panuku manages commercial and retail properties within some town centres. As part of our **place management** and leasing activity we consider the trade-offs between activity/uses, revenue and vacancy rates, and seek to tenant properties in a way that supports the long-term vision and vibrancy of centres and the existing service offer.

Community support and participation

Urban change is a long game, and understand that change can create a lot of uncertainty for people and communities. We work hard to build community support and active participation in our programmes, acknowledging the valuable strengths and skill-sets different groups and individuals bring to their town centre, all of which are needed to build successful places.

We connect with communities in our neighbourhoods to better understand community identities, needs, aspirations and tailor our programmes accordingly. Our ongoing **engagement** and **communications** activities help build community awareness and support over time. As the **lead agency** for the neighbourhoods in which we work, Eke Panuku aims to ensure the council group engage with the community in a collaborative and joined-up way.

Through **placemaking**, our communities play a strong, cooperative role in the building of their public places. We encourage local leadership and active participation in local projects e.g. Te Ara Awataha and Puhinui Stream restoration to build support, local ownership and ongoing stewardship. Our placemaking programmes build trust and knowledge to inform, test and foreshadow future design, aligned with the Thriving Communities 2022 kaupapa and approach.

Council and Partners working together

Auckland Council and CCOs (Auckland Transport, Auckland Unlimited, Watercare and Eke Panuku) - we work together to cater for growth across Tāmaki Makaurau. Alignment of strategic direction, outcomes, work programmes, priorities, budget planning and place-based project teams help to ensure good outcomes and optimise the catalyst impact of council investment, ensuring programme delivery is coordinated. Collaboration and alignment of investment across the council group helps to ensure investments - e.g. community facilities, public realm, streets and public transport - will improve services for communities and contribute to successful town centres.

Co-ordinated planning, property and infrastructure

We use various approaches and tools to support our urban regeneration programme and unlock opportunities.

Optimisation is where a council service asset is identified as suboptimal with inadequate funding to maintain or upgrade. Optimisation explores alternative uses, such as mixed-use development and facility integration, and is designed to be cost-neutral.

We also coordinate our **infrastructure planning**, working alongside infrastructure providers, to ensure sufficient infrastructure capacity and services, both facilitating development and supporting growth in town centres. Through **statutory planning** mechanisms such as plan changes and resource consents, we seek to support urban regeneration activity under the NPS Urban Development and Auckland Unitary Plan.

Effective place-based monitoring

It is important to measure and assess our progress throughout the delivery of regeneration plans. A town centre monitoring programme, currently being developed, will measure performance against this guidance, capturing social, economic and environmental measures using information from census data, benefits realisation, community insights and market-based data. To complement this, the Take Mauri Take Hono tool provides a wider cultural measure.

Take Mauri Take Hono

Take Mauri Take Hono is a tool owned and developed by mana whenua that uses both mātauranga Māori and western science to measure and monitor the impact on people, place and nature through our projects. Mauri, the sacred essence of life, can be assessed by identifying tohu (indicators) within a project in ways that reflect its potentiality and its life force. These tohu, 'Ngā Tohu', should recognise the site's distinctiveness and the relationship that mana whenua have to this place. This assessment approach has the potential to positively advocate and influence for broader mana whenua outcomes.

The tohu outlined in the Take Mauri, Take Hono framework are as follows:

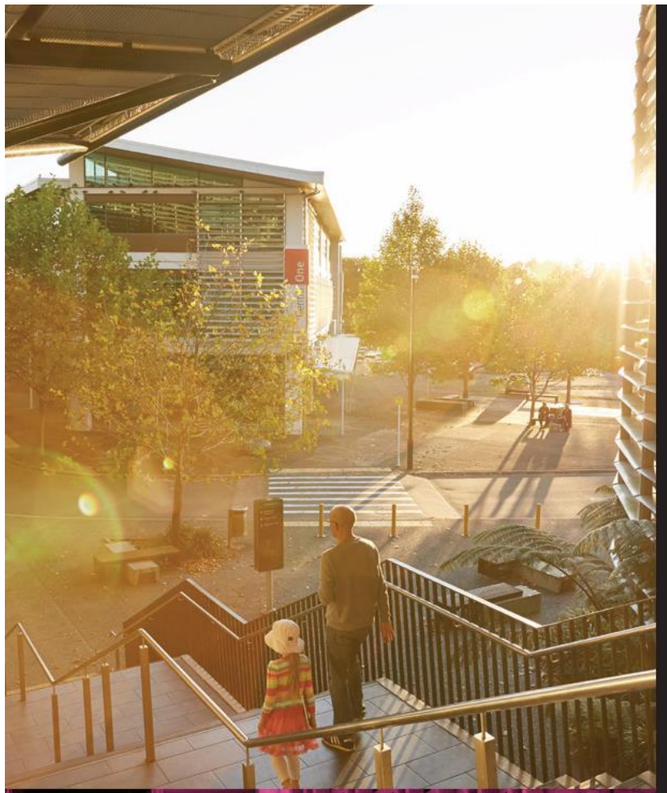
- **Aho Taiao - Kia kōrero te whenua: the land speaks, is protected and enhanced**
- **Aho Taiao - Ngā Karekare o te wai: the water speaks**
- **Aho Tangata - E tipu e rea: growing with nature**
- **Aho Toi: community pride and ownership**

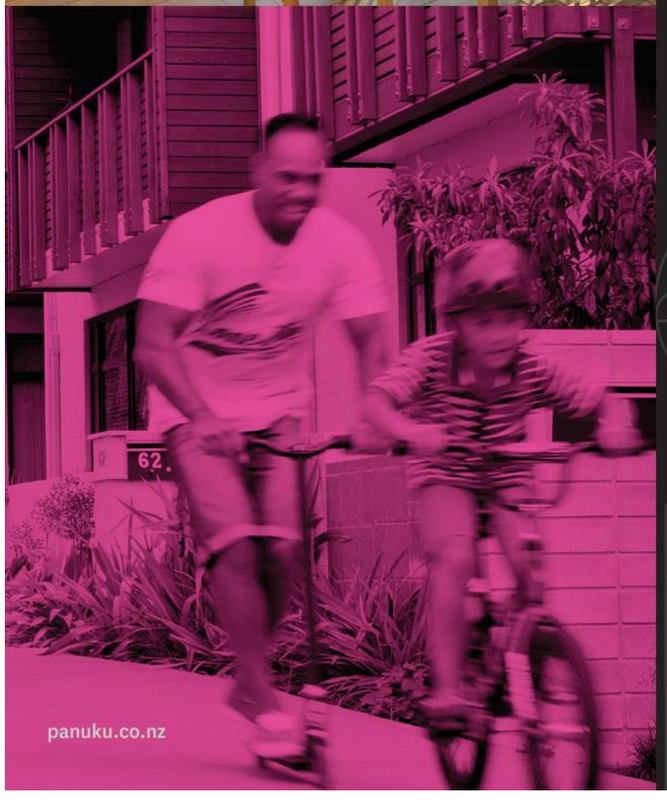
These tohu allow for aligned mātauranga Māori pathways to progressively connect and enhance higher mauri essence and vitality, and are expressed here through Aho Taiao (environment), Aho Tangata (culture and community) and Aho Toi (socio-economic) whenu, or strands.

Ngā Tohu recognise the current baseline state of mauri as a potential 'negative' value on the scale, and provide a set of mātauranga design principles which, when applied, provide a 'positive' value, i.e. enhancing mauri ora (life force).

The tohu provide an aspirational healthy environment for all stakeholders and partners to uphold. By having collaboratively defined and embedded these in the design process, mana whenua have confidence that they are handing over a legacy for future generations.

Take Mauri, Take Hono is a widely supported framework, but it does not provide a homogenous, standardised approach. This framework needs to be applied on a case-by-case basis with the approval of those who hold mana whenua status in the area of each project. There are multiple mana whenua groups within each rohe, and engagement with each group is required.





10

62 Mana whenua
63 The Community
64 Auckland Council Group
66 Other partners

Relationships and partnerships

Ngā hononga me ngā patuitanga

eke panuku

Relationships and partnerships - Ngā hononga me ngā patuitanga

We work collaboratively to build alignment and momentum, ensuring that projects result in change for good. As we face an increasingly uncertain future, this way of working acknowledges the complexity of our town centres and enables multiple stakeholders to collectively work together so that our town centres can thrive.

We know that when we work closely with others, we achieve better outcomes than we would alone.

Mana whenua

Mana whenua are our Treaty partners. Auckland Council recognises 19 mana whenua iwi authorities. These are:

- Ngāti Wai
- Ngāti Manuhiri
- Ngāti Rehua Ngāti Wai ki Aotea
- Te Rūnanga o Ngāti Whātua
- Te Uri o Hau
- Ngāti Whātua o Kaipara
- Ngāti Whātua Ōrākei
- Te Kawerau ā Maki
- Ngāti Tamaoho
- Te Ākitai Waiohua
- Ngāi Tai ki Tāmaki
- Ngāti Te Ata Waiohua
- Te Ahiwaru Waiohua
- Waikato-Tainui
- Ngāti Paoa
- Ngāti Whanaunga
- Ngāti Maru
- Ngāti Tamaterā
- Te Patukirikiri

The Community

Our mahi is all about working alongside the people of each community during their area's regeneration. This involves talking them through the project and end goal, keeping them updated, and ensuring that they know why we're making the changes. Involving locals in the regeneration process builds trust though involvement, develops ownership and community pride, ensures transparency through the process, and provides an opportunity to test and try aspects of the change in real time – both before and during change.

In addition to working with community leaders and formal groups, we also ensure that our team connects with everyday members of the community. This means being on the ground with events, activations and opportunities to connect, to make sure we are meeting people in their own area. This way, we get to speak with those who are not connected to the known or 'usual' channels, and ensures that our knowledge of, and relationships with, a place are deep, authentic and well-informed.

Auckland Council Group

The Governing Body and Local Boards provide leadership and have decision-making responsibilities across various aspects of our programmes.

We help implement the Auckland Plan 2050 and the Development Strategy through our urban regeneration activity. Our programmes also help implement other council strategies and plans such as Te Tāruke-ā-Tāwhiri Auckland's Climate plan, Area plans, Thriving Communities, Economic Development Action Plan 2021-2024, Urban Ngāhere Strategy, Homelessness Implementation Plan.

Customer and Community Services (C&CS) develop new and improved community services and/or facilities where a gap in provision has been identified through the Community Facilities Network Plan. We work closely with C&CS, where community needs assessments identify improvements and/or a gap in provision of services that need to be provided in our locations due to a growing, changing population. This work includes joint planning, funding and asset design and delivery. C&CS create a focal point for local community and visitors, to help shape vibrant town centres with greater pedestrian activity. We also work alongside C&CS where there are opportunities to optimise existing property assets used to deliver services. This might mean rationalising existing properties and using the funding to develop an improved facility that better serves community needs.

Auckland Transport (AT) helps us to plan and implement transport options in town centres. With AT we use available transport system planning tools and plans (e.g. Future Connect, Roads and Streets Framework, Comprehensive Carparking Management Plans, Regional Public Transport Plan, Urban Street and Road Design Guide) to develop a transport framework and plan to address the anticipated short, medium and long term state of the centre and changing transport user demands. Identify existing and future strategic transport priorities to help reconcile wider place-based and movement characteristics of individual centres. The outputs of these assessments will inform funding and implementation processes.

Auckland Unlimited creates economic and cultural opportunities and experiences, working with partners to grow Tāmaki Makaurau / Auckland's innovation culture, businesses and sectors, attract international investment and visitors. It also manages Auckland's network of regional facilities offering arts, cultural, conservation, sport, heritage and business experiences. Auckland Unlimited leads on Auckland's economic development strategy and supports local economic development working with local boards. We work together to attract investment, innovation and business growth into town centres e.g. the Wynyard Quarter innovation precinct, the Henderson film sector.

Watercare is responsible for Auckland's water and wastewater system. The company plans for growth and delivers bulk infrastructure such as treatment plants, pump stations and transmission pipes. Watercare works closely with the development community to support local network construction and expansion.

Other partners

The Crown has a critical role to play, providing significant investment, in urban regeneration. Whilst not focused on town centres Kāinga Ora Homes and Community, is facilitating a significant housing programme across Auckland. We seek to ensure that our development programmes are aligned and the use of public land, our individual projects and joint developments, support the overall vision, and provide for residential choices. Other government agencies with a significant role in urban regeneration include Waka Kotahi NZ Transport Agency (leading the planning for light rail), the ministries of Health, Social Welfare, Justice and Education (that build facilities and provide services in and around town centres). Through this investment, the government can support the vibrancy and success of town centres.

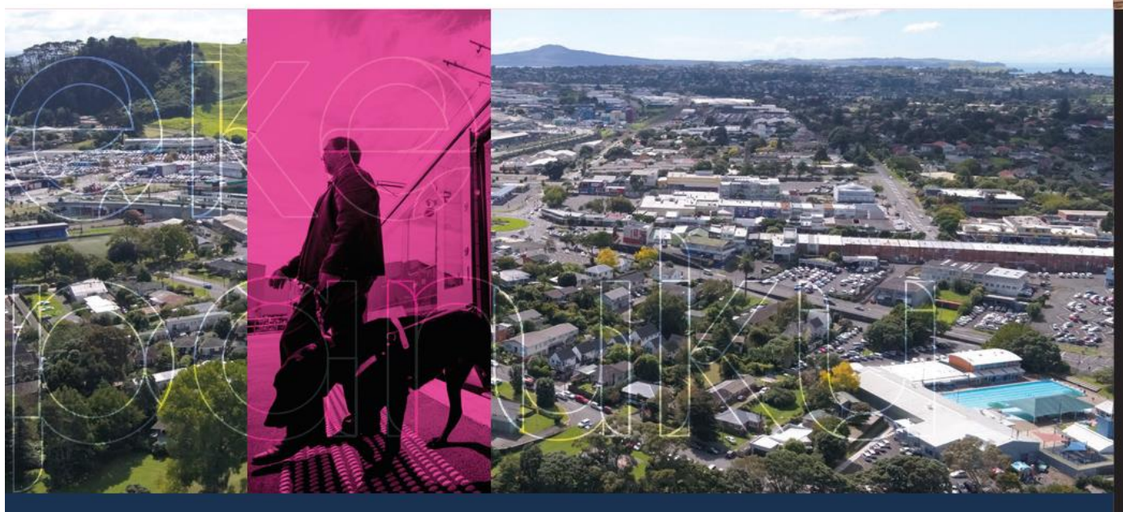
Development and housing partners assist us in developing positive strategic partnerships with the private development sector, mana whenua iwi, community and Māori housing providers, and the Crown.

Landowners and business owners have a critical role in the prosperity, amenity and vibrancy of town centres and their regeneration.

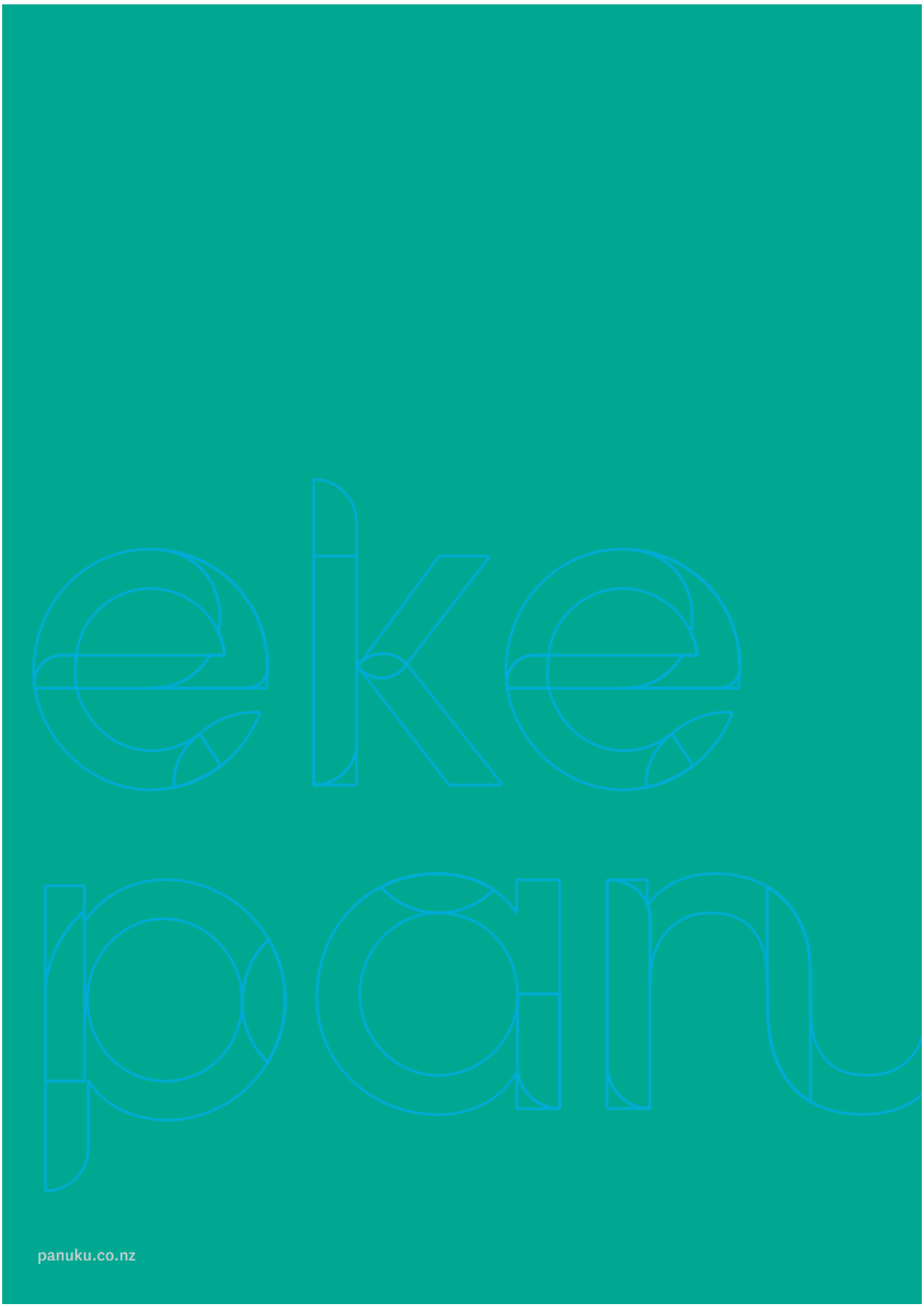
Community leaders and community groups lend us their local expertise, lived experience and knowledge of a town centre. Council's advisory panels can provide understanding and advice from different community perspectives – disability, youth, seniors, ethnic peoples, rainbow and rural.

BIDS and Business Associations have an important role in place management, business relationships and destination marketing of their town centre.

Social services – Housing First, Kāhui Tū Kaha, Auckland City Mission and Salvation Army - help to support the most vulnerable members in our community, including people experiencing homelessness. This work supports Kia Whai Kāinga Tātou Katoa: the regional, cross-sectoral homelessness plan and its implementation.



panuku.co.nz


eke
panu
panuku.co.nz

Resolutions from the Aotea/Great Barrier, Waiheke and Waitematā Local Boards regarding concerns about helicopter activity

File No.: CP2022/02480

Te take mō te pūrongo
Purpose of the report

1. To respond to resolutions from the Aotea/Great Barrier, Waiheke and Waitematā Local Boards which raise concerns regarding the management of helicopter activity under the Auckland Unitary Plan (AUP) and the Auckland Council District Plan - Hauraki Gulf Islands Section (HGI Plan).

Whakarāpopototanga matua
Executive summary

2. This report has been prepared jointly by the Plans and Places Department and the Resource Consents Department in response to matters raised in resolutions from the Waiheke local Board meeting on 15 December 2021; Waitemata Local Board of 15 December 2021 and the Aotea Great Barrier Local Board on 22 March 2022.

3. The report considers the current regulatory framework of the Auckland Unitary Plan (AUP) and Auckland Council District Plan (Hauraki Gulf Islands Section) (HGI Plan) in response to local board concerns about the ability of the provisions to manage helicopter activity. In relation to the HGI Plan the report provides clarification regarding the interpretation of rules, and about the notification and processing of resource consent applications for restricted discretionary activities.

4. A comparison of the HGI Plan and the AUP identifies that the HGI Plan provisions are less strict in terms of resource consent activity status and noise standards. The greatest difference is in relation to activity status for helicopter activity in residential areas. In the AUP, helicopter landing and take-off in residential zones is a non-complying activity, meaning that council's discretion over matters that may be considered is unlimited (providing the matters are within the scope of the Resource Management Act (RMA)). Under the HGI Plan, helicopter activity in residential zones is a restricted discretionary activity, with the matters of discretion being restricted to visual amenity and aural amenity. The assessment criteria enable an assessment of relevant effects, including consideration of helipad locations, flight numbers, flight movements and cumulative effects.

5. The less strict rules for helicopter landing and take-off and helipads on the Hauraki Gulf Islands were developed in the early 2000s to recognise the tourism and economic benefits that can arise from enabling travel to and from the Hauraki Gulf Islands by helicopter, and the very different transport needs that exist on the Hauraki Gulf Islands compared to other parts of Auckland.

6. Both the Civil Aviation Authority (CAA) and the council's Compliance and Monitoring department have agreed to carry out an analysis of flight data and resource consent conditions for helicopter flights on Waiheke Island, which will provide more detailed information on the effectiveness and efficiency of the existing regulatory framework and will assist with determining if changes are required.

7. In terms of public and limited notification of helipad resource consent applications, the HGI Plan requires this to be determined on a case-by-case basis. For restricted discretionary activities, while the provisions generally preclude public notification of restricted discretionary activities[9] , the council can consider special circumstances that may warrant notification under section 95A (9) of the RMA. The consideration of special circumstances occurs on a case-by-case basis. A request by the Waiheke and Aotea Great Barrier Local Boards for blanket application of special circumstances has been considered and is not considered legally defendable. For discretionary activity helipad applications under the HGI Plan, applications do not benefit from the presumption of non-notification, and a full notification assessment is required.

8. Prohibited activity status has been considered for the AUP, as requested by the Waitematā Local Board. The legal tests for prohibited activity status are very high, as the underlying premise for this activity status is that there are no circumstances in which helipads are appropriate. This would be an extremely difficult position to establish and is not recommended.

9. A moratorium has also been considered for the HGI Plan, as requested by the Waiheke and Aotea Great Barrier Local Board. It is noted that a moratorium is not a mechanism provided for under the RMA and council cannot lawfully impose this. The equivalent district plan rule would be to apply prohibited activity status through a plan change to the HGI Plan. As discussed above the legal tests for prohibited activity status are very high and would be an extremely difficult position to establish and is not recommended.

10. It is acknowledged there is a lack of information currently available to the council regarding flight data and compliance with consent conditions. Council's Plans and Places department, Resource Consents department, and Compliance and Monitoring department support the request from the Waiheke and Aotea Great Barrier Local Board for the development of a compliance and monitoring programme. The Compliance and Monitoring department has developed a project for collection of this information to assess compliance rates and to identify any exceedances or discrepancies in flight-log recording. This project is scheduled to commence immediately and is estimated to take six months.

11. A wider data base of flight information is held by the Civil Aviation Authority (CAA) and discussions are underway to give the council access to this information in order that an analysis and understanding of all helicopter activity in the Auckland area is obtained.

12. The data collected will have a bearing on a determination on whether changes to planning provisions are warranted. It is recommended that an options analysis based on the information collected is provided to the Planning Committee once the work is complete. This in turn will form a valuable evidence base which will be required should a plan change be required.

13. It is important to note that at this point in time, the Plans and Places department does not have the resources available to complete the work that would be required to evaluate, and if appropriate, prepare a plan change to the HGI Plan. The department is responding to the government's extensive policy programme (and a significant increase in workload due to the Resource Management (Enabling Housing Supply and Other Matters) Act) and a very high volume of private plan change requests, some of which have required the council to make submissions (for which costs cannot be recovered).

14. Lack of capacity to undertake any new policy work is likely to continue for at least the next six months. It is therefore recommended that this matter is reported back to the Planning Committee when the monitoring results are available, at which point in time a further assessment can be made as to whether there is capacity to undertake the further work required to evaluate, and if appropriate, prepare a plan change to the HGI Plan.

[9] HGI Plan, Part 13 Transport, Rule 13.5 Notification Requirements

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) acknowledge the concerns raised by the Aotea/Great Barrier Local Board and Mana Whenua (via the Aotea/Great Barrier Local Board) regarding helicopter activity managed under the Auckland Council District Plan (Hauraki Gulf Islands Section)

b) acknowledge the concerns raised by Waitematā Local Board regarding helicopter activity managed under the Auckland Unitary Plan

c) note that the Compliance and Monitoring department is about to commence a project to analyse flight log information from helicopter resource consent holders on Waiheke Island where this is a condition of consent in order to determine extent of compliance and assist with an evidence-base of effects

d) note that staff will be working with the Civil Aviation Authority to analyse available flight tracking data to obtain an overview of current levels and patterns of helicopter activity in the Auckland region

e) request that once the compliance investigation is complete, a report is prepared for the Planning Committee providing an analysis of results

f) note the advice from staff that the legal tests for prohibited activity status are very high and would be an extremely difficult position to establish for the landing and take-off of helicopters across residential and coastal areas as part of any plan change, and is not recommended by staff

g) note that due to current pressures arising from the government's extensive policy programme (and in particular the impact of the Resource Management (Enabling Housing Supply and Other Matters) Act, at this point in time the Plans and Places department does not have the capacity to evaluate, and if appropriate, prepare a plan change to the Auckland Council District Plan (Hauraki Gulf Islands Section) relating to helicopter activity

h) note that the council's Māori Heritage team is working with mana whenua to identify and protect sites and places of significance to Mana Whenua on Aotea/Great Barrier Island

i) agree that the provisions for helipads in the Auckland Council District Plan (Hauraki Gulf Islands Section) are sufficiently clear and that the council should not seek a declaration in the Environment Court.

Horopaki
Context

15. Over the past six months there has been concern expressed by Auckland residents and public interest groups about the number of and noise generated by helicopters and helipads, particularly on Waiheke Island; the process of considering resource consent applications including the matter of notification; and whether consent holders are complying with consent conditions. There are 49 consented helipad sites on Waiheke Island and five current applications for helipads on Aotea Great Barrier.

16. This report responds to resolutions from the Waiheke local Board, Waitemata Local Board, and the Aotea/Great Barrier Local Board:

    a) Waiheke Local Board resolutions of 15 December 2021, WHK /2021/178 (a) to (f)

    b) Waitemata Local Board resolutions of 15 December 2021, WTM 2021/298 (a) to (c)

    c) Aotea Great Barrier Local Board resolutions of 22 March 2022.

Waiheke Local Board

17. The Waiheke Local Board resolution dated 21July 2021 sought information from council officers about the regulatory framework for managing helicopters activity in the Hauraki Gulf Island Plan (HGI Plan) and options to further control helicopter activity. A joint memorandum of response from the Plans and Places Department and Resource Consents Departments was provided to both the Waiheke Local Board and the Planning Committee on 3 December 2021. The memorandum advised that a review of the HGI Plan provisions as part of the scheduled AUP review in 2026 was considered the most efficient use of the council's resources, given the ability of relevant effects to be considered under the HGI Plan as it currently stands, and taking into account the council's current resources, the significant policy workload arising from central government directions (such as the National Policy Statement on Freshwater Management and National Policy Statement on Urban Development), and the timing of the next AUP review in 2026.

18. It also advised that the Resource Consents Department was discussing the feasibility of the Compliance and Monitoring Department undertaking an educational approach for all existing helipad resource consent holders on Waiheke in conjunction with a CAA educational initiative that is also underway. Copies of the resolution and the memorandum of response are provided in **Attachment A**.

19. The Waiheke Local Board considered the memorandum at its meeting on 15 December 2021. The board members remained concerned about the management of helicopter activity and passed 12 additional resolutions requesting that, amongst other matters, the council obtain tracking records and set-up ongoing compliance monitoring to collect data on helicopter movements. It also requests that the council resource and instigate a plan change (subject to the outcome of the collection of data) and in the interim, consider certain matters when assessing applications for helipads and take-offs and landings. The resolution (WHK/2021/178) is provided in **Attachment B**.

Waitemata Local Board

20. The Waitemata Local Board resolution dated 12 December recommends the Planning Committee instigate a plan change to the Auckland Unitary Plan (AUP) to make recreational helicopter take-offs and landings in urban and suburban residential areas, and in the coastal zone where adjacent to urban or suburban areas, a prohibited activity. The resolution (WTM/2021/298) is provided in **Attachment C**.

Aotea Great Barrier Local Board

21. The Aotea Great Barrier Local Board has also raised concerns and passed resolutions dated 22 March 2022. The local board is concerned about regulations for managing helicopter activity following the receipt of five applications for helipads on Aotea/Great Barrier Island dated 8 March 2022. The resolution is provided in **Attachment D.**

Tātaritanga me ngā tohutohu
Analysis and advice

22. The regulatory framework for helicopter use is divided into two parts. Firstly section 9(5) of the RMA limits Council's consideration of adverse effects to only those that arise in relation to the construction of helipads and the taking off and landing of helicopters. Secondly, the effects that arise from the overflying activity are regulated by the CAA. This is relevant to consider when analysing the sufficiency of the current plan rules and the concerns that have been raised, and not those effects that arise from the broader overflying activity[10].

23. The extent of the council's jurisdiction is discussed in detail in paragraphs 36 - 38 of the memorandum to the Waiheke Local Board (Attachment A).

Overview of AUP and HGI Rules

24. The regulatory framework of the HGI Plan and the AUP in relation to the establishment of helipads, and helicopter activities of take-off and landing is discussed in detail in the memorandum to the Waiheke Local Board dated 4 December 2021 (Attachment A – Part A).

    A summary of the regulatory framework is provided below:

25. In relation to the HGI Plan, the rules for helipads are set out in section 13.8 of the HGI Plan. Provision is made for permitted activities (Rule 13.8.1), restricted discretionary activities (Rule 13.8.2) and discretionary activities (Rule 13.8.3). Permitted activities do not require a resource consent (provided they meet all other relevant standards in the HGI Plan); restricted discretionary activities require an application for resource consent which can be declined but only for reasons that relate to the matters over which council has restricted its discretion; discretionary activities require a resource consent application which can also be declined. There are no limits on the scope of matters that can be considered when assessing a discretionary activity (provided they are within the scope of the Resource Management Act (RMA)).

26. The HGI Plan rules are reproduced in full at paragraph 18 of the memorandum (Attachment A).

27. In relation to the AUP, in the residential zones, helicopter landing and take-off is a non-complying activity under provision (A1) of the relevant activity tables. Item (A1) applies non-complying activity status to activities not provided for (in the activity tables). For rural zones, helicopter landings and take-offs associated with servicing rural activities fall under the activity 'rural airstrip' and are a permitted activity in all rural zones. Helicopter activity outside of this context (i.e. private use) is a discretionary activity[11].

28. The memorandum provides a comparison of the HGI provisions to the AUP provisions. It is noted that the HGI Plan provisions are less strict than the AUP in terms of resource consent activity status and noise standards. The key differences are the activity status applied in residential zones (non-complying in the AUP and restricted discretionary activity in the HGI Plan) and the non-notification rule that applies in the HGI Plan (Rule 13.5). For rural zones, both plans have a permissive approach to servicing rural activities. For non-rural helicopter activity (i.e. private use) the AUP takes a stricter approach than the HGI Plan (discretionary activity and restricted discretionary activity respectively).

[10] Following the Court's approach in *Saville v Queenstown Lakes District Council* [2019] NZEnvC 94, *Dome Valley District Residents Society Inc v Rodney District Council,* Environment Court, Auckland, 14/12/2007, Sheppard Judge, A099/07, and *Dome Valley District Residents Society Inc v Rodney District Council High Court* (2008) 14 ELRNZ 237

[11] AUP Rule C.1.7 infringement of standards applies discretionary activity status where an activity does not comply with a development standard

29. Notwithstanding that the provisions of the HGI Plan are less strict than the AUP, where restricted discretionary activity status is triggered, the HGI Plan provisions do allow relevant effects, including impacts on visual amenity and aural amenity and cumulative effects to be assessed, and enable the council to decline resource consent applications. The criteria include consideration of helipad locations, flight numbers and flight movements. Where discretionary and non-complying activity status is triggered, whether under the AUP or HGI Plan, the range of discretion is unlimited (within the scope of the RMA). Regarding noise standards of the HGI Plan and AUP, the relevant rules as set out in the memorandum are:

    a) AUP noise standard at Rule E25.6.32 applies Ldn 50 dB and LAFmax 85 dB

    b) HGI noise standard for restricted discretionary activity at Rule 13.8.2 applies Ldn 50 (using a rolling three-day average). For additional context, it is highlighted here that Rule 13.8.2 is still more restrictive than NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas as the NZ Standard refers to a seven-day averaging period.

30. Both the AUP and HGI Plan apply Ldn 50dB. The AUP provisions are identified as more restrictive, as compliance is based on any single (24 hour) day rather than an average over three days. Applying the AUP rules, an indicative setback distance to comply with 50 dB Ldn for one flight (landing and take-off) is a minimum of approximately 100m from the helipad to the nearest notional boundary. In comparison, using the HGI Plan Ldn three-day rolling average, the minimum setback distance could be reduced by around 50m for one flight (i.e. the setback is approximately 50m).

31. The less strict rules for helicopter landing and take-off and helipads on the Hauraki Gulf Islands were developed in the early 2000s to recognise the tourism and economic benefits that can arise from enabling travel to and from the Hauraki Gulf Islands by helicopter, and the very different transport needs that exist on the Hauraki Gulf Islands compared to other parts of Auckland.

Alternative Interpretation of applicable rules - HGI Plan

32. The Waiheke Local Board considers that there are other interpretations of the HGI Plan rules and resolution (h) requests council to seek a declaration from the Environment Court on a number of matters including alternative interpretations of the activity status of take-off and landings; whether a broader consideration of amenity should be applied when considering the restricted discretionary criteria including considering impacts on the wider public and visitors; and the adequacy of the scope of the rules in terms of whether consideration should be given to matters such as the Waiheke Local Board Plan Vision of Waiheke as a Sanctuary and issues such as climate change and carbon emissions.

33. The interpretation of Part 13.8 as standalone provisions is discussed in detail in Attachment B to the memorandum. Support for the council's interpretation of the provisions as 'standalone' is found in the analysis of the background to the development of the provisions (reporting on the 2006 district plan review issues, s32 and s42A reports). Attention is drawn to the specific intention of council to consolidate all transport provisions into one chapter. The intention of consolidation and other matters of context outlined in the memorandum (specificity of provisions, correct noise standards and potential absurd outcome (making Chapter 13.8 redundant) are considered to demonstrate clearly that the provisions in Chapter 13.8 are intended to be 'standalone' and are the relevant provisions to apply to helicopter activity. The memorandum notes that the council's interpretation applies a plain word interpretation, and that the consideration of contextual matters is consistent with relevant caselaw on how to interpret plans under the RMA.

34. Attachment B to the memorandum considers the alternative interpretation of a 'non-complying' activity. It is noted that the interpretation is based on the premise that the Claris Airport Activity Table identifies helipads as a permitted activity and that the absence of a line item in the land unit activity tables for helipad activity outside of the Claris airport therefore triggers a default non-complying activity status (under Chapter 4.2 general rules).

35. The memorandum identifies that the permitted activity status for helipads in the Claris Airport Activity Table is to recognise existing airport activity which warranted it being treated differently to other new helipads outside the airport. Council staff do not consider that this special recognition triggers non-complying activity status in relation to all other land units. It is noted that if that interpretation was applied, the provisions at Rule 13.8 are made entirely redundant. Applying a plain interpretation of the provisions, this would be considered an *absurd outcome* (in legal terms).

36. Attachment B to the Memorandum also considers the alternative interpretation of noise rules which is that noise rules at Rule 13.8 and general rules for noise under Rule 10c.5.3 are both applicable. On this matter, the memorandum highlights that the specificity of noise provisions and the context of consolidation of relevant rules into one chapter supports the application of Rule 13.8 and not the general noise rule 10c.5.3. The memorandum highlights the specific nature of Rule 13.8.2 - being expressly intended for helicopter activity, as is evident in the refencing of the correct specification of New Zealand Standards noise standards for helicopter activity (NZX:6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and NZS 6805:1992 Airport Noise Management and Land Use Planning). For the reasons outlined staff believe it is clear that the provisions in Chapter 13.8 are standalone provisions and staff do not consider a declaration from the Environment Court to be warranted.

Resource Consents Assessments

37. The Waiheke Local Board resolution h(iv) raises particular concerns about whether the provisions at Rule 13.8.2 – Restricted Discretionary activities provide for adequate consideration of amenity effects.

38. As discussed in paragraph 26 above, the existing rules are considered to allow the assessment of the typical effects of concern when it comes to the take-off and landing of helicopters (including impacts on visual amenity and aural amenity and cumulative effects). The assessment criteria include consideration of helipad locations, flight numbers and flight movements, and there is a specific requirement to consider cumulative effects. It is acknowledged, however, that the outcome of the monitoring by both the council and the CAA could be that there is a case for changing the provisions in some way.

39. Regarding the assessment of noise effects, an issue has been raised by the Waiheke Local Board in resolution (h)(ii) about noise readings being measured from the notional boundary of sites with sensitive activities[12] and has indicated that this approach precludes proper consideration of cumulative effects and impacts on the wider community. However, the technical reason for the use of the notional boundary is that this approach results in noise measurements from sites which are worst affected by the application. This approach therefore sets the highest bar for assessment of noise impacts and in this context is a highly representative and broadly inclusive method of assessment.

40. The Waiheke Local Board resolution (h)(iv) questions whether a broader assessment of effects on amenity can be undertaken than is currently being applied by the resource consents teams. Resolutions (d), (e), (f)(iv) and (g) seek that the Waiheke Local Board Plan Vision of Waiheke as a Sanctuary is taken into account, and resolution (f)(iii) seeks that matters of climate change and carbon emissions should also be considered. The scope for these matters to be considered as ‘special circumstances’ for notification determination and assessments of resource consents in terms of the current rules of the HGI Plan is discussed in this report under the heading ‘Other Documents’.

[12] The term 'notional boundary' is used in the Plan in the context of measuring noise. The notional boundary is defined as a line 20 meters from any side of a dwelling or the legal boundary where this is closer to the dwelling.' This is the same meaning as NZS 9801:1999 Acoustics - Measurement of Sound.

Item 14

41. Provided that a direct link can be established in relation to the matters of discretion (currently limited to noise effects, and the visual effect of earthworks or retaining structures required to establish a helipad) it is considered that these matters could be relevant to consideration in some applications.

42. Importantly, the restricted discretionary activity applications are subject to a non-notification clause (Part 13.5). This provides for exclusion of notification (public and limited) unless a special circumstance is found to be applicable. Special circumstance parameters are a high bar, being informed by the matters of discretion and the thresholds set by case law. As with all restricted discretionary applications, the use of special circumstances in relation to notification and assessment occurs on a case-by-case basis. Special circumstances are discussed in detail in paragraphs 50 - 57 (below).

Enforcement and Monitoring - Resource consents conditions

43. There are 49 resource consents for helipads on Waiheke Island, and the Waiheke Local Board has recorded its concern that consent conditions for flight data collection (to be provided at council's request) are not routinely implemented. The local board resolution (b) seeks the development of a compliance and monitoring plan so that the flight data is collected and is available for the purpose of evaluating the effectiveness and efficiency of current district plan rules.

44. The Compliance and Monitoring Team has advised that the existing approach to compliance and monitoring of helicopter resource consent conditions is focused on the initial implementation of helicopter consent conditions (to establish a helipad), and that monitoring after the initial set up is reactionary (i.e. it is triggered when a complaint received). This approach is low risk given the low frequency of helicopter related complaints received. As shown in Table 1 below, prior to 2022 the number of complaints has been on average one per year. The reactionary approach recognises that the majority of the consents are not subject of complaint and allows for practical prioritisation of staff resource towards higher risk consent activities.

Table 1: Helicopter complaints recorded between 2004 to March 2022.

2022	Multiple complaints (Cable Bay)
2016	1 complaint (query about flight paths deviation)
2015	3 complaints concerning same consent holder (query about no. of flights) (24 September 10,11 October, 14 October)
2014	1 complaint (query about flight path deviation)
2013	1 complaint (query about flight path deviation)
2004	1 complaint (query about no. of flights)

45. It is however accepted that there is insufficient data from this method to determine overall compliance rates and the Compliance and Monitoring team has agreed to formulate a programme of work (detailed in **Attachment E** to this report - 'Proactive Compliance Project proposal') as a matter of urgency. This programme will obtain and analyse flight log information as included in resource consent conditions since 2015 to provide an overview of the level of compliance currently (establishing a baseline for future comparison) and how it can be improved.

46. The project is to commence immediately and is estimated to take six months. The project will investigate and ascertain baseline compliance of helicopter movements linked with Waiheke Island properties; determine what proportion are occurring in accordance with the conditions of resource consent; and will undertake agreed interventions where non-compliance has been detected. The project's specific objectives are:

- Determine compliance rates in this consent category (Waiheke Island, Helicopter activity)
- Identify any exceedances or discrepancies in flight-log recording.

47. This work will complement an education initiative by the Resource Consents department and the Civil Aviation Authority which is already underway. The initiative aims to contact helicopter consent holders to raise awareness of their specific helipad consent conditions and the consent holder's associated responsibilities.

48. In addition to the above outlined initiatives, Plans and Places and Resource Consents staff have met with staff from the Civil Aviation Authority (CAA) to discuss helicopter activity on and around Waiheke Island, and in particular, the views of the CAA on the amount of helicopter activity in relation to safety.

49. The CAA were able to show council digital representations of flight data which provided for broad analysis of helicopter activity both on Waiheke, and in terms of overflying. The CAA has advised that when the modelling of the flight data is completed, it will be made available to council.

50. On the issue of whether flights generated from the number of helipads on Waiheke was considered overly high, the CAA noted that the flight data held by the CAA for the 49 consented helipads on Waiheke shows that only six are in regular use (these include Mudbrick and Cable Bay vineyards, the Waiheke Aerodrome, and the sports field helipad that is utilised by emergency services). The CAA have also advised that very few of the Waiheke helipads tip the threshold of being an aerodrome[13] (exceeding 7 flights over a 30-day period) and note that a large proportion of the consented helipads have very low levels of activity.

51. The CAA also noted that the helipad activity on Waiheke was occurring against a backdrop of a significantly larger number of helicopter flights overflying Waiheke - which do not land on Waiheke at all. These flights are shown to arrive and depart from mainland areas of Central Auckland, Northland, and Coromandel. As previously noted, the council's jurisdiction does not extend to overlying helicopters (including safety and noise issues) and these activities will not be affected by changes to the HGI Plan if they are required.

52. On the issue of safety, the CAA has commented that the number of helipads (49) on Waiheke is not considered to pose a safety risk.

Other documents

Waiheke Local Board Plan (WLB Plan)

53. The Waiheke Local Board resolution (g) seeks that the WLB Plan is considered under 'special circumstances' when making notification determinations and in assessments of resource consent applications for helicopters. The WLB Plan is adopted pursuant to section 20 of the Local Government (Auckland Council) Act 2009 (LGACA). The WLB Plan is not able to directly affect or deal with Council's regulatory function under the RMA.

54. Council staff do not consider that a decision as to whether to notify a resource consent application based on special circumstances under section 95A (9) of the RMA based only on the WLB Plan would be justified. A finding of special circumstances needs to be on a case-by-case basis.

[13] requiring the CAA to undertake a s157 determination - Civil Aviation Rule Part 157 requires that prior notice be given to the Director whenever a person intends to construct, alter, or activate an aerodrome or heliport. A determination will then be issued by the Director in one of the following categories: unobjectionable, conditional, or objectionable.

Item 14

55. Caselaw indicates that a special circumstance is something that is 'exceptional, abnormal or unusual but less than extraordinary or unique'[14]. Circumstances which are 'special' will be those which make notification desirable, despite the general provisions excluding the need for notification[15].

56. In determining the application of special circumstances, it is considered that the key consideration is whether the resulting notification would result in receipt of further information relevant to determining the substantive application. For restricted discretionary applications, the only information relevant to the substantive decision is that which falls within the scope of council's discretion. Under Rule 13.8.2 matters of discretion are limited to noise effects, and the visual effect of any earthworks or retaining structures required to establish a helipad or airstrip. The assessment criteria include consideration of appropriate controls over the type of helicopter(s) the flight procedure, (flight track/path, ground idling, hovering), the hours of operation and frequency of movement and the location of helipad or airstrip.

57. It is relevant to note that the WLB Plan does not appear to have any explicit bearing on an assessment of these effects, and in this regard, it is considered that the WLB Plan does not provide 'special circumstances' justification for public notification of restricted discretionary activity helipad and take-off and landings resource consent applications.

58. For discretionary activity applications, it is unlikely that consideration of the WLB Plan would in every case result in relevant further information coming to light. It is therefore considered that the WLB Plan does not amount to a 'exceptional' matter which justifies notification of all resource consent applications for helipads on Waiheke Island. Council staff therefore support a case-by-case determination of special circumstances as part of the notification decision.

59. Regarding the substantive assessment of helipad resource consent applications: for applications with restricted discretionary activity status (Rule 13.8.2) assessment is restricted to noise effects and the visual effect of any earthworks or retaining structures required to establish a helipad or airstrip. These limitations do not allow for consideration of the WLB Plan and the views of the Waiheke LB as to the application of the WLB Plan. These matters are not within the scope of the matters over which the council has restricted its discretion.

60. If the activity status of an application is discretionary, then council will make its substantive decision pursuant to section 104 of the RMA. Under section 104(1)(c) the WLB Plan could be considered as an 'other relevant matter' that council could take into account in its assessment of the application. However, even if the WLB is considered to be an "other relevant matter" it is likely to be of limited statutory weight as it is not a plan created under the RMA. In addition, the content of the WLB Plan does not directly address helicopter landing pads. There is a lack of direct relevance or application to helipads in the WLB Plan and this also indicates that limited weight should be given to the WLB Plan.

Carbon emissions and climate change legislation

61. The Waiheke Local Board resolution (f)(iii) requests the council to respond to the helicopter consenting issues by considering the wishes of the people of Waiheke to 'mitigate future carbon emissions with urgency in relation to the Climate Emergency declared by the Council.' The request has been considered in light of the RMA as it is currently, and in light of climate change amendments proposed by the Resource Management Amendment Act which comes into force from 30 November 2022.

[14] See *Kawau Island Action Incorporated Society v Auckland Council* [2018] NZHC 3306 at [154], and *Mills v Far North District Council* [2018] NZHC 2082 at [176] both relying on *Far North District Council v Te Runanga-A-Iwi O Ngati Kahu* [2013] NZCA 221 at [36].
[15] *Murray v Whakatane District Council* (1997) 3 ELRNZ 308; [1997] NZRMA 433 (HC)

Current situation

62. The RMA currently has a limited role in climate change mitigation and local authority responsibilities under RMA are confined to climate change adaptation (i.e. response to the effects of climate change, including natural hazards). Climate change mitigation (reduction of greenhouse gas emissions) is currently beyond the scope of council's resource management responsibilities[16].

63. The only exception is the ability under section 70B of the RMA to control the effects on climate change of the discharge into the air of greenhouse gases, following promulgation of a National Environmental Standard (NES). However, no such NES has yet eventuated.

Resource Management Amendment Act amendments in force from 30 November 2022

64. The position will change once the RMAA amendments relating to greenhouse gas emissions come into force on 30 November 2022. However, the amendments made by the RMAA cannot be taken into account in an application for resource consent for a helipad until in force.

65. Even after 30 November 2022, where the helipad resource consent application has a restricted discretionary status, climate change and greenhouse gas emissions are not permissible considerations as they are outside the scope of the mattes over which the council has restricted its discretion in Rule 13.8.2. A policy and rule framework relating to greenhouse gas emission reduction is likely therefore to need to be the subject of a separate plan change process.

66. Where the helipad resource consent application has a discretionary activity status 'the effects of climate change' may be relevant under section 7(i) in the context of council's Part 2 assessment (albeit the relevance of those effects will depend on the specifics of the application in question).

Prohibited Activity Status

67. The Waitemata Local Board resolution requests the introduction of prohibited activity status in the AUP for recreational helicopter take-offs and landings in urban and suburban residential zones and adjacent coastal zones. It notes that the activity already has a non-complying activity status and that maintaining a quality living environment for these zones likely results in helicopter applications being declined. This being the case, the local board seeks that clarity and certainty is provided to people through the application of a prohibited activity status and notes that this would protect people from wasting time and money on what are likely to be unsuccessful applications.

68. It would be a very difficult task to justify a blanket prohibition on recreational helipads in residential and coastal zones. In order for a plan change that seeks to classify helipads as a prohibited activity in certain zones to succeed, the plan change would need to meet the statutory tests under the RMA. The premise underpinning prohibited activity status is that the effects are such that in no circumstances would a helipad be considered appropriate. It would be very difficult for the council to demonstrate that prohibited activity status was "the most appropriate" under the applicable statutory tests, without also proposing to change the existing policy framework of the AUP by introducing new AUP objectives and policies that support prohibited activity status. In addition, there would need to be comprehensive assessments, including in relation to the environmental effects of helipads, that would need to be undertaken by council to support the prohibited status.

[16] [See Ministry for the Environment, Transforming the Resource Management System: Opportunities for Change Issues and Options Paper CR 390, November 2019, pages 30-31. It is noted there is no express reference in sections 30 or 31 of the RMA (regional council and territorial authority functions, respectively) to either climate change mitigation or adaptation.]

69. It is considered that this would be a very difficult position to establish and council's data at present would not provide the necessary level of supporting evidence.

70. The compliance and monitoring project outlined above will contribute to meeting the information requirements required to make an informed assessment under section 32 of the RMA by establishing a monitoring baseline. Further data may be obtained from the CAA who have indicated to council staff informally that they are willing to provide council with access to a significantly larger data base of flight log information (which goes beyond council's helipad consents data) and will provide a broader understanding of helicopter activity in the Auckland Region. It is noted that the CAA database is still being collated and refined and the relevant data is not anticipated to become available to council before December 2022.

71. Although prohibited activity status would provide greater clarity and certainty (as suggested by the Waitemata Local Board) it would also provide no flexibility. The RMA provides for a range of activity statuses from permitted through to non-complying status which provides applicants with an indication of what activities are considered appropriate in a zone based on their potential to create adverse effects. The non-complying activity status is already the most restrictive activity status other than complete prohibition. The concern that applicants may be wasting time and money in making an application that may be turned down is acknowledged, however the risk associated with pursuing a non-complying activity is considered to be clearly conveyed by the status itself, and the assessment required under the RMA for such a status, acknowledging that applications can be granted for non-complying activities.

72. Prohibiting recreational helicopter take offs and landings in urban and suburban residential zones and adjacent coastal zones is not recommended.

Aotea/Great Barrier

73. Aotea/Great Barrier Local Board has advised council of the intention to consider a notice of motion in relation to helicopter activity (**Attachment D**). The notice of motion will seek the public notification of all helicopter applications by way of a plan change, and that in the interim, notification is applied by using 'special circumstances; an investigation into the cumulative effects of helicopters and recognition of the lack of enforcement / monitoring; and also requests sites and places of significance to mana whenua be taken into consideration. It is also noted that paragraph 6 of the local board's notice of motion identifies that mana whenua have requested a suspension of private helipad consent applications on Aotea to allow the planning process to factor in mana whenua's kaitiaki role, management of compliance and wider concerns.

74. A discussion of public notification is in this report under the heading 'Other Documents'. This assessment must be undertaken on a case-by-case basis and relate to the effects of the proposal being considered.

75. The local board's request for an investigation into cumulative effects of helicopter activity and requests for enforcement and monitoring are noted. It is accepted that there is insufficient data on the number of helicopter movements and compliance with helicopter consent conditions., and Council's Plans and Places, Resource Consents, and Compliance and Monitoring departments are supportive of the commencement of a programme for analysing helicopter flight data to remedy this situation. As previously discussed, a project led by the council's Compliance and Monitoring Team is about to get underway.The CAA is also assisting council through provision of access to a larger database of flight data which will assist in providing a more accurate assessment of helicopter movements in the Hauraki Gulf area.

76. Regarding the request to address protecting sites and places of significant to mana whenua, it is noted that the council has been working with mana whenua to identify and protect sites and places of significance on Aotea/Great Barrier Island for several years now. A number of sites have been nominated by mana whenua, some of which were due to be included in the first tranche of sites to be scheduled for protection through the council's Maori Heritage Programme. With the agreement of mana whenua, these sites were moved to the second tranche and work is progressing with mana whenua to ensure the sites can be included in the next plan change.

77. Regarding the request from mana whenua to suspend consent applications it is advised that a moratorium is not provided for under the RMA. The council is obliged to receive and process resource consent applications. It is noted that that all resource consent applications received by council are provided to mana whenua on a weekly basis, and that this provides opportunity for mana whenua to highlight matters of concern that may be applicable as special circumstances in the determination of notification and substantive assessment. It is noted that the determination of whether special circumstances are triggered is made on a case-by-case basis.

Preparation of plan changes to the AUP and HGI Plan

78. For the reasons outlined above, preparing a plan change to the AUP to amend the activity status of the take-off and landing of helicopters to prohibited is not supported. With respect to the HGI Plan, it is possible that the results and analysis of the compliance programme and a more comprehensive review of options under section 32 of the RMA, may demonstrate that a plan change is justified.

79. However, at this point in time, the Plans and Places department does not have the resources available to complete the work that would be required to evaluate, and if appropriate, prepare a plan change to the HGI Plan. The department is responding to the government's extensive policy programme (and a significant increase in the work required as a result of the Resource Management (Enabling Housing Supply and Other Matters) Act) and a very high volume of private plan change requests, some of which have required the council to make submissions (for which costs cannot be recovered).

80. Lack of capacity to undertake any new policy work is likely to continue for at least the next six months. It is therefore recommended that this matter is reported back to the Planning Committee when the monitoring results are available, at which point a further assessment can be made as to whether there is capacity to undertake the further work required to evaluate, and if appropriate, prepare a plan change to the HGI Plan.

Tauākī whakaaweawe āhuarangi
Climate impact statement

81. The Government's first Emissions Reduction Plan (ERP) is scheduled to be released by 31 May 2022. It will set out how New Zealand will meet its first emissions budget (2022-2025) and set the path towards meeting long-term climate targets.

82. Auckland Council's climate plan, Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, has called for a 64 percent reduction in transport emissions by 2030. Auckland Council has established a Transport Emissions Reference Group made up of Councillors, Independent Māori Statutory Board (IMSB) members, members of the Mana Whenua Kaitiaki Forum, and members of the Auckland Transport (AT) board to develop options for achieving the proposed 64% emissions reduction. The reference group will provide strategic direction to officers from the council and AT who are jointly developing a Transport Emissions Reduction Plan (TERP) that will outline concrete actions to dramatically reduce transport emissions by 2030.

83. The Government's ERP and the Councils TERP will be relevant to the assessment of helipad applications and may be considered in any determination as to whether 'special circumstances' are triggered in association with a resource consent assessment.

84. These plans will also have relevance to any future changes proposed to the regulatory framework of the AUP and HGI Plan.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

85. The Resource Consents and Compliance and Monitoring departments have contributed to the preparation of this report.

86. Eke Panuku, Auckland Transport and Auckland Unlimited would be consulted as part of any process involving changes to the provisions for Helicopters in the AUP and HGI plan.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

87. This report responds to concerns about helicopter activity raised by the Waiheke Local Board, Waitemata Local Board and Aotea Great Barrier Local Board.

Tauākī whakaaweawe Māori
Māori impact statement

88. The Aotea/Great Barrier Local Board has included the following matters as supporting information to the (pending) Notice of Motion:

- That all applications be referred to Ngāti Rehua Ngātiwai ki Aotea for an up-to-date Cultural Values Assessment as at least two of the current applications proposed are within areas of well-known archaeological and waahi tapu sites.
- The Aotea Local Board has identified that it is of concern to mana whenua that there are currently no archaeological sites, or sites of significance to mana whenua, scheduled in the Auckland Unitary Plan or HGI Plan on Aotea / Great Barrier Island. The local board presented to the Planning Committee on 1 July 2021 regarding protecting sites and places of archaeological and cultural significance on the island. It is understood that council is seeking to address this legacy issue of data gaps and we request urgency in this matter.
- Charles Nepia (Kaiwhakahaere, Ngāti Rehua Ngātiwai ki Aotea Trust) noted the planning permissions for helipads showed *little consideration for our intrinsic values or need to safeguard our whenua and moana*
- Mana whenua have requested a suspension on private helipad consent applications on Aotea to allow the planning process to factor in mana whenua's kaitiaki role, management of compliance and wider concerns.

89. The request from mana whenua to allow the planning process to provide for mana whenua's kaitiaki role is acknowledged. At present all consent applications received by council are provided to mana whenua on a weekly basis, providing an opportunity for mana whenua to review applications and highlight matters of concern. Where applicable these may be provided for as special circumstances in the determination of notification and substantive assessment. It is noted that the determination of whether special circumstances are triggered is made on a case-by-case basis.

90. In considering whether special circumstances exist, the council must consider the information which might be obtained through the notification process. Given the council's discretion is restricted in assessing restricted discretionary activity helicopter landing pad applications, only matters which can be considered when assessing the substantive application are able to be taken into account in the consideration of whether special circumstances apply.

91. For a restricted discretionary activity, the effects which can be assessed in the substantive decision are those listed in Rule 13.8.2. This includes the effect of noise, and visual and amenity effects associated with any physical works.

92. Regarding the request from mana whenua to suspend consent applications it has been previously noted that a moratorium is not provided for under the RMA. The council is obliged to receive and process resource consent applications. Any applications received must be assessed and determined, avoiding unreasonable delay as directed by s21 of the RMA.

Ngā ritenga ā-pūtea
Financial implications

93. As previously noted, at this point in time, the council's Plans and Places department is not resourced to evaluate, and if appropriate, prepare a plan change to the HGI Plan relating to helicopter landing and take-offs and helipads. Engaging consultants to undertake this work has been considered, however considerable oversight by council staff would still be required at a time when there is simply no capacity available. If consultants were engaged, the evaluation supported a plan change, and the Planning Committee agreed to notify a plan change, there would be an ongoing need for oversight well into 2023 and most likely beyond. The costs of using a consultant are also likely to be significant due to the high likelihood of any plan change being appealed to the Environment Court.

94. It is therefore recommended that this matter is reported back to the Planning Committee when the monitoring results are available, at which point a further assessment can be made as to whether there is capacity to undertake the work required to evaluate, and if appropriate, prepare a plan change to the HGI Plan.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

95. To date the representations to the local boards do not appear to have included consent holders, helicopter operators and helicopter users, all of whom have views that would need to be considered in any plan change relating to the helicopter provisions. Given the contentious nature of the topic and anticipated contest by stakeholders, a solid evidential basis for any proposed plan change will be necessary.

96. It is noted that the current level of information about helicopter activity and compliance with consent conditions is insufficient to support a plan change process, and that further research is necessary in order that any decision to progress a plan change is able to be justified in terms of RMA tests. Statutory tests under section 32 of the RMA require that proposed changes are the most appropriate method to achieve the sustainability purpose of the Act and are the most efficient and most effective method to apply. The work being undertaken by the council's Compliance and Monitoring department is an important way to mitigate the risk of any plan change failing when contested at a hearing or in the Environment Court.

Ngā koringa ā-muri
Next steps

97. The proposed next steps are:

    a) The council's Compliance and Monitoring department will urgently commence and complete a programme to analyse flight log information from helicopter resource consent holders where this is a condition of consent in order to determine extent of compliance and assist with an evidence-base of effects.

    b) Staff will work with the Civil Aviation Authority to analyse available flight tracking data to obtain an overview of current levels and patterns of helicopter activity in the Auckland region.

Item 14

c) Once completed, staff will report the results of the monitoring work and work with the CAA back to the Planning Committee, at which point in time an assessment will be made as to whether the Plans and Places department has the capacity to evaluate, and if appropriate, prepare a plan change to the Auckland Council District Plan (Hauraki Gulf Islands Section) relating to helicopter activity.

d) The council's Māori Heritage team will continue to work with mana whenua to ensure that nominate sites are able to be included in the next and subsequent plan changes.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Memorandum to Waiheke Local Board - 3 December 2021	461
B⇩	Waiheke Local Board Resolution WHK2021/178	479
C⇩	Waitemata Local Board Resolution WTM2021/298	481
D⇩	Aotea Great Barrier Notice of Motion 22 March 2022	483
E⇩	Proactive Compliance Project - Proposal - Waiheke Helicopters	487

Ngā kaihaina
Signatories

Authors	Alison Pye - Senior Policy Planner Warren Maclennan - Manager - Planning, Regional, North, West & Islands
Authorisers	John Duguid - General Manager - Plans and Places Megan Tyler - Chief of Strategy

Memorandum

3 December 2021

To: Waiheke Local Board and Planning Committee

Subject: Response to a notice of motion by the Waiheke Local Board regarding helicopter activity

From: Plans and Places Department and Resource Consents Department

Contact information: Warren Maclennan, Manager Regional, North, West and Islands Planning
warren.maclennan@aucklandcouncil.govt.nz
Brad Allen, Team Leader Resource Consents Central
brad.allen@aucklandcouncil.govt.nz

Purpose

1. To respond to the Waiheke Local Board's notice of motion dated 21 July 2021 seeking information on helicopter activity and options to further control helicopter activity (**Attachment A**).

Summary

2. This memorandum has been prepared jointly by the Plans and Places Department and Resource Consents Department. The memorandum responds to matters raised in a notice of motion (**Attachment A**) passed by the Waiheke Local Board. The notice of motion seeks information on six items - (a) through to (f). These are discussed in sections A and B of this memorandum.

3. Section A of the memorandum addresses item (a). It discusses the regulatory framework that applies to helipads (and the associated take-off and landing of helicopters) and options to increase control. From the outset, it is important to note that the Resource Management Act (RMA) does not allow the council to consider the effects that arise from the broader overflying activity of helicopters, or to regulate health and safety matters for helicopter activity. These matters fall under the control of the Civil Aviation Authority (CAA).

4. A comparison of the Auckland Council District Plan Hauraki Gulf Islands section (HGI Plan) and the Auckland Unitary Plan (AUP) identifies that the HGI Plan provisions are less strict in terms of resource consent activity status and noise standards. However, the HGI Plan enables a broad assessment of impacts on visual amenity and aural amenity, including an assessment of cumulative effects, and enables the council to decline resource consent applications for helipads on Waiheke.

5. In terms of public and limited notification of helipad resource consent applications, the HGI Plan requires this to be determined on a case-by-case basis, and while the provisions generally preclude public notification, the council can consider special circumstances that may warrant notification under section 95A (4) of the RMA[1].

6. The council cannot lawfully impose a moratorium on helipads. An alternative would be to apply prohibited activity status through a plan change to the HGI Plan. However, the legal tests for prohibited activity status are very high, as the underlying premise for this activity

[1] Section 95A(4) of the RMA in a former version as it was when the HGI Plan was made operative.

Item 14

Attachment A

status is that there are no circumstances in which helipads are appropriate. This would be an extremely difficult position to establish.

7. Overall, given the ability of relevant effects to be considered under the HGI Plan as it currently stands, and taking into account the council's current resources, the significant policy workload arising from central government directions (such as the National Policy Statement on Freshwater Management and National Policy Statement on Urban Development), and the timing of the next AUP review in 2026, a review of the HGI Plan provisions as part of the scheduled AUP review is considered the most efficient use of the council's resources.

8. Section B of the memorandum addresses items (b) to (f) in the notice of motion.

9. Item (b) asks for the Planning Committee to endorse a change in the assessment criteria to enable public notification, cumulative effects, and assessment of effects on the wider community and amenity values.

10. Items (c) to (e) in the notice of motion seek information on existing helipad consents, including whether there are any lapsed consents; whether any consents can be cancelled under s126 of the RMA; and whether consent conditions can be reviewed under s128 of the RMA. Based on the review of the existing consents, their conditions and complaints on file, the Resource Consents Department is of the view that a review of the consents with a s128 condition is not warranted at this time.

11. Item (f) requests the support of the Planning Committee to a request from the Waiheke Local Board to the CAA to establish a 'special use airspace' to manage the impacts of helicopter flights over Waiheke.

12. It is noted that a 'special use airspace' application by 'Quiet Skies' has been lodged with the CAA. The application was endorsed by the Waiheke Local Board at its meeting on 25 August 2021 and a letter of endorsement[2] has been provided to the CAA. It is understood that the CAA is processing the application.

Context

13. This memorandum responds to the Waiheke Local Board notice of motion dated 21 July 2021. The notice of motion seeks information on planning controls and resource consent processes relating to helicopter activity on the Hauraki Gulf Islands. A copy of the notice of motion is provided at **Attachment A**.

Discussion

Section A

14. Item (a):

Request an information report from council staff on options to increase control over the number of helicopter pads being consented, their locations, as well as the associated numbers of flights per helicopter pad, and means by which to manage cumulative and specific effects of the number of helipad consents and flight movements on Waiheke and the other islands in the Waiheke Local Board area. This also relates to nuisance and the protection, promotion and maintenance of public health and safety. This should also include an outline of the implications on Waiheke's current rules once the Hauraki Gulf Islands

[2] Letter of endorsement from the Waiheke Local Board to the CAA, dated 30 August 2021 Re: Application to Civil Aviation Authority by Quiet Sky Waiheke for designation of Waiheke Island as Special Use Airspace and Mandatory Transponder Airspace (Civil Aviation Rules Part 71.9)

District Plan (HGIDP) is replaced with the Unitary Plan (UP), and to advise whether it is feasible to apply a Moratorium on Helicopter Pad Consents until such controls are implemented.

15. These matters are discussed under the following headings:

- regulatory framework
- options for increasing control – planning provisions
- options for increasing control over number of consents granted.

Regulatory framework

16. The discussion below outlines the regulatory framework in the HGI Plan and the AUP that manages helipads, and helicopter take-off and landing in residential and rural zones.

HGI Plan

17. The rules for helipads are found at section 13.8 of the HGI Plan. Provision is made for permitted activities (Rule 13.8.1), restricted discretionary activities (Rule 13.8.2) and discretionary activities (Rule 13.8.3). Permitted activities do not require a resource consent (provided they meet all other relevant rules in the HGI Plan); restricted discretionary activities require a resource consent that can be declined if the matters of discretion set out are not met; discretionary activities require a resource consent that can be declined and there are no limits on the scope of matters that can be considered (provided they are within the scope of the Resource Management Act (RMA)).

18. The rules in the HGI Plan are set out in full below:

13.8.1 Permitted Activities:

1. *Helicopters or aircraft involved in emergency, police or rescue operations.*
2. *The existing Claris and Okiwi airstrips.*
3. *Landing areas in landforms 1 (coastal cliffs), 3 (alluvial flats), 5 (productive land), 6 (regenerating slopes) and 7 (forest and bush areas) where they are used for pastoral farming or horticultural purposes.*
4. *Any helicopter take-off or landing for the purposes of providing access to coastal fishing locations (excluding Waiheke Island) provided that:*
    a. *a. the helicopter is at all times more than 1000m from any dwelling; and*
    b. *b. there are no more than three inward and three outward movements in a seven day period.*
5. *Any helicopter take-off or landing for the purposes of providing access for the incidental maintenance of network utilities provided that there are no more than three inward and three outward movements in a seven day period.*

13.8.2 Restricted Discretionary Activities:

Helipads and airstrips, (other than those permitted above) where:

1. *There is no more than one helipad or airstrip per Site or for Pakatoa and Rotoroa Islands, there is no more than one helipad or airstrip per island;*
2. *The noise emissions from use of the helipad or airstrip comply with the following noise limits measured at or within the notional boundary of any noise sensitive activity (not on the same site):*
    a. *Ldn 50dBA (3 day rolling average - where, as each new consecutive day is included in the calculated average, the last day of the period is deleted)*
    b. *the following matters of discretion and assessment criteria apply:*

Matters of Discretion

When considering an application to establish a helipad, the council has restricted its discretion to the following matters:

- *Noise effects*
- *The visual effect of any earthworks or retaining structures required to establish a helipad.*

Assessment criteria:

When considering the above matters of discretion, the council will have regard to the following assessment criteria:

1. *The effects of noise received at or within the notional boundary of the noise sensitive activities;*
2. *The cumulative noise levels received at or within the notional boundary of any noise sensitive activity generated by use of the proposed helipad or airstrip along with any other consented or permitted landing area;*
3. *The adverse visual or amenity effects resulting from the type and size of the facility to be provided.*
4. *Whether the noise generated by use of the proposed helipad or airstrip can be adequately mitigated so as not to give rise to adverse noise and amenity effects, including appropriate controls over:*
   - *the type of helicopter(s)*
   - *the flight procedure, (flight track/path, ground idling, hovering)*
   - *the hours of operation and frequency of movements*
   - *the location of helipad or airstrip.*
5. *Proposed consent conditions which provide for recording, monitoring, reporting and review.*

13.8.3 Discretionary Activities

Any helipad or airstrip that does not comply with rules 13.8.1 or 13.8.2.

13.8.4 Assessment criteria for discretionary activities

The council's assessment of an application for a helipad or airstrip as a discretionary activity will include consideration of the matters set out in 13.8.2 and the following matters

1. *The extent to which the heli-noise boundary meets or exceeds the limits of acceptability of table 1 of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.*
2. *The extent to which the air-noise boundary meets or exceeds the recommended noise control criteria of table 1 of NZS 6805:1992 Airport Noise Management and Land Use Planning.*
3. *The tourism benefits that may accrue from the helipad or airstrip.*

19. With respect to noise measurement, Rule 13.8. uses the noise metric 'Ldn' which is used for noise comprised of a series of events throughout the day and/or night (i.e. not continuous). Ldn is the noise metric adopted for aircraft and helicopter landings and departures and is specified in NZS 6805:1992 (airport noise management) and NZS 6807: 1994 (helicopter landing areas). The Ldn is a measure (over a 24-hour period) of overall noise exposure and takes into account:

    - the number of events (in this case flights)
    - loudness of each event
    - sensitivity at night.

20. It is noted that for Rule 13.8.2 Restricted Discretionary Activities, a three-day rolling average is applied to the Ldn (i.e. it is the average over three days (rather than a 24 hour period)).

21. The council is aware of alternative interpretations of the rules in the HGI Plan. An assessment of alternative interpretations is included as **Attachment B**.

Auckland Unitary Plan

Residential zones

22. For residential zones, helicopter landing and take-off is a non-complying activity under provision (A1) in the residential zones activity tables. Item (A1) applies non-complying activity status to activities not provided for (in the activity tables).

Rural zones

23. For rural zones, helicopter landings and take-offs associated with servicing rural activities fall under the activity 'rural airstrip' and are a permitted activity in all rural zones. Helicopter activity outside of this context (i.e. private use) is a discretionary activity[3].

Noise

24. Helicopter landings and take-offs (all zones) are also subject to noise standards set out at E25.6.32:

The take-off or landing of a helicopter on any site except for emergency services must not exceed Ldn 50 dB or LAFmax 85 dB measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and Ldn 60 dBA within the boundary of any other site.

25. Helicopter noise that exceeds the standard is a restricted discretionary activity[4].

Comparison of the HGI Plan and the AUP

26. The discussion below compares the HGI Plan provisions at Part 13.8 with the AUP provisions at E25.6.32.

Activity status

27. The AUP applies more restrictive provisions overall to the establishment of helipads in residential and rural areas. The greatest contrast in approach relates to the activity status applied in residential zones (non-complying activity in the AUP and restricted discretionary activity in the HGI Plan). For rural zones, both plans have a permissive approach to servicing rural activities. For non-rural helicopter activity (i.e. private use) the AUP takes a stricter approach than the HGI Plan (discretionary activity and restricted discretionary activity respectively).

Assessment of effects

28. Both plans require an assessment of effects on visual amenity and aural amenity, including cumulative effects. While the HGI Plan provisions apply less strict activity status than the AUP, the assessment criteria are wide ranging and provide for a broad assessment of effects on visual amenity and aural amenity, including cumulative effects. Where discretionary and non-complying activity status is triggered, whether under the AUP or HGI Plan, the range of discretion is unlimited (within the scope of the RMA).

29. Comparing the noise standards (for guidance on the noise measures refer to **Attachment C**) it is noted that both plans apply Ldn 50dB. However, the AUP provisions are more restrictive, as they require compliance on any single (24 hour) day rather than an average over three days:

- AUP noise standard at Rule E25.6.32 applies Ldn 50 dB and LAFmax 85 dB
- HGI noise standard for restricted discretionary activity at Rule 13.8.2 applies Ldn 50 (using a rolling three-day average). For additional context, it is highlighted here that Rule

[3] Rule C.1.7 -Infringement of standards applies Discretionary Activity status to activities not specifically identified in an activity table.
[4] Rule C.1.9(2) applies Restricted Discretionary Activity status where an activity does not comply with a development standard.

13.8.2 is still more restrictive than NZS 6807:1994 as the NZ Standard refers to a seven-day averaging period.

30. Applying the AUP rules, an indicative setback distance to comply with 50 dB Ldn for one flight (landing and take-off) is a minimum of approximately 100m from the helipad to the nearest notional boundary, but factors such as helicopter type, flight path, duration of ground idle and topography will determine the actual setback distance.

31. In comparison, using the HGI Plan Ldn three-day rolling average, the minimum setback distance could be reduced by around 50m for one flight (i.e. the setback is approximately 50m).

Options for increasing control – planning provisions

32. The Waiheke Local Board has requested information on options to increase control over flight movements including options to increase protection, promotion and maintenance of public health and safety from the effects of helicopter activity.

HGI Plan provisions

33. It is important to note that the areas of concern raised by the local board relating to helipad locations, flight numbers, flight movements and cumulative effects are able to be considered under the existing provisions of the HGI Plan.

34. For restricted discretionary activities, Rule 13.8.2 limits the matters of discretion to noise effects and visual effects of earthworks or retaining structures required to establish a helipad or airstrip. Assessment criteria 3 provides for the consideration of visual effects in terms of the type and size of the facility together with an assessment of cumulative effects; Assessment criteria 4 provides for consideration of noise effects in terms of the type of helicopters, the flight procedure, hours of operation and movements and location of helipad. Assessment criteria 2 specifically refers to cumulative effects of noise, including that of other consented or permitted landing areas.

35. For discretionary activities, there are no limitations on the matters may be considered – provided they are within the scope of the RMA.

Flight paths and overflying - health and safety

36. There are legal limitations on the council's ability to control helicopter activity in terms of flight paths and overflying, and in terms of health and safety. Having regard to *Dome Valley*[5] caselaw, the council's jurisdiction under the RMA to consider helicopter effects is limited to the effects that arise in relation to the taking off and landing of the helicopter, not those effects that arise from the broader overflying activity. The implications of this decision are that council does not have jurisdiction to consider effects that arise from the broader overflying activity. This falls under the jurisdiction of the CAA.

37. In terms of identifying the cut-off height for an effects assessment, the RMA does not provide a specific reference to helicopter elevation. However, in the *Dome Valley* case, the Environment Court referred to the relevant CAA rules to make its determination. The relevant rule is CAA Rule 91.311 (A0(2), which identifies requirements for aircraft to be above 1000ft at the line of more intensive residential development or 500ft in the case or rural use land.

[5] *Dome Valley District Residents Society Inc v Rodney District Council*, Environment Court, Auckland 14/12/2007, Sheppard Judge, A099/07, and *Dome Valley District Residents Society Inc v Rodney District Council*, High Court, Auckland, 1/8/2008, Priestly J CIV-2008-404-587

38. The court considered that these elevations indicated a cut-off elevation to apply when considering effects of taking off and landing:

…after take-off or landing, and in particular where an aircraft is operating above 500ft over a rural area or above a thousand feet over a congested area, such aircraft and its effects, in my judgment lie outside the ambit of the Act and the resource consent process.

Health and safety

39. Aviation related public health and safety matters fall under the jurisdiction of the CAA. There is no jurisdiction under the RMA to regulate health and safety matters for overflying activity. At the moment, Waiheke airspace is 'uncontrolled Class G airspace'[6] meaning that it is not supervised by air traffic control and is therefore covered by Rules in Part 91[7] of the Civil Aviation Safety Regulations which provides operating and flight controls for pilots, and is managed case by case.

Options for increasing control over number of consents granted

40. The local board has requested information on options available for increasing control over the number of helipads being consented in the Waiheke Local Board area, including whether it is feasible to apply a moratorium until increased controls are implemented.

41. Resource consents are determined on a case-by-case basis in accordance with the appropriate regulatory framework (i.e. the RMA and the HGI Plan). The approval or decline of a resource consent application is made either under delegated authority to staff or by independent hearing commissioners. It is not possible to direct this process in a way that would prevent resource consents from being approved.

42. With respect to applying a moratorium, this is not within the jurisdiction of the RMA. It would effectively be applying a prohibited activity status for helipads. The tests for justifying prohibited activity status are very high, as the underlying premise is that there are no circumstances in which the activity is appropriate. This would be a very difficult position to establish in a section 32 analysis under the RMA. In any case, applying prohibited activity status would require the preparation and public notification of a plan change to the HGI Plan.

Plan change to the HGI Plan

43. A plan change to the HGI Plan would require the preparation of a section 32 evaluation under the RMA. The section 32 evaluation would need to examine and be satisfied with the extent to which the proposal being evaluated is the most appropriate way to achieve sustainable management, and that the proposed plan change is the most appropriate method to apply in terms of efficiency and effectiveness and meeting the objectives and policies of the HGI Plan.

44. A plan change based on the concerns expressed in the notice of motion may be difficult to justify in the section 32 analysis, taking into account that a number of the concerns identified are outside the council's jurisdiction (falling under the jurisdiction of the CAA rather than the RMA); and recognising that the current rules of the HGI Plan already provide scope for a broad assessment of effects, including cumulative effects.

45. Any change to the Part 13.8 provisions to increase control over helicopter activity would be highly contested, as there are many interested parties and a high degree of public interest.

[6] Uncontrolled class G airspace: when an air traffic control service is not being provided within that control area or control zone https://www.aviation.govt.nz/assets/rules/consolidations/Part_071_Consolidation.pdf
[7] Part 91 General Operating and Flight Rules | aviation.govt.nz

These factors would potentially lengthen any plan change process. It is also important to note that the rules in any plan change would not have legal effect until the council releases its decision on submissions.

46. Given the wide range of interests, it is also likely the council's decision would be appealed to the Environment Court.

AUP plan review 2026

47. Bringing the HGI Plan into the AUP is scheduled to be undertaken as part of the process of reviewing the AUP. This process is required to occur every 10 years. The HGI Plan was made operative in part (1 October 2013), making the commencement date of a review due in 2023. Covid 19 legislation extends this date to 1 October 2024.[8]

48. The AUP and HGI Plan adopt different formats, with the HGI Plan containing its helipad provisions in a transport chapter. The AUP uses a zone/activity table approach. Both plans apply noise standards.

49. Given the different formats, in bringing the HGI Plan into the AUP a primary consideration would be whether the AUP provisions should be applied in full (replacing the HGI provisions) or whether aspects of the HGI Plan should be retained for specified issues to give a more tailored approach. Provisions for helicopters will be considered as part of that process.

50. Overall, given the ability of relevant effects to be considered under the HGI Plan as it currently stands, and taking into account the council's current resources, the significant policy workload arising from central government directions (such as the National Policy Statement on Freshwater Management and National Policy Statement on Urban Development), and the timing of the next AUP review in 2026, a review of the HGI Plan provisions as part of the scheduled AUP review is considered the most efficient use of the council's resources.

Section B

Notice of Motion items (b) to (f)

51. Items (b) to (f) of the notice of motion are discussed below:

52. Item b):

Asks Auckland Council's Planning Committee to endorse a change in the assessment criteria for new helipad consents on Waiheke Island to:

a. enable public notification of all helipad consents so those directly affected in the vicinity and on projected flight paths can place submissions.
b. include the consideration of the cumulative effects of helicopter movements.
c. widen the assessment of the effects of helicopter flights, take offs and landings on the wider community and the amenity values of Waiheke and the rights of residents to the quiet enjoyment of their property.

53. The discussion in section A of this memorandum is relevant to the issue of notification, effects assessment and consideration of additional assessment criteria. Section A also highlights the jurisdictional limitations on the council's ability to apply regulatory controls.

54. Item c):

Review all existing helipad consents to determine if any have lapsed during the past 5 years so that the resource consent can be cancelled pursuant to Resource Management Act Section 126.

[8] It is noted that the Government's Resource Management Reform Programme may result in timeframe changes.

55. A spreadsheet providing details of the existing resource consents is provided at **Attachment D**. There are currently 45 approved consents for helipads on Waiheke Island. In summary:

- none have lapsed;
- three of the 45 approved consents have yet to be given effect to (but have not yet lapsed). If these consents lapse before being given effect to, the activities will no longer be lawful;
- one of the consents still to be given effect to is Cable Bay – the consent was recently granted an extension of time in order to keep their consent alive for implementing[9]. It is noted that there have been prosecutions against Cable Bay in relation to helicopter movements, however the prosecutions were not against its consented helipad activities, but rather its existing use rights on flights (which were noted in the prosecutions as being relied upon, however they were never formalised under a Certificate of Existing Use Rights).

56. Item d):

Where a review provision exists in the consent, undertake a review pursuant to Resource Management Act Section 128, to determine how conditions of operation could be changed to reduce their impact on amenity value. Notification should be made of each review to receive public comment on effects.

57. Under s128, in the absence of the application containing incorrect information at the time of granting the consent, the council is only able to review consents that contain a s128 condition.[10] The scope of the review is limited to circumstances described in s128(1) and the condition itself. When reviewing conditions the council cannot cancel a consent – it can only amend conditions.

128 Circumstances when consent conditions can be reviewed

(1)A consent authority may, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent—

(a)at any time or times specified for that purpose in the consent for any of the following purposes:

(i)to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or

(ii)to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15B to adopt the best practicable option to remove or reduce any adverse effect on the environment; or

(iii) for any other purpose specified in the consent; …

58. Eight of the 45 granted consents are unavailable for a s128 review for the following reasons:

- five are Certificates of Existing Use rights; and
- three do not contain a s128 condition:
    - R/VCC/2013/2495 at 150 Trig Hill Road;
    - R/LUC/2013/2797 at 43 Dolphin Lane; and
    - R/LUC/2012/4669 at 729 Orapiu Road.

[9] R/LUC/2014/341 - Extension of time granted under s125 of the RMA for extension to lapse date of by a period of 24 months to 31 July 2022.
[10] Section 132(2) of the RMA provides that s120 (right to appeal to the Environment Court) applies as if the review were an application for consent and the consent holder were an applicant for a resource consent.

59. Based on the review of the existing consents, their conditions, complaints on file, and liaising with the council's Compliance and Monitoring Department, the Resource Consents Department is of the view that there is no trend of non-compliance on these consents, and a review of the consents with a s128 condition is not warranted at this time.

60. Item e):

Subsequent to each review, conditions should be amended or added, including, at a minimum, a requirement that each helicopter shall implement tracking (such as the ADS-B satellite-based system) sufficient to show its approach and departure routes taken to any consented helipad, and that the tracking shall be available online to the public so that it can be monitored even in the absence of any Council monitoring.

61. Undertaking e) would be subject to the determination of d) above as to whether any reviews are undertaken under the provisions of s128. Existing standard conditions (since 2015) include requirements that:

- *Evidence that written agreements have or will be obtained from all helicopter operators who intend using the helipad, including requirements on the operators that:*
  - *all helicopters that may use the helipad will have GPS tracking devices. The helicopter operator shall agree that the GPS tracking on any helicopter model will be set to the maximum resolution when enroute to or from the site and will be sufficient to show that the helicopter has likely complied with condition x including altitude;*
  - *that the flight path used for each movement will be accurately recorded; and*
  - *that condition x of this consent will be complied with at all times;*
  - *it is the consent holder's responsibility to collect details of the flight path to be used, and how the information will be retained to confirm this information for each movement;*
  - *the consent holder is to ensure that all arriving and departing helicopters remain within the flight path shown in Figure 1 of the Acoustic Assessment by XXX referenced in condition 1 by using the GPS tracking required by condition X when flying at altitudes of less than 500/1000 feet, unless required to deviate for safety or to meet CAA requirements.*

62. Where provided for under resource consent conditions[11], the council could periodically request the site flight logs to confirm compliance. However, as highlighted above, the current interest in helipad activity largely stems from the total number present rather than from any documented non-compliance issues. Given the relatively small number of resource consents that have this condition (19 of the 45 resource consents), an educational approach is being considered by the council's Regulatory Services Division, in conjunction with an upcoming educational approach being undertaken by the CAA, to engage with all helipad consent-holders on Waiheke. This approach would align with the graduated enforcement approach the council takes, which focuses on education in the first instance (where appropriate).

63. Item f):

Request Auckland Council's Planning Committee supports a request from the Waiheke Local Board to the Civil Aviation Authority for approval of the Minister of Transport to establish a ***Special Use Airspace*** *pursuant to Section 29A of the Civil Aviation.*

64. It is understood that an application for special use airspace has been lodged with the CAA by 'Quiet Skies'. The CAA is currently working through the application with 'Quiet Skies' to meet their requirements for accepting the proposal. Once accepted, it is understood that the CAA will publicly consult on the proposal, with specific engagement with affected parties or stakeholders, including the council.

[11] Note: this would apply to consents from approx. 2014 onwards when the condition was added to the standard condition set.

Next steps

65. The Resource Consents Department is discussing the feasibility of the Compliance and Monitoring Department undertaking an educational approach for all existing helipad resource consent holders on Waiheke in conjunction with a CAA educational initiative that is also underway.

66. A review of the AUP is required to commence in 2026. Provisions for the Hauraki Gulf Islands (including provisions relating to helipads) will be evaluated in detail in terms of section 32 of the RMA and incorporated into the AUP at that time.

Attachments

Attachment A	Copy of Notice of Motion – Waiheke Local Board
Attachment B	Alternative interpretations of provisions in the HGI Plan relating to helicopters
Attachment C	Guidance on noise measurement metrics
Attachment D	Resource consents spreadsheet

Item 14

Attachment A

Attachment A- Copy of Notice of Motion - Waiheke Local Board

WAIHEKE LOCAL BOARD **21 July 2021**

Notice of Motion

Helicopter Consents

In accordance with Standing Order 2.5.1, please consider the following Notice of Motion.

Recommendation/s

That the Waiheke Local Board, in accordance with the intentions of its Local Board Plan, and specifically the core premise of Waiheke as a sanctuary in the Hauraki Gulf:

a) Request an **information report** from council staff on options to increase control over the number of helicopter pads being consented, their locations, as well as the associated numbers of flights per helicopter pad, and means by which to manage cumulative and specific effects of the number of helipad consents and flight movements on Waiheke and the other islands in the Waiheke Local Board area. This also relates to nuisance and the protection, promotion and maintenance of public health and safety. This should also include an outline of the implications on Waiheke's current rules once the Hauraki Gulf Islands District Plan (HGIDP) is replaced with the Unitary Plan (UP), and to advise whether it is feasible to apply a Moratorium on Helicopter Pad Consents until such controls are implemented.

b) Asks Auckland Council's Planning Committee to endorse a change in the assessment criteria for new helipad consents on Waiheke Island to:
   a. enable public notification of all helipad consents so those directly affected in the vicinity and on projected flight paths can place submissions.
   b. include the consideration of the cumulative effects of helicopter movements.
   c. widen the assessment of the effects of helicopter flights, take offs and landings on the wider community and the amenity values of Waiheke and the rights of residents to the quiet enjoyment of their property

c) Review all existing helipad consents to determine if any have lapsed during the past 5 years so that the resource consent can be cancelled pursuant to Resource Management Act Section 126.

d) Where a review provision exists in the consent, undertake a review pursuant to Resource Management Act Section 128, to determine how conditions of operation could be changed to reduce their impact on amenity value. Notification should be made of each review to receive public comment on effects.

e) Subsequent to each review, conditions should be amended or added, including, at a minimum, a requirement that each helicopter shall implement tracking (such as the ADS-B satellite-based system) sufficient to show its approach and departure routes taken to any consented helipad, and that the tracking shall be available online to the public so that it can be monitored even in the absence of any Council monitoring.

f) Request Auckland Council's Planning Committee supports a request from the Waiheke Local Board to the Civil Aviation Authority for approval of the Minister of Transport to establish a **Special Use Airspace** pursuant to Section 29A of the Civil Aviation Act of 1990 to help to manage the impacts of helicopter flights over Waiheke.

Background

1. There has been a considerable increase in helicopter traffic over Waiheke Airspace and in particular over residential areas, over past years.
2. There is now a significant amount of public distress associated with the high numbers of helicopter flights, even more so on weekends and in peak holiday season, which have a detrimental affect on the amenity of the island and the entitlement of quiet enjoyment of one's property.
3. The Waiheke Local Board Plan, is designed around the central premise of Waiheke as a sanctuary in the Gulf. All council actions need to work towards the recognition of this principle in practice.
4. The Waiheke Local Board Plan endorses Electric Island Waiheke and is committed to working towards being fossil-fuel free by 2030. Helicopters are currently the most polluting of all transport modes to and from Waiheke per capita.
5. Waiheke Island is fully aligned to Council's carbon neutral goals and climate action plans. Therefore the issue of stopping the escalation of helicopter movements, and indeed controlling those with a view to reducing them over time, should be reasonably within the range of council's policy scope.
6. Waiheke currently has 48 consented helipads along with their associated consented helicopter movements.
7. If all helipads were to collectively use their consented flights, approximately 144 consented helicopter movements could occur on a given day; without taking into account other helicopter flights passing through Waiheke airspace or flights not landing on a consented helipad, as well as permitted activities such as Police and rescue helicopter flights, and permitted farming and/or remote building site deliveries by airlift.
8. Under the current HGIDP, the construction of helipads is a restricted discretionary activity and the HGIDP advises that council has restricted its discretion to the matters of noise affects at or within the notional boundary of the noise sensitive activity and the visual effect of the earthworks or retaining structures required to establish a helipad. As a result the consents for helipads are most often non-notified.
9. The assessment of the acoustic impact of the helicopter movements are only considered to the notional boundary of the affected property and does not take into account the effects of the flights on the wider community that may live on the flight paths.
10. The HGIDP does not provide for the consideration or assessment of the cumulative effects of all the helicopter movements resulting from the consented helipads.
11. Some helipad consents on Waiheke do require flights to be flown in accordance with recommended noise abatement procedures including the I Fly Friendly Program but there is currently no ability to monitor this activity.
12. There is currently no monitoring by Auckland Council of the number of actual versus permitted take-offs and landings to enable council to build a view of the overall or cumulative activity, or the impacts on residents.
13. A review of the management of helicopter flights and landing areas under the Auckland Unitary Plan (AUP) dated 15 July 2019, acknowledges the following:
    a. Helicopter flights and helipads are generally not provided for in residential environments as the AUP does not anticipate these activities in residential areas.
    b. The following gaps in the AUP were acknowledged:

(a) Much of the assessment of the effects for helicopter flights are focussed on the acoustic effects and could be wider
(b) The cumulative effect should be wider in its assessment of potential impacts rather than just the measure of distance between helipads and the resultant acoustic impacts.
(c) There can be more guidance on the use of NNS 6087:1994 and the Fly Neighbourly Guide as a framework for flight restrictions.

c. The report provided three options to address the issues raised and staff recommended Option 2.
(a) Option 1 – Status Quo
(b) Option 2 – Proactively develop a practice note/interpretation guidance, along with a monitoring plan for helicopter landings and take offs and helipads
(c) Option 3 – Pursue a plan change to the AUP to add provisions for helicopter landings and take-offs, and helipads.

14. Residents' group, Quiet Sky Waiheke, has requested that Waiheke be considered to be designated as a Special Use Airspace.
15. The Civil Aviation Act of 1990 states that the reasons for a **Special Use Airspace** can include:
    a. safety or security within the civil aviation system; or
    b. national security; or
    c. **for any other reason in the public interest**.

Special Use Airspaces have been created for such things as restricted areas, mandatory broadcast zones, danger areas, volcanic hazard zones, and military operating areas. Each Special Use Area has specific rules that are enforceable by fines or, in case of severe violations, revocation of a pilot's license. The "public interest" justification for a Special Use Area over Waiheke Island would be that it has a density of helipads higher than anywhere else in New Zealand, creating a density of helicopter flights during peak periods like summer holidays with unacceptable cumulative noise impacts during flights over residential and some urban areas . Since Waiheke is uncontrolled airspace (not subject to air traffic control) this density creates a safety hazard to both helicopters and residents on the ground. The rules for a Waiheke Special Use Area should be implementation of the recommendations and approach of a document entitled "Fly Neighbourly Guide" published by the Helicopter Association International, an industry group. [www.yumpu.com/en/document/read/50032410/fly-neighborly-guide-helicopter-association-international (Notably, a perfunctory reference to this Guide is made in the consents of some vineyards, but there is no detail as to what is expected, let alone enforcement.)

The Fly Neighbourly principles that should be enacted as Special Use Airspace rules for Waiheke include:

a. Maintaining an altitude of at least 2,000 feet except when making landing or departure. (This greatly reduces noise heard on the ground.)
b. Staying over water, at least a kilometre from shore, until directly opposite the consented flight path leading to a helipad. On departure, flying on the consented flight path directly to water. No overflights for "sightseeing" only.
c. Steep approaches and departures. (Limiting spread of noise)
d. Reduced speed over land. (Less noise)
e. To enable monitoring, the Special Use Area should also be designed as a CAA "Transponder Mandatory Airspace (TM)" which requires helicopters to carry a transponder making them easily monitored by radar. This would enable enforcement

of the minimum altitude rule. CAA should require tracking (along with Council) which documents the flight path and identifies the aircraft, made accessible to the public.

Signatories:

Mover	Board Member Robin Tucker
Seconder	Board Chair Cath Handley

Item 14

Attachment A

Attachment B - Alternative interpretations of provisions in the HGI Plan relating to helicopters

1. An alternative interpretation of the provisions has been considered, which is that helipads are a Non-complying Activity. This alternative interpretation is that the absence of a line-item for establishing helipads outside of the Claris airport area[1] in the HGI Plan - Part 10 activity tables makes it "an activity not provided for" and therefore a Non-complying Activity under General Rule 4.2 of the HGI Plan.

> ***4.2 Activities not otherwise specified***
>
> *A resource consent for a non-complying activity must be obtained for any activity, including the construction of a building or use of any land or building which is not specifically provided for as a permitted, controlled, restricted discretionary or discretionary activity in the parts of the Plan applying to the location of the activity.*

2. The provisions at Rule 13.8 are considered 'global' provisions for helicopter activity across the land units and settlements of the HGI Plan and there is no policy reason why they should not be considered the applicable provisions to apply when determining activity status for helicopter activity. It is noted that if the interpretation of Non-complying activity were applied, the provisions at Rule 13.8 are effectively made redundant. Applying a plain interpretation of the provisions, this would be considered an absurd outcome.
3. On that basis, it is concluded that the absence of a line item in the activity tables for helipad activity outside of the Claris airport does not trigger Non-complying activity status. Regarding the Claris airport area activity table – which specifically identifies helipads as a Permitted activity, the entry in the activity table recognises that it was an existing airstrip at the time of the 2006 HGI Plan review and which warranted being treated differently to potential new individual helipads. For all other helipads, it is clear that the provisions at Rule 13.8 are identifiable as provisions expressly applicable to helipads and airstrips in all locations. Given a plain interpretation of the regulatory framework, the specificity of Rule 13.8 avoids the application of Rule 4.2.
4. Another alternative interpretation is that the general noise Rule 10c.5.3, which provides for more general controls relating to noise across the various zones under the HGI Plan, applies in addition to Rule 13.8. In considering this alternative interpretation, the background of how the helicopter provisions were prepared was explored, noting in particular that the consolidation of transport provisions into a single location - Chapter 13 transport occurred as part of the 2006 Plan review of the HGI Plan.
5. The following matters support the interpretation that Rule 13.8 (and not the general noise Rule 10c.5.3) applies:
   - the more specific nature of Rule 13.8.2 being intended to deal with helicopter activity;
   - the way in which noise is measured under the specific helipad rules compared with the general rules - in particular, that Rule 13.8 applies the correct New Zealand Standards noise standards for helicopter activity: NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas and NZS 6805:1992 Airport Noise Management and Land Use Planning;
   - the background to Part 13.8 Transport. This section of the HGI Plan was proposed in the 2006 Review of the Auckland City District Plan: Proposed Hauraki Gulf Islands Section 2006. A review of the relevant issues reports and section 32 and

[1] (Claris airport area activity table, expressly provides for helipads as a permitted activity (under Rule 10b.19.1)

42A reports identifies the intention to consolidate all transport related provisions into one chapter.

6. The research points to the interpretation that the provisions in section 13.8 are the provisions intended to be applied to helicopter activity and that they should be applied alone. The background to the development of the provisions (outlined in the 2006 plan review issues, s32 and s42A reports), along with other matters of context outlined (specificity of provisions, correct noise standards and potential absurd outcome (making Chapter 13.8 redundant) is considered to demonstrate a clear intent that the provisions in Chapter 13.8 are the relevant provisions to apply to helicopter activity.

7. The council's interpretation applies a plain word interpretation that takes into account contextual matters. This is consistent with relevant caselaw on how to interpret plans under the RMA.

Item 14

Attachment A

Attachment C - Noise Measurement Metrics - helicopters

L_{Aeq}

The metric L_{Aeq} (or average noise level measured over a specific time period, typically 15 minutes) is used for continuous noise and is specified in NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise.

L_{dn}

The metric L_{dn} (L_{Aeq} calculated over a 24-hour period (with the addition of a 10 dB penalty applied at night (2200 – 0700)) and is used for noise which is not continuous and comprises a series of events throughout the day and/or night.

The L_{dn} is a measure of overall noise exposure and takes into account:

- The number of events
- Loudness of each event
- Sensitivity at night

L_{dn} is the main noise metric for aircraft and helicopter landings and departures and is specified in NZS 6805:1992 Airport Noise Management and Land Use Planning and NZS 6807: 1994 Noise Management and Land use Planning for Helicopter Landing Areas.

L_{AFmax}

The metric L_{AFmax} is the maximum noise level and is designed to protect sleep. Therefore, the L_{AFmax} is set in addition to the L_{Aeq} .

15 Response regarding Helicopter consents on Waiheke

Resolution number WHK/2021/178

MOVED by Chairperson C Handley, seconded by Member R Tucker:

That the Waiheke Local Board:

a) **thank the Plans and Places Department and the Resource Consents Department for their work in providing a response to the notice of motion by the Waiheke Local Board regarding helicopter activity, and for resourcing that response in the face of difficult fiscal and workload priorities.**

b) **note the requirement within consent conditions for recording, monitoring, reporting and reviewing helicopter movements, however, is concerned this is not currently being enforced and that consequently the data required to demonstrate the current number of flights is not available to substantiate the argument for a plan change.**

c) **request the council obtain tracking records forthwith as outlined within each helipad consent from 2015 onwards and set up an on-going compliance monitoring framework for those helipads and instigate an educational regime for those consented prior to 2015 as recommended in the report.**

d) **note the 2020 Waiheke Local Board Plan includes an overarching premise of Waiheke being a sanctuary in the Hauraki Gulf and that council has an obligation to recognise and fulfil local objectives, and that the central premise is at odds with sustaining the current level of helicopter movement and consenting further helicopter pads and/or movements as is evidenced by the Quiet Sky petition presented to the Planning Committee.**

e) **note that the achievement of the vision of Waiheke as a sanctuary in the Hauraki Gulf for the economic, environmental and community benefits that would widely accrue is not possible until helicopter movements are controlled and restricted, and that the current criteria for assessment of helicopter effects only include the positive impacts on tourism.**

f) **ask the governing body to resource Plans and Places to respond to the Hauraki Gulf Island District Plan and helicopter consenting issues to enable them to fulfil council's obligations to the residents of Waiheke Island to enable the wishes of its people and its board to be realised to:**

   i. **mitigate and reduce the cumulative effects of an ever-increasing number of helipads and associated movements that cause a loss of well-being for residents and their right to quiet enjoyment of their lives.**
   ii. **support the natural environment of Waiheke to flourish and regenerate without intrusive noise.**
   iii. **mitigate future carbon emissions with urgency in relation to the Climate Emergency declared by the council.**
   iv. **fulfil council's obligation to the central premise in the Local Board Plan to recognise Waiheke as a sanctuary in the Gulf.**

g) **request as an interim measure that, in accordance with the matters in resolutions d)-f) above, that the Resource Consents Department confirm it will consider criteria 2, 3 and 4 (matters of discretion) under Rule 13.8.2 in the**

Waiheke Local Board
15 December 2021

assessment of all helipad consents due to "Waiheke's special circumstances", noting this would then trigger public notification.

h) ask the council to seek an urgent ruling in the Environment Court:

i. to establish whether the assertion by planner, Planorama, is correct: that helipads should default to non-complying under the general rules of HGI/DP and this overrides Section 13.8, as opposed to the council's standard practice of 13.8 taking precedent.
ii. on its interpretation of its restriction of its own discretion to those matters listed under clause 13.8.2 in the HGI District Plan, when the cumulative impacts on Waiheke residents beyond the notional boundary of specific helicopter acoustic impacts are not considered and neither are those other matters covered in resolutions b)-f) above.
iii. to determine whether NZS 6807:1994, the noise standard incorporated into Section 13.8, that contains an "override" provision, can be applied and the validity of the council's view that the general rule in the HGIDP re noise restrictions is over-ridden by the specific clauses on helicopter noise effects.
iv. to identify whether the scope of council's definition of 'amenity' values under the current HGIDP clause 13.8.2 (Assessment criteria 4) is adequate or should be broadened to considerations of the amenity of the population at large and visitors.

i) request that subject to responses to the matters raised in resolutions e) and f) above that council instigates HGIDP plan changes with urgency by preparing a section 32 evaluation under the RMA but first seeks clarification on whether there is any emergency provision enabling council to clarify the intended application of rules for helipads in the HGIDP.

j) seek to support planning over the long term by preparing suitable regulatory provisions to replace the HGIDP helicopter provisions at the soonest opportunity with those that can be carried over into the AUP.

k) note that the current situation is not sustainable or tolerable for the community of Waiheke and that at the current rate of consent applications for helicopter pads and movements, that the current number of 48 pads might well be doubled by the time the HGIDP is migrated into the AUP.

l) seek representation by the board at the February meeting of the council's Planning Committee to present to this motion.

CARRIED UNANIMOUSLY

Waitemata Local Board Meeting, 14 December 2021

13 Notice of Motion – Deputy Chair A Bonham to Recommend Plan Changes to AUP to Prohibit Recreational Helicopter Landings and Take-offs in Urban Residential Areas

Resolution number WTM/2021/298

MOVED by Deputy Chairperson A Bonham, seconded by Member G Gunthorp:

That the Waitematā Local Board:

a) **recommend the Planning Committee instigate a plan change to the Auckland Unitary Plan so that recreational helicopter landings and take-offs in urban and suburban residential areas become a prohibited activity**

b) **recommend that recreational helicopter landings and take-offs in the coastal zone where adjacent to an urban or suburban residential area becomes a prohibited activity**

c) **request that these resolutions are forwarded to the Planning Committee, the Regulatory Committee, the Climate Change Committee, the Mayor's Office and all other local boards.**

CARRIED

Notice of Motion – Helipad consents

In accordance with Standing Order 2.5.1, please consider the following Notice of Motion placed on the agenda for the Aotea / Great Barrier Local Board meeting being held on 22 March 2022.

Recommendation/s

That the Aotea / Great Barrier Local Board:

a) receive the Notice of Motion including all attachments

b) request the Chief Planning Office to initiate an immediate review of the Hauraki Gulf Islands District Plan (HGI Plan) to enable full public notification of all helipad consents, investigation into the cumulative effects of helicopter movements, and recognition of the lack of enforcement/monitoring.

c) request the Chief Planning Office to enable all helipad resource consents applications be fully notified under consideration of special circumstances under section 95A (4) of the RMA while the HGI Plan is under review

d) request the Chief Planning Office to urgently address the significant gaps in relation to protecting sites and places of significance to mana whenua

Context

Situation

1. The Aotea / Great Barrier Island community is greatly concerned about the recent increase in helipad consent applications on the island.

2. In the last seven months there have been five helipad consent applications received. Four were in the last four months and all along the same road (Greenside Road). The fifth application was for two helipads on the same property along Gray Road.
   a) 320 Gray Road: 2 x helipads on the same site. Application was filed September '21 and granted in December '21.
   b) 101 Greenside Road – 1x helipad. Application was filed November '21 and granted February '22.
   c) 71 Greenside Road – 1x helipad. Application was filed December '21.
   d) 21 Greenside Road – 1x helipad. Application was filed in January '22.
   e) 61 Greenside Road – 1x helipad. Application was filed in February '22.

3. All the above applications for helipads are situated within a 5-7km radius of the Claris airfield which has capacity and accessibility for private aircrafts.

Concerns

DRAFT

4. We have grave concerns with the cumulative effect of private, non-essential helicopter flights. These concerns relate to ecological impacts on our local biodiversity, the high carbon impact on our climate, and the sociological impacts on our island community.

5. Aotea is a precious ecological sanctuary within the Hauraki Gulf Marine Park. Over 60 per cent of the island is Department of Conservation estate. Rotary aircraft typically fly low to the earth with high levels of noise and air turbidity. Our local biodiversity, particularly seabirds, will be impacted by an increased number of private helicopters about the island.

6. Auckland Council's Te Tāruke-ā-Tāwhiri: Auckland's Climate Action Framework has a core goal to reduce our greenhouse gas emissions by 50 per cent by 2030 and achieve net zero emissions by 2050. Climate change needs to be considered as there is potential for increased carbon emissions with more private helicopter travel to the island.

7. Aotea / Great Barrier Island is a remote and unique island. People who live and visit the island come to experience a different pace and way of life. This difference needs to be protected in the face of increasing urbanisation.

8. Monitoring and compliance is also a concern for Aotea being a remote island with limited compliance officers in residence and the Waiheke experience has shown limited proactive reporting from consent holders.

9. The local board had requested all resource consents be fully notified due to the above concerns regarding proximity to residential properties in area, impacts of cumulative effects on environment such as noise and disturbance for recreationists, birdlife and other biodiversity. While it's acknowledged that some applications had letters of support from neighbouring residents none of the applications were considered for notification.

Mana whenua

10. The local board also requested all applications be referred to Ngāti Rehua Ngātiwai ki Aotea for an up-to-date Cultural Values Assessment as at least two of the current applications proposed are within areas of well-known archaeological and waahi tapu sites.

11. It is of concern that there are currently no archaeological sites, or sites of significance to mana whenua, scheduled in the Auckland Unitary Plan or HGI Plan on Aotea / Great Barrier Island. The local board presented to the Planning Committee on 1 July 2021 regarding protecting sites and places of archaeological and cultural significance on the island. It's understood that council is seeking to address this legacy issue of data gaps and we request urgency in this matter.

12. Charles Nepia (Kaiwhakahaere, Ngāti Rehua Ngātiwai ki Aotea Trust) noted the planning permissions for helipads showed *little consideration for our intrinsic values or need to safeguard our whenua and moana.* (refer attached email)

DRAFT

13. Mana whenua have requested a suspension on private helipad consent applications on Aotea to allow the planning process to factor in mana whenua's Kaitiaki role, management of compliance and wider concerns.

Solution

14. The current HGI plan enables an assessment of cumulative effects due to consent activity status and noise standards. Therefore, we'd like full notification for all helipad consents while an investigation is held into the cumulative effects of helicopter movements.

15. The HGI Plan originally allowed helipads due to limited aircraft infrastructure, however, alongside mana whenua, we believe the existing Claris and Okiwi airfields offer sufficient accessibility and capacity for emergency, commercial and private helicopters. The airfields are within the framework of the NZCAA with approved flight paths, existing compliance monitoring and biosecurity practices.

Signatories:

Mover	 Izzy Fordham, Aotea/ Great Barrier Local Board Chairperson
Seconder	Xxxxxx, Aotea / Great Barrier Local Board Member

Attachments:

- Charles Nepia (Kaiwhakahaere, Ngāti Rehua Ngātiwai ki Aotea Trust) email – dated 21 February 2020
- Destination Great Barrier Island letter – dated 28 February 2020

DRAFT

PROACTIVE COMPLIANCE PROJECT PROPOSAL WAIHEKE HELICOPTER ACTIVITY

OVERVIEW

Title	Compliance Monitoring - Helicopter Movements
Location	Waiheke Island
Start date	March 2022
Project duration	6-months

PROJECT SCOPE

Investigate and ascertain baseline compliance of helicopter movements linked with Waiheke Island properties.

Determine what proportion are occurring in accordance with the conditions of resource consent.

Undertake agreed interventions where non-compliance has been detected.

BACKGROUND

55 Waiheke Island properties hold resource consents permitting helicopter take-off and landing activities – with conditions imposed.

The Waiheke Local Board has passed a notice of motion seeking greater controls for restricting helicopter movements that affect Waiheke Island residents.

Compliance monitoring of this consent category has been limited to date. There is insufficient data to determine overall compliance-rates in this category.

OBJECTIVES

Determine compliance rates in this consent category (Waiheke Island, Helicopter activity)
Identify any exceedances or discrepancies in flight-log recording

EXPECTED RESULTS / PROJECT DELIVERABLES

Increase awareness helicopter use is subject to monitoring and compliance
Establish communication with Civil Aviation Authority to obtain flight-log reports
Create a system to receive and record incoming flight-logs and reports

ACTIVITIES and WORK PLAN

Customer contact.
Data collection.
Analysis.
Report.

The target audience has been provided by Plans and Places via the consents database.

Draft letter templates to be sent to consent holders that:

- Require flightlogs (where conditions of consent apply)
- Request flightlogs (where conditions of consent do not apply)

A 12-month period of flightlogs will be initially requested.

If the information is not forthcoming, graduated enforcement will occur in sequence:

- Reminder letter
- Abatement notice
- Infringement fines

If no flight data is available, a warning notice will be issued. This should state a Section 9(3) infringement notice may be considered if flightlogs are (again) not available at the next request.

Obtain flight record data from Civil Aviation Authority (CAA)

- Cross-check CAA flight data against private flight log

Ascertain whether any discrepancy exists between consent-holder submitted flightlogs and CAA flight data

Report findings.

DURATION & TIMELINE

Estimated 6-months, although dependant on the urgency which data is submitted or can be collected.

RISKS AND ISSUES

Data accuracy and availability.

CAA Flight Data access to, and availability of CAA flight records is unknown.

Consent holder submitted flightlogs. The format and level of detail is not prescribed. Additionally, data may not be held despite a requirement to do so.

PROJECT GOVERNANCE

GM Licensing & Regulatory Compliance
Manager Proactive Compliance

FUTURE MONITORING

Compliance Monitoring

Auckland Unitary Plan (Operative in Part) - Private Plan Change request from the Waitemata District Health Board at Wairaka Precinct (Unitec) RMA Clause 25 decision

File No.: CP2022/00727

Te take mō te pūrongo
Purpose of the report

1. To decide, under Clause 25 to Schedule 1 of the Resource Management Act, how to process the private plan change request to the Auckland Unitary Plan from the Waitemata District Health Board (the requestor) to re-zone 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone, and amend provisions and plans in the Wairaka Precinct.

Whakarāpopototanga matua
Executive summary

2. This report considers a private plan change request received on 7 October 2021 from the Waitemata District Health Board (**WDHB**) (the requestor). The private plan change request seeks to re-zone 3A and 119A Carrington Road from Business – Mixed Use Zone to Special Purpose – Healthcare Facility and Hospital Zone, and amend provisions and plans in the Wairaka Precinct in the Auckland Unitary Plan.

3. The decision the Planning Committee is required to make at this time is whether to accept, adopt or reject the request in whole or in part, or to treat it as a resource consent application. Consideration of the detailed merits of the plan change request is not relevant at this stage of the process, but a coarse merits assessment has been undertaken to help inform the clause 25 decision.

4. The plan change would enable the expansion and intensification of the Mason Clinic, to service forecast increases in demand for forensic psychiatry services, and amend the precinct provisions to (according to the requestor) ensure that the growth of the Mason Clinic can be managed appropriately relative to the current and future environmental context of the Wairaka Precinct.

5. In order to enable this future development, the private plan change request also proposes to remove a “key open space (private)” and a “shared path” (located at 119A and 3A Carrington Rd, respectively) from the precinct plan. The private plan change request does not provide an alternative location for either of these precinct features. On a coarse assessment, this aspect of the private plan change request is considered to be inconsistent with the provisions of the Wairaka Precinct and may be inconsistent with the Regional Policy Statement.

6. A letter has been provided by the Ministry of Housing and Urban Development (see **Attachment E**) which states the intention of the Crown and the Rōpū (as development partners) to provide equivalent private open space and an equivalent shared path connection through their developments within the Wairaka Precinct.

Item 15

7. There is a risk that accepting a private plan change request that removes features such as open space and shared path notations from the Auckland Unitary Plan, and which relies on an undertaking by a third-party which sits outside the plan change to provide that open space, may result in the open space not being provided in the future. That having been said, accepting the private plan change does not mean that it will ultimately be approved. Therefore, on balance, and taking into account the relevant tests and caselaw associated with decisions to accept, adopt or reject private plan change requests, it is recommended that the Planning Committee accept the private plan change so that it can be publicly notified for submissions and a detailed assessment of its merits undertaken.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) accepts the private plan change request by Waitemata District Health Board (proposed plan change text included as **Attachment A)**, pursuant to clause 25(2)(b) Schedule 1 Resource Management Act 1991, for the following reasons:

   i) Accepting the private plan change request enables the matters raised by the requestor to be considered on their merits, during a public participatory planning process.

   ii) It is inappropriate to adopt the private plan change. The private plan change proposal is not a matter under consideration in council's policy work programme. The private plan change does not address a gap in the Auckland Unitary Plan (Operative in Part) 2016, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region.

   iii) The grounds to reject a private plan change request under clause 25(4) are limited and no ground is met by this private plan change.

      A) The request is not frivolous; the requestor provided supporting technical information and the private plan change has a resource management purpose. The request is not vexatious; the requestor is not acting in bad faith by lodging a private plan change request.

      B) The substance of the request has not been considered within the last two years.

      C) A coarse-grain assessment of the request indicates that specific parts of the proposal, in particular the removal of "key open space (private)" from 119A Carrington Road and the removal of the shared path from 3A Carrington Road without providing for replacement locations, are inconsistent with the provisions of the Wairaka Precinct and may be inconsistent with the Regional Policy Statement. However, a commitment to addressing this within the wider Wairaka Precinct has been set out in a letter from the Ministry of Housing and Urban Development, and additional concerns can be raised through the submission and hearing process. It is not recommended that council reject the private plan change request on the basis that it would make the plan inconsistent with Part 5.

      D) The coarse-grain assessment of the request does not indicate that the private plan change is not in accordance with sound resource management practice. Whether the private plan change request's objectives are the most appropriate way of achieving the promotion of sustainable management will be tested through the submission and hearing processes.

      E) The provisions of the Auckland Unitary Plan (Operative in Part) 2016 subject to the private plan change request have been operative for at least two years.

   iv) It is not appropriate to deal with the private plan change as if it was a resource consent application as the request seeks to rezone multiple sites and amend and introduce precinct provisions to manage ongoing use and development of the Mason Clinic as a whole.

Horopaki
Context

Site description

8. The sites subject to the request are located at 3A, 81A and 119A Carrington Road, Mount Albert. The site is at the western side of the Wairaka Precinct (Chapter I334 of the Auckland Unitary Plan), and to the east of Te Auaunga / Oakley Creek.

9. 81A Carrington Road is the current site of the Mason Clinic. The Mason Clinic is a forensic psychiatric healthcare facility, which provides a range of mental health services and includes custodial and secure care, together with accessory and supporting services. It makes up sub-precinct A in the Wairaka Precinct and is zoned Special Purpose - Healthcare Facility and Hospital Zone. The Mason Clinic site is currently occupied by a variety of buildings and facilities which range between one and two storeys and are of a range of styles and ages. A new building is currently under construction in the north-eastern corner.

10. 3A Carrington Road (north of the current Mason Clinic) is currently vacant, grassed, and contains several mature trees. Several of the trees proximate to the western boundary are identified in the Wairaka Precinct provisions as protected.

11. 119A Carrington Road (south of the current Mason Clinic) is occupied by a maintenance compound, a derelict greenhouse structure, and a small building used by Unitec for education activities. A 'spill over' metalled carparking area is located in the north-western corner of this site, which is accessed from the Mason Clinic parking area via a bridge across the Wairaka Stream.

Figure 1: Aerial view of 3A, 81A and 119A Carrington Road

Precinct

12. The Wairaka Precinct extends from the north western motorway at Point Chevalier in the north, through to Woodward Road in the south, and from Oakley Creek in the west to Carrington Road in the east. The purpose of the Wairaka Precinct is to provide for a diverse urban community, including the ongoing development and operation of the tertiary education facility, the development and operation of a range of community, recreation, and social activities, the development of a compact residential community, and commercial service activities.

13. The southern half of the Wairaka Precinct is primarily occupied by Unitec, with large institutional and educational facilities and at-grade parking areas, together with large recreation fields and open areas, and a stormwater detention pond.

14. Adjacent to Unitec is a strip of land along the south and west edges of the precinct. It is currently a mix of grassed and treed land, car parking, and some buildings, and is zoned for residential development.

15. The northern half of the Wairaka Precinct has several large fields and buildings that are more spread out, which include the scheduled former Carrington Hospital building in the north-eastern corner. Most of this land is owned by the Ministry of Housing and Urban Development (HUD). The site subject to the plan change request is to the west of this HUD land. The Taylor's Laundry activity occupies a separate site in the centre of the Wairaka Precinct, located at 1A Carrington Road.

16. The requestor has stated in their assessment of environmental effects that the land owned by HUD is planned to be "comprehensively redeveloped for intensive housing and ancillary activities by HUD and the Marutūāhu Rōpū, Waiohua-Tamaki Rōpū, and Ngāti Whātua Rōpū as development partners"[17].

[17] AEE, paragraph 4.1.

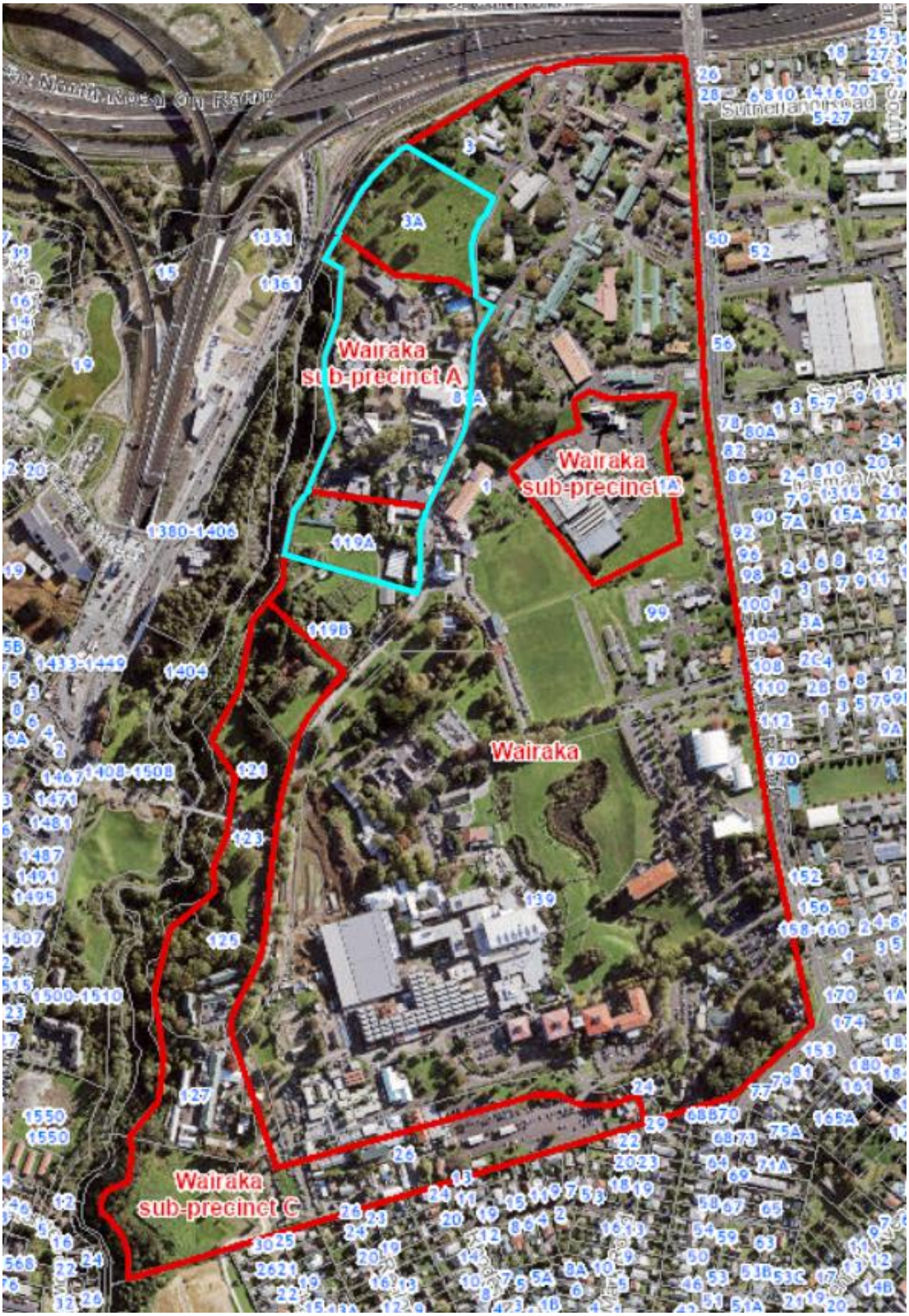


Figure 2: Aerial view of private plan change request area (blue outline) within Wairaka Precinct

The wider neighbourhood

17. To the north of the Wairaka Precinct is State Highway 16 and the Great North Road Interchange. Great North Road and Oakley Creek are located to the west, with the Waterview neighbourhood further west, beyond Great North Road, which is undergoing redevelopment. To the east and south is the neighbourhood of Mount Albert, and the Mount Albert town centre is located further south on Carrington Road. Point Chevalier is located to the north of the State Highway 16 corridor.

Item 15

18. The residential neighbourhoods surrounding the Wairaka Precinct are characterised by typical suburban development of the 1940's-1990's, and are experiencing redevelopment to various degrees and rates. The zoning of the surrounding land is predominantly Residential – Mixed Housing Urban, interspersed with areas of Residential – Terrace Housing and Apartment Buildings, and Residential – Mixed Housing Suburban. The zoning of the surrounding area is such that significant redevelopment and intensification of neighbourhoods is enabled.

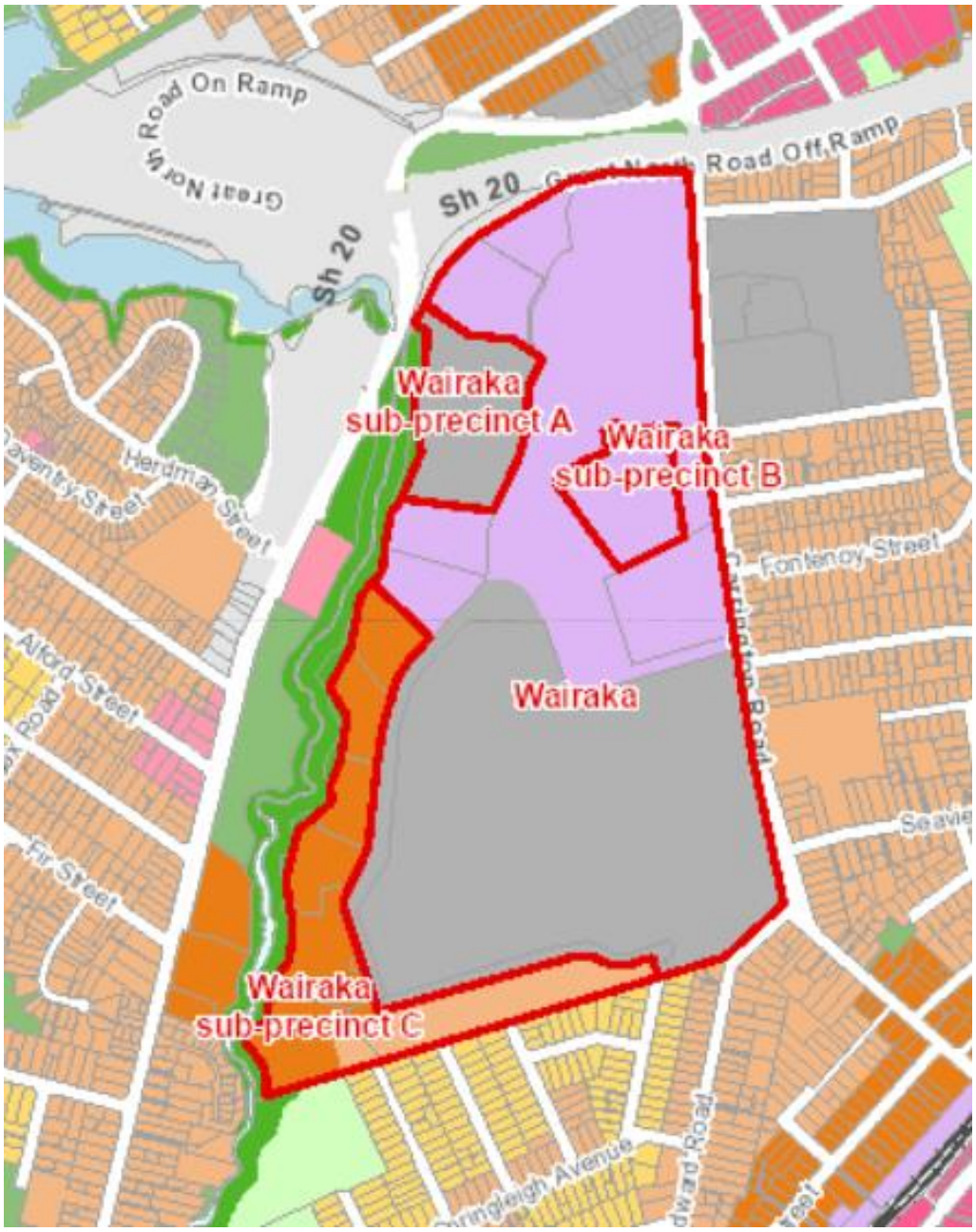


Figure 3: Auckland Unitary Plan zoning of Wairaka Precinct and surrounding area

Plan change request

19. The request was lodged on 7 October 2021 and seeks to re-zone 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone, and amend provisions and plans in the Wairaka Precinct.

20. The purpose of the request is to enable the expansion and intensification of the Mason Clinic, which according to the requestor will service the growth in the demand for the forensic psychiatry services that is forecast by the WDHB in the next 10-20 years, and to amend the precinct provisions to ensure that the growth of the Mason Clinic can be managed appropriately relative to the current and future environmental context of the Wairaka Precinct.

21. The request also seeks to extend sub-precinct A of the Wairaka Precinct to include 3A and 119A Carrington Road (and amend this on the precinct plans), amend some precinct provisions and introduce new precinct provisions, and remove the “key open space (private)” as shown on 119A Carrington Road and remove the “shared path” as shown on 3A Carrington Road from I334.10.1 Wairaka: Precinct Plan 1.

22. The proposed precinct provisions would include:

- changes to the Precinct Description (I334.1) to better describe the nature of the Mason Clinic activity, and the provision of open space and connections
- changes to the precinct objectives and policies to allow for intensification of the Mason Clinic
- additional objectives and policies for sub-precinct A, including managing effects at boundaries, and recognising the functional and operational (including security) requirements of activities and development.
- an activity table for sub-precinct A
- changes to notification requirements for new buildings or additions to existing buildings in Sub-precinct A
- new standards (including new landscape yard standards), matters of control/discretion and assessment criteria to achieve the outcomes sought by the objectives and policies.

23. The proposed rezoning of land at 3A and 119A Carrington Road is shown in *Figure 4* and *Figure 5* below.

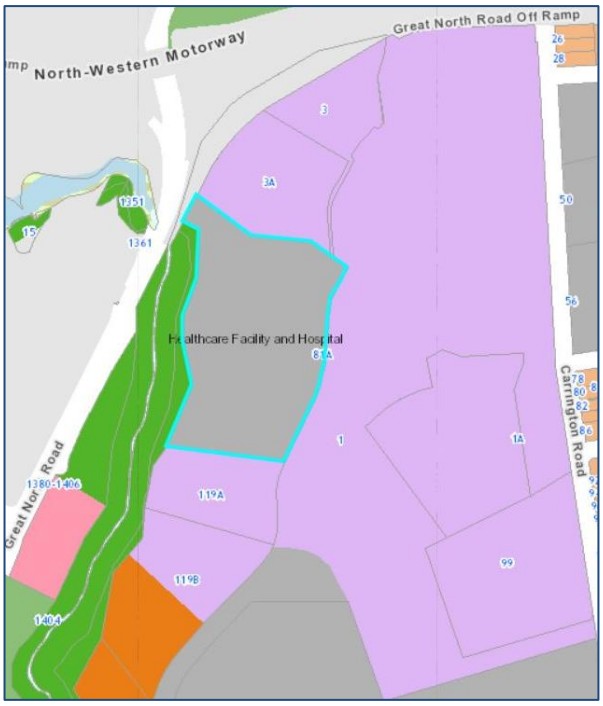


Figure 4: Current zoning

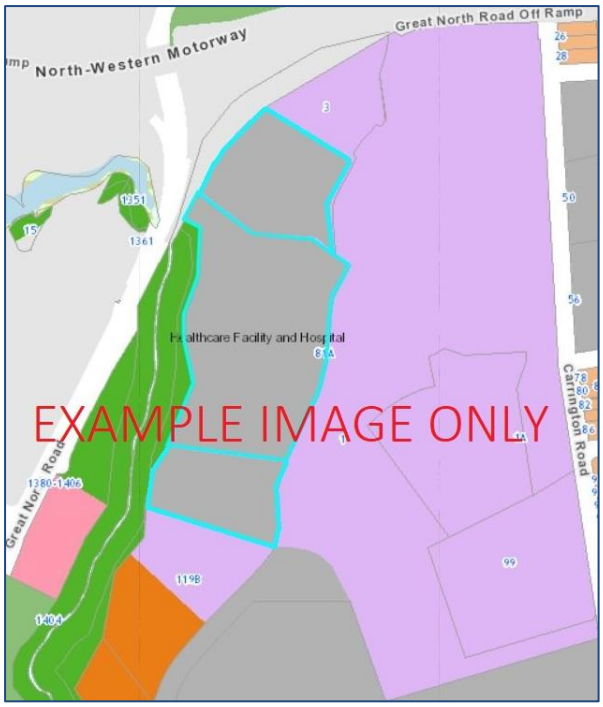


Figure 5: proposed zoning

24. The current Wairaka: Precinct Plan 1 and the proposed changes to Wairaka: Precinct Plan 1 (the extension of sub-precinct A, deletion of the key open space (private), and deletion of shared path) are shown in *Figure 6* and *Figure 7* below.

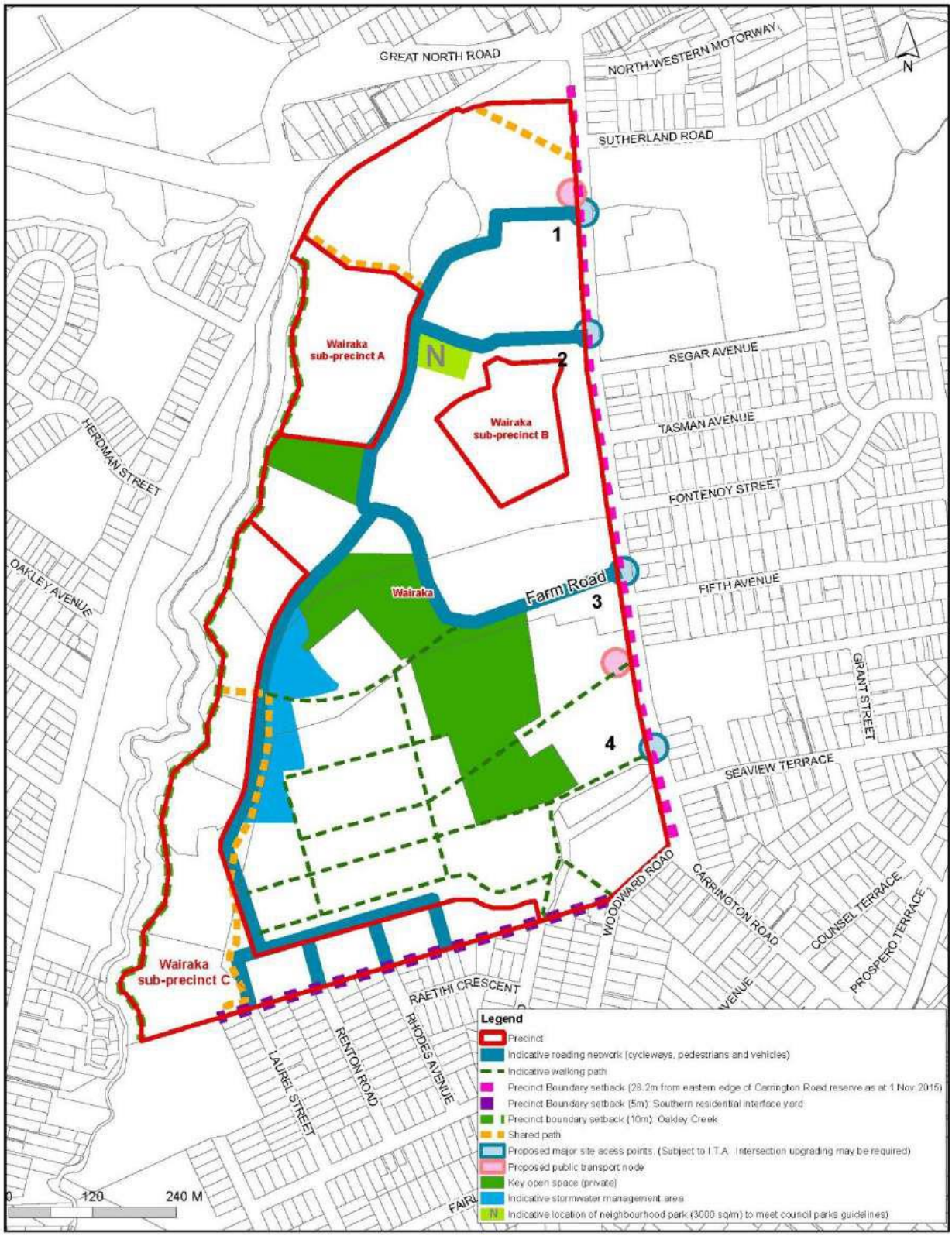


Figure 6: I334.10.1 Wairaka: Precinct plan 1

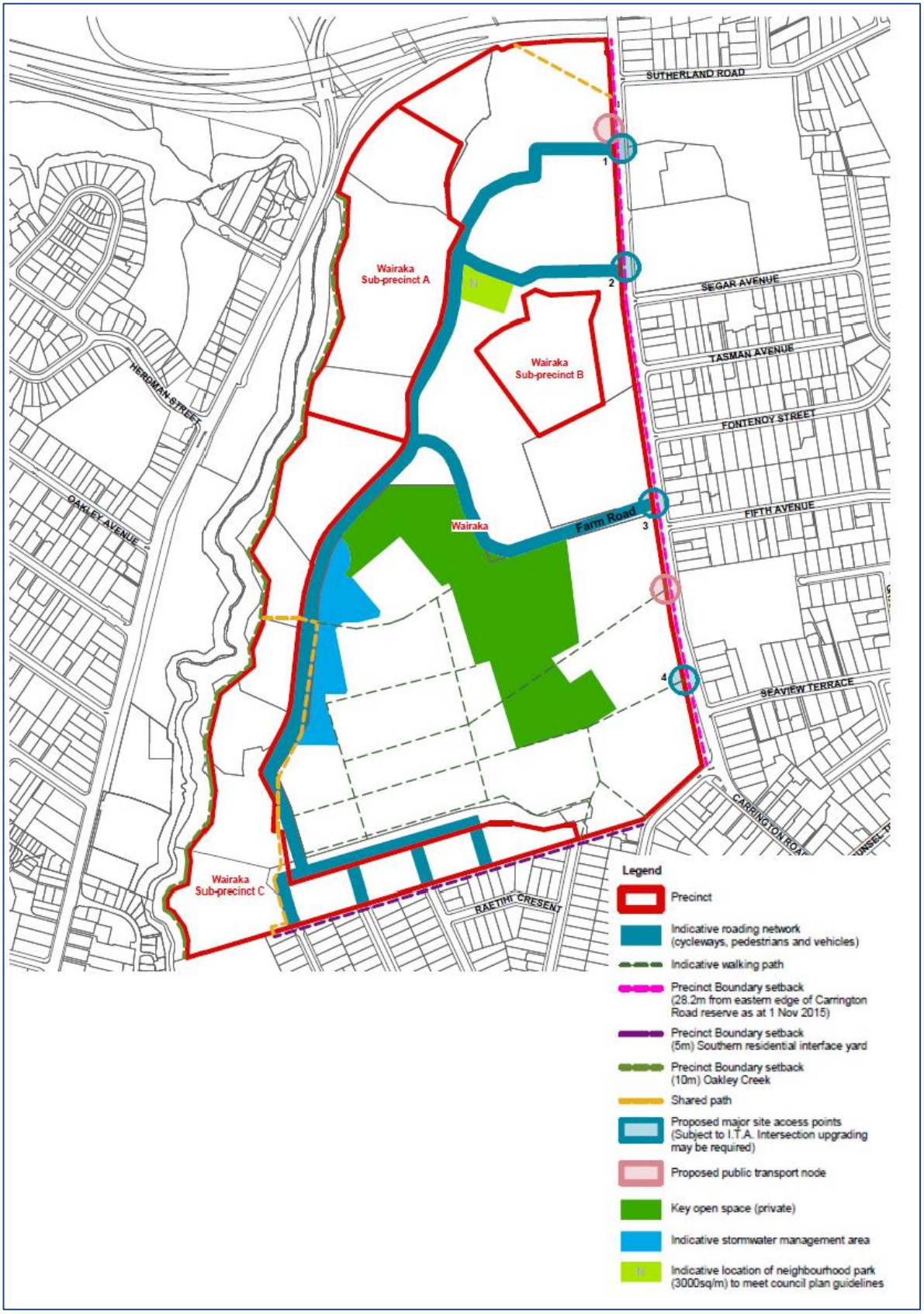


Figure 7: proposed amended Precinct Plan 1 with extended sub-precinct A, deleted open space and deleted shared path

25. The requestor has provided documentation relating to the following in support of the request:
    - Private plan change request statutory assessment and AEE
    - Certificates of Title
    - Proposed Wairaka Precinct Provisions and Maps
    - Section 32 Assessment
    - Civil Infrastructure Assessment
    - Draft Wairaka Stormwater Management Plan
    - Design and Architectural Assessment
    - Ecological Impact Assessment
    - Site Contamination Report
    - Consultation Letter to Mana Whenua
    - Local Board Presentations and Notes
    - Landscape and Visual Effects Assessment
    - IHP Recommendation Report Topic 055
    - Transport Assessment
    - A letter from the Ministry of Housing and Urban Development, dated 11 May 2021 (see **Attachment E**), outlining their intention to provide additional open space on the balance of the precinct, to replace the open space to be removed by this request.
26. The subject sites are also subject to a number of approved land use resource consents. In particular, consents have been granted for daylighting part of the Wairaka Stream[18]. This will mostly be on land owned by HUD, but includes daylighting on 119A Carrington Rd (i.e. within the proposed southern extension of the Mason Clinic). One consent also includes a path linking the spine road with Te Auaunga / Oakley Creek, to be built on the site immediately south of the plan change request area.

Tātaritanga me ngā tohutohu
Analysis and advice

Resource Management Act

27. The process for considering private plan change requests is set out in Part 2 of Schedule 1 to the RMA. A request can be made to the appropriate local authority by any person under clause 21 of Schedule 1. After a request has been lodged, a local authority can request further information under clause 23, and modify a request under clause 24, but only with the requestor's agreement.
28. Under clause 23(6), if a requestor refuses to provide any requested further or additional information, a local authority that considers it has insufficient information to enable it to consider or approve the request, may reject the request or decide not to approve the plan change requested.

[18] LUC60373078 and DIS60373077 (under BUN60373075), and LUC60376261.

29. Under clause 25, after receiving the request, receiving all required information and modifying the request (where relevant), the local authority is required to make a decision to either:
    - adopt the request as if it were a proposed plan made by the council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a)); or
    - accept the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b)); or
    - reject the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4); or
    - decide to deal with the request as if it were an application for a resource consent (clause 25(3)).
30. See **Attachment B** for the full wording of the clauses that make up Part 2 of Schedule 1 to the RMA.

Options available to the council

31. Council staff consider that the requestor has provided sufficient information to enable the request to be considered, and so do not consider the ground of rejection in clause 23(6) to be available. The next sections of this report assess the various options available to the council under clause 25.

Option 1 – Decide to deal with the request as if it were an application for a resource consent

32. The council can, in some circumstances, decide to deal with a private plan change request as if it were an application for resource consent. However, in this case, the private plan change request seeks to re-zone part of the site from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone, and amend and introduce precinct provisions to manage use and development. It is considered that the most appropriate process for achieving rezoning for further development of healthcare facilities on the site is through a plan change process.
33. It is therefore not recommended that the council decide to deal with the request as if it were an application for resource consent.

Option 2 – Adopt the request, or part of the request, as if it were a proposed plan made by the council itself

34. The council is able to decide to adopt the request and process it as though it were a Council initiated proposed plan change. A decision to adopt triggers the process set out in Part 1 of Schedule 1, which would then require the council to consult as required in clauses 3 to 3C of Part 1.
35. Following consultation, the council would then need to notify the proposed plan change for submissions and conduct a hearing into submissions, if required. If a request is adopted, all costs associated with the plan change would rest with the council. It is relevant to note that the requestor has not requested that the council adopts the private plan change request.
36. Given that the requestor has not requested that the council adopts the request and that the council would need to account for all costs associated with the adopted request, it is not recommended that the council decide to adopt the private plan change request.

Option 3 – Reject the private plan change request, in whole or in part (clause 25(4))

37. The council has the power to reject a private plan change request, in whole or in part, in reliance on one (or more) of the limited grounds set out in clause 25(4) of Schedule 1 of the RMA. If the private plan change request is rejected by the council, the requestor has the ability to appeal that decision to the Environment Court under clause 27 of Schedule 1. The Environment Court may make such decision on any such appeal as it thinks fit. The Environment Court could uphold the Council's decision to reject the Private Plan Change request. However, the Environment Court could overturn the Council's decision, and direct the Council to accept the Private Plan Change request and publicly notify it.

38. The grounds for rejection under clause 25(4) are as follows:

    (a) the request or part of the request is frivolous or vexatious; or

    (b) within the last two years, the substance of the request or part of the request:

        (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or

        (ii) has been given effect to by regulations made under section 360A; or

    (c) the request or part of the request is not in accordance with sound resource management practice; or

    (d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or

    (e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Is the request frivolous or vexatious?

39. The private plan change request contains a comprehensive section 32 report evaluation, including an assessment of the Auckland Unitary Plan (Operative in Part) objectives and policies, and a sufficiently detailed assessment of environmental effects. The request is also accompanied by a range of specialist assessments in relation to the key matters considered to be material to the request, including traffic, urban design, stormwater and landscape and visual effects. The request enables the nature of the plan change and its effects to be reasonably understood.

40. It is therefore not recommended that the council reject the private plan change request on the basis that it is frivolous or vexatious.

Has the substance of the request been considered and given effect to or rejected by the council within the last two years?

41. These provisions largely seek to discourage repetitive private plan change requests that are substantially the same, with the associated costs to the council and the community. No similar request has been made in the last two years.

42. It is therefore not recommended that the council reject the request on the basis of this ground of rejection.

Has the substance of the request been given effect to by regulations made under section 360A?

43. Section 360A of the RMA relates to regulations amending regional coastal plans pertaining to aquaculture activities. The substance of this private plan change request or part of the request, being rezoning land from a business zone to a special purpose healthcare zone, intensifying the site, changing precinct provisions and removing open space does not relate to section 360A of the RMA.

44. It is therefore not recommended that the council reject the request on the basis of this ground of rejection.

Has the district plan to which the request relates been operative for less than two years?

45. The district plan provisions of the Auckland Unitary Plan relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years.

46. It is therefore not recommended that the council reject the private plan change request on the basis that the relevant parts of the Auckland Unitary Plan have been operative for less than two years

Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?

47. Part 5 of the RMA sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA.

48. The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. These functions are listed in section 30 and 31 of the RMA and include:

> s31(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

49. The Auckland Unitary Plan (AUP) has been written to be consistent with Part 5 of the RMA. Various parts of the AUP assist council to carry out its functions under s31(a) and/or other sections of the RMA.

50. The private plan change request proposes changes to activities controlled at the district level of the AUP. However, the hierarchy of policy statements and plans under the RMA requires lower level planning documents to give effect to the objectives and policies of higher level planning documents. Therefore, any changes to the AUP at a district level must give effect to the objectives and policies of the Regional Policy Statement (RPS).

51. When assessing the private plan change request against this ground for rejection, there are several parts of the proposed plan change which need to be assessed, including:

- the proposal to intensify the Mason Clinic site
- the proposal to re-zone 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone
- the proposal to extend Sub-precinct A (on Precinct Plan 1 and Precinct Plan 2)
- the proposal to amend the precinct provisions to enable integrated development of the Mason Clinic site/sub-precinct A
- the proposal to change Precinct Plan 1 by removing the 'open space (private)' use from 119 Carrington Road in the precinct provisions, and removing the shared path from 3A Carrington Rd.

52. These parts of the private plan change request have been assessed at a coarse/high level to understand their consistency with the objectives and policies of the Wairaka Precinct and the RPS, and therefore to assess whether the request would make the plan inconsistent with Part 5.

Intensification and re-zoning

53. The Mason Clinic's services are provided on a regional level, and the AUP identifies that Auckland's growing population will increase the demand for services. This is reflected in objectives and policies from the RPS, including objective B2.2.1.(3) *"Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth*".

54. The private plan change request proposes to accommodate this intensification in part by re-zoning 2.8ha of housing and business land (since the Business – Mixed Use zone can support both these land uses) to Special Purpose – Healthcare Facility and Hospital.

55. The proposed re-zoning would remove a significant portion of residential/business land from the precinct, which could be considered inconsistent with the urban growth and residential growth objectives in the RPS. However, the RPS states that growth needs to be provided for in a way that, among other things, "(2) *supports integrated planning of land use, infrastructure and development*; (3) *optimises the efficient use of the existing urban area*; (4) *encourages the efficient use of existing social facilities and provides for new social facilities*;". This is reflected in the objectives and policies of the RPS (see **Attachment C**).

56. These objectives are also reflected in the precinct objectives, which seek "*A mix of residential, business, tertiary education and community activities is provided, which maximises the efficient and effective use of land*." (I334.2.(3)), rather than prioritising a specific land use.

57. This private plan change request would enable the ongoing use and growth of the Mason Clinic, with positive effects including the increase of forensic psychiatric services in Auckland and the efficient use of healthcare funding and staffing by developing an existing facility (rather than acquiring and developing facilities in new locations). In particular it would support RPS objectives on urban growth and form, a quality built environment, residential growth, and social facilities.

58. Any adverse effects of enabling the growth of an existing social and justice facility in proximity to a high density residential area can be assessed through the plan change process.

59. The proposal to re-zone two sites of Business – Mixed Use zoning to Special Purpose – Healthcare Facility and Hospital in order to develop, expand and intensify the Mason Clinic would therefore be consistent with Part 5.

Changes to precinct provisions

60. This re-zoning is accompanied in the private plan change request by changes to the precinct provisions to enable intensification and use of the site as a healthcare and justice facility which provides for a range of care, and short and long term accommodation for people with disabilities (including mental health, addiction, illness or intellectual disabilities), together with provision for custodial, tribunal, justice, and forensic services, and a range of health related accessory activities. These text changes include amendments to the objectives and purpose of sub-precinct A and the Mason Clinic, the introduction of an activity table for sub-precinct A, and the introduction of provisions to manage interfaces with surrounding development.

61. The private plan change proposes that all new buildings in sub-precinct A require a Controlled Activity resource consent. It also introduces policies and assessment criteria looking at the functional, operational, and security requirements of the intended use of the buildings.

62. Changes are also proposed to the precinct description. These expand on the activities expected within the Mason Clinic, its future intensification, and amend the focus of the open space network description to include future open spaces and shared paths.

63. The proposal to amend text provisions in the Wairaka Precinct to support intensification and rezoning and enable integrated development on the Mason Clinic site are consistent with Part 5. Integrated development is an important aspect of the RPS and Part 5, and the objectives and policies of the precinct clearly include integrated development.

Extending Sub-precinct A

64. The proposal to extend sub-precinct A on Wairaka: Precinct Plan 1 and Wairaka: Precinct Plan 2 to include 3A and 119A Carrington Road would align with the proposal to re-zone these sites. It would also align with the proposal to introduce provisions into the precinct to enable intensification of the Mason Clinic, including an activity table for sub-precinct A. Extending sub-precinct A would mean that the proposed additional provisions would apply consistently across the Mason Clinic sites. This change would support integrated planning on the subject site and also across the precinct. This proposed change to Precinct Plan 1 and Precinct Plan 2 would be consistent with the RPS and with Part 5.

Changes to Precinct Plan 1

65. The private plan change request proposes to make changes to Wairaka: Precinct Plan 1 (in addition to extending Sub-precinct A) by removing the 'key open space (private)' use from 119 Carrington Road, and removing the shared path from 3A Carrington Road).

66. The private plan change request does not provide for replacement locations within the precinct for this open space or shared path. By removing the key open space (private) from 119A Carrington Road with no replacement elsewhere in the precinct shown as part of the private plan change request, the proposal would significantly alter the balance of developed land versus open space in the precinct. The key open space (private) on119A Carrington Road makes up approximately 12% of the open space shown in Precinct Plan 1.

67. However, a letter has been provided from HUD to support the private plan change request. This letter states that:

> *"…*
>
> *7 The Crown and the Rōpū intend to progress replacement Key open space (private) and Shared path proposals either through a separate plan change or by way of resource consent applications to enable the development of the Housing Development Land, and these proposals will, in turn, be supported by the WDHB."*
>
> *…*
>
> *9 As the Crown currently holds 26.5 hectares of land within the Precinct, there is no question that it will be possible to provide equivalent private open space and an equivalent shared path connection on the Housing Development Land."*[19]

68. Although this letter is not part of the proposed plan change, it is a public undertaking by the Crown to provide replacement equivalent open space (private) and shared path within the Wairaka Precinct.

69. The provision of open space in Wairaka Precinct is an important part of the precinct and is specifically referenced in I334.1. Precinct Description:

> *"There are also particular attributes of the Wairaka Precinct, which contribute to the amenity of the precinct and the surrounding area and are to be retained through the development of the precinct. These include:*
>
> *…*
>
> - *an open space network linking areas within the Wairaka Precinct and providing amenity to neighbouring housing and business areas;*
> - *a network of pedestrian and cycleway linkages that integrate with the area network;*
>
> *… "*

[19] PPCR Attachment 14 Correspondence from HUD

70. It is also noted that the specific location and quantum of open space in the precinct went through a robust assessment process as part of the Auckland Unitary Plan Independent Hearings Panel process, and were intended to provide particular outcomes around connections, amenity and landscape. This includes giving effect to Wairaka Precinct policy I334.3(16) to provide public connections to Oakley Creek from Carrington Rd through public roads and open space, giving quality public access to this ecological area.

71. Relevant case law must also be taken into account. Precinct Plan 1 refers to the land use as "key open space (private") on 119A Carrington Road, and it is acknowledged that the plan change request does not propose any changes to the neighbourhood park identified in Precinct Plan 1, located on HUD land, which would be public open space. Case law, *Golf (2012) Limited v Thames Coromandel District Council* [2019] NZEnvC 116, however, has established that planned private open space has value to the community and retaining an existing private open space land use is in accord with s85 of the RMA and reasonable use rights. As set out in *Golf* the private open space at 119A Carrington Rd has been delineated as open space since at least 2016 and used by the public as such and therefore the WDHB purchased the site knowing that it has an open space requirement and expectation. As per *Golf*, the notation (private) should not imply that this land could not provide the same or similar values and amenity that public open space holds. This case law is known to the WDHB.

72. As stated above, the open space in the Wairaka Precinct has been assessed as necessary for the amenity of the precinct as it is developed. The hearings evidence also noted that "*Despite it being private land, the local community has become used to seeing and using the open space within the Unitec site as a 'public' resource, providing informal recreational open space for the surrounding neighbourhood*."[20]

73. The provision of adequate open space to complement proposed development is an integral part of achieving integrated management of the natural and physical resources of the region. This is set out in the objectives and policies of the Wairaka Precinct which cascades from the objectives and policies of the RPS including

    Objective B2.7.1(1):

    1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.

    and Policy B2.7.2(2):

    (2) Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.

    and in particular Policy B2.7.2(7) which states:

    (7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities

74. Similarly, the shared path from 3A Carrington Road shown on Precinct Plan 1 went through a robust hearings process as set out above, and helps to achieve the precinct provisions including "*Provide public connections to Oakley Creek from Carrington Road through public roads and open space*"[21] and "*a network of pedestrian and cycleway linkages that integrate with the area network*"[22].

[20] Statement of evidence of Rachel Virginia de Lambert on behalf of Unitec Institute of Technology (visual and landscape), Topic 080 – rezoning and precincts (general) – Wairaka Precinct, 18 December 2015, paragraph 2.10.

[21] Auckland Unitary Plan (Operative in Part) 2016, Wairaka Precinct, I334.3.(16).

[22] Auckland Unitary Plan (Operative in Part) 2016, Wairaka Precinct, I334.1. Precinct Description.

75. The requestor's assessment notes potential alternative locations for the shared path, including the approved resource consent from HUD for the daylighting of an existing culverted part of the Wairaka Stream containing a walking path and landscaping, they also suggest that "the 'shared path' … could be readily accommodated further to the north, and would provide a more logical connection to the bicycle path at a level location." [23]

76. The council has engaged a landscape expert to peer review the private plan change. A number of concerns were expressed relating to the removal of open space as set out below:

- The removal of Key Open Space (private)
  - The loss of Key Open Space (Private) in this part of the Wairaka Precinct has the potential to undermine a fundamental open space objective for the broader precinct, i.e., the comprehensive daylighting of the Wairaka Stream and integration of that landscape feature into a generously configured and publicly accessible open space area. Such an outcome is undesirable from a landscape perspective.
  - While it is acknowledged that alternate open space areas could be provided in the balance of the precinct area that are of a similar scale and/or amenity to that anticipated by the Key Open Space (Private) adjacent to the Wairaka Stream, the plan change provisions provide no certainty in this regard.
  - The proposed removal of the Key Open Space (Private) will detract from the landscape character and visual amenity values contemplated by the Wairaka Precinct with adverse effects rated as at least 'moderate-high' (more than minor) to 'high' (significant).
- In addition, experts from the council's Parks team and Auckland Transport regarding the proposed removal of the indicative shared path from Precinct Plan 1 are set out below:
  - The indicative shared path connection provides an important link from existing reserves (Oakley Creek and Waterview Reserve) to the proposed neighbourhood park. Should this be removed, access to the neighbourhood park would be mostly via road, as access via Oakley Creek and the upper indicative shared path are indirect.
  - Removal of the indicative shared path connection does not enable the precinct to meet its own objective I334.2. Objectives (7) '*Open spaces, cycling and pedestrian linkages from the Precinct to the wider area and neighbouring suburbs, including linkages between activities and open space nodes, are provided for and enhanced*', nor B2.7.1 and B2.7.2 of the Auckland Regional Policy Statement and results in adverse effects in terms of provision of quality, connected, accessible open spaces and recreation facilities. Relocation of this to a location which provides appropriate connection outside of the Special Purpose – Healthcare Facility and Hospital Zone may be supported.
  - The precinct plan should be revised to include a route for active modes from the proposed street network within or adjoining sub-precinct A to Oakley Creek.

77. On a coarse assessment, the proposal to remove the "key open space (private)" use from 119A Carrington Road and the shared path from 3A Carrington Rd, without providing for replacement locations, is inconsistent with the provisions of the Wairaka Precinct and may be inconsistent with the RPS.

78. The letter from HUD provides an opportunity for replacement open space and shared path locations to be worked out in-line with the wider precinct development, to get positive amenity outcomes for future residents. However, it is not ideal that this replacement is not a formal part of the proposed plan change provisions. There is a risk that that the plan change could progress and be approved (with the open space removed from the precinct plan), and the third party may not follow through with their undertaking to provide that open space elsewhere in the precinct.

[23] AEE, paragraph 11.18.

79. It is noted that if replacement key open space (private) and shared path were included in the proposed plan change provisions, then the merits of those replacements (including location, size and outcomes) would be assessed as part of a plan change submissions and hearings process.

80. By setting the replacement of the key open space (private) and the shared path outside the WDHB private plan change, this request also removes the ability of submitters on the WDHB private plan change request to input into these important decisions at this point in time. If replacements for key open space (private) and a shared path are proposed through a private plan change by HUD, an opportunity for submissions would be available at that time. However, if replacements are provided through resource consent processes, then submissions may be limited if the application is non-notified or limited-notified.

81. While the removal of the open space and shared path are significant issues that would need to be considered in detail by the council's Independent Hearings Commissioners, when considered in the round with other RPS policies and objectives to provide for social facilities and justice facilities, and with the letter provided from HUD, on a coarse assessment, the plan change is considered to be generally consistent with the RPS and therefore with Part 5. Taking this into account, it is therefore not recommended that the council rejects the private plan change request on the basis that it would make the plan inconsistent with Part 5.

Is the request in accordance with sound resource management practice?

82. The term "sound resource management practice" is an often used planning term but is not defined in the RMA. The High Court in *Malory Corporation Limited v Rodney District Council* (CIV-2009-404-005572), where the issue on appeal was determining the correct interpretation and application of clause 25(4) of Schedule 1. The Court considered this term in light of clause 25(4)(c) of Schedule 1 and stated:

"*I agree with Judge Newhook the words "sound resource management practice" should, if they are to be given any coherent meaning, be tied to the Act's purpose and principles. I agree too with the Court's observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act's purposes and principles will not cross the threshold for acceptance or adoption.* "

83. The requestor has considered the zoning options for the site and concluded that the proposed rezoning along with the amendment of precinct provisions and the introduction of new precinct provisions will result in an intensified healthcare and justice facility which makes a positive contribution to meeting the increasing need for these services across the Auckland region. The requestor considers that adverse effects of future development proposals can be managed through the provisions of the Auckland Unitary Plan (Operative in part), including the proposed new provisions which aim to manage the development of the site with regard to the future context of the precinct.

84. The request includes a number of specialist reports, which all support the proposed plan change. Council has consulted relevant departments and Auckland Transport and engaged experts to consider the private plan change request. While there are aspects of the private plan change request that would need to be tested through the submission and hearings process, the scope and extent of most of the changes sought do not, in themselves, threaten the purpose and principles of the RMA when considered at this stage. As set out above, the proposal to remove the key open space (private) and shared path elements, without a mechanism to replace these in a suitable alternative location within the precinct through this private plan change process, is of concern. These elements are key parts of the Wairaka Precinct and have been included in the precinct to contribute to the amenity of the precinct and the surrounding area, which will help meet the needs of future generations. Proposed changes which weaken the open space and/or shared path networks of the precinct will undermine the ability of the precinct to provide necessary amenity to future residents and users. This may be able to be addressed through future developments and/or private plan changes across the wider precinct, including through a future HUD private plan change or resource consent applications, that we have been advised will include replacement key open space (private) and a shared path within the Wairaka Precinct.

85. Having reviewed the requestor's planning and specialist reports and taken the purpose and principles of the RMA into account, it is considered that although the removal of key open space (private) and shared path are of concern, this matter can be explored in detail as part of a full merits assessment during the submissions and hearings process. It is therefore considered that the private plan change request as a whole is generally in accordance with sound resource management practice. It is therefore not recommended that the council reject the private plan change on the basis that it is not in accordance with sound resource management practice.

Option 4 – Accept the private plan change request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26

86. If the council accepts the request, in whole or in part, it must then proceed to notify the request, or part of the request under clause 26. After the submission period has closed, the council would need to hold a hearing to consider any submissions, and a decision would then be made by the council in relation to the request in accordance with Schedule 1 of the RMA. All costs associated with the request (including notification and any hearing) would rest with the requestor.

87. As set out above, although the removal of important provisions of the precinct without any replacement being included in the proposed plan change is of significant concern, given the limited grounds available to reject the private plan change, and having taken into account relevant case law, it is recommended that the Planning Committee accept the private plan change request.

Conclusion

88. Having carefully assessed the request against the relevant matters set out in the RMA and associated case law, it is recommended that council accept the private plan change request.

Tauākī whakaaweawe āhuarangi
Climate impact statement

89. Council declared a climate emergency in Auckland, in June 2019. The decision included a commitment for all council decision-makers to consider the climate implications of their decisions. In particular, consideration needs to be given in two key ways:

    a) how the proposed decision will impact on greenhouse gas emissions and the approach to reduce emissions;

b) what effect climate change could have over the lifetime of a proposed decision and how these effects are being taken into account.

90. The decision whether to adopt, accept, reject or deal with the private plan change request as a resource consent application is a decision relative to those procedural options, rather than a substantive decision on the plan change request itself.

91. The clause 25 decision is unrelated to any greenhouse gas emissions. If accepted for processing, climate impacts will be considered in the future hearing report on the private plan change request, and any submissions received. At that time the potential impacts on Auckland's overall greenhouse gas emissions can be considered in detail (whether it encourages car dependency, enhances connections to public transit, walking and cycling or support quality compact urban form). The matter of whether the request elevates or alleviates climate risks (such as flooding and stress on infrastructure) can also be considered in detail. On a coarse assessment the private plan change would not enable development that elevates climate risks.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

92. The Wairaka Precinct as a whole has an Integrated Transport Assessment (ITA) which has been approved by Auckland Transport. The request has been reviewed by traffic planning consultants on behalf of Auckland Council, and internal discussions have been undertaken with Auckland Transport. This request at a coarse level appears to be in line with the ITA, although, as discussed above, some concerns have been raised about the proposed removal of the shared path.

93. Key departments within council and Watercare have been consulted to confirm that the requestor has provided sufficient information under clause 23 of Schedule 1 of the RMA.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

94. The site subject to the request is located within the Owairaka subdivision of the Albert-Eden Local Board area.

95. Local boards' views are important in Auckland Council's co-governance framework. If the private plan change request is accepted in whole or in part, the views of the Albert-Eden Local Board will be sought on the content of the private plan change request after the submission period closes. All formal local board feedback will be included in the hearing report and the local board will be able to present its views to hearing commissioners, if it chooses to do so. These actions support the local board in its responsibility to identify and communicate the interests and preferences of people in its area, in relation to the content of Auckland Council plans.

96. Local board views have not been sought on the options to adopt, accept, reject or deal with the private plan change request as a resource consent application.

97. The Albert Eden Local Board have regular quarterly updates from council staff, HUD and the WDHB. The plan change has been discussed at length with the Board and they are aware of the concerns raised regarding open space. The Board will have the opportunity to provide feedback upon notification of the private plan change.

Tauākī whakaaweawe Māori
Māori impact statement

Consequence of clause 25 options for future consultation

98. If council accepts a private plan change request, it is not required to complete pre-notification engagement with iwi authorities. If the council accepts the request and subsequently notifies it, iwi authorities have the opportunity to make submissions.

99. If council adopts a private plan change the same consultation requirements apply as though the plan change was initiated by council: consultation with iwi authorities is mandatory prior to notification. Changes can be made to the plan change prior to notification. Iwi authorities have the opportunity to make submissions after notification.

100. None of the clause 25 options trigger any signed mana whakahono a rohe (iwi participation arrangement).

Substance of private plan change request

101. The proposed plan change does not relate to Māori land or Treaty Settlement Land, nor does it relate to any identified Sites of Significance to Mana Whenua within the Auckland Unitary Plan.

Record of requestor's consultation

102. The requestor has advised that they have consulted with all iwi who have interests in the Wairaka Precinct, as follows:

- Meetings and correspondence with Marutūāhu Rōpū and Waiohua-Tamaki Rōpū.
- A meeting with Ngāti Whātua Rōpū and subsequent consultation.
- Correspondence sent to the iwi of the Marutūāhu Rōpū and Waiohua-Tamaki Rōpū requesting feedback as to whether specific consultation with mana whenua was required.
- Correspondence sent to the mana whenua identified in **Attachment D** and listed below:
  - Ngāi Tai ki Tāmaki
  - Ngāti Te Ata
  - Te Kawerau ā Maki
  - Te Ākitai Waiohua
  - Ngāti Maru
  - Ngāti Pāoa Iwi Trust
  - Ngāti Pāoa Trust Board
  - Ngāti Tamaterā
  - Ngāti Whātua Ōrākei
  - Te Rūnanga o Ngāti Whātua
  - Ngāti Whātua o Kaipara
  - Te Ahiwaru – Waiohua
  - Waikato – Tainui
  - Ngāti Tamaoho

103. The requestor advises that formal/written feedback on the proposed plan change has not been received from any parties.

104. As discussed above the Marutūāhu Rōpū, Waiohua-Tamaki Rōpū, and Ngāti Whātua Rōpū are development partners with HUD for the remainder of the Wairaka Precinct development land (excluding Unitec).

Item 15

Ngā ritenga ā-pūtea
Financial implications

105. Accepting private plan change requests, in whole or in part, has no direct financial implications for the Council as the costs associated with processing them under the RMA are able to be recovered from the requestors. If the request is accepted, or if the request is dealt with as a resource consent application, the requestor would pay all reasonable costs associated with processing it on a user-pays basis.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

106. The key risk associated with the recommendations made in this report is that accepting a private plan change request that removes features such as open space from the Auckland Unitary Plan, and relies on a third-party agreement which sits outside the plan change to provide that open space, may set a precedent. That having been said, a detailed assessment of the proposed removal of these features will be undertaken at the hearing and substantive decision-making stage.

Ngā koringa ā-muri
Next steps

107. If accepted, in whole or in part, the private plan change must be notified within four months of its acceptance.

108. A separate evaluation and decision will be required regarding extent of notification. The requestor has requested full public notification of the private plan change.

109. The views and preferences of Albert-Eden Local Board will be sought after submissions close for inclusion in the section 42A hearing report.

110. Council will need to hold a hearing to consider any submissions, and local board views, and a decision would then be made on the private plan change request in accordance with Schedule 1 of the RMA.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Waitemata District Health Board Mason Clinic proposed precinct provisions and maps	513
B⇩	Resource Management Act Schedule 1, Part 2	557
C⇩	Relevant Regional Policy Statement objectives and policies	565
D⇩	Requestor's record of consultation with mana whenua	567
E⇩	Correspondence from Ministry of Housing and Urban Development 11 May 2021	575

Ngā kaihaina
Signatories

Author	Elisabeth Laird - Planner
Authorisers	John Duguid - General Manager - Plans and Places Megan Tyler - Chief of Strategy

I334. Wairaka Precinct

I334.1. Precinct Description

The Wairaka Precinct extends from the north western motorway at Point Chevalier in the north, through to Woodward Road in the south, and from Oakley Creek in the west to Carrington Road in the east, where the Unitec Institute of Technology (Unitec), the Crown, Waitemata District Health Board, one private landowner, and Ngati Whatua Orakei own contiguous blocks of land that make up the site.

The purpose of the Wairaka Precinct is to provide for a diverse urban community, including the ongoing development and operation of the tertiary education facility the development and operation of a range of community, recreation, and social activities, the development of a compact residential community, and commercial service activities, open space, and the development of a range of healthcare related and supporting activities to cater for the special and diverse requirements of the users, employees and visitors to the Mason Clinic. Business and Innovation activities are to be enabled, including activities which benefit from co-location with a major tertiary education institute. The Precinct enables new development to create an urban environment that caters for a diverse population, employees and visitors in the area and that integrates positively with the Point Chevalier, Mt Albert and Waterview communities.

The Wairaka Precinct will provide for a variety of housing typologies that help cater for Auckland's growth and the diverse community that will establish in this location. It will also provide a heart to the community, focused around the campus but with a range of community, commercial and social services. It will provide the opportunity for people to live, work, and learn within the Precinct, while enjoying the high amenity of the Wairaka environment.

The Wairaka Precinct provides for an urban community within which there is a high quality tertiary education institution.

The location and extent of a major tertiary education institution (Unitec) at Wairaka Precinct is significant to the region. The precinct is 64.5ha, and comprises twelve land titles and four owners. Unitec owns 83 per cent of the total land. In addition medical and light industrial activities also occur on the site.

The Wairaka Precinct provides overall objectives for the whole area, and three sub-precincts:

- Sub-precinct A provides for healthcare/hospital related ~~purposes~~ activities and is intended to accommodate the intensification of the Mason Clinic
- Sub-precinct B provides for light manufacturing and servicing associated with laundry services and is intended to accommodate the current range of light industrial activities
- Sub-precinct C to the south and west of the precinct provides for a broad range of residential activities, together with supporting uses, activities appropriately located to a major tertiary education institution.

The Mason Clinic contains a mix of activities including healthcare activity, justice facility and hospital. It is a facility which provides for a range of care, and short and long term accommodation for people with disabilities (including mental health, addiction, illness or intellectual disabilities), together with provision for custodial, tribunal, justice, and forensic services, and a range of health related accessory activities. The activities the Mason Clinic accommodates requires buildings which have a range of particular functional and operational requirements, including the incorporation of publicly accessible and secure facilities and areas for staff, visitors and the people

accommodated, and for these to be integrated across the Mason Clinic in a way which considers the safety, privacy and wellbeing of the users.

There are also particular attributes of the Wairaka Precinct, which contribute to the amenity of the precinct and the surrounding area and are to be retained and enhanced, and future areas introduced through the development of the precinct. These include the following:

- The significant ecological area of Oakley Creek;
- An open space network linking areas within the Wairaka Precinct and providing amenity to neighbouring housing and business areas;
- A network of pedestrian and cycleway linkages that integrate with the area network;
- Retention of the open space storm water management area which services Wairaka and adjacent areas, and the amenity of the associated wetland;
- The Wairaka stream and the landscape amenity, ecological and cultural value this affords, and
- The Historic Heritage overlay of the former Oakley Hospital, and identified trees on site.

The open space network for the precinct is provided for by way of a combination of identified areas, and indicative areas, including walking paths and shared paths (shown on Precinct plan 1) and future areas and walkways/shared paths which are to be identified and developed as a component of the future urban intensification envisaged.

The implementation of the Precinct plan outcomes is dependent on ~~requires~~ a series of works. These works focus on the provision of open space and a roading network, including ~~giving~~ access from the east to the important Oakley Creek public open space, ~~and the~~ walking and cycling connections linking east to west to Waterview and areas further west to Point Chevalier/Mount Albert, ~~and~~ north to south to Mount Albert to Point Chevalier, and. ~~This precinct plan also provides key~~ linkages ~~on~~ to the western regional cycle network.

The precinct provides for stormwater treatment for all land within the precinct, prior to entering Oakley Creek. Currently the precinct also receives stormwater from an adjacent catchment in the Mt Albert area and it is expected that this will continue following development of the precinct.

Transport is an essential component to the implementation and redevelopment of the precinct and will require a series of works to avoid, remedy or mitigate adverse transport effects. Some measures such as the indicative primary road network and walking and cycling connections area are identified in the precinct. Other measures to avoid, remedy and mitigate other transport effects will be identified through the preparation of an Integrated Transport Assessment at the time of the first resource consent to significantly develop the site.

These measures could include the following:

- Providing a connected road network through the site;
- Providing a connected pedestrian and cycling network into and through the site, in particular convenient east-west and north-south cycle connections from the Oakley Creek over bridge to the proposed bus node and existing and proposed cycle networks beyond the site;
- Upgrading intersection access onto the site and avoiding, remedying and mitigating adverse effects on the surrounding transport network;

- Making provision for a bus node and road widening to support the public transport network;
- Managing vehicular movements through the connections to the south of the site;
- Managing parking to avoid, remedy, and mitigating adverse effects on the surrounding transport network; or
- Staging land use and development with any necessary infrastructure investment.

To reduce the potential of new development occurring in an uncoordinated manner, the precinct encourages the land owner/s to develop the land in accordance with the Precinct plan. This method provides for integrated development of the area and ensures high quality outcomes are achieved.

The zoning of land within the precinct varies. Refer to the planning maps for the location and the extent of the precinct.

I334.2. Objectives

(1) The provision for a high quality of tertiary education institution and accessory activities in the precinct is continued, while also providing for growth, change and diversification of activities.

(2) Comprehensive planning and integrated development of all sites within the precinct is achieved.

(3) A mix of residential, business, tertiary education, social facilities and community activities is provided, which maximises the efficient and effective use of land.

(4) The operation and intensification of the healthcare /hospital ~~facility~~ activity, ~~accessory activities~~ and associated buildings, structures and infrastructure in Sub-precinct A (Mason Clinic) are provided for.

(5) The commercial laundry service and accessory activities and associated buildings, structures and infrastructure in Sub-precinct B are provided for.

(6) Identified heritage values are retained through the adaptation of the scheduled buildings and retention of identified trees, together with the management of the historic heritage, and Māori sites of significance on Oakley Creek land, and the contribution they make to the precinct's character and landscape, are recognised, protected and enhanced in the precinct.

(7) Open spaces, cycling and pedestrian linkages from the Precinct to the wider area and neighbouring suburbs, including linkages between activities and open space nodes, are provided for and enhanced.

(8) Development and/or subdivision within the precinct facilitates a transport network that:

(a) Integrates with, and avoids, remedies or mitigates adverse effects on the safety and efficiency of, the transport network within the precinct and the surrounding area, including providing any upgrades to the surrounding network; and

(b) Facilitates transport choices by providing for pedestrians, cyclists, public transport facilities, and vehicles.

(9) Development of any roads connecting to the existing roading network to the south of the Precinct must be subject to specific resource consent processes to ensure that any private or public road connections must:

(a) Avoid these southern connections becoming a direct vehicle entrance for the Special Purpose - Tertiary Education Zone; and

(b) Be designed to minimise the amenity effects on existing residents.

(10) An integrated urban environment is created, which:

(a) Incorporates high quality built form and urban design;

(b) Recognises, protects and enhances the environmental attributes of Wairaka in planning and development of the Precinct;

(c) Avoids, mitigates and remedies adverse effects on the environment and existing stormwater, wastewater and road/s infrastructure, recognising that the precinct stormwater system services areas beyond Wairaka;

(d) Is developed in a comprehensive manner, which complements and fits within the landscape and character of the surrounding environment, and

(e) Contributes positively to the Mt Albert, Waterview and Point Chevalier communities.

(11) Provide for retail, food and beverage and commercial services in identified locations to serve local demand within the Wairaka Precinct and at a scale and configuration which does not adversely affect the role, function and amenity of the Point Chevalier and Mt Albert town centres.

The zone, Auckland-wide and overlay objectives apply in this precinct in addition to those specified above.

I334.3. Policies

Wairaka Precinct - General

(1) Enable and provide for a wide range of activities, including education, business, office, research, healthcare, recreation, residential accommodation, community facilities and appropriate accessory activities.

(2) Respond to future demand and changes in the manner of learning and the desire to integrate business and education within the Special Purpose - Tertiary Education Zone.

(3) Recognise the benefits of allocating a high quality tertiary education institution within a diverse urban environment.

(3A) Recognise the social and health related benefits that the Mason Clinic provides for.

(4) Promote comprehensive planning by enabling integrated development in accordance with the precinct plan that provides for any of the following:

(a) Tertiary education and associated research, and community activities;

(b) Provision for the ongoing use, development, intensification and operation of the Mason Clinic;

(c) Provision for the operation of the commercial laundry service;

(d) Residential accommodation;

(e) Economic development and employment;

(f) Public infrastructure that is integrated with existing infrastructure, recognising that Wairaka receives stormwater from an upstream sub-catchment;

(g) Integrated transport and land use planning through the development of the precinct;

(h) Traffic management, including provision of pedestrian and cycle facilities, integration with public transport, parking provision and management;

(i) Identification and protection of significant landscape features, the adaptation of the scheduled historic buildings, identified trees and open space network;

(j) Public road and open space access to the Oakley Creek reserve; or

(k) Pedestrian and cycle connections to Point Chevalier, Waterview and Mt Albert.

(5) Promote economic activity and provide for employment growth that will create opportunities for students, graduates and residents of the precinct and Auckland.

(6) Encourage a mix of residential lifestyles and housing typologies to cater for a diverse residential community at Wairaka.

(7) Provide for a mix of residential and business activities which will enable development of a residential core to the Wairaka Precinct.

(8) Enable a broad range of educational, research, laboratory, office and business uses which meet the needs and respond to future changes in teaching, learning, and research requirements for a modern campus environment.

(9) Provide for a broad range of business, office, innovation and research activities which will encourage employment and economic development to locate in Wairaka, including those which benefit from the co-location with a tertiary education institution.

(10) Enable subdivision and development that is compatible with and sensitive to the ecological qualities of the Oakley Creek and the Motu Manawa Marine Reserve.

Built Form and Character

(11) Encourage the retention and adaptation of the heritage and character buildings, and elements identified within the precinct.

(12) Provide for the adaptation of the scheduled part of the heritage building for economically viable activities which ensure ongoing economic sustainability for this building and its integration into the Wairaka Precinct.

(13) Require new buildings to be designed in a manner that provides for a high standard of amenity, recognises landscape values and, where appropriate, enhances the streetscape and gateway locations of the precinct.

(14) Require proposals for new buildings, structures and infrastructure or additions to existing buildings, structures and infrastructure adjoining or adjacent to the scheduled historic heritage buildings, and/or the significant ecological area of Oakley Creek to be sympathetic and provide contemporary and high-quality design, which enhances the precinct's built form and natural landscape.

Open Space

(15) Provide for public open space, including a neighbourhood park in the northern portion of the precinct.

(16) Provide public connections to Oakley Creek from Carrington Road through public roads and open space, giving quality public access to this ecological area.

Pedestrian and cycle access, street quality and safety

(17) Require development to maintain and provide a varied and integrated network of pedestrian and cycle linkages, open space and plazas within the precinct.

(18) Require the key pedestrian and cycle linkages through the precinct to be direct and convenient, well designed, safe and improve connectivity for all users.

(19) Establish a network of roads which give public access through the precinct and a pedestrian and cycling connections to the Oakley Creek and Waterview pedestrian/cycle bridge.

Transport Planning

(20) Require subdivision and development to be integrated with transport planning and infrastructure in a way that:

(a) Avoids, remedies or mitigates the adverse effects of the development on the transport network;

(b) Integrates with rail, bus, pedestrian and cycle connections;

(c) Implements as a minimum the transport elements within the Precinct Plan;

(d) Supports the provision of passenger transport services, linking to key public transport nodes such as the Mount Albert train station and Point Chevalier public transport services;

(e) Minimises traffic effects on pedestrian and residents' safety and amenity;

(f) Minimises overflow parking on roads occurring in the vicinity of the precinct; and

(g) Stages subdivision and development with necessary surrounding transport network infrastructure and upgrades where adverse effects on the transport network cannot be avoided, remedied and mitigated.

(21) Enable parking areas to service the scheduled heritage building.

(22) Manage the expected traffic generated by activities in the precinct to avoid, remedy and mitigate adverse effects on the safety and efficiency of the surrounding transport network, particularly at peak times. For the purpose of this precinct, the surrounding transport network comprises Carrington Road, the Precinct's existing and proposed access points to Carrington Road, the Carrington Road/Woodward Road intersection, the Woodward Road/New North Road intersection, the Carrington Road/New North Road and Carrington Road/Great North Road intersections, Laurel Street, Renton Road, Rhodes Avenue and the other local roads bounded by Carrington Road, New North Road, and Oakley Creek.

(23) Require an integrated transport assessment for the precinct for any new development greater than 2,500m² gross floor area in the Business - Mixed Use Zone or greater than 1,000m² gross floor area in the residential zones, unless that additional development was assessed as part of an earlier assessment of transportation effects that is no more than two years old.

(24) Require an integrated transport assessment for the precinct as part of any southern road connection (public or private), the first subdivision in the Business - Mixed Use and residential zones (other than for controlled activities) or for any new development greater than 2,500m² gross floor area in the Business - Mixed Use Zone or greater than 1,000m² gross floor area in the residential zones.

(25) Avoid parking buildings within the Special Purpose - Tertiary Education Zone having direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those roads) or the western road shown on the precinct plan.

(26) Avoid direct vehicle access between the Special Purpose - Tertiary Education Zone and Laurel Street, Renton Road, Rhodes Avenue (or any extension of those roads).

Integrated development

(27) Manage potential adverse amenity effects from buildings at the precinct boundary by:

(a) Establishing a 5m yard and graduated building heights to the southern residential interface

(b) Establishing a 10m setback from the boundary of land that fronts Oakley Creek

(c) Require graduated building heights and locate higher buildings away from the precinct boundary.

(28) Encourage built form, activities, public open spaces and infrastructure to be planned and designed on a comprehensive land area basis, rather than on an individual site basis.

(29) Provide for the retail (including food and beverage) activities in identified locations of the precinct which:

(a) meets the needs of the campus;

(b) serves local demand within the precinct; and

(c) creates the opportunity for retail (including food and beverage) activities in the Historic Heritage overlay.

(30) Limit retail activities (including food and beverage) fronting or accessed directly from Carrington Road, restricting the number and size of supermarkets, preventing the concentration of retail activities at a single location, and placing caps on the size of retail tenancies and the overall gross floor area of retail in order to not adversely affect the role, function and amenity of the Point Chevalier and Mount Albert town centres.

Subdivision

(31) Apply the subdivision controls of the zoning to the subsequent subdivision of the precinct or sub-precinct, subject to that subdivision also meeting the requirements of the precinct plan.

Sub-precinct A

(32) Provide for ~~the~~ a range of healthcare, hospital, community facilities, and related accessory activities ~~of~~ for the Mason Clinic.

(33) Enable detailed site-specific planning for the design and development of the Mason Clinic to reflect how the ~~healthcare/hospital facility~~ Sub-precinct will be used ~~and developed~~.

(34) Limit the scale of accessory activities so they do not undermine the role of the precinct or result in adverse traffic effects, but still meet the requirements of those who work, live or use services and activities in this sub-precinct.

(34A) Manage potential adverse effects from buildings at the sub precinct boundary by:

(a) establishing a 5m landscaped yard to the north and south boundaries of the Sub-precinct;

(b) requiring new buildings and significant additions to buildings that adjoin the eastern boundary to be designed to contribute to the maintenance and enhancement of amenity values of the streetscape, while enabling the efficient use of the Sub-precinct for the Mason Clinic;

(c) Encouraging new buildings to be designed to provide a high standard of amenity and safety appropriate to an urban environment of the Precinct and be of a quality design that contributes to the planning outcomes of the Precinct.

(34B) Recognise the functional and operational (including security) requirements of activities and development.

Sub-precinct B

(35) Provide for the range of light manufacturing and servicing activities associated with the commercial laundry service.

(36) Enable detailed site-specific planning of the commercial laundry service to reflect how the facility will be used and developed.

(37) Limit the scale of accessory activities so they do not undermine the role of the precinct or result in adverse traffic effects, but still meet the requirements of those who work or use services and activities in this sub-precinct.

(38) Recognise that should the commercial laundry service and associated activities on this sub-precinct relocate from Wairaka, then the activities and controls of the Wairaka Precinct would apply.

Sub-precinct C

(39) Provide a broad range of residential activities adjacent to the Oakley Creek and residential neighbourhoods to the south of the precinct.

(40) Provide quality dwellings which face west across Oakley Creek, providing passive surveillance of the public lands within Oakley Creek Valley.

The zoning, Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

I334.4. Activity tables

The provisions in the zoning, Auckland-wide provisions and any relevant overlays apply in this precinct unless otherwise specified below.

- The activities listed in Table H13.4.1 Activity table for H13 Business - Mixed Use Zone at line items: (A20), (A21), (A23), (A24) and (A25)
- The activities listed in Table H30.4.1 Activity table for Special Purpose – Tertiary Education Zone at line items (A3), (A4) and (A5)
- The activities listing in Table H25.4.1 Activity table for the Special Purpose – Healthcare Facility and Hospital Zone at line items (A18), (A20), and (A21).

Tables I334.4.1, I334.4.2, ~~and~~ I334.4.3 and I334.4.4 ~~Activity table~~ specify the activity status of land use, development and subdivision activities in the Wairaka Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991 or any combination of all these sections where relevant.

Table I334.4.1 Wairaka Precinct (all of precinct except for sub-precinct A, B and C)

Activity	Activity status
Use	

Accommodation		
(A1)	Dwellings in the Special Purpose - Tertiary Education Zone up to a maximum gross floor area of 7,500m^2	P
(A2)	Student accommodation, boarding houses and visitor accommodation in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	P
Commerce		
(A3)	Food and beverage, offices, commercial services, conference facilities, visitor accommodation, residential, community facilities, recreation and leisure activities within the Historic Heritage Overlay	P
(A4)	Offices in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	P
(A5)	Retail (including food and beverage) up to 200m^2 gross floor area per tenancy	P
(A6)	Retail (including food and beverage) comprising up to one tenancy between 201m^2 and 300m^2 gross floor area adjacent to, and accessed from, Farm Road	RD
(A7)	Retail (including food and beverage) comprising up to one tenancy between 201m^2 and 300m^2 gross floor area adjacent to the Historic Heritage Overlay	RD
(A8)	Retail (including food and beverage but excluding one supermarket) up to 1,200 m^2 adjacent to, and accessed from, Farm Road	P
(A9)	One supermarket up to 1500m^2 adjacent to, and accessed from, Farm Road	P
(A10)	Commercial services within 100 metres of a supermarket	D
(A11)	Retail (including food and beverage) adjoining the southern Carrington Road bus node between gate access 3 and 4 shown on the Precinct plan, up to 500m^2 gross floor area or 5 tenancies	P
(A12)	Retail (including food and beverage) within 100 metres of the Carrington Road frontage, not otherwise provided for	D
(A13)	Supermarkets not otherwise provided for	NC
(A14)	Retail (including food and beverage) not otherwise provided for	D
Community facilities		
(A15)	Informal recreation	P
(A16)	Organised sport and recreation	P
Industry		
(A17)	Light manufacturing and servicing	D
(A18)	Repair and maintenance services	D
(A19)	Warehousing and storage	D
(A20)	Waste management facilities in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	D
Mana Whenua		
(A21)	Marae	P
Development		

(A22)	Parking buildings	RD
(A23)	Non-security floodlighting, fittings and supports and towers	P
(A24)	Public amenities	P
(A25)	Sports and recreation structures	P
(A26)	Parking buildings associated with any Special Purpose – Tertiary Education Zone uses with direct vehicle connection to Western Road or to Laurel Street, Renton Road or Rhodes Avenue (or any extension of those roads)	NC
(A27)	Extension of Laurel Street, Renton Road or Rhodes Avenue into the Precinct provided that a cul de sac is maintained	P
(A28)	Connection of any southern roads (or extensions to the southern roads that remain cul de sacs) to the Precinct with a private road (non-gated)	C
(A29)	Connection of any roads to the Precinct with a public road	RD
(A30)	Direct vehicle connection between Laurel Street, Renton Road or Rhodes Avenue and the Special Purpose – Tertiary Education Zone	NC
(A31)	Any development not otherwise listed in Table I334.4.1 that is generally in accordance with the precinct plan	RD
(A32)	Any development not otherwise listed in Table I334.4.1 that is not generally in accordance with the precinct plan	D
(A33)	Buildings that exceed Standard I334.6.4 Height	D
Subdivision		
(A34)	Any vacant lot subdivision proceeding in accordance with the precinct plan and which creates lots consistent with the zone boundaries	C
(A35)	Any vacant lot subdivision that is not generally in accordance with the precinct plan	D

Table I334.4.2 Wairaka Precinct sub-precinct B

Activity		Activity status
(A36)	Light manufacturing and servicing associated with the commercial laundry services	P
(A37)	Buildings that exceed the Standard I334.6.4 Height	D

Table I334.4.3 Wairaka Precinct sub-precinct C

Activity		Activity status
(A38)	Informal recreation	P
(A39)	Public amenity structures	P
(A40)	Student accommodation, boarding houses and visitor accommodation accessory to tertiary education facilities	P
(A41)	Tertiary education and ancillary activities existing in the Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones at 1 November 2015	P
(A42)	Any development not otherwise listed in Table I334.4.3 that is generally in accordance with the precinct plan	RD

(A43)	Any development not otherwise listed in Table I334.4.3 that is not generally in accordance with the precinct plan	D
(A44)	Any vacant lot subdivision proceeding in accordance with the precinct plan and which creates lots consistent with the zone boundaries	C
(A45)	Any vacant lot subdivision that is not generally in accordance with the precinct plan	D
(A46)	Parking buildings within Residential - Mixed Housing Urban Zone	NC
(A47)	Parking buildings within the Residential - Terrace Housing and Apartment Buildings Zone for any uses other than serving the residents of that zone	NC
(A48)	Buildings that exceed the Standard I334.6.4 Height	D

Table I334.4.4 Wairaka Precinct sub-precinct A

Activity		Activity status
Development		
(A49)	All new buildings, and additions to existing buildings unless otherwise specified below	C
(A50)	Demolition	P
(A51)	Internal alterations to buildings	P
(A52)	Additions to buildings that are less than: (a) 25 per cent of the existing gross floor area of the building; or (b) 250m² GFA whichever is the lesser	P
(A53)	New buildings or additions to existing buildings that increase the building footprint by more than 25 per cent or 250m² GFA (whichever is the lesser), that are located within 10m of the eastern boundary	RD
(A54)	New buildings or additions to buildings not complying with I334.6.14 (2)	NC
(A55)	Any development not otherwise listed in Table 1334.4.4 that is generally in accordance with the precinct plan	RD
(A56)	Any development not otherwise listed in Table 1334.4.4 that is not generally in accordance with the precinct plan	D

I334.5. Notification

(1) An application for resource consent for a controlled activity listed in Tables I334.4.1, ~~and~~ I334.4.3, and I334.4.4 ~~Activity table~~ above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under s95A(4) of the Resource Management Act 1991.

(1A)Any application for resource consent for new buildings or additions to existing buildings in Sub-precinct A that increase the building footprint by more than 25

per cent or 250m² GFA (whichever is the lesser) that are located within 10m of the eastern boundary of the Sub-precinct will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

(2) Any other application for resource consent for an activity listed in Tables I334.4.1, I334.4.2, ~~and~~ I334.4.3 and I334.4.4 ~~Activity table~~ which is not listed in Standard I334.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I334.6. Standards

The standards applicable to the overlays, zones and Auckland-wide provisions apply in this precinct.

All activities listed as permitted, controlled or restricted discretionary in Tables I334.4.1, I334.4.2 and I334.4.3 ~~Activity tables~~ must comply with the following standards.

I334.6.1. Floodlights

(1) Where floodlights are located adjacent to a residential zone, the hours of operation must not extend beyond:

(a) 10pm Monday to Saturday; and

(b) 7.30pm Sunday and Public Holidays.

(2) Floodlights must comply with the lighting standards in E24.6 Auckland-wide Standards – Lighting.

I334.6.2. Retail thresholds

(1) The following thresholds apply in this precinct:

(a) The total gross floor area of retail (including food and beverage and supermarket) must not exceed 6500m^2 for the whole precinct:

(b) the total gross floor area of retail (including food and beverage) within the Business - Mixed Use Zone must not exceed 4500m^2; and

(c) The total gross floor area of retail (including food and beverage) within the Special Purpose - Tertiary Education Zone must not exceed 3000m^2.

(2) The total gross floor area of retail (including food and beverage) in the Historic Heritage Place must not exceed 1000 m^2 subject to Standard I334.6.2(1)(a) above.

(3) All retail activities adjacent within 100m of to the supermarket must not exceed 1200m^2.

(4) Any supermarket, adjacent to and accessed from Farm Road, must not have vehicle access or parking directly off Carrington Road.

I334.6.3. Stormwater

(1) All subdivision and development of the land in the precinct must be consistent with the approved stormwater management plan.

I334.6.4. Height

(1) Standards in the table below apply rather than underlying zone heights unless specified. Buildings must not exceed the heights as set out below:

Building location	Maximum height (m)
Less than 20m from a boundary with Carrington Road (as at 1 November 2015) or the Open Space: Conservation Zone (excluding the Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones)	18m
Greater than or equal to 20m from a boundary with Carrington Road (as at 1 November 2015) or Open Space: Conservation Zone (excluding the Residential - Mixed Housing Urban, Residential - Terrace Housing and Apartment Buildings and Special Purpose - Healthcare Facility and Hospital zones)	27m
Residential - Mixed Housing Urban, Residential - Terrace Housing and Apartment Buildings and Special Purpose - Healthcare Facility and Hospital zones	Specified zone height applies
Buildings within the Residential - Mixed Housing Urban Zone and within 10m of the southern precinct boundary	8m

I334.6.5. Landscaping

(1) At least 20 per cent of a site within the precinct must be landscaped, provided that the area of landscaping may be proportionately reduced by any required common areas of landscaping within the zone approved by the Council and protected by consent conditions.

I334.6.6. Precinct boundary set back

(1) Buildings on land within Sub-precinct C adjoining residential zoned land outside the precinct and to the south must be set back a minimum width of 5m from the external precinct boundary. Planting requirements of Standards H13.6.5 and H13.6.6 Business - Mixed Use Zone apply.

(2) Buildings on land adjoining Open Space - Conversation zoned land outside the precinct must be set back a minimum width of 10m from the external precinct boundary. Planting requirements of Standards H13.6.5 and H13.6.6 Business - Mixed Use Zone apply.

(3) Buildings on land fronting Carrington Road must be set back a minimum width of 28.2m when measured from the eastern edge of the Carrington Road road reserve as at 1 November 2015. This setback area may be used for walkways, cycleways, public transport facilities, site access, street furniture, outdoor dining and cafes. Other areas within the 28.2m not used for these activities must be landscaped. This setback does not apply once the road widening affecting the Wairaka Precinct Carrington Road frontage has been vested in the Auckland Council.

I334.6.7. Tree protection

(1) In addition to any notable tree, Subject to Standard I334.6.7(2) below, the following trees identified in I334.11.2 Precinct plan 2 – protected trees and in Table I334.6.7.1 below must not be altered, removed or have works undertaken within the dripline except as set out in I334.6.7(2) below. Trees located within an existing or future road-widening area along Carrington Road frontage are not subject to this control.

(2) Tree works to the trees identified below must be carried out in accordance with all of the provisions applying to Notable Trees in D13 Notable Tree Overlay, with the exception that up to 20 per cent of live growth may be removed in any one year.

Table I334.6.7.1 - Identified Trees

ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
1	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
2	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
3	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha

5	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
7	Karaka	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
9	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
10	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
11	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
13	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
14	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
15	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
16	Swaine's Gold, Italian cypress	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
17	Michelia	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
18	Sky Flower	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
19	New Zealand Ngaio	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
20	Mediterranean Cypress	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
22	Mediterranean Fan Palm	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
23	Mountain Coconut, Coco	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
24	Chinquapin	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
25	White Mulberry	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
26	Totara	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
27	Australian Frangipani	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
28	Kauri	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
29	Three Kings Climber	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
30	Norfolk Pine	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
31	Pepper Tree, Peruvian	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
32	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949

33	Jacaranda	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
34	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
35	Variegated Five Finger	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
36	Maidenhair Tree	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
37	Brazilian Coral Tree	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
38	Dogwood	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
39	Houpara	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
40	Oleander	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
41	Taupata	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 2 DP 406935
42	Camphor Tree	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
43	Plum Pine	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
44	Camellia	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
45	Kohuhu	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
46	Silver Poplar	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 2 DP 406935
47	Liquidambar	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 2 DP 406935

I334.6.8. Access

(1) The primary traffic access to the precinct must be from Carrington Road at locations shown on the Precinct plan.

(2) Any retail (including food and beverage) fronting the southern bus node, must not have vehicle access directly off Carrington Road.

I334.6.9. Parking

(1) No parking is required for activities located within the scheduled heritage building other than for the provision of loading requirements.

(2) There must be no parking provided at the bus node for retail activities.

All activities listed as permitted, controlled and restricted discretionary in Table I334.4.4 must comply with the following standards.

I334.6.10 Height in relation to Boundary

(1) Buildings in Sub-precinct A must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the north and south boundaries of the Sub-precinct.

I334.6.11 Height

(1) I334.6.4 applies.

I334.6.12 Landscaping

(1) I334.6.5 applies.

I334.6.13 Tree Protection

(1) I334.6.7 applies

I334.6.14 Sub-precinct A Boundary setback

(1) I334.6.6(2) applies.

(2) Buildings on land within Sub-precinct A adjoining the northern and southern boundaries of the Sub-precinct must be set back a minimum width of 5m from the Sub-precinct A boundary. These setbacks must be landscaped and planted with mature trees no more than 5m apart, with the balance planted with a mixture of shrubs or ground cover plants (excluding grass) within and along the full extent of the setback. The purpose of this planting is to provide a well vegetated visual screen between buildings and activities within the Sub-precinct and the adjoining land, to mitigate adverse visual and privacy effects.

(3) Buildings on land within Sub-precinct A adjoining Strategic Transport Corridor zoned land outside the precinct must be set back a minimum width of 5m from the external precinct boundary. This setback shall remain landscaped with mature trees, with the Identified Trees in this location supplemented as necessary to maintain a heavily treed frontage.

I334.6.15 Stormwater

(1) I334.6.3 applies.

I334.6.16 Parking

(1) No minimum and no maximum parking is required in Sub-precinct A.

I334.7. Assessment – controlled activities

I334.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application, in addition to the matters specified for the relevant controlled activities in the zone, Auckland-wide, or overlay provisions:

(1) Connection of Precinct to Laurel Street, Renton Road or Rhodes Avenue with a private (non-gated) road:

(a) traffic effects on adjoining streets and the transport network;

(b) amenity and safety of adjoining streets and those within the precinct;

(c) design of road connections;

(d) benefits of connections (excluding benefits related to diversion of traffic from Carrington road);

(e) provision of walkway and cycle access; and

(f) turning restrictions within the precinct to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.

(2) Subdivision

(a) boundaries of the precinct and sub-precincts aligning with the proposed site boundaries.

(3) All New Buildings, and Additions to Existing Buildings in Sub-precinct A:

(a) high quality design and amenity;

(b) functional and operational (including security) requirements;

(c) the integration of landscaping;

(d) safety;

(e) effects of the location and design of access to the sub-precinct on the safe and efficient operation of the adjacent transport network having regard to:

(i) visibility and safe sight distances;

(ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;

(iii) proximity to and operation of intersections;

(iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Precinct; and

(v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;

(f) The location and capacity of infrastructure servicing:

(i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the Sub-precinct;

(ii) management and mitigation of flood effects, including on buildings and property;

(iii) methods and measures to avoid land instability, erosion, scour and flood risk to buildings and property;

(iv) location, design and method of the discharge; and

(v) management of stormwater flow and contaminants and the implementation of stormwater management devices and other measures.

I334.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant controlled activities in the zone, Auckland-wide or overlay provisions:

(1) Connection of Precinct to Laurel Street, Renton Road or Rhodes Avenue with a private (non-gated) road:

(a) the extent to which the design of the road and associated landscaping creates:

(i) access consistent with the local road function; and

(ii) street trees, planting and other landscaping features that ensure a good standard of amenity;

(b) the extent to which the introduction of appropriate traffic calming measures discourages non-local traffic and to manage speed;

(c) the extent to which the management of the private road through such measures as signage, surface treatment, landscaping and speed restrictions does restrict the use of these roads to only those vehicles with authorised access;

(d) the extent of any positive benefits arising from the proposed connection (excluding benefits relating to diversion of traffic from Carrington road);

(e) the provision of walkway and cycleway access is not restricted. The extent to which landscaping and treatment reflects an appropriate standard of design for public walkways and cycle-ways; and

(f) the extent to which turning restrictions within the precinct are needed to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.

(2) Subdivision

(a) The extent to which subdivision boundaries align with the sub-precinct boundaries and with the precinct plan shown in Precinct plan 1 (or with any approved road network).

(3) All New Buildings, and Additions to Existing Buildings in Sub-precinct A

(a) The extent to which the building and associated landscaping contributes to a high quality amenity outcome when viewed from neighbouring land and buildings, including the appearance of the roofscape;

(b) Whether the design recognises the functional, operational, and security requirements of the intended use of the building, and addresses the safety of the surrounding residential community and the public realm;

(c) The extent to which effects of the location and design of access to the sub-precinct on the safe and efficient operation of the adjacent transport network have been adequately assessed and managed having regard to:

(i) visibility and safe sight distances;

(ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;

(iii) proximity to and operation of intersections;

(iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Precinct; and

(v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;

(d) The location and capacity of infrastructure servicing:

(i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the application area; and

(ii) The extent to which stormwater management methods that utilise low impact stormwater design principles and improved water quality systems are provided.

I334.8. Assessment – restricted discretionary activities

I334.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the zones, Auckland-wide, or overlay provisions:

(1) Retail (including food and beverage) comprising up to one tenancy between 201m2 and 300m2 gross floor area adjacent to, and accessed from, Farm Road and or adjacent to the bus hub or Oakley Hospital building:

(a) building interface with any public place;

(b) safety;

(c) services;

(d) traffic;

(e) travel plans and integrated transport assessments;

(f) design of parking and access; and

(g) degree of integration with other centres.

(2) Parking buildings/structures:

(a) ground contours;

(b) building interface with public places;

(c) safety;

(d) services including infrastructure and stormwater management;

(e) traffic;

(f) travel plans and integrated transport assessments; and

(g) design of parking and access.

(3) Connection of any road to the Precinct with a public road:

(a) traffic;

(b) amenity and safety;

(c) design of road connections; and

(d) benefits of road connections(excluding benefits related to diversion of traffic from Carrington road);

(e) provision of walkway and cycle access; and

(f) turning restrictions within the precinct to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.

(4) Any development not otherwise listed in Tables I334.4.1, ~~and~~ I334.4.3 and I334.4.4 that is generally in accordance with the precinct plan:

(a) Effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:

(i) visibility and safe sight distances;

(ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;

(iii) proximity to and operation of intersections;

(iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; and

(v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;

(b) The location and capacity of infrastructure servicing:

(i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the application area;

(ii) The effects on receiving environments from the location and design of the Indicative Stormwater Management Area and stormwater devices including the following:

(i) management of the adverse effects on receiving environments, including cumulative effects (which may be informed by any publicly available current stormwater and/or catchment management plans and analyses);

(ii) BPO for the management of the adverse effects of the stormwater diversion and discharge on receiving environments;

(iii) implementation of stormwater management devices and other measures and programmes that give effect to the BPO;

(iv) management and mitigation of flood effects, including on buildings and property;

(v) methods and measures to avoid land instability, erosion, scour and flood risk to buildings and property;

(vi) location, design and method of the discharge; and

(vii) management of stormwater flow and contaminants and the implementation of stormwater management devices and other measures;

(c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents through the provision of:

(i) open spaces which are prominent and accessible by pedestrians;

(ii) the number and size of open spaces in proportion to the future intensity of the precinct and surrounding area; and

(iii) effective and safe pedestrian and/or cycle linkages;

(~~a~~d) The location, physical extent and design of open space;

(~~b~~e) The location of anticipated land use activities within the development;

(~~c~~f) The location and physical extent of parking areas; and

(~~d~~g) The staging of development and the associated resource consent lapse period

(eh) The location and form of building footprints and envelopes.

(fi) Building scale and dominance (bulk and location).

(5) For development and/or subdivision that does not comply with Standards: I334.6.1 Floodlights; I334.6.2 Retail thresholds; I334.6.3 Stormwater; I334.6.4 Height; I334.6.5 Landscaping; I334.6.6 Precinct boundary setback; I334.6.7 Tree protection; I334.6.8 Access; I334.6.9 Parking; I334.6.10 Height in relation to Boundary; I334.6.14(3) Sub-precinct A Boundary setback; the Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

(a) the matters of discretion in Rule C1.9(3) of the general provisions apply;

(b) any special or unusual characteristic of the site which is relevant to the standard;

(c) where more than one standard will be infringed, the effects of all infringements considered together; and

(d) the effects on the following relevant matters:

(i) floodlights – the effects on the amenity values of adjoining residential areas;

(ii) retail thresholds – the needs of the campus and serving the local demand within the precinct, the role function and amenity of the Point Chevalier and Mt Albert town centres;

(iii) stormwater – See Matter I334.8.1(4)(c) above;

(iv) height – the effects on the amenity values of open spaces and adjoining residential areas;

(v) landscaping – the street edge, the delineation of pedestrian routes, the visual and pedestrian amenity effects caused by access ways, parking and service areas;

(vi) precinct boundary set back - Interface with the public realm and effects on neighbouring sites, building scale and dominance (bulk and location), and Outlook and privacy;

(vii) trees – See restricted discretionary activity matters of discretion in Matters D13.8.1 Notable Trees Overlay

(viii) access – the primary access to the precinct being on Carrington Road, the amenity values of existing residents as a result of the southern connections becoming a direct vehicle entrance to the precinct;

(ix) parking – the heritage values of the Oakley Hospital, the efficiency of operation of the bus hub.;

(x) Boundary setback in respect of buildings within Sub-precinct A adjoining Strategic Transport Corridor zoned land outside the precinct – landscape amenity;

(xi) Height in relation to boundary – visual dominance, overlooking, shading and privacy.

(6) New buildings or additions to existing buildings within Sub-precinct A that increase the building footprint by more than 25 per cent or 250m² GFA (whichever is the lesser), that are located within 10m of the eastern boundary:

Where buildings do not abut the street frontage

(a) the effectiveness of screening and/or landscaping on the amenity of the streetscape;

(b) safety;

(c) functional and operational (including security) requirements;

Where buildings do abut the street frontage

(d) the effectiveness of screening and/or landscaping (if any);

(e) the maintenance or enhancement of amenity for pedestrians using the adjoining street;

(f) measures adopted for limiting the adverse visual effects of any blank walls along the street frontage;

(g) measures adopted to provide for the visual interest at the street frontage, while ensuring the security, and functional and operational requirements of the Mason Clinic;

(h) safety

Matters applying to all buildings

(i) Those matters contained in I334.7.1.(3).

I334.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the zones, Auckland-wide or overlay provisions:

(1) Retail (including food and beverage) comprising up to one tenancy between 201m2 and 300m2 gross floor area adjacent to, and accessed from, Farm Road and or adjacent to the bus hub or Oakley Hospital building

(a) Building interface with any public places;

(i) the extent to which buildings have clearly defined public fronts that address the street and public open spaces to positively contribute to those public spaces and pedestrian safety;

(ii) the extent to which pedestrian entrances are located on the street frontage and be clearly identifiable and conveniently accessible from the street;

(iii) the extent to which buildings provide legible entrances and exits to covered plazas, open spaces and pedestrian linkages;

(iv) the extent to which separate pedestrian entrances are provided for residential uses within mixed use buildings;

(v) the extent to which activities that engage and activate streets and public open spaces are provided at ground and first floor levels;

(vi) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;

(vii) the extent to which building heights and form are designed to allow a reasonable level of natural light into existing and planned communal open spaces within the precinct, appropriate to their intended use and whether they may require building form to be modified to the north of such spaces;

(viii) the extent to which buildings are designed to support high quality open spaces and where appropriate provide views to the wider landscape and/or surrounding streets, to enhance the legibility, accessibility and character of the campuses; and

(ix) the extent to which through-site links and covered plazas integrate with the existing or planned public realm and pedestrian network and whether they are:

- publicly accessible and attractive; and
- designed to provide a high level of pedestrian safety.

(b) Safety:

(i) whether new and upgraded buildings and public open spaces are designed in accordance with crime safety principles. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within the campuses will be considered as if they are public open spaces;

(ii) the extent to which open spaces, plazas, foyers, lanes and pedestrian linkages have multiple entrances and exits rather than a single way in and out of such places and spaces; and

(iii) ~~the adequacy of safety measures to the Mason Clinic site and the design of the interface between the Mason Clinic and the adjacent public spaces and sites to provide for sensitive design in a high quality urban village and environmentally sensitive area, while meeting security requirements.~~

(c) Services:

(i) the extent to which stormwater, wastewater, water supply, and electricity and telecommunication infrastructure are provided to adequately service the nature and staging of anticipated development within the subject land area; and

(ii) the extent to which the location of built form, public open space and stormwater management infrastructure provide for the establishment of future stormwater management features, which incorporate low impact stormwater design principles and improved water quality systems.

(d) Traffic:

(i) whether traffic calming measures on internal roads and those roads connecting to the south of the precinct, discourage through traffic from outside the Wairaka Precinct, and slow traffic with an origin or destination in the Special Purpose - Tertiary Education Zone or southern neighbourhoods; and

(ii) the extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with any resource consent application.

(e) Traffic plans and integrated transport assessments:

(i) the extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with any resource consent application and provides appropriate travel plans that are consistent with the Integrated Transport Assessment.

(f) Design of parking and access:

(i) the extent to which parking buildings avoid fronting Carrington Road or Oakley Creek or have direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those streets), or the western road shown on the Precinct plan;

(ii) the extent to which parking is screened from public open spaces and streets;

(iii) the extent to which ventilation and fumes from parking structures or other uses do not vent into the adjacent pedestrian environment at ground level;

(iv) the extent to which vehicle crossings and access ways prioritise pedestrian movement and in particular are designed to reduce vehicle speed and are separated from pedestrian access, or are designed as a shared space; and

(v) the extent to which the design of pedestrian routes between parking areas, building entrances/lobbies and the street are accessible by people of all ages and physical abilities and provide a high level of pedestrian safety.

(g) Degree of integration with other centres:

(i) the extent to which the location, scale and staging of anticipated activity types in the precinct mitigates potential conflicts with activities within neighbouring centres; and

(ii) the extent to which the location, scale and staging of offices do not have adverse effects on the role of other centres, beyond those effects ordinarily associated with trade effects or trade competition.

(2) Parking buildings and structures

(a) Ground contours:

(i) the extent to which the proposed finished contour levels across the subject land area avoid variations between the ground floor level of future buildings and adjoining existing and proposed public open space (where information is available); and

(ii) The extent to which where ground floor dwellings or visitor accommodation is proposed, some minor variations between the ground floor level and the level of adjoining open space or street may be acceptable to provide for the privacy of residents and occupants/users.

(b) Building interface with public spaces:

(i) the extent to which buildings have clearly defined public fronts that address the street and public open spaces to positively contribute to those public spaces and pedestrian safety;

(ii) the extent to which pedestrian entrances are located on the street frontage and be clearly identifiable and conveniently accessible from the street;

(iii) the extent to which buildings provide legible entrances and exits to covered plazas, open spaces and pedestrian linkages;

(iv) the extent to which separate pedestrian entrances are provided for residential uses within mixed use buildings;

(v) the extent to which activities that engage and activate streets and public open spaces are provided at ground and first floor levels;

(vi) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;

(vii)the extent to which building heights and form are designed to allow a reasonable level of natural light into existing and planned communal

open spaces within the precinct, appropriate to their intended use. This may require building form to be modified to the north of such spaces;

(viii) the extent to which buildings are designed to support high quality open spaces and where appropriate provide views to the wider landscape and/or surrounding streets, to enhance the legibility, accessibility and character of the campuses;

(ix) whether through-site links and covered plazas integrate with the existing or planned public realm and pedestrian network and are publicly accessible, attractive and designed to provide a high level of pedestrian safety.

(c) Safety:

(i) whether new and upgraded buildings and public open spaces are designed in accordance with crime safety principles. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within the campuses will be considered as if they are public open spaces;

(ii) the extent to which open spaces, plazas, foyers, lanes and pedestrian linkages have multiple entrances and exits rather than a single way in and out of such places and spaces; and

(iii) ~~the adequacy of safety measures to the Mason Clinic site and the design of the interface between the Mason Clinic and the adjacent public spaces and sites to provide for sensitive design in a high quality urban village and environmentally sensitive area, while meeting security requirements.~~

(d) Services including infrastructure and stormwater management:

(i) the extent to which stormwater, wastewater, water supply, and electricity and telecommunication infrastructure are provided to adequately service the nature and staging of anticipated development within the subject land area; and

(ii) the extent to which the location of built form, public open space and stormwater management infrastructure provide for the establishment of future stormwater management features, which incorporate low impact stormwater design principles and improved water quality systems.

(e) Traffic:

(i) whether traffic calming measures on internal roads and those roads connecting to the south of the precinct, discourage through traffic from outside the Wairaka Precinct, and slow traffic with an origin or destination in the Special Purpose - Tertiary Education Zone or southern neighbourhoods; and

(f) Travel plans and integrated transport assessments:

(i) the extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with any resource consent application and provides appropriate travel plans that are consistent with the Integrated Transport Assessment.

(g) Design of parking and access

(i) the extent to which parking buildings avoid fronting Carrington Road or Oakley Creek or avoid having direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those streets), or the western road shown on the Precinct plan;

(ii) the extent to which parking is screened from public open spaces and streets;

(iii) the extent to which ventilation and fumes from parking structures or other uses do not vent into the adjacent pedestrian environment at ground level;

(iv) the extent to which vehicle crossings and access ways prioritise pedestrian movement and in particular are designed to reduce vehicle speed and are separated from pedestrian access, or are designed as a shared space; and

(v) the extent to which the design of pedestrian routes between parking areas, building entrances/lobbies and the street are accessible by people of all ages and physical abilities and provide a high level of pedestrian safety.

(3) Connection of any road to the Precinct with a public road:

(a) Traffic:

(i) the extent to which traffic management measures on roads which connect to the south of the Precinct are designed to avoid the southern connection becoming the primary entrance for tertiary education uses or becoming a faster alternative to Carrington Road for non-local traffic;

(b) Amenity and safety:

(i) whether the design of the road and associated landscaping creates:

- access consistent with the local road function;
- street trees, planting and other landscaping features that ensure a good standard of amenity; and

(ii) the extent to which the introduction of appropriate traffic calming measures discourages non-local traffic and manages speed. Methods could include, but are not limited to, one lane sections, narrow carriageways, intersections designed to slow traffic and interrupt flow, avoidance of roundabouts which facilitate speedy movement through the precinct, and designing the carriageway as shared space with a meandering route.

(c) benefits of road connections(excluding benefits related to diversion of traffic from Carrington Road):

(i) the extent of any positive benefits arising from the proposed connection (excluding benefits related to diversion of traffic from Carrington Road) and ensure the provision of walkway and cycleway access is not restricted.

(d) provision of walkway and cycle access:

(i) the extent to which landscaping and treatment reflects an appropriate standard of design for public walkways and cycle-ways.

(e) turning restrictions within the precinct to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone:

(i) the extent to which turning restrictions within the precinct are needed to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.

(4) Any development not otherwise listed in Tables I334.4.1, ~~and~~ I334.4.3, and I334.4.4 that is generally in accordance with the precinct plan:

(a) The extent to which effects of the location and design of the access on the safe and efficient operation of the adjacent transport network have been adequately assessed and managed having regard to:

(i) visibility and safe sight distances;

(ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;

(iii) proximity to and operation of intersections;

(iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; and

(v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;

(b) The location and capacity of infrastructure servicing:

(i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the application area; and

(ii) the extent to which stormwater management methods that utilise low impact stormwater design principles and improved water quality systems are provided.

(c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents through the provision of and pedestrian and/or cycle connections:

(i) The extent to which the design demonstrates the staging of wider network improvements to public open space, including covered plaza, open spaces, pedestrian walkways and cycleway linkages including;

- the layout and design of open space and connections with neighbouring streets and open spaces;
- integration with cultural landmarks, scheduled buildings, scheduled trees and historic heritage in and adjacent to the precinct; and

(d) the extent to which the location, physical extent and design of open space meets the demand of future occupants of the site and is of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area.

(e) The location of land use activities within the development:

(i) the extent to which the location and staging of anticipated activity types and/or the location, orientation or layout of buildings avoids or mitigates potential conflicts between activities within the subject land area; and

(ii) opportunities to establish community facilities for future occupants of the site and for the wider community are encouraged within the development

(f) The location and physical extent of parking areas and vehicle access:

(i) The extent to which parking, loading and servicing areas are integrated within the application area taking account of location and staging of anticipated activity types.

(g) The staging of development and the associated resource consent lapse period:

(i) Whether the proposal adequately details the methods by which the demolition and development of the site will be staged and managed to compliment the proposed open space, road and lane network and to

avoid, remedy or mitigate adverse effects associated with vacant disused areas of the site.

(h) The location and form of building footprints and envelopes.

(i) the assessment criteria of the zone standards for new buildings and/or alterations and additions to buildings apply; and

(ii) the extent to which the new buildings or alterations and additions to buildings are consistent with the elements of the precinct plan, including the location of the transport network, open spaces and infrastructure.

(iii) the extent to which buildings that do not comply with the bulk and location and amenity controls demonstrate that the ground floor of a building fronting a street or public open space provides interest for pedestrians and opportunities for passive surveillance of the public realm.

(iv) Whether buildings activate the adjoining street or public open space by:

- being sufficiently close to the street boundary and of a frontage height that contributes to street definition, enclosure and pedestrian amenity;
- having a pedestrian entrance visible from the street and located sufficiently close to reinforce pedestrian movement along the street;
- providing a level of glazing that allows a reasonable degree of visibility between the street/public open space and building interior to contribute to pedestrian amenity and passive surveillance;
- avoiding blank walls at ground level; and
- providing convenient and direct entry between the street and the building for people of all ages and abilities.

(v) Whether dwellings located on the ground floor of a building adjoining a street or public open space positively contribute to the public realm while achieving privacy and a good standard of amenity for occupiers of the dwelling, in particular by:

- providing balconies over-looking the street or public open space;
- providing a planted and/or fenced setback to the street or public open space. Landscaping or fencing should be low enough to allow direct sightlines from a pedestrian in the street or public open space to the front of a balcony; and

- raising the balcony and floor plate of the ground floor dwellings above the level of the adjoining street or public open space to a height sufficient to provide privacy for residents and enable them to overlook the street or public open space.

(vi) The extent to which development that does not comply with the amenity controls demonstrates that:

- landscaping, including structural tree planting and shrubs, defines the street edge, delineates pedestrian routes and mitigates adverse visual and pedestrian amenity effects caused by access ways, parking and service areas. Whether landscaping is planted to ensure sight lines to or from site entrances are not obscured; and
- where the side or rear yard controls are infringed, any adverse visual amenity and nuisance effects on neighbouring sites are mitigated with screening and landscaping.

(i) Building scale and dominance (bulk and location):

(i) the extent to which buildings that exceed the building height, ~~height in relation to boundary and maximum building coverage~~ demonstrate that the height, location and design of the building allows reasonable sunlight and daylight access to:

- streets and public open spaces;
- adjoining sites, particularly those with residential uses; and
- the proposed building;

(ii) the extent to which such buildings meet policies in the Special Purpose - Tertiary Education Zone and Wairaka Precinct;

(iii) the extent to which the building is not visually dominating when viewed from the street, neighbouring sites, public open spaces and from distant locations;

(iv) The extent to which buildings on corner sites demonstrate that additional building mass and height is appropriate in that location and makes a positive contribution to the streetscape;

(v) whether activities and buildings that do not comply with the outlook control demonstrate that:

(vi) occupants are provided with a good standard of outlook and privacy between useable/occupied spaces on the same and adjacent sites;

(vii)the building positively contributes to passive surveillance of the street, rear/sides of site and streetscape amenity; and

(viii) where the requirements of the outlook control are met, whether such buildings adversely affect the amenity of any complying new/ existing development on an adjoining site~~,~~.

(5) For development that does not comply with Standard I334.6.14 (3): Boundary setback in respect of buildings within Sub-precinct A or Standard I334.6.10: Height in relation to boundary.

For buildings which infringe Standard I334.6.14(3) Boundary Setback

(a) the extent to which a landscaped buffer between buildings and activities and adjoining land is maintained to mitigate adverse visual effects;

(b) landscaping that is maintained is of sufficient quality as to make a positive contribution to the amenity of the outlook to the site from neighbouring land;

(c) whether the design recognises the functional and operational requirements of the intended use of the building, including providing for security.

For buildings which infringe Standard I334.6.10 Height in relation to boundary

(d) the extent to which buildings that exceed the height in relation to boundary standard demonstrate that the height, location and design of the building allows reasonable sunlight and daylight access to adjoining sites, particularly those with residential uses;

(e) the extent to which such buildings are consistent with the policies in the Special Purpose – Healthcare Facility and Hospital Zone, the Wairaka Precinct – General, and the Wairaka Precinct – Sub-precinct A; and

(f) the extent to which buildings as viewed from adjoining sites are designed to reduce visual dominance effects, overlooking and shadowing and to maintain privacy.

(6) New buildings or additions to existing buildings within Sub-precinct A that increase the building footprint by more than 25 per cent or 250m² GFA (whichever is the lesser), that are located within 10m of the eastern boundary.

Where buildings do not abut the street frontage

(a) the extent to which the visual effects of the building are screened by landscaping, comprising the planting of a mixture of closely spaced trees, shrubbery and ground cover;

(b) the extent to which the design of the building and the design of the interface between the building and the adjacent street contributes to a high quality visual amenity (including safety) outcome when viewed from the street while meeting the operational and functional requirements (including security) of the use of the building.

Where buildings do abut the street

(c) the extent to which the visual effects of the building are screened by landscaping;

(d) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features to achieve a high quality outcome, without compromising the functional requirements of the use of the building;

(e) the extent to which the design of safety measures together with the design of the interface between the building and the adjacent street provide for sensitive design-in a high quality urban environment, while meeting the security requirements for the Mason Clinic;

(f) the extent to which the ground floor of the building (where fronting a street) provides interest for pedestrians and opportunities for passive surveillance (including safety) of the public realm while ensuring the functional and operational requirements (including security) of the Mason Clinic;

(g) the extent to which buildings respond to the policies contained in the Special Purpose - Healthcare Facility and Hospital zone, policies the Wairaka Precinct-General, and the Wairaka Precinct – Sub-precinct A;

All buildings

(h) Those criteria contained in I33.7.2(3)(c) and (d).

I334.9. Special information requirements

An application for any subdivision or development must be accompanied by:

Integrated Transport Assessment

(1) As part of any southern road connection (public or private), the first subdivision resource consent application in the Business - Mixed Use or residential zones (other than for controlled activities) or land use resource consent application for any development greater than 2,500m² gross floor area in the Business - Mixed Use Zone or greater than 1,000m2 in the residential zones, the applicant is required to produce an integrated transport assessment for the precinct. An updated integrated transport assessment for the precinct will be required for all further development in excess of 2,500m2 gross floor area in the Business - Mixed Use Zone or greater than 1,000m2 gross floor area in the residential zones, unless that additional development was assessed as part of an Integrated Transport Assessment that is not more than two years old.

Stormwater Management Plan

(1) The following applies to land use consent applications for the land in the precinct:

(a) as part of the first land use consent application (excluding developments of less than 1,000m² gross floor area in the Special Purpose - Tertiary Education Zone; and developments less than 2,500m² in the Business - Mixed Use and Terrace Housing and Apartment Buildings zones), a comprehensive stormwater management plan which considers the appropriateness of any identified stormwater quality and quantity management devices to service the development must be prepared for all the land in the precinct.

(b) the comprehensive stormwater management plan must be prepared in accordance with the information requirements in Requirement I334.9(3) below.

(c) this standard does not apply where the land use application is in accordance with a subdivision consent previously approved on the basis of a previously approved comprehensive stormwater management plan

(2) A stormwater management plan that:

(a) demonstrates how stormwater management will be managed across the precinct or development to avoid, remedy or mitigate adverse effects;

(b) applies an integrated stormwater management approach, consistent with Policy E1.3.(10);

(c) identifies any areas of on-site stormwater management and provides for these in development and subdivision;

(d) identifies the location, extent and of any infrastructure, including communal stormwater management devices and any proposed new or upgrades to infrastructure;

(e) integrates/interfaces with the wider stormwater network, including that outside of the precinct; and

(f) demonstrates compliance with the Council's relevant codes of practice and infrastructure standards; OR

(3) Demonstrate how stormwater will be managed in accordance with the stormwater management plan prepared for the precinct.

An application for development that is or is not generally in accordance with the precinct plan must include the following:

(1) Plans showing:

(a) the overall context of the subject land area relative to existing buildings, public open space and transport connections and any approved buildings and approved framework plans generally;

(b) where changes are intended, the relationship of site contours to existing and proposed streets, lanes, any public open space shown;

(c) building footprints, profiles and height relative to existing and proposed streets, lanes and any existing or proposed public open space;

(d) the location and layout of public open space areas (within the control of the landowner or leaseholder), including the general location of soft and hard landscaping areas, such as pocket parks, plazas, pedestrian linkages, walkways, covered plazas and linking spaces that complement the existing public open space network;

(e) the location and layout of vehicle access, entries, exits, parking areas including number of spaces and loading and storage areas;

(f) the location and layout of services and infrastructure;

(g) the location and function of pedestrian, cycling and vehicle routes to and within the precinct, and their relationship to other areas. This must include representative street and lane cross sections showing the width of footpaths, cycle paths and traffic lanes;

(h) the general location and function of existing and proposed streets and lanes, including cross-sections where applicable; and

(i) indicative location and layout of proposed sites, including their site areas and buildings types.

(2) Proposed building profile and height as viewed from all existing and proposed street frontages, existing and proposed public open spaces. For the purpose of this requirement, building profile means two-dimensional and three-dimensional building block elevations and building cross- sections showing:

(a) overall building form and height (as opposed to detailed design);

(b) indicative proposed floor to ceiling heights of each building storey;

(c) areas at ground level adjoining public open space intended to be available for active uses; and

(d) areas of walls likely to contain windows for principal living areas of accommodation units to demonstrate how the outlook space development control will be met.

(3) A landscape management plan for landscaped areas to be covenanted, public open space landscaping, roads and streetscapes and walkways. The plan must provide details on:

(a) plant species schedules;

(b) planting specifications including individual tree planting locations;

(c) weed control and management;

(d) implementation; and

(e) the location and design of public seating, vehicle barriers, signage, pedestrian lighting, litter receptacles, and other amenity features in line with crime prevention through environmental design principles.

(4) An infrastructure and stormwater management plan that demonstrates how the development will meet the controls and assessment criteria in this precinct regarding infrastructure and servicing, including:

(a) location and extent of infrastructure, including areas of on-site stormwater management (if applicable) and integration/interface with the wider precinct;

(b) any proposed new or upgrade to infrastructure;

(c) staging of development; and

(d) compliance with the Council's relevant codes of practice and infrastructure standards.

(5) A traffic management plan that demonstrates how the development will meet the controls and assessment criteria in this precinct regarding traffic generation and management, including:

(a) a traffic management assessment demonstrating how the precinct will manage traffic demand, alternate transport options , connections to public transport and key connections to and within the precinct; and

(b) be prepared in accordance with current best practice guidelines adopted by Auckland Transport.

(6) The general location of activity types with potential to influence the staging and design of development across the subject land area including:

(a) general proposed activity types at activity interfaces, including activity types to be established adjacent to existing lawful activities (including industrial activities);

(b) proposed staging of demolition, earthworks and building development, and where information is available, the staging of public open space.

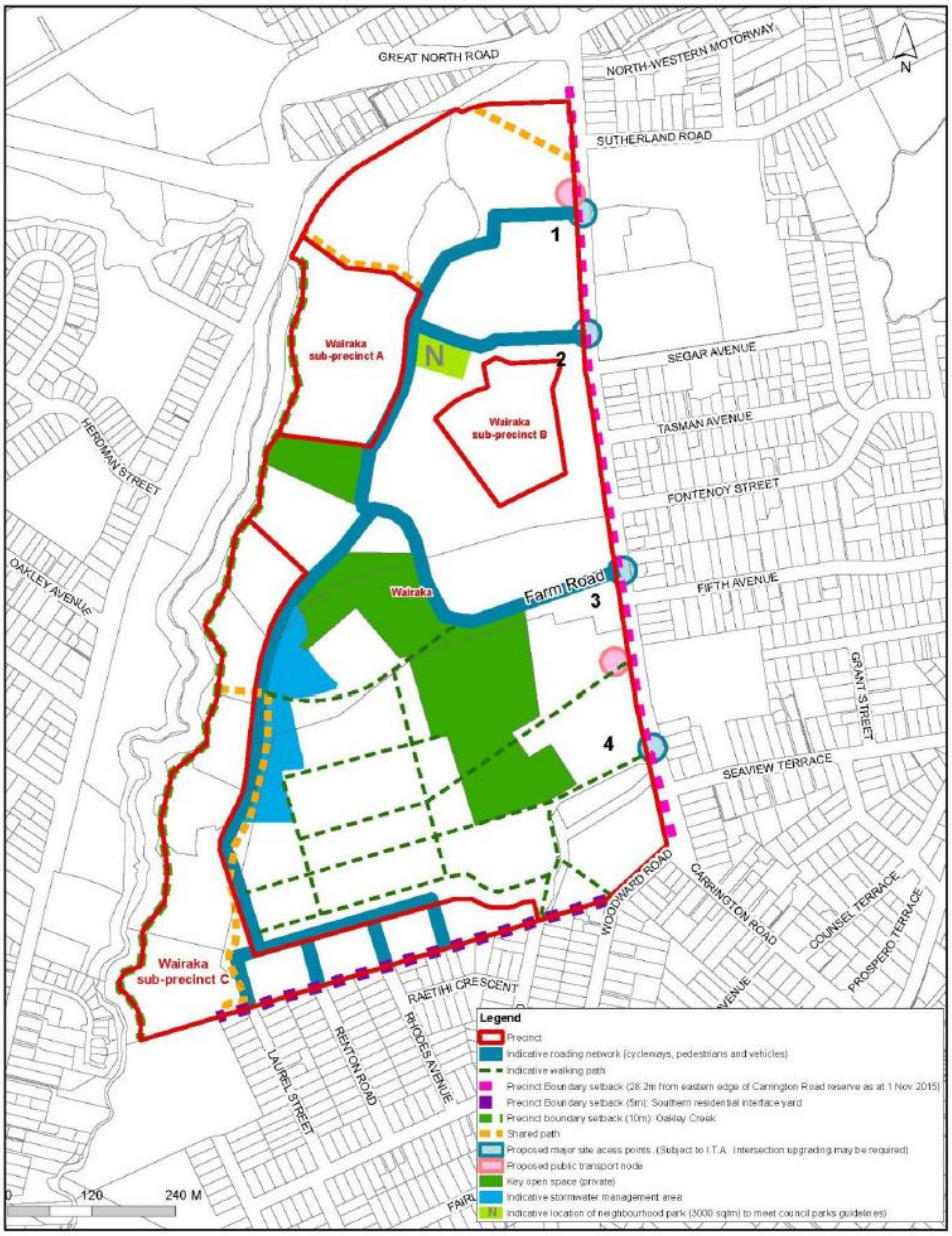
Item 15

Attachment A

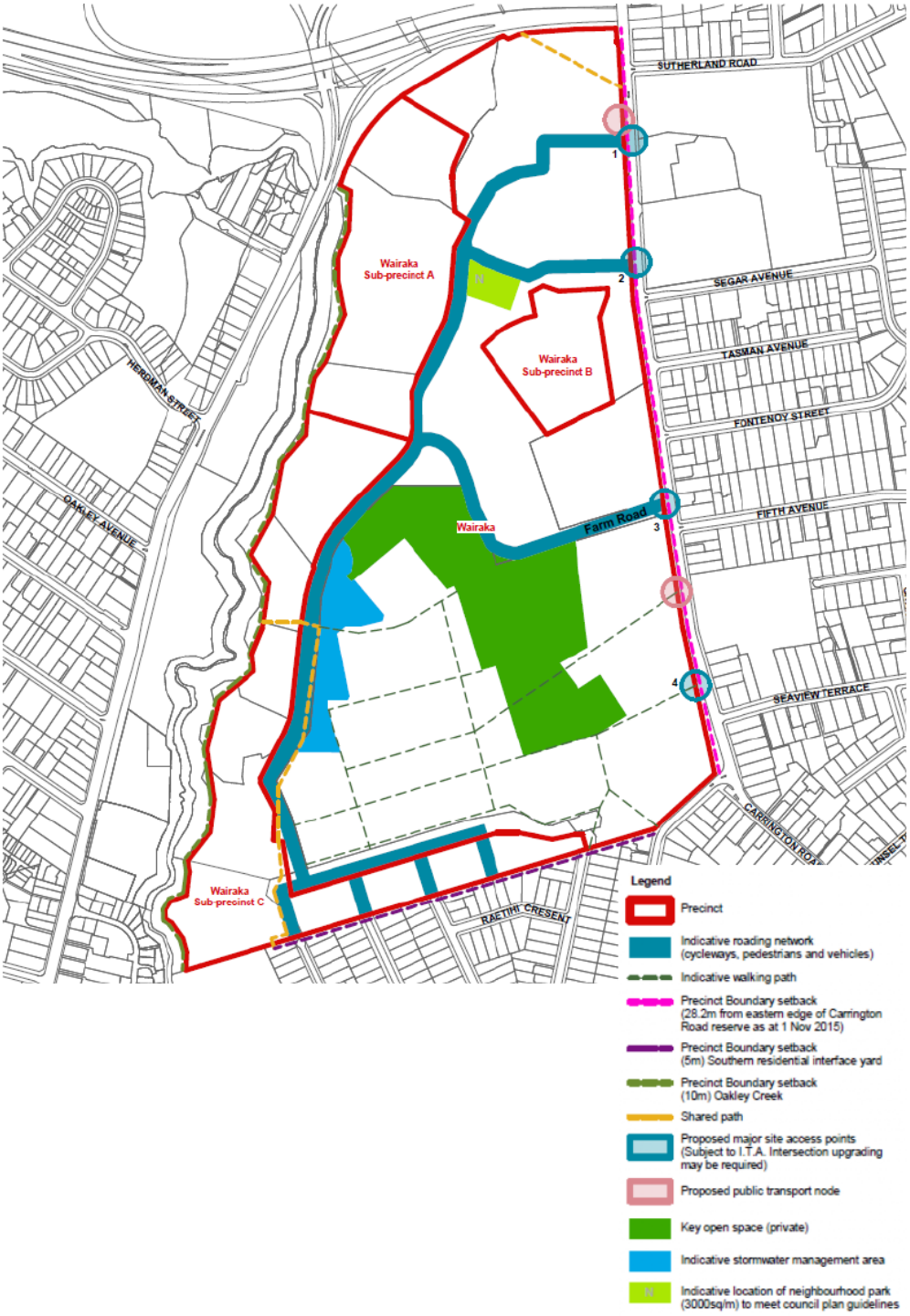
I334.10. Precinct plans

I334.10.1 Wairaka: Precinct plan 1

[DELETE FOLLOWING PLAN]



[REPLACE WITH FOLLOWING PLAN]

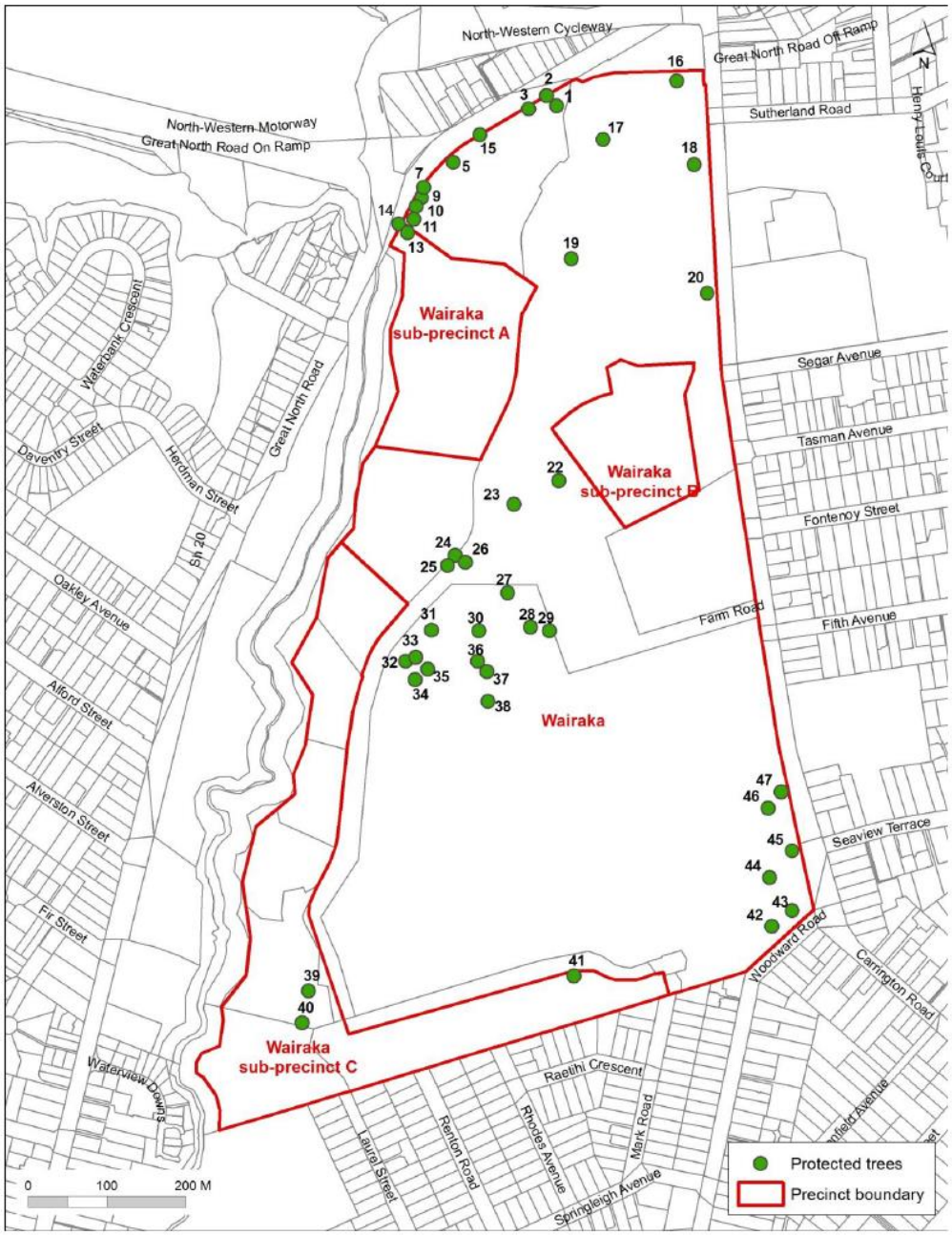


Item 15

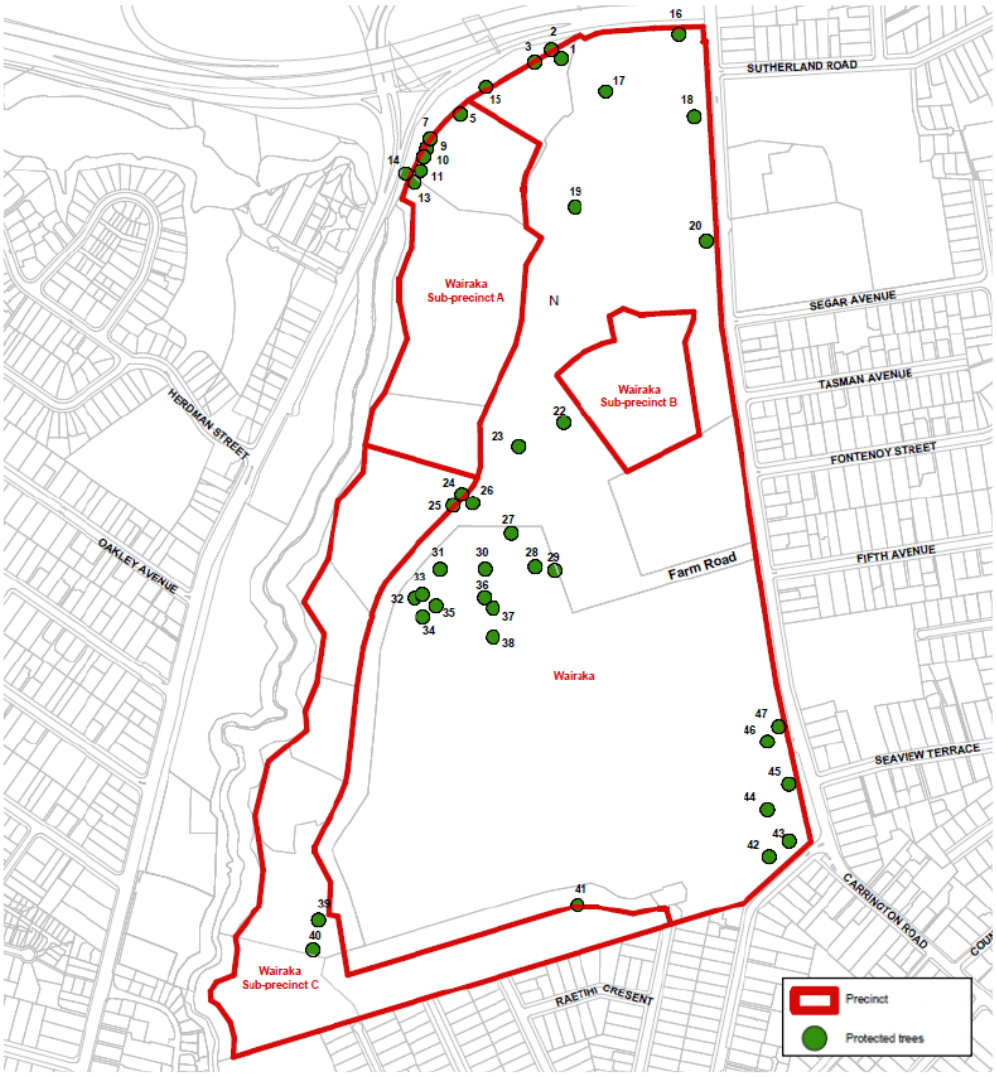
Attachment A

I334.10.2 Wairaka: Precinct plan 2 – Protected Trees

[DELETE FOLLOWING PLAN]



[REPLACE WITH FOLLOWING PLAN]



Part 2
Requests for changes to policy statements and plans of local authorities and requests to prepare regional plans

Schedule 1 Part 2: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

21 Requests

(1) Any person may request a change to a district plan or a regional plan (including a regional coastal plan).

(2) Any person may request the preparation of a regional plan, other than a regional coastal plan.

(3) Any Minister of the Crown or any territorial authority in the region may request a change to a policy statement.

(3A) *[Repealed]*

(4) Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part 1, 4, or 5 applies.

(5) If a request for a plan change is made jointly with an application to exchange recreation reserve land (as permitted by section 65(4A) or 73(2A)), the application must be—

(a) processed, with the request for a plan change, in accordance with this Part, other than clauses 27 and 29(4) to (8); then

(b) decided under section 15AA of the Reserves Act 1977.

Schedule 1 clause 21: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 21(3): amended, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 21(3A): repealed, on 1 July 2020, by section 103(1) of the Resource Management Amendment Act 2020 (2020 No 30).

Schedule 1 clause 21(4): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 21(5): inserted, on 19 April 2017, by section 188(11) of the Resource Legislation Amendment Act 2017 (2017 No 15).

22 Form of request

(1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation report prepared in accordance with section 32 for the proposed plan or change.

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmen-

tal effects anticipated from the implementation of the change, policy statement, or plan.

Schedule 1 clause 22: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 22(1): amended, on 3 December 2013, for all purposes, by section 85 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 22(1): amended, on 1 August 2003, by section 92(13) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 22(2): amended, on 3 March 2015, by section 124 of the Resource Management Amendment Act 2013 (2013 No 63).

23 Further information may be required

(1) Where a local authority receives a request from any person under clause 21, it may within 20 working days, by written notice, require that person to provide further information necessary to enable the local authority to better understand—

(a) the nature of the request in respect of the effect it will have on the environment, including taking into account the provisions of Schedule 4; or

(b) the ways in which any adverse effects may be mitigated; or

(c) the benefits and costs, the efficiency and effectiveness, and any possible alternatives to the request; or

(d) the nature of any consultation undertaken or required to be undertaken—

if such information is appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change or plan.

(2) A local authority, within 15 working days of receiving any information under this clause, may require additional information relating to the request.

(3) A local authority may, within 20 working days of receiving a request under clause 21, or, if further or additional information is sought under subclause (1) or subclause (2), within 15 working days of receiving that information, commission a report in relation to the request and shall notify the person who made the request that such a report has been commissioned.

(4) A local authority must specify in writing its reasons for requiring further or additional information or for commissioning a report under this clause.

(5) The person who made the request—

(a) may decline, in writing, to provide the further or additional information or to agree to the commissioning of a report; and

(b) may require the local authority to proceed with considering the request.

(6) To avoid doubt, if the person who made the request declines under subclause (5) to provide the further or additional information, the local authority may at any time reject the request or decide not to approve the plan change requested,

if it considers that it has insufficient information to enable it to consider or approve the request.

Schedule 1 clause 23: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 23(4): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 23(5): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 23(6): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

24 Modification of request

As a result of further or additional information, commissioned reports, or other relevant matters, the local authority may, with the agreement of the person who made the request, modify the request.

Schedule 1 clause 24: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

25 Local authority to consider request

(1) A local authority shall, within 30 working days of—

(a) receiving a request under clause 21; or

(b) receiving all required information or any report which was commissioned under clause 23; or

(c) modifying the request under clause 24—

whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.

(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22(1)—

(a) when making a decision under subclause (1); and

(b) when dealing with the request under subclause (2), (3), or (4).

(2) The local authority may either—

(a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—

(i) the request must be notified in accordance with clause 5 or 5A within 4 months of the local authority adopting the request; and

(ii) the provisions of Part 1 or 4 must apply; and

(iii) the request has legal effect once publicly notified; or

(b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.

(2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under

Item 15

Attachment B

clause 77(1) must not be included in the calculation of the 4-month period specified by subclause (2)(a)(i).

(2A) Subclause (2)(a)(iii) is subject to section 86B.

(3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.

(4) The local authority may reject the request in whole or in part, but only on the grounds that—

(a) the request or part of the request is frivolous or vexatious; or

(b) within the last 2 years, the substance of the request or part of the request—

(i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or

(ii) has been given effect to by regulations made under section 360A; or

(c) the request or part of the request is not in accordance with sound resource management practice; or

(d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or

(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

(4A) A specified territorial authority must not accept or adopt a request if it does not incorporate the MDRS as required by section 80F(1) or (2).

(5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.

Schedule 1 clause 25: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 25(1A): inserted, on 3 December 2013, for all purposes, by section 86 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 25(2): replaced, on 17 December 1997, by section 72 of the Resource Management Amendment Act 1997 (1997 No 104).

Schedule 1 clause 25(2)(a)(i): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2)(a)(ii): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2)(a)(iii): amended, on 1 October 2009, by section 149(16) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 25(2AA): inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 25(2A): inserted, on 1 October 2009, by section 149(17) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 25(4)(b): replaced, on 1 October 2011, by section 60 of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

Schedule 1 clause 25(4A): inserted, on 21 December 2021, by section 15 of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (2021 No 59).

Schedule 1 clause 25(5): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

26 Notification timeframes

(1) Where a local authority accepts the request or part of the request under clause 25(2)(b)—

(a) the local authority shall prepare the change to the policy statement or plan in consultation with the person who made the request under clause 21; and

(b) the local authority shall notify the change or the proposed policy statement or plan—

(i) within 4 months of agreeing to accept the request; or

(ii) within the period that the Environment Court directs under clause 27.

(2) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must not be included in the calculation of the 4-month period specified in subclause (1)(b)(i).

Schedule 1 clause 26: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 26(1)(b): amended, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Schedule 1 clause 26(1)(b)(i): amended, on 17 December 1997, by section 73 of the Resource Management Amendment Act 1997 (1997 No 104).

Schedule 1 clause 26(1)(b)(ii): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 26(2): inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

26A Mana Whakahono a Rohe

In exercising or performing any powers, functions, or duties under this Part, a local authority must comply with any Mana Whakahono a Rohe that specifically provides a role for iwi authorities in relation to any plan or change requested under this Part.

Schedule 1 clause 26A: inserted, on 19 April 2017, by section 119 of the Resource Legislation Amendment Act 2017 (2017 No 15).

27 Appeals

(1) A person who requests a plan change under clause 21 may appeal to the Environment Court against a decision referred to in subclause (1A) within 15 working days of receiving the decision.

(1A) The decisions that may be appealed under subclause (1) are decisions—

(a) to adopt or accept the request in part only under clause 25(2):

(b) to reject the request under clause 23(6):

(c) to deal with the request under clause 25(3):

(d) to reject the request under clause 25(4) in whole or in part.

(2) The Environment Court may make such decision on any such appeal as it thinks fit.

Schedule 1 clause 27: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 27(1): replaced, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 27(1A): inserted, on 10 August 2005, by section 129(1) of the Resource Management Amendment Act 2005 (2005 No 87).

Schedule 1 clause 27(2): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

28 Withdrawal of requests

(1) Where any person has made a request under clause 21 that person may withdraw the request at any time before the decision by the local authority under clause 29 is notified.

(2) Where any local authority has reasonable grounds to consider that a person who made a request under clause 21 no longer wishes to continue with the request, the local authority may send a notice to that person at their last known address.

(3) A notice sent under subclause (2) shall state that if the person who made the request does not advise the local authority within 30 working days of their wish to continue with the request, the local authority shall deem the request to have been withdrawn.

(4) If the local authority receives no response to its notice sent under subclause (2), it shall deem the request to have been withdrawn under subclause (1).

(5) Where notice of withdrawal is given under subclause (1) or is deemed to be given under subclause (4), preparation of the policy statement or plan or change shall cease, unless the local authority determines to proceed with the request itself under this Part.

(6) The local authority shall ensure that, within 15 working days of receiving a notice of withdrawal under subclause (1) or deeming it to be withdrawn under subclause (4), public notice of the withdrawal, including the reason for the withdrawal, is given, unless the local authority determines to proceed with the request itself.

Schedule 1 clause 28: replaced, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

29 Procedure under this Part

(1) Except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b).

(1A) Any person may make a submission but, if the person is a trade competitor of the person who made the request, the person's right to make a submission is limited by subclause (1B).

(1B) A trade competitor of the person who made the request may make a submission only if directly affected by an effect of the plan or change that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

(2) The local authority shall send copies of all submissions on the plan or change to the person who made the request.

(3) The person who made the request has the right to appear before the local authority under clause 8B.

(4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with section 32AA, and having particular regard to that evaluation, the local authority—

(a) may decline, approve, or approve with modifications the plan or change; and

(b) must give reasons for its decision.

(5) In addition to those persons covered by clause 11, the local authority shall serve a copy of its decision on the person who made the request under clause 21.

(6) The person who made the request, and any person who made submissions on the plan or change, may appeal the decision of the local authority to the Environment Court.

(7) Where a plan or change has been appealed to the Environment Court, clauses 14 and 15 shall apply, with all necessary modifications.

(8) Where a plan or change has been appealed to the Environment Court, the person who made the request under clause 21 has the right to appear before the Environment Court.

(8A) If the decision to change a plan is subject to the grant of an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977, the local authority must advise the person who requested the plan change that—

(a) the plan change is subject to a decision by the administering body on the application to exchange the recreation reserve land; and

(b) the decision on the exchange will be made under the Reserves Act 1977 after the time allowed for appeals against the decision on the plan change has expired and any appeals have been completed.

(9) With the agreement of the person who made the request, the local authority may, at any time before its decision on the plan or change, initiate a variation under clause 16A.

Schedule 1 clause 29: inserted, on 7 July 1993, by section 220 of the Resource Management Amendment Act 1993 (1993 No 65).

Schedule 1 clause 29(1): amended, on 1 October 2009, by section 149(18) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 29(1A): inserted, on 1 October 2009, by section 149(19) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 29(1B): inserted, on 1 October 2009, by section 149(19) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

Schedule 1 clause 29(4): replaced, on 3 December 2013, for all purposes, by section 87 of the Resource Management Amendment Act 2013 (2013 No 63).

Schedule 1 clause 29(6): amended, on 1 August 2003, by section 92(14)(a) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 29(6): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 29(7): amended, on 1 August 2003, by section 92(14)(b) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 29(7): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 29(8): amended, on 1 August 2003, by section 92(14)(c) of the Resource Management Amendment Act 2003 (2003 No 23).

Schedule 1 clause 29(8): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Schedule 1 clause 29(8A): inserted, on 19 April 2017, by section 188(12) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Relevant Regional Policy Statement objectives and policies

B2.2.1. Urban growth and form objectives:

(1) A quality compact urban form that enables all of the following:

(a) a higher-quality urban environment;

(b) greater productivity and economic growth;

(c) better use of existing infrastructure and efficient provision of new infrastructure;

…

(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth

B2.3.1. Quality built environment objectives:

(1) A quality built environment where subdivision, use and development do all of the following:

…

(c) contribute to a diverse mix of choice and opportunity for people and communities;

(d) maximise resource and infrastructure efficiency;

(e) are capable of adapting to changing needs; and

…

(3) The health and safety of people and communities are promoted.

B2.4.1. Residential growth objectives

…

(5) Non-residential activities are provided in residential areas to support the needs of people and communities.

B2.8.1. Social facilities objectives:

(1) Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.

(2) Social facilities located where they are accessible by an appropriate range of transport modes.

(3) Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.

The following letter (or similar) was sent to the following mana whenua that are listed on Auckland Council's database for the property at 81A Carrington Road, Mt Albert:

- Ngāi Tai ki Tāmaki
- Ngāti Te Ata
- Te Kawerau ā Maki
- Te Ākitai Waiohua
- Ngāti Maru
- Ngāti Pāoa Iwi Trust
- Ngāti Pāoa Trust Board
- Ngāti Tamaterā
- Ngāti Whātua Ōrākei
- Te Rūnanga o Ngāti Whātua
- Ngāti Whātua o Kaipara
- Te Ahiwaru – Waiohua
- Waikato - Tainui

BENTLEY&Co
Resource Management Consultants

2 March 2021

Anthony Blomfield
E-mail: ablomfield@bentley.co.nz
Job No: 19023.3

Ngāi Tai ki Tāmaki Tribal Trust
Via Email

RE: WDHB Mason Clinic Plan Change

As you may be aware, the Waitematā District Health Board is progressing with a Private Plan Change application for the Mason Clinic facility at Mount Albert (3A, 81A and 119A Carrington Road).

The WDHB and ourselves met with representatives of the Waiohua-Tamaki Ropu in July 2020 to introduce and explain the proposal in detail, relative to the ropu's involvement in the redevelopment of the Wairaka Precinct.

The purpose of this letter is to provide information to you about the proposal, and to seek your feedback as to whether there are any mana whenua matters that you wish to review further regarding the plan change proposal.

Purpose of the Plan Change
The Mason Clinic is a forensic psychiatric healthcare facility which provides health and custodial services to people with mental health, addiction and other health issues. Several of the existing facilities and buildings at the Mason Clinic are nearing the end of their life and are no longer fit for purpose, and do not provide an environment which is up to the WDHB's standards. There is also the need to accommodate growing demand for the services provided by the Mason Clinic, as the population of Auckland (and the North Island catchment the Clinic serves) continues to grow.

To address these demands, the WDHB purchased landholdings to the north and south of the existing Mason Clinic property. The properties are shown in the aerial photographs appended as **Attachment 1**. The northern landholding will initially be developed with new quality buildings which will allow users from the existing facilities to be decanted, which will then enable the subsequent removal and replacement of those facilities. The new landholdings to the north and south will also enable the intensification of the Mason Clinic, with the intention of doubling the capacity of the Mason Clinic by 2040.

The Proposed Plan Change
Currently, the existing Mason Clinic facility in the middle of the site is zoned 'Special Purpose – Healthcare Facility and Hospital' under the Auckland Unitary Plan. The site is within the

Wairaka Precinct, with Sub-precinct A specifically applying to the site, which is reflective of the Mason Clinic activity. The zoning and precinct that applies to the central property reflect the operation of the Mason Clinic, and generally set an appropriate planning structure for the activity.

The WDHB will apply to Auckland Council for a Private Plan Change. The fundamental purpose of the Plan Change is to rezone the purchased north and south landholdings from Business Mixed Use to the same Special Purpose – Healthcare Facility and Hospital Zone. These landholdings will also be incorporated into 'Sub-precinct A' of the Wairaka Precinct which currently applies to the Mason Clinic, within the wider Wairaka Precinct. The Plan Change therefore is to provide a consistent planning framework for the whole site.

The new zoning and extension to the extent of Sub-precinct A does not fundamentally enable a different form of development to occur on the sites. The existing zoning of the northern and southern land provides for a similar scale of development and intensity of activity. The rezoning is sought specifically to better reflect the intended use of the land, and better provide for the use and development of healthcare activities.

In addition to the change in the zoning and extent of the Sub-precinct for the Mason Clinic land, the WDHB (in consultation with the Ministry for Housing and Urban Development) has developed a range of controls to manage future building development, particularly at the boundaries of the site. These will apply to the redevelopment of the existing site, as well as the additional land that has been purchased. These controls are intended to assist with integrating the development of the land with the wider Wairaka precinct, and respond to the visual amenity of neighbouring land which might be used for residential development and/or public reserves, roads or walkways, while ensuring that the functional and operational requirements of the Mason Clinic can be met. These controls are proposed to include:

- A 5 metre building setback control at the northern and southern boundaries, which will be required to be landscaped with tall and dense vegetation;
- A 3m + 45 degree Height in Relation to Boundary control which will apply to the northern and southern boundaries;
- A 5 metre building setback control at the north-western boundary adjoining the North-Western Motorway corridor, which will be required to be landscaped with planting to supplement the existing protected trees adjacent this boundary;
- Retaining the 10 metre building setback control and the 8.5m + 45 degree Height in Relation to Boundary control which applies to the western boundary adjoining the Oakley Creek Reserve, and retaining the Significant Ecological Area overlay which applies to the reserve (and which partially overhangs the Mason Clinic land);
- A requirement for all new buildings within 10 metres of the eastern (road) boundary to obtain a Restricted Discretionary activity resource consent, with matters of discretion including the design and visual appearance of buildings to address the 'frontage' of the site; and

- A requirement for all other new buildings within the site to obtain a Controlled activity resource consent , with the matters for control concerned with the design and visual appearance of buildings generally, and their integration with site landscaping.

These controls are identified on the site plan appended as **Attachment 1**, and have been reflected in the proposed amendments to the Wairaka Precinct provisions of the Auckland Unitary Plan. A copy of the proposed amendments to the Wairaka Precinct Chapter can be provided to you separately, on request.

The WDHB are also proposing that the length of the currently culverted section of the Wairaka Puna within the Mason Clinic land be daylighted in the future. This is intended to occur in conjunction with any works undertaken by the neighbouring land owners to the south (as the existing culvert spans the property boundary). The plan change will not specifically incorporate controls to daylight the stream, with these works being subject to other agreements and processes.

Other aspects of development, including the management of earthworks, accidental discovery protocols, and stormwater discharges, will remain unchanged by the proposal, and will continue to be subject to the current provisions of the Auckland Unitary Plan.

Feedback
As part of the preparation of the plan change application, WDHB would like to seek your views of the proposal, and whether there are mana whenua matters that you would like to review, relative to the scope of the plan change proposal, noting that no physical works are proposed to the land.

We would be pleased to discuss the proposal in further detail with yourself or other representatives, as required. In the first instance, I am happy to answer any queries you may have with a phone call, if that is convenient.

Please do not hesitate to contact myself to discuss this project further.

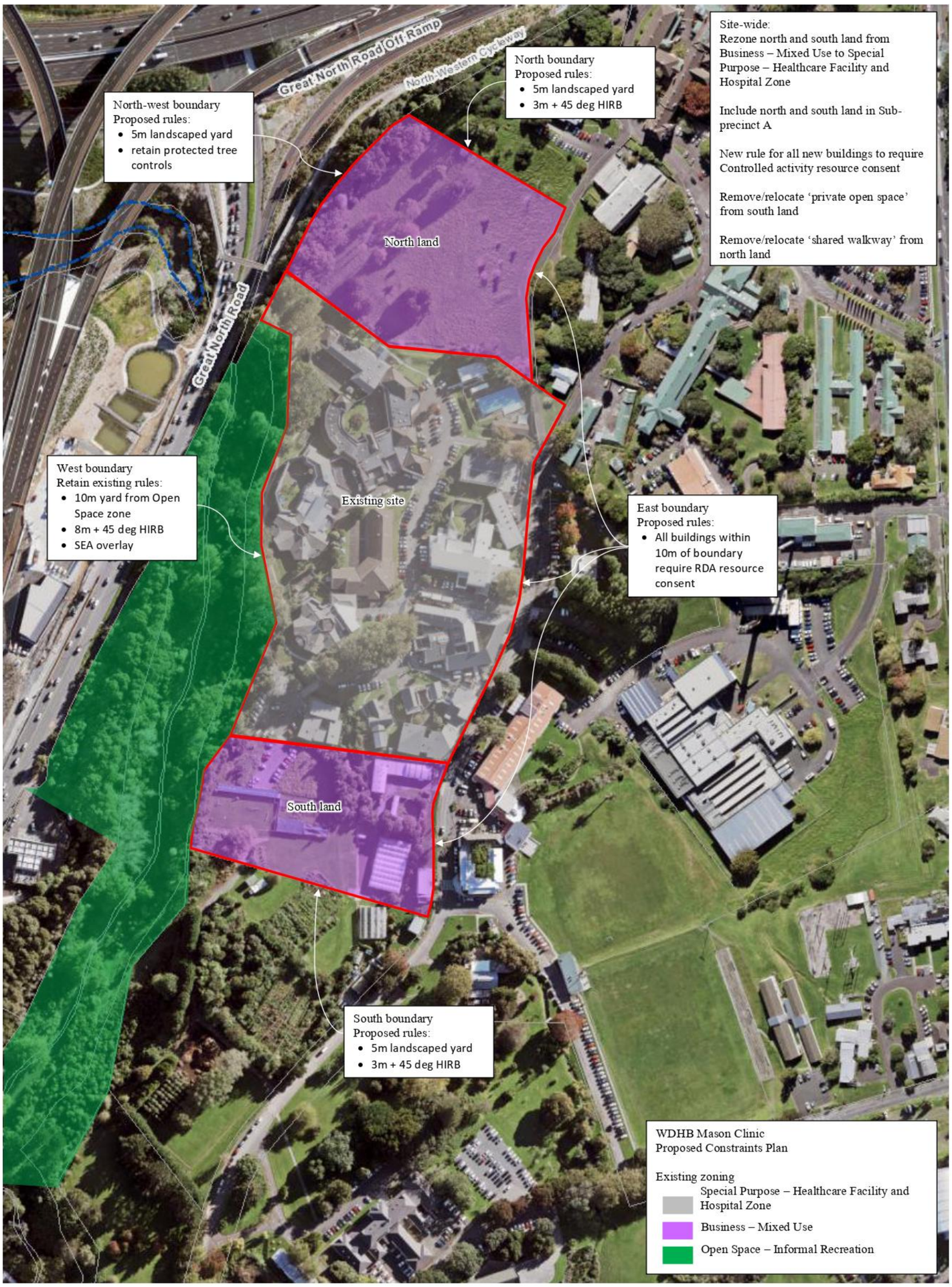
Yours faithfully,
BENTLEY & CO. LTD

Anthony Blomfield
Resource Management Planner

K:\Projects - Documents\Projects\WDHB Mason\Plan Change\Consultation\Mana whenua\Ltr Mason Clinic PPC_Ngai Tai ki Tamaki.docx

BENTLEY&Co

ATTACHMENT 1


Great North Road Off Ramp
North-Western Cycleway
Great North Road
North-west boundary
Proposed rules:
• 5m landscaped yard
• retain protected tree controls
North boundary
Proposed rules:
• 5m landscaped yard
• 3m + 45 deg HIRB
Site-wide:
Rezone north and south land from Business – Mixed Use to Special Purpose – Healthcare Facility and Hospital Zone
Include north and south land in Sub-precinct A
New rule for all new buildings to require Controlled activity resource consent
Remove/relocate 'private open space' from south land
Remove/relocate 'shared walkway' from north land
North land
Existing site
West boundary
Retain existing rules:
• 10m yard from Open Space zone
• 8m + 45 deg HIRB
• SEA overlay
East boundary
Proposed rules:
• All buildings within 10m of boundary require RDA resource consent
South land
South boundary
Proposed rules:
• 5m landscaped yard
• 3m + 45 deg HIRB
WDHB Mason Clinic
Proposed Constraints Plan
Existing zoning
Special Purpose – Healthcare Facility and Hospital Zone
Business – Mixed Use
Open Space – Informal Recreation

Te Tūāpapa Kura Kāinga
Ministry of Housing and Urban Development

11 May 2021

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Contact Matt Fraser
Phone +64 (21) 815 680
Email matt.fraser@hud.govt.nz
Partner Francelle Lupis
Reference 2291882-1

Wellington
PO Box 82
Wellington, 6140
New Zealand

Waitemata District Health Board Plan Change –Open Space Provisions and Shared Path

Tēnā koe

Background

1 The Waitemata District Health Board (*WDHB*) and the Crown through Te Tūāpapa Kura Kāinga – the Ministry of Housing and Urban Development are neighbours within the Wairaka Precinct (Chapter I334 in the Auckland Unitary Plan) and are co-ordinated on matters of common interest.

Treaty redress obligations and role of Crown at Wairaka Precinct

2 The Crown owns approximately 26.5 hectares of land within the Wairaka Precinct that is held for housing development (Housing Development Land).

3 The Housing Development Land is also right of first refusal land under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed and Act 2014, and the Marutūāhu Rōpū, Ngāti Whātua Rōpū and Waiohua-Tāmaki Rōpū are the rights holders of the opportunity to develop this land for housing.

4 The Crown intends that the Housing Development Land will be utilised for a master-planned residential development.

5 The Crown has committed to supporting WDHB's application to rezone the Mason Clinic Land and to support the WDHB's request that the following notations identified on Precinct plan 1 of the Wairaka Precinct be removed from the Mason Clinic Land and be accommodated within the Housing Development Land:

(a) The Key open space (private) area which is located on the western edge of the Precinct adjacent to the existing public reserve in Te Auaunga/Oakley Creek and to the south of the existing Wairaka sub-precinct A.

(b) The Shared path on the border of the northern boundary of the existing Wairaka sub-precinct A.

Intentions for Key open space (private)

6 At present there is no existing residential community who rely on the use of the Key open space (private).

7 The Crown and the Rōpū intend to progress replacement Key open space (private) and Shared path proposals either through a separate plan change or by way of resource consent applications to enable the development of the Housing Development Land, and these proposals will, in turn, be supported by the WDHB.

8 The final layout of the Housing Development Land, including provision for private open space and connections within the Precinct, will be designed to meet the needs of the future community who will live at the Precinct.

9 As the Crown currently holds 26.5 hectares of land within the Precinct, there is no question that it will be possible to provide equivalent private open space and an equivalent shared path connection on the Housing Development Land.

Nāku noa, nā

Matt Fraser
Manager, Land Acquisition & Development Team, Place-based Policy and Programmes
Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

Auckland Unitary Plan - Proposed Plan Change - Rezoning of 1023 and 1039 Linwood Road, Kingseat (Covering report)

File No.: CP2022/03868

Te take mō te pūrongo
Purpose of the report

1. To obtain the Planning Committee's approval to prepare and notify a proposed plan change to rezone 1023 and 1039 Linwood Road, Kingseat from Open Space – Sport and Active Recreation zone to Residential – Single House zone.

Whakarāpopototanga matua
Executive summary

2. This is a late covering report for the above item. The comprehensive agenda report was not available when the agenda went to print and will be provided prior to the 31 March 2022 Planning Committee meeting.

Ngā tūtohunga
Recommendation/s

The recommendations will be provided in the comprehensive agenda report.

Auckland Unitary Plan - Making Operative Plan Change 54 and Plan Modification 13 - Enabling Rainwater Tank Installation in Residential and Rural Zones

File No.: CP2022/02473

Te take mō te pūrongo
Purpose of the report

1. To make operative Plan Change 54 (PC54) to the Auckland Unitary Plan (Operative in Part) and Plan Modification 13 (PM13) to the Auckland Council District Plan Hauraki Gulf Islands Section to enable rainwater tank installation in residential and rural zones.

Whakarāpopototanga matua
Executive summary

2. PC54 and PM13 are plan changes initiated by the council. The purpose of these plan changes is to reduce barriers to the installation of rainwater tanks in specified residential and rural zones and in the Special Character Area Overlay – Residential, to support improved water supply resilience in Auckland. The plan changes introduce a permissive regulatory framework providing specific provisions that will more easily enable residential and rural properties to install rainwater tanks without the need for a resource consent in most circumstances.

3. The plan changes were publicly notified on 9 October 2020. PC54 received 14 submissions and one further submission; PM13 received five submissions and no further submissions.

4. PC54 and PM13 were considered by two independent hearing commissioners at a hearing on 13 August 2021. The commissioners issued a decision on 23 November 2021. The decision was publicly notified on 10 December 2021.

5. The appeal period closed on 16 February 2022. No appeals were received and therefore the relevant parts of the Auckland Unitary Plan (Operative in part) can be amended and made operative as set out in the decision (refer **Attachment A**).

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) approve Plan Change 54 to the Auckland Unitary Plan (Operative in Part) and Plan Modification 13 to the Auckland Council District Plan Hauraki Gulf Islands Section under clause 17(2) of Schedule 1 of the Resource Management Act 1991

b) request staff to complete the necessary statutory processes to publicly notify the date on which the plan change becomes operative as soon as possible, in accordance with the requirements in clause 20(2) of Schedule 1 of the Resource Management Act 1991.

Item 17

Horopaki
Context

6. PC54 and PM13 are plan changes initiated by the council. The purpose of PC54 and PM13 is to reduce regulatory barriers to the installation of rainwater tanks in specified residential and rural zones and the Special Character Area Overlay – Residential, to support improved water supply resilience in Auckland. This has been achieved through specific provisions that more easily enable residential and rural properties to install rainwater tanks without the need for a resource consent.

7. PC54 amends the definition of 'building' - to exempt rainwater tanks and adds rainwater tanks to activity tables as a permitted activity. They are permitted activities subject to the installation meeting development standards. PM13 amends the definition of 'building' - to exempt rainwater tanks, subject to meeting specified bulk and location criterion.

8. The plan changes were publicly notified on 9 October 2020. PC54 received 14 submissions and one further submission; PM13 received five submissions and no further submissions.

9. PC54 and PM13 were considered by two independent hearing commissioners at a hearing on 13 August 2021. The commissioners issued a decision on 23 November 2021. The decision was publicly notified on 10 December 2021.

10. The appeal period closed on 16 February 2022. No appeals were received and therefore the relevant parts of the Auckland Unitary Plan (Operative in part) and Auckland Council District Plan Hauraki Gulf Islands section can be amended and made operative as set out in the decision (included in **Attachment A** of the agenda report).

Tātaritanga me ngā tohutohu
Analysis and advice

11. Schedule 1 of the Resource Management Act 1991 (RMA) sets out the statutory process for plan changes.

12. Clause 20 of Schedule 1 sets out the process that is required to be undertaken for the notification of the operative date. Staff within the Plans and Places department will notify the operative date as soon as possible following the Planning Committee's resolution.

Tauākī whakaaweawe āhuarangi
Climate impact statement

13. Council initiated PC54 and PM13 as part of the council's wider response to the impacts of climate change, low water levels in Auckland's storage dams and the resilience of Auckland's water supply system.

14. Climate projections released by the National Institute of Water and Atmospheric Research indicate that the Auckland region is likely to experience an increase of unpredictable rainfall and drought events. Uncertainty about water supply is likely to continue as our climate changes.

15. Better enabling installation of rainwater tanks supports Auckland's water supply security and resilience in response to climate change and Te Taruke-a-Tawhiri: Auckland's Climate Change Plan. One of the goals of the climate plan is to prepare Aucklanders to adapt to the impacts of climate change.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

16. Subject matter experts from relevant council departments were consulted during the proposed Plan Change and Plan Modification development process. This included: staff from Watercare Services Limited, Healthy Waters Resource Management Team (expertise in stormwater and water supply issues), Resource Consents team (planners and iwi liaison personnel), and the Auckland Design Office (urban designers).

17. Council specialists supported the enablement of rainwater tank installations in the residential and rural zones. They supported the removal of rules triggering resource consents and the introduction of a permissive regulatory framework while including standards ensuring the protection of key amenity values that contribute to zone character and maintain a quality-built environment.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

18. Consultation with local boards has occurred during preparation of PC54 and PM13 and included contact with local board chairs at a Local Board Chairs' Forum on 13 July 2020 followed by local board briefings on 17 August 2020.

19. Local board views were sought following notification of the plan changes. A number of local boards provided resolutions of support and included views on related matters. The local board views were included in the planning report and were considered in the hearing and decision-making process.

20. Local board views were not sought for this report as making the plan change operative is a procedural matter.

Tauākī whakaaweawe Māori
Māori impact statement

21. Consultation with mana whenua occurred during the preparation of PC54 and PM13 and included contact with all Iwi Chairs in the Auckland region. A draft of the proposed plan change / plan modification was provided to mana whenua / iwi authorities for comment on 27 August 2020. At the time of notification, no requests were received from any iwi authority to further discuss this Plan Change and Plan Modification.

22. All relevant iwi authorities were formally notified of the plan change as part of the public notification procedure under the RMA. Submissions were received from Ngāti Wātua Ōrākei-Whaimāia in support of PC54 and PM13. A submission of support for PC54 was received from Ngāti Tamaoho.

Ngā ritenga ā-pūtea
Financial implications

23. There are no financial implications associated with making PC54 and PM13 operative. Approving plan changes and amending the Auckland Unitary Plan (Operative in Part) and Auckland District Plan Hauraki Gulf Islands Section is a statutory requirement and is budgeted expenditure for the Plans and Places department.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

24. There are no risks associated with making PC54 and PM13 operative.

Item 17

Ngā koringa ā-muri
Next steps

25. The final step in making the plan change and plan modification operative is to publicly notify the date on which they will become operative, and to update the Auckland Unitary Plan (Operative in Part) and the Auckland District Plan Hauraki Gulf Islands Section.

26. Plans and Places staff will undertake the actions required under Schedule 1 of the RMA to make PC54 and PM13 operative, including the public notice and 'fixing' of the council seal. The update of the Auckland Unitary Plan (Operative in Part) and Auckland District Plan Hauraki Gulf Islands Section is expected to occur on 8 April 2022.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Decision: PC54 / PM13 Enable Rainwter Tank Installation in Residential and Rural Zones	583

Ngā kaihaina
Signatories

Author	Alison Pye - Senior Policy Planner
Authorisers	John Duguid - General Manager - Plans and Places Megan Tyler - Chief of Strategy

Decision following the hearing of a Plan Change (PC 54) to the Auckland Unitary Plan and a Plan Modification (PM 13) to the Auckland Council District Plan – Hauraki Gulf Islands Section under the Resource Management Act 1991

Proposal

The purpose of the plan change and the plan modification is to enable the installation of rainwater tanks in Residential and Rural zones.

PC 54 and PM13 are **APPROVED** with amendments. The reasons are set out below.

Plan change/modification number:	PC54 / PM13
Site address:	Auckland Unitary Plan and Auckland Council District Plan Hauraki Gulf Islands Section
Applicant:	Auckland Council
Hearing commenced:	Monday, 30 August 2021 at 9.30 a.m.
Hearing panel:	Les Simmons (Chairperson) Trevor Mackie
Appearances:	For the Submitters: - Karaka and Drury Consultant Ltd represented by Renee Fraser-Smith - Kāinga Ora represented by Matthew Lindenberg - Bain Allott Cross - Dianne Giles For the Local Boards: - Waitemata Local Board represented by Alexandra Bonham, Deputy Chair - Whau Local Board represented by Jessica Rose - Albert-Eden Local Board represented by Christina Robertson - Aotea / Great Barrier Local Board represented by Izzy Fordham, Chair For Council: - Phill Reid, Manager Planning, Auckland Wide - Alison Pye, Planner - Prasta Rai, Hearings Advisor
Hearing adjourned	Monday 30 August at 12.37pm
Commissioners' site visit	No site visits were undertaken
Hearing Closed:	Wednesday 29 September

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Les Simmons (Chairperson) and Trevor Mackie appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").

2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 54 ("PC 54") to the Auckland Council Unitary Plan Operative in Part ("the Unitary Plan") and on Plan Modification 13 ("PM 13") to the Auckland Council District Plan Hauraki Gulf Islands Section after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.

3. PC 54 and PM 13 are Council-initiated plan changes/plan modifications that have been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).

4. The plan change/plan modification was publicly notified on 9 October 2020 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1.

5. The submission period closed on 9 November 2020. A summary of submissions was notified for further submissions on 19 November and re-notified on 26 November 2020. The further submissions period closed on 10 December 2020. A total of 14 submissions (including 2 late submissions) and one further submission was made on PC 54. A total of 5 submissions (including 1 late submission) were received to PM13.

6. The late submissions were accepted under delegation by Council Officers.

7. PC 54 and PM 13 were initiated and processed together. While they both share a common purpose, they relate to two separate planning documents. In our decision we provide a separate decisions version for PC 54 (in relation to the Auckland Unitary Plan (Operative in Part)) and PM 13 (in relation to the Auckland Council District Plan – Hauraki Gulf Islands Section). Where we have considered appropriate in our decision we have made separate comments with respect to PC54 and PM13 in regard to the specific provisions, the principal issues that remained in contention and our findings on those issues.

SUMMARY OF PC 54/PM 13

8. The proposed plan change and plan modification are described in detail in the section 42A report prepared by Ms Alison Pye.

9. The key components of the proposed plan change/plan modification are set out in Section 3.0 of the section 42A report. They include, in relation to PC 54:

    - amending the definition of "Buildings" to exclude "rainwater tanks" in specified zones and overlays,

- introducing a new definition of "rainwater tank" and
- identifying "rainwater tanks" as a permitted activity in specified Residential and Rural zones and overlays.

In relation to PM13:

- introducing a new definition of "rainwater tank" and
- excluding rainwater tanks from the definition of "building" on the proviso that they meet standards for height, placement and colour.

HEARING PROCESS

10. The pre-circulation of expert evidence had been directed and had been made available prior to the hearing commencing.

11. Due to Level 4 Covid-19 restrictions the hearing was held by way of Microsoft Teams.

12. The hearing was adjourned after the evidence of submitters had been presented. This was to enable the Council reporting team to prepare a written response to the matters raised during the hearing, including an updated tracked change version of the recommended amendments set out in Appendix 10 to the section 42A report. We also agreed to Mr Lindenberg being provided with a copy of the updated Appendix 10 to enable him to insert his recommended amendments and provide that prior to the hearing reconvening. We received all of this further information on 13 September.

13. After considering the reporting team's written response to the matters raised by submitters, including Mr Lindenberg's recommended amendments and matters raised during the hearing, the hearing was closed on Wednesday 29 September.

RELEVANT STATUTORY PROVISIONS CONSIDERED

14. The RMA (and settled case law) sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in the section 42A report and the section 32 assessment that forms part of the hearing report and we do not need to repeat these again.

15. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. We note that Clause 10(3) does not require us to give a decision that addresses each submission individually. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions, with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note Ms Pye's paragraph 2 in her response to submitters' evidence dated 10 September. We note that the evidence presented by submitters and Council effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to either PC54 or PM13 should be made.

16. There are a number of provisions of both the Unitary Plan and the Hauraki Gulf Islands Plan that are relevant and these have been identified and discussed in the section 42A and section 32 reports, as well as in the evidence presented on behalf of submitters and the Council's reporting team. We do not see it necessary to specifically summarise these relevant plan provisions. We do record however that we have concluded that all the relevant provisions have been identified by the parties and we have taken into account these provisions and the expert evidence presented to us during the hearing.

CONTEXT AND HISTORY

17. We note the Executive Summary in the section 32 report and the Background section of Ms Pye's section 42A report, which set out the reasons why the Council has initiated PC54 and PM13 as part of the Council's wider response to the impacts of climate change, low water levels in Auckland's storage dams and the resilience of Auckland's water supply system.

18. We recognise that the Auckland region includes extensive rural areas which do not have reticulated water supply and that the role of rainwater tanks for rural and island communities is different from the role of rainwater tanks in urban areas. In addition the physical nature and intensity of development within urban areas requires a careful consideration of the impact of the location of rain water tanks on yards, outdoor living areas and amenity values.

19. We note the support for the enabling nature of PC54 and PM13 from submitters and the Local Boards. The principal issues that were initially in contention focussed on whether or not a more simplified approach could be taken in terms of PC54 and how to improve the wording of specific provisions, rather than whether or not PC54 and PM13 should be declined. We also acknowledge that by the end of the hearing a considerable degree of agreement had been reached.

SUMMARY OF EVIDENCE

On behalf of Auckland Council

20. The section 42A report was prepared by Ms Alison Pye, Auckland Council Senior Policy Planner, Plans and Places. Her report was circulated prior to the hearing and taken as read. Her recommendation was that PC 54 and PM 13 be approved with amendments in response to submissions.[1] She presented an oral summary of her report and identified a number of changes to her recommendations in response to the pre-circulated evidence of submitters. Ms Melanie McKelvie, Team Leader Design Review (Urban Design Unit, Plans and Places) also tabled her written response to the submitter evidence, in support of the updated recommendations identified by Ms Pye.

[1] S42A, Executive Summary, para x.

21. In addition to Ms McKelvie's urban design assessment and advice, Ms Pye's planning assessment was supported by technical advice from Mr Justin De Silva (Engineer) and Mr Stephen Quin (Landscape Architect).

22. Ms Pye updated recommendations and amendments to PC 54 and PM13 in her written response to the evidence presented at the hearing. She recommended approval of both subject to her final amendments[2].

On behalf of Local Boards

23. Under the Auckland Council's governance model, Local Boards are able to provide feedback on publicly notified plan changes. Ms Pye informed us that such feedback does not carry the same weight as a submission and there are no appeal rights.[3] We received written feedback from all 21 Local Boards in support of PC 54 and PM 13. The following Local Board members attended the hearing, spoke in support of their Board's feedback and responded to our questions: Ms Alexandra Bonham (Waitemata), Ms Jessica Rose (Whau), Ms Christina Robertson (Albert-Eden) and Ms Izzy Fordham (Aotea/Great Barrier).

24. All 21 Local Boards supported the proposed changes to enable rainwater tanks installation for the Auckland Region. The Local Boards that were represented at the hearing reflected the unanimous region wide Local Board support.

On behalf of Submitters

25. Ms Renee Fraser-Smith, planning consultant, had pre-circulated planning evidence on behalf of Karaka and Drury Consultant Limited in relation to PC 54. She presented a summary statement of her pre-circulated evidence. Her primary concern was that PC 54 does not achieve the objective of enabling the provision of rainwater tanks. She considered that PC 54 is very complex, modifies 18 different chapters of the AUP and requires an applicant to obtain expert advice to confirm the permitted status of a rainwater tank[4]. In her summary statement she noted her support for some of the specific changes recommended by Ms Pye. It remained her overall view that PC 54 is a cumbersome and over the top approach to resolving what is a simple issue.

26. Mr Matthew Lindenberg, Technical Director at Beca Limited, had pre-circulated planning evidence on behalf of Kainga Ora Homes and Communities in relation to both PC 54 and PM 13. In summary Mr Lindenberg sought simplification of PC 54 and PM13. He identified six broad planning themes in his evidence, being:

    (1) Enablement of rainwater tanks in rural areas by confining the scope of PC54 to residential zones.

    (2) Enablement of rainwater tanks in residential zones and the Special Purpose-Maori Purpose zone.

[2] Written response dated 10 September
[3] Para 8.0.1
[4] Summary statement

(3) Enablement of rainwater tanks in Rural Waitakere zones.

(4) Enablement of rainwater tanks in the Special Character Area Overlay.

(5) Matters of Discretion and Assessment Criteria.

(6) The definition of 'rainwater' tanks.

27. His evidence was comprehensive and included specific deletions and/or amendments to a large number of the recommended provisions. In response to the final recommendations from Ms Pye, Mr Lindenberg provided a tracked change version that included his final deletions and/or amendments.

28. Mr Bain Cross, retired planner, of Thames, had pre-circulated his evidence in relation to both PC 54 and PM 13. His primary concern related to the proposed wording of the definition of rainwater tanks. With respect to his concerns in relation to the wording of the proposed standards provisions, Mr Cross acknowledged that he agreed with most of the amendments recommended by Ms Pye in her section 42A report. He remained concerned about the proposed restrictions on the location of rainwater tanks in front yards, or forward of a dwelling facing a private driveway. It was his opinion that it was unnecessary to have restrictions on the height and location of such rainwater tanks as these matters could be managed through the resource consent process, particularly for comprehensive residential developments.

29. Ms Diane Giles of 340 Clevedon-Kawakawa Road, Clevedon had pre-circulated her evidence in relation to PC 54. Her concern related to stormwater discharges from rainwater tanks and the potential adverse effects of stormwater runoff on neighbouring properties. She requested that rainwater tanks be connected to and discharge their overflow into an existing public reticulation stormwater network. In rural areas, that public stormwater network would generally consist of the stream network and roadside water table, supplemented by overland flow paths.

30. In addition to the submitters who presented evidence at the hearing we have carefully considered and taken into account the matters raised in all submissions and further submissions to were lodged to PC54 and PM13.

PRINCIPAL ISSUES IN CONTENTION

31. Having considered all of the submissions and further submissions received, the section 42A hearing report, the evidence presented at the hearing and the responses to our questions, together with the reporting team's written response to the evidence presented at the hearing, the following principal issues in contention have been identified:

- Are the proposed changes too complex and can they be simplified?
- The wording of the proposed provisions.

- Will the proposed changes be the most appropriate method for achieving the objectives of the Plan having regard to efficiency and effectiveness of the proposed provisions?

32. With respect to PM13 we have concluded that there are no issues that remain in contention. Mr Cross in his evidence identified only two issues that remained of concern to him, neither of them related to PM13. As we understood Mr Lindenberg's evidence he also supported the recommendations of Ms Pye in relation to PM13. The only other submissions on PM13 were in support.

FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION

Are the proposed changes too complex and can they be simplified?

33. It is relevant to recognise that the final recommendations from Ms Pye were that the versions of PC54 and PM13 that were publicly notified in October 2020, should be amended, in response to the matters raised by submitters. In her section 42A report Ms Pye recommended many amendments and/or deletions in order to simplify the proposed provisions. After considering the evidence presented at the hearing she recommended further amendments and/or deletions. While her recommendations may resolve many of the concerns raised by submitters we have concluded that the issue of the complexity and simplification remains a principal issue in contention, in relation to PC54.

34. Ms Pye in her section 42A report stated:

"I acknowledge the desire for a simple approach in the planning regulatory framework to enable the installation of rainwater tanks without the need for resource consent. The options analysis that was undertaken with the section 32 report for PC54 considered a number of different approaches to enable the installation of rainwater tanks whilst maintaining amenity values and minimising risk. The maintenance of some control over amenity values and minimisation of risk was considered important for each of the specified zones and special character overlay. The approach recommended in the section 32 report and adopted for the proposed plan change (PC54) achieves this through combining amendments to the definitions section of the plan – amending the definition of "building"; and providing for rainwater tanks as a permitted activity through the activity tables of the specific zones, and the special character overlay.

By addressing multiple zones, PC54 may appear complex, but I note that the common and intuitive approach to using the Unitary Plan by existing plan users is to check in the first instance the activity status and specific requirements in the zone/overlay provisions. This approach is how a lay person would generally check the activity status and specific requirements for any other activity.

I remain of the view that the approach is the most efficient and effective method to achieve the intended outcomes, which include striking the correct balance of enablement while maintaining the protection of amenity values and minimising risks

in a manner that remains tailored to the specified zones and special character overlay."[5]

35. While noting her support for some of Ms Pye's recommendations, Ms Fraser-Smith's overall conclusion was that:

"In general, I remain of the view that the approach of the multiple development standards fails to consider whether the standards in themselves realistically relate to adverse effects on the environment as outlined in my evidence and whether these in fact are to the detriment of enabling raintanks."[6]

36. Mr Lindenberg, while also noting his support for a number of Ms Pye's recommendations, concluded that with respect to the rural, residential-large lot and special character overlay provisions the proposed permitted activity standards and associated matters of discretion and assessment criteria should be deleted. With respect to the urban residential provisions he concluded the equivalent standards, matters of discretion and assessment criteria should be retained. He stated that:

"I consider that adopting the amendments set out in this statement of evidence will set an appropriate and enabling framework for the installation of rainwater tanks in both rural and residential areas."[7]

37. We will discuss in more detail later in our decision the findings we have made on the specific provisions, including those that remained in dispute between the planning witnesses.

FINDINGS

38. With respect to the question of whether or not PC54 can, or should be simplified, we have concluded that the location of rainwater tanks on any property should not undermine the existing development standards that apply to that property. In general terms we find that it would not be appropriate, for example, to simply allow rainwater tanks in any location on an urban residential property, given the size of most urban sites. Greater flexibility however is generally appropriate in rural environments, given the larger site sizes compared to urban areas.

39. In urban areas, the unitary plan provisions enable a wide range of residential development and intensification, with specific standards that require yard setbacks, outdoor living space and outlook areas, which generally keep these areas free of buildings. These areas need to be carefully assessed rather than simply identified as the only onsite location available for rainwater tanks.

40. The unitary plan provides for a large number of zones, each of which enable different development and environmental outcomes. We agree with Ms Pye that most people firstly identify what the zoning of their land is, then look at the activities

[5] 9.2.1 S42A report
[6] Para 14 Summary Statement
[7] Para 11.4

that are permitted on that land, along with the standards that determine how their land can be developed. It is logical therefore that each zone contains the relevant standards that relate to rainwater tanks.

41. We have preferred and adopt the evidence of Ms Pye in relation to the effectiveness and efficiency of the zone and overlay approach that PC54 has adopted. Overall we find that she has struck the right balance between enabling the installation of rainwater tanks and the protection and maintenance of the amenity values that distinguish individual zones from each other.

42. During the hearing we specifically noted with approval the information provided on the Auckland Council website that enables property owners to check what planning and building consent standards apply in relation to the installation of rainwater tanks in all zones. While this information is not part of PC54 or PM13, or the respective planning documents, it does provide a 'one stop shop' for people to be informed of the relevant Council requirements that need to be taken into account when considering where to locate rainwater tanks. As a separate recommendation to the Council we recommend that the current website information be updated to incorporate the approved provisions for PC54 and PM13. The ability for people to access the relevant requirements without needing to consult the planning and building documents would appear to be a very useful tool for most property owners.

The wording of the proposed provisions.

43. Firstly we record that hearing process has enabled a considerable degree of agreement on the wording of many provisions.

FINDINGS

44. Before discussing the provisions that remained in contention, we record our findings on some general matters. We have taken an approach of consistency in wording, particularly in relation to the location of rainwater tanks.

45. Where rainwater tanks were required to be located "below ground level", or "below finished ground level" or "underground," we have used the wording "wholly below ground level" in all provisions.

46. Where the height of rainwater tanks were required to be measured "from ground level", or "above ground level" we have used the wording "above ground level" in all provisions.

47. Where "Advice Notes" had been provided we have instead used "Notes." We find that while "Advice Notes" can be used in relation to the wording of conditions in resource consents, "Notes' is the terminology used with the AUP. Where "Notes" have been provided in provisions throughout PC54 and PM13, we have standardised the wording, again for consistency.

48. We have used the headings in Ms Pye's report dated 10 September in relation to the wording of specific provisions.

Natural Hazard standards, distance from retaining walls standard

49. We accept the uncontested expert evidence that the natural hazard and the distance from retaining wall standards be deleted as these issues are already provided for elsewhere in either the planning or building requirements.

Unitary Plan J.1.4 Definition of Building

50. For the reasons set out by Ms Pye we prefer and adopt her evidence. No further amendments are made to the definition of building

Unitary Plan –Chapter E26 Infrastructure

51. For the reasons set out by Ms Pye we prefer and adopt her evidence. We agree that privately installed rainwater tanks are not network utility structures. We accept Ms Fraser-Smith's point that clarification of this would be beneficial and a consequential change has been made to Table E26.2.3.1 (A52).

Rainwater tank provisions simplification

52. We have addressed the need for simplification of provisions earlier in our decision.

Rainwater tank standards

53. In relation to the **front yard standards** Mr Lindenberg considered rainwater tanks should not be permitted in front yards. We see no need to exclude the possibility of rainwater tanks with a maximum height of 1 metre, or wholly below ground level, that are set back at least 1.5 metres from the front boundary. We note Ms Pye's evidence that the exclusion of rainwater tanks in front yards would impose greater restrictions than currently exist. We adopt Ms Pye's evidence and retain the option for rainwater tanks in front yards.

54. In relation to rainwater tanks being **forward of private vehicle access facing façade,** Mr Cross and Ms Fraser-Smith sought the deletion of this standard. The standard mirrors the front yard standard in that rainwater tanks must be of a maximum height of 1 metre and at least 1.5 metres from the front boundary. Based on the urban design evidence of Ms McKelvie, we adopt Ms Pye's evidence that restrict rainwater tanks in these locations in the identical manner they are provided for in front yards.

55. In relation to **rear service lanes** there was agreement between Ms McKelvie, Ms Pye and Ms Fraser-Smith and we have accepted their uncontested evidence and have included the agreed exception wording in relation to rear service lanes where dwellings have frontage to a public street.

56. In relation to rainwater tanks within **rear yards of the Drury 1 Precinct** there was also agreement between the above expert witnesses that there was no justification to require a lower height limit in this precinct. The Drury 1 Precinct provisions initially

recommended by Ms Pye in Appendix 10 to her section 42A report have therefore been amended by deleting the proposed 2 metre height limit.

57. In relation to **riparian, lakeside and coastal protection yards** agreement was reached between Ms Fraser-Smith, Mr Lindenberg and Ms Pye and we have accepted their uncontested evidence. Rainwater tanks are to be permitted within these yards provided the tanks are less than 1 metre in height, or are wholly below ground level.

58. In relation to the **height of rainwater tanks outside yard areas**, we noted that there was no maximum height limit for rainwater tanks in these locations. Based on the further information provided as part of Ms Pye's report dated 10 September with respect to the 3.6 metre maximum height of rainwater tanks available from 24 tank suppliers to the Auckland market, we accept Ms Pye's and Ms McKelvie's evidence, together with the standard that allows 3 metre high tanks in rear yards, there is no resource management justification for imposing a maximum height limit in relation to tanks outside required yards.

59. In relation to the **height of rainwater tanks and the provisions of Chapter 26 Infrastructure,** Ms Pye had recommended Rule E26.2.5.2(3) be amended. As notified this rule added a new clause (c) as follows:

"(c) The maximum height for rainwater tanks is 3m except in the THAB, Rural Conservation, Countryside Living, Rural Coastal, Mixed Rural and Rural Production zones where there is no maximum height limit for a rainwater tank."

60. In her 10 September recommendations Ms Pye no longer supported the unlimited height provisions for network utility rainwater tanks in the listed zones. She considered that the scale of rainwater tanks for a network utility purpose is likely to be much greater that a private rainwater tank. In that regard we agree. Her final recommendation was a maximum height of 3 metres for network utility rainwater tanks as follows:

"(c) The maximum height for rainwater tanks is 3m."

61. In relation to **rainwater tanks within required outlook space,** as notified any rainwater tank was required to be located below ground level. Ms Fraser-Smith, sought the deletion of the proposed standard and identified that tanks less than 1 metre in height and 25,000 litres in volume are currently excluded from the definition of building. PC54 did not propose a change to this aspect of the definition. Mr Lindenberg supported the provision of rainwater tanks in required outlook space and sought that the standard be deleted. Ms McKelvie considered that rainwater tanks up to 1 metre in height would be acceptable in urban design terms. On balance, Ms Pye supported a 1 metre maximum height limit in recognition of the current requirements and that the status quo would uphold the amenity values consistent with a quality built environment.

62. We have preferred the evidence of Ms Pye and Ms McKelvie for the reasons identified by Ms Pye above. The standard has been amended to enable rainwater tanks up to 1 metre in height within required outlook space.

63. In relation to **rainwater tanks within required outdoor living space**, as notified any rainwater tank was required to be located below finished ground level, or unless they can maintain a minimum 20m² outdoor living space with a minimum dimension of 4 metres. Ms Fraser-Smith again identified that currently tanks up to 1 metre in height are currently permitted. She considered that the status quo should be retained. Mr Lindenberg considered that rainwater tanks should not be able to locate in the required outdoor living space as it would compromise the functionality of the space. Mr Cross considered any such tanks should be underground. He suggested the definition of outdoor living space should be amended accordingly. Ms McKelvie supported Mr Cross in this regard. Overall Ms Pye supported the status quo of tanks up to 1 metre in height provided they are outside the required 20m² minimum and 4 metre dimension. If they are to be located inside the required area, she considered that they should be underground.

64. We accept the evidence of Ms Pye and Mr Cross that any rainwater tank must be installed underground if it is to be located within the required minimum dimensions of an outdoor living area. We also accept the evidence of Mr Cross and Ms McKelvie that the definition of 'outdoor living space' should be amended to reflect the 1 metre height maximum if rainwater tanks are outside the required minimum dimension of 20m² and that they must be wholly below ground level if located within the required minimum dimensions.

65. In relation to **rainwater tanks below finished ground level**, as notified the relevant provisions used the wording "below finished ground level" when requiring rainwater tanks to be 'underground' if they were to be a permitted activity. Mr Cross opposed this wording and noted that "ground level" is a defined term in the AUP. That definition already includes reference to the finished ground level of the ground. Ms Pye agreed that the wording as notified could be simplified and recommended "below ground" be used instead of "below finished ground level."

66. In addition to this wording in the standards relating to outdoor living and outlook areas, we have noted that standard for riparian, lakeside and coastal protection yards includes the wording "underground."

67. For consistency and clarity in wording we have amended all relevant references to read "wholly below ground level" in both PC54 and PM13.

68. In relation to **overflow discharge (nuisance)** Ms Giles was concerned about the potential adverse effects from rainwater tank overflow discharges and particularly possible damage and nuisance to neighbouring properties. She was also concerned with the notified wording, which required measures to ensure that discharges beyond the boundary of any site are to be "…avoided or limited such that it does not cause nuisance." She considered this wording to be too vague and potentially difficult to enforce. She also considered that the proposed provisions should be limited to urban areas where public stormwater networks are available for discharges from tanks.

69. Ms Fraser-Smith opposed the reference to Chapter E8 in the proposed standards as this would require certification of compliance of these external requirements.

70. Healthy Waters and Ms Pye recommend the reference to Chapter E8 should instead be by way of an 'Advice Note' rather than being incorporated in the standard itself. We agree but noted this as being a 'Note' consistent with our inclusion of 'Notes' rather than 'Advice Notes.'

71. In relation to the issue raised by Ms Giles we have accepted the wording recommended by Ms Pye in her report dated 10 September as set out below.

"Any overflow from the rainwater tank must discharge to the authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with."

72. While appreciating the specific concerns raised by Ms Giles in relation to the potential impact of stormwater discharges in rural areas, we have included the above wording in both urban and rural zones. We find overall that this approach is the most efficient and effective method of managing the discharge of overflows from rainwater tanks in rural areas, particular as reticulated water supply is not generally available, rainwater tanks are therefore essential and the vast majority of sites are of a size where any adverse effects can be appropriate managed, in terms of Chapter E8 and the relevant Building Act requirements.

73. In relation **the colour of rainwater tanks** it was Mr Lindenberg's view that the colour of water tanks does not need regulation. We note that the Aotea/Great Barrier Local Board sought that non-reflective black and white tanks be permitted in terms of PM13 provisions.

74. Ms Pye, supported by the urban design/landscape evidence of Mr Quin, noted that the colour standard is not a blanket provision and it has only been applied to zones with sensitive landscape and amenity values. We note these zones include the Hauraki Gulf Islands, Rural Waitakere Ranges and Rural Coastal zones.

75. We accept and adopt the evidence from Ms Pye and Mr Quin and have retained the relevant standards in both PC54 and PM13.

Restricted Discretionary Activities – Assessment criteria

76. In relation to the "Matters of Discretion" and "Assessment Criteria" where the permitted standards are not met and consent is required as a restricted discretionary activity, the expert planners had differing views.

77. The notified version of PC54 included standard wording for "Matters of Discretion" and "Assessment Criteria" in each zone. In response to the submission from Karaka Drury Consultants Limited, Ms Pye in her section 42A report recommended deleting

these provisions. She agreed that General Rule C.1.9 provided the opportunity for rainwater tanks that did not meet the permitted standards to be assessed, without the need for specific provisions being listed in each zone. Ms Pye and Ms Fraser-Smith supported this approach at the hearing.

78. Mr Lindenberg opposed the use and reliance on C.1.9. He considered that an assessment under C.1.9 was too broadly based and instead he sought a simple set of specific matters of discretion and associated assessment criteria. Rule C.1.9 restricts discretion to the following:

"(3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:

(a) any objective or policy which is relevant to the standard;

(b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;

(c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;

(d) any special or unusual characteristic of the site which is relevant to the standard;

(e) the effects of the infringement of the standard; and

(f) where more than one standard will be infringed, the effects of all infringements considered together."

79. Mr Lindenberg set out in his evidence, at his paragraph 8.4, his suggested wording for the Single House Zone. It was his opinion that such an approach was only necessary for the urban zones and did not support similar provisions in rural zones, consistent with Kainga Ora's submission that PC54 should not apply to rural zones. In summary, he identified the matters of discretion to be: effects on residential character and amenity values, bulk and location and stormwater management. In summary, he identified assessment criteria relating to adverse effects on residential character and amenity, especially for adjoining sites through increased shading, dominance and/or loss of outlook, avoidance of natural hazards and stormwater management.

80. We have preferred and adopt the evidence of Ms Fraser-Smith and Ms Pye. Their approach simplifies the provisions of PC54, will utilise an existing general rule within the AUP and will enable an assessment that will include the matters raised by Mr Lindenberg. As PC54 will apply to both urban and rural zones Rule C1.1.9 enables all applications that do not comply with standards for rainwater tanks to be considered and assessed. We find overall this approach is the most efficient and effective method of considering applications for any rainwater tanks that do not comply with the permitted standards.

Consequential Amendments

81. Ms Pye recommended a number of consequential amendments in section 4 of her 10 September report. These amendments were not contentious and we have accepted her recommendations, but modified some wording as set out below.

82. In relation to Activity Table E26.2.3.1 we have for clarity reworded (A52)* to now read:

"**rainwater tank standards listed below do not apply to item (A52) which only relates to network utility tanks.*"

83. In relation to the amended definition of "Outdoor Living Space" we have modified the wording as **highlighted** below.

Chapter J.1 Definitions

Amend definition 'Outdoor living Space

Outdoor living space Outdoor area which is:

- clear of any parking or manoeuvring area; and
- set aside for the exclusive use of the occupants of the dwelling to which they relate.

All outdoor living spaces must be clear of any buildings, except for the following:

- pools;

...

- rainwater tanks less than 1m **in height** if located outside of required 20m2 minimum dimension 4m area
- Rainwater tanks within the required 20m2 minimum dimension 4m area if located **wholly below ground level**;

Will the proposed changes be the most appropriate method for achieving the objectives of the Plan having regard to efficiency and effectiveness of the proposed provisions?

84. After carefully considering the evidence presented at the hearing, particularly the expert planning evidence, as well as the section 32 report and the section 42A report, we have concluded that the decisions version of PC54 and PM13 attached to this decision is the most appropriate method for achieving all of the objectives of each Plan.

85. The objectives of the Plans are deemed to be the most appropriate way to achieve the purpose of the Act as they are part of the operative Plans.

STATUTORY PROVISIONS

86. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change and in the section 42A report. We confirm that we have considered and addressed those matters in reaching our decision.

87. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

88. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC54 and PM13 have been developed in accordance with the relevant statutory and policy matters with regard to and will clearly assist the Council in its effective administration of both the Auckland Unitary Plan (Operative in Part) and the Auckland District Plan Hauraki Gulf Islands Section.

DECISION

89. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that PC54 to the Auckland Unitary Plan (Operative in Part) AND that PM13 to the Auckland Council District Plan Hauraki Gulf Islands Section be **approved, subject to the modifications as set out in this decision.**

90. In terms of the requirements of Schedule 1, Clause 10 (3) of the RMA we are not required to give a decision that addresses each submission individually. While acknowledging that Ms Pye in her Section 42A report had provided recommendations on individual submissions, we have not followed that approach in our decision.

91. Instead, we have either **accepted** or **accepted in part** all submissions (including the further submissions) that either **supported**, or **sought amendments** to PC54 or PM13, to the extent that our decision enables the installation of rainwater tanks for the reasons set out below and in our findings on the principal matters that were in contention. The only submission that has been rejected relates to the request that the installation of rainwater tanks be made mandatory. The reason for rejecting this submission is that we have accepted Ms Pye's recommendation that we do not have scope to consider this request.[8]

92. The reasons for the decision are that PC54 and PM13:

    a. will assist the Council in achieving the purpose of the RMA;

    b. gives effect to the Auckland Regional Policy Statement;

[8] Recommendation 9.8.2 S42A report

c. is consistent with the relevant provisions of the Auckland Unitary Plan (Operative in Part) and the Auckland Council District Plan Hauraki Gulf Islands Section;

d. will promote the sustainable management of natural and physical resources as contemplated by Part 2 of the RMA;

e. is supported by necessary evaluation in accordance with sections 32 and 32AA;

f. gives effect to the relevant national policy statements, in particular the National Policy Statement for Freshwater Management 2020 and the National Policy Statement on Urban Development 2020; and

g. will help with the effective implementation of the Auckland Unitary Plan (Operative in Part).

h. will be effective and efficient and appropriately provides for the enablement of rainwater tank installation while protecting and maintaining the amenity values associated with the relevant rural and residential zones, special purpose zones and special character areas overlays.

ADDITIONAL RECOMMENDATION

During the hearing we specifically noted with approval the information provided on the Auckland Council website that enables property owners to check what planning and building consent standards apply in relation to the installation of rainwater tanks in all zones. While this information is not part of PC54 or PM13, or the respective planning documents, it does provide a 'one stop shop' for people to be informed of the relevant Council requirements that need to be taken into account when considering where to locate rainwater tanks.

As a separate recommendation to the Council we recommend that the current website information be updated to incorporate the approved provisions for PC54 and PM13. The ability for people to access the relevant requirements without needing to consult the planning and building documents would appear to be a very useful tool for most property owners.

Les Simmons
Chairperson

Date: 23 November 2021

Item 17

Attachment A

Proposed Plan Change 54 to the Auckland Unitary Plan (Operative in part) to enable Rainwater Tank Installation in Residential and Rural zones.

Auckland Unitary Plan (Operative in Part)

Plan Change: Enabling Rain Tanks

~~Strikethrough~~ is to be read as a deletion

Underlining is to be read as an addition

Amend the Auckland Unitary Plan AUP(OP) as detailed below.

Definitions

1. **Amend definition Table J1.4.1: Buildings as follows:**

Tanks including retention tanks other than Rainwater tanks excluded below.	Over 1m in height above ground level, inclusive of the height of any supporting structure or More than 25,000l capacity, where any part of the tank is more than 1m above ground level.

Add to the list of exclusions the following

And excludes the following types of structures:

Rainwater tanks in the following zones and overlays:

- Single House Zone
- Large Lot Zone
- Rural and Coastal Settlement Zone
- Mixed Housing Suburban Zone
- Mixed Housing Urban Zone
- Terrace Housing and Apartment Buildings Zone
- Special Character Areas Overlay - Residential and Business
- Rural Production Zone
- Mixed Rural Zone
- Rural Coastal Zone
- Rural Conservation Zone
- Countryside Living Zone
- Waitākere Foothills Zone
- Waitākere Ranges Zone
- Special Purpose - Māori Purpose Zone

Note: For the avoidance of doubt, rainwater tanks outside of the above listed zones and overlay are NOT exempt from the definitions of 'buildings.'

Note: Rainwater tanks remain defined as a building under the Building Act. A building consent may still be required under the Building Act.

2. Add the following definition to Chapter J Definitions:

Rainwater tank

A tank used for collecting and storing rainwater.

Note: If a rainwater tank is to be used for firefighting please refer to the Firefighting Water Supplies Code of Practice as mandated by the Fire and Emergency New Zealand Act)

RESIDENTIAL ZONES

Amend the Residential - Single House Zone as follows:

Add the following to Table H3.4.1 Activity table Residential section and renumber:

Activity		Activity Status	Standards to be complied with
Development			
AX	Rainwater Tank	P	Standard H3.6.13 Rainwater tanks

Add the following Standard:

Standard H3.6.13 Rainwater tanks
Purpose: To enable rainwater tank installation while maintaining amenity values

(1) Rainwater tanks must not be located in a:
   a) riparian, lakeside or coastal protection yard unless they are less than 1m in height, or wholly below ground level;
   b) front yard, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.

(2) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.

(3) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Amend the Residential - Mixed Housing Suburban Zone as follows:

Add the following to Table H4.4.1 Activity Table Residential - Mixed Housing Suburban Zone and renumber:

Activity		Activity Status	Standards to be complied with
Development			
AX	Rainwater Tank	P	Standard H4.6.16 Rainwater tanks

Add the following Standard:

Standard H4.6.16 Rainwater tanks

Purpose: To enable rainwater tank installation and maintain amenity values.

1) Rainwater tanks must not be located:
   a) in a riparian, lakeside or coastal protection yard unless less than 1m in height, or wholly below ground level;
   b) in a front yard, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m;
   c) forward of any street facing or private vehicle access building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1m;
   d) Clause (c) does not apply
      (i) to sites with (or proposed to have) three or less dwellings;
      (ii) to a rear service lane where the dwellings have frontage to a public street.
2) Rainwater tanks located within any required outlook area must be no higher than 1 m.
3) Rainwater tanks located within the required 20m2 outdoor living space with minimum dimensions of 4m must be installed wholly below ground level.
4) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
5) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

   Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

   Note: Building Act regulations apply. A building consent may be required under the Building Act.

Amend the Residential - Large Lot Zone as follows:

Add the following to Table H1.4.1 Activity table Large Lot section and renumber:

Activity		Activity Status	Standards to be complied with
Development			
AX	Rainwater tank	P	Standard H1.6.8 Rainwater tanks

Add the following Standard:

Standard H1.6.8 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

(1) Rainwater tanks must not be located in a:
   a) riparian, lakeside or coastal protection yard unless less than 1m in height, or wholly below ground level;
   b) front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
(2) Rainwater tanks (excluding any pipework) must not exceed 3m in height in a rear or side yard.
(3) Rainwater tanks must not be located on or outflow across an effluent dispersal area.
(4) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Amend the Residential - Mixed Housing Urban Zone as follows:

Add the following to Table H5.4.1 Activity table Mixed Housing Urban and renumber:

Activity		Activity Status	Standards to be complied with
Development			
AX	Rainwater Tank	P	Standard H5.6.17 Rainwater tanks

Add the following Standard:

Standard H5.6.17 Rainwater tanks

Purpose: To enable rainwater tank installation and maintain amenity values.

1). Rainwater tanks must not be located:
   a) in a riparian, lakeside or coastal protection yard unless less than 1m in height, or wholly below ground level;
   b) in a front yard, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m;
c) forward of any street facing or private vehicle access building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1m;
   d) Clause (c) does not apply
      (i) to sites with (or proposed to have) three or less dwellings;
      (ii) to a rear service lane where the dwellings have frontage to a public street.

2). Rainwater tanks located within a required outlook area must be no higher than 1m.
3). Rainwater tanks located within the required 20m2 outdoor living space with minimum dimensions of 4m (Rule H5.6.14(1)) must be installed wholly below ground level.
4). Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.
5). Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Amend the Residential – Rural and Coastal Settlement Zone as follows:

Amend Activity Table H2.4.1 Residential – Rural and Coastal Settlement Zone by adding the following:

Activity		Activity Status	Standards to be complied with
Development			
(AX)	Rainwater Tank	P	Standard H2.6.11

Add the following Standard:

Standard H2.6.11 Rainwater tanks
Purpose: To enable rainwater tank installation while maintaining amenity values.

1) Rainwater tanks must not be located:
   i. in a riparian, lakeside or coastal protection yard unless less than 1m in height, or wholly below ground level;
   ii. in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
2) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard
3) Rainwater tanks must not be located on or outflow across an effluent dispersal area.
4) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Amend the Residential - Terrace Housing and Apartment Buildings Zone (THAB) as follows:

Amend Activity Table H6.4.1 Terrace Housing and Apartment Buildings Zone by adding the following:

Activity		Activity Status	Standards to be complied with
Development			
(AX)	Rainwater Tank	P	Standard H6.6.18

Add the following Standard:

Standard H6.6.18 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

1. Rainwater tanks must not be located:
   a) in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
   b) in a front yard or forward of any street facing or private vehicle access facing building façade, unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
2. Clause b) shall not apply to a rear service lane where the dwellings have frontage to a public street.
3. Rainwater tanks located within a required outlook space area must be no higher than 1m.
4. Rainwater tanks located within the required minimum 20m2 outdoor living space with minimum dimensions of 4m must be installed wholly underground.
5. Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

   Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

   Note: Building Act regulations apply. A building consent may be required under the Building Act.

Overlays

Amend the Special Character Areas Overlay - Residential and Business as below.

Amend Table D18.4.1 Activity table – Special Character Areas Overlay – Residential by adding the following:

	Activity	Activity Status
A(X)	Rainwater tank	P

Amend section D18.6.1 to be: D18.6.1. Standards for activities ~~buildings~~ in the Special Character Areas Overlay – Residential

Add a new section to D18.6.1): D18.6.1.(X) Rainwater tanks

Item 17

Attachment A

Add the following section to new section D18.6.1

D18.6.1.(X) Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining the character of the streetscape

(1) Rainwater tanks must not be located in a front yard unless they are at least 1.5m from the front boundary and located wholly below ground level. This standard shall not apply to a rear service lane where the dwellings have frontage to a public street.
(2) Rainwater tanks directly adjoining a side yard facing building façade or located within a side yard must be wholly below ground level or set back at least 1m behind a line from the street facing building façade.
(3) Rainwater tanks must not obscure (partially or totally) any window or door of the dwelling on the subject site.
(4) Rainwater tanks directly adjoining a side façade or located within a side yard must be no greater than 800mm in width.
(5) Rainwater tanks directly adjoining a side facade of a building must match the colour of that façade.
(6) Rainwater tanks must not exceed 2 m in height, or 3 m in height where the rainwater tank directly adjoins an existing building.
(7) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Special Purpose - Māori Purpose Zone

Activity		Activity Status	Standards to be complied with
Development			
AX	Rainwater Tank	P	Standard H27.6.9 Rainwater tanks

Add the following Standard:

Standard H27.6.9 Rainwater tanks

Purpose: To enable rainwater tank installation while maintaining amenity values.

(1) Rainwater tanks must not be located:
   a) in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
   b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.

(2) Rainwater tanks (excluding any pipework) must not exceed 3m in height in a rear or side yard.
(3) Rainwater tanks must not be located on or outflow across an effluent dispersal area.
(4) Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

RURAL ZONES

Amend the Rural Zone provisions as below.

Amend the section titled "H19.8 Activity table" as follows:

Tables H19.8.1 and H19.8.2 specify the activity status of land use and development activities pursuant to section 9(2) and 9(3) of the Resource Management Act and subdivision pursuant to section 11 the Resource Management Act 1991.

The activity status of the activities in the table below also applies to new buildings including accessory buildings that will accommodate or are needed to facilitate the activity unless otherwise specifically provided for in the table.

Add an additional row to Table H19.8.1 as follows:

		Rural Conservation Zone	Countryside Living Zone	Rural Coastal Zone	Mixed Rural Zone	Rural Production Zone
Development						
(AX)	Rainwater tank	P	P	P	P	P

Amend the section titled "H19.10 Standards" by adding the following:

(3) Notwithstanding the above Rainwater tanks must comply with rainwater tank standard H19.10.17

Amend the section titled "H19.10 Standards" by adding the following:

H19.10.17 Rainwater tanks

1. Rainwater tanks must not be located:
   a) in a riparian, lakeside or coastal protection yard unless less than 1 m in height or wholly below ground level;
   b) in a front yard unless they are at least 1.5m from the front boundary and are a maximum height of 1 m.
2. Rainwater tanks must not be located on or outflow across an existing effluent dispersal area.

3. Any overflow from the rainwater tank must discharge to the existing authorised stormwater system for the site.
4. Rainwater tanks located in the Rural Coastal zone must be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Rural-Waitākere Foothills Zone

Amend the Rural-Waitākere Foothills Zone as below.

Amend Activity Table H20.4.1 – Waitākere Foothills Zone – by adding the following:

	Activity	Activity Status
Development		
A(X)	Rainwater tank	P

Amend standard H20.6.9 Dwellings as follows:

The following standards apply to dwellings….

(5) rainwater tanks must:

a) not be located:
   i. in a riparian yard unless less than 1m in height or wholly below ground level;
   ii. in a front yard unless they are at least 1.5m from the front boundary and are located wholly below ground level;
b) not exceed 3m in height (excluding any pipework) in a rear or side yard:
c) not be located on or outflow across an existing effluent dispersal area;
d) any overflow from the rainwater tank must discharge to the existing authorized stormwater system for the site.
e) be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

Rural-Waitākere Ranges Zone

Amend the Rural- Waitākere Ranges Zone as below.

Amend Activity Table H21.4.1 – Waitākere Ranges Zone – by adding the following:

	Activity	Activity Status
Development		
A(X)	Rainwater tank	P

Amend standard H21.6.9 Dwellings as follows:

(5) rainwater tanks must:

a) not be located:
   i. in a riparian, lakeside or coastal protection yard unless less than 1m in height or wholly below ground level;
   ii. in a front yard unless they are at least 1.5m from the front boundary and are located wholly below ground level;

b) not exceed 3m in height (excluding any pipework) in a rear or side yard;

c) not be located on or outflow across an existing effluent dispersal area;

d) any overflow from the rainwater tank must discharge to the existing authorized stormwater system for the site.

e) be finished in a recessive colour in a natural colour range (green, brown, grey) unless wholly below ground level or fully screened by vegetation.

Note: If there is a new stormwater discharge or diversion created Chapter E8.6.2.1 and Building Act requirements must be complied with.

Note: Building Act regulations apply. A building consent may be required under the Building Act.

PRECINCTS

I519 Long Bay precinct

Amend precis text to the I519 Long Bay precinct Table I519.5 as follows:

I519.4. Activity table

The provisions in any relevant overlays, zone and the Auckland-wide apply in this precinct unless otherwise specified below.

For the purposes of this precinct rainwater tanks are not exempt from the definition of 'building' in Chapter J.4.1; and the rainwater tank standards of the underlying Single House zone (H3.6.13); Large Lot zone (H1.6.8); Mixed Housing Suburban zone (H4.6.16) and Mixed Housing Urban zone (H5.6.17) do not apply.

I550 Millwater South Precinct

Amend standard I550.6.4 'Private outdoor living space' as follows:

Item 17

I550.6.4. Private outdoor living space

1. For sites less than 450m², the Residential - Mixed Housing Suburban zone standards apply.
2. In applying the Residential – Mixed Housing Suburban standard for outdoor living space, rainwater tanks shall be considered as 'buildings'.

Amend I550 Millwater South Precinct standards I550.6.5 'Sunlight access to the private outdoor living space of proposed and existing dwellings' as follows:

I550.6.5. Sunlight access to the private outdoor living space of proposed and existing dwellings

(1)….
(2) A wall, building or rainwater tank on a side or rear boundary allowed by clause H3.6.8.2 in the Residential - Single House zone must not reduce sunlight to the private outdoor living space of another dwelling to less than five hours between 9am and 3pm on 22 March/September…

I528 Omaha South Precinct

Amend standard I528.6.6. 'Potable Water Supply' as follows:

I528.6.6. Potable Water Supply
(1) All potable water must be supplied using on site tanks. For the purposes of this rule, site tanks (rainwater tanks) shall be considered as buildings.

I420 Mangere 1 Precinct

Amend I420.4.1- 'Activity Table' as follows:

- Add an Asterix to item (A15) in Table I420.4.1 Activity Table with a supporting instruction as follows (words added are double-underlined):

(A15) New buildings and additions to existing buildings*

**"for the purposes of the precinct, a rainwater tank shall be considered a building"*

Drury 1 Precinct

Amend Rule 4. Development controls – Mixed Housing Suburban zone as follows:

Rule 4. Development controls – Mixed Housing Suburban
The following development controls apply to activities listed in Activity Table 1.1 of this precinct and Activity Table H4.4.1 of the Residential – Mixed Housing Suburban Zone instead of the development standards listed in Standard H4.6, ***with the exception*** *of the following standards:*

a) H4.6.2 Home occupations
b) H4.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
c) H4.6.16 Rainwater tanks

Attachment A

Amend Rule 5. Development controls – Mixed Housing Urban zone as follows:

5. Development Controls – Residential Mixed Housing Urban Zone

The following development controls apply to activities listed in Activity Table 1.1 of this precinct and Activity Table H5.4.1 of the Residential – Mixed Housing Urban Zone instead of the development standards listed in Standard H5.6, with the exception of the following standards:

a) H5.6.2 Home occupations
b) H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.
c) H5.6.17 Rainwater tanks

Consequential Changes

E26 Infrastructure

Amend Table E26.2.3.1 Activity table - Network utilities and electricity generation – All zones and roads as follows:

Water, wastewater and stormwater structures								
(A52)*	Water, wastewater and stormwater storage tanks	**P**	**P**	**P**	**p**	**p**	**P**	**P**

...

*** rainwater tank standards listed below do not apply to item (A52) which only relates to network utility tanks.**

- H3.6.13 Single House Zone
- H1.6.8 Large Lot Zone
- H2.6.11 Rural and Coastal Settlement Zone
- H4.6.16 Mixed Housing Suburban Zone
- H5.6.17 Mixed Housing Urban Zone
- H6.6.18 Terrace Housing and Apartment Buildings Zone
- H19.10.17 Rural Zones
- H20.6.9 Waitākere Foothills Zone
- H21.6.9 Waitākere Ranges Zone
- H27.6.9 Special Purpose - Māori Purpose Zone

Amend E26.2.5.2(3) by adding the following:

(c) The maximum height for rainwater tanks is 3m

E36 Natural Hazards and Flooding

Amend Table Activity Table E36.4.1 as follows

Activities on land in the coastal erosion hazard area		**Activity status**
(A5)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal erosion hazard area	**RD**

...

Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area		Activity status
(A10)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	**RD**

Chapter J.1 Definitions

Amend definition 'Outdoor living Space

Outdoor living space Outdoor area which is:

- clear of any parking or manoeuvring area; and
- set aside for the exclusive use of the occupants of the dwelling to which they relate.

All outdoor living spaces must be clear of any buildings, except for the following:

- pools;

...

- rainwater tanks less than 1m in height if located outside of required 20m2 minimum dimension 4m area
- Rainwater tanks within the required 20m^2, minimum dimension 4m area if located wholly below ground level;

Proposed Plan Modification 13 to the Auckland Council District Plan - Hauraki Gulf Islands Section to enable Rainwater Tank Installation.

Plan Change: Enabling Rain Tanks

~~Strikethrough~~ is to be read as a deletion

Underlining is to be read as an addition

Auckland Council District Plan (Hauraki and Gulf Islands section)

Amend the definition of "Building" in the Part 14 definitions section as detailed below:

Building
means any structure or part of a structure. It also includes any fixed or moveable structure (including caravans) used for residential purposes, assembly or storage. It does not include any of the following:

- any deck or terrace, in whole or part, under 1m in height
- fences or walls under 2m in height
- retaining walls under 1m in height
- pools under 1m in height
- temporary tents or marquees
- satellite dishes less than 1m in diameter
- masts, poles or antennas, where these are less than 3m in height above the attachment point
- pergolas with a permanently open roof
- signs or billboards
- Rainwater tanks which are all of the following:
  - no greater than 3 m in height (excluding pipework);
  - not located in a front yard or frontage controls for the land unit unless they are located wholly below ground level;
  - finished in a recessive colour in a natural colour range (green, brown, grey) unless they are located wholly below ground level;
  - not located on or do not outflow across an existing effluent dispersal area;
  - designed to outflow into the site's existing stormwater management system;
  - not located: -
    - in any natural hazard area identified on planning maps;
    - within a horizontal distance of 20 m of any coastal cliff;
    - at an elevation less than 1m above MHWS if less than 100m of MHWS;
    - at an elevation less than 3m above mean high water springs if the activity is within 20m of mean high water springs;
    - at an elevation less than 2m above mean high water springs if the activity is located more than 20m from mean high water springs.
  - not located on a site identified in Appendix 1: Heritage schedules for the inner islands & Appendix 2: Heritage schedules for the outer islands.

Note: Rainwater tanks remain defined as a building under the Building Act. A building consent may still be required under the Building Act.

Add the following definition to Part 14 definitions section as detailed below:

Rainwater tank

A tank used for collecting and storing rainwater.

Item 18

Summary of Planning Committee information items and briefings (including the forward work programme) – 31 March 2022

File No.: CP2022/02541

Te take mō te pūrongo
Purpose of the report

1. To note the progress on the forward work programme included as Attachment A.
2. To receive a summary and provide a public record of memos or briefing papers that have been held or been distributed to committee members.

Whakarāpopototanga matua
Executive summary

3. This is a regular information-only report which aims to provide greater visibility of information circulated to committee members via memo/briefing or other means, where no decisions are required.
4. The following workshops and briefings have taken place:

Date	Subject
2/3/2021	Confidential: National Policy Statement for Urban Development Intensification Plan Change - Proposals for initial preliminary response (no attachment)
16/3/2021	Confidential: Parking Strategy Review – discussion document feedback and draft Parking Strategy and policies (no attachment)

6. The following memoranda and information items have been sent:

Date	Memoranda, Correspondence, Information Item
January 2022	Waka Kotahi/New Zealand Transport Agency Auckland Programme Activity Update
March 2022	Auckland Monthly Housing Update – March 2022
2/3/2022	Memo: Auckland Council's Feedback on *Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion*
4/3/2022	Auckland Council's Feedback on *Kia kaha ake te tiakina o ngā puna wai-inu / Improving the protection of drinking-water sources: Proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007: consultation document*
18/3/2022	Correspondence sent to the Minister for the Environment about the National Policy Statement for Highly Productive Land

Item 18

8. These documents can be found on the Auckland Council website, at the following link:

   http://infocouncil.aucklandcouncil.govt.nz/

   - at the top left of the page, select meeting/Te hui "Planning Committee" from the drop-down tab and click "View";
   - under 'Attachments', select either the HTML or PDF version of the document entitled 'Extra Attachments'.

9. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Planning Committee members should direct any questions to the authors.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) tuhi / note the progress on the forward work programme included as Attachment A of the agenda report.

b) tūtohi / receive the Summary of Planning Committee information items and briefings – 31 March 2022.

Ngā tāpirihanga
Attachments

No.	Title	Page
A⇩	Planning Committee forward work programme	617
B⇨	Waka Kotahi/New Zealand Transport Agency Auckland Programme Activity Update *(Under Separate Cover)*	
C⇨	Auckland Monthly Housing Update - March 2022 *(Under Separate Cover)*	
D⇨	Memo: Auckland Council's Feedback on Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion *(Under Separate Cover)*	
E⇨	Auckland Council's submission on National Environmental Standards for Sources of Human Drinking Water *(Under Separate Cover)*	
F⇨	Correspondence sent to the Minister for the Environment about the National Policy Statement for Highly Productive Land *(Under Separate Cover)*	

Ngā kaihaina
Signatories

Author	Kalinda Iswar - Kaitohutohu Mana Whakahaere Matua / Senior Governance Advisor
Authoriser	Megan Tyler - Chief of Strategy

Kōmiti Whakarite Mahere / Planning Committee

Forward Work Programme 2022

This committee guides the physical development and growth of Auckland through a focus on land use, transport and infrastructure strategies and policies relating to planning, growth, housing and the appropriate provision of enabling infrastructure, as well as programmes and strategic projects associated with these activities. The full terms of reference can be found here.

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Urban Growth and Housing										
National Policy Statement on Urban Development and related enactments Chief Planning Office	The National Policy Statement on Urban Development (NPS UD) was gazetted by the government on 20 July 2020 and comes into force on 20 August 2020 with ongoing timeframes for implementation. The purpose of the NPS UD is to require councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 will result in significantly more land within urban Auckland being affected by the intensification plan change required under the NPS UD. The Act requires medium density residential standards be incorporated into the Auckland Unitary Plan.	**Decisions sought will include:** • consideration of the significant policy and implementation issues that are presented by the NPS on Urban Development, approve the detailed work programme for the next phase of work • approval to proceed with plan changes and to notify plan changes; • consider engagement approach with Aucklanders (proposed to take place in April) on the NPS UD/Enabling Housing Supply Act 'intensification plan change **Progress to date:** Endorsed work programme PLA/2021/8 and workshops held Feb – March 2022. Received findings of Housing Development Capacity Assessment PLA/2021/77 Approved development of a plan change to Regional Policy Statement of the Auckland Unitary Plan PLA/2021/78 Endorsed approaches to the intensification provisions relating to walkable catchments, special character areas and qualifying matters PLA/2021/80 and all other locations PLA/2021/97 Endorsed the development of a plan change to address matters arising from the removal of carparking minimums PLA/2021/104 Endorsed principles for the application of new policy 3(d) in the NPD UD arising from the Enabling Housing Supply Amendment Act PLA/2022/11								

Item 18

Attachment A

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
		The 2022 work programme includes workshops in February and March with reports due on 31 March and 1 September. Topics include: • Implementation of the NPS UD in the city centre • Quality built environment and enabling 6+ storey within 'walkable catchments' • Issues arising from the removal of parking minimums and private ways • Intensification plan change proposals								
Future Development Strategy Auckland Plan, Strategy and Research	Within the NPS UD framework, there is a requirement to complete a Future Development Strategy (FDS) in time to inform the 2024 Long-term Plan. The purpose of the FDS is to help Council set the high-level vision for accommodating urban growth over the long term and identify strategic priorities to inform other development-related decisions. The FDS will spatially identify where long-term growth should happen.	**Decision required:** endorsement of the interim strategic direction of the Future Development Strategy **Progress to date:** Workshops are planned for March, May June and July 2022. Report due 1 September. Further committee decisions will be needed in the first half of 2023.								
Affordable Housing Chief Planning Office	To progress the resolution (PLA /2019/17) on Auckland Council's role and position on affordable housing in phases: Progress report and approach to advice	**Decision required:** receive Affordable Housing progress update and insights **Progress to date:** Forward work programme approved and political working party formed PLA/2020/65 Update memo November 2021 Report due August 2022.								
Crown Auckland Council Joint Work Programme Chief Planning Office	Quarterly update on the Crown and Auckland Council Joint Work Programme on Urban Growth and Housing.	**Decision required:** Generally none. Receive updates by memorandum on JWP and any proposed changes to the workstreams.								
Updated Area Plans for parts of Māngere-Ōtāhuhu and Ōtara-Papatoetoe Plans and Places	Area plans are non-statutory documents which provide a framework to support growth and development in the area over the next 30 years. Approval of the area plans by the Māngere-Ōtāhuhu and Ōtara-Papatoetoe local boards will be sought in August 2022.	**Decision required:** consider and adopt the updated area plans Report due 1 September.								

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Integrated Area Plan for parts of Albert Eden and Puketāpapa Local Boards Plans and Places	Area plans are non-statutory documents which provide a framework to support growth and development in the area over the next 30 years. Endorsement of the integrated area plan by the Albert-Eden and Puketāpapa local boards will be sought in July/August 2022.	**Decision required:** consider and adopt the area plan Report due 1 September.								
Unitary Plan Monitoring including Climate response (led by Plans and Places)										
Auckland Unitary Plan Monitoring Report Plans and Places	Statutory requirement under section 35 of the Resource Management Act to provide a comprehensive monitoring report five years from date the Auckland Unitary Plan became 'operative in part' (i.e. by November 2021). This work will consist of a series of monitoring reports delivered in a phased way from 2022 onwards. Examples of monitoring topics include urban growth and form, quality built environment, historic heritage, indigenous biodiversity, Māori economic, social and cultural development, natural hazards (including flooding) and climate change. This work may result in plan changes being recommended ahead of the review of the Auckland Unitary Plan in 2026.	**Decisions required:** Interim reports seeking committee feedback and decisions on possible plan changes ahead of the review of the Auckland Unitary Plan in 2026. Reports due 5 May, 2 June, 30 June and 4 August 2022.								
Enabling Rainwater Tanks Plan Change Plans and Places	Mandating the installation of rainwater tanks in certain situations.	**Decisions required:** committee to consider options and recommendations **Progress to date:** Delegated authority to approve notification of the plan change PLA/2020/47 Memo update October 2021. Report due 5 May 2022.								
Auckland Plan 2050										
Auckland Plan Annual Scorecard (monitoring report) and Annual Update Auckland Plan, Strategy and Research	To report annual progress against the 33 measures of the Auckland Plan 2050	**Decision required:** Receive annual scorecard and approve updates to measures and the plan **Progress to date:** The next annual monitoring report is due 30 June.								

Item 18

Attachment A

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Resource Management Act framework reform										
Resource Management system reform – Natural and Built Environment Bill Auckland Plan, Strategy and Research	The Natural and Built Environments Act (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the current RMA) Resource management is a core aspect of Auckland Council's role. The size and scope of this reform means that these reforms will shape council's strategic context for at least the next decade.	**Decision required:** approval of council approach and submission. The bill is expected to be introduced in the second half of 2022. **Progress to date:** authority delegated to approve council's input on *Transforming Aotearoa New Zealand's resource management system* discussion materials PLA/2022/3 February 2022							TBC	TBC
Resource Management system reform – Strategic Planning Bill Auckland Plan, Strategy and Research	The Strategic Planning Act to integrate with other legislation relevant to development (such as the Local Government Act and Land Transport Management Act) and require long-term regional spatial strategies. Resource management is a core aspect of Auckland Council's role. The size and scope of this reform means that these reforms will shape council's strategic context for at least the next decade.	**Decision required:** approval of council approach and submission. The bill is expected to be introduced in the second half of 2022.							TBC	TBC
Resource Management system reform – Managed Retreat and Climate Change Adaptation Bill Auckland Plan, Strategy and Research	The Managed Retreat and Climate Change Adaptation Act to enable and address issues associated with managed retreat and funding and financing adaptation. Resource management is a core aspect of Auckland Council's role. The size and scope of this reform means that these reforms will shape council's strategic context for at least the next decade.	**Decision required:** approval of council approach and submission **Consultation** is likely to occur alongside consultation on the National Adaption Plan in early or mid-2022.				TBC	TBC			
National Policy Statements										
National Policy Statement for Freshwater Management 2020 – implementation approach Chief Planning Office	The NPS-FM was adopted by central government in September 2020. A high -level implementation plan has been approved; preceding plan changes required before the end of 2024.	**Decision required:** to approve key policy responses developed with Mana Whenua to enable next steps, including broader engagement. **Progress to date:** Memo update August 2021. Report due 2 June 2022.								

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Proposed National Policy Statement on Highly Productive Lands Chief Planning Office	The finalisation of the proposed NPS-HPL is due to be considered by central government in 2022. If adopted, this will have implications for land use in the Auckland region, and how highly productive lands are recognised and managed.	**Decision required:** to consider council's approach to implementation of any finalised NPS-HPL in the Auckland region.								
Proposed National Policy Statement on Indigenous Biodiversity Chief Planning Office	The finalisation of the proposed NPS-IB is due to be considered by central government after May 2022. If adopted, this will have implications for how biodiversity outcomes are managed in the Auckland region, particularly through planning frameworks.	**Decision required:** to consider council's approach to implementation of any finalised NPS-IB in the Auckland region.								
Transport Strategy Programme (led by Auckland Plan Strategy & Research, CPO in conjunction with others)										
Congestion Question	The Transport and Infrastructure Committee is conducting an inquiry into congestion pricing in Auckland.	**Decision required:** A Cabinet decision on legislative change is expected in July 2022. Following Cabinet's decision, a committee paper would be provided asking approval for council staff to begin work with Auckland Transport to develop a scheme proposal by 2024 for consideration by the Government. **Progress to date:** Authority delegated to provide direction and approve submission May 2021 PLA/2021/36 – PLA/2021/37 Memo update on select committee's recommendations September 2021 Progress update memo planned for late March 2022. Report due in August (dependent on Cabinet decision).								
Auckland Light Rail	Cabinet announced its decisions on the next steps for Auckland Light Rail in January 2022.To date Auckland Council has been represented on the Sponsor's Group and on the Establishment Unit Board. Council staff are working with central government officers on the next iteration of governance arrangements for councillors to make decisions on these and other matters.	**Decision required:** to be confirmed								

Item 18

Attachment A

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Increasing mobility options & networks (walking, cycling & micro-mobility, & connecting networks)	Increasing the cycling mode share is a priority for Council. The Programme Business Case will recommend the package required to increase cycling mode share as well as recommending policy changes to lift and normalise cycling. Council's support for these aspects of the programme will be crucial.	**Decision required:** formal consideration of Auckland Cycling and Micromobility Programme Business Case **Progress to date:** Workshop held December 2021. Report due 31 March 2022.								
Auckland Transport										
Northwest Interim Bus Improvements	Construction at the Te Atatu Road and Lincoln Road interchanges will take place from February 2022 - mid-2023 to allow for the new bus network rolled out in West Auckland. The Westgate Bus Station is in the design phase. Temporary bus stops will be in place by mid-2023 to support the new bus network.	Receive updates								
Access for Everyone business case	The A4E Programme Business Case was endorsed by the Auckland Transport Board 24 February 2022. It is now proceeding through the Waka Kotahi/New Zealand Transport Agency approval processes.	Receive updates								
Northern Busway enhancements	Auckland Transport has completed the Detailed Business Case and earlier implementation funding is being sought as the funding for the project in the Regional Land Transport Plan is allocated in financial years 2027/28 – 2030/31.	Receive updates								
Auckland Parking Strategy	AT has started work on updating some parts of its 2015 parking strategy. The indicative completion date is August 2022.	**Decision required:** strategic direction and delegation to approve discussion document. Endorsement of draft strategy, public consultation on draft strategy and the adoption of the final parking strategy. **Progress to date:** Confidential workshops held June and October 2021. Endorsement of strategic direction underpinning development of the 2022 Parking Strategy and authority delegated to endorse the Parking Discussion Document November 2021 PLA/2021/125 Workshops planned for March and July 2022 with decision								

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
		making reports due on 31 March and 4 August.								
Auckland Rapid Transit Plan	The Auckland Rapid Transit Plan has significant implications for Auckland's future growth and urban form, and development of the preferred network will involve significant capital investment over the next three decades.	**Decision required:** Endorsement of Auckland Rapid Transit Plan. **Progress to date:** Workshop planned for August. Report due 1 September.								
Auckland Regional Public Transport Plan	The Regional Public Transport Plan is a statutory document that needs to be updated every 3 years to reflect the outcomes of the RLTP. It outlines the current public transport system, the changes planned over the next decade and details policies related to the operation of the transport network. Auckland Transport are seeking council's endorsement of the strategic direction for public transport in Auckland to help guide the development of the RPTP.	**Decision required:** Endorse strategic direction for the project. **Progress to date:** Workshops indicated to take place in April and June. Report due 30 June.								
Programme development for Waka Kotahi's Streets for People fund	The Waka Kotahi Streets for People programme is seeking projects and programmes that will be designed using the learnings from the Innovating Streets programme (2019). This new programme will aim to deliver trials, tactical urbanism interventions and complementary initiatives across the region, to reduce transport emissions through encouraging mode shift to active modes.	**Decision required:** Endorsement of a proposed programme to be submitted to Waka Kotahi by Auckland Transport **Progress to date:** Workshop planned for 25 May. Report due 30 June.								
Auckland Transport's Interim Speed Management Plan	The Auckland Plan envisages a transport network free of death and serious injury by 2050. To meet this goal, Auckland Transport has developed Vision Zero for Tāmaki Makaurau with the council and other partners. The interim speed management plan will play a significant role in delivering Vision Zero.	**Direction required:** Provide feedback on the next phase of safe speeds. **Progress to date:** Workshop planned for 6 April.								

Item 18

Attachment A

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Infrastructure										
National 30-year Infrastructure Strategy APSR	This will replace the current national 30-year plan. It will consider how infrastructure might support environmental, social, cultural, and economic wellbeing	**Decision required:** to be confirmed **Progress to date:** Authority delegated to approve council's submission on the Infrastructure Commission's National Infrastructure Strategy 3 June 2021 PLA/2021/54 The draft strategy will be presented to the Minister for Infrastructure in September 2021. The final strategy will be tabled in Parliament by early 2022. Possible briefing from the Infrastructure Commission on ministerial decisions before June 2022.								
Infrastructure Acceleration Fund	The results of the Infrastructure Acceleration Fund request for proposal are expected from the Crown by May 2022.	**Receive** updates. Memo update on results of request for proposal process May 2022.								
Auckland Unitary Plan oversight										
Making Plan Changes Operative Plans and Places	Statutory Resource Management Act requirement to make council and private plan changes operative once the decision on the plan change is made and any appeals are resolved.	**Decision required**: Make plan changes operative.	As and when required							
Private Plan Changes Plans and Places	Private plan change requests not dealt with under staff delegation. These will be brought to committee as and when required.	**Decision required**: Accept/adopt/reject/deal with the request as a resource consent application.	As and when required							
Plan Change – Residential Plans and Places	Monitoring of the Auckland Unitary Plan has indicated that some improvements can be made to the provisions for residential development.	**Decision required**: Provide direction on the scope and timing of a potential plan change. **Progress to date:** Endorsed the preparation of a plan change for Integrated Residential Development provisions PLA/2020/115 Update memo received in July. Workshop held October 2021. Further workshop planned for February 2022.								

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Māori Heritage Sites of Significance Plans and Places	Second tranche of plan changes to identify Māori Heritage sites and places of significance	**Decision required**: To approve the plan change **Progress to date:** Frist tranche approved and made operative PLA/2021/6 Second tranche considered September 2021 PLA/2021/108 Workshops indicated for June with a report due mid-2022.								
Converting Road Reserve, Unformed Legal Roads & Pedestrian Accessways to Open Space Plans and Places	Scoping report identifying opportunities to offer unutilised areas of road reserve and unformed legal roads back to Māori former landowners	**Decision required:** Consider recommended approach.								
Plan Change 60 – Open Space and Other Rezoning Matters Plans and Plans / Eke Panuku Development Auckland	Plan change to rezone land to recognise land recently vested or acquired as open space, correct errors or anomalies, facilitate Eke Panuku's land rationalisation and disposal process, and facilitate council or Kainga Ora's redevelopment of some neighbourhoods.	**Decision required:** Approve plan change in part. Part of the plan change will form part of the intensification plan change required by the National Policy Statement for Urban Development. Report due 2 June.								
Coastal hazard maps plan change Plans and Places	Plan change to update the Auckland Unitary Plan definition of "coastal erosion hazard area" with a reference to new coastal erosion maps and to remove the coastal storm inundation map from the plan. Funding for this plan change was approved as part of the targeted rate for climate change in 2021/22.	**Decision required:** Approve notification of the plan change Report due 2 June.								
Eke Panuku urban regeneration										
Wynyard Point Precinct Plan and Plan Change Eke Panuku Development Auckland	Refreshed Wynyard Point Precinct Plan leading to council led plan change to support future regeneration delivery.	**Decision required:** Endorsement for the Wynyard Point Precinct Plan for public consultation. Endorsement for the Wynyard Point Plan Change for public notification. Workshop planned February 2022. Report due 30 June 2022.								

Item 18

Attachment A

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Thriving Town Centres - Town Centre Guidelines for Eke Panuku locations Eke Panuku Development Auckland	Guidance document to support future urban regeneration delivery and engagement with stakeholders and partners. As an operational document the guidelines will be approved by the Eke Panuku Board.	**Direction required:** Approval of the guidelines for Eke Panuku locations **Progress to date:** October 2021 workshop held. Report due 31 March.								
Onehunga Wharf Precinct Plan & Plan Change Eke Panuku Development Auckland	Onehunga Wharf masterplan leading to council led plan change to support future regeneration delivery. Status update pending from Eke Panuku.	**Direction required:** Support for a revised approach that covers feasibility of mixed-use development, options for wharf renewal and open space plans. Report due 5 May								
Eke Panuku Future Programme Eke Panuku Development Auckland	TBA Status update pending from Eke Panuku.	**Decision required:** Approval of the process to develop and engage on recommendations for the Eke Panuku future urban regeneration programme and funding models Report due 4 August.								
Transit-oriented development opportunities – Eastern Busway Eke Panuku Development Auckland	TBA Status update pending from Eke Panuku.	**Direction required:** receive feedback on the Strategic Regeneration Overview for the Eastern Corridor development opportunities **Progress to date:** December 2021 workshop held. Report due 5 May.								
City Centre Masterplan Implementation update Eke Panuku	On 30 Nov 2021 the Planning Committee endorsed Eke Panuku as the lead agency for the implementation of City Centre Masterplan 2020 and the establishment of a council group matrix team.	**Decision required:** Receive updates on implementing the City Centre Masterplan, engagement, programme business case and priorities. Updates will be provided through quarterly reporting.								
Decisions of other committees which are relevant to the Planning Committee										
Auckland Transport Alignment Programme (ATAP)	As capacity allows staff from council and ATAP partner agencies will commence work on recommended indicative packages for decades two and three.	**Decision required:** There is no ATAP work this year which will require decisions from the Planning Committee. The focus this year on transport emission reduction – which is being considered by the Environment and Climate Change Committee. Staff will provide the E&CC Committee with a progress update in March 2022								

Area of work and Lead Department	Reason for work	Committee role (decision and/or direction)	Expected timeframes Highlight the meeting(s) this is expected to come to committee in 2022							
			3 Feb	3 Mar	31 Mar	5 May	2 Jun	30 Jun	4 Aug	1 Sep
Briefings to be confirmed										
Ministry of Education – development programme for Auckland Chief Planning Office	A briefing is being explored in conjunction with the Future Development Strategy work. The committee has indicated interest in hearing from the Ministry of Education on its plans for schools long term, and the current issues and challenges it faces. Including how legislative change affects schools particularly and the impacts of the National Policy Statement on Urban Development.	No decision or direction required from the committee.								
Waka Kotahi/New Zealand Transport Agency Chief Planning Office	The committee has indicated interest in hearing from Waka Kotahi in terms of its Auckland Programme.	No decision or direction required from the committee.								
Kainga Ora Chief Planning Office	The committee has indicated interest in hearing from Kainga Ora in terms of its Auckland Programme.	No decision or direction required from the committee.								
Kiwirail Chief Planning Office	The committee has indicated interest in hearing from Kiwirail in terms of its Auckland Programme.	No decision or direction required from the committee.								
Urban Design Chief Planning Office	The committee is interested in hearing about the work programme of the Urban Design unit.	No decision or direction required from the committee.								

Item 18

Attachment A

Completed

Lead Department	Area of work	Committee role (decision and/or direction)	Decision
Chief Planning Office	**Kāinga Ora - Homes and Communities second Bill**	Approval process for council's submission	Political working group established to develop and approve submission by Planning Committee 5 December 2019 PLA/2019/92
Auckland Plan Strategy & Research, Chief Planning Office	**Submission on the Land Transport (Rail) Legislation Bill**	Review and approve council's submission	Council's submission approved by Planning Committee 4 February 2020 PLA/2020/9
Chief Planning Office	**Submission on the Urban Development Bill**	Review and approve council's submission	Council's submission approved by Planning Committee 4 February 2020 PLA/2020/10
Chief Planning Office	**Submission on the draft National Policy Statement Indigenous Biodiversity**	Review and approve council's submission	Council's submission approved by Planning Committee 5 March 2020 PLA/2020/15
Auckland Plan Strategy and Research	**Auckland Plan 2050 Implementation and Monitoring**	Receive an update on the Auckland Plan 2050 and the first Auckland Plan 2050 Three Yearly Progress report	Updates received by Planning Committee 5 March 2020 PLA/2020/16
Auckland Design Office	**City Centre Masterplan Refresh adoption**	Consider and adopt refreshed City Centre Masterplan	City Centre Masterplan Refresh adopted by Planning Committee 5 March 2020 PLA/2020/17, PLA/2020/18, PLA/2020/19
Financial Strategy and Planning	**Submission on the Infrastructure Funding and Financing Bill**	Review and approve council's submission	Council's submission approved by Planning Committee 5 March 2020 PLA/2020/20
Development Programmes Office	**Shovel-ready projects for Central Government**	Agreement on list for submission to central government	Process agreed at Emergency Committee 9 April 2020 EME/2020/13
Chief Planning Office	**Submission on the Accessible Streets Regulatory Package**	Review and approve council's submission	Council's submission approved by Emergency Committee 16 April 2020 EME/2020/23
Chief Planning Office	**Silverdale West Dairy Flat Structure Plan**	Consider and approve the final structure plan	Final structure plan approved by Governing Body 30 April 2020 GB/2020/38
Auckland Plan Strategy & Research, Chief Planning Office	**NZTA Innovating Streets Fund**	Approval of council approach and submission	Endorsed first round of funding and approved process for developing the second round at Emergency Committee 7 May 2020 EME/2020/55
Auckland Plan Strategy & Research, Chief Planning Office	**NZTA Innovating Streets Fund**	Approval of second round funding bids to NZTA	Approved Council and AT proposed list of projects for further development and refining, and authority delegated to approve the final submission, at Planning Committee 4 June 2020 PLA/2020/30
Auckland Plan Strategy & Research, Chief Planning Office	**Government Policy Statement on Land Transport 2021-2031, and draft National Rail Plan**	Approve council submission on GPS and Draft national rail plan	Council's submission approved by Emergency Committee 7 May 2020 EME/2020/56
Plans and Places	**National Environmental Standards on Air Quality – council submission**	Approve council submission	Council's draft submission endorsed, and authority delegated to approve final submission, Planning Committee 4 June 2020 PLA/2020/31

Lead Department	Area of work	Committee role (decision and/or direction)	Decision
Chief Planning Office	**Resource Management Act Framework** Fast-track consenting legislative change	Approve council's submission	Authority delegated to approve council's submission on the COVID-19 Recovery (Fast-track Consenting) Bill, at Planning Committee 4 June 2020 PLA/2020/32
Plans and Places	**Strategic Land Use Frameworks for Dairy Flat and Kumeu Huapai Future Urban Areas**	Approval to prepare strategic land use frameworks for Wainui Silverdale Dairy Flat and Kumeu-Huapai.	Approved preparation of spatial land use frameworks, and established a Political Working Party to approve the draft spatial land use frameworks, at Planning Committee 2 July 2020 PLA/2020/37
Plans and Places	**Plan Change - Whenuapai**	Approve next steps.	Next steps approved in confidential section of Planning Committee 2 July 2020 PLA/2020/44
Plans and Places	**Plan Change – Events on Public Space** Enable events on public space that have obtained an event permit to be undertaken more easily.	Endorsement of proposed plan change for notification.	Notification of plan change approved at Planning Committee 3 September 2020 PLA/2020/68
Plans and Places	**Review of Schedule 10 Notable Trees Schedule**	Consider the timing of a full review of Schedule 10 – Notable Trees in the context of resourcing constraints and priorities	Options for reviewing the schedule in future considered at 5 November Planning Committee. PLA/2020/95, PLA/2020/96, PLA/2020/97
Auckland Plan Strategy & Research	**Additional Harbour Crossing**	Consideration of finalised business case. The business case is a joint piece of work between Waka Kotahi NZ Transport Agency, Auckland Transport (AT) and Auckland Council.	Business case considered, findings noted and support given to continue council's involvement in the project, at 5 November Planning Committee PLA/2020/100
Auckland Plan Strategy & Research	**Congestion Question**	Consideration of findings in the Congestion Question project final report.	Noted that phase two of the project is completed, received the report findings, considered scope of phase three and requested approvals and updates to return to the committee PLA/2020/116
Panuku Development Auckland, Auckland Transport and Auckland Council	**Downtown Carpark development outcomes**	Establish agreement on the Auckland Council group development outcome requirements for the Downtown Carpark to enable site sale through a contestable market process.	Development outcomes confirmed in confidential section of the December 2020 Planning Committee meeting PLA/2020/120 and strategic transport outcomes agreed in June 2021 PLA/2021/52
Auckland Transport	**Auckland Cycling Programme Business Case Review**	Agree committee members to participate in an Auckland Transport-led political reference group.	Members delegated to the political reference group PLA/2021/7
Auckland Plan Strategy & Research	**Auckland Transport Alignment Project**	Agree funding package.	Approved the recommended ATAP 2021-31 indicative package PLA/2021/15
Auckland Plan Strategy & Research	**Auckland Plan Environment and Cultural Heritage Outcome Measure confirmation**	Confirm new Environment and Cultural Heritage Outcome measures	New measures confirmed PLA/2021/26

Item 18

Attachment A

Lead Department	Area of work	Committee role (decision and/or direction)	Decision
Auckland Transport	**Regional Land Transport Plan 2021-2031**	Agreed funding package for consideration of RLTP committee and AT board	Endorsed Regional Land Transport Plan 2021-2931 for the Auckland Transport board to adopt.
Auckland Plan Strategy & Research	**Infrastructure Strategy**	Provide strategic insights and direction 30 Year Infrastructure Strategy (for subsequent referral to Finance Committee)	Strategy adopted by Finance and Performance Committee in June 2021 (as part of Long-term Plan)
Auckland Plan Strategy & Research	**Auckland Plan 2050 implementation and monitoring**	To note progress against the measures in the Auckland Plan 2050	2021 monitoring report received PLA/2021/69
Chief Planning Office	**Unit Titles Act**	To approve council's submission	Authority delegated to approve submission PLA/2021/27
Auckland Plan Strategy & Research	**Auckland Transport Alignment Programme (ATAP)**	To approve the recommended Auckland Transport Alignment Project 2021-31 indicative package.	Auckland Transport Alignment Project 2021-31 indicative package approved PLA/2021/15
Auckland Plan Strategy & Research	**Regional Fuel Tax**	To consider components and changes to current status	Regional Fuel Tax Variation Proposal adopted by the Governing Body in May 2021 GB/2021/55
Auckland Plan Strategy & Research	**Congestion Question**	To approve council's submission to the select committee on the Inquiry into congestion pricing	Authority delegated to approve submission PLA/2021/36 – PLA/2021/37
Auckland Plan Strategy & Research	**National 30-year Infrastructure Strategy**	To approve council's submission	Authority delegated to approve council's submission PLA/2021/54
Plans and Places	**Auckland Unitary Plan and Auckland District Plan (Hauraki Gulf Islands Section) – Sites and Places of Significance to Mana Whenua**	To approve the plan change and make it operative	Plan Change 22 and Plan Modification 12 (Sites and Places of Significance to Mana Whenua) made operative PLA/2021/6
Development Programme Office	**Infrastructure Acceleration Fund**	To approve council's submission to the Crown's Infrastructure Acceleration Fund	Endorsed preliminary list of programmes for the Infrastructure Acceleration Fund and authority delegated for approval of final list for submission PLA/2021/92
Chief Planning Office	**Resource Management (Enabling Housing Supply) Amendment Bill**	To approve council's submission on the Bill	Group delegated to approve council's submission on the bill November 2021 PLA/2021/123
Eke Panuku	**Wynyard Quarter Tram**	To endorse the Eke Panuku Board decision to cease operated of the tram in 2022.	Endorsed the Eke Panuku Board decision to cease operation of the Wynyard Quarter Tram by late 2022 PLA/2021/126

Lead Department	Area of work	Committee role (decision and/or direction)	Decision
Chief Planning Office	**Affordable Housing: advocacy plan, research findings and consider options**	To receive updates on Affordable Housing Advocacy Plan and initial engagement, consider affordable housing research, implications and options.	Received memo update on Affordable Housing Advocacy Plan in November 2021, considered options relating to increasing housing for older people PLA/2020/92, and inclusionary zoning PLA/2020/93, PLA/2020/94
Auckland Plan Strategy & Research	**Public Transport Operating Mechanism review**	To receive updates on Public Transport Operating Mechanism review.	Received memo related to Ministry of Transport's discussion paper 22 July 2021.
Auckland Plan Strategy & Research	**Government Policy Statement – Housing and Urban Development**	To approve council's submission.	Authority delegated to approve council's submission PLA/2021/70
Auckland Plan, Strategy and Research	**Resource Management system reform – Natural and Built Environment Bill (exposure draft)**	To approve council's approach and submission.	Authority delegated to approve council submission on bill exposure draft PLA/2021/75 July 2021. Received memo on select committee report November 2021.
Chief Planning Office	**National Policy Statement for Freshwater Management 2020 – implementation approach**	To receive an updated council implementation approach for the National Policy Statement for Freshwater Management 2020 and associated instruments.	High-level implementation plan approved, working group formed to provide political oversight PLA/2021/12.
Chief Planning Office	**Auckland Light Rail**	To provide feedback and receive updates.	Guidance for Light Rail Establishment Unit on network integration provided June 2021 PLA/2021/53 Workshops with Establishment Unit held in June and August 2021 Confidential report considered September 2021 PLA/2021/109
Plans and Places	**Regional Historic Heritage Grant**	To approve the grant recommendations.	Regional Historic Heritage Grants Programme 2021/2022 funding round allocation approved March 2022 PLA/2022/9
Auckland Plan, Strategy and Research	**National Environmental Standards for Sources of Human Drinking Water**	To approve council's submission on the proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 and a package of related technical drinking water standards.	Authority delegated to approve council's submission March 2022 PLA/2022/10

Item 18

Attachment A

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the **Planning Committee**

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 National Policy Statement on Urban Development - Auckland Council Preliminary Response - Endorsement For Public Engagement

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage. In particular, the report contains the council's preliminary response to the National Policy Statement on Urban Development and Resource Manangement (Enabling Housing Supply and Other Matters) Act. The report has been informed by legal advice.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

ATTACHMENTS

Item 4.1	Attachment A	Petition relating to private helipads on Aotea/Great Barrier Island	Page 639
Item 6.3	Attachment A	Aotea/Great Barrier Local Board resolutions on helipads from 22 March 2022	Page 669
Item 6.4	Attachment A	Extract from minutes of a meeting of the Waiheke Local Board held 15 December 2021	Page 671

Moratorium on helipad consents for Aotea/ Great Barrier

Petition to Auckland Council Planning Committee

We, the undersigned, call for an immediate moratorium on all new helipad consents for Aotea / Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island.

Background:

The Aotea community is greatly concerned about the recent increase in helipad applications for Aotea, and the fact the Hauraki Gulf Islands District Plan "specifically envisions helipad activity" and provides a planning pathway for new consents.

Our island is a precious ecological sanctuary; people live and visit here to experience a different pace and way of life. The potential proliferation of helicopters runs counter to this, and to the wairua of Aotea.

Whilst we fully support and value the vital medical helicopter flights that service the island, we take issue with private, non-essential helicopter flights. They are an intrusive source of noise and pollution and are driving division in our normally tight-knit community.

We call for a halt to all consent approvals, and that a longer-term solution to this problem is found; one which protects our island's peace, ecology and community fabric, along with the climate.

Petition contact: Scotty Witherow – 137 Aotea Road, Awana, Great Barrier Island.
(09) 4290 965 / 0273421156 scottywitherowbuilders@gmail.com

NAME	ADDRESS	SIGNATURE
Russell Scott	29 Cape Barrier Road Try Pkeha GBI	
Matt Pye	70 BLACKWELL PR	
Rod McAth	360 Shoal Bay Rd	
STEVEN SHEPHERD	20 MULBERRY GROVE	
Marion Davison	9 Schooner Bay Rd.	
Bronwen Davies	31 Tamarama Lane	

#2

Ian Way	Shoal Bay Road	
Daniel Wright	52 Mulberry Grove Rd Tryphena	D. Wright
Juliane Masing	295 Cape Barrier Rd	
Dana Marsh	55 Rosalie Bay Rd.	
Kalkarin Sarder	Schooner Bay Rd.	
Vicki Nicholls	12 Garden Rd,	
Angela Wright	86 Puriri Bay Rd	
Nicola Allison	50 Maungatauhiri Rd	
Gae Macan	6 Schooner Bay Rd	
Hans Jrael	102 Medland Rd	
Nell Williams	48 Blackwell Drive	
John Tasker	21 Cape Barrier Rd	
Olly Colling	86 Cape Barrier RD	
TONY LYON	140 MASON RD	
Monique Stevenson	50 Maungatauhiri Rd	
[illegible]	16 ROSALIE BAY RD	
Lucia Bermudez	65 Maungatauhiri rd.	
Dave Gardiner	23 Rosalie Bay Rd	
Sarah Harrison	31 Shoal Bay Rd	
Lisa Ellis	100 Medland Rd	
Karen Walker	134 Puriri Bay Rd	Karen Walker
Denise Hotet	16 Blackwell Drive	D Hotet

Tanya Wills	419 Schooner Bay Road	
BRETT HAWKINS	12 MEDCA RD	
Ngaire Avery	25 Mulberry Grove Rd	
Jan Ngatai	100A Mediland Rd	
Louise WARD	466 SCHOONER BAY RD	
Kieran Ditzhuyzen	26 Garden Rd	
Greg [illegible]	55 MA[illegible] RD	
CM Nesbitt	160 Schooner Bay Rd Tryphena	
Ann Sprague	12 Blackwell Dr RD1 Tryphena	
Christine Dewse	69 Walter Blackwell Rd Claris	
Sunny Park	Rosalie Bay Rd	
MICHAEL WAKEFIELD	Rosalie Bay RD.	
FRANK REINHEIMER	65 BLACKWELL DRIVE TRYPHENA	
ZMARENECK	50 Mediland Rd RD1 Tryphena	
Rosemary Harland	250 Rosalie Bay Rd	
Cameron Morton	29 Maungatawhiri Rd	
Eramia Rennie	23 Rosalie Bay Rd	
Lance Dixon	30 Omaha Road - GBI	

Item 4.1

Attachment A

DEADLINE: MARCH 18th

Moratorium on helipad consents for Aotea/ Great Barrier

Petition to Auckland Council Planning Committee

We, the undersigned, call for an immediate moratorium on all new helipad consents for Aotea / Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island.

Background:

The Aotea community is greatly concerned about the recent increase in helipad applications for Aotea, and the fact the Hauraki Gulf Islands District Plan "specifically envisions helipad activity" and provides a planning pathway for new consents.

Our island is a precious ecological sanctuary; people live and visit here to experience a different pace and way of life. The potential proliferation of helicopters runs counter to this, and to the wairua of Aotea.

Whilst we fully support and value the vital medical helicopter flights that service the island, we take issue with private, non-essential helicopter flights. They are an intrusive source of noise and pollution and are driving division in our normally tight-knit community.

We call for a halt to all consent approvals, and that a longer-term solution to this problem is found; one which protects our island's peace, ecology and community fabric, along with the climate.

Petition contact: Scotty Witherow – 137 Aotea Road, Awana, Great Barrier Island.
(09) 4290 965 / 0273421156 scottywitherowbuilders@gmail.com

NAME	ADDRESS	SIGNATURE
Jade Webster	245 Blind Bay Rd Okupu	
Felicitas Weisbach	55a Kaitoke Lane Aotea 0991	
Andrea Here	11 Scrub Hill RD.	
Nena Diener	64 Cape Barrier Road	
Matere Tenner	Kāingaroa	
Grayson Tossell	1 Sugarloaf RD	
Jan Willis	Harpoon Hill	
John Lemmon	021 024 16107 Claris	
ELLE CLARKE	PORT FITZROY	

Name	Address	signature
Vi Ehardt	639 Whangaparapara	V. Ehardt.
Kim Diener	Konui	Kim Diener
Peggy Gaulick	9, The Lane, Aotea	P.A. Gaulick
Owen Cox	Blind Bay	OC
Sharon Reid	Okupu.	S Reid
Stacey Reid	Okupu	S Reid
Donna Morton	WHANGAPARAPA	
Michelle Appleby	Rosalie bay	
Ethan Finemore	Okupu	
Shelford Parry	OKUPU	
Freda Williams	Motairehe	F M Williams
Pepe Morton	Medland	
Sally Neal.	medland.	Neal.
Mich Butterworth	Okupu	
M west	Harataonga	
Ocean J. B	Okupu	
Samantha-L.		
Laura Caine	Kaitoke	
Kurt Medland	Medlands	
Kim Flavell	Claris	
Chris King	Whangaparapara	
Natasha	okupu	

Item 4.1

Attachment A

Name	Address	Signature
Jan Marsden	Wiltshire Lane	
Valda Lloyd	Workington Road	
Sonya Williams	Kawa Rd	
Judy Bigham	Thomas Rd	
Zara Mirfin	Motea 135	
Sari BONATO	Allans Bay	
Karen Cook	324 Blind Bay Road,	
Tay Warwick	Okupu	
Sharra Maloney	Silktori Sanderson Rd, Claris	
Kate Langford	1 Blind Bay Rd. CLARIS	
PETER TREMAIN	623 MIDLANDS RD	
Sharlamon Marx	120 Gray Rd	
STUART MACKAY	32 OCEAN VIEW RD	
Die Allyson	Blind Bay Rd	
AJ COOKSON	C/O CLARIS P.O	
Gary Macer	50 Mason Road	
Peter BAKER	5 WHANGAPARA Rd	
Tamara Ansorg	Nayles Cove	
Thomas Ansorg	Nayles Cove	
Patrick O'Shea	349 Motea Road	
Lynnette Caine	58 Gray Rd	
Siobaun Smith	324 Blind Bay Rd	

Name	Address	Signature
Robyn Wyatt	Kamea Rd	RWyatt
JOHN GARNER	9 The Lane	
Julie Bowes-Rakatau	14 Warkington Rd	
Gregory Heap	52c Kautoke Ave	
Lisa Young	1 Orvanhaven lane	
ISOBEL EDWARDS	WILTSHIRE LANE	
Siara Mora	120 A Gray Rd	
Chris Olliver	89 Hector Sanderson	
Jane Bone	362 Blind Bay Road	
Kate Bone	362 Blind Bay Road	

Item 4.1

Attachment A

Moratorium on helipad consents for Aotea/ Great Barrier

Petition to Auckland Council Planning Committee

We, the undersigned, call for an immediate moratorium on all new helipad consents for Aotea / Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island.

Background:

The Aotea community is greatly concerned about the recent increase in helipad applications for Aotea, and the fact the Hauraki Gulf Islands District Plan "specifically envisions helipad activity" and provides a planning pathway for new consents.

Our island is a precious ecological sanctuary; people live and visit here to experience a different pace and way of life. The potential proliferation of helicopters runs counter to this, and to the wairua of Aotea.

Whilst we fully support and value the vital medical helicopter flights that service the island, we take issue with private, non-essential helicopter flights. They are an intrusive source of noise and pollution and are driving division in our normally tight-knit community.

We call for a halt to all consent approvals, and that a longer-term solution to this problem is found; one which protects our island's peace, ecology and community fabric, along with the climate.

Petition contact: Scotty Witherow – 137 Aotea Road, Awana, Great Barrier Island.
(09) 4290 965 / 0273421156 scottywitherowbuilders@gmail.com

NAME	ADDRESS	SIGNATURE
Nancy Tait	Kawa rd, Kawa	
Will Scarlett	Waiatai	
Aroha	Naples	
Jordan Scarlett	Okiwi	
Jessy Fisher	Fitzroy	
Chloe Scarlett	"	C. Scarlett

Paula Williams	Motairehe	
Marilyn S.	Motairehe	
JUAN MANERO	KAIKARARA BAY RD	
Lorenzo Ngawati	KAITIKINA Bay	
Jeff Cleave	Okiwi	
Marcham Cleave	Okiwi	
James W.	Motairehe.	
Mary Fisher	Pt Fitz	
Noeleen Davies	Port FitzRoy	
Michael McCormick	Motairehe	
Casey Fisher	Okiwi	
VICTORIA KYAW	53 Sandhills RD GBI	

Item 4.1

Attachment A

DEADLINE : MARCH 18th

Moratorium on helipad consents for Aotea/ Great Barrier

Petition to Auckland Council Planning Committee

We, the undersigned, call for an immediate moratorium on all new helipad consents for Aotea / Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island.

Background:

The Aotea community is greatly concerned about the recent increase in helipad applications for Aotea, and the fact the Hauraki Gulf Islands District Plan "specifically envisions helipad activity" and provides a planning pathway for new consents.

Our island is a precious ecological sanctuary; people live and visit here to experience a different pace and way of life. The potential proliferation of helicopters runs counter to this, and to the wairua of Aotea.

Whilst we fully support and value the vital medical helicopter flights that service the island, we take issue with private, non-essential helicopter flights. They are an intrusive source of noise and pollution and are driving division in our normally tight-knit community.

We call for a halt to all consent approvals, and that a longer-term solution to this problem is found; one which protects our island's peace, ecology and community fabric, along with the climate.

Petition contact: Scotty Witherow – 137 Aotea Road, Awana, Great Barrier Island.
(09) 4290 965 / 0273421156 scottywitherowbuilders@gmail.com

NAME	ADDRESS	SIGNATURE
AJ Rodkson	Gray Rd, Clans	
D[illegible]kson	65 mason RD	
Adrienne Bowler	25 Hector Sanderson Road	
Destiny Sykes	2 Wiltshire lane	
Neal Hodgetts	85/87 Hector Sanderson Road	
BETTINI STEFANO	9 PARK ROAD	
Laura RolFF	9 PARK ROAD, SURFDALE	

READ ME!!!

H. Cookson	Grey Rd claris	
K. Bowler	Blind Bay Road	
Luca	021	
M. Young	11 am	4290626
Brooke Green	108 moran Rood	
Paic Hirsons	466 Sabbath Bay	
R. Rhind	255 Grey Road	
Rhoebe Ngawaka	54 Blackwell Drive	
Tahi Reid	14 iona rd Okupu	
Ella Keen	54 Blackwell Drive	
Alisha McGregor	3 Kawa Road	
~~Brian Tamaki~~	~~fuck off~~	
Joshk	2 teRangi tawhiri Road	
Kate	1 Blind Bay Rd	
Suzy	Blind Bay Okupu	

Item 4.1

Attachment A

58·50

Moratorium on helipad consents for Aotea/ Great Barrier

Petition to Auckland Council Planning Committee

We, the undersigned, call for an immediate moratorium on all new helipad consents for Aotea / Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island.

Background:

The Aotea community is greatly concerned about the recent increase in helipad applications for Aotea, and the fact the Hauraki Gulf Islands District Plan "specifically envisions helipad activity" and provides a planning pathway for new consents.

Our island is a precious ecological sanctuary; people live and visit here to experience a different pace and way of life. The potential proliferation of helicopters runs counter to this, and to the wairua of Aotea.

Whilst we fully support and value the vital medical helicopter flights that service the island, we take issue with private, non-essential helicopter flights. They are an intrusive source of noise and pollution and are driving division in our normally tight-knit community.

We call for a halt to all consent approvals, and that a longer-term solution to this problem is found; one which protects our island's peace, ecology and community fabric, along with the climate.

Petition contact: Scotty Witherow – 137 Aotea Road, Awana, Great Barrier Island.
(09) 4290 965 / 0273421156 scottywitherowbuilders@gmail.com

NAME	ADDRESS	SIGNATURE
Cathy Scott	29 Cape Barrier Road. Tryphena. GBI.	
Scotty Witherow	H te rangi tauhiri	
Mat Adam	Rosevie Bay Rd	
Derek Ball	204 Shoal Bay Rd	
Gian Badaann	258 Rosalie Bay Rd	
James Laughton	29 Rosalie bay Rd, Tryphena	
Dawn Tyrewi	40 Capeloanner	
Andy Barrett	Whangaparapara	

Mel Avery	25 Mulberry Grove Rd Cpt 7901	
Charlene Ngawaka	54 Blackwell Rd, Tryphena	
Mairi Kerkhoff	10 Garden Rd	
Evander	2 Wiltshire Lane	
Jeff Hills	5 Garden Road	
Margaux Jordan	15 garden road	
Ally Gibbs	56 Blackwell Dr	
P. Speck	256 Rosalie Bay Rd.	
Linda Whitmore	254 Shoal Bay Rd	
Steve Tessel	1 Sugar loaf	
Carlie Moore	6 Pohutukawa Place	
Rhoete Ngawaka	54 Blackwell Dr	
Bronnie Smith	120 Shoal Bay Road	
William Park	26 Blackwell Drive	
Michelle Page	158 Garden Rd	
Bow devereux	419 schooner bay Road	
MIKE O'CONNOR	114 ROSELLE BAY RD	
Ishtar Nesbit	160 Shoal Bay Rd	
Samaunea Moore	160 Shoal Bay Rd	
[redacted]		
Neil Somerville	459 Cape Barrier Rd	
ROLAND BURDEN	409 CAPE BARRIER RD	

Avon Cooper	39 Medland Rd GBI	
Kathy Cummings	548 Kaitoke Lane	
Lindsay Schaver	365 Aotea Rd	
Annette Allison	4 Blind Bay Rd	
Gavin Devereux	191 Cape Barrier GBI Rd	
Kym Watts	80 Schlob	
Jim James	332 Shoal Bay Rd	
HEREAIRA	79 Cape Barrier	
Paula		
WHOP		
Kate (889)	1 Blind Bay Rd GBI	
Mark		
Trevor	24 gael Road	
M. Penton	177 schooner bay road	
Garry Cook	65 Mason Rd	
V. Clear	027660020	
Colin		
Marie Allison	1 Rosalie Bay Rd Tryphena	
Eddy	027425619	
Sean	019 twice	
Sue Cook	65 Mason Rd	
Mwest	Harataonga	691
K. Cummins	100 Hobart Rd	266

Shanele Graham	104 Cape Barrier Road	

Online petition

Moratorium on helipad consents for Aotea / Great Barrier

To: Auckland Council's planning committee

Introduce an immediate moratorium on all new helipad consents for Aotea / Great Barrier, while the impact of existing helicopter traffic is investigated and understood, and the local community, alongside mana whenua, seeks permanent limits on the number of helipads across the island.

Why is this important?

The Aotea community is greatly concerned about the recent increase in helipad applications for Aotea, and the fact the Hauraki Gulf Islands District Plan "specifically envisions helipad activity" and provides a planning pathway for new consents.

Our island is a precious ecological sanctuary; people live and visit here to experience a different pace and way of life. The potential proliferation of helicopters runs counter to this, and to the wairua of Aotea.

Whilst we fully support and value the vital medical helicopter flights that service the island, we take issue with private, non-essential helicopter flights. They are an intrusive source of noise and pollution and are driving division in our normally tight-knit community.

We call for a halt to all consent approvals, while a longer-term solution to this problem is found; one which protects our island's peace, ecology and world-leading night skies, along with the climate.

Signed by 389 people:

Name	City or Town
Scotty Witherow	Auckland
Penelope Colling	Great Barrier Island (aotea Island)
Jill Bloor	Great Barrier Island
Helen Kemp	Great Barrier Island
Janet Colling	Gisborne
Paulie Currin	Truphena
Lisa Davenport	Aotea
Daniel Whitehouse	
Wayne Bloor	Gt Barrier Island
Hannah T	Aotea Great Barrier Island
Ken F	Aotea (Great Barrier Island
Eliot Pryor	Kumeū

Name	City or Town
Lucy Dixon	Great Barrier
Ian Shutes	Great Barrier Island
Chloe Johnstone	Aotea
Ross McCormick	Auckland
Roslyn Williams	Great Barrier Island
Jess Rutherford	Great Barrier Island
Rhonda Page	Great Barrier
Victoria Kyan	Great Barrier Island
Kelly Klink	
Soul O'Reilly	Okiwi, Great Barrier Island
Mike Gibbs	Christchurch
Steven Lydford	Auckland
Geoff Gibbs	Christchurch
Andy Kilgallon	GBI
cassandra Wallace	Hamilton/Great Barrier Isaland
Emma Colling	Gisborne
Andy Wallace	Whangaparapara
Rory G	Aotea
Helene Ritchie	Wellington and Aotea
Hayley Alena	Auckland
Stella Birchall	Auckland
Trish Kilpatrick	Gisborne
Russ Holmes	Medlands
Bronwyn Gibbs	Wellington
Joseph Popperwell	Reston
marco Partridge	Tauranga
Steve Kendall	Great Barrier Island
Belinda Girl	Ngakawau
Paula Meijer	Great Barrier Island
Lynda Moran	Great Barrier Island
Hannan Munroe	Auckland
Louis Sammons	Great Barrier Island

Item 4.1

Attachment A

Name	City or Town
Daymon Gesche	Auckland
Toni Kendall	Auckland
Anna Urwin	Invercargill
Deirdre (Dee) Trapski	Tryphena
Jill Goddard	Auckland
Annika Holmqvist	Auckland
jane goddard	Auckland
Saskia Koerner	Great Barrier Island
Kim Hollis	Port Fitzroy. Great Barrier Island.
Kim Goldsworthy	Auckland
Samantha Moore	Auckland
Linda Simmons	Auckland
Lisa Davis	Auckland
Karen Plank	
Brittany Dibley	Auckland
Dana Marsh	Tryphena
Miriam Ritchie	Hikurangi
William Hursthouse	
Jesse van Noorden	Auckland
Fenella Christian Christian	Great Barrier Island
Heather Edmonds	Russell
Deborah Mayston	Great Barrier Island
Katie Ward	Auckland
scotty witherow	Auckland
David Hope	AUCKLAND
Sally Scott	Auckland
Jonty Ritchie	Wellington
Wolfgang Schmidt	Great barrier island
Jarvis Jensen	Great barrier island
Dale Mendoza	Great barrier island

Name	City or Town
Janet maynard	Port Waikato
Sabrina Lindsay	Auckland
Sam Emerson	Motunau
Jaclyn Medland	Hatfields beach/Medland's beach
Sue Medland	Auckland
Tony Wells	Okiwi, GBI
Karen Osborne	Auckland
Beth Daly	Auckland
Jade Gardiner	Auckland
Briar Boulden	Tryphena
Sean Mulvany	
Milton Brown	Auckland
Leo Goeres	Aotea
Robert Mayo	Great Barrier Island
Allen Jowitt	Whangarei
Tim Ritchie	Dunedin
Russell Sarah	Great Barrier Island
Gael Webster	Wellington and Aotea
Amanda Yates	Kumeū
Deborah Badraun	Great Barrier Island
Savannah Wild-Sands	Auckland
Mallory Thompson	Great Barrier Island
Grant Virtue	Auckland
Ben Guthrie	Auckland
Daisy Liu	Auckland
Michelle Page	Great Barrier Island
Wesley Taylor	Northland
Steph Rogers	Whangarei
Jarod Rogers	whangarei
Julie Stansfield	Cromwell
Ricky GRIFFITHS	Fletcher

Item 4.1

Attachment A

Name	City or Town
Laurie Mylchreest	Te Awamutu
Hilde Hoven	Tryphena
Lisa eves	Great Barrier Island
Rory Soden	
Hamish Scott	Auckland
Kurt Carter	GBI
Chris Hay	Warkworth
Emma Farmer	Auckland
Kat Belcher	Great Barrier Island
Hannah Allison	Barrier
Marissa WATSON	Auckland
Les Willis	Auckland
Sandy Ebert	Stanmore Bay
Jacinda Stannard	Great Barrier Island
Angela Jones	Auckland
Andrea Cumming	Auckland
Diane Lyon	Great Barrier Island
Julianna Coronado	New Zealand
James Baker	Auckland
ashlee tawhiti	aotea
Pauline Yates	Auckland
Jamin Christensen	Te Kuiti
Mark Collins	GBI
Phiomena Wright	Auckland
Suzie Cumming	Auckland
Nicola Herbst	Auckland
Gillian Cran	Auckland
Adam White	Auckland
Cherie Ballinger	Aotea
Ema Rakatau	Leda
McGregor Hillarey	Auckland
Mary Cornwell	Kapiti Coast

Name	City or Town
Richard Griffen	Wellington
Karen Stokes	Claris
chris sullivan	Great Barrier Island
Janice Higgison	Great barrier islq
Lydia Reusser	Auckland
Karen Jensen	Medlands Beach Great Barrier Auckland
Sarah Daly	Auckland
Dayna Ritchie	Gbi
Kim Ballinger	Auckland
Marelyn Ursal	Great barrier island
Sasha Lennan	Great Barrier Island
Ebony Kite-bell	Great barrier island
Tony Ballinger	Tauranga
Nick Young	
Ella Drake	Mt Maunganui
tanya mitai	Auckland
Cilla Moore	Whangarei
Lucy Broadhurst	Auckland
Andrew Meiring	Medlands, GBI
Wendy Parsons	Auckland
Richard Swan	Auckland
Harry Lowe	Auckland
Jarrod WAETFORD	Auckland
Helen Jones	Auckland
Sherrill Passau	Dunefin
Brent Henderson	Great Barrier
Donna Cowley	Auckland
Katie Hanna	Auckland
Bailey Henderson	
Lorraine Elder	Tauranga
Angie Bonnington	Great Barrier Island
Raewyn Court	Matamata

Item 4.1

Attachment A

Name	City or Town
Jo Leary	Auckland
Manahi Waetford	Hamilton
Thomas Daly	Great Barrier Island
Jordan Wallace	Whangaparapara
John Bray	Auckland
Tuva Børsheim	Bergen
Tyne Martin	Aotea
Neil Hanna	Auckland
cherie dobson	great barrier island
Joe Gavin	Aotea
Jenny Hollis	Tryphena, great barrier island
Kim Hemus	Auckland
Mike Osborne	Ponsonby
Gray Lewis	Auckland
Tayla Tawhiti	Auckland
Wendy Reid	Auckland
Renee Harema	Auckland
Grant Christie	Auckland
Astrid Budden	Auckland
Matt Jordan	Taupo - ex Barrierite
Hannah Sharp	Auckland
Lisa Young	Auckland
Karen Boserio	Queenstown
Nick Osborne	Auckland
Shona McIvor	Waiheke Island
Raewyn Callaghan	Papakura
Anna Bashford	Auckland
Jan Simonson	Auckland
Maj McIntosh	Auckland
James Baker	Picton
Anna Tierney	Auckland
Linda Hodson	Waiheke Island

Name	City or Town
Vicki Irons	Porirua
Bruce Rattray	Great barrier island Auckland
Sarah Nairn	Auckland
Andrew DuFresne	Port Waikato
Monique Olivier	Auckland
Graham Brown	Great Barrier
Marika Colenbrander	Putaruru
Rachael Roskowiak	Hatfields Beach
Ian Lewis	Hamilton
Anna Jones	Auckland
Kate Jones	Auckland
Brendan Moore	Rotorua
Ailsa McGilvary-Howard	Kaikoura
Margaret Pearl	Murchison
Lindsay Zelf	Murchison
Chris McDowall	Auckland
Kim Wölper	
Uta Holz	Te Awamutu
Sam Nobs	Whaingaroa
Francine Johnson	auckland
patricia irving	Auckland
Brendan see Hoare	Waitakere
Megan Welton	Auckland
Phil Etheridge	Palmerston North
guenter bobsien	Hamilton
Anna Hinstridge	Auckland
Christine Grove	Motueka
Richard Budd	Christchurch
John Ellingham	Whitianga
Lynette Vigrass	Lower Hutt

Item 4.1

Attachment A

Name	City or Town
Carolyn Witherow	Auckland / Great Barrier
Robin Witherow	Auckland / Great Barrier
Brent Toy	Waiheke
Nicholas Warner	Gillingham
Marinus Achterberg	Lower Moutere
Sarah Solaris	Auckland
Kim Farrant	Great barrier island
Liza Gemmola	Auckland
Kristina Leggett	Auckland
Rebecca Mabey	
Christine Allen	Auckland
Christine Percy	St Ouen, Jersey
Annabel Smith	Auckland
bev pittuck	Levin
Jack Rogers	Auckland
Gina Pickering	Mount Maunganui
Helen Whittaker	Thames
Diana Stiven	
Ysabel Gwynn	KNighton
Prue Smith	Medlands, Great Barrier
Jane Young	Owaka
Peter Hartley	Motueka
Andrea Plowright	Auckland
Eli Hill	
Donald Prince	Auckland
Màire Burns	Sotea
Nic Cromarty	
Holly McHardie	Auckland
Simon Kelly	Tai Tapu, CHRISTCHURCH
Hannah Fischer	
Greg Gedson	Opotiki
Tyla Parsons	Auckland

Name	City or Town
Jack Warden	
Richard Wood	Great Barrier
Bob Davis	Auckland
Melanie Remy	Dunedin
Gary Sullivan	Rotorua
John Buchanan	Auckland
Josef Biffin	Auckland
Matthew Scott	Mangawhai
Jon May	Mount Coolum
Russell Smith	Auckland
Lawrie Abel	Piha
thomas kinney	Great Barrier island
John Brock	Whitianga
Nancy D.	Christchurch
Dale Bush	Tauranga
Katie Williams	Auckland
Carol tilyard Tilyard	Te Kuiti
Kate Ellingham-Hunt	Auckland
Nicola Wright	Rotorua
Alison Byrne	Wellington
John Clare	
Barbara Jenks	Rotorua
Steve Gustafsson	Auckland
Jo Baird	ChrisTchurch
Robyn Wendt	Auckland
John Everton	Peregian Beach
Joanne Henderson	Okoroire
Anne-Marie Davis	Kaitangata
Jonathan Rivers	Auckland
Griffa Rivers	Auckland

Item 4.1

Attachment A

Name	City or Town
Kate Brettkelly-Chalmers	Auckland
Garth Clarke	Hauraki
Duncan Bridget	Hamilton
Chris Money	Titirangi
Paul Castle	Auckland
Melanie Opie	Christchurch
Sam M	Auckland
Sibylle Le Bout	Auckland
Millie Prince	Newtown
Steve Mellars	Okupu
Lisa Woods	Auckland
Chris Parkes	Te Awamutu
Jillian Allison	Great Barrier Island
Rebecca Butts	Leigh
Julia Woodhouse	Auckland
Rosie Corson	Wellington
Penelope Roberts	Cambridge
Rosie Smith	Auckland
Edith Offner	Auckland
Wendy Smith	Auckland
Wayne Anderson	GBI
KAREN KENWARD	Mangawhai
Jason Golaboski	Culver City
Jane Ellingham	Auckland
Ali Cornwell	Auckland
Benjamin White	Wellington
Dorina Jotti	Auckland
Jacqui Tyrrell	Auckland
Nick Tapp	
Peter Ellingham	Dunedin
Sam Grimshaw	Aotea/Great Barrier Island

Name	City or Town
Eunate Puy Azurmendi	Aotea/Great Barrier Island
Jocelyn Grimshaw	Guernsey
Ben Wood	Whangarei
Julie Dick	Auckland
Deborah Fox	Auckland
malcolm Harre	Medlands
Aless Smith	
Sherry Roberts	Auckland
Shaun McFarland	Tauranga
samuel bradbury	barrier mate
Marta Capdevila minguell	Barcelona
Cait Devey	Aotea
San Tiago	GBI
Jorge Roda	Whangarei
John Bakunin	Orere Points
Adrian Odriozola	leioa
Anna Stone	Auckland
Sandy Callister	Auckland
Paul Callister	Paekākāriki
Judith Galtry	WELLINGTON
Martin Baker	Auckland
Megan Ivanovich	Hamilton
Tracey Lee	Auckland
Max Callister-Baker	Auckland
Ralph Golaboski	Aotea GBI
Annemarie Mitchener	Great Barrier Island
Raphael Rausch	Riverton
Albert Rausch	Invercargill
anae swan	GBI
Meena Kadri	Wellington

Item 4.1

Attachment A

Name	City or Town
Ron Paterson	Auckland
Darryl Ware	Nelson
Addison Course	Auckland
Eloise Callister-Baker	
Jane Ruck-Doyle	Auckland
Linda Tyler	Auckland
Kate O'Malley	Auckla.d
Rory Sweetman	Auckland
Charlotte D	Pōneke
Barbara Tyler	
Nicole P	Auckland
Kyla Golaboski	Taumarunui
Virginia Were	Auckland
Thea Doyle	
Madeleine Golaboski	
Kathryn Mardell	Whitianga
Ardeth Lobet	AKL
Ted Spring	Sydney
Linz Hannaford	Auckland
Dennis Marshall	Great Barrier Island
BRIGID PHILPOTT	Auckland
Jim Philpott	Auckland
Rose Philpott	Auckland
Monica Dance	
Graeme Irving ng	
Sandy Burgham	Auckland
Gerard Murphy	Auckland
Maria Smidt	Auckland
Logan Golaboski	Great Barrier Island
Camilla Baskcomb	Auckland
Yolande Dewey	Auckland

Name	City or Town
Tomos Hudgell	Auckland
Lisa Godfery	Auckland
Jenny Devine	Bay of Pkenty
Michael Wheatcroft	Auckland

Item 6.3

Attachment A

13 Local Ward Area Councillor's Update

Resolution number GBI/2022/24

MOVED by Chairperson I Fordham, seconded by Member P O'Shea:

That the Aotea / Great Barrier Local Board:

a) receive the verbal and written report update from the Waitematā and Gulf Ward Councillor, Pippa Coom.

CARRIED

14 Notice of Motion - Chairperson Izzy Fordham - Helipad consents

The community private helipad petition and Environmental Defence Society letter was tabled. A copy of the tabled documents have been placed on the official minutes and are available on the Auckland Council website as a minutes attachment.

Note: changes to the original recommendation with inclusion of new clause e).

Resolution number GBI/2022/25

MOVED by Chairperson I Fordham, seconded by Member V Toki:

That the Aotea / Great Barrier Local Board:

a) receive the Notice of Motion including all attached supporting information and tabled petition and Environmental Defence Society letter.

b) request the Chief Planning Officer to initiate an immediate review of the Hauraki Gulf Islands District Plan (HGI Plan) to enable full public notification of all private helipad consents, investigation into the cumulative effects of private helicopter movements, and recognition of the lack of enforcement/monitoring.

c) request the Chief Planning Officer and/or Director Regulatory Services to enable all private helipad resource consents applications be fully notified under consideration of special circumstances under section 95A (4) of the RMA while the HGI Plan is under review (as requested in b).

d) request the Chief Planning Officer to urgently address the significant gaps in relation to protecting sites and places of significance to mana whenua.

e) acknowledge Waiheke Local Board resolutions (WHK/2021/178) and Waitematā Local Board resolutions (WTM/2021/298) as there are a number of shared concerns and interests, however the amenity values for each area are different and unique which suggests separate responses to the issues may be required.

CARRIED

Attachments

A 22 March 2022 Aotea / Great Barrier Local Board, item 14 – Notice of Motion - Chairperson Izzy Fordham - Helipad consents report, Aotea community private helipad petition

B 22 March 2022 Aotea / Great Barrier Local Board, item 14 – Notice of Motion - Chairperson Izzy Fordham - Helipad consents report, Environmental Defence Society letter

Extract from minutes of a meeting of the Waiheke Local Board held via Skype-for-business on Wednesday, 15 December 2021 at 5.15pm.

15 Response regarding Helicopter consents on Waiheke

Resolution number WHK/2021/1

MOVED by Chairperson C Handley, seconded by Member R Tucker:

That the Waiheke Local Board:

a) thank the Plans and Places Department and the Resource Consents Department for their work in providing a response to the notice of motion by the Waiheke Local Board regarding helicopter activity, and for resourcing that response in the face of difficult fiscal and workload priorities.

b) note the requirement within consent conditions for recording, monitoring, reporting and reviewing helicopter movements, however, is concerned this is not currently being enforced and that consequently the data required to demonstrate the current number of flights is not available to substantiate the argument for a plan change.

c) request the council obtain tracking records forthwith as outlined within each helipad consent from 2015 onwards and set up an on-going compliance monitoring framework for those helipads and instigate an educational regime for those consented prior to 2015 as recommended in the report.

d) note the 2020 Waiheke Local Board Plan includes an overarching premise of Waiheke being a sanctuary in the Hauraki Gulf and that council has an obligation to recognise and fulfil local objectives, and that the central premise is at odds with sustaining the current level of helicopter movement and consenting further helicopter pads and/or movements as is evidenced by the Quiet Sky petition presented to the Planning Committee.

e) note that the achievement of the vision of Waiheke as a sanctuary in the Hauraki Gulf for the economic, environmental and community benefits that would widely accrue is not possible until helicopter movements are controlled and restricted, and that the current criteria for assessment of helicopter effects only include the positive impacts on tourism.

f) ask the governing body to resource Plans and Places to respond to the Hauraki Gulf Island District Plan and helicopter consenting issues to enable them to fulfil council's obligations to the residents of Waiheke Island to enable the wishes of its people and its board to be realised to:

- **i. mitigate and reduce the cumulative effects of an ever-increasing number of helipads and associated movements that cause a loss of well-being for residents and their right to quiet enjoyment of their lives**
- **ii. support the natural environment of Waiheke to flourish and regenerate without intrusive noise**
- **iii. mitigate future carbon emissions with urgency in relation to the Climate Emergency declared by the council.**

iv. fulfil council's obligation to the central premise in the Local Board Plan to recognise Waiheke as a sanctuary in the Gulf.

g) request as an interim measure that, in accordance with the matters in resolutions d)-f) above, that the Resource Consents Department confirm it will consider criteria 2, 3 and 4 (matters of discretion) under Rule 13.8.2 in the assessment of all helipad consents due to "Waiheke's special circumstances", noting this would then trigger public notification.

h) ask the council to seek an urgent ruling in the Environment Court:

i. to establish whether the assertion by planner, Planorama, is correct: that helipads should default to non-complying under the general rules of HGI/DP and this overrides Section 13.8, as opposed to the council's standard practice of 13.8 taking precedent.
ii. on its interpretation of its restriction of its own discretion to those matters listed under clause 13.8.2 in the HGI District Plan, when the cumulative impacts on Waiheke residents beyond the notional boundary of specific helicopter acoustic impacts are not considered and neither are those other matters covered in resolutions b)-f) above.
iii. to determine whether NZS 6807:1994, the noise standard incorporated into Section 13.8, that contains an "override" provision, can be applied and the validity of the council's view that the general rule in the HGIDP re noise restrictions is over-ridden by the specific clauses on helicopter noise effects.
iv. to identify whether the scope of council's definition of 'amenity' values under the current HGIDP clause 13.8.2 (Assessment criteria 4) is adequate or should be broadened to considerations of the amenity of the population at large and visitors.

i) request that subject to responses to the matters raised in resolutions e) and f) above that council instigates HGIDP plan changes with urgency by preparing a section 32 evaluation under the RMA but first seeks clarification on whether there is any emergency provision enabling council to clarify the intended application of rules for helipads in the HGIDP.

j) seek to support planning over the long term by preparing suitable regulatory provisions to replace the HGIDP helicopter provisions at the soonest opportunity with those that can be carried over into the AUP

k) note that the current situation is not sustainable or tolerable for the community of Waiheke and that at the current rate of consent applications for helicopter pads and movements, that the current number of 48 pads might well be doubled by the time the HGIDP is migrated into the AUP.

l) seek representation by the board at the February meeting of the council's Planning Committee to present to this motion.

CARRIED UNANIMOUSLY