TO: Auckland Council
unitaryplan@aucklandcouncil.govt.nz

SUBMISSION ON PLAN CHANGE 78 – INTENSIFICATION

Introduction

1. This submission is lodged by the **Freemans Bay Residents Association Incorporated ("the Association")** which was formed on 16 December 2013 for the purpose of supporting the interest and welfare of residents living in Freemans Bay. The Association currently has 280 members.

2. The Association has been actively involved in submissions on the Proposed Auckland Unitary Plan and assisted Auckland Transport in producing and introducing the first resident-exempt parking scheme. It was part of the community liaison group involved in the upgrade of Franklin Road and has assisted with various open space restorations in conjunction with the Waitemata Local Board and Auckland Council.

3. The Freemans Bay area is recognised regionally, nationally, and internationally as a uniquely preserved collection of period housing dating back to the 1800's. The housing stock of Freemans Bay and similar inner suburbs of Auckland are said to be the largest surviving collection of 19th Century wooden dwellings in the world. The legacy nineteenth century road network is characterised by its small and narrow streets.

4. The Association opposes the changes being introduced by Proposed Plan Change 78 ("PC78") for the primary reason that the National Policy Statement on Urban Development 2020 (as amended May 2022)("NPS-UD") does not give effect to the Resource Management Act. None of its directions, including purported rules, are the product of a section 32 analysis.

5. The directives contained in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("the Amendment Act") are inconsistent with and do not give effect to the requirements of Part 2 of the Resource Management Act 1991. They do not provide for managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing. The proposals enable and require development which will generate significant adverse effects on the environment.

Walkability from edge of City Centre Zone as justification for THAB zoning

6. The Association opposes the walkable catchment of 1200 metres imposed on Freemans Bay and measured from the western edge of the City Centre zone. This concept has no useful function because it lacks purpose. City Centre walkability must relate to a City Centre function – retail, business or personal services, entertainment, cultural or social events, or transport hubs. From Freemans Bay these features are a minimum 30 minute walk or more.

7. The Association requests that for this walkable catchment boundary the distance be reduced to 400 metres.

Walkability from Ponsonby Road Town Centre Zone as basis for THAB zoning

8. This matter arises from Policy 3(d) NPS-UD. It is an option and is not a mandatory requirement. The Ponsonby Road Town Centre Zone is identified as a large third tier zone. In fact, it is very low density, providing a limited range of services, being predominantly driven by food and beverage outlets and specialty retail. It is not a significant employer. There is very limited commercial activity above ground level. Future development opportunities are limited by the Business Special Character Area constraints along the full length of Ponsonby Road. In the light of this knowledge, Council should have exercised its discretion not to attach THAB zoning to it. 2201.1

Access, road widths, traffic generation and parking as a qualifying matter

9. Section 77I of the Amendment Act provides that:

> *"A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:*
>
> *(j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied."*

10. Section 77L provides as follows:

> *"Further requirement about application of section 77I(j)*
>
> *A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—*
>
> *(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and*
>
> *(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and*
>
> *(c) includes a site-specific analysis that—*
>
> *(i) identifies the site to which the matter relates; and*
>
> *(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area 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 permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics."*

11. In accordance with sections 77H and 77L Auckland Council has determined that the level of access provided to the existing Beachlands Coastal Village, for which no improvements in capacity are presently contemplated, should not be subject to density increases and that the roading network limitations and traffic situation constitute a "qualifying matter".

12. Freemans Bay, north of Franklin Road, is notable for its narrow streets and generally small residential lots.

13. Current vehicle ownership ratios in Freemans Bay are approximately 1.2 per household. The public transport opportunities and the ability to walk to certain places and events may result in a lower vehicle kilometres travelled per household but has no significant impact on the ratio of vehicle ownership. Increasing dwelling density by three times or six times will have a significant adverse impact on already congested narrow streets. The lack of obligation for developers to provide on-site parking will generate significant roadside parking demand within Freemans Bay and beyond, which will add to the cumulative adverse traffic impact effects already apparent.

14. The significant redevelopment opportunities, if taken up, would involve major reconstruction over lengthy periods which will add heavy traffic to the existing mainly residential mix generating a further adverse effect by threatening the utility of the road network.

15. The Association has commissioned a traffic report but does not have the resources to undertake a full analysis of the costs of road upgrading and relocating other infrastructure to reflect the roading realignment, widening and property acquisition arising. Such analysis would have been a necessary component of a full section 32 report being completed prior to Councillors' resolving to adopt the Plan Change. Information available so far confirms that the narrow road network is a significant physical constraint to intensification and constitutes a Qualifying Matter in terms of the NPS-UD.

16. **Attached** is the traffic report prepared by the Association's expert Bryce Hall, Traffic Planning Solutions, which identifies the extent of the adverse effects likely to arise from intensification in Freemans Bay.

Historic Heritage and Special Character

17. The Association endorses the provision for a Special Character Area ("SCA") overlay across the majority of Freemans Bay as provided in PC78. The overlay

has been removed from properties in the vicinity of Ireland Street, Franklin Road, Arthur Street and Hepburn Street. These properties were previously covered by the operative SCA. There is no justification for the limiting of the SCA in Freemans Bay. There is no explanation to support this limitation in the relevant s.32 reports covering the SCA arrangements.

18. It is an obligation under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014 and the AUP Chapter B5 Regional Policy Statement instruction to provide for the protection of historic heritage. The buildings now omitted from the SCA in Freemans Bay, contribute to the special character which was fully recognised in the operative SCA for this suburb.

19. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character. In fact, the opportunity can be taken to update and expand the Schedule 15 criteria to reflect the experience of built heritage management over the last thirty years. Additional criteria should include:

- Orientation of buildings
- Topography
- Cultural Layering
- Social Character
- Historic anomalies
- Landscape features
- Relationship to scheduled historic buildings.

20. The Council was required by the Amendment Act to *evaluate the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with.* This instruction clearly envisaged the identification of geographic areas where historic heritage or special character predominated accepting that there would be outlier properties and buildings

that did not contribute directly to historic heritage or special character. It is inherent in this legislation instruction that such outlier buildings can be accepted as part of the identified geographic area for historic heritage or special character purposes. This is the pattern across Freemans Bay that allows the full implementation of the operative SCA overlay as a s.77K qualifying matter.

21. The Association supports the concept that the SCA technique is underpinned by the aggregated value of all the properties within it when the majority of properties are representative of historic heritage and special character.

22. The protection of historic heritage across Freemans Bay is further supported by the obligation under the Heritage New Zealand Pouhere Taonga Act 2014 where all structures or parts thereof pre-dating 1900 require specific protection. This outcome is achieved by maintaining the SCA notation across Freemans Bay in its operative form. This outcome represents a well functioning urban environment for Freemans Bay.

Te Tiriti o Waitangi Obligation, s.8 RMA

23. Retaining the operative SCA in its entirety across Freemans Bay directly supports the concept inherent in the s.8 RMA obligations to protect taonga of importance to tangata whenua. The ancient Kauri forests which were milled from Te Tai Tokerau and Waitakere for timber used to build the Kauri cottages and villas across Freemans Bay retain their *mauri* and *wairua* within those existing dwellings. If they are demolished through intensification development the *mauri* and *wairua* is lost forever. In addition, Western Park in Freemans Bay is scheduled as a place of significance to mana whenua under Schedule 12 as ID082, *Tuna Mau*. Together, the Kauri cottages and villas of Freemans Bay and Western Park constitute elements of s.8 RMA importance. The Association supports the Western Park scheduling because the presence of the mana whenua interest requires the adjoining houses at the southern end, east side of Hepburn Street to be kept in the SCA overlay to maintain compatibility with the status of Western Park and create a defensible boundary.

Abandoning amenity controls between sites

24. The Association opposes the deletion of important standards in the MHU Zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found at **H5.8.2(5)** Sunlight Access (a) and (b), and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary Adjoining Lower Intensity Zones. These amenity controls are an objective method of protecting the amenity and wellbeing of those living in adjoining properties to a development site. The provisions ensure compatible development scale and the retention of solar access for neighbouring sites.

25. The Association notes the absence of a minimum site area for development in the THAB Zone which in Freemans Bay should be a minimum of 1,000m^2. In addition, any development intensification using the THAB Zone controls must be restricted to qualifying complying roads in respect of carriageway width and carriageway construction. 2201.2

Absence of structure planning

26. The failure of the Council to provide a structure planning framework including the analysis of likely adverse effects of proposed intensification across Freemans Bay is contrary to the provisions of AUP Chapter B and s.32 RMA. A structure planning analysis would have determined the adverse effects arising from the issues raised above in this submission, namely the road network constraints and the limited provision of public open space for the recreational use of residents. In that way the adverse effects could be mitigated or avoided; that has not occurred.

New zone provisions

27. The Association confirms its support for the use of the Low Density Residential Zone over all properties that are located within the SCA overlay across Freemans Bay. This request endorses the use of the Low Density Residential Zone over those parts of Freemans Bay that were previously in the Single House Zone.

Summary of submission issues

28. Overall the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA and to protect the wellbeing of the community and the historic heritage and special character of Freemans Bay required by Part 2 RMA. PC78 does not achieve sustainable management and accordingly is contrary to the purpose of the RMA.

The Association seeks the following decisions by the Council, amending PC78:

1. Reduce the Central City Zone walkable catchment to 400 metres in Freemans Bay. 2201.3

2. Delete any reference to a walkable catchment extending into Freemans Bay from the Ponsonby Road Town Centre Zone edge. 2201.4

3. Confirm the inadequate road network across much of Freemans Bay as a Qualifying Matter in terms of ss77I & 77L of the Amendment Act. 2201.5

4. Fully reinstate the Operative Special Character Area Overlay across Freemans Bay and in particular include 1a-29 and 18-28 Ireland Street,32 England Street, 9 Middle Street, 40-82 Franklin Road, 3-31 Hepburn Street, 2-8 Ryle Street, 32-34 Wood Street and all of Arthur Street (both sides). 2201.6

5. Provide for the Low Density Residential Zone as the underlying zone to be applied on all land covered by the Special Character Area Overlay. 2201.7

6. Amend the criteria list within Schedule 15 to include: 2201.8

   - Orientation of buildings
   - Topography
   - Cultural Layering
   - Social Character

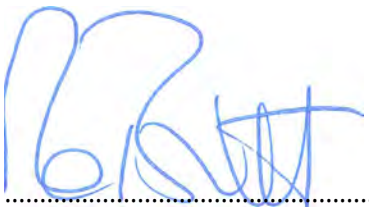
- Historic anomalies
- Landscape features
- Relationship to scheduled historic buildings

7. Reinstate standards H5.6.6 and H5.6.7, supported by assessment criteria H5.8.2(5) from the Operative AUP. 2201.9 2201.10

8. Prepare a comprehensive Structure Plan to support the introduction of PC78 following the Appendix 1 and s32 guidance. In particular require the Structure Plan to address road capacity, the provision of open space and community services and facilities in the promotion of any intensification proposals in Freemans Bay. 2201.11

9. The Association wishes to be heard in support of this submission and declares that it cannot gain any advantage in trade competition through this submission.

10. The Association's members are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.



.....

R E Bartlett KC
Counsel for Freemans Bay Residents' Association

29 September 2022

Address for Service:
R E Bartlett KC
Barrister
PO Box 4438, Auckland 1140
Level 13, 70 Shortland Street, Auckland 1010
Ph: 09 307 9827
bartlett@shortlandchambers.co.nz

TRAFFIC PLANNING CONSULTANTS LTD

Ref: 220659
29 September, 2022

Freemans Bay Residents Association
c/- trevorlund@xtra.co.nz

Attention: Trevor Lund

Dear Trevor

FREEMANS BAY TRAFFIC PLANNING

As requested, we have prepared a traffic assessment relating to the infrastructure challenges relating to the intensification Freemans Bay. This assessment discusses the existing transport network through Freemans Bay including some of the history relating to its development, road design standards that would need to apply to the area consistent with those recommended by Waka Kotahi to cater for anticipated levels of development, and car ownership and whether car ownership results in increased commuter peak car travel.

1. INTRODUCTION

The Plan Change (PC78) to support the National Policy Statement on Urban Development 2020 (NPS-UD) seeks to provide development intensification based on proximity to strategic transport links. This includes areas that are located within a:

- 15-minute walk from the edge of the Business City Centre Zone (CCZ), and
- 10-minute walk from Rapid Transit Stops (RTS).

The Freemans Bay area and CCZ are shown in Figure 1. The nearest RTS is Britomart, located within the CCZ.

Auckland Office:
P O Box 60-255, Titirangi, Auckland 0642
Level 1, 400 Titirangi Road, Titirangi Village
Tel: (09) 817 2500
Fax: (09) 817 2504
www.trafficplanning.co.nz

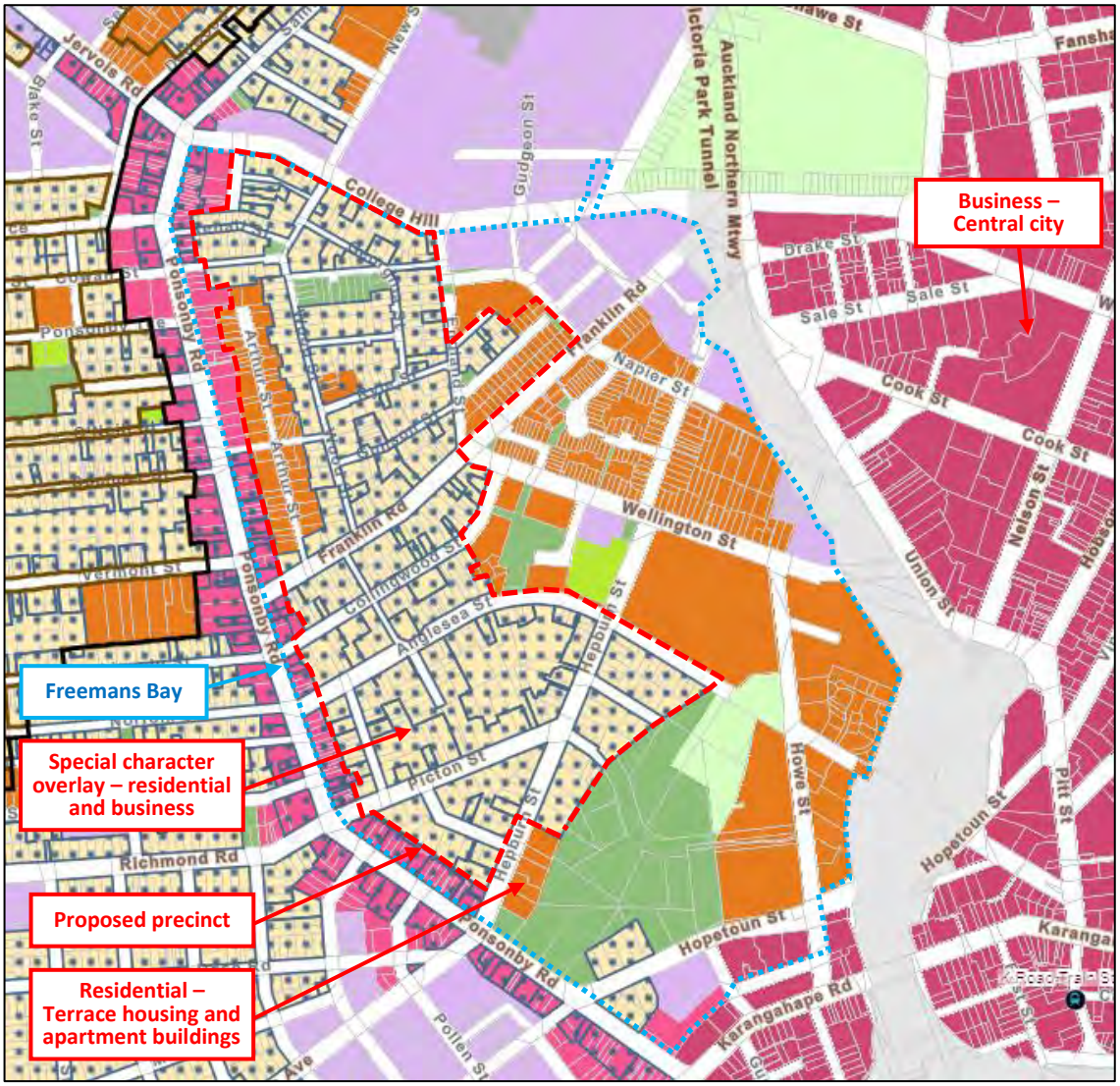


Figure 1 – Plan Change 78 for Freemans Bay Area

2. EXISTING TRAFFIC ENVIRONMENT

2.1 The Road Network

The road network through the proposed precinct includes:

- Primary roads such as Franklin Road and Picton Road, which primarily link the central city (to the east) to Ponsonby (to the west), and
- Local roads such as Wood Street and Arthur Street which provide links between the primary roads.

The road hierarchy in this location is shown in Figure 2.

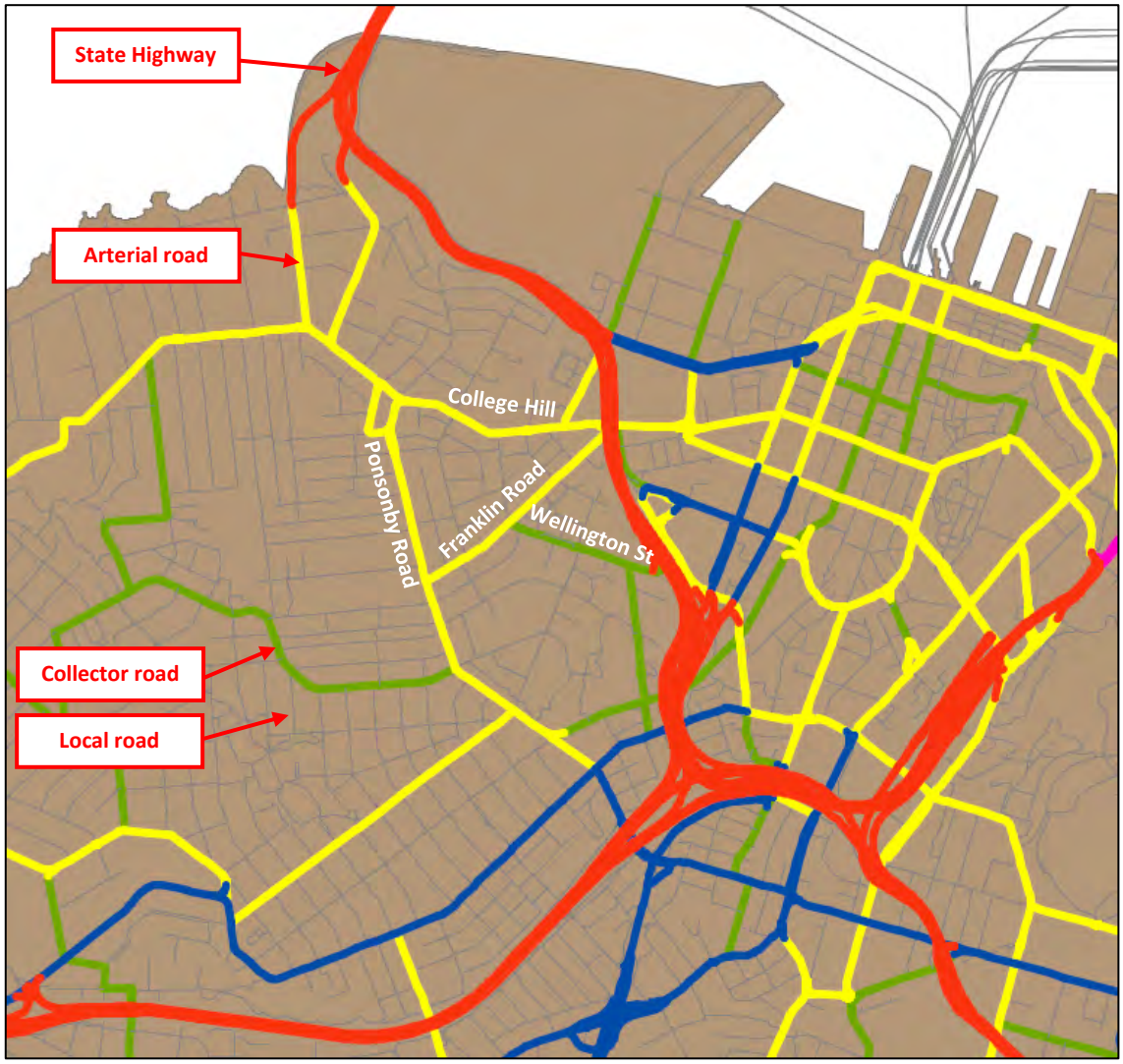


Figure 2 – Road Hierarchy

The posted speed limit within Freemans Bay, other than College Hill, is 30 km/hr.

Primary Roads

College Hill and Franklin Street are classified as arterial roads in the AUP-OIP and have the primary function of providing for traffic movement.

College Hill
College Hill forms part of an east west link between the central city and Pt Chevalier, including access to Ponsonby.

College Hill provides two traffic lanes in each direction and has a daily traffic volume in the order of 11,000 vehicles. The road rises steadily from Beaumont Street in the east to Ponsonby Road in the west. Wide footpaths are provided on both sides of the road, as shown in Figure 3. The posted speed limit is 50 km/hr.

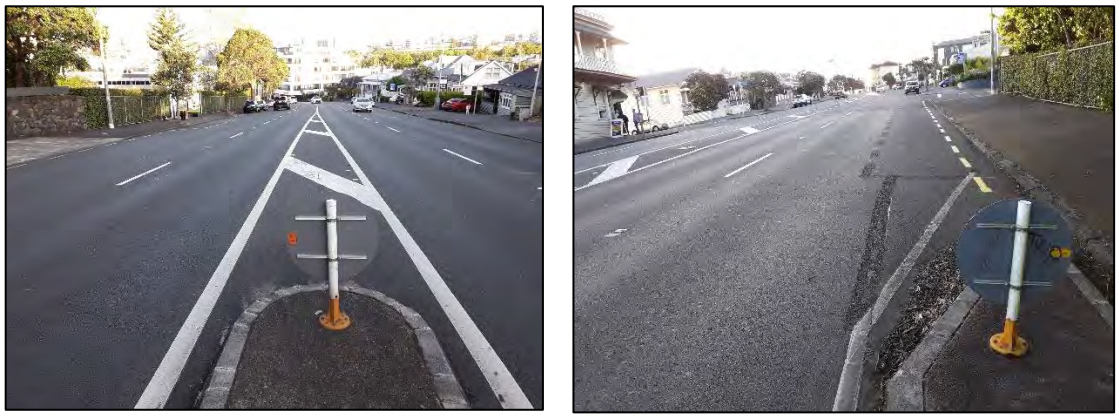


Figure 3 – College Hill Traffic Environment

Franklin Road

Franklin Road typically has one traffic and one cycle in each direction separated by a painted flush median, as shown in Figure 4. Time restricted parking bays are provided along both sides between the trees. Franklin Road has a daily traffic volume in the order of 10,700 vehicles per day.

To the west To the east

Source: www.google.co.nz/maps

Figure 4 – Franklin Road Traffic Environment

<u>Local Roads</u>

The local roads in the proposed precinct have narrow kerb to kerb carriageway widths, from 4.5 metres for Heke Street to 10.0 metres for Paget Street, with the majority having a width of 6.0 metres ie: Arthur Street. The legal road width (boundary to boundary) is typically 10.0 metres (ie: Ryle Street and the southern section of Middle Street), with a legal road width of 15.0 metres for Paget Street, and Ireland Street.

Ireland Street has a carriageway width of 8 metres and a legal width of 15 metres.

Middle Street, north of Ireland Street has a carriageway width of 9 metres to 9.5 metres and legal of 14 metres to 15 metres. South of Ireland Street, it has a carriageway width of 6 metres and legal road width of 10 metres.

Gunson Street

Elizabeth Street

Heke Street

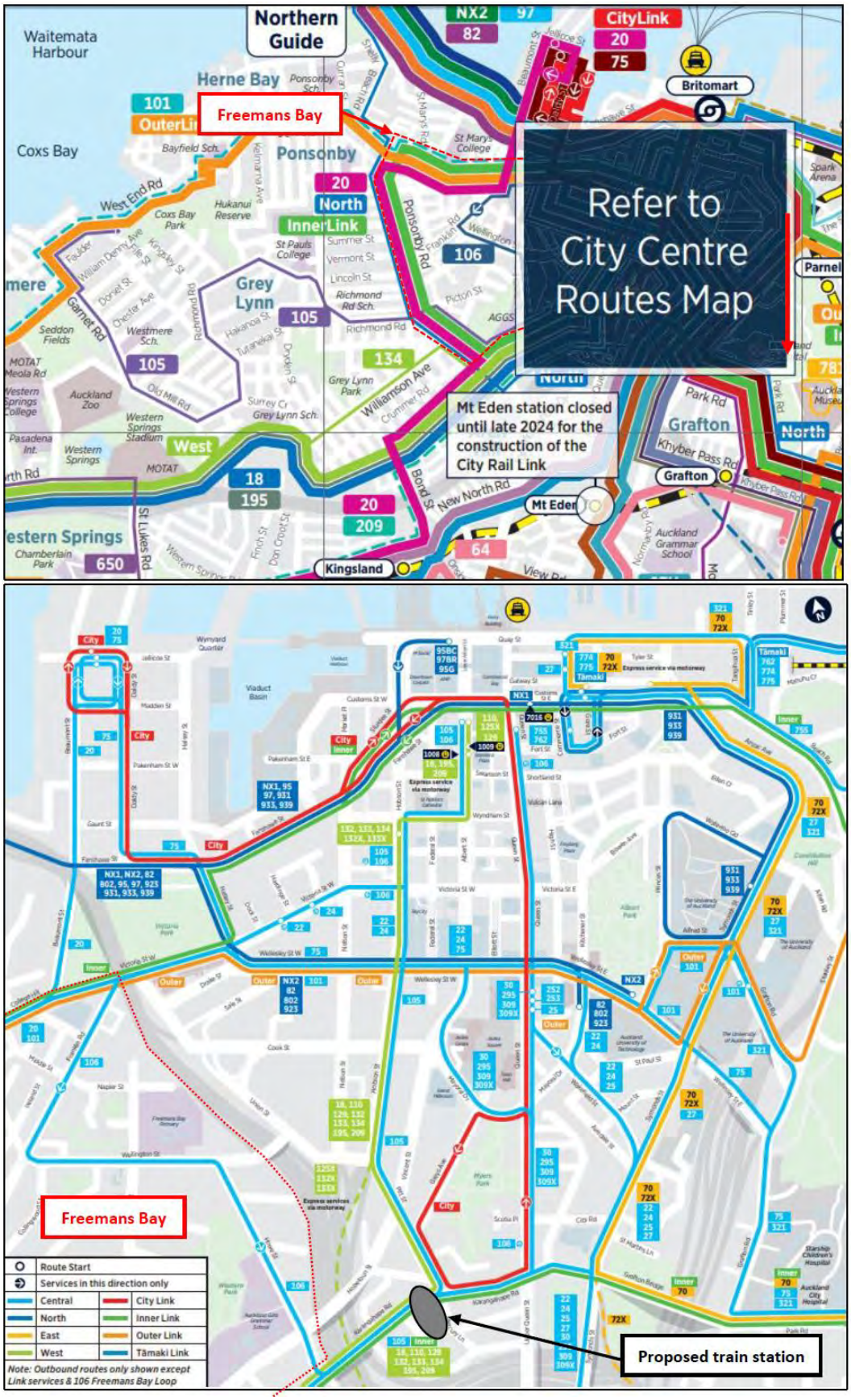
Wood Street

Figure 5 – Local Road Traffic Environment

2.2 Public Transport Accessibility

Existing

Information from the Auckland Transport website for public transport routes in Freemans Bay is shown in Figure 6.



Source: https://at.govt.nz/media/1989442/central-guide-june-2022.pdf

Figure 6 – Auckland Central Public Transport Routes

Several bus routes operate along College Hill, Ponsonby Road, and Karangahape Road, being the northern, western, and southern boundaries if Freemans Bay.

The Britomart Transport Centre is located approximately 1.2 kilometres east of the site with frequent bus, ferry and train services that provide access to the rest of the Auckland Region. The City Link also provides a connection from Wynyard Quarter to Britomart.

Thus, the area near the site itself can be described as being reasonably well serviced by public transport.

Proposed

Construction is currently underway to extend the rail network within central Auckland, including a new station at Karangahape Road, in the vicinity of Pitt Street as shown in Figure 7 and Figure 8. The City Rail Link is planned to be completed late 2024, however the ongoing effects of the Covid-19 pandemic is likely to push this date out further.

Source: https://www.cityraillink.co.nz/route-map/

Figure 7 – City Rail Link Plan

Source: https://www.cityraillink.co.nz/stations-karanga-a-hape

Figure 8 – Karangahape Road Station Location

3. FREEMANS BAY

3.1 Traffic Infrastructure Recent History

Roading infrastructure constraints to development were recognised some time ago by the then Auckland City Council, prior to local authority amalgamation in 1989. This included:

- For about 20 years from the 1940's Freemans Bay was designated for total demolition as a slum with a plan developed to build 16 high rise tower blocks with a completely reconfigured street system which reflected planning fashions of the day although the legacy of these ambitious developments has been highly controversial.

- The Council used its powers to redevelop some lower blocks facing Wellington Street but did not change the street layout.

- In 1968 the Council decided not to proceed with compulsory acquisition which left a white blank in the District Scheme and so a mini scheme change was developed for Freemans Bay.

- This went through the usual hearing process.

- The Council appointed David Chandler to lead the process and, by and large, the process went smoothly and introduced a conservation ethos for the first time

- However, David Chandler was a traffic engineer and had decided that certain key streets had to be widened to contemporary standards.

- This became the most controversial feature of the scheme change as it involved the loss of front yards on small sites and the demolition/relocation of many houses (approximately 50).

- The Freemans Bay Planning Association had their own expert who considered the costs outweighed the benefits and the existing street pattern had a compensating calming effect. At this time traffic volumes and car ownership were at much lower levels so parking congestion was not an issue. The Fire service felt there was adequate space for their vehicles as things stood.

- During this period the Council took a number of steps to implement their plan and so there still remain a number of small nibbles from some street e.g Wood Street at the corner of Pember Reeves Street. In some cases we understand that owners have since bought these back.

- However, the Council finally decided to abandon the street widening partly on planning merits and partly pragmatically as it was a very expensive programme and the residents didn't want it.

3.2 Existing Road Standards

Many of the local streets within the Freemans Bay area have road reserve widths of 10 to 12 metres which are well below what contemporary standards would indicate as being appropriate to provide safe and convenient walking and cycling routes as well as local residential traffic routes for the current level of development.

4. ROAD DESIGN STANDARDS

4.1 Aotearoa Urban Street Planning & Design Guide

The Aotearoa Urban Street Planning & Design Guide produced by Waka Kotahi (September 2021) (The Guide) provides guidance on street design parameters. This document was developed to sit alongside the NPS-UD.

The street design guidance presents simplified typical cross sectional spatial arrangement for each of seven street category types. The treatments recommended have been developed to demonstrate comprehensive future state outcomes that show how more holistic and integrated urban streets can deliver upon a wider range of urban planning and place-based objectives and outcomes.

This street guide recognises that there is often a significant gulf between the current state and optimal future state for an urban street

The seven street typologies are summarised in Table 1 in respect of anticipated road width (boundary to boundary)

Table 1 – Street Typologies

Street Type	Legal Road Width
City Hubs – Public Transport Streets	27m to 30m
Civic Spaces – Laneway Streets & Shared Spaces	6m to 14m
Main Streets – Urban Centres	20m
Main Streets – Towns & Townships	20m
Urban Connector - Narrower	18m to 20m
Urban Connector - Wider	27m to 30m
Local Streets – Suburban Residential Street	14m to 20m

The streets within the Freemans Bay area would fit within the "Local Streets – Suburban Residential Street" with a recommended legal road width of 14 metres to 20 metres. The Guide indicates that these are local streets and have low traffic volumes, low speeds and limited network requirements. They are largely residential streets with occasional commercial uses.

4.2 Network and Operations Guidance

In terms of Network and Operations Guidance, The Guide indicates the following:

- Residential streets support access to housing and support public and community activity and walking to destinations and transit stops.
- Residential streets are not a part of the traffic movement network and through traffic should be removed through network design.
- Residential streets act as open spaces providing space for play, gathering places, and recreation such as walking and cycling.
- Design and enforce traffic speeds of 30kph to provide safe and liveable neighbourhoods.
- Modal filters can provide permeable connectivity for active modes while removing unnecessary through traffic, both contributing to more liveable residential neighbourhoods.
- Car share and electric vehicle charging should be focused around dense housing pockets.

- Comprehensive parking management strategies of time restrictions and pricing should be implemented to increase the liveability of the street.

These functions would all be required within an intensified Freemans Bay area.

4.3 Requirements for Freemans Bay

Applying the Guide to the Freemans Bay area where many streets have legal road widths of 10 to 12 metres which are insufficient to cater for the future density would mean the need to upgrade the road cross sections to an appropriate arrangement.

If the area was a green field site then road cross sections of 14 to 20 metres would be anticipated. In the case of Freemans Bay, an appropriate road cross section of 16 metres as indicated in Figure 9 would be needed to support intensive residential development.

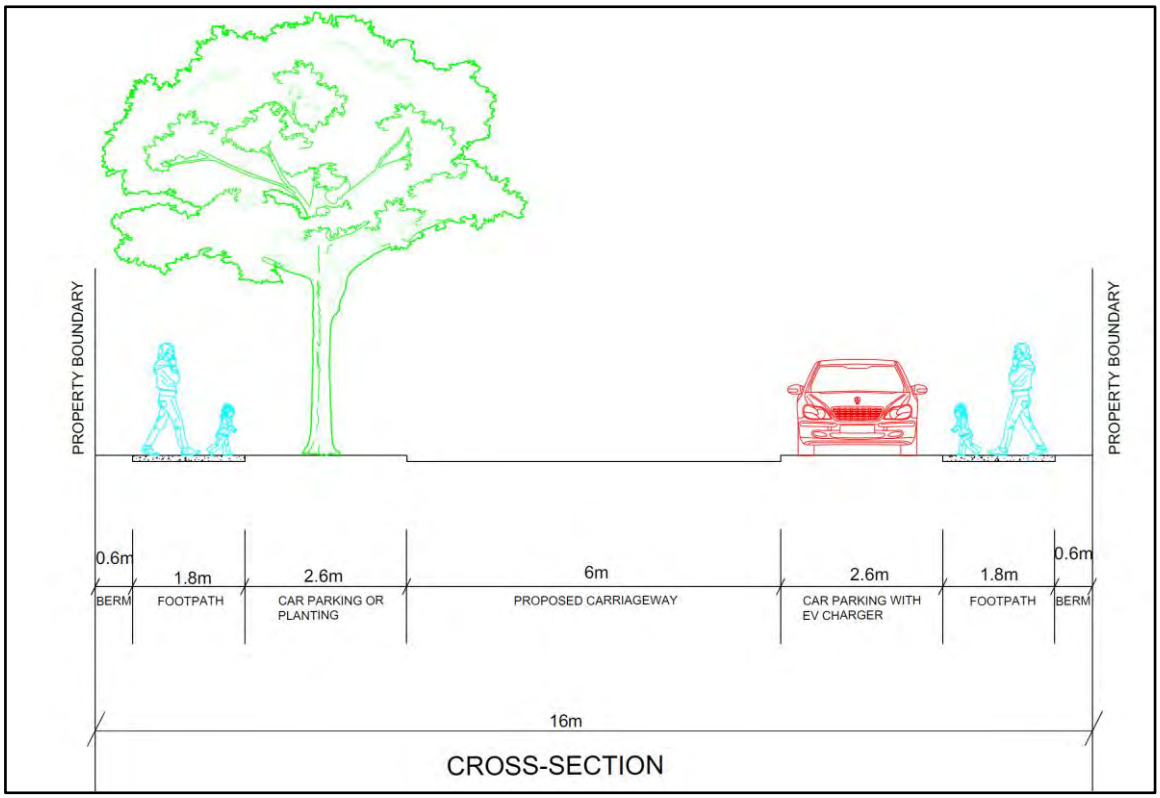


Figure 9 – Possible Road Cross Section

Such a road cross section, which is relatively standard for newer higher density development areas would require the acquisition of a large amount of private property to form the necessary transport infrastructure to cater for the traffic and people generating potential of the change in zoning. This land area varies but is generally between 1 and 3 metres on each side of the local roads in Freemans Bay.

Concept plans indicating the equivalent road network and arrangements are included in Attachment 1. The plans also include the provision of appropriate end treatments for

"no exit" roads to allow larger vehicles such as rubbish trucks sufficient space to turnaround in a safe manner without compromising the safety of other road users

Such arrangements as those indicated in Attachment 1 would require the land equivalent of about 15,000m^2 which at a nominal land cost of $9,000 per square metre would equate to a total land purchase cost of $135 million. Using a road infrastructure development cost of $5,500 per square metre, then the total estimated cost of the transport infrastructure required to support the new zoning would be approximately $220 million.

4.4 Qualifying Matter

In the Beachlands area, Auckland Council has made transport constraints associated with Beachlands-Maraetai Road an additional qualifying matter under Plan Change 78 given that the road is unable to cater for additional transport demands generated by the density sought under the Plan Change.

In relation to the Freemans Bay area, there are significant transport constraints on the functioning of the local road network for the density sought in the Plan Change for Freemans Bay. Almost all the local roads are well below contemporary standards for road widths when compared to those indicated in the Aotearoa Urban Street Planning & Design Guide. As noted earlier, this document was developed to sit alongside the NPS-UD.

What this means is that the existing transport infrastructure will not be fit for purpose to cater for the increases in pedestrian, scooter, bicycle and car demands arising from the increased density arising from the Plan Change. The upshot of this will be a significant compromise in user safety and amenity as a result of the significant transport constraints that exist.

To address these matters in an appropriate manner will require upgrades to the local roads within the Freemans Bay area. This is not dis-similar to the outcomes sought in the Beachlands additional qualifying matter provided within the Plan Change. As such, a similar additional qualifying matter (transport) should be applied to the Freemans Bay area.

5. CAR OWNERSHIP

Residential car ownership does vary by site location, dwelling type and the number of bedrooms in each dwelling.

Traffic Planning Consultants Ltd have previously carried out car ownership surveys (and unit occupancy) of apartments in areas surrounding the Auckland Central Business District (CBD) such as Ponsonby, Grafton, Newton and Newmarket. In all, a total of 182 apartments were surveyed across 10 apartment buildings.

The results of this survey are shown in Table 2.

Table 2 – Car Ownership and Unit Occupancy

Apartment Size	Average Number of Cars per Apartment	Average Occupancy per Apartment
1 bedroom units	1.07	1.75
2 bedroom units	1.36	2.29
3 bedroom units	1.67	2.89

The information summarised in Table 2 relates to areas surrounding the Auckland CBD. To determine its comparability to Takapuna, information from the national census relating average car ownership to the number of bedrooms in a dwelling has been interrogated for Takapuna compared to the Auckland CBD fringe areas surveyed. This comparison is included in Table 3.

Table 3 – Census Data on Car Ownership per Dwelling

Location	Average Car Ownership per one-bedroom property	Average Car Ownership per two-bedroom property
Central Suburbs (Newton, Grafton, Ponsonby, Newmarket)	1.0733	1.32259

From Table 3 it can be seen that there is relatively little difference in car ownership patterns comparing the census and survey data. As such, the car ownership information recorded in Table 2 are considered to be a realistic level of ownership for medium to higher density residential dwellings.

What this suggests is that many residents within the Freemans Bay area will still have a desire or need to own a car and a need to provide appropriate car parking for these vehicles.

6. DOES CAR OWNERSHIP INCREASE CAR USE?

6.1 Overseas Research

Research has been carried out in London by the Berkeley Group[1] to answer the question, Does Car Ownership Increase Car Use? The findings of that research can be summarised as follows and relates to developments in London:

1. **There is no apparent or simple relationship between car ownership, car use and access to public transport.**

[1] Does Car Ownership Increase Car Use?

Car ownership depends on a complex range of variables including household structure; household income; tenure; nationality; parking availability; public transport accessibility; access to employment and services; and up-front and ongoing costs.

2. **Residents of new developments use their cars 10% less than people living in surrounding areas.**

   In new developments, the shift away from car travel was almost double the London average, comparing surveys carried out in 2013 with results from the 2011 United Kingdom Census results.

   There are a range of reasons for this reduced level of car use, but the underlying fact was that most residents' cars are not used for commuting but kept for other purposes such as shopping and leisure. This suggests that many London residents who own cars do not use them for commuting and regular peak hour travel.

3. **Residents of new London developments that own a car are less likely to use it as their main mode of travel if they are provided with convenient alternatives.**

   Three quarters of respondents said they benefitted from the provision of good quality pedestrian routes to public transport. The same proportion said that they benefitted from being given travel information on (or before) moving-in.

   The shifts towards public transport, walking and cycling among car owning residents in new London developments can be linked to well-designed Travel Plan measures. The key is delivering 'easy access' that makes sustainable transport more attractive than car use with the most effective measures being:

   - Good quality pedestrian routes,
   - Travel Packs and travel information, and
   - Secure cycle parking.

If we relate the above research findings to the Freemans Bay area, the following aspects can be considered:

1. Freemans Bay is located within an easy and easily accessible walk of the Auckland Central Business District;

2. Pedestrian amenity and pedestrian connections between Freemans Bay and the Auckland Central Business District are variable depending on street access and severance effects related to the Northern Motorway and Victoria Street West;

3. Passenger transport connections are provided along Ponsonby Road; and

4. Residential trip rates reported on by RTA[2] in 2001 indicated rates of 0.24 trips during the morning and evening peak hours. In 2013,[3] an update to the trip generation results for high-density residential development in close proximity to public transport hubs, prepared by the New South Wales Road and Maritime Services, showed that these rates had reduced over the 11 years from 0.24 trips (during the morning and evening peak hours) per unit, to 0.15 trips (during the morning peak hour) and 0.19 trips (during the evening peak hour) per unit which is broadly consistent with the 10% reduction in traffic generation reported in the London study.

Thus, the location of Freemans Bay is such that a range of non-car travel options are available for people to use to travel during the weekday commuter peak traffic periods, thereby reducing the need for them to travel by car.

Nevertheless, many people will still need to own and park a car for arrange of reasons including work, family and travel that is not convenient or practical by passenger transport.

6.2 New Zealand Information

Information on vehicle travel in New Zealand is summarised by the Ministry of Transport[4] which provides a range of statistics related to travel in New Zealand. From this information, Figure 10 graphs the annual amount of travel per light vehicle.

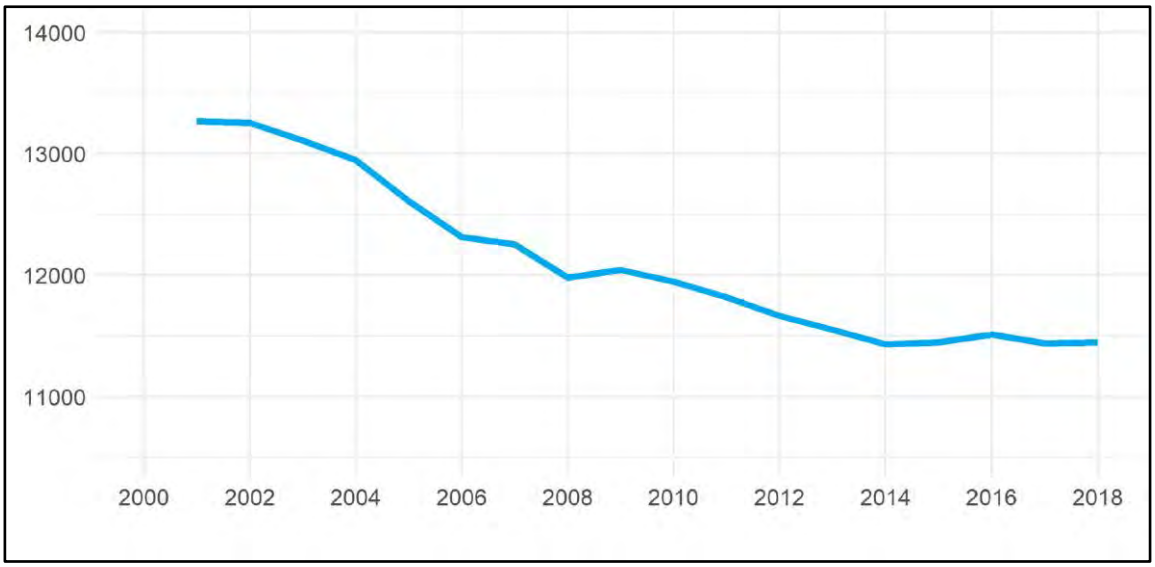


Figure 10 – Travel per Light Vehicle

[2] Guide to Traffic Generating Developments. Version 2.2 October 2002
[3] New South Wales Road and Maritime Services, Guide to Traffic Generating Developments, Updated traffic surveys, 2013
[4] Annual Fleet Statistics 2018 – Ministry of Transport

The statistics clearly indicate that annual travel per light vehicle has generally declined as the light vehicle numbers have increased by a greater rate than travel. By implication, the more cars and hence parking spaces that we have, does not imply that we will use them to travel more.

There are obviously a range of factors that lead into declining car use over time. In Auckland, these factors include some of the following:

- The on-going improvements to passenger transport frequency and extent of services resulting in improved accessibility and attractiveness for residents;
- On-going investment into improved and safer cycling facilities across the region;
- Providing more intensive development around passenger transport nodes or close to existing passenger transport routes;
- Increasing congestion during the commuter peak periods resulting in a shift to non-car transport modes;
- Changing work patterns and improved technology which reduces the need to travel, particularly during the commuter peak periods.

What the above suggests, when considered as a whole, is that while we as a population in general and at a household level own cars, many of us use them less and use them differently than for the commute to and from work.

7. CONCLUSIONS

Many of the local streets within the Freemans Bay area have road reserve widths of 10 to 12 metres which are well below what contemporary standards would indicate as being appropriate to provide safe and convenient walking and cycling routes as well as local residential traffic routes for the current level of development.

What this means is that the existing transport infrastructure will not be fit for purpose to cater for the increases in travel demands arising from the increased density arising from the Plan Change. The upshot of this will be a significant compromise in user safety and amenity as a result of the significant transport constraints that exist.

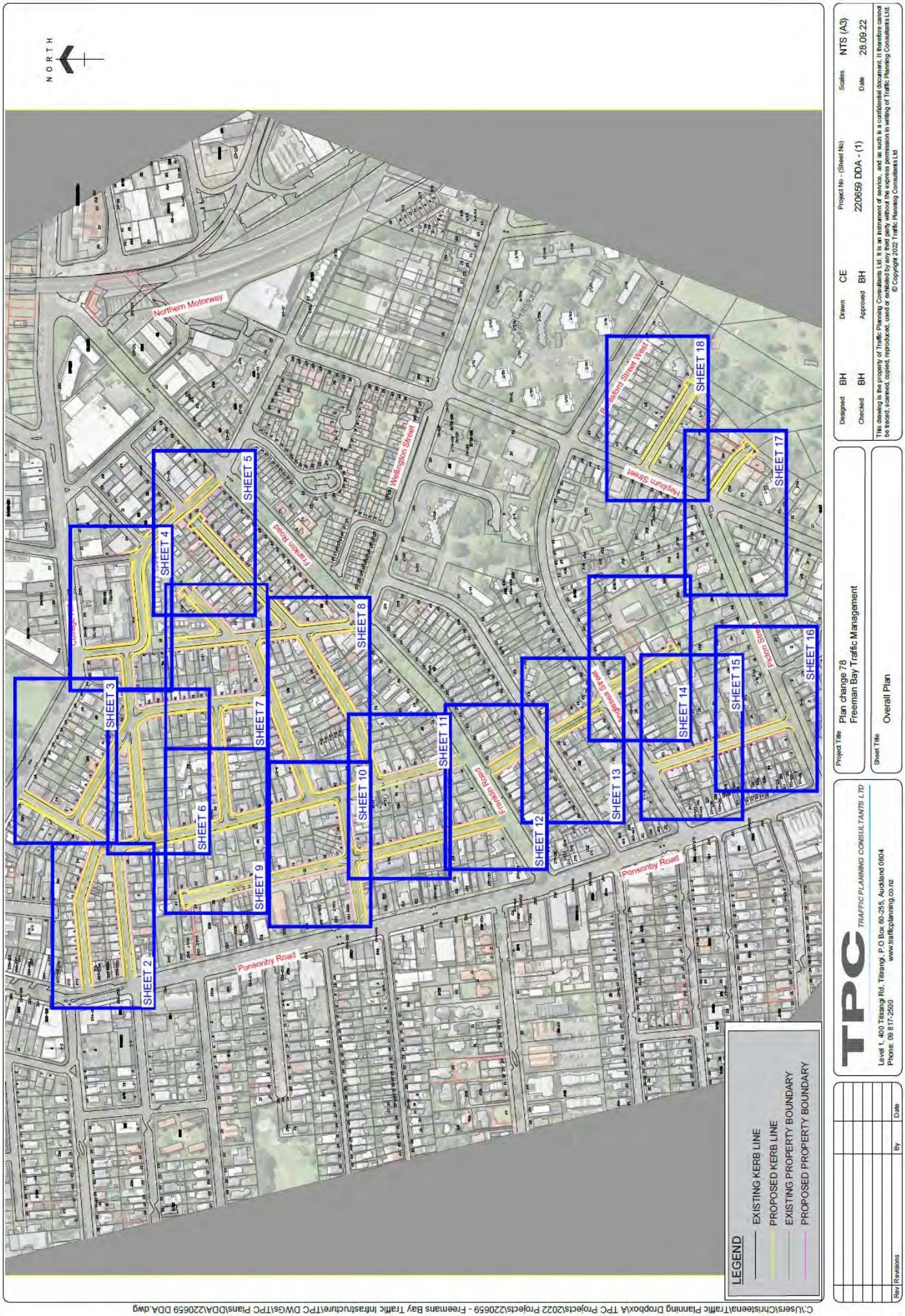
To address these matters in an appropriate manner will require upgrades to the local roads within the Freemans Bay area. This is not dis-similar to the outcomes sought in the Beachlands additional qualifying matter provided within the Plan Change. As such, a similar additional qualifying matter (transport) should be applied to the Freemans Bay area.

In relation to car ownership, many residents in the area are likely to have a need to park at least one vehicle. This will occupy space either on the site or on the street. If on the street, additional car parking will further exacerbate the inadequate road widths provided in the area and will make servicing by rubbish collections vehicles or emergency service vehicles challenging. This further reinforces the need to have transport as an additional qualifying matter in the Freemans Bay area.

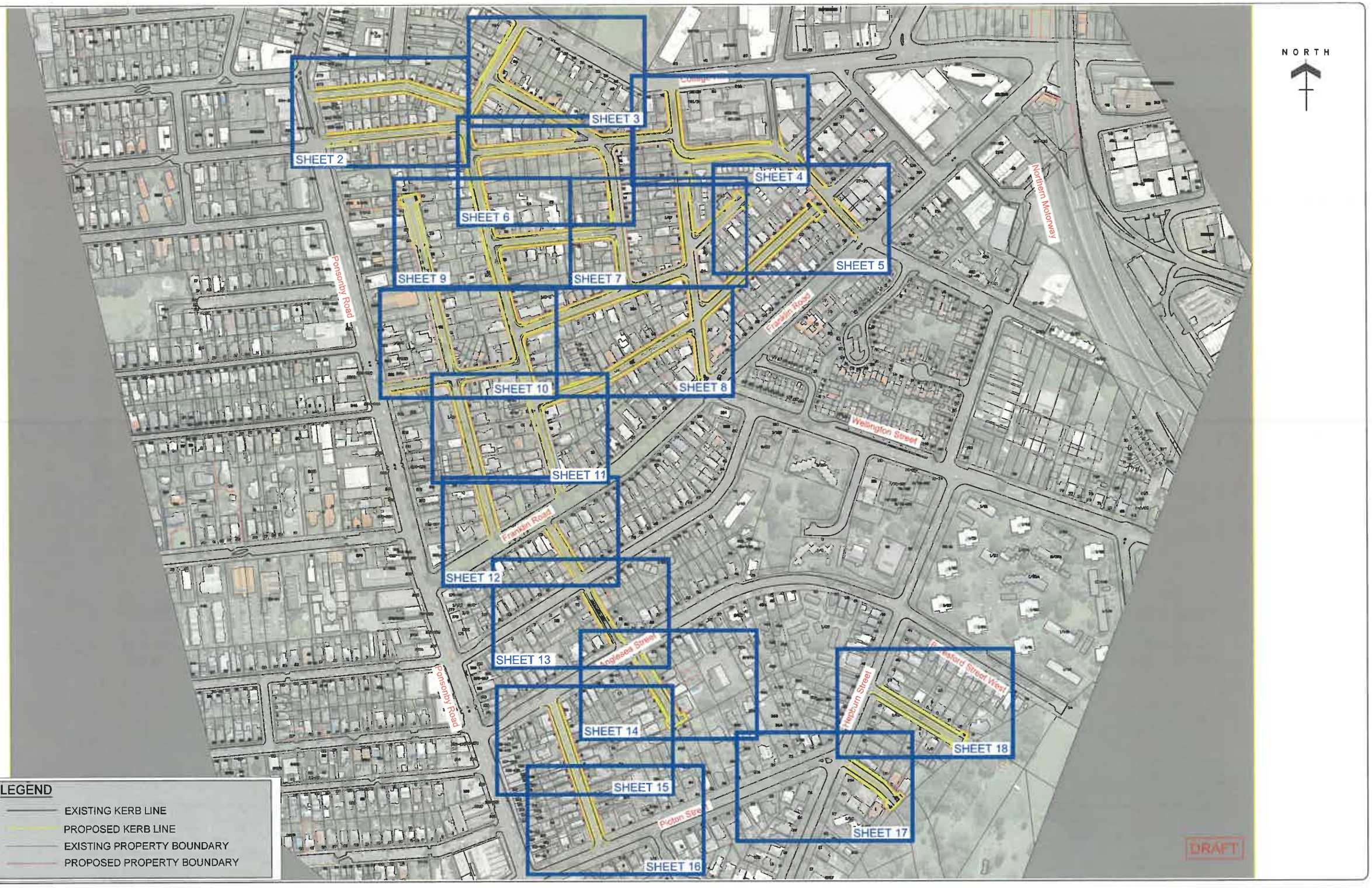
Bryce Hall
Director

ATTACHMENT 1

Road Infrastructure Plans


NORTH
Northern Motorway
Wellington Street
Franklin Road
Ponsonby Road
Hepburn Street
Parliament Street West
Victoria Street West
Pitt Street
SHEET 2
SHEET 3
SHEET 4
SHEET 5
SHEET 6
SHEET 7
SHEET 8
SHEET 9
SHEET 10
SHEET 11
SHEET 12
SHEET 13
SHEET 14
SHEET 15
SHEET 16
SHEET 17
SHEET 18
LEGEND
EXISTING KERB LINE
PROPOSED KERB LINE
EXISTING PROPERTY BOUNDARY
PROPOSED PROPERTY BOUNDARY
TPC
TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500
www.trafficplanning.co.nz
Project Title
Plan change 78
Freeman Bay Traffic Management
Sheet Title
Overall Plan
Designed BH
Checked BH
Drawn CE
Approved BH
Project No - (Sheet No) 220659 DDA - (1)
Scales NTS (A3)
Date 28.09.22
This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd
Rev Revisions By Date
C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Attachments provided separately



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

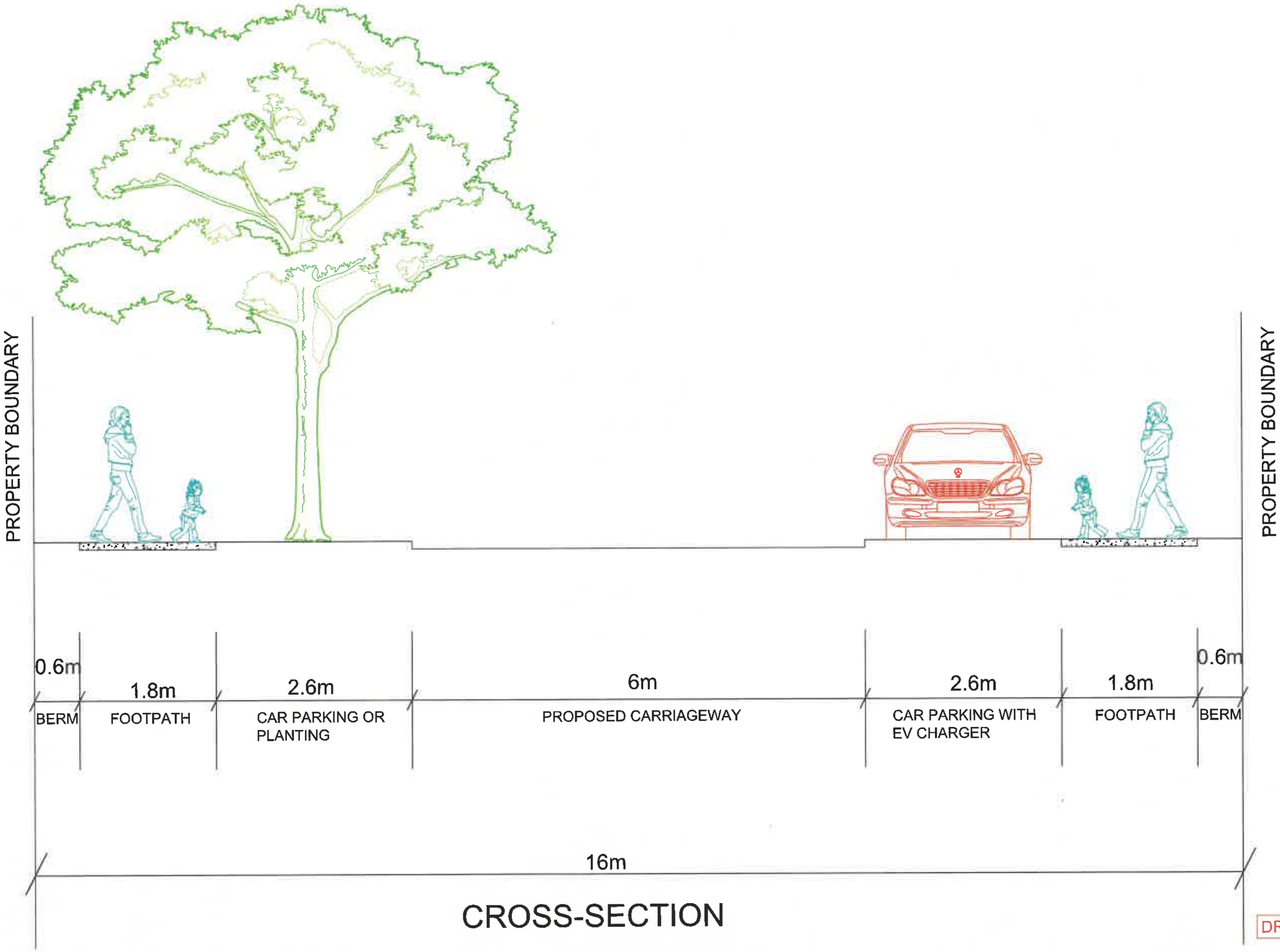
Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: Overall Plan

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales	NTS (A3)
Checked	BH	Approved	BH	220659 DDA - (1)	Date	29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg



CROSS-SECTION

DRAFT

Rev	Revisions	By	Date

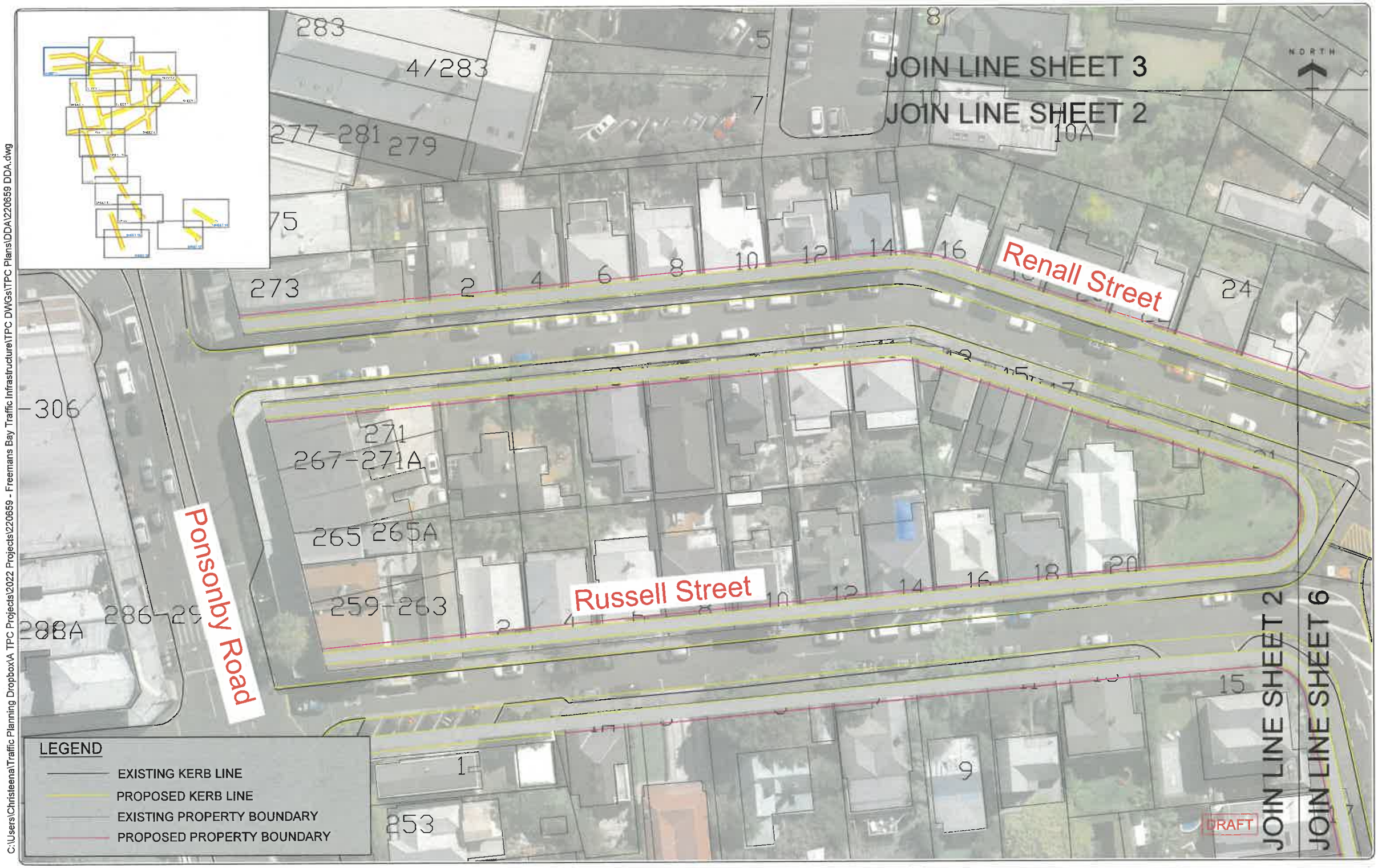
TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: Cross-section

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales NTS (A3)
Checked	BH	Approved	BH	220659 DDA - (2)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\ChristeenaTraffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 2

Designed	CE	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (3)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

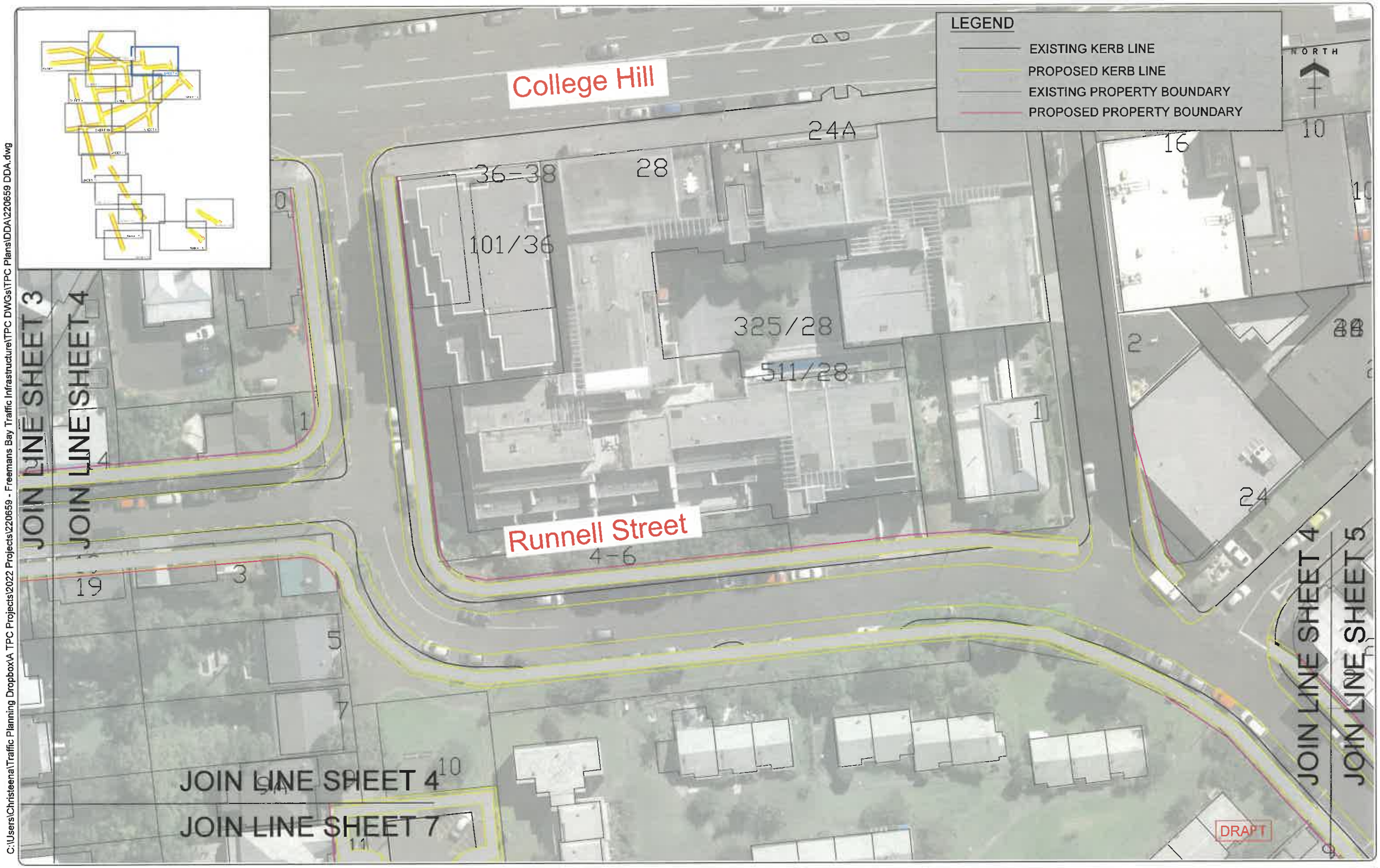
TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 3

Designed	CE	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (4)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 4

Designed	CE	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (5)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD

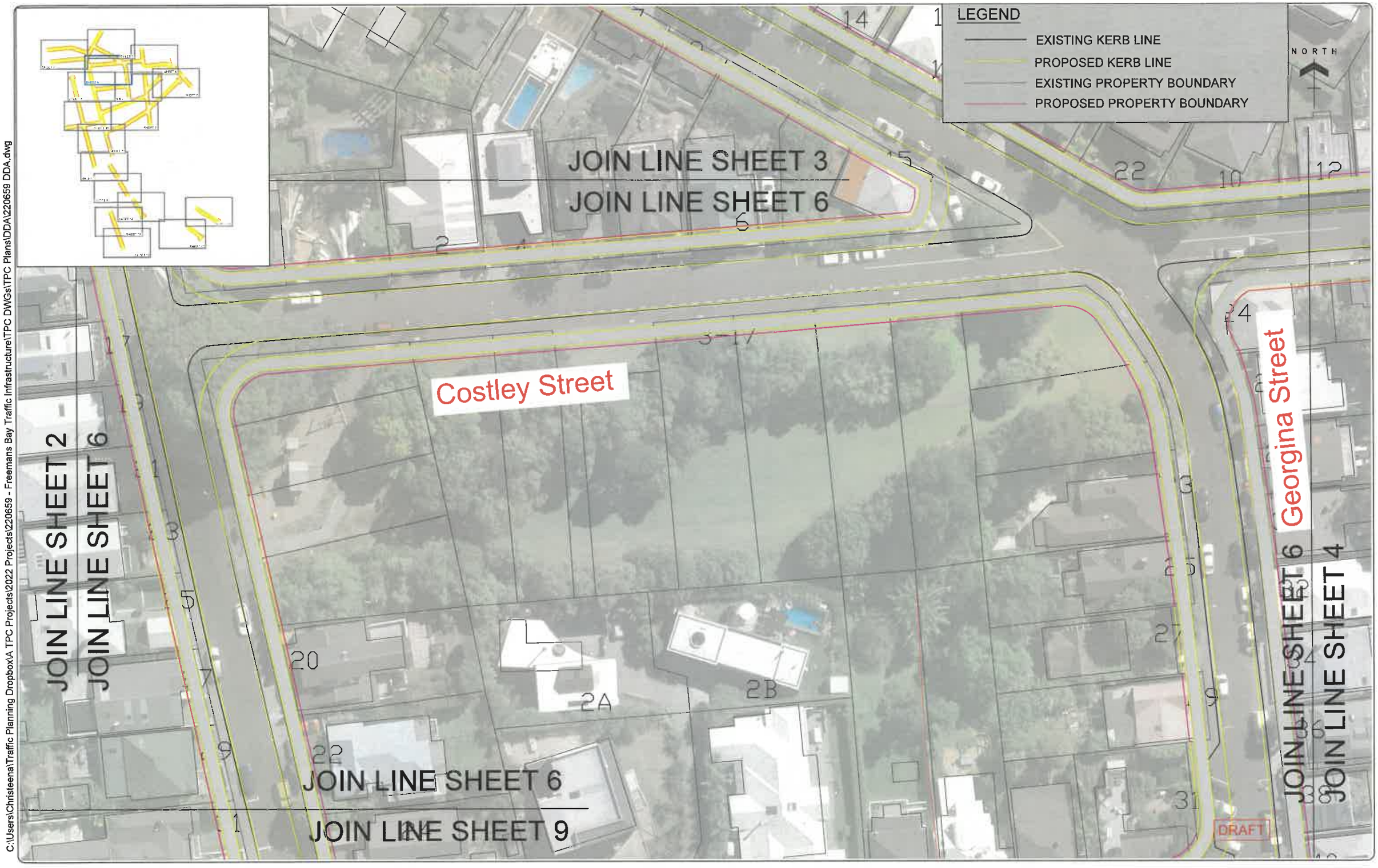
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 5

Designed	CE	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (6)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 6

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (7)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD

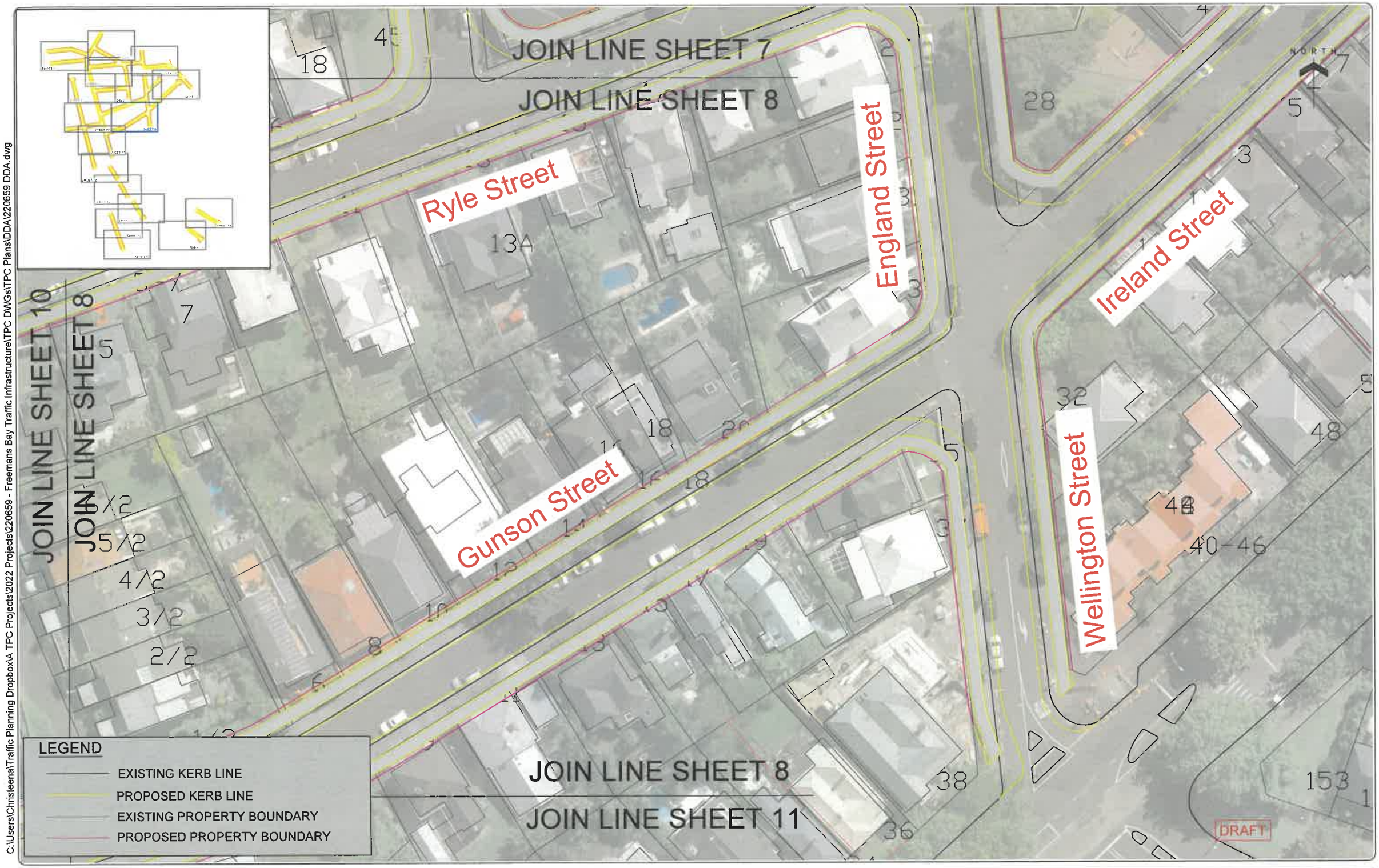
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 7

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (8)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 7

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales	1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (9)	Date	29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 9

Designed	BH	Drawn	CE	Project No - (Sheet No)		Scales	1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (10)		Date	29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 10

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (11)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 11

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (12)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 12

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (13)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

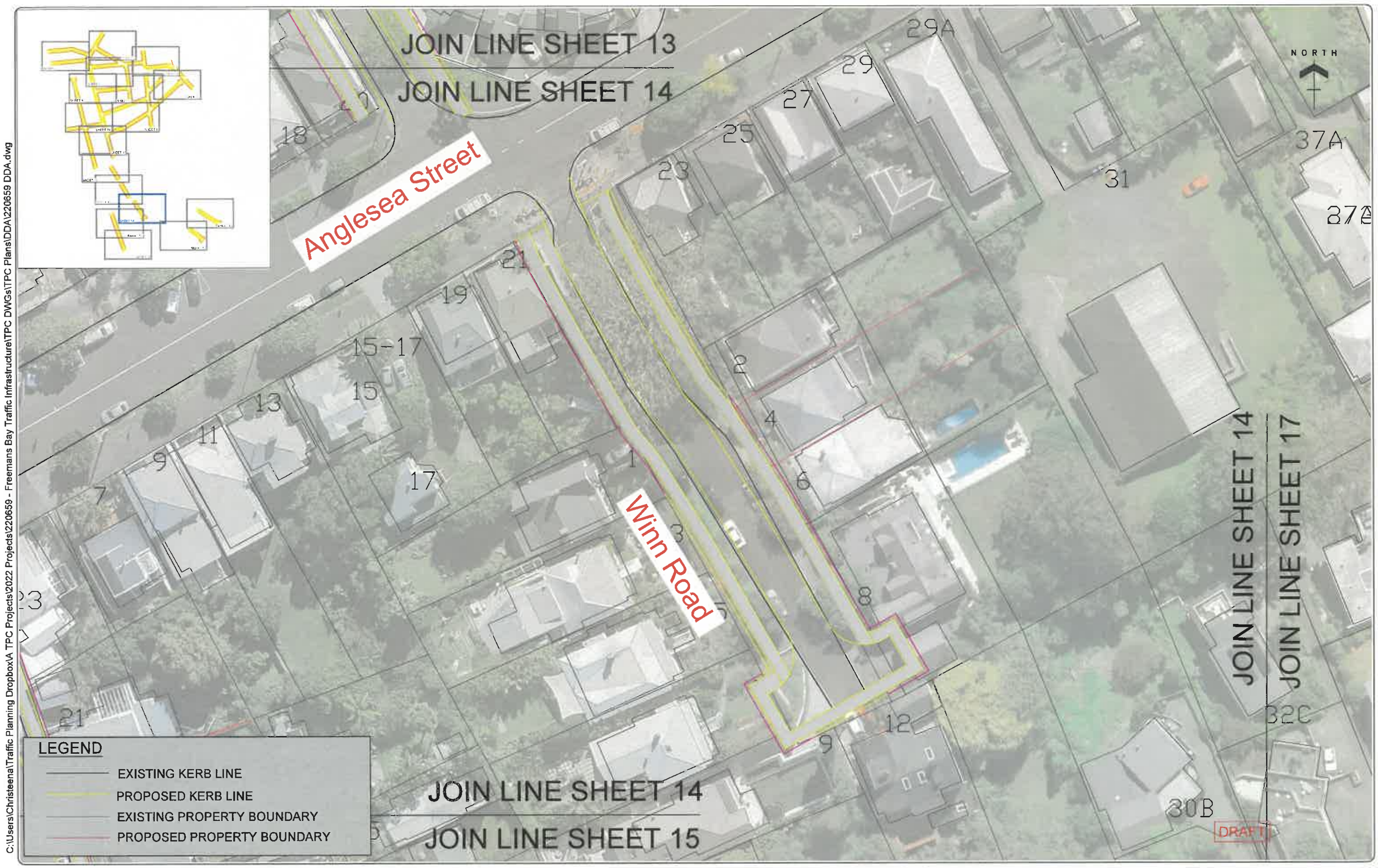
TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 13

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (14)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 14

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (15)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

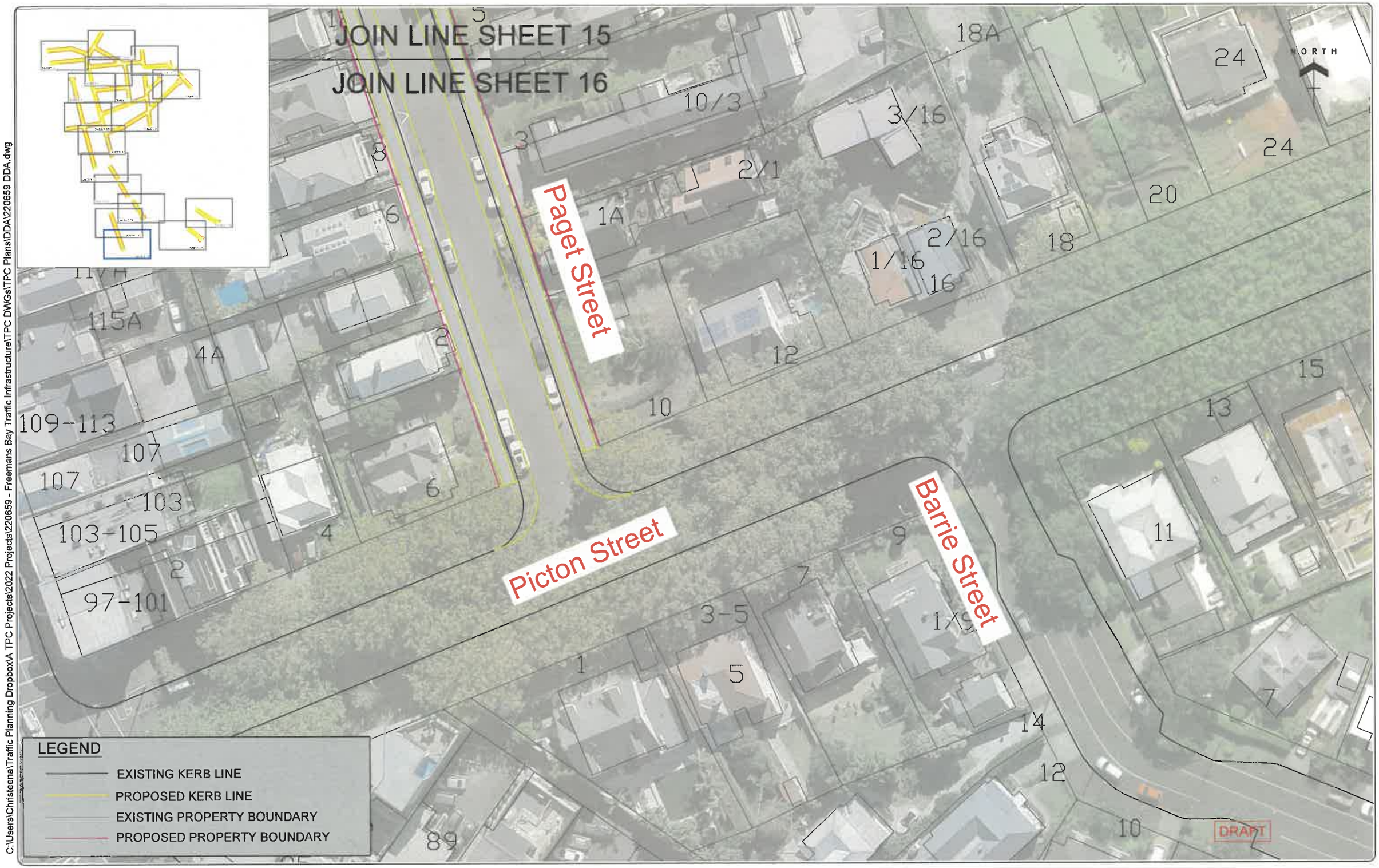
TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 15

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (16)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 16

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (17)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

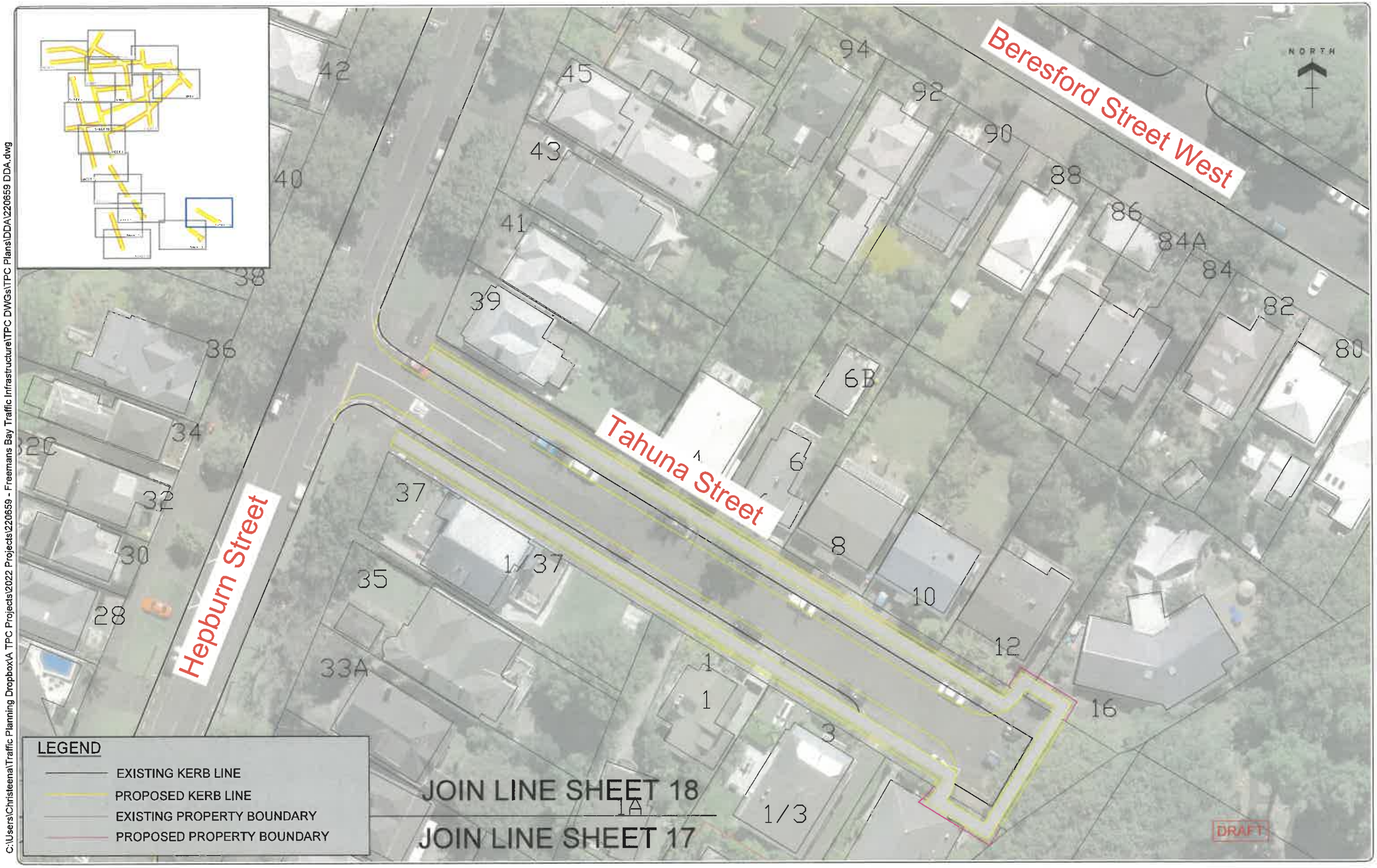
TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 17

Designed	BH	Drawn	CE	Project No - (Sheet No)	Scales 1:500 (A3)
Checked	BH	Approved	BH	220659 DDA - (18)	Date 29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd



C:\Users\Christeena\Traffic Planning Dropbox\A TPC Projects\2022 Projects\220659 - Freemans Bay Traffic Infrastructure\TPC DWGs\TPC Plans\DDA\220659 DDA.dwg

Rev	Revisions	By	Date

TPC TRAFFIC PLANNING CONSULTANTS LTD
Level 1, 400 Titirangi Rd, Titirangi, P.O Box 60-255, Auckland 0604
Phone: 09 817-2500 www.trafficplanning.co.nz

Project Title: Plan change 78
Freeman Bay Traffic Management

Sheet Title: SHEET 18

Designed	BH	Drawn	CE	Project No - (Sheet No)	220659 DDA - (19)
Checked	BH	Approved	BH	Scales	1:500 (A3)
				Date	29.09.22

This drawing is the property of Traffic Planning Consultants Ltd. It is an instrument of service, and as such is a confidential document. It therefore cannot be traced, scanned, copied, reproduced, used or exhibited by any third party without the express permission in writing of Traffic Planning Consultants Ltd.
© Copyright 2022 Traffic Planning Consultants Ltd

Ginny Taare

From: Alison Gardner <aligardner@xtra.co.nz>
Sent: Thursday, 29 September 2022 3:58 pm
To: Unitary Plan
Subject: Submission re plan change 78: Auckland Council has proposed residential intensification and zone changes that affect Seaview Road

Sent from Mail for Windows

Submission

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician Auckland Council
Level 24, 135 Albert Street Private Bag 92300 Auckland 1142

For office Use only

Submission No:

Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) …Mrs Alison Mary Gardner……Mr James Graham Gardner……

Organisation Name (if submission is made on behalf of Organisation)

Address for service of

Submitter ……1 Seaview Road Remuera Auckland 1050……..

Telephone:…021 483 323 027 449 9591……

Fax/Email: ……aligardner@xtra.co.nz gusgardner@xtra.co.nz……

Contact Person: (Name and designation, if applicable)…….

Scope of submission

These submissions are on Plan Change 78 Intensification

The following 4 submissions relate to Seaview Road, Remuera.

Submission 1.
Proposed Plan Provisions: Planning Maps as Amended by Plan Change 78

Support:

- Seaview Road being zoned "Low Density residential zone" including properties:

- Even numbers 10, 12, 16 to 56A Seaview Road inclusive and

- Odd numbers 1-83 and 111-115 inclusive as shown on the Maps

- Qualifying matters in the Maps

  Refer also to submission 2 below requesting the zoning the entire street as Low Density Residential Zone.

Reasons

- For over 40 years, Seaview Road Residents have advocated for and supported the Council and reporting heritage/special character professional advisors, in the provision of the appropriate zone, policy and rules to protect the special character, high quality architectural and natural form of the street and its high amenity value.
- The Plan Change 78 zoning Map as it relates to the above-mentioned properties, supports the retention of the special character overlay, and coherence of the architectural, natural form and the high amenity values that are a feature of Seaview Road. Continuity supports and protects the special distinctive character and amenity values and history of this unique street that is representative of early Auckland development, with a special character overlay as a qualifying matter.
- The low-density zone is appropriate due to the "Infrastructure Combined Waste Water Network Control", the constraints of which extend over the entire street.
- Retention of this zone is essential to prevent any increase in overflows into Hobson Bay, that is already heavily polluted. Provisions for increased density would add further to local coastal pollution. The evidence below should enable a qualifying matter to be applied over the entirety of Seaview Road.
-

  https://www.rnz.co.nz/news/national/460551/water-quality-issues-at-auckland-s-hobson-bay-may-take-decade-to-fix

- Watercare discharge consent appears to apply to the present density only. Compliances are questionable.
  https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=3574

  Ref: Watercare Memorandum to Orakei Local Board 31 August 2022

Watercare

Auckland Council

Memorandum

31 August 2022

To:	Ōrākei Local Board, Waitematā Local Board, Ōrākei Ward Councillor, Waitematā and Gulf Ward Councillor
CC:	Ngāti Whātua Ōrākei, Hapua Thrive, Babs Lake - Principal Advisor Environment, Trina Thompson – Local Area Manager, Suzanne Weld – Senior Local Board Advisor, Ali Keller – Local Board Advisor, Caroline Teh – Senior Local Board Advisor, Nick Palmisano – Local Board Advisor, Jamie Penwarden – Councillor Support Advisor, Maryke Fouche – Councillor Support Advisor
Subject:	**Regular update on dry weather water quality issues for Newmarket and Hobson Bay**
From:	Nick Vigar – Head of Planning, Healthy Waters David Moore – Manager Network Improvement Programme, Watercare
Contact Information:	Nicola Perry - Relationship Advisor, Infrastructure and Environmental Services (nicola.perry@aucklandcouncil.govt.nz)

Purpose

1. **To provide an update on results of water quality sampling in the Newmarket and Hobson Bay catchments and details about ongoing investigations to resolve identified water quality issues.**

Summary

2. There are significant water quality issues in the streams that discharge into Hobson Bay.
3. Water quality sampling has identified high levels of faecal indicator bacteria, including E. coli and enterococci outside of rainfall events. Concentrations exceeding the contact recreational guidelines are known as a high risk (red alert) level in Auckland Council's Safeswim programme.
4. Temporary health risk signs have been erected at public access points where the red alert levels have been identified.
5. Staff are testing water quality to better understand these issues and to support drainage investigations to find and eliminate cross-connections that result in wastewater entering the receiving environment.
6. This memo outlines the progress of investigations conducted to identify and fix issues that affect water quality, particularly issues that are occurring in dry weather.
7. Since January 2020, 76 significant public and private network issues that affect water quality during dry weather have been identified. A total of 52 of these issues have been resolved.
8. Remedying water quality issues related to wet weather overflows will require a significant programme of capital investment. Therefore, current investigations are focussed on improving water quality of receiving streams in dry weather conditions.
9. Significant rainfall over the months of June to August has resulted in little dry weather monitoring data from streams. Staff sick leave have delayed some investigations since the last update.

Decision Requested:

Confirmation of the proposed Low Density Residential zoning of

- even numbered properties 10, 12 and 16 to 56A Seaview Road inclusive, and
- odd numbered properties 1-83 and 111-115 Seaview Road, inclusive, as shown on the Maps with any consequential amendments. 2204.1

- That where infrastructure - Combined Wastewater Network Control is identified in the Maps, that this is applied as a qualifying matter for a low density residential zone such as Seaview Road. 2204.2

Submission 2
Proposed Plan Provisions: Planning Maps as Amended by Plan Change 78

Oppose:
The re-zoning of

- even numbered properties 2-8, 12A, 14, 14A, 58-72 Seaview Road; and

- odd numbered properties 85-109 Seaview Road from a Single Dwelling zone to a Mixed Density Residential housing zone; and
  The zoning of 61A, 117-119 Seaview Road as Mixed Density Residential.
- Qualifying matters in the Maps

Reasons:
- Contrary to Sections 5,6,7 of the Resource Management Act 1991
- These properties are presently single-family spacious quality homes that support and contribute to the built architectural and natural form and coherence of the whole street and including at the entry/exit points in the street.
- Retention of a low-density zone is suited to these properties.
- The proposed zone would permit without a resource consent, three houses on a site each up to three storeys – This bulk and form and intensity of development would significantly erode the integrity of the special character of the street as a whole.
- This juxtaposition of diverse zones would undermine the purpose and principles of the special character overlay.
- 61A Seaview Road is better suited to a low-density zone for consistency with the zoning of adjoining properties with a Special Character Overlay and should be a qualifying matter
- The properties at 117-119 Seaview Road have historic social value as former 'state' houses in Seaview Road.
- On-street parking in Seaview Road is already an issue that will be exacerbated by increased demand due to poor onsite parking provision of the higher density zone.
- Auckland needs to grow and to maintain a diversity of residential areas as a point of difference and attractiveness. The big picture of change here, has not been addressed. Those global cities that are most enjoyable to live in and to visit, retain their high-quality residential character areas, such as Seaview Road, as part of a tapestry and diversity of living.
- Retaining the present zoning of these properties meets the goals of sustainable development. Less waste would go from the demolition of high-quality housing, to landfills, and with less consequent carbon release.
  Each of the above identified properties in Seaview Road are in a catchment that is not adequately served by the combined system for stormwater/wastewater/sewage, that is identified in the zoning maps as the Combined Wastewater Network Control and as a "Spatially Identified Qualifying Matter." The combined system overflows both after rain and leaks in dry periods into Hobson Bay – a bay that is heavily polluted. This should be a qualifying matter.
  https://www.rnz.co.nz/news/national/460551/water-quality-issues-at-auckland-s-hobson-bay-may-take-decade-to-fix

Ref: Watercare Memorandum to Orakei Local Board 31 August 2022

- The proposed rezoning to a significantly higher intensity zone is not consistent with Council's environment or climate change policies.
- The proposed zone would enable development without a resource consent that could be contrary to the New Zealand Coastal Policy Statement 2010 and the Hauraki Gulf Marine Park Act 2000.
- Retention of a low-density zone is appropriate in that it provides for greater consistency with the relevant environmental and coastal statute and national policy statement.
- Retention of the operative low-density zone would provide for greater compliance with the 35 year Watercare Discharge consent.
  https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=3574
- For the above reasons Seaview Road, as a whole, is best suited to a low density zone and should be zoned as such as other areas of Auckland with similar constraints have been granted.
  https://www.nzherald.co.nz/nz/sewage-overflows-disrupt-government-edict-for-greater-intensification-in-auckland/SZQIBWYITA3FUSJVU3ECQDVKOU/
- The increased density of these properties will not give effect to the intent of the new housing legislation, ie the provision of more affordable housing.
- The retention of the operative low density provisions of the above properties is requested, as they are better suited to the Low-Density Residential zone as outline above.

Decision requested:

- That the proposed re-zone of even numbers 2-8, 12A, 14 14A, 58-72; and odd numbers 61A, 85-109 and 117-119 Seaview Road be declined.
- That properties at even numbers 2-8, 12A, 14, 14A, 56-72,
- And odd numbers 61A, 85-109 and 117-119 Seaview Road Remuera, be rezoned to a Low-Density Residential Zone, for the above reasons.
- That where infrastructure - Combined Wastewater Network Control is identified in the Maps, that this is applied as a qualifying matter for a low density residential zone such as Seaview Road.

2204.3

-

Submission 3
Proposed Planning Provisions: Proposed Planning Maps for Plan Change 78

Support:
Special Character Overlay for all properties in Seaview Road as identified in the Zoning Maps,

- Even numbers 10, 12,16 to 56A Seaview Road inclusive
- Odd numbers 1-85 Seaview Road, inclusive

Reasons:

- Continuation of the Special Character Overlay is supported on the above properties that have been zoned for decades to protect the special character of the built and natural form of the street.
- Seaview Road Residents have been actively engaged for over 40 years to ensure that the provision of zoning policy and rules protects the street from development that would undermine its long-established special character.

- Council through the years has undertaken studies that have confirmed the architectural and natural values of the Seaview Road which have informed zoning and policy. There are few streets with the architectural built form and natural spaciousness remaining in Remuera and indeed across the city.
- Seaview Road meets the Overlay criteria in the proposed change.

Decision requested: the confirmation of the Special Character overlay for the Seaview Road properties,
- Even numbers 10, 12, 16 to 56A Seaview Road inclusive
- Odd numbers 1-85 Seaview Road, inclusive.

2204.4

Submission 4

Proposed Planning Provision - Plan Change 78 Maps

Special Character Overlay - extension to include all Seaview Road Remuera

Request that the Special Character overlay be added to additional properties in Seaview Road so that the overlay, as a qualifying matter, covers the whole street.
The additional properties include:
- Even numbers 2-8, 12A, 14, 14A, and 58-72 and
- Odd numbers 61A, 85 to 119 Seaview Road.

Reasons:
- Extension of the Special Character Overlay will support the character of the existing established properties that carry the overlay. Many of the houses in question, are of high architectural merit, set in a high-quality natural treed landscape form and environment. They have distinctive character and contribute to greater amenity values in Seaview Road. The street has coherence and is distinctive. The above properties have intrinsic qualities that warrant inclusion in the special character overlay of the street in a low-density residential zone.
- It is sound planning practice that the zoning and overlays of adjoining/adjacent properties that demonstrate special character features support each other and a coherent special character outcome. Only a special character overlay would provide for the retention of these distinctive qualities, both now and over the passage of time to protect a unique Auckland Street.
- The methodology and scoring system for determining special character overlay as a qualifying matter is challenged.

Decision requested: To extend the Special Character Overlay to the following Seaview Road properties including
- Even numbers 2-8. 12A, 14, 14A, and 58-72 and
- Odd numbers 61A, and 85 to 119 Seaview Road for visual coherence and protection across the entire length of this distinctive street.

2204.5

I wish to be heard in support of my submission -------

I do not wish to be heard in support of my submission ---Yes----

If others make a similar submission, I will consider presenting a joint case with them at a hearing ------

Al*ison Mary Gardner*

James Graham Gardner

_____

Signature of Submitter Date 29 September 2022
(or person authorised to sign on behalf of submitter

Form 5

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To Auckland Council

Name of submitter: Radio New Zealand Limited (*RNZ*)

1 This is a submission on Plan Change 78 to the Auckland Unitary Plan (the Plan Change).

2 RNZ could not gain an advantage in trade competition through this submission.

3 RNZ's submission relates to the whole proposal. The general and specific provisions of the Plan Change that RNZ's submission relates to and the reasons for RNZ's submission are set out in Appendix A below.

4 RNZ seeks the following decision from the local authority:

4.1 Grant the relief as set out in Appendix A;

4.2 Grant any other similar relief that would deal with RNZ's concerns set out in this submission.

5 RNZ wishes to be heard in support of the submission

6 If others make a similar submission, RNZ will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Radio New Zealand Limited by its solicitors and authorised agents Chapman Tripp

_____

Ben Williams
Partner
29 September 2022

Address for service of submitter:

Radio New Zealand Limited
c/- Annabelle Lee
Chapman Tripp
Level 5, PwC Centre
60 Cashel Street
PO Box 2510

Christchurch 8140
Email address: Annabelle.Lee@chapmantripp.com

APPENDIX A

Introduction

1 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates radio transmission facilities at Henderson, Auckland (*RNZ's Facilities* / *the Henderson Site*).

2 Radiocommunication activities at RNZ's Facilities are carried out by RNZ and other broadcasters using equipment that is owned, maintained and operated by each broadcaster. RNZ maintains the infrastructure surrounding the equipment.

3 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's Facilities are an integral and important part of RNZ's national communication network, and it is appropriate that Plan Change 78 (the *Plan Change*) recognises this and provides for RNZ's activities.

4 RNZ's Facilities perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a lifeline utility under the Civil Defence Emergency Management Act 2002).

5 As a lifeline utility, it is critically important that RNZ is not unduly restricted from carrying out activities that are fundamental to the ongoing operation of its transmission activities.

Outcome sought by RNZ

6 In short, RNZ seek that its Facilities at Henderson are recognised as a "qualifying matter" in the Plan Change, as this is required to address safety risks associated with new construction more than 10m tall near RNZ's transmitters. 2206.1

Attachments

7 The following Attachments provide further information about RNZ's submission:

7.1 Attachment 1: RNZ's feedback on Auckland Council's proposed Enabling Act plan change;

7.2 Attachment 2: Technical document for the Henderson Site; and

7.3 Attachment 3: the role of other Legislation and Regulations.

RNZ's Facilities at Henderson

8 RNZ's Facilities at Henderson include:

8.1 transmission facilities at Selwood Road, including a 122m aerial mast with ancillary equipment, buildings and a transmission building containing 15 radio transmitters and a backup power generator; and

8.2 a 153m mast at Triangle Road, and associated ancillary equipment.

9 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to the Auckland Region and surrounding areas. The rest of the facility consists of underground wires and cables.

10 Existing AM transmission sites around New Zealand were selected when it was possible to obtain the optimum locations from a coverage point of view. RNZ's Facilities at Henderson are a very good example of this, using the surrounding geography and seawater path in Manukau Harbour to maximise regional overage to the Auckland, Waikato and lower Northland.

11 Figure 1 below shows the range of RNZ's National AM coverage from the Henderson Site. The green area is the rural grade coverage area and the yellow area is suburban grade coverage. The coverage extends from Whangarei in the north through to south of Hamilton.

Figure 1: Extent of National AM coverage from the Henderson Site.

12 The Henderson RNZ Site is designated (7300 and 7301) for Telecommunication and Radio Communication Facilities in the Operative Auckland Unitary Plan.

RNZ's submission – general comments

13 RNZ welcomes the opportunity to submit on the Plan Change to give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) and to introduce medium density residential standards (*MDRS*). We outline RNZ's submission specific to the Enabling Housing Act process below.

14 RNZ provided feedback on Auckland Council's proposed Enabling Act Plan Change. This is included as Attachment 1 and explains why MDRS standards in close proximity to its transmission infrastructure are inappropriate.

15 It is important that the Council have regard to RNZ's Facilities, as a lifeline utility, in a way that ensures RNZ can continue to undertake daily operations, maintenance and upgrades of its Facilities as required. Attachment 2 explains constraints and considerations for the development of land around the Henderson Site.

16 RNZ has operated high power AM transmission from the Henderson Site for over 80 years. As the Auckland region has grown, housing and other developments have been constructed right up to the boundary of the Henderson Site. RNZ is concerned with increased intensification near the Henderson Site, which has the potential to increase safety risks and reverse sensitivity effects as explained below.

Reverse sensitivity

17 RNZ's transmitters across the country are particularly susceptible to reverse sensitivity effects and it is critically important that these effects, which have the ability to significantly restrain RNZ's operations, are avoided.

18 Reverse sensitivity effects are adverse effects that new (or intensified) "sensitive" land use can have on existing activities. For example, in relation to RNZ's Facilities:

18.1 Residents may be unhappy if they can see large radio masts from their houses.

18.2 Nearby residents may be unhappy that, on the occasions it is used, RNZ's back-up generator makes a certain amount of noise.

18.3 RNZ has had direct experience of people who live near some of its sites, complaining about the interference to their electronic devices after they have purchased land and built a house near a transmitter (television reception and, potentially, broadband, telephone signals, burglar alarms and intercom units can be adversely affected near a transmitter).

18.4 Residential developers of adjacent properties, in RNZ's experience, do not widely understand the importance of compliance with relevant electro-magnetic radiation (*EMR*) regulations. There is a risk structures will be constructed that do not meet these regulations, which can be dangerous to both construction staff and occupants of those structures.

19 RNZ has in the past had to relocate transmitter facilities as a result of increased complaints from new residents moving near its facilities. This is a last resort for RNZ and is extremely disruptive and costly.

RNZ's management of electromagnetic radiation

20 The effects of EMR from the RNZ transmitter masts are not well understood across New Zealand. Radiation from the masts can induce dangerous EMR levels into nearby tall metallic objects through EMR coupling.

21 There are two types of physical effects which can arise from EMR exposure. When assessing the RF fields and determining the General Public Exclusion Zone (where public access is restricted), RNZ consider both of these effects:

21.1 Thermal effects are tissue heating and heat stress.

21.2 Athermal effects are electro-stimulation of the nervous system, acoustical sensations, and electrical shocks and burns associated with touching passively energised metallic objects in the RF field.

22 Outside the General Public Exclusion Zone (i.e. within ~500m and ~1km radii), the primary concern for RNZ is parasitic re-radiation. This occurs when a tall structure absorbs and re-radiates energy from a mast, and is a common issue with cranes and 'Elevated Work Platforms' near AM transmitter sites. In some cases, people can receive contact burns from metallic objects, or work at heights that expose them to EMR levels above general public limits. Controls are therefore required around the crane or Elevated Work Platform to achieve compliance with safety standards.

23 RNZ manage the very high EMR levels close to the mast in line with current and international radiation standards, and take these into account when setting the General Public Exclusion Zone. However, structures outside RNZ's immediate control, but nevertheless in close proximity to the masts, also need to be carefully managed.

24 There is a risk that developers of adjacent properties unknowingly design and build structures which do not meet NZ EMR regulations which is dangerous to both construction staff and occupants of those structures.

25 Unfortunately, these health and safety issues are not commonly realised or understood. The primary danger is lack of awareness, and RNZ are generally only alerted to health effects when people nearby working with elevated structures start receiving burns.

26 For this reason, RNZ frequently works with other infrastructure providers and construction companies to maintain the safety of workers. EMR management is a process of analysing proposed work or structures and developing controls to ensure compliance with standards as outlined in Attachment 3. The primary controls used to eliminate the risk to people are down-powering the radio transmitters or turning them off for the duration of the work. This can result in work having to be carried out overnight when the transmitters can be turned off, to minimise the impact on radio listening audiences.

27 The risk of EMR coupling between RNZ masts and other structures is directly related to how far the structure is from the mast and the vertical height of the structure, along with the strength of the signal. For example, it has been determined that for RNZ's Facilities at the Henderson Site:

27.1 Structures greater than 10m in height within 565m of the mast will most likely result in EMR levels exceeding public limits. This raises the risk of shocks and/or burns from contact with large metallic objects, including temporary structures like cranes. This is a significant health and safety risk to workers and the public.

27.2 Structures greater than 10m in height between 565m and 1,130m of a mast may result in EMR levels exceeding public limits which again could result in shocks and/or burns from contact with large metallic objects.

28 RNZ is therefore concerned to ensure that these effects are understood and recognised through the Plan Change.

Other legislation and regulations are insufficient

29 RNZ manage EMR risks by:

29.1 ensuring RNZ staff and contractors are fully aware and compliant with the regulations described and in Attachment 3;

29.2 engaging in planning processes to ensure that inappropriate buildings are not constructed in close proximity to RNZ's infrastructure without appropriate safety measures in place; and

29.3 working with infrastructure/construction providers responsible for nearby structures to ensure EMR management controls are established.

30 Other regulations and legislation do not adequately manage the effects of EMR outside the area of RNZ's direct control. Nevertheless, failure to manage EMR effects within ~500m and ~1km can cause serious health and safety risks to people.

31 Further discussion of other regulatory requirements are set out in Attachment 3.

The Plan Change

32 The Enabling Housing Act requires Auckland Council to apply Medium Density Residential Standards (*MDRS*) to relevant residential zones. The Council may make the standards less enabling of development in a particular area if necessary to accommodate a "qualifying matter".

33 Plan Change 78 proposes to incorporate MDRS in residential areas adjacent to RNZ's Facilities. RNZ is cognisant that its Facilities at Henderson are already, to some extent, in close proximity to a range of residential development and it is in no way seeking to unreasonably restrict provision for increased housing supply. Around the Henderson Site itself there are already over 150 existing homes near the site, and several hundred further from the site which have been successfully constructed and occupied for decades without issue.

34 However, development to MDRS standards near RNZ's Facilities with the associated increase in height limits is not appropriate and is likely to increase safety risks and reverse sensitivity effects as outlined in this Appendix A.

35 Radiocommunication facilities are not listed in the National Policy Statement on Urban Development 2020 (*NPS-UD*) as "nationally significant infrastructure", nor do they squarely fall within the specific qualifying matter categories listed in new s 77I of the Resource Management Act (*RMA*). However, the Council is able to identify as a qualifying matter "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area" provided s 77L RMA is satisfied.

36 Incorporation of MDRS standards in close proximity to RNZ's existing radiocommunication transmitter facilities is inappropriate. RNZ seeks recognition of its infrastructure as a "qualifying matter" in the Plan Change, justifying limits on MDRS height limits for development within a 1,130m radius of each mast.

Section 77J Enabling Housing Act

37 The relevant matters to be considered in relation to an evaluation report under section 77J are discussed below.

Demonstrate why the territorial authority considers: (i) that the area is subject to a qualifying matter; and (ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)).

38 Figure 2 below identifies the location of RNZ's Facilities from which it is proposed a qualifying matter would extend out to a 1,130 metre radius from the site. As explained above and in Attachment 1, inappropriate development located within this radius has the potential for safety and reverse sensitivity effects. The figure also shows a smaller 565m radius within which more stringent controls and an even smaller radius within which no structures should be allowed (which largely consists of land within RNZ's control).

Figure 2: Proposed extent of qualifying matter for Henderson Site

39 RNZ assumes that construction of any significant infrastructure of a significant height beyond 1,130 metres of the Henderson Site will trigger an EMR assessment as a matter of course. The risk increases with the height and size of the development and major infrastructure industries are generally aware of and manage their own EMR risks. Therefore, the extent of the qualifying matter need not extend further than 1,130m from RNZ's transmitter.

40 The content above explains the risk of safety and reverse sensitivity effects where inappropriate development is located in close proximity to RNZ's Facilities. Development should be subject to reasonable restrictions within the 1,130 metre radius to protect nearby structures and residents from safety risks, and also to reduce the risk of reverse sensitivity effects.

41 Building height limits contained in the MDRS are inappropriate within 565 metres of RNZ's Facilities, and may be inappropriate within 1,130 metres (subject to construction materials). We have outlined the specific characteristics of RNZ's Facilities which make this inappropriate above and in Attachment 2. Unrestricted development to MDRS standards should be avoided within these areas as a matter of health and safety, as well as a matter of secure and efficient functioning of radiocommunications.

42 MDRS standards allow buildings up to 11 metres in height. As explained, this is inappropriate near RNZ's Facilities. RNZ consider that height limits should be the same as existing rules in the operative (and proposed) Auckland Unitary Plan.

42.1 Within 565 metres of the Henderson Site masts, there should be no structures above 10 metres in height unless designed in conjunction with RNZ, including a detailed EMR assessment to ensure the building or structure complies with EMR standards; and

42.2 Within 1,130 metres of the Henderson Site masts, the design of any structure above 10 metres in height must include a site-specific and construction materials-specific EMR assessment to ensure the structure does not compromise the safety of workers or occupants. RNZ consider that buildings within this area should be restricted to 10 metres in height, unless RNZ provide written approval that the site and construction materials are appropriate. It is important that RNZ work with developers to ensure that workers and/or occupants are not exposed to unsafe EMR levels.

43 RNZ notes that surrounding neighbouring residential land in the operative Auckland Unitary Plan is zoned Single House and Mixed Housing Suburban and buildings are currently limited to 9 metres in height.

44 RNZ does not seek any other modifications to density standards, as development below 10m is not associated with increased risk, and RNZ does not seek any limits on changed density standards within this height limit.

Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity (s77J(3)(b))

45 Although the 1,130 metre radius will cover a large number of residential sites, development capacity will not be restricted in most of this area, provided that proper construction safety measures are taken. Although some development capacity will be limited by the 10 metre height limit within 565 metres, most of these sites are currently single dwellings with significant scope remaining for intensification below 10 metres. This is evident in the operative Single House 'zone description' which describes it as "*generally characterised by one to two storey high buildings consistent with a suburban built character*". Furthermore, buildings and structures exceeding 10 metres may be allowed within the 565 metre radius where RNZ has had input into the design.

46 The qualifying matter proposed for RNZ's Facilities would still allow construction of two storey residences (where these do not exceed 10 metres in height) within 565 metres of RNZ's Facilities. And would still allow development consistent with the MDRS between 565 and 1,130 metres of RNZ's Facilities provided the construction methods and materials used are appropriate.

Assess the costs and broader impacts of imposing those limits (s77J(3)(c))

47 RNZ consider the costs of imposing height controls within 1,130 metres of the Henderson Site to be minor. As stated above, the proposed 565 metre restriction

only applies to a relatively small number of residential sites, and intensification can still continue above 10 metres between 565 and 1,130 metres, provided appropriate safety controls are followed. Furthermore, buildings and structures exceeding 10 metres may still be allowed within the 565 metre radius where RNZ has had input into the design. The additional compliance costs for a structure higher than 10 metres are likely to be small in most cases and in any case are a justified measure to ensure public safety.

48 On the other hand, there are significant benefits to their inclusion as part of the MDRS process, as well as a range of costs for failing to do so. Imposing building height limits within 1,130 metres of the Henderson Site as part of the MDRS process would significantly reduce the likelihood of EMR related health and safety risks. It would ensure that RNZ is able to continue to operate its essential radio transmission services at the Henderson Site.

49 The potential costs to RNZ for failing to include height limits are as follows:

49.1 Mitigation of EMR issues in buildings, once established, could be complex and some issues may not even be solvable. Further, there is the added difficulty of who should bear the costs of mitigation.

49.2 At the extreme, it is possible that reverse sensitivity effects from intensification around RNZ's Facilities may force RNZ to have to relocate. As discussed above, this has occurred in other locations in the past. If RNZ were forced off the existing Henderson Site, there are no alternative locations that would be able to replicate the existing coverage, with implications for civil defence functions. In addition, it is now very difficult to obtain resource consent to construct 100 to 153 metre masts. RNZ estimate a new site could run to $5-10 million or more.

Section 77L

50 The site specific analysis required by section 77L is largely covered by the information relevant to section 77J explained above. For completeness, this is summarised below.

Identify all specific sites to which controls are to be applied (section 77L(c)(i))

51 The specific sites to which 10 metre height limits are appropriate are shown in Figure 2 above as are the reasons for this geographic area. RNZ are happy to work with Council to identify specific land parcels where MDRS standards would not be appropriate.

Evaluate the specific characteristics on a site specific basis to determine the geographic area where intensification needs to be compatible with the specific matter (section 77L(c)(iii))

52 MDRS standards allow buildings up to 11 metres in height, which is inappropriate near RNZ's Facilities. For reasons outlined above, RNZ consider that:

52.1 Within 565 metres of the Henderson Site, there should be no structures above 10 metres in height unless designed in conjunction with RNZ, including a detailed EMR assessment to ensure the building or structure complies with EMR standards; and

52.2 Within 1,130 metres of the Henderson Site, the design of any structure above 10 metres in height must include a site-specific and construction materials-specific EMR assessment.

53 The proposed changes apply to all sites within these distances. RNZ does not seek any other modifications to density standards, as development below 10m is not associated with increased risk, and RNZ does not seek any limits on changed density standards within this height limit.

Identify a range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics (Section 77L(c)(iii))

54 RNZ's proposed qualifying matter also achieves the greatest MDRS densities possible without compromising health and safety.[1] Evidence has established that there is a real risk of EMR coupling, and associated health effects, between RNZ's transmitter mast and buildings constructed above 10 metres in height when these are located too close together. The only way to manage this risk is via height limits.

55 We reiterate that height limits contained in the Operative Auckland Unitary Plan are already limited to 10 metres. The qualifying matter proposed for RNZ's Facilities would still readily allow construction of two storey residences (where these do not exceed 10 metres in height) within 565 metres of RNZ's Facilities. Development consistent with MDRS would still be enabled between 565 and 1,130 metres of RNZ's Facilities provided construction methods and materials used are appropriate.

56 The proposed 10 metre height limit is the only option available to protect people from unsafe EMR levels. Additionally, in RNZ's view, it does not significantly or unreasonably impact the provision for development capacity.

Changes sought

57 RNZ primarily seek recognition of its radiocommunication activities at Henderson as a qualifying matter in the Plan Change, justifying height limits of 10m as opposed to the 11m permitted under MDRS. 2206.1

58 Table 1 below outlines RNZ's requested relief on the Plan Change, with suggested amendments indicated in red underline. The reasons for this relief are set out in Appendix A above. RNZ is happy to consider alternative relief or other wording that would give effect to these outcomes.

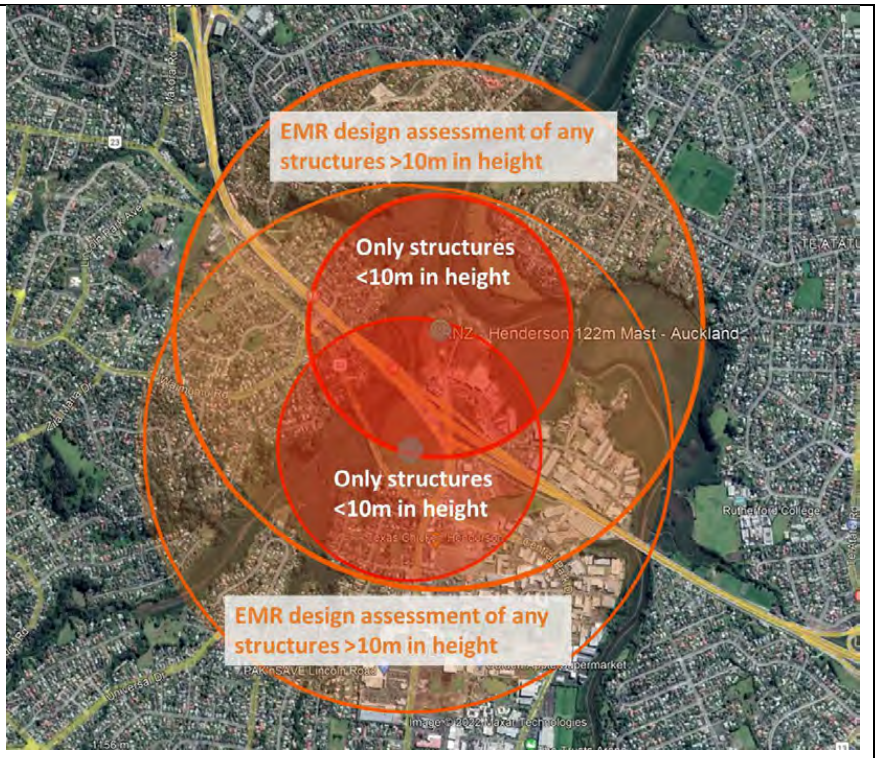
Table 1: RNZ's requested relief on the Plan Change

Provision	Requested relief

[1] As required by Section 77(c)(iii)

New qualifying matter	"Radiocommunication Transmission – requires modification to permitted building and structure heights to manage the effects of electromagnetic radiation."	2206.1
Mixed Housing Urban Zone	Insert new policy as follows ... (x) Building height is restricted near Radio New Zealand's radiocommunication Facilities to manage safety risks associated with taller structures absorbing and re-radiating energy from the Facilities.	2206.2
Mixed Housing Urban Zone	Amend H5.6.4 Building Height as follows: H5.5.4 Building Height ... (3) Buildings located within Height Control - Radiocommunication Transmission as shown on the planning maps must not exceed 10 metres in height unless: a. the building has been designed in conjunction with Radio New Zealand, and a detailed EMR assessment has been carried out to ensure the building or structure complies with electromagnetic radiation safety standards; or b. The building or structure is located 565 metres or more from Radio New Zealand's radiocommunication Facilities, and it can be shown that, in consultation with Radio New Zealand, the building or structure is constructed of materials that comply with electromagnetic radiation standards.	2206.3
Low Density Residential Zone	Retain H3A.6.7(1) Building Height as notified. (Note, if increased height limits are considered for areas zoned LDRZ within 1,130m of RNZ Facilities, then RNZ seeks similar provisions as proposed for the MHUZ)	2206.4
Terrace Housing and Apartment Building Zone	Insert new policy as follows ... (x) Building height is restricted near Radio New Zealand's radiocommunication Facilities to manage safety risks associated	2206.5

	with taller structures absorbing and re-radiating energy from the Facilities.	2206.5
Terrace Housing and Apartment Building Zone	Amend H6.6.5 Building Height as follows: H6.6.5 Building Height ... (2) Buildings located within Height Control - Radiocommunication Transmission as shown on the planning maps must not exceed 10 metres in height unless: a. the building has been designed in conjunction with Radio New Zealand, and a detailed EMR assessment has been carried out to ensure the building or structure complies with electromagnetic radiation safety standards; or b. The building or structure is located 565 metres or more from Radio New Zealand's radiocommunication Facilities, and it can be shown that, in consultation with Radio New Zealand, the building or structure is constructed of materials that comply with electromagnetic radiation standards.	2206.6
Planning maps	Amend planning maps to identify sites subject to RNZ's proposed Radiocommunication Transmission qualifying matter. The spatial extent is demonstrated by the outer perimeter of each orange line:	2206.7

59 RNZ technical staff would welcome the opportunity to discuss the risks explained in this submission and relevant Attachments, and the reasons for seeking the relief in Table 1. RNZ are ready and willing to engage with Council's planners on specific drafting in the Plan Change.

CONCLUSION

60 For the reasons outlined in above, RNZ's Facilities at Henderson should be included as a "qualifying matter" in the Plan Change.

ATTACHMENT 1: RNZ'S FEEDBACK ON AUCKLAND **COUNCIL'S PROPOSED** ENABLING ACT PLAN CHANGE

FEEDBACK ON PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN RESPONDING TO HOUSING INTENSIFICATION REQUIREMENTS

To Auckland Council

Introduction

1 Radio New Zealand Limited (RNZ) seeks the opportunity to provide preliminary feedback on the proposed changes to the Auckland Unitary Plan to enable increased housing supply (*proposed Plan Changes*), and specifically the incorporation of matters related to the continued operation, maintenance and improvement of RNZ's national transmission network.

2 The Resource Management (Enabling Housing Supply) Act 2021 (*Enabling Housing Act*) requires Council to apply medium density residential standards (*MDRS*) to relevant residential zones. The Council may make the standards less enabling of development in a particular area if necessary to accommodate a "qualifying matter".

3 Radiocommunication facilities are not listed in the National Policy Statement on Urban Development 2020 (*NPS-UD*) as "nationally significant infrastructure", nor do they squarely fall within the specific qualifying matter categories listed in new s 77I of the Resource Management Act (*RMA*). However, the Council is able to identify as a qualifying matter "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area" provided s 77L RMA is satisfied.[1]

4 Incorporation of MDRS standards in close proximity to RNZ's existing radiocommunication transmitter facilities is inappropriate, as we explain below. RNZ therefore seeks recognition of its infrastructure in Auckland as a "qualifying matter" in the proposed Plan Changes.

RNZ background

5 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates radio transmission facilities at Henderson, Auckland (*RNZ's Facilities / the Henderson Site*).

6 Radiocommunication activities at RNZ's Facilities are carried out by RNZ and other broadcasters, using equipment that is owned, maintained and operated by each broadcaster. RNZ maintains the infrastructure surrounding the equipment.

7 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's Facilities are an integral and important part of RNZ's national communication network and perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002).

8 As a lifeline utility, it is critically important that RNZ is not unduly restricted from carrying out activities that are fundamental to the ongoing operation of its transmission activities.

[1] Resource Management (Enabling Housing Supply) Amendment Act. Section 77I(j).

RNZ's Facilities at Henderson, Auckland:

9 RNZ's Facilities at Henderson include:

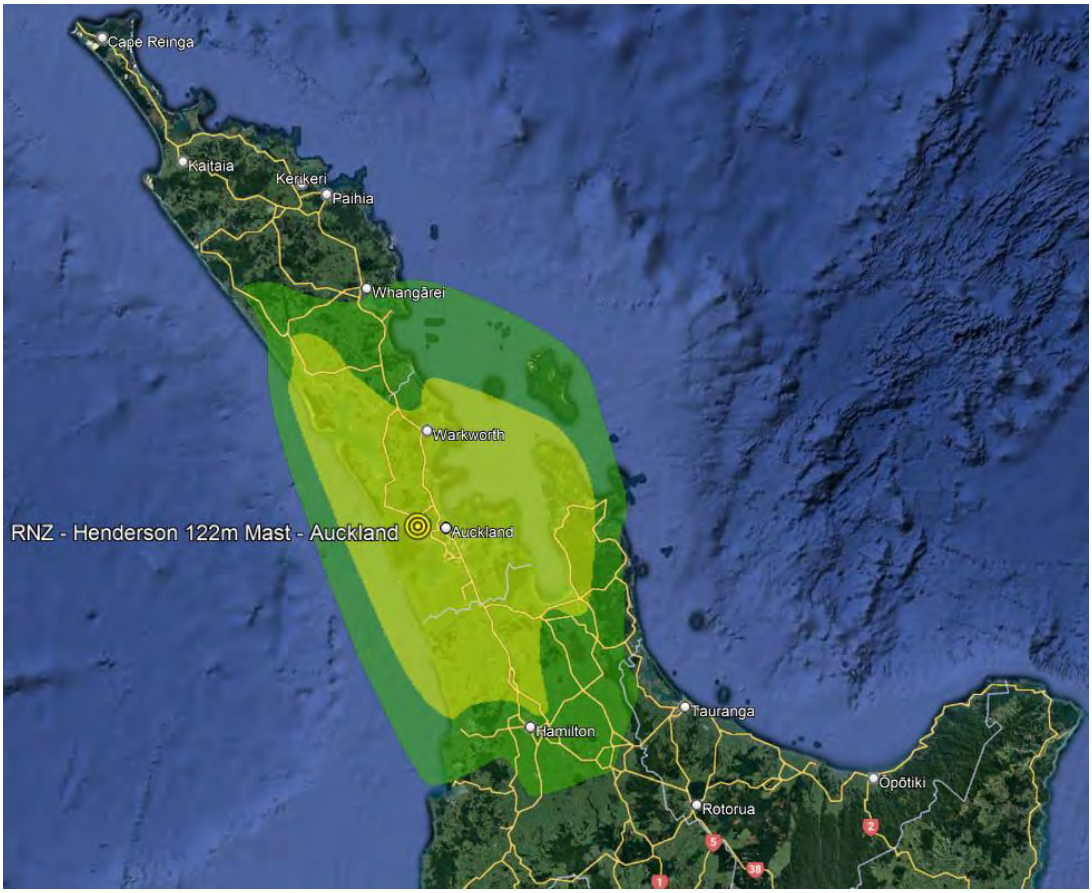
9.1 transmission facilities at Selwood Road, including a 122 aerial mast with ancillary equipment, buildings and a transmission building containing 13 radio transmitters and a backup power generator; and

9.2 a 153 mast at Triangle Road, and associated ancillary equipment.

10 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to the Auckland Region and surrounding areas. The rest of the facility consists of underground wires and cables.

11 Existing AM transmission sites around New Zealand were selected when it was possible to obtain the optimum locations from a coverage point of view. RNZ's Facilities at Henderson are a very good example of this, using the surrounding geography and seawater path in Manukau Harbour to maximise regional coverage to the Auckland, Waikato and lower Northland.

12 Figure 1 below shows the range of RNZ's National AM coverage from the Henderson Site. The green area is the rural grade coverage area and the yellow area is suburban grade coverage. The coverage extends from Whangarei in the north through south of Hamilton.



13 The Henderson RNZ Site is designated (7300 and 7301) for Telecommunication and Radio Communication Facilities in the Auckland Unitary Plan.

RNZ's concerns with incompatible activities

14 It is important that the proposed Plan Changes have regard to RNZ's Facilities, as a lifeline utility, in a way that ensures RNZ can continue to undertake daily operations, maintenance and upgrades of its Facilities as required.

15 RNZ has operated high power AM transmission from the Henderson Site for over 80 years. As the Auckland region has grown, housing and other development has been constructed right up to the boundary of both RNZ's Henderson sites without any major issues. However, RNZ is concerned with increased intensification near the Henderson Site which has the potential to increase safety and reverse sensitivity effects.

16 We attach as Appendix 1 a document explaining constraints and considerations for the development of land around the Henderson Site and summarise these matters below.

Reverse sensitivity

17 RNZ's transmitters across the country are particularly susceptible to reverse sensitivity effects and it is critically important that these effects, which have the ability to significantly restrain RNZ's operations, are avoided.

18 Reverse sensitivity effects are adverse effects that new (or intensified) "sensitive" land use can have on existing activities. For example, in relation to RNZ's Facilities:

18.1 Residents may be unhappy if they can see large radio masts from their houses.

18.2 Nearby residents may be unhappy that, on the occasions it is used, RNZ's back-up generator makes a certain amount of noise.

18.3 RNZ has had direct experience of people, who live near some of its sites, complaining about the interference to their electronic devices after they have purchased land and built a house near a transmitter (television reception and, potentially, broadband, telephone signals, burglar alarms and intercom units can be adversely affected near a transmitter).

18.4 Residential developers of adjacent properties, in RNZ's experience, do not widely understand the importance of compliance with relevant electro-magnetic radiation (*EMR*) regulations. There is a risk structures will be constructed that do not meet these regulations, which can be dangerous to both construction staff and occupants of those structures.

19 RNZ has in the past had to relocate transmitter facilities as a result of increased complaints from new residents moving near its facilities. This is a last resort for RNZ and is extremely disruptive and costly.

The risk of electromagnetic radiation in proximity to RNZ facilities

20 The effects of EMR from the RNZ's transmitter masts are not well understood across New Zealand. Radiation from the masts can induce dangerous EMR levels into nearby tall metallic objects through EMR coupling.

21 RNZ manage the very high EMR levels close to the masts in line with current NZ and international radiation standards. However, structures outside RNZ's immediate control, but nevertheless in close proximity to the masts, also need to be carefully managed.

22 There is a risk that developers of adjacent properties unknowingly design and build structures which do not meet NZ EMR regulations which is dangerous to both construction staff and occupants of those structures.

23 The risk of EMR coupling between RNZ masts and other structures is directly related to how far the structure is from the mast and the vertical height of the structure, along with the strength of the signal. For example, it has been determined that for RNZ's Facilities at the Henderson Site:

23.1 Structures greater than 10m in height within 565m of a mast will most likely result in EMR levels exceeding public limits. This raises the risk of shocks and/or burns from contact with large metallic objects, including temporary structures like cranes. This is a significant health and safety risk to workers and the public.

23.2 Structures greater than 10m in height between 565m and 1,130 m of a mast may result in EMR levels exceeding public limits which again could result in shocks and/or burns from contact with large metallic objects.

24 RNZ is therefore concerned to ensure that these effects are understood and recognised throughout the Council's Enabling Housing Act process.

Proposed Plan Changes and RNZ's Infrastructure

25 The proposed Plan Changes indicate MDRS will apply to residential areas adjacent to RNZ's Facilities. The location of RNZ's Facilities relative to the proposed Mixed Housing Urban Zone is shown as Figure 2 below.

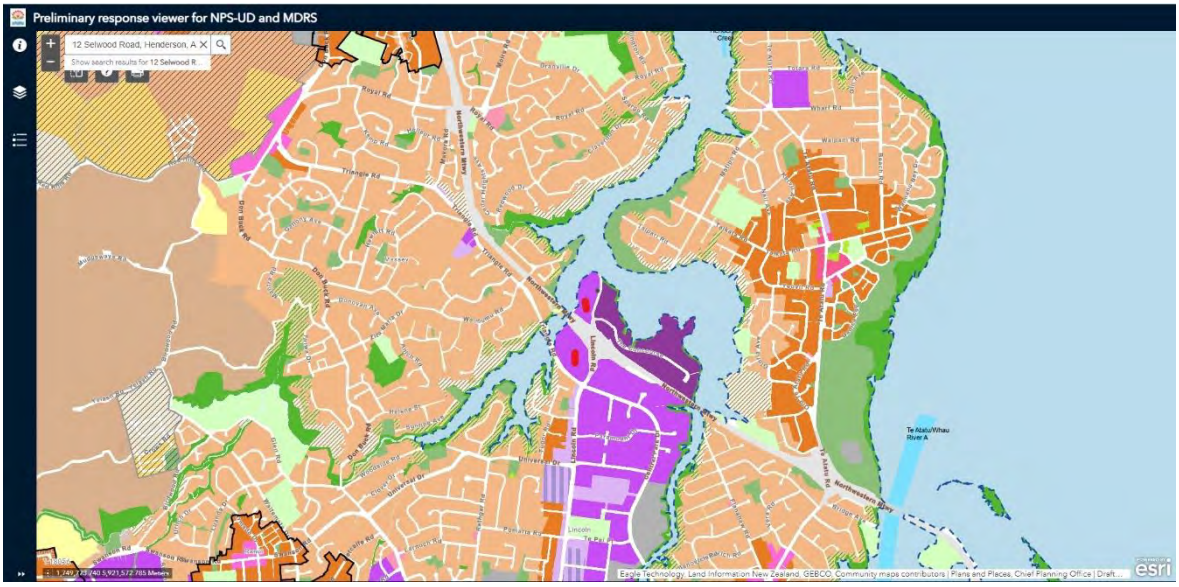


Figure 2: RNZ's Facilities at Henderson (indicated in red) relative to the proposed Mixed Housing Urban Zone (indicated in orange)

26 RNZ is cognisant that its Facilities at Henderson are already, to some extent, in close proximity to residential development and it is in no way seeking to unreasonably restrict provision for increased housing supply. Around the Henderson Site itself there are already over 150 existing homes near the site, and several hundred further from the site which have been successfully constructed and occupied for decades without issue.

27 However, development to MDRS standards near RNZ's Facilities is not appropriate and is likely to increase safety and reverse sensitivity effects outlined above. RNZ therefore seeks that the proposed Plan Changes recognise radiocommunication activities at the Henderson Site as a "qualifying matter", justifying limits on MDRS height limits for development within a 1,130m radius of each mast.

Accommodation of radiocommunication infrastructure protection as a qualifying matter

28 Council's Information Sheet #5: Medium Density Residential Standards states:

> *"… In its proposed plan change required to be notified by August 2022, the council may only propose changing the MDRS to:*
>
> - *…*
> - *Reduce the height and density of buildings on an identified sites are areas if a qualifying matter applies."*

29 We understand that Council have indicated the items it considers are "qualifying matters" and that this includes land subject to designations.[2] The Henderson Site itself, being covered by designations 7300 and 7301, will be protected as a qualifying matter in the proposed Plan Changes. However, this does not protect land within the 1,130 metre radii outlined above. The notified Plan Changes must identify the 1,130 metre radii around RNZ's masts as the applicable qualifying matter.

30 Rules in the proposed Plan Changes which implement MDRS have immediate legal effect upon notification, except in areas where a qualifying matter applies.[3] If Council do not recognise RNZ's Facilities as a qualifying matter there is a risk that dangerous structures, for example those exceeding 10 metres in height, are constructed near RNZ's transmitter as a permitted activity following notification of the variation. It is therefore important that the proposed Plan Changes provide for RNZ's Facilities as a qualifying matter within the notified plan changes.

31 Current building height limits in nearby residential zones (Single House and Mixed Use Suburban) are 8 metres, which does not create safety concerns from RNZ's perspective. However, the issue of height limits within 1,130 metres of the Henderson Site masts is not itself addressed through a rule in the operative Auckland Unitary Plan. It is therefore a qualifying matter that must be assessed pursuant to s77J of the Enabling Housing Act. In the time available, RNZ has not been able to provide all information necessary for a complete assessment, but we set out high-level information below and RNZ are happy to work with Council to provide additional detail.

32 We understand that Council have proposed overlays and other items identified as qualifying matters.[4] We note that this includes other significant infrastructure and RNZ's Facilities, in serving a vital civil defence function, should be similarly categorised and provided for in the proposed Plan Changes. In RNZ's view, the

---

[2] Information Sheet #6 Qualifying Matters (Part 1).

[3] Enabling Housing Act Section 86BA(1).

[4] Information Sheet #6 Qualifying Matters (Part 1) and Information Sheet #7 Qualifying Matters (Part 2).

hazards associated with incompatible building height and EMR coupling justify protection as a qualifying matter.

Demonstrate why the territorial authority considers: (i) that the area is subject to a qualifying matter; and (ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)).

33 Figure 3 below identifies the location of RNZ's Facilities from which it is proposed a qualifying matter would extend out to a 1,130 metre radius from the Site's masts. As explained above and in the attached document, inappropriate development located within these radii has the potential for safety and reverse sensitivity effects. The figure also shows a smaller 565 metre radii within which more stringent controls should apply, and even smaller radiii within which no structures should be allowed (which largely consists of land within RNZ's control).

34 It is noted that RNZ assumes construction of any significant infrastructure of a significant height beyond 1,130 metres of the Henderson Site masts will conduct an EMR assessment as a matter of course. Generally major infrastructure industries are aware of and manage their own EMR risks. Therefore, the location of the qualifying matter need not extend further than 1,130m from RNZ's transmitter masts.

Figure 3: Proposed extents of qualifying matter for Henderson Site

35 The content above explains the risk of safety and reverse sensitivity effects where inappropriate development is located in close proximity to RNZ's Facilities. Development should be restricted within the 1,130 metre radii to protect nearby structures and residents from safety risks, and also to reduce the risk of reverse sensitivity effects.

36 Building height limits contained in the MDRS are inappropriate within 565 metres of RNZ's Facilities, and may be inappropriate within 1,130 metres (subject to construction materials). We have outlined the specific characteristics of RNZ's Facilities which make this inappropriate above and in the attached document. Unrestricted development to MDRS standards should be avoided within these areas as a matter of health and safety, as well as a matter of secure and efficient functioning of radiocommunications.

37 MDRS standards allow buildings up to 11 metres in height. As explained above and in the attached document, this is inappropriate near RNZ's Facilities. RNZ consider that height limits should be the similar to existing rules in the Auckland Unitary Plan.

37.1 Within 565 metres of the Henderson Site masts, there should be no structures above 10 metres in height in order to avoid EMR coupling. RNZ consider that buildings within this area be subject to a 10 metre height limit.

37.2 Within 1,130 metres of the Henderson Site masts, the design of any structure above 10 metres in height must include a site-specific and construction materials-specific EMR assessment to ensure the structure does not compromise the safety of workers or occupants. RNZ consider that buildings within this area be restricted to 10 metres in height, unless RNZ provide written approval that the site and construction materials are appropriate. It is important that RNZ work with developers to ensure that workers and/or occupants are not exposed to unsafe EMR levels.

38 RNZ notes that surrounding neighbouring residential land in the operative Auckland Unitary Plan is zoned Single House and Mixed Housing Suburban and buildings are currently limited to 8 metres in height.

Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity (s77J(3)(b))

39 In the time available, RNZ has not been able to provide detailed calculations as to the amount of development capacity which will be prevented if the proposed height limits within 1,130 metres from the Henderson Site masts are accommodated as a "qualifying matter".

40 Although the 1,130 metre radii will cover a large number of residential sites, development capacity will not be restricted in most of this area, provided that proper construction safety measures are taken. Although some development capacity will be limited by the 10 metre height limit within 565 metres, most of these sites are currently single dwellings with significant scope remaining for intensification below 10 metres. This is evident in operative Single House 'zone description' which describes it as "*generally characterised by one to two storey high buildings consistent with a suburban built character*".

41 The qualifying matter proposed for RNZ's Facilities would still allow construction of two storey residences (where these do not exceed 10 metres in height) within 565 metres of RNZ's Facilities. And would still allow development consistent with the

MDRS between 565 and 1,130 metres of RNZ's Facilities provided construction methods and materials used are appropriate.

Assess the costs and broader impacts of imposing those limits (s77J(3)(c))

42 We consider the costs of imposing height controls within 1,130 metres of the Henderson Site is likely to be minor. As stated above, the proposed 565 metre restriction only applies to a relatively small number of residential sites, and intensification can still continue above 10 metres between 565 and 1,130 metres, provided appropriate safety controls are followed. The additional compliance costs for a structure higher than 10 metres are likely to be small in most cases and in any case are justified measure to ensure public safety.

43 On the other hand, there are significant benefits to their inclusion as part of the MDRS process, as well as a range of costs for failing to do so. Imposing building height limits within 1,130 metres of the Henderson Site as part of the MDRS process would significantly reduce the likelihood of EMR related health and safety risks. It would ensure that RNZ is able to continue to operate its essential radio transmission services at the Henderson Site.

44 The potential costs to RNZ for failing to include height limits are as follows:

44.1 Mitigation of EMR issues in buildings, once established, could be complex and some issues may not even be solvable. Further, there is the added difficulty of who should bear the costs of mitigation.

44.2 At the extreme, it is possible that reverse sensitivity effects from intensification around RNZ's Facilities may force RNZ to have to relocate. As discussed above, this has occurred in other locations in the past. If RNZ were forced off the existing Henderson Site, there are no alternative locations that would be able to replicate the existing coverage, with implications for civil defence functions. In addition, it is now very difficult to obtain resource consent to construct 137 metre masts. RNZ estimate that the cost to remove existing infrastructure at Henderson and to establish a new site could run to $5-10 million or more.

CONCLUSION

45 For the reasons outlined in this feedback, RNZ's Facilities (out to 1,130 metre radii) at Henderson should be included as a "qualifying matter" in the proposed Plan Changes.

46 RNZ would be happy to discuss the matters raised in this feedback further with the Council prior to the notification. As explained, rules which implement MDRS will have immediate legal effect once Council notify the proposed Plan Changes unless a qualifying matter applies. We reiterate the importance of identifying all qualifying matters prior to notification.

_____

Ben Williams
Partner
13 May 2022

Address for service:

Radio New Zealand Limited
c/- Ben Williams / Annabelle Lee
Chapman Tripp
5th Floor, PwC Centre
60 Cashel Street
PO Box 2510
Christchurch 8140
Email address: ben.williams@chapmantripp.com / annabelle.lee@chapmantripp.com

ATTACHMENT 2: TECHNICAL DOCUMENT FOR THE HENDERSON SITE

RNZ Transmission

Electro-magnetic Radiation (EMR) Considerations for the Development of land around the RNZ Henderson Transmission Site

For submission to the Auckland City Council re the Enabling Housing Act

Version	1.1
Status	RELEASE
Author	Michael Wilson, Steve White, RNZ Transmission Group
Effective Date	12 May 2022
Classification	IN CONFIDENCE: RNZ and Auckland City Council

Contents

Summary 3

Introduction 4

Background 4

Context 4

Constraints and Considerations 5

EMR Constraints and Considerations 6

Implications for Development of Sites Adjacent to the RNZ Henderson AM Transmission Site 8

Management / Mitigation of Issues / Risks 11

International and NZ EMR Standards 11

Document Control 12

Version history 12

Summary

RNZ has successfully operated its AM transmission sites in and alongside communities for over 80 years. Good engagement, an awareness of the unique features of our sites, and a collaborative approach ensures that any of the risks identified in this paper can be readily mitigated.

Many of RNZ's sites operate successfully with residential and small-scale commercial neighbours with minimal impact on each other. Around the Henderson site itself there are already over 150 existing homes near the site, and several hundred further from the site which have been successfully constructed and occupied for decades without issue.

This paper provides the Auckland Council with an awareness of the unique features of the RNZ site, in particular the unseen way in which radio masts work. All radio transmitters such as cell phones, cell towers, and broadcasting masts emit Radio Frequency signals (electro-magnetic radiation – EMR). This type of radiation is non-ionising (does not cause cellular damage to humans) and is non-cumulative (does not build up or persist in the environment) and is well understood and governed by strong international and national standards and regulations. However, it can affect both structures or more likely the construction of those structures built adjacent to the transmission site.

As any development at Henderson will be alongside the active RNZ masts, RNZ and its neighbours will need to work together to ensure that the radio transmissions from the RNZ site does not present any issues. RNZ actively manages and maintains its EMR emissions well within NZ and International standards, and as a good neighbour wants to make the Auckland Council aware of the need to consider EMR in the design and construction of building structures.

The development of the property around the RNZ Henderson site will not be affected by the transmissions from the RNZ site, as long as some basic rules and good practices are followed. These rules and good practices should be incorporated into the District Plan.

The three key points are:

1. **Building structures must be <10m in finished height, if the structure is within 565m of each of RNZ's transmission masts**

2. **Building structures of greater than 10m in height on the site that are greater than 565m from RNZ's masts will require due consideration of their design** to ensure they are not affected by the RNZ AM transmission site

3. **Some simple work construction practices** will ensure the safety of those using tall cranes and other temporary tall structures on the site, which can be affected by the RNZ transmissions

The following paper shows how the mast works, the risks associated with construction near an active broadcasting mast and the simple rules and approaches to minimise any risks.

Introduction

Background

This document provides the Auckland Council a view of the constraints and considerations required when developing any land on or around the RNZ Henderson AM transmission site.

Context

RNZ has operated a high power AM transmission site from Henderson for over 80 years. As the Auckland region has grown over that time, housing and other developments have been located right up to the boundary of the both RNZ's Henderson sites, without any long-term issues that we are aware of. This is consistent with other sites we have in NZ with nearby housing.

While there are opportunities for further development around Henderson, the presence of a high power AM transmission site places some constraints on the use of the land, and also presents some risks that need to managed for both the design, construction and occupancy of building structures near the site.

This is driven by the standards required to limit human exposure to non-ionising EMR Radiation. See the *NZ and International Standards* section of this document.

Constraints and Considerations

A high-power AM transmission site has several key characteristics that need to be considered when looking to develop land adjacent to the site:

Dimension	Considerations	Type
Visual	• The AM transmission masts are >100m high steel guyed masts, which are prominent on the site. One mast also has aviation beacons attached to the mast.	Reverse sensitivity: RNZ has permission to install and operate the masts, and while seen by many as a landmark in the Auckland region, others may consider them an eyesore, particularly those living in proximity to the masts.
Audible	• AM transmission masts and guy wires generate audible noise in the wind.	Reverse sensitivity: While RNZ has permission to install and operate the masts, there is potential objection from people living close to the masts to the noise it generates, particularly in high winds. However as there is a major state highway infrastructures around the two masts and Henderson is not subject to the same severe wind as other RNZ sites, this risk of this is low.
	• In order to ensure continuity of service, RNZ has a large backup power generator on site that produces noise when operating.	Reverse sensitivity: While RNZ has a dispensation to operate the generator and to exceed standard noise limits while doing so, people living close to the mast may still not agree with the noise and/or RNZ's dispensation from normal noise limits. However, as the generator faces out to the estuary and there is a motorway on the other side, the risk of this is very low.
Electro-Magnetic Radiation (EMR)	• The masts transmit medium frequency (0.5-1.5Mhz) radio waves at high power. While this radiation is non-ionising and not harmful to humans at a cellular level, it can induce dangerous voltages / EMR levels into tall metallic objects such as building framing, wiring, plumbing and roof structures.	Compliance with EMR regulations. While actively observed and managed on RNZ sites, EMR risk from transmission sites are not widely understood outside of the industry. Developers of adjacent properties may unknowingly design and build structures which do not meet NZ EMR regulations and are dangerous to both construction staff and occupants of those structures. This is manageable for structures up to 10m and this document highlights the constraints over this height.
	• RNZ manage the very high EMR levels present close to the masts, and protect the public and workers from these, in line with current NZ and international radiation standards. • However, structures outside RNZ's immediate control are also potentially subject to EMR coupling	Reverse Sensitivity: High RF levels can cause issues with the correct operation of household technology, such as remote door openers, radio and TV signals, wifi signals and electronic devices. While the EMR levels may be within regulations, poorly designed home technology devices may not operate correctly, leading to frustration. This again is much lower in risk for structures up to 10m but a higher risk if greater in height.

This paper will focus on the EMR risks and how they can be effectively mitigated.

EMR Constraints and Considerations

As EMR constraints and considerations of a broadcast transmission site are the least well understood outside of the broadcasting industry, this section details what they are and where they apply in and around the Henderson site.

The AM site masts emit non-ionising EMR radiation, which diminishes rapidly the further it travels from the mast. Around the masts, RNZ manages the EMR from the masts, in line with NZ and International standards:

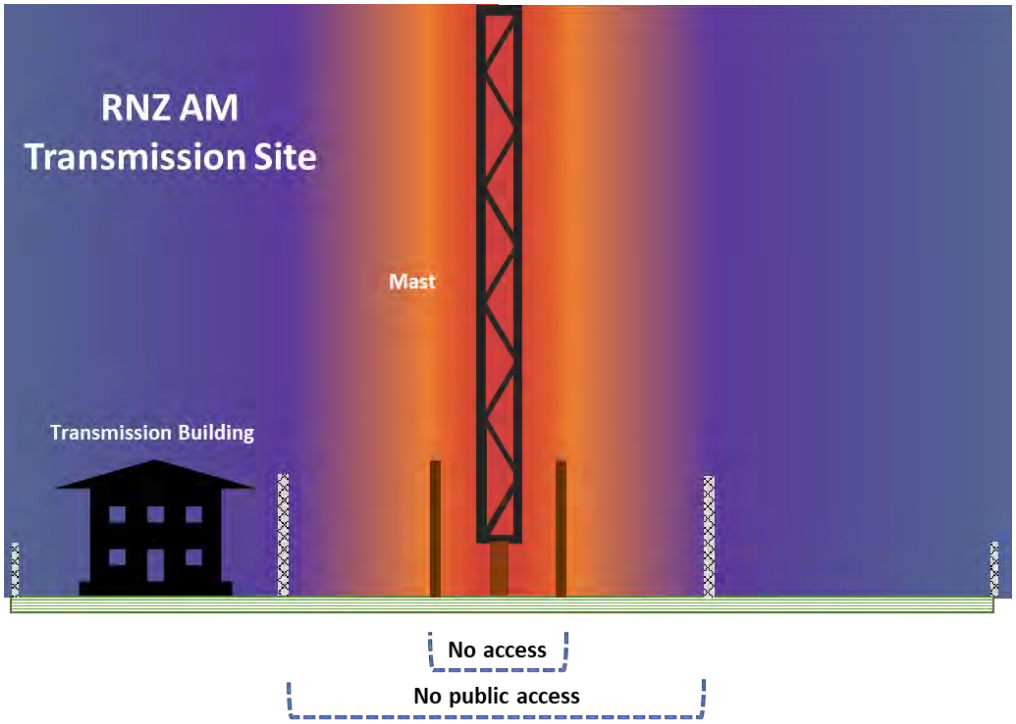


Figure 1: High EMR areas that RNZ has direct control of

This radio transmission works by the transmitter mast emanating a large Electro-Magnetic radio signal, which induces a very small signal in the receiving aerial, or any metallic object. At a distance this induced signal is very small (e.g. 0.010V/m in urban areas, 0.0005V/m in rural areas) and causes no issue, even when a person directly contacts the receiving aerial or metallic object.

However, in structures that are very “close” to the mast, in the case of Henderson, within a kilometre or so of the remaining active mast, this can cause a material risk, due to their proximity**.** The higher risk will be in the use of taller than 10m structures during the construction like cranes and if you have permanent structures greater than 10m in height.

The types of metallic objects that can be affected include:

- Electrical wires
- Copper water pipes
- Metallic downpipes

- Telephone and computer cables
- Reinforcing rod in concrete
- Steel towers and transmission poles
- Power pylons and power cables

The induced EMR is related to how far the object is from the mast, and the vertical height and length of the object, and is concentrated around these metallic objects:

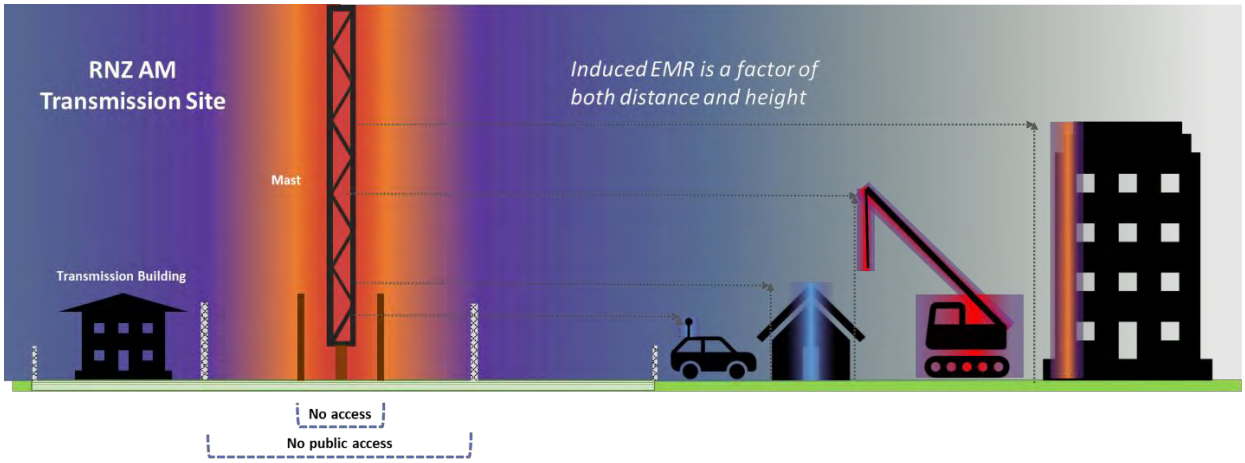


Figure 2: Areas where EMR issues may arise, but are outside of RNZ's direct control

In terms of the RNZ Henderson site, there are five zones around the masts, the last two of which are relevant to developments outside RNZ's boundary:

Zone	Responsibility for Managing EMR Risks	Risks Present	Other Concerns
Immediate area around the mast <5m from the mast	**RNZ** – this area is protected with a high vertical timber fence, barbed wire and is locked shut, with signage to denote the risk of shock and radiation exposure	Severe burns or cardiac arrest if a person were to come in contact with the mast EMR exceeds internationally agreed levels for trained RF workers at this distance from the mast.	When in operation, no persons are permitted in this area.
Mast compound <45m from the mast	**RNZ** – this area is protected with a mesh wire fence, barbed wire and is locked shut. There is also signage advising of the non-ionising radiation risk inside the compound.	EMR exceeds internationally agreed levels for members of the public inside this distance from the mast.	Only trained RF workers are permitted in this area when the mast is in operation.
Mast earth mat / RNZ transmission site ≤212m from the mast	**RNZ** – this area is not protected from the public, other than for general site security reasons, as EMR levels are below public limits.	Risk of EMR exceeding levels when aircraft, tall structures or machinery are used. RNZ manages this risk on a case-by-case basis.	The earth mat must be protected as this ensure the effective propagation of the mast.

Zone	Responsibility for Managing EMR Risks	Risks Present	Other Concerns
In the local vicinity of the site, outside of the RNZ site boundary ≤565m from the mast **(≤1 Wavelength Zone)**	Current Council District Plan implicitly manages the risk by limiting building structures to 10m or less	Structures >10m **will mostly likely** result in EMR levels exceeding public limits. Shocks / burns from contact with large metallic objects, including temporary structures like cranes.	This is also an area where "nuisance" issues can cause reverse sensitivity issues. **Note that new government initiative to permit three storey housing will put occupants at risk if structures >10m are erected.**
Within ~1km of the mast >565m and ≤1130m from the mast **(1-2 Wavelength Zone)**	Current Council District Plan implicitly manages the risk by limiting building structures to 10m or less	Structures >10m **may** result in EMR levels exceeding public limits. Shocks / burns from contact with large metallic objects, including temporary structures like cranes.	This is also an area where "nuisance" issues can cause reverse sensitivity issues. **Note that new government initiative to permit three storey housing may put occupants at risk if structures >10m are erected.**

At distances greater than 1km from the mast, the EMR risks to residential and small scale commercial development are sufficiently small to not require active mitigation.

Implications for Development of Sites Adjacent to the RNZ Henderson AM Transmission Site

Zone	Permanent Structures	Construction Methods / Temporary Structures / Cranes
In the local vicinity of the site, outside of the RNZ site boundary ≤565m from each of the masts **(≤1 Wavelength Zone)**	**No structures above 10m (~2 storeys)** in height, **no exceptions**. This is typically enforced through local council district plan and building consent process. Individual EMR assessments of each structure not required if they are below this height.	**All temporary structures and use of cranes with a vertical height greater than 10m to be subject to a site and equipment-specific EMR assessment and specific work practices to mitigate EMR risks.** RNZ expects that a design-time EMR assessment of **all** development in this zone is undertaken to ensure the safety of the eventual occupants. RNZ also expect that construction-time EMR assessments are conducted to ensure the safety of suppliers and construction workers on the sites.

Zone	Permanent Structures	Construction Methods / Temporary Structures / Cranes
Within ~1km of the each of the masts >565m and ≤1130m from the masts **(1-2 Wavelength Zone)**	**The design of any structure above 10m (~2 storeys) in height must include a site-specific and construction materials-specific EMR assessment to** ensure the structure does not affect transmission propagation nor expose construction workers or occupants to EMR above NZ standards.	**All temporary structures and use of cranes with a vertical height greater than 10m to be subject to a site and equipment-specific EMR assessment and specific work practices to mitigate EMR risks.** RNZ expects that a design-time EMR assessment of **any development >10m in height** in this zone is undertaken to ensure the safety of the eventual occupants. RNZ also expect that construction-time EMR assessments are conducted to ensure the safety of suppliers and construction workers on the sites.
Outside of the ~1.1km radius from each mast	Assumes construction of any significant infrastructure e.g. Power pylons / cell towers will have an EMR assessment conducted as a matter of course / current council policy.	Relies on major infrastructure industries to be aware of and manage their own EMR risks, as they already do.

For example, any Henderson development adjacent to the RNZ site's masts, the following map indicates those areas:

Figure 3: One and two wavelength boundaries around the Henderson site for the masts

When multiple masts are involved, there are multiple concentric circles, one set for each mast.

As can be seen in the diagrams, there are already many structures already within these boundaries without issue, as historical height limits have mitigated the risks, see below.

Management / Mitigation of Issues / Risks

The EMR concerns are manageable as long as:

1. The height restrictions are adhered to and;
2. EMR design assessments are conducted for the design, construction and finishing of the final structures.

This will by its nature require the input of specialists in EMR assessment. NZ is fortunate in having three specialists in this area, with one of them being at RNZ.

The EMR levels can be accurately estimated by using software modelling to model the intended building structures and then calculating their interaction with the EMR radiation from the RNZ mast.

Note that there are houses already both within the first wavelength (purple) and second wavelength (blue) zones that have been constructed over many decades without issue. Any risks have in the past been effectively mitigated by Auckland council housing regulations which typically restrict domestic dwelling construction to <10m in height.

So the risks of EMR issues can effectively be mitigated by careful planning and due consideration in the Auckland District Plan, along with appropriate construction practices. If EMR considerations are assessed and addressed up front at the design stage, development and occupation can proceed without issue.

International and NZ EMR Standards

Telecommunication and broadcasting providers are required to limit human exposure to non-ionising EMR radiation, as defined in NZ Standard *NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz*.

RNZ and Kordia are now also working to the International Commission on Non-Ionizing Radiation Protection *ICNIRP 2010 Guidelines* (recently adopted in Australia and likely to be adopted in NZ in the near future) which are far more stringent than the NZS 2772:1:1999 Standard for Occupational exposure in the MF band. Where a discrepancy exists between the current NZS 2772.1 and ICNIRP standards, the more conservative of the two standards is used.

Note that the ICNIRP Guidelines and NZS 2772:1:1999 are virtually identical for General Public exposure, which is the primary subject of this paper.

These standards define internationally researched limits for human exposure to radio transmissions, and RNZ both actively models and tests EMR levels on our transmission sites. We also work with our suppliers to define Work Methods that ensure all work on our sites is undertaken in a way that keeps workers exposure to within the approved limits.

Document Control

Version history

Date	Version	Changes	Author
12 May 2022	1.0	Release for submission to Auckland Council	Michael Wilson
13 May 2022	1.1	Updated to show both masts in example	Michael Wilson

ATTACHMENT 3: THE ROLE OF OTHER LEGISLATION AND REGULATIONS

EMR Regulations

The National Environmental Standards for Telecommunications Facilities 2016 (*NES*) regulates telecommunication facilities in or near public areas. *Clause 55: Radiofrequency fields* applies to the establishment of RNZ's transmission sites:

The facility must be installed and operated in accordance with NZS 2772:1:1999 Radiofrequency Fields Pat 1 – Maximum Exposure Levels – 2kHz to 300GHz (*NZS 2772:1*).[1]

Before the facility becomes operational, the operator must give the local authority notice of the facility's location and a pre-commencement report in accordance with AS/NZA 2772:2:2016 Radiofrequency Fields Part 2: Principles and Methods of Measurement and Computation – 3kHz to 300GHz (NZS272:2).[2]

If the Radio Frequency (*RF*) fields are predicted to reach or exceed 25% of the General Public exposure limits (NZS 2772:1) in places reasonably accessible to the general public, the operator must submit a post-commencement report to the local authority providing evidence that the actual RF field levels comply with these limits.[3] A post-commencement report, if required, must be submitted within 3 months after the facility becomes operational.[4]

In practice, local authorities apply the NES when administering the District Plan and overseeing infrastructural developments. RNZ comply with NES, NZS 2772:1 and NZS 2772:2 when establishing and operating facilities across New Zealand.

NZS 2772:1

NZS 2772:1 stipulates exposure limits for two categories of people:

Occupational (or "RF Workers"): apply to adults who are medically screened and trained to be aware of potential RF hazards and to take appropriate precautions.

General Public: apply to people who may be of any age or health status, and who may be unaware of RF exposures and are not trained or able to take precautions. General Public assessments need to consider what areas are reasonably accessible by unaware people.

NZS 2772:1 requires assessment of the total RF fields a person is exposed to, not just the RF fields from a particular service or installation in isolation. The assessment must consider existing overlapping fields from other services that might raise the overall cumulative RF field level.

Operators are also required to minimise RF field exposure where achievable, even though it might already comply with the exposure limits. In practice, RNZ restricts access by the general public to areas near its transmitter masts to ensure public safety and compliance with NZS 2772:1.

NZS 2772:1 was based almost entirely on the International Committee on Non-ionizing Radiation Protection 1988 Guidelines (*ICNIRP Guidelines*). The ICNIRP Guidelines were updated in 2020 and were adopted in Australia in February 2021. RNZ currently works to

---

[1] Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2017. Subpart 7 – Radiofrequency fields. Clause 55(2)(a).

[2] Clause 55(3).

[3] Clauses 55(4) and (5).

[4] Clause 55(2)(c).

both NZS 2772:1 and the latest 2020 ICNIRP Guidelines, which may be adopted in New Zealand in the future.

Health and Safety at Work Act 2015 and Health and Safety at Work Regulations 2016

For transmission sites nationwide, RNZ assess and establish a "General Public exclusion zone" from which the general public must be excluded, together with other controls to ensure people will not be exposed to RF field levels in excess of accepted exposure limits.

The protection of RNZ staff and contractors, and others who might legitimately enter the General Public exclusion zone, is covered by the Health and Safety at Work Act and associated Regulations. RNZ is under a duty to identify hazards and implement, maintain and review effective control measures on work environments around RNZ's transmitter masts and other broadcasting infrastructure where EMR poses a hazard. RNZ staff and contractors working at RNZ sites are well aware of the hazard and comply with the regulations when carrying out their duties.

However, as explained, EMR is not a commonly understood hazard, particularly when the radiation emanates from a transmission structure that may be hundreds of metres away and not visible from a work site. Controls established by RNZ under the Health and Safety at Work Act and Regulations do not extend beyond the immediate workplace area, and are therefore inadequate in this regard.

RNZ considers there is a real risk that builders and contractors carrying out work on residential buildings (at 'other' workplaces) around the Porirua transmitter site would fail to identify the risk that certain structures and construction materials could pose if safety measures are not put in place.

Hazardous Substances and New Organisms Act 1996

The Hazardous Substances and New Organisms Act does not regulate EMR as it is not considered a "hazardous substance" or "new organism". Therefore, this legislation does not function to manage the effects of EMR.

Building Act 2004

All building work must comply with the Building Code.[5] The only specific provisions relating to radiation are contained in Clause F2. For example,

> *Objective F2.1 The objective of this provision is to safeguard people from injury and illness caused by exposure to hazardous building materials.*
>
> *Functional requirement F2.2 Building materials which are potentially hazardous, shall be used in ways that avid undue risk to people.*
>
> *Performance F2.3.1 The quantities of gas, liquid, radiation or solid particles emitted by materials used in the construction of buildings, shall not give rise to harmful concentrations at the surface of the material where the material is exposed, or in the atmosphere of any space.*

The Code does not address the risk of induced voltage from radiation sources remote from the construction site, reflecting the relative rarity of this hazard.

[5] Schedule 1 of the Building Regulations 1992.

Accordingly, the Building Act and Code do not sufficiently manage the effects of EMR.

Form 5

SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To Auckland Council

Name of submitter: Radio New Zealand Limited (*RNZ*)

1 This is a submission on Plan Change 78 to the Auckland Unitary Plan (the Plan Change).

2 RNZ could not gain an advantage in trade competition through this submission.

3 RNZ's submission relates to the whole proposal. The general and specific provisions of the Plan Change that RNZ's submission relates to and the reasons for RNZ's submission are set out in Appendix A below.

4 RNZ seeks the following decision from the local authority:

4.1 Grant the relief as set out in Appendix A;

4.2 Grant any other similar relief that would deal with RNZ's concerns set out in this submission.

5 RNZ wishes to be heard in support of the submission

6 If others make a similar submission, RNZ will consider presenting a joint case with them at a hearing.

Signed for and on behalf of Radio New Zealand Limited by its solicitors and authorised agents Chapman Tripp

_____

Ben Williams
Partner
29 September 2022

Address for service of submitter:

Radio New Zealand Limited
c/- Annabelle Lee
Chapman Tripp
Level 5, PwC Centre
60 Cashel Street
PO Box 2510

Christchurch 8140
Email address: Annabelle.Lee@chapmantripp.com

APPENDIX A

Introduction

1 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates radio transmission facilities at Henderson, Auckland (*RNZ's Facilities* / *the Henderson Site*).

2 Radiocommunication activities at RNZ's Facilities are carried out by RNZ and other broadcasters using equipment that is owned, maintained and operated by each broadcaster. RNZ maintains the infrastructure surrounding the equipment.

3 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's Facilities are an integral and important part of RNZ's national communication network, and it is appropriate that Plan Change 78 (the *Plan Change*) recognises this and provides for RNZ's activities.

4 RNZ's Facilities perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a lifeline utility under the Civil Defence Emergency Management Act 2002).

5 As a lifeline utility, it is critically important that RNZ is not unduly restricted from carrying out activities that are fundamental to the ongoing operation of its transmission activities.

Outcome sought by RNZ

6 In short, RNZ seek that its Facilities at Henderson are recognised as a "qualifying matter" in the Plan Change, as this is required to address safety risks associated with new construction more than 10m tall near RNZ's transmitters.

Attachments

7 The following Attachments provide further information about RNZ's submission:

7.1 Attachment 1: RNZ's feedback on Auckland Council's proposed Enabling Act plan change;

7.2 Attachment 2: Technical document for the Henderson Site; and

7.3 Attachment 3: the role of other Legislation and Regulations.

RNZ's Facilities at Henderson

8 RNZ's Facilities at Henderson include:

8.1 transmission facilities at Selwood Road, including a 122m aerial mast with ancillary equipment, buildings and a transmission building containing 15 radio transmitters and a backup power generator; and

8.2 a 153m mast at Triangle Road, and associated ancillary equipment.

9 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to the Auckland Region and surrounding areas. The rest of the facility consists of underground wires and cables.

10 Existing AM transmission sites around New Zealand were selected when it was possible to obtain the optimum locations from a coverage point of view. RNZ's Facilities at Henderson are a very good example of this, using the surrounding geography and seawater path in Manukau Harbour to maximise regional overage to the Auckland, Waikato and lower Northland.

11 Figure 1 below shows the range of RNZ's National AM coverage from the Henderson Site. The green area is the rural grade coverage area and the yellow area is suburban grade coverage. The coverage extends from Whangarei in the north through to south of Hamilton.

Figure 1: Extent of National AM coverage from the Henderson Site.

12 The Henderson RNZ Site is designated (7300 and 7301) for Telecommunication and Radio Communication Facilities in the Operative Auckland Unitary Plan.

RNZ's submission – general comments

13 RNZ welcomes the opportunity to submit on the Plan Change to give effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) and to introduce medium density residential standards (*MDRS*). We outline RNZ's submission specific to the Enabling Housing Act process below.

14 RNZ provided feedback on Auckland Council's proposed Enabling Act Plan Change. This is included as Attachment 1 and explains why MDRS standards in close proximity to its transmission infrastructure are inappropriate.

15 It is important that the Council have regard to RNZ's Facilities, as a lifeline utility, in a way that ensures RNZ can continue to undertake daily operations, maintenance and upgrades of its Facilities as required. Attachment 2 explains constraints and considerations for the development of land around the Henderson Site.

16 RNZ has operated high power AM transmission from the Henderson Site for over 80 years. As the Auckland region has grown, housing and other developments have been constructed right up to the boundary of the Henderson Site. RNZ is concerned with increased intensification near the Henderson Site, which has the potential to increase safety risks and reverse sensitivity effects as explained below.

Reverse sensitivity

17 RNZ's transmitters across the country are particularly susceptible to reverse sensitivity effects and it is critically important that these effects, which have the ability to significantly restrain RNZ's operations, are avoided.

18 Reverse sensitivity effects are adverse effects that new (or intensified) "sensitive" land use can have on existing activities. For example, in relation to RNZ's Facilities:

18.1 Residents may be unhappy if they can see large radio masts from their houses.

18.2 Nearby residents may be unhappy that, on the occasions it is used, RNZ's back-up generator makes a certain amount of noise.

18.3 RNZ has had direct experience of people who live near some of its sites, complaining about the interference to their electronic devices after they have purchased land and built a house near a transmitter (television reception and, potentially, broadband, telephone signals, burglar alarms and intercom units can be adversely affected near a transmitter).

18.4 Residential developers of adjacent properties, in RNZ's experience, do not widely understand the importance of compliance with relevant electro-magnetic radiation (*EMR*) regulations. There is a risk structures will be constructed that do not meet these regulations, which can be dangerous to both construction staff and occupants of those structures.

19 RNZ has in the past had to relocate transmitter facilities as a result of increased complaints from new residents moving near its facilities. This is a last resort for RNZ and is extremely disruptive and costly.

RNZ's management of electromagnetic radiation

20 The effects of EMR from the RNZ transmitter masts are not well understood across New Zealand. Radiation from the masts can induce dangerous EMR levels into nearby tall metallic objects through EMR coupling.

21 There are two types of physical effects which can arise from EMR exposure. When assessing the RF fields and determining the General Public Exclusion Zone (where public access is restricted), RNZ consider both of these effects:

21.1 Thermal effects are tissue heating and heat stress.

21.2 Athermal effects are electro-stimulation of the nervous system, acoustical sensations, and electrical shocks and burns associated with touching passively energised metallic objects in the RF field.

22 Outside the General Public Exclusion Zone (i.e. within ~500m and ~1km radii), the primary concern for RNZ is parasitic re-radiation. This occurs when a tall structure absorbs and re-radiates energy from a mast, and is a common issue with cranes and 'Elevated Work Platforms' near AM transmitter sites. In some cases, people can receive contact burns from metallic objects, or work at heights that expose them to EMR levels above general public limits. Controls are therefore required around the crane or Elevated Work Platform to achieve compliance with safety standards.

23 RNZ manage the very high EMR levels close to the mast in line with current and international radiation standards, and take these into account when setting the General Public Exclusion Zone. However, structures outside RNZ's immediate control, but nevertheless in close proximity to the masts, also need to be carefully managed.

24 There is a risk that developers of adjacent properties unknowingly design and build structures which do not meet NZ EMR regulations which is dangerous to both construction staff and occupants of those structures.

25 Unfortunately, these health and safety issues are not commonly realised or understood. The primary danger is lack of awareness, and RNZ are generally only alerted to health effects when people nearby working with elevated structures start receiving burns.

26 For this reason, RNZ frequently works with other infrastructure providers and construction companies to maintain the safety of workers. EMR management is a process of analysing proposed work or structures and developing controls to ensure compliance with standards as outlined in Attachment 3. The primary controls used to eliminate the risk to people are down-powering the radio transmitters or turning them off for the duration of the work. This can result in work having to be carried out overnight when the transmitters can be turned off, to minimise the impact on radio listening audiences.

27 The risk of EMR coupling between RNZ masts and other structures is directly related to how far the structure is from the mast and the vertical height of the structure, along with the strength of the signal. For example, it has been determined that for RNZ's Facilities at the Henderson Site:

27.1 Structures greater than 10m in height within 565m of the mast will most likely result in EMR levels exceeding public limits. This raises the risk of shocks and/or burns from contact with large metallic objects, including temporary structures like cranes. This is a significant health and safety risk to workers and the public.

27.2 Structures greater than 10m in height between 565m and 1,130m of a mast may result in EMR levels exceeding public limits which again could result in shocks and/or burns from contact with large metallic objects.

28 RNZ is therefore concerned to ensure that these effects are understood and recognised through the Plan Change.

Other legislation and regulations are insufficient

29 RNZ manage EMR risks by:

29.1 ensuring RNZ staff and contractors are fully aware and compliant with the regulations described and in Attachment 3;

29.2 engaging in planning processes to ensure that inappropriate buildings are not constructed in close proximity to RNZ's infrastructure without appropriate safety measures in place; and

29.3 working with infrastructure/construction providers responsible for nearby structures to ensure EMR management controls are established.

30 Other regulations and legislation do not adequately manage the effects of EMR outside the area of RNZ's direct control. Nevertheless, failure to manage EMR effects within ~500m and ~1km can cause serious health and safety risks to people.

31 Further discussion of other regulatory requirements are set out in Attachment 3.

The Plan Change

32 The Enabling Housing Act requires Auckland Council to apply Medium Density Residential Standards (*MDRS*) to relevant residential zones. The Council may make the standards less enabling of development in a particular area if necessary to accommodate a "qualifying matter".

33 Plan Change 78 proposes to incorporate MDRS in residential areas adjacent to RNZ's Facilities. RNZ is cognisant that its Facilities at Henderson are already, to some extent, in close proximity to a range of residential development and it is in no way seeking to unreasonably restrict provision for increased housing supply. Around the Henderson Site itself there are already over 150 existing homes near the site, and several hundred further from the site which have been successfully constructed and occupied for decades without issue.

34 However, development to MDRS standards near RNZ's Facilities with the associated increase in height limits is not appropriate and is likely to increase safety risks and reverse sensitivity effects as outlined in this Appendix A.

35 Radiocommunication facilities are not listed in the National Policy Statement on Urban Development 2020 (*NPS-UD*) as "nationally significant infrastructure", nor do they squarely fall within the specific qualifying matter categories listed in new s 77I of the Resource Management Act (*RMA*). However, the Council is able to identify as a qualifying matter "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area" provided s 77L RMA is satisfied.

36 Incorporation of MDRS standards in close proximity to RNZ's existing radiocommunication transmitter facilities is inappropriate. RNZ seeks recognition of its infrastructure as a "qualifying matter" in the Plan Change, justifying limits on MDRS height limits for development within a 1,130m radius of each mast.

Section 77J Enabling Housing Act

37 The relevant matters to be considered in relation to an evaluation report under section 77J are discussed below.

Demonstrate why the territorial authority considers: (i) that the area is subject to a qualifying matter; and (ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)).

38 Figure 2 below identifies the location of RNZ's Facilities from which it is proposed a qualifying matter would extend out to a 1,130 metre radius from the site. As explained above and in Attachment 1, inappropriate development located within this radius has the potential for safety and reverse sensitivity effects. The figure also shows a smaller 565m radius within which more stringent controls and an even smaller radius within which no structures should be allowed (which largely consists of land within RNZ's control).

Figure 2: Proposed extent of qualifying matter for Henderson Site

39 RNZ assumes that construction of any significant infrastructure of a significant height beyond 1,130 metres of the Henderson Site will trigger an EMR assessment as a matter of course. The risk increases with the height and size of the development and major infrastructure industries are generally aware of and manage their own EMR risks. Therefore, the extent of the qualifying matter need not extend further than 1,130m from RNZ's transmitter.

40 The content above explains the risk of safety and reverse sensitivity effects where inappropriate development is located in close proximity to RNZ's Facilities. Development should be subject to reasonable restrictions within the 1,130 metre radius to protect nearby structures and residents from safety risks, and also to reduce the risk of reverse sensitivity effects.

41 Building height limits contained in the MDRS are inappropriate within 565 metres of RNZ's Facilities, and may be inappropriate within 1,130 metres (subject to construction materials). We have outlined the specific characteristics of RNZ's Facilities which make this inappropriate above and in Attachment 2. Unrestricted development to MDRS standards should be avoided within these areas as a matter of health and safety, as well as a matter of secure and efficient functioning of radiocommunications.

42 MDRS standards allow buildings up to 11 metres in height. As explained, this is inappropriate near RNZ's Facilities. RNZ consider that height limits should be the same as existing rules in the operative (and proposed) Auckland Unitary Plan.

42.1 Within 565 metres of the Henderson Site masts, there should be no structures above 10 metres in height unless designed in conjunction with RNZ, including a detailed EMR assessment to ensure the building or structure complies with EMR standards; and

42.2 Within 1,130 metres of the Henderson Site masts, the design of any structure above 10 metres in height must include a site-specific and construction materials-specific EMR assessment to ensure the structure does not compromise the safety of workers or occupants. RNZ consider that buildings within this area should be restricted to 10 metres in height, unless RNZ provide written approval that the site and construction materials are appropriate. It is important that RNZ work with developers to ensure that workers and/or occupants are not exposed to unsafe EMR levels.

43 RNZ notes that surrounding neighbouring residential land in the operative Auckland Unitary Plan is zoned Single House and Mixed Housing Suburban and buildings are currently limited to 9 metres in height.

44 RNZ does not seek any other modifications to density standards, as development below 10m is not associated with increased risk, and RNZ does not seek any limits on changed density standards within this height limit.

Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity (s77J(3)(b))

45 Although the 1,130 metre radius will cover a large number of residential sites, development capacity will not be restricted in most of this area, provided that proper construction safety measures are taken. Although some development capacity will be limited by the 10 metre height limit within 565 metres, most of these sites are currently single dwellings with significant scope remaining for intensification below 10 metres. This is evident in the operative Single House 'zone description' which describes it as "*generally characterised by one to two storey high buildings consistent with a suburban built character*". Furthermore, buildings and structures exceeding 10 metres may be allowed within the 565 metre radius where RNZ has had input into the design.

46 The qualifying matter proposed for RNZ's Facilities would still allow construction of two storey residences (where these do not exceed 10 metres in height) within 565 metres of RNZ's Facilities. And would still allow development consistent with the MDRS between 565 and 1,130 metres of RNZ's Facilities provided the construction methods and materials used are appropriate.

Assess the costs and broader impacts of imposing those limits (s77J(3)(c))

47 RNZ consider the costs of imposing height controls within 1,130 metres of the Henderson Site to be minor. As stated above, the proposed 565 metre restriction

only applies to a relatively small number of residential sites, and intensification can still continue above 10 metres between 565 and 1,130 metres, provided appropriate safety controls are followed. Furthermore, buildings and structures exceeding 10 metres may still be allowed within the 565 metre radius where RNZ has had input into the design. The additional compliance costs for a structure higher than 10 metres are likely to be small in most cases and in any case are a justified measure to ensure public safety.

48 On the other hand, there are significant benefits to their inclusion as part of the MDRS process, as well as a range of costs for failing to do so. Imposing building height limits within 1,130 metres of the Henderson Site as part of the MDRS process would significantly reduce the likelihood of EMR related health and safety risks. It would ensure that RNZ is able to continue to operate its essential radio transmission services at the Henderson Site.

49 The potential costs to RNZ for failing to include height limits are as follows:

49.1 Mitigation of EMR issues in buildings, once established, could be complex and some issues may not even be solvable. Further, there is the added difficulty of who should bear the costs of mitigation.

49.2 At the extreme, it is possible that reverse sensitivity effects from intensification around RNZ's Facilities may force RNZ to have to relocate. As discussed above, this has occurred in other locations in the past. If RNZ were forced off the existing Henderson Site, there are no alternative locations that would be able to replicate the existing coverage, with implications for civil defence functions. In addition, it is now very difficult to obtain resource consent to construct 100 to 153 metre masts. RNZ estimate a new site could run to $5-10 million or more.

Section 77L

50 The site specific analysis required by section 77L is largely covered by the information relevant to section 77J explained above. For completeness, this is summarised below.

Identify all specific sites to which controls are to be applied (section 77L(c)(i))

51 The specific sites to which 10 metre height limits are appropriate are shown in Figure 2 above as are the reasons for this geographic area. RNZ are happy to work with Council to identify specific land parcels where MDRS standards would not be appropriate.

Evaluate the specific characteristics on a site specific basis to determine the geographic area where intensification needs to be compatible with the specific matter (section 77L(c)(iii))

52 MDRS standards allow buildings up to 11 metres in height, which is inappropriate near RNZ's Facilities. For reasons outlined above, RNZ consider that:

52.1 Within 565 metres of the Henderson Site, there should be no structures above 10 metres in height unless designed in conjunction with RNZ, including a detailed EMR assessment to ensure the building or structure complies with EMR standards; and

52.2 Within 1,130 metres of the Henderson Site, the design of any structure above 10 metres in height must include a site-specific and construction materials-specific EMR assessment.

53 The proposed changes apply to all sites within these distances. RNZ does not seek any other modifications to density standards, as development below 10m is not associated with increased risk, and RNZ does not seek any limits on changed density standards within this height limit.

Identify a range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics (Section 77L(c)(iii))

54 RNZ's proposed qualifying matter also achieves the greatest MDRS densities possible without compromising health and safety.[1] Evidence has established that there is a real risk of EMR coupling, and associated health effects, between RNZ's transmitter mast and buildings constructed above 10 metres in height when these are located too close together. The only way to manage this risk is via height limits.

55 We reiterate that height limits contained in the Operative Auckland Unitary Plan are already limited to 10 metres. The qualifying matter proposed for RNZ's Facilities would still readily allow construction of two storey residences (where these do not exceed 10 metres in height) within 565 metres of RNZ's Facilities. Development consistent with MDRS would still be enabled between 565 and 1,130 metres of RNZ's Facilities provided construction methods and materials used are appropriate.

56 The proposed 10 metre height limit is the only option available to protect people from unsafe EMR levels. Additionally, in RNZ's view, it does not significantly or unreasonably impact the provision for development capacity.

Changes sought

57 RNZ primarily seek recognition of its radiocommunication activities at Henderson as a qualifying matter in the Plan Change, justifying height limits of 10m as opposed to the 11m permitted under MDRS.

58 Table 1 below outlines RNZ's requested relief on the Plan Change, with suggested amendments indicated in red underline. The reasons for this relief are set out in Appendix A above. RNZ is happy to consider alternative relief or other wording that would give effect to these outcomes.

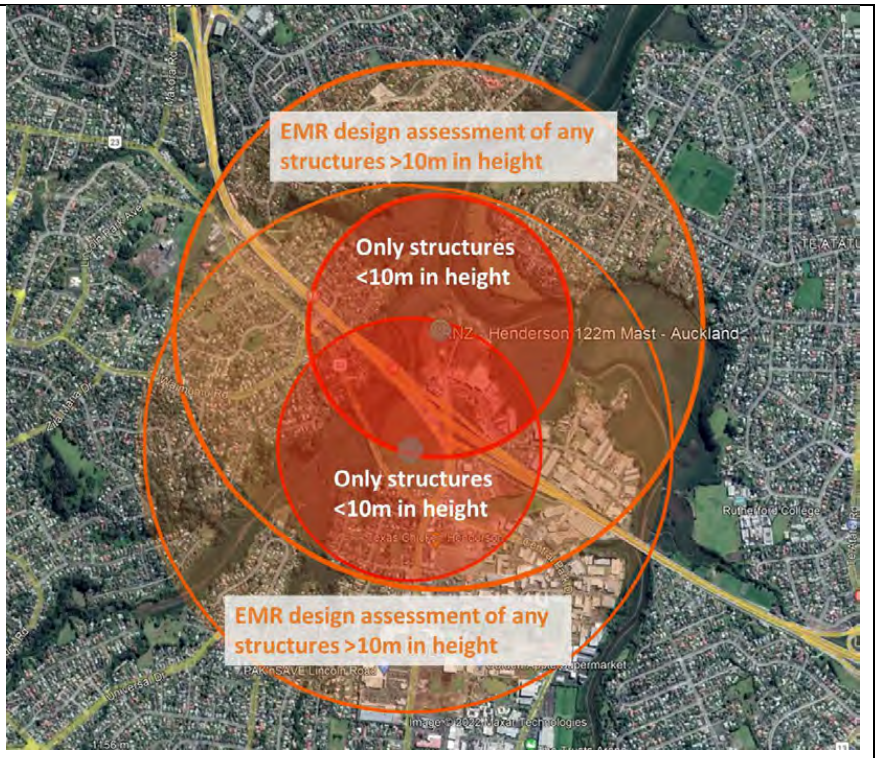
Table 1: RNZ's requested relief on the Plan Change

Provision	Requested relief

[1] As required by Section 77(c)(iii)

New qualifying matter	"Radiocommunication Transmission – requires modification to permitted building and structure heights to manage the effects of electromagnetic radiation."
Mixed Housing Urban Zone	Insert new policy as follows … (x) Building height is restricted near Radio New Zealand's radiocommunication Facilities to manage safety risks associated with taller structures absorbing and re-radiating energy from the Facilities.
Mixed Housing Urban Zone	Amend H5.6.4 Building Height as follows: H5.5.4 Building Height … (3) Buildings located within Height Control - Radiocommunication Transmission as shown on the planning maps must not exceed 10 metres in height unless: a. the building has been designed in conjunction with Radio New Zealand, and a detailed EMR assessment has been carried out to ensure the building or structure complies with electromagnetic radiation safety standards; or b. The building or structure is located 565 metres or more from Radio New Zealand's radiocommunication Facilities, and it can be shown that, in consultation with Radio New Zealand, the building or structure is constructed of materials that comply with electromagnetic radiation standards.
Low Density Residential Zone	Retain H3A.6.7(1) Building Height as notified. (Note, if increased height limits are considered for areas zoned LDRZ within 1,130m of RNZ Facilities, then RNZ seeks similar provisions as proposed for the MHUZ)
Terrace Housing and Apartment Building Zone	Insert new policy as follows … (x) Building height is restricted near Radio New Zealand's radiocommunication Facilities to manage safety risks associated

	with taller structures absorbing and re-radiating energy from the Facilities.
Terrace Housing and Apartment Building Zone	Amend H6.6.5 Building Height as follows: H6.6.5 Building Height ... (2) Buildings located within Height Control - Radiocommunication Transmission as shown on the planning maps must not exceed 10 metres in height unless: a. the building has been designed in conjunction with Radio New Zealand, and a detailed EMR assessment has been carried out to ensure the building or structure complies with electromagnetic radiation safety standards; or b. The building or structure is located 565 metres or more from Radio New Zealand's radiocommunication Facilities, and it can be shown that, in consultation with Radio New Zealand, the building or structure is constructed of materials that comply with electromagnetic radiation standards.
Planning maps	Amend planning maps to identify sites subject to RNZ's proposed Radiocommunication Transmission qualifying matter. The spatial extent is demonstrated by the outer perimeter of each orange line:

59 RNZ technical staff would welcome the opportunity to discuss the risks explained in this submission and relevant Attachments, and the reasons for seeking the relief in Table 1. RNZ are ready and willing to engage with Council's planners on specific drafting in the Plan Change.

CONCLUSION

60 For the reasons outlined in above, RNZ's Facilities at Henderson should be included as a "qualifying matter" in the Plan Change.

ATTACHMENT 1: RNZ'S FEEDBACK ON AUCKLAND **COUNCIL'S PROPOSED** ENABLING ACT PLAN CHANGE

FEEDBACK ON PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN RESPONDING TO HOUSING INTENSIFICATION REQUIREMENTS

To Auckland Council

Introduction

1 Radio New Zealand Limited (RNZ) seeks the opportunity to provide preliminary feedback on the proposed changes to the Auckland Unitary Plan to enable increased housing supply (*proposed Plan Changes*), and specifically the incorporation of matters related to the continued operation, maintenance and improvement of RNZ's national transmission network.

2 The Resource Management (Enabling Housing Supply) Act 2021 (*Enabling Housing Act*) requires Council to apply medium density residential standards (*MDRS*) to relevant residential zones. The Council may make the standards less enabling of development in a particular area if necessary to accommodate a "qualifying matter".

3 Radiocommunication facilities are not listed in the National Policy Statement on Urban Development 2020 (*NPS-UD*) as "nationally significant infrastructure", nor do they squarely fall within the specific qualifying matter categories listed in new s 77I of the Resource Management Act (*RMA*). However, the Council is able to identify as a qualifying matter "any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area" provided s 77L RMA is satisfied.[1]

4 Incorporation of MDRS standards in close proximity to RNZ's existing radiocommunication transmitter facilities is inappropriate, as we explain below. RNZ therefore seeks recognition of its infrastructure in Auckland as a "qualifying matter" in the proposed Plan Changes.

RNZ background

5 RNZ is a Crown entity established under the Radio New Zealand Act 1995. RNZ owns and operates radio transmission facilities at Henderson, Auckland (*RNZ's Facilities / the Henderson Site*).

6 Radiocommunication activities at RNZ's Facilities are carried out by RNZ and other broadcasters, using equipment that is owned, maintained and operated by each broadcaster. RNZ maintains the infrastructure surrounding the equipment.

7 It is important that the continued operation, maintenance and improvement of RNZ's national transmission network can occur unimpeded. RNZ's Facilities are an integral and important part of RNZ's national communication network and perform an important role in, among other things, providing news and information to the public and performing a civil defence role (radio is a key communication tool in the event of natural disasters and RNZ is designated as a Lifeline Utility under the Civil Defence Emergency Management Act 2002).

8 As a lifeline utility, it is critically important that RNZ is not unduly restricted from carrying out activities that are fundamental to the ongoing operation of its transmission activities.

[1] Resource Management (Enabling Housing Supply) Amendment Act. Section 77I(j).

RNZ's Facilities at Henderson, Auckland:

9 RNZ's Facilities at Henderson include:

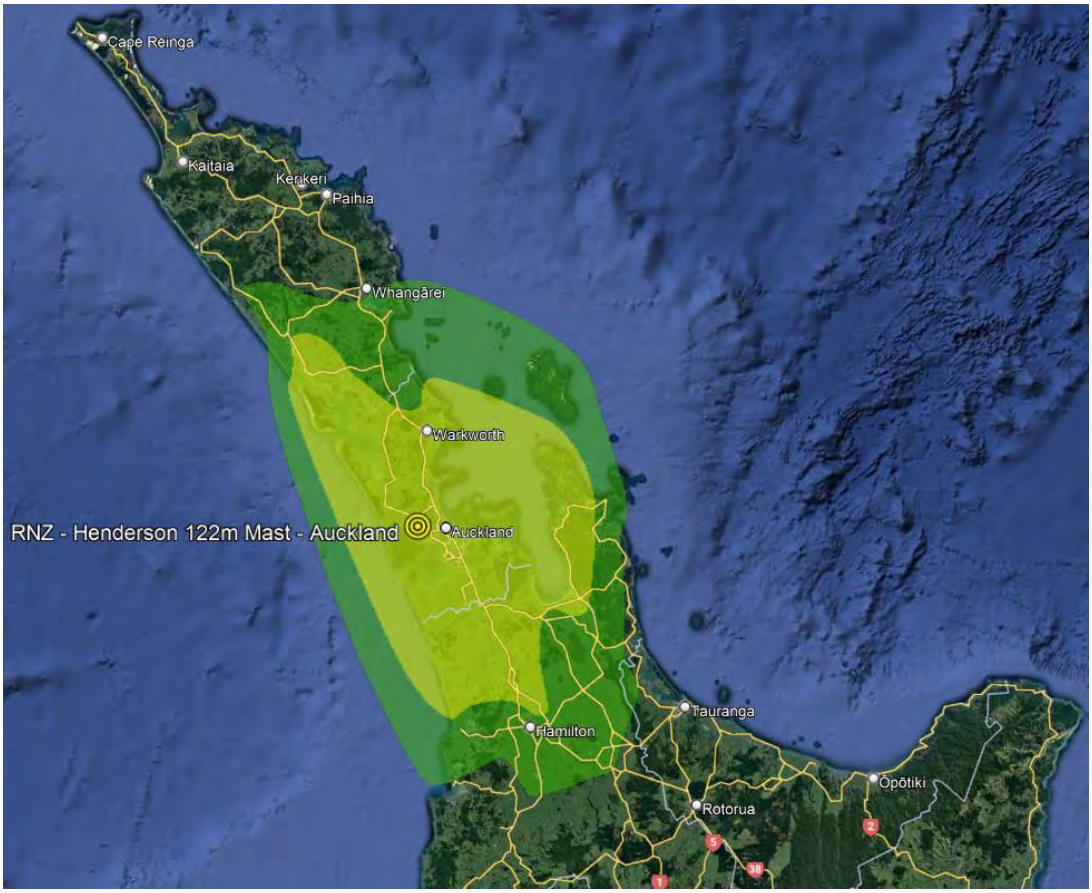
9.1 transmission facilities at Selwood Road, including a 122 aerial mast with ancillary equipment, buildings and a transmission building containing 13 radio transmitters and a backup power generator; and

9.2 a 153 mast at Triangle Road, and associated ancillary equipment.

10 These facilities broadcast multiple radio programmes (and carry out civil defence functions) to the Auckland Region and surrounding areas. The rest of the facility consists of underground wires and cables.

11 Existing AM transmission sites around New Zealand were selected when it was possible to obtain the optimum locations from a coverage point of view. RNZ's Facilities at Henderson are a very good example of this, using the surrounding geography and seawater path in Manukau Harbour to maximise regional coverage to the Auckland, Waikato and lower Northland.

12 Figure 1 below shows the range of RNZ's National AM coverage from the Henderson Site. The green area is the rural grade coverage area and the yellow area is suburban grade coverage. The coverage extends from Whangarei in the north through south of Hamilton.



13 The Henderson RNZ Site is designated (7300 and 7301) for Telecommunication and Radio Communication Facilities in the Auckland Unitary Plan.

RNZ's concerns with incompatible activities

14 It is important that the proposed Plan Changes have regard to RNZ's Facilities, as a lifeline utility, in a way that ensures RNZ can continue to undertake daily operations, maintenance and upgrades of its Facilities as required.

15 RNZ has operated high power AM transmission from the Henderson Site for over 80 years. As the Auckland region has grown, housing and other development has been constructed right up to the boundary of both RNZ's Henderson sites without any major issues. However, RNZ is concerned with increased intensification near the Henderson Site which has the potential to increase safety and reverse sensitivity effects.

16 We attach as Appendix 1 a document explaining constraints and considerations for the development of land around the Henderson Site and summarise these matters below.

Reverse sensitivity

17 RNZ's transmitters across the country are particularly susceptible to reverse sensitivity effects and it is critically important that these effects, which have the ability to significantly restrain RNZ's operations, are avoided.

18 Reverse sensitivity effects are adverse effects that new (or intensified) "sensitive" land use can have on existing activities. For example, in relation to RNZ's Facilities:

18.1 Residents may be unhappy if they can see large radio masts from their houses.

18.2 Nearby residents may be unhappy that, on the occasions it is used, RNZ's back-up generator makes a certain amount of noise.

18.3 RNZ has had direct experience of people, who live near some of its sites, complaining about the interference to their electronic devices after they have purchased land and built a house near a transmitter (television reception and, potentially, broadband, telephone signals, burglar alarms and intercom units can be adversely affected near a transmitter).

18.4 Residential developers of adjacent properties, in RNZ's experience, do not widely understand the importance of compliance with relevant electro-magnetic radiation (*EMR*) regulations. There is a risk structures will be constructed that do not meet these regulations, which can be dangerous to both construction staff and occupants of those structures.

19 RNZ has in the past had to relocate transmitter facilities as a result of increased complaints from new residents moving near its facilities. This is a last resort for RNZ and is extremely disruptive and costly.

The risk of electromagnetic radiation in proximity to RNZ facilities

20 The effects of EMR from the RNZ's transmitter masts are not well understood across New Zealand. Radiation from the masts can induce dangerous EMR levels into nearby tall metallic objects through EMR coupling.

21 RNZ manage the very high EMR levels close to the masts in line with current NZ and international radiation standards. However, structures outside RNZ's immediate control, but nevertheless in close proximity to the masts, also need to be carefully managed.

22 There is a risk that developers of adjacent properties unknowingly design and build structures which do not meet NZ EMR regulations which is dangerous to both construction staff and occupants of those structures.

23 The risk of EMR coupling between RNZ masts and other structures is directly related to how far the structure is from the mast and the vertical height of the structure, along with the strength of the signal. For example, it has been determined that for RNZ's Facilities at the Henderson Site:

23.1 Structures greater than 10m in height within 565m of a mast will most likely result in EMR levels exceeding public limits. This raises the risk of shocks and/or burns from contact with large metallic objects, including temporary structures like cranes. This is a significant health and safety risk to workers and the public.

23.2 Structures greater than 10m in height between 565m and 1,130 m of a mast may result in EMR levels exceeding public limits which again could result in shocks and/or burns from contact with large metallic objects.

24 RNZ is therefore concerned to ensure that these effects are understood and recognised throughout the Council's Enabling Housing Act process.

Proposed Plan Changes and RNZ's Infrastructure

25 The proposed Plan Changes indicate MDRS will apply to residential areas adjacent to RNZ's Facilities. The location of RNZ's Facilities relative to the proposed Mixed Housing Urban Zone is shown as Figure 2 below.

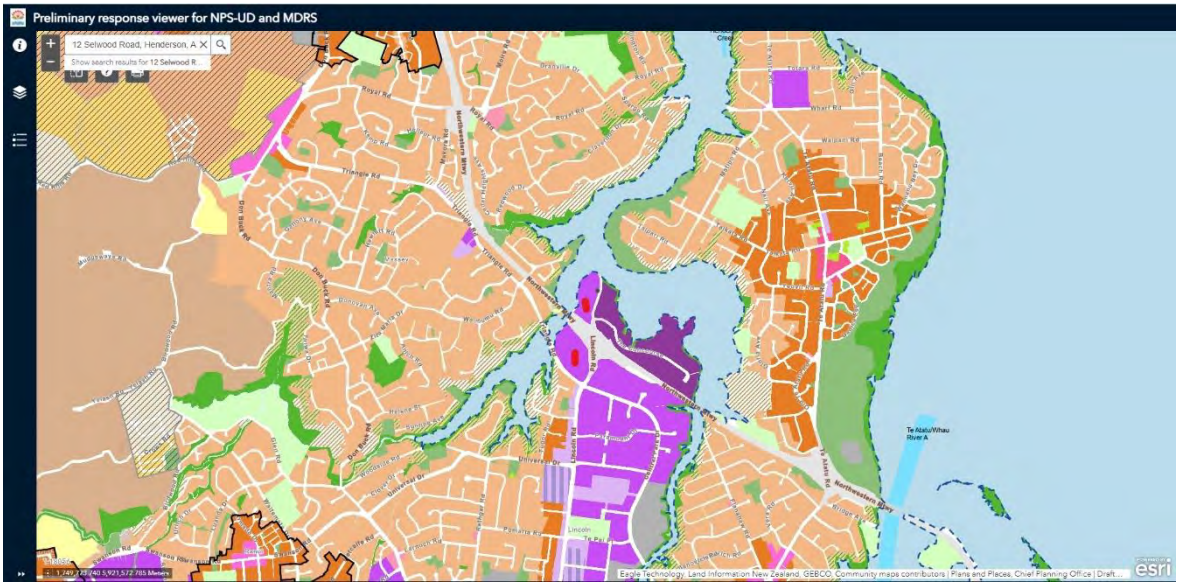


Figure 2: RNZ's Facilities at Henderson (indicated in red) relative to the proposed Mixed Housing Urban Zone (indicated in orange)

26 RNZ is cognisant that its Facilities at Henderson are already, to some extent, in close proximity to residential development and it is in no way seeking to unreasonably restrict provision for increased housing supply. Around the Henderson Site itself there are already over 150 existing homes near the site, and several hundred further from the site which have been successfully constructed and occupied for decades without issue.

27 However, development to MDRS standards near RNZ's Facilities is not appropriate and is likely to increase safety and reverse sensitivity effects outlined above. RNZ therefore seeks that the proposed Plan Changes recognise radiocommunication activities at the Henderson Site as a "qualifying matter", justifying limits on MDRS height limits for development within a 1,130m radius of each mast.

Accommodation of radiocommunication infrastructure protection as a qualifying matter

28 Council's Information Sheet #5: Medium Density Residential Standards states:

> *"… In its proposed plan change required to be notified by August 2022, the council may only propose changing the MDRS to:*
>
> - *…*
> - *Reduce the height and density of buildings on an identified sites are areas if a qualifying matter applies."*

29 We understand that Council have indicated the items it considers are "qualifying matters" and that this includes land subject to designations.[2] The Henderson Site itself, being covered by designations 7300 and 7301, will be protected as a qualifying matter in the proposed Plan Changes. However, this does not protect land within the 1,130 metre radii outlined above. The notified Plan Changes must identify the 1,130 metre radii around RNZ's masts as the applicable qualifying matter.

30 Rules in the proposed Plan Changes which implement MDRS have immediate legal effect upon notification, except in areas where a qualifying matter applies.[3] If Council do not recognise RNZ's Facilities as a qualifying matter there is a risk that dangerous structures, for example those exceeding 10 metres in height, are constructed near RNZ's transmitter as a permitted activity following notification of the variation. It is therefore important that the proposed Plan Changes provide for RNZ's Facilities as a qualifying matter within the notified plan changes.

31 Current building height limits in nearby residential zones (Single House and Mixed Use Suburban) are 8 metres, which does not create safety concerns from RNZ's perspective. However, the issue of height limits within 1,130 metres of the Henderson Site masts is not itself addressed through a rule in the operative Auckland Unitary Plan. It is therefore a qualifying matter that must be assessed pursuant to s77J of the Enabling Housing Act. In the time available, RNZ has not been able to provide all information necessary for a complete assessment, but we set out high-level information below and RNZ are happy to work with Council to provide additional detail.

32 We understand that Council have proposed overlays and other items identified as qualifying matters.[4] We note that this includes other significant infrastructure and RNZ's Facilities, in serving a vital civil defence function, should be similarly categorised and provided for in the proposed Plan Changes. In RNZ's view, the

---

[2] Information Sheet #6 Qualifying Matters (Part 1).

[3] Enabling Housing Act Section 86BA(1).

[4] Information Sheet #6 Qualifying Matters (Part 1) and Information Sheet #7 Qualifying Matters (Part 2).

hazards associated with incompatible building height and EMR coupling justify protection as a qualifying matter.

Demonstrate why the territorial authority considers: (i) that the area is subject to a qualifying matter; and (ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)).

33 Figure 3 below identifies the location of RNZ's Facilities from which it is proposed a qualifying matter would extend out to a 1,130 metre radius from the Site's masts. As explained above and in the attached document, inappropriate development located within these radii has the potential for safety and reverse sensitivity effects. The figure also shows a smaller 565 metre radii within which more stringent controls should apply, and even smaller radiii within which no structures should be allowed (which largely consists of land within RNZ's control).

34 It is noted that RNZ assumes construction of any significant infrastructure of a significant height beyond 1,130 metres of the Henderson Site masts will conduct an EMR assessment as a matter of course. Generally major infrastructure industries are aware of and manage their own EMR risks. Therefore, the location of the qualifying matter need not extend further than 1,130m from RNZ's transmitter masts.

Figure 3: Proposed extents of qualifying matter for Henderson Site

35 The content above explains the risk of safety and reverse sensitivity effects where inappropriate development is located in close proximity to RNZ's Facilities. Development should be restricted within the 1,130 metre radii to protect nearby structures and residents from safety risks, and also to reduce the risk of reverse sensitivity effects.

36 Building height limits contained in the MDRS are inappropriate within 565 metres of RNZ's Facilities, and may be inappropriate within 1,130 metres (subject to construction materials). We have outlined the specific characteristics of RNZ's Facilities which make this inappropriate above and in the attached document. Unrestricted development to MDRS standards should be avoided within these areas as a matter of health and safety, as well as a matter of secure and efficient functioning of radiocommunications.

37 MDRS standards allow buildings up to 11 metres in height. As explained above and in the attached document, this is inappropriate near RNZ's Facilities. RNZ consider that height limits should be the similar to existing rules in the Auckland Unitary Plan.

37.1 Within 565 metres of the Henderson Site masts, there should be no structures above 10 metres in height in order to avoid EMR coupling. RNZ consider that buildings within this area be subject to a 10 metre height limit.

37.2 Within 1,130 metres of the Henderson Site masts, the design of any structure above 10 metres in height must include a site-specific and construction materials-specific EMR assessment to ensure the structure does not compromise the safety of workers or occupants. RNZ consider that buildings within this area be restricted to 10 metres in height, unless RNZ provide written approval that the site and construction materials are appropriate. It is important that RNZ work with developers to ensure that workers and/or occupants are not exposed to unsafe EMR levels.

38 RNZ notes that surrounding neighbouring residential land in the operative Auckland Unitary Plan is zoned Single House and Mixed Housing Suburban and buildings are currently limited to 8 metres in height.

Assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity (s77J(3)(b))

39 In the time available, RNZ has not been able to provide detailed calculations as to the amount of development capacity which will be prevented if the proposed height limits within 1,130 metres from the Henderson Site masts are accommodated as a "qualifying matter".

40 Although the 1,130 metre radii will cover a large number of residential sites, development capacity will not be restricted in most of this area, provided that proper construction safety measures are taken. Although some development capacity will be limited by the 10 metre height limit within 565 metres, most of these sites are currently single dwellings with significant scope remaining for intensification below 10 metres. This is evident in operative Single House 'zone description' which describes it as "*generally characterised by one to two storey high buildings consistent with a suburban built character*".

41 The qualifying matter proposed for RNZ's Facilities would still allow construction of two storey residences (where these do not exceed 10 metres in height) within 565 metres of RNZ's Facilities. And would still allow development consistent with the

MDRS between 565 and 1,130 metres of RNZ's Facilities provided construction methods and materials used are appropriate.

Assess the costs and broader impacts of imposing those limits (s77J(3)(c))

42 We consider the costs of imposing height controls within 1,130 metres of the Henderson Site is likely to be minor. As stated above, the proposed 565 metre restriction only applies to a relatively small number of residential sites, and intensification can still continue above 10 metres between 565 and 1,130 metres, provided appropriate safety controls are followed. The additional compliance costs for a structure higher than 10 metres are likely to be small in most cases and in any case are justified measure to ensure public safety.

43 On the other hand, there are significant benefits to their inclusion as part of the MDRS process, as well as a range of costs for failing to do so. Imposing building height limits within 1,130 metres of the Henderson Site as part of the MDRS process would significantly reduce the likelihood of EMR related health and safety risks. It would ensure that RNZ is able to continue to operate its essential radio transmission services at the Henderson Site.

44 The potential costs to RNZ for failing to include height limits are as follows:

44.1 Mitigation of EMR issues in buildings, once established, could be complex and some issues may not even be solvable. Further, there is the added difficulty of who should bear the costs of mitigation.

44.2 At the extreme, it is possible that reverse sensitivity effects from intensification around RNZ's Facilities may force RNZ to have to relocate. As discussed above, this has occurred in other locations in the past. If RNZ were forced off the existing Henderson Site, there are no alternative locations that would be able to replicate the existing coverage, with implications for civil defence functions. In addition, it is now very difficult to obtain resource consent to construct 137 metre masts. RNZ estimate that the cost to remove existing infrastructure at Henderson and to establish a new site could run to $5-10 million or more.

CONCLUSION

45 For the reasons outlined in this feedback, RNZ's Facilities (out to 1,130 metre radii) at Henderson should be included as a "qualifying matter" in the proposed Plan Changes.

46 RNZ would be happy to discuss the matters raised in this feedback further with the Council prior to the notification. As explained, rules which implement MDRS will have immediate legal effect once Council notify the proposed Plan Changes unless a qualifying matter applies. We reiterate the importance of identifying all qualifying matters prior to notification.

_____

Ben Williams
Partner
13 May 2022

Address for service:

Radio New Zealand Limited
c/- Ben Williams / Annabelle Lee
Chapman Tripp
5th Floor, PwC Centre
60 Cashel Street
PO Box 2510
Christchurch 8140
Email address: ben.williams@chapmantripp.com / annabelle.lee@chapmantripp.com

ATTACHMENT 2: TECHNICAL DOCUMENT FOR THE HENDERSON SITE

RNZ Transmission

Electro-magnetic Radiation (EMR) Considerations for the Development of land around the RNZ Henderson Transmission Site

For submission to the Auckland City Council re the Enabling Housing Act

Version	1.1
Status	RELEASE
Author	Michael Wilson, Steve White, RNZ Transmission Group
Effective Date	12 May 2022
Classification	IN CONFIDENCE: RNZ and Auckland City Council

Contents

Summary 3

Introduction 4

Background 4

Context 4

Constraints and Considerations 5

EMR Constraints and Considerations 6

Implications for Development of Sites Adjacent to the RNZ Henderson AM Transmission Site 8

Management / Mitigation of Issues / Risks 11

International and NZ EMR Standards 11

Document Control 12

Version history 12

Summary

RNZ has successfully operated its AM transmission sites in and alongside communities for over 80 years. Good engagement, an awareness of the unique features of our sites, and a collaborative approach ensures that any of the risks identified in this paper can be readily mitigated.

Many of RNZ's sites operate successfully with residential and small-scale commercial neighbours with minimal impact on each other. Around the Henderson site itself there are already over 150 existing homes near the site, and several hundred further from the site which have been successfully constructed and occupied for decades without issue.

This paper provides the Auckland Council with an awareness of the unique features of the RNZ site, in particular the unseen way in which radio masts work. All radio transmitters such as cell phones, cell towers, and broadcasting masts emit Radio Frequency signals (electro-magnetic radiation – EMR). This type of radiation is non-ionising (does not cause cellular damage to humans) and is non-cumulative (does not build up or persist in the environment) and is well understood and governed by strong international and national standards and regulations. However, it can affect both structures or more likely the construction of those structures built adjacent to the transmission site.

As any development at Henderson will be alongside the active RNZ masts, RNZ and its neighbours will need to work together to ensure that the radio transmissions from the RNZ site does not present any issues. RNZ actively manages and maintains its EMR emissions well within NZ and International standards, and as a good neighbour wants to make the Auckland Council aware of the need to consider EMR in the design and construction of building structures.

The development of the property around the RNZ Henderson site will not be affected by the transmissions from the RNZ site, as long as some basic rules and good practices are followed. These rules and good practices should be incorporated into the District Plan.

The three key points are:

1. **Building structures must be <10m in finished height, if the structure is within 565m of each of RNZ's transmission masts**

2. **Building structures of greater than 10m in height on the site that are greater than 565m from RNZ's masts will require due consideration of their design** to ensure they are not affected by the RNZ AM transmission site

3. **Some simple work construction practices** will ensure the safety of those using tall cranes and other temporary tall structures on the site, which can be affected by the RNZ transmissions

The following paper shows how the mast works, the risks associated with construction near an active broadcasting mast and the simple rules and approaches to minimise any risks.

Introduction

Background

This document provides the Auckland Council a view of the constraints and considerations required when developing any land on or around the RNZ Henderson AM transmission site.

Context

RNZ has operated a high power AM transmission site from Henderson for over 80 years. As the Auckland region has grown over that time, housing and other developments have been located right up to the boundary of the both RNZ's Henderson sites, without any long-term issues that we are aware of. This is consistent with other sites we have in NZ with nearby housing.

While there are opportunities for further development around Henderson, the presence of a high power AM transmission site places some constraints on the use of the land, and also presents some risks that need to managed for both the design, construction and occupancy of building structures near the site.

This is driven by the standards required to limit human exposure to non-ionising EMR Radiation. See the *NZ and International Standards* section of this document.

Constraints and Considerations

A high-power AM transmission site has several key characteristics that need to be considered when looking to develop land adjacent to the site:

Dimension	Considerations	Type
Visual	• The AM transmission masts are >100m high steel guyed masts, which are prominent on the site. One mast also has aviation beacons attached to the mast.	Reverse sensitivity: RNZ has permission to install and operate the masts, and while seen by many as a landmark in the Auckland region, others may consider them an eyesore, particularly those living in proximity to the masts.
Audible	• AM transmission masts and guy wires generate audible noise in the wind.	Reverse sensitivity: While RNZ has permission to install and operate the masts, there is potential objection from people living close to the masts to the noise it generates, particularly in high winds. However as there is a major state highway infrastructures around the two masts and Henderson is not subject to the same severe wind as other RNZ sites, this risk of this is low.
	• In order to ensure continuity of service, RNZ has a large backup power generator on site that produces noise when operating.	Reverse sensitivity: While RNZ has a dispensation to operate the generator and to exceed standard noise limits while doing so, people living close to the mast may still not agree with the noise and/or RNZ's dispensation from normal noise limits. However, as the generator faces out to the estuary and there is a motorway on the other side, the risk of this is very low.
Electro-Magnetic Radiation (EMR)	• The masts transmit medium frequency (0.5-1.5Mhz) radio waves at high power. While this radiation is non-ionising and not harmful to humans at a cellular level, it can induce dangerous voltages / EMR levels into tall metallic objects such as building framing, wiring, plumbing and roof structures.	Compliance with EMR regulations. While actively observed and managed on RNZ sites, EMR risk from transmission sites are not widely understood outside of the industry. Developers of adjacent properties may unknowingly design and build structures which do not meet NZ EMR regulations and are dangerous to both construction staff and occupants of those structures. This is manageable for structures up to 10m and this document highlights the constraints over this height.
	• RNZ manage the very high EMR levels present close to the masts, and protect the public and workers from these, in line with current NZ and international radiation standards. • However, structures outside RNZ's immediate control are also potentially subject to EMR coupling	Reverse Sensitivity: High RF levels can cause issues with the correct operation of household technology, such as remote door openers, radio and TV signals, wifi signals and electronic devices. While the EMR levels may be within regulations, poorly designed home technology devices may not operate correctly, leading to frustration. This again is much lower in risk for structures up to 10m but a higher risk if greater in height.

This paper will focus on the EMR risks and how they can be effectively mitigated.

EMR Constraints and Considerations

As EMR constraints and considerations of a broadcast transmission site are the least well understood outside of the broadcasting industry, this section details what they are and where they apply in and around the Henderson site.

The AM site masts emit non-ionising EMR radiation, which diminishes rapidly the further it travels from the mast. Around the masts, RNZ manages the EMR from the masts, in line with NZ and International standards:

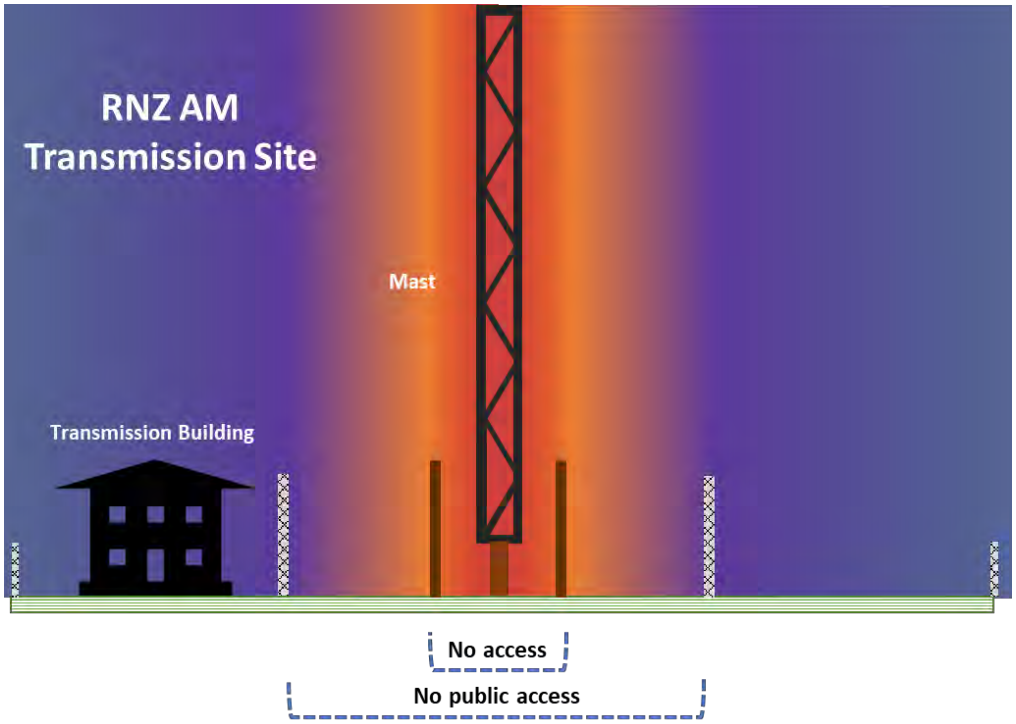


Figure 1: High EMR areas that RNZ has direct control of

This radio transmission works by the transmitter mast emanating a large Electro-Magnetic radio signal, which induces a very small signal in the receiving aerial, or any metallic object. At a distance this induced signal is very small (e.g. 0.010V/m in urban areas, 0.0005V/m in rural areas) and causes no issue, even when a person directly contacts the receiving aerial or metallic object.

However, in structures that are very “close” to the mast, in the case of Henderson, within a kilometre or so of the remaining active mast, this can cause a material risk, due to their proximity**.** The higher risk will be in the use of taller than 10m structures during the construction like cranes and if you have permanent structures greater than 10m in height.

The types of metallic objects that can be affected include:

- Electrical wires
- Copper water pipes
- Metallic downpipes

- Telephone and computer cables
- Reinforcing rod in concrete
- Steel towers and transmission poles
- Power pylons and power cables

The induced EMR is related to how far the object is from the mast, and the vertical height and length of the object, and is concentrated around these metallic objects:

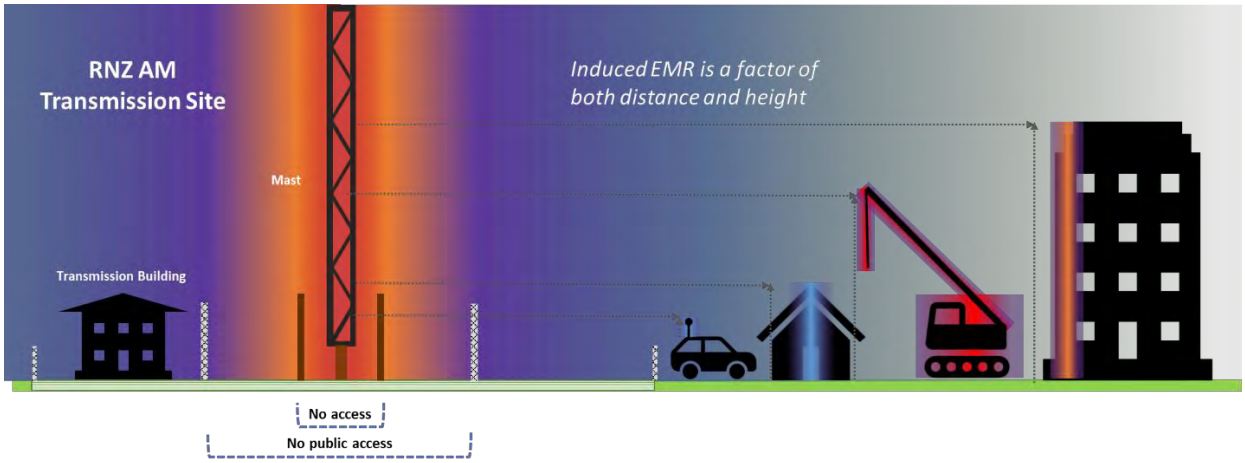


Figure 2: Areas where EMR issues may arise, but are outside of RNZ's direct control

In terms of the RNZ Henderson site, there are five zones around the masts, the last two of which are relevant to developments outside RNZ's boundary:

Zone	Responsibility for Managing EMR Risks	Risks Present	Other Concerns
Immediate area around the mast <5m from the mast	**RNZ** – this area is protected with a high vertical timber fence, barbed wire and is locked shut, with signage to denote the risk of shock and radiation exposure	Severe burns or cardiac arrest if a person were to come in contact with the mast EMR exceeds internationally agreed levels for trained RF workers at this distance from the mast.	When in operation, no persons are permitted in this area.
Mast compound <45m from the mast	**RNZ** – this area is protected with a mesh wire fence, barbed wire and is locked shut. There is also signage advising of the non-ionising radiation risk inside the compound.	EMR exceeds internationally agreed levels for members of the public inside this distance from the mast.	Only trained RF workers are permitted in this area when the mast is in operation.
Mast earth mat / RNZ transmission site ≤212m from the mast	**RNZ** – this area is not protected from the public, other than for general site security reasons, as EMR levels are below public limits.	Risk of EMR exceeding levels when aircraft, tall structures or machinery are used. RNZ manages this risk on a case-by-case basis.	The earth mat must be protected as this ensure the effective propagation of the mast.

Zone	Responsibility for Managing EMR Risks	Risks Present	Other Concerns
In the local vicinity of the site, outside of the RNZ site boundary ≤565m from the mast **(≤1 Wavelength Zone)**	Current Council District Plan implicitly manages the risk by limiting building structures to 10m or less	Structures >10m **will mostly likely** result in EMR levels exceeding public limits. Shocks / burns from contact with large metallic objects, including temporary structures like cranes.	This is also an area where "nuisance" issues can cause reverse sensitivity issues. **Note that new government initiative to permit three storey housing will put occupants at risk if structures >10m are erected.**
Within ~1km of the mast >565m and ≤1130m from the mast **(1-2 Wavelength Zone)**	Current Council District Plan implicitly manages the risk by limiting building structures to 10m or less	Structures >10m **may** result in EMR levels exceeding public limits. Shocks / burns from contact with large metallic objects, including temporary structures like cranes.	This is also an area where "nuisance" issues can cause reverse sensitivity issues. **Note that new government initiative to permit three storey housing may put occupants at risk if structures >10m are erected.**

At distances greater than 1km from the mast, the EMR risks to residential and small scale commercial development are sufficiently small to not require active mitigation.

Implications for Development of Sites Adjacent to the RNZ Henderson AM Transmission Site

Zone	Permanent Structures	Construction Methods / Temporary Structures / Cranes
In the local vicinity of the site, outside of the RNZ site boundary ≤565m from each of the masts **(≤1 Wavelength Zone)**	**No structures above 10m (~2 storeys)** in height, **no exceptions**. This is typically enforced through local council district plan and building consent process. Individual EMR assessments of each structure not required if they are below this height.	**All temporary structures and use of cranes with a vertical height greater than 10m to be subject to a site and equipment-specific EMR assessment and specific work practices to mitigate EMR risks.** RNZ expects that a design-time EMR assessment of **all** development in this zone is undertaken to ensure the safety of the eventual occupants. RNZ also expect that construction-time EMR assessments are conducted to ensure the safety of suppliers and construction workers on the sites.

Zone	Permanent Structures	Construction Methods / Temporary Structures / Cranes
Within ~1km of the each of the masts >565m and ≤1130m from the masts **(1-2 Wavelength Zone)**	**The design of any structure above 10m (~2 storeys) in height must include a site-specific and construction materials-specific EMR assessment to** ensure the structure does not affect transmission propagation nor expose construction workers or occupants to EMR above NZ standards.	**All temporary structures and use of cranes with a vertical height greater than 10m to be subject to a site and equipment-specific EMR assessment and specific work practices to mitigate EMR risks.** RNZ expects that a design-time EMR assessment of **any development >10m in height** in this zone is undertaken to ensure the safety of the eventual occupants. RNZ also expect that construction-time EMR assessments are conducted to ensure the safety of suppliers and construction workers on the sites.
Outside of the ~1.1km radius from each mast	Assumes construction of any significant infrastructure e.g. Power pylons / cell towers will have an EMR assessment conducted as a matter of course / current council policy.	Relies on major infrastructure industries to be aware of and manage their own EMR risks, as they already do.

For example, any Henderson development adjacent to the RNZ site's masts, the following map indicates those areas:

Figure 3: One and two wavelength boundaries around the Henderson site for the masts

When multiple masts are involved, there are multiple concentric circles, one set for each mast.

As can be seen in the diagrams, there are already many structures already within these boundaries without issue, as historical height limits have mitigated the risks, see below.

Management / Mitigation of Issues / Risks

The EMR concerns are manageable as long as:

1. The height restrictions are adhered to and;
2. EMR design assessments are conducted for the design, construction and finishing of the final structures.

This will by its nature require the input of specialists in EMR assessment. NZ is fortunate in having three specialists in this area, with one of them being at RNZ.

The EMR levels can be accurately estimated by using software modelling to model the intended building structures and then calculating their interaction with the EMR radiation from the RNZ mast.

Note that there are houses already both within the first wavelength (purple) and second wavelength (blue) zones that have been constructed over many decades without issue. Any risks have in the past been effectively mitigated by Auckland council housing regulations which typically restrict domestic dwelling construction to <10m in height.

So the risks of EMR issues can effectively be mitigated by careful planning and due consideration in the Auckland District Plan, along with appropriate construction practices. If EMR considerations are assessed and addressed up front at the design stage, development and occupation can proceed without issue.

International and NZ EMR Standards

Telecommunication and broadcasting providers are required to limit human exposure to non-ionising EMR radiation, as defined in NZ Standard *NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels – 3 kHz to 300 GHz*.

RNZ and Kordia are now also working to the International Commission on Non-Ionizing Radiation Protection *ICNIRP 2010 Guidelines* (recently adopted in Australia and likely to be adopted in NZ in the near future) which are far more stringent than the NZS 2772:1:1999 Standard for Occupational exposure in the MF band. Where a discrepancy exists between the current NZS 2772.1 and ICNIRP standards, the more conservative of the two standards is used.

Note that the ICNIRP Guidelines and NZS 2772:1:1999 are virtually identical for General Public exposure, which is the primary subject of this paper.

These standards define internationally researched limits for human exposure to radio transmissions, and RNZ both actively models and tests EMR levels on our transmission sites. We also work with our suppliers to define Work Methods that ensure all work on our sites is undertaken in a way that keeps workers exposure to within the approved limits.

Document Control

Version history

Date	Version	Changes	Author
12 May 2022	1.0	Release for submission to Auckland Council	Michael Wilson
13 May 2022	1.1	Updated to show both masts in example	Michael Wilson

ATTACHMENT 3: THE ROLE OF OTHER LEGISLATION AND REGULATIONS

EMR Regulations

The National Environmental Standards for Telecommunications Facilities 2016 (*NES*) regulates telecommunication facilities in or near public areas. *Clause 55: Radiofrequency fields* applies to the establishment of RNZ's transmission sites:

The facility must be installed and operated in accordance with NZS 2772:1:1999 Radiofrequency Fields Pat 1 – Maximum Exposure Levels – 2kHz to 300GHz (*NZS 2772:1*).[1]

Before the facility becomes operational, the operator must give the local authority notice of the facility's location and a pre-commencement report in accordance with AS/NZA 2772:2:2016 Radiofrequency Fields Part 2: Principles and Methods of Measurement and Computation – 3kHz to 300GHz (NZS272:2).[2]

If the Radio Frequency (*RF*) fields are predicted to reach or exceed 25% of the General Public exposure limits (NZS 2772:1) in places reasonably accessible to the general public, the operator must submit a post-commencement report to the local authority providing evidence that the actual RF field levels comply with these limits.[3] A post-commencement report, if required, must be submitted within 3 months after the facility becomes operational.[4]

In practice, local authorities apply the NES when administering the District Plan and overseeing infrastructural developments. RNZ comply with NES, NZS 2772:1 and NZS 2772:2 when establishing and operating facilities across New Zealand.

NZS 2772:1

NZS 2772:1 stipulates exposure limits for two categories of people:

Occupational (or "RF Workers"): apply to adults who are medically screened and trained to be aware of potential RF hazards and to take appropriate precautions.

General Public: apply to people who may be of any age or health status, and who may be unaware of RF exposures and are not trained or able to take precautions. General Public assessments need to consider what areas are reasonably accessible by unaware people.

NZS 2772:1 requires assessment of the total RF fields a person is exposed to, not just the RF fields from a particular service or installation in isolation. The assessment must consider existing overlapping fields from other services that might raise the overall cumulative RF field level.

Operators are also required to minimise RF field exposure where achievable, even though it might already comply with the exposure limits. In practice, RNZ restricts access by the general public to areas near its transmitter masts to ensure public safety and compliance with NZS 2772:1.

NZS 2772:1 was based almost entirely on the International Committee on Non-ionizing Radiation Protection 1988 Guidelines (*ICNIRP Guidelines*). The ICNIRP Guidelines were updated in 2020 and were adopted in Australia in February 2021. RNZ currently works to

---

[1] Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2017. Subpart 7 – Radiofrequency fields. Clause 55(2)(a).

[2] Clause 55(3).

[3] Clauses 55(4) and (5).

[4] Clause 55(2)(c).

both NZS 2772:1 and the latest 2020 ICNIRP Guidelines, which may be adopted in New Zealand in the future.

Health and Safety at Work Act 2015 and Health and Safety at Work Regulations 2016

For transmission sites nationwide, RNZ assess and establish a "General Public exclusion zone" from which the general public must be excluded, together with other controls to ensure people will not be exposed to RF field levels in excess of accepted exposure limits.

The protection of RNZ staff and contractors, and others who might legitimately enter the General Public exclusion zone, is covered by the Health and Safety at Work Act and associated Regulations. RNZ is under a duty to identify hazards and implement, maintain and review effective control measures on work environments around RNZ's transmitter masts and other broadcasting infrastructure where EMR poses a hazard. RNZ staff and contractors working at RNZ sites are well aware of the hazard and comply with the regulations when carrying out their duties.

However, as explained, EMR is not a commonly understood hazard, particularly when the radiation emanates from a transmission structure that may be hundreds of metres away and not visible from a work site. Controls established by RNZ under the Health and Safety at Work Act and Regulations do not extend beyond the immediate workplace area, and are therefore inadequate in this regard.

RNZ considers there is a real risk that builders and contractors carrying out work on residential buildings (at 'other' workplaces) around the Porirua transmitter site would fail to identify the risk that certain structures and construction materials could pose if safety measures are not put in place.

Hazardous Substances and New Organisms Act 1996

The Hazardous Substances and New Organisms Act does not regulate EMR as it is not considered a "hazardous substance" or "new organism". Therefore, this legislation does not function to manage the effects of EMR.

Building Act 2004

All building work must comply with the Building Code.[5] The only specific provisions relating to radiation are contained in Clause F2. For example,

> *Objective F2.1 The objective of this provision is to safeguard people from injury and illness caused by exposure to hazardous building materials.*
>
> *Functional requirement F2.2 Building materials which are potentially hazardous, shall be used in ways that avid undue risk to people.*
>
> *Performance F2.3.1 The quantities of gas, liquid, radiation or solid particles emitted by materials used in the construction of buildings, shall not give rise to harmful concentrations at the surface of the material where the material is exposed, or in the atmosphere of any space.*

The Code does not address the risk of induced voltage from radiation sources remote from the construction site, reflecting the relative rarity of this hazard.

[5] Schedule 1 of the Building Regulations 1992.

Accordingly, the Building Act and Code do not sufficiently manage the effects of EMR.

Ginny Taare

From: Paul Sousa - Integrated Planning Solutions <paulsousa@xtra.co.nz>
Sent: Thursday, 29 September 2022 4:03 pm
To: Unitary Plan
Cc: 'jlydon'
Subject: Submission on PC78 on behalf of Craig Anderson
Attachments: pc-78-form-5-notification - Craig Anderson.pdf; Supplementary Information for identified fields in Submission form of Craig Anderson.pdf; Amendments sought to PC78 Provisions on behalf of Craig Anderson.pdf

Good afternoon,

Please find attached a submission on PC 78 lodged on behalf of Craig Anderson of 57 Maungakiekie Avenue Greenlane.

I apologise for any formatting issues. However, having had two attempt to lodge the submission via the Council portal without success the sheets attached are largely the text that would have populated the requisite fields of the online form with supplementary statements provided.

If you have any questions please do not hesitate to contact me.

Kind regards

Paul Sousa BREP, MNZPI
Director
Integrated Planning Solutions Ltd (iPS)
Auckland & New Plymouth
PH: 0800PLANNER
Mobile: 0272595070

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Craig Anderson

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

C/- Paul Sousa (Agent)

Telephone: 272595070 Fax/Email: paulsousa@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Please see attached Sheet

Or

Property Address: 57 Maungakiekie Avenue, Greenlane and other land in Greenlane Special Character Area - Residential

Or

Map: Removal of Greenlane Special Character Area - Residential

Or

Other *(specify)*

Removal of Floodopain Overlay from 57 Maungakiekie, Avenue
Removal of Floodopain Overlay from 57 Maungakiekie, Avenue

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

See attached sheet.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Refer to sheet attached titled 'Amendments sought to PC78 Provisions on behalf of Craig Anderson '

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Paul Sousa on behalf of Craig Anderson
Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/29/2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Amendments sought to PC78 Provisions on behalf of Craig Anderson

On behalf of the Submitter Craig Anderson, the following amendments to the specified provisions of Plan Change 78 are requested.

1. Removal of Special Character Overlay

The special character area statement for Greenlane, which includes the submitters property at 57 Maungakiekie Avenue, sates:

*'The Greenlane Special Character Area - Residential is **not of high-quality special character value.** An area of high-quality is determined to be one that has 75% or more individual properties scoring either 5 or 6. This area has 69% of individual properties scoring either 5 or 6.'*

Policy 2 of Schedule 3A of the RMA states that a territorial authority must '*apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage* (Emphasis added) *and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).'*

57 Maungakiekie Avenue and the remainder of the properties encompassed in the Greenlane Special Character – Residential Overlay are NOT identified as historic heritage sites and collectively DO NOT MEET the threshold required to be deemed to have '*high-quality special character value'.* Accordingly, the Special Character – Residential Overlay should not apply to 57 Maungakiekie and the other residential properties captured by the Greenlane Special Character – Residential overlay and it is requested that this be removed from PC78 and not be considered as a 'qualifying matter' to prevent controlled intensification of these residential properties.

The basis for determining if an area is worthy of 'protection' under a special character overlay is solely whether it exceeds a score of 75% in the assessment for the relevant special character area statement and not a locational bias that some areas be protected with lower scores due to their proximity to a local hub as is the situation giving rise to the inclusion of the Greenlane Special Character Area – Residential being retained as a 'qualifying matter. ***High-quality special character value*** is not a function of accessibility but simply its heritage character. On this basis the Greenlane Special Character Area – Residential does not meet the thresholds to be retained.

For the foregoing reasons and based on additional evidence to be presented at the hearing (if necessary) by a heritage specialist, it is requested that the Greenlane Special Character Area – Residential be removed, in particular in respect of 57 Maungakiekie Avenue.

2. Amendments to the objectives and policies at D18.2 and D18.3 to provide for the possibility of a second house being established in the Special Character – Residential overlay area if it is retained.

Irrespective of whether the Council agrees to remove the Greenlane Special Character Area – Residential, it is considered that there is scope to provide for limited and controlled housing intensification on larger properties within the Special Character Residential Areas that will have less than minor adverse effects on the *special character value* of any given area.

Accordingly the submitter seeks the following amendments to the objectives and policies at D18.2 and D18.3 to provide for the possibility of a second house being established in the Special Character.

Amendments are shown as **bold underlined** for additions and ~~struck through~~ for deletions.

D18.2 Objectives
Special Character Areas Overlay – Residential

(4) to provide for additional low density housing opportunities of up to a total of two (2) houses on larger properties in a controlled manner to provide for and respond to housing needs and demand in a way that maintains the special character values of the area.

~~(4)~~**(5)** Existing residential buildings provide for and respond to housing needs and demand in a way that maintains and enhances the special character values of the area.

~~(5)~~**(6)** A minor dwelling provides for additional housing needs and demand in a way that maintains and enhances the special character values of the area.

~~(6)~~**(7)** A limited range of non-residential activities in residential areas provide for the community's social, economic and cultural well-being, while maintaining and enhancing special character values, as identified in the special character area statement.

D18.3. Policies
Special Character Areas Overlay – Residential

(7A1) Enable the construction of a second dwelling on properties larger than 1200m^2 where the special character values of the area, as identified in the special character area statement, are maintained.

3. Amendments to Activity table D18.4.1 – Special Character Areas Overlay – Residential to include provision for a 2nd dwelling

To give effect to the outcomes anticipated by the requested amendments to the objectives and policies to provide for additional development opportunity as stated above, consequential amendments to the activity table are sought as follows:

D18.4. Activity table
Table D18.4.1 Activity table – Special Character Areas Overlay – Residential

Activity	Activity Status	Standards to be complied with
Residential		
(AB2) Construction of an additional dwelling on site where the existing dwelling is being retained or relocated on site so that the existing dwelling is forward of the new dwelling (there shall be no more than two (2) dwellings on the site in total) and the site has an area greater than 1,200m^2.	**RD**	**Standard D18.6.1.1 Building height; Standard D18.6.1.2 Height in relation to boundary; Standard D18.6.1.3 Yards; Standard 18.6.1.4 Building coverage; Standard D18.6.1.5 Landscaped area; Standard D18.6.1.6 Maximum impervious area; Standard D18.6.1.7 Fences, walls and other structures; standard D18.6.1.8. Rainwater tanks**

Note: Where the relevant standards are not met the activity shall remain a restricted discretionary under Standard C1.9 Infringements of standards of the AUP(OP)

4. Amendments to Standard D18.6.1.3 Yards – Table D18.6.1.3.1 Yards – Front yards

It is acknowledged that the purpose of the average front yard is to maintain the existing character of a street. While this may result in front yards less than that of the underlying zone there are circumstances where excessive front yards are to be maintained that are greater than that required in Rural zones. In an urban

environment where housing demand and residential land reserves are critical it is not appropriate to require front yard setbacks of significant distances.

It is considered appropriate that the average front yard standard be capped at 5.0m to achieve a sense of open space in the special character area greater than a standard residential zone while also enabling the efficient use of the urban residential land resource.

In addition, it is requested that provision be made for corner sites where that adjoin special character area – residential overlay properties along one road but not the other. In these instances it is requested that the underlying zone front yard standard apply.

Subsequently the following amendments are requested.

Table D18.6.1.3.1 Yards

Yard	Minimum depth
Front	The average of existing setbacks of dwellings on adjacent sites, being the three sites on either side of the subject site or six sites on one side of the subject site. **In the even that the average set back exceeds 5.0m from the front boundary then the required front yard setback shall be capped at 5.0m.** **For corner sites where only one street frontage is subject to a special character – residential overlay the average setback required above shall only apply along the special character frontage and the front yard setback of the underlying zone shall apply along the other road frontage.**

5. Amendments to D18.8.1 Matters of discretion

To provide for the assessment of additional dwellings as a restricted discretionary the following amendments to D18.8.1 'matters of discretion' are sought.

D18.8.1.1. Special Character Areas Overlay – Residential

(2A) for Construction of an additional dwelling on site where the existing dwelling is being retained or relocated on site so that the existing dwelling is forward of the new dwelling (there shall be no more than two (2) dwellings on the site in total) and the site has an area greater than 1,200m^2.

(a) the effects on the streetscape and special character context as outlined in the Special Character Area Statement;
(b) the building and its contribution to streetscape character; including its design, quality, purpose and amenities including matters of scale, form, massing, materials, setbacks and the relationship to the street; and
(c) the effects on landscape and vegetation,

6. Amendments to D18.8.2 Assessment Criteria

To provide for the assessment of additional dwellings as a restricted discretionary the following amendments to D18.8.2 'Assessment Criteria' are sought.

D18.8.2. Assessment criteria

(4) for Construction of an additional dwelling on site where the existing dwelling is being retained or relocated on site so that the existing dwelling is forward of the new dwelling (there shall be no more than two (2) dwellings on the site in total) and the site has an area greater than 1,200m^2.

(a) policies D18.3(1) to (7A1).

~~(4)~~ **(5)** for an infringement of any of the standards listed in Standard D18.6.1 Standards for buildings in the Special Character Areas Overlay – Residential:

(a) policies D18.3(1) to (7C).

Specific provisions that the submission of Mr Craig Anderson relates to are as follows with the requested amendments set out on a further attached sheet titled 'Amendments sought to PC78 Provisions on behalf of Craig Anderson':

- D18.2 Objectives & D18.3 Policies - Special Character Areas Overlay - Residential - No provision for second dwelling. Provision shall be made to recognise potential for a 2nd dwelling on sites greater than 1200m2.
- D18.4 Activity table - Non-provision for 2nd dwelling - Non-Complying Activity - Provision shall be made for a second dwelling on sites greater than 1200m2 as a Restricted Discretionary Activity.
- D18.6.1.3 - front yard - that the average front yard only apply when site adjoins other special character properties along that street front AND that any front yard setback be capped at 5m from the road boundary. Where the subject site does not adjoin another special character site along a given frontage then the front yard standard of the underlying zone shall apply.
- D18.8.1 matters of discretion be amended to include matters for a 'second dwelling on sites greater than 1200m2'
- D18.8.2 Assessment Criteria be amended to include assessment criteria for the assessment of a second dwelling on a site greater than 1200m2.

Map

- That the Special Character - Residential overlay be removed from 57 Maungakiekie Avenue and other properties along this road forming part of the same special character area as their collective rating falls below the 75% threshold recognised as being the standard for being of a high quality special character value and certainly below the heritage qualifying matter identified by the NZ Govt as a qualifying matter. That the flood plain be removed from 57 Maungakiekie avenue as the land is elevated and so not within a flood plain.

Other

- That the flood plain overlay be removed from the rear of 57 Maungakiekie Avenue as this land is elevated and not in a flood plain.

Reasons for Views:

In addition to the reasons set our below, please also refer to the further sheet attached titled 'Amendments sought to PC78 Provisions on behalf of Craig Anderson'

1. The submitter's property is within walkable distance to main bus routes, the Greenlane train station, a retail/commercial/employment area and borders one tree hill domain. This location warrants the intensification, albeit limited, of residential development. To restrict a central urban property in excess of 1200m^2 to only containing 1 dwelling is an inefficient use of an existing land resource and contrary to the outcomes sought by Schedule 3A of the RMA.

2. The submitter's property and those within the Greenlane Special Character area do not meet the collective 75% special character quality threshold and as such should not be included in the overlay.

3. In conjunction with point 1, in the event that the special character overlay remains there should be scope for sympathetic additional housing provided for in this location by way of resource consent to manage the effects on the special character area.

4. At present applying the average front yard setback (excluding garages) results in a front yard set-back greater than is required in the rural zones, which is not appropriate in an inner-city suburb.

5. The submitter does not believe the rear of their site to be within a flood plain as shown on the qualifying matters map due to its elevation and requests that this be removed.

This Submission seeks:

1. That the Greenlane Special Character Area - Residential overlay be removed from 57 Maungakiekie Avenue and other properties along this road; and 2208 .1

2. That the flood plain overlay be removed from 57 Maungakiekie Avenue; and 2208.2

3. That the provisions of PC78 be amended as set out in the **attached sheet entitled 'Amendments sought to PC78 Provisions on behalf of Craig Anderson'** and summarised as follows:

    a) that the objectives and policies for the Special Character Area - Residential Overlay be amended to make provision for up to 2 houses on a site where the site has an area of at least 1200m^2. 2208.3

    b) that the Special Character Area – Residential activity table be amended to include a second house on a site greater than 1200m2 as a Restricted Discretionary Activity; 2208.4

    c) that, arising from point (b) foregoing, matters for discretion and corresponding assessment criteria to establish a 2nd dwelling on a site greater than 1,200m^2 be added to the provisions of the Special Character Area – Residential section of PC78; and 2208.5

    d) that the average front yard setback in the Special Character Area – residential be capped at 5m from the road and only apply along the frontage where a property adjoins other properties in the special character residential overlay row. 2208.6

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) TRACY STRUDLEY

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

5C CHURCH STREET, DEVONPORT, AUCKLAND 0624

Telephone: 21761223 Fax/Email: t.strudley@globaled.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Chapter D18 Special Character Overlay Residential as the overlay relates to Devo

Or

Property Address: your address

Or

Map:

Or

Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

See attached sheet

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation	☐
Accept the proposed plan change / variation with amendments as outlined below	☒
Decline the proposed plan change / variation	☐
If the proposed plan change / variation is not declined, then amend it as outlined below.	☐

I wish to be heard in support of my submission	☒
I do not wish to be heard in support of my submission	☐
If others make a similar submission, I will consider presenting a joint case with them at a hearing	☒

Signature of Submitter
(or person authorised to sign on behalf of submitter)

26th September 2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you <u>could</u> gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

PLAN CHANGE 78 – ATTACHMENT TO SUBMISSION BY TRACY STRUDLEY of 5C CHURCH ST, DEVONPORT

This submission relates to Chapter D18 Special Character Overlay Residential as it relates to Devonport

1) ***I wish to have the specific provisions identified above amended. The reasons for my views are:***

Character

Devonport is a unique area of character within the increasingly anodyne sprawl of Auckland. Its geography and history sets it apart as an area of not just local importance, but regional importance. There is no other area in Auckland that has its combination of coastline and heritage village centre, sitting between two ancient maunga.

This very human scale of Devonport and its historic ambiance as a maritime village is truly a taonga which needs to be preserved – an historic and economic asset to the current citizens and future generations of Auckland.

Value to the visitor economy for the whole of Auckland

The low-scale coherence of Devonport is one of the strongest factors in its appeal to the thousands of tourists who visit the area and contribute to the economic value not just of the North Shore but the whole of Auckland. Devonport is an economic magnet within the visitor economy of Auckland. This visitor economy is critical to the city's financial sustainability.

Intensive development of the kind proposed in Plan Change 78 will greatly impact Devonport's heritage value, disrupting and destroying the coherence of a characterful and much treasured area.

Pepper-potting areas completely unsuitable for intensification

I live at 5C Church Street, just back from the Devonport waterfront. Our home and surrounding homes have been marked as Mixed Housing Urban Zone, despite the fact we border the waterfront with its heritage importance and natural hazards of coastal inundation and flood zone. We are surrounded by some of the most historic and characterful villa homes in the area, yet our 'lane' is being earmarked for intensification.

We have issues with a narrow accessway to our homes, we are in a minor hazard zone for flooding, yet ours is a prime example of the pepper potting of homes being sacrificed to this medium density zoning simply because they are post-1936 and therefore not subject to special character status.

As a single example, amongst many homes cherry-picked for the Mixed Housing Urban Zone in our area, we are baffled at the practicality and reasoning of such zoning.

We would argue that the whole of Devonport, as a cohesive area, is of special character and seeking to disrupt this with random development zones, jeopardises the SCA as it stands.

Infrastructure

It is no secret that wastewater and power supply to the whole of the Devonport Peninsula is under considerable pressure. It was only a few years ago that residents were being offered $2,000 cash incentive by the lines company to install solar panels as a way of taking pressure of the electricity load needed for Devonport. 2216.7

Developers need no further incentive to add loading to this critical infrastructure – the intensification clearly visible along Lake Road, where every second house between Hauraki Corner and the Bayswater turn off, is being sold for townhouse development, is already stretching available capacity.

The traffic issues of Lake Road have been perennial since the 1990's and are worsening each year. Current and planned intensification of the peninsula north of the Devonport Golf Club will pour even more traffic into this congested corridor.

2) I seek the following decision by Council: Accept the proposed plan change/variation with amendments as outlined below.

- Retain the Special Character Overlay over all of Devonport 2216.1
- Keep the coherence of the special character of the Devonport area 2216.2
- Do not erode or disrupt the cohesive streetscape of the wider special character area
- Delete the Mixed Housing Urban Zone altogether within the Devonport area, especially in areas adjacent to the historic waterfront of King Edward Parade and the heritage neighbourhood of Cheltenham Beach. 2216.3
- Make the Victoria Road shopping area an Historic Heritage Area 2216.5
- Remove Policy 3d from residential areas in Devonport 2216.6

Ginny Taare

From: Julie Green <stirlinggreen@hotmail.com>
Sent: Thursday, 29 September 2022 3:50 pm
To: Unitary Plan
Subject: Submission to PC 78
Attachments: Scan_20220929.png; Scan_20220929 (2).png

To whom it may concern:
Please find attached my submission to PC 78
Thank you
Julie

Submission on Plan Change 78

Attn: Planning Technician

Auckland Council,

135 Albert St

Private Bag 92300

Auckland

Submitter Details:

Ms Julie Stirling

17 Emmett St,

Herne Bay,

Auckland 1011

Email: stirlinggreen@hotmail.com

Phone: 376-2898 or 021 250 3533

Scope of Submission:

Plan Change 78 – Intensification

The specific provisions that my submission relates to are:

PC 78 Maps – Special Character Overlay and

Chapter D18 – Special Character

Submission:

My submission is that I support the Council's inclusion in PC 78 of provisions for Special Character so that it is a Qualifying Matter in accessing housing intensification in the areas identified as Special Character Areas under PC78 but I believe that the refining process that Council undertook in the preparation of PC 78 to reduce the areas of Special Character has been too drastic in a number of suburbs so that only a few streets remain within the 2218.1 2218.2

Special Character Overlay and this will do nothing to preserve the special homogeneous character and features present in those suburbs. The suburb I am particularly familiar with is St Marys Bay which has been reduced to 4 streets. Furthermore, PC 78 will create capacity for housing in Auckland that will greatly exceed the projected demand in the city over the next 30 years and in doing so will destroy character areas of Auckland that give the city its own identity and interest. To me it is clear that there is no point in reducing the Special Character Areas down to the bare minimum as is currently proposed in PC 78.

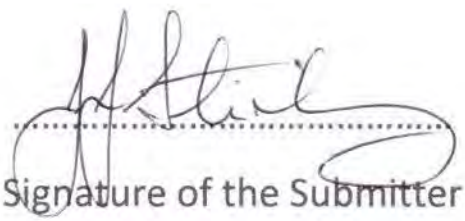
Therefore I wish to see the Special Character Overlay and Chapter D18 amended so that properties with Individual Property Scores of 3 and 4 (not just 5 and 6 as is presently the case under PC 78) be included in the Special Character Areas and Special Character Overlay.

I seek the following decision by Council:

Accept PC 78 with amendments as outlined below.

Amend the PC 78 Maps – Special Character Overlay and Chapter D18 so that properties given Individual Property Scores of 3 and 4 under the Special Character Area surveys undertaken by Council are included in the Special Character Areas and the Special Character Overlay in PC 78. 2218.3

If others make a similar submission, I will consider presenting a joint case with them at the hearings



Signature of the Submitter

29 Sept 2022

Date of the Submission

I could not gain an advantage in trade competition through this submission

Ginny Taare

From: Zoe Lee La Selle <ZLeeLaSelle@bentley.co.nz>
Sent: Thursday, 29 September 2022 3:53 pm
To: Unitary Plan
Cc: Craig Mcgarr
Subject: Submission on Plan Change 78 - Intensification (Scentre (New Zealand) Limited)
Attachments: Scentre Limited PC78 Submission 290922.pdf

Hello,

Please see attached the submission on Plan Change 78 – Intensification, provided on behalf of Scentre (New Zealand) Limited.

Warm regards,

Zoe Lee La Selle
Resource Management Planner

BENTLEY&Co
Resource Management Consultants

Level 3, 48 High Street, Auckland CBD
PO Box 4492, Shortland Street, Auckland 1140

Phone: 09 309 5367 **Mobile:** 021 0855 5196

SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN CHANGE 78 UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

TO:	Auckland Council ("**Council**")
SUBMISSION ON:	Proposed Plan Change 78 ("**PC78**") to the Auckland Unitary Plan – Operative in Part ("**AUP**")
NAME:	Scentre (New Zealand) Limited ("**Scentre**")

Introduction

1. Scentre is part of the Scentre Group (which owns the Australian and New Zealand businesses formerly known as the Westfield Group), a vertically integrated shopping centre entity undertaking development, design, construction, property management, leasing, and marketing activities. Scentre is a leading international shopping centre company with an extensive global portfolio of high quality shopping centres.

2. Scentre owns and manages four major shopping centres in Auckland (Newmarket, Saint Lukes, Albany and Manukau), along with other shopping centres around the country. Scentre's shopping centres are a focal point for their local communities. Such facilities form an important part of the commercial infrastructure of a modern society, and are vitally important to the success and vitality of the wider town centres within which they are located. Scentre's shopping centres are carefully designed and planned, and Scentre constantly reinvests in its facilities to maintain and upgrade them to a very high standard.

3. Scentre welcomes the opportunity to submit on PC78, which, amends the AUP to comply with the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**Act**") and the National Policy Statement on Urban Development ("**NPS-UD**").

4. Scentre could not gain an advantage in trade competition through this submission.

Scope of submission

5. This submission relates to PC78 in its entirety, and in particular those aspects that relate to:

   (a) the Newmarket Metropolitan Centre zoned area;

   (b) the Manukau Metropolitan Centre zoned area; and

(c) the Albany Metropolitan Centre zoned area.

Nature of submission

6. Scentre is generally supportive of the proposed changes to the AUP, with amendments sought to ensure intensification is provided for in an appropriate and efficient manner.

Reasons for submission

7. The reasons for this submission are that the proposal, subject to the amendments sought in this submission:

(a) will promote sustainable management of resources, and therefore will achieve the purpose and principles of the Resource Management Act 1991 ("**RMA**");

(b) is not contrary to Part 2 and other provisions of the RMA;

(c) will meet the reasonably foreseeable needs of future generations;

(d) will enable social, economic, and cultural wellbeing;

(e) is not contrary to the purposes and provisions of the RMA and other relevant planning documents;

(f) is appropriate and consistent with the purpose and principles of the RMA; is not necessary to avoid, remedy or mitigate adverse effects on the environment; and

(g) represents the most appropriate way to achieve the objectives of the AUP, in terms of section 32 of the RMA.

Specific reasons for submission

8. Objective 3 of the NPS-UD requires the AUP to enable more people to live in, and more businesses and community services to be located in, areas which are near a centre zone and where there is high demand for housing or business land. Auckland's Metropolitan Centre Zone and Saint Lukes Precinct are key areas contemplated for intensification under Objective 3.

9. Scentre is supportive of the changes in PC78 which enable greater intensification. These include in particular the revised extent of the Special Character Overlay, particularly as it relates to Nuffield Street and Teed Street.

10. However, in Scentre's submission, PC78 must go farther to enable greater density in these areas, as detailed below.

Business – Metropolitan Centre Zone

11. PC78 proposes to retain the 72.5m maximum building height within walkable catchments in the Business – Metropolitan Centre Zone.[1] This fails to reflect the significant contribution that these centres contribute as focal points for commercial and community activity, and the level of density in these areas should be reflective of this.

12. The Takapuna metropolitan centre currently has no maximum height standard over part of the zone (with the Takapuna 1 Precinct provisions enabling 'unlimited height', which has enabled the development of the Sentinel Building at approximately 100m high. In Scentre's submission, there are similar opportunities to enable greater density (by enabling greater height) in the Albany, Newmarket, and Manukau metropolitan centre, which are experiencing significant demand with a range of taller, tower-like structures already being contemplated in the Business – Metropolitan Centre Zone.

13. For these reasons, Scentre seeks that the maximum building height within Metropolitan centres be 100m to increase the opportunities for intensification within those centres. This level of intensification is appropriate, necessary and efficient for the Business – Metropolitan Centre Zone and would appropriately reflect a level of density that is responding to demand for housing and business in these areas under Objective 3 (and Policy 3) of the NPS-UD.

14. In support of the changes in PC78 which enable greater intensification, Scentre supports the limited extent of the Special Character Area Overlay as it relates to the Newmarket metropolitan centre.

Volcanic Viewshaft and Height Sensitive Areas Overlay

15. In many cases, development in an area subject to the Volcanic Viewshaft and Height Sensitive Areas Overlay may be planned to ensure that the building does not intrude into the Volcanic Viewshaft, however, because of the need for a crane during construction activities, even if only for a short duration, the activity may trigger a non-complying activity under the AUP.

16. While Scentre acknowledges the importance of the volcanic viewshaft controls on built form, the controls regarding the use of temporary cranes for the purpose of construction must be more robust and workable. These controls inadvertently constrain the level of density that PC78 seeks to achieve by adding onerous consenting requirements to the construction of higher density buildings, due to temporary intrusions into these viewshafts.

17. Scentre therefore seeks that an express exclusion for temporary crane activities be incorporated into the Volcanic Viewshaft and Height Sensitive Areas Overlay to ensure that the intensification that PC78 is intending to

[1] Plan Change, H9.3 Policy 12A and H10.3 Policy 12A; and AUP, H9.6.1(1).

achieve can be delivered in practice, efficiently, and without undue and unnecessary consent processes being invoked.

Decision sought

18. Scentre seeks:

(a) retention of the revised extent of the Special Character Overlay proposed in PC78, particularly as it relates to Nuffield Street and Teed Street, Newmarket; 2226.1 2226.2

(b) the maximum building height in the Metropolitan Centre Zone is increased to 100m to be consistent with Takapuna's Metropolitan Centre Zone; 2226.3 2226.4

(c) an express exclusion for temporary crane activities from the Volcanic Viewshaft and Height Sensitive Areas Overlay controls; and 2226.5

(d) any such further relief or alternative or consequential amendments as may be necessary to address Scentre's concerns set out above.

19. Scentre wishes to be heard in support of this submission.

20. If other parties make a similar submission, Scentre would consider presenting a joint case at any hearing.

Date: 29 September 2022

Signature: by its planning and resource management consultants Bentley & Co. Ltd:

Craig McGarr

Address for Service: Bentley & Co. Ltd

PO Box 4492
Shortland Street
AUCKLAND 1140

Telephone: 021741418

Email: cmcgarr@bentley.co.nz

Ginny Taare

From: Bronwen Innes <bronwen.innes@xtra.co.nz>
Sent: Thursday, 29 September 2022 4:08 pm
To: Unitary Plan
Cc: stmarysbayassociation@gmail.com
Subject: Submission on Plan change 78
Attachments: Submission re ACC PC 78 Sept 2022.docx

Please find attached my submission on Plan change 78.

Please acknowledge receipt.

Bronwen Innes

Submission re Auckland City Plan Change 78, St Mary's Bay in particular.

To: Auckland Council Planning technician
By email: unitaryplan@aucklandcouncil.govt.nz

Submitter: Bronwen Innes

I live at 22 Seymour St, St Mary's Bay, and have lived here for 37 years.
My email address is bronwen.innes@xtra.co.nz .

This submission is in addition to the submission made by The St Mary's Bay Association, of which I am a member.

I support the submission of The St Mary's Bay Association.

Submission

I am extremely concerned about aspects of the government's policy and requirements for increasing housing, and Auckland City's consequent proposed changes for what building will be allowed throughout the city. In my view a number of serious matters appear to have received little attention or weight:

1. Heritage

   If we allow the wholesale destruction of areas which connect with different periods in our city's development, we become the poorer. Culture and heritage are highly valued elsewhere in the world, and in the past in Auckland City. Why is it considered that this does not matter for Auckland and New Zealand now? I am at a loss as to understand this decision by a government which likes to speak of the importance of both the team of 5 million and wellbeing. I am also at a loss to understand Auckland City Council's approach in the old parts of the city, and the differential treatment seemingly given to St Mary's Bay, said to be our oldest suburb, compared with most of Ponsonby and Freeman's Bay, and with Grey Lynn and Herne Bay. All of those areas have been given greater heritage overlay. I fail to see how St Mary's Bay cannot be determined to have similar value. It feels as if a line has been drawn arbitrarily – I understand it relates to the walking catchment, but I question whether that should be the only criterion.

2. Environment

   Permeable surfaces:

   If large buildings are able to be built on small sections, of which there are many in St Mary's Bay, it seems to me that the extent of permeable surfaces is likely to be severely reduced - there will likely be a very much more impermeable surface. This will have implications for the management for stormwater and groundwater. I ask whether Healthy Waters has planned for the proposed new level of development in St Mary's Bay in its design of the stormwater tunnel recently completed in St Mary's Bay. I suspect not as design work was completed before this bombshell requirement by the government and then the Council's interpretation of it.

2229.7
2229.8

Separation of waste and stormwater:

Similarly, has Watercare designed for this level of development in its planned separation of wastewater and stormwater in St Mary's Bay (and Herne Bay)? And what about other areas of the city? Again, I suspect not. Surprisingly, given an agreement for separation having been reached between the St Mary's Bay Association, Watercare and Healthy Waters, we are now notified that separation will not go ahead in the near or medium-term future. This makes the proposed intensification even more unsustainable. I understand that the Council is proposing to feed all the wastewater and stormwater through the Central Interceptor. Surely that means imposing an even greater load on the Manukau Harbour than already exists. I suggest that it would be better for stormwater (as long as it is not contaminated with wastewater) to go into the Waitemata Harbour.

Tree coverage:

It seems highly likely to me that tree coverage, already decreasing in Auckland, will be threatened even further. This will affect the liveability of the city, and is unconscionable in view of climate change. Further, our cities will become hotter and harder to live in as a result.

Scale of building:

I can understand building 6+-storey apartment blocks and terrace housing in an area which already has tall buildings, e.g. the ridge lines on Jervois Rd and Great North Road. However, in areas which do not have that, but are mainly one, two or three storey heights, doubling that (or more) will change the areas beyond recognition. The scale simply does not fit small urban areas, and St Mary's Bay is a prime example of this. However, the same could be said of many other areas too, for example Westmere, with its collection of art deco houses of lower height and scale. How ironic that existing scale looks to be one of the discounting factors in removing heritage overlay – it appears that having some 2/3 level buildings means that almost an entire suburb can be replaced with buildings of far greater scale.

Access to light and outlook:

I understand that we have no legal rights to outlook or light, and are reliant on planning rules to protect us from removal of light, including sunlight, from our homes. The plan change proposes reducing the protections for light very significantly. I dispute that this can be considered a good thing in terms of liveability and people's wellbeing. We have personal experience of how sunlight can be affected. Some years ago two three-storey houses were built on the section to the west of ours. The result has been that in winter we have to use a dryer to complete the drying process of our washing as the warmth and sunlight have been reduced. This is not good for the climate. This problem will inevitably be compounded many times by the building of 6+ storey houses following imposition of the proposed THAB zone in our vicinity, given the already small sections and the topography.

2229.9

A further point here is that I have not found a definition of what 6+ storeys means. Will there be any kind of limit on heights? It seems to me that this possibility has been slipped in under the radar.

Design:

If people, including developers, have the right to build without seeking resource consent, what kinds of controls will there be? New Zealand has been severely burnt in the past by incompetent building practices because controls were not established to a satisfactory level, causing misery and huge cost to councils, insurers and individuals alike.

Parking:

I am also concerned that the new rules will not require these large-scale buildings to provide off-street parking. This will increase enormously the pressure on St Mary's Bay's narrow streets where many of the old houses do not have off-street parking. I find it hard to believe that New Zealanders will change their aspirations for a good life, which involve a number of factors, including being able to socialise with family and friends in other parts of the city where public transport services are non-existent or inconvenient, in being able to drive out of the city in our free time, not walking up a steep hill (College Hill) with our groceries if we have young children or as we become older or encounter disabilities, being able to take our dog for a decent walk on other than city pavements (e.g. the nearest off-leash dog park of any size is at Meola Reef, but one cannot take a dog on a bus).

St Mary's Bay cliffs:

Allowing larger (6+ storey) buildings on the cliffs is likely to endanger their integrity as well as changing the character and views of the bay and the suburb. Further, the pohutukawas, iconic and previously protected in Auckland and particularly along the cliffs, will be endangered. They need to be protected from either destruction or having their roots undermined.

2229.10
2229.11

Schools and parks (green spaces):

The plan change does not appear to have taken into account how these important social needs will be delivered in this area. How will existing facilities be protected, let alone how will they be extended to accommodate the substantial increase in density in St Mary's Bay which is being proposed?

Our iconic kauri houses:

I am concerned about the destruction of kauri buildings throughout the area which will be an inevitable result of this plan change. Not only is this extremely wasteful, it also does not recognise the taonga associated with their being legitimately built remnants of the forests of Tai Tokerau and Waitakere. How does this equate with the Treaty of Waitangi's provision to protect taonga? Further, has anyone considered where the destroyed houses will be disposed of and the likely environmental cost of this?

3. Fairness on heritage

Over the 37 years we have owned our house in Seymour Street, St Mary's Bay, we have undertaken renovation work, initially to put in a kitchen and to put a toilet inside the house. We

have made other changes since then, including replacing an existing and old garage (which was too narrow for me to put my toddler in his car seat on the safer passenger side and then for me heavily pregnant to get in to the driver's side). In every instance we have worked carefully to make the changes in keeping with the existing house (built around 1898) and the history of the area. Further, we have complied with every heritage point required by Auckland Council. We find it extraordinary that to fit in with what the government is requiring now, heritage is of no interest and so all our endeavours have come to nought. I cannot see how this is a fair treatment of people who have done everything to comply with Councils' requirements over many years.

4. Walking catchment

City Centre:

I really question whether St Mary's Bay can be considered to be within easy walking distance of the CBD - it is physically separated from it by virtue of Victoria Park and the area from Hobson St to Victoria Park, in addition to the hill which must be ascended. Britomart and the future Aotea and Karangahape Rd rail stations are certainly not within 15 minutes' walking distance or within 1200 metres of St Mary's Bay, nor are the facilities and amenities which draw people into the CBD. In addition, returning from the city, walkers have to negotiate either Jacob's Ladder or College Hill. Jacob's ladder, a set of narrow and steep steps, has no lighting at night, nor does it seem safe enough for many people to negotiate. College Hill too is steep. I fail to see how these are practical in terms of what I have understood a walkable catchment to be.

Terrace Housing and Apartment Zone - 400 metres from Ponsonby Town Centre:

I fail to see why Ponsonby (Three Lamps), with two rows of shops two blocks in length can in any way be seen as a town centre like, for example, Newmarket or Manukau. I believe this has been suggested as another way to remove demolition controls on even more of St Mary's Bay. Further, the imposition of the 400 metre walkable catchment, which the council's own reporting says would only take 5 minutes, does not take into account that one has to ascend an at times steep hill (for example, Seymour St) and that, certainly from our position in Seymour St, takes significantly longer than 5 minutes to walk.

5. Unitary Plan

Auckland Council spent some ten years developing its Unitary Plan, promulgated in 2016. An enormous amount of work has gone into this, with the Council well aware of the need for increased housing and density. To that end, the Unitary Plan provided for such increases, but without requiring the destruction of the city's heritage, with the varied zonings for St Mary's Bay exemplifying the point.
I question the value of throwing the plan out and imposing a government-level set of requirements which do not take into account what the city has already done and what that will achieve. Further, in what kind of democracy does central government have the right to completely overrule local government's role and local residents' participation and rights to be consulted?

6. Heritage overlay for St Mary's Bay

I also question how the decisions have been made in terms of removing heritage overlay from much of St Mary's Bay (one of Auckland's oldest suburbs). More than 200 properties have been given ratings of 5 and 6, which in my view means that the suburb should be regarded as having special character. I support creating special character sub-areas around clusters of heritage houses in St Mary's Bay. Further, I consider that a number of houses given a rating of 4 should have should be reviewed with view to increasing that to 5 or 6. The criteria appear to have been interpreted in a narrow and restrictive fashion. Further, I also consider that houses rated as 4 should be granted the same value as those with 5 or 6, i.e. as sub-areas of special character.

2229.12
2229.13
2229.14

7. Heritage - 22 Seymour St

In addition, I question the basis for assessing houses given the assessment of our house (built around 1898 and modified in keeping with Council's heritage requirements). I have seen the spreadsheet which shows how the scoring was done, but it is unclear as to which features in particular have led to our house only being given a 4. I suspect it is because of the garage we built. I submit that this garage, to the side of the section, does not obscure the original house any more than the original garage did, which had been built early in the house's life. Again, when we built the new garage, we complied completely with the Council's requirements. No objection was made on the basis of heritage. We built the garage for safety reasons (I was unable to put our toddler in his car seat, sited on the passenger side because of safety, and then get in to the driver's seat as I was pregnant and the garage was too narrow). I also looked at our address on the Auckland Council website. It appears to have wrong information about the date the house was built (it was pre-1900) and carries a photograph from 30 years ago (which indicates where the original garage was located as we had replaced it at that stage with wooden trellising). If this is the kind of basis on which decisions have been made, then they have to be re-looked at for every house. I further submit that our house, 22 Seymour St, ought to have been given a higher score than 4, at least a 5, because of its attention to the original features of the house (which were either retained or repeated).

2229.15

As further support for this, I note that in an email (late November or early December 2008, concerning balustrading) to the Auckland City Council, our architect wrote "The existing and new handrail and balustrade are prominently visible from the street and form a significant contribution to the heritage value of the streetscape." The Council appeared to accept this; at least they did not dispute it and granted the application for dispensation to retain the original (heritage) dimensions of the balustrade concerned.

8. Balancing fairness on intensification throughout the city

St Mary's Bay is already a dense residential area. I have yet to see any information suggesting that we are less dense than other parts of Auckland. When assessing arguments that the outcry against destroying old Auckland should be dismissed as 'leafy suburbs' endeavouring to protect privilege, I submit that not only is there intrinsic value in the history of these areas for the city as a whole but also that some, such as St Mary's Bay, have already paid a price for the well-being of the city. Looking specifically at St Mary's Bay, parts of it have already been destroyed in wider Auckland's interests by the motorway leading to the Harbour Bridge. A footbridge over that motorway is no substitute. Neither is the 'replacement' tiny beach at Westhaven which is too

polluted for swimming. In addition we have a motorway going above Victoria Park, the only park of any size near St Mary's Bay. In my view that has dramatically affected the amenity of the park. Now you propose to take away our heritage overlay as well.

9. Summary:

I oppose:

- the direction to remove the Special Character Overlay from St Mary's Bay; 2229.1
- the failure of the plan change to allow historic and/or special character sub-areas in St Mary's Bay, particularly where the number of historic homes reached the 75% and 66% arbitrary threshold unilaterally imposed by the council without any statutory or evidential basis; 2229.2
- the walkable catchment of 1200 metres imposed on St Mary's Bay and measured form the edge of the City Centre zone; and 2229.3
- the walkable catchment of 400 metres imposed over St Mary's Bay in relation to the Ponsonby Town Centre. 2229.4

I ask that:

- Plan Change 78 be amended to account for the points I have made and to impose the Low Density Residential Zone over all properties in St Mary's Bay; 2229.5
- Plan Change 78 be amended to reinstate the zones currently operative for St Mary's Bay. 2229.6

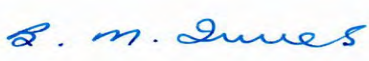
Conclusion

I consider that the National Policy Statement on Urban Development and its interpretation by Auckland City Council form an ill-considered policy, both at government and at council level. The 'housing crisis' is of course an area of concern, but Auckland Council had already put a great deal of work in to providing for this (see point 5). The attraction of having a policy agreed to by all in Parliament is appealing, I can see, but not if it leads to the loss of many aspects which make our city an interesting and liveable place. I am extremely disappointed that Auckland Council has not made a more nuanced approach to what the government requires.

I wish to be heard in support of this submission.

I declare that I cannot gain any advantage in trade competition through this submission.

I am directly affected by the adverse effects that will arise from PC 78, as set out in the matters of concern in this submission.

Submitter:  Bronwen Innes

Date: 29 September 2022

Ginny Taare

From: William Somerville <somcon@xtra.co.nz>
Sent: Thursday, 29 September 2022 4:05 pm
To: Unitary Plan
Subject: Submission on Proposed Plan Change 78
Attachments: 42 - Submission on Plan Change 78.docx copy.pdf

Hi

Please find attached my submission

William Somerville
021 610 078

SUBMISSION ON PLAN CHANGE 78

Auckland Unitary Plan – Freemans Bay

To

unitaryplan@auckland.govt.nz

From

William Pierce Somerville
5 Russell Street Freemans Bay Auckland 1011
021 610 078
somcon@xtra.co.nz

I confirm I am directly affected by the matters referred to in this submission and could not gain a trade advantage through making this submission

Physical Scope

1. This submission relates to the historic residential precinct of Freemans Bay which, after many vicissitudes of history, is now bounded by Ponsonby Road, College Hill, Union Street/SH 1 and Hopetoun Street.

2. This residential precinct now contains two distinct parts, the historic 19th century housing on the higher western side of the original bay and the lower level intensively redeveloped by Auckland Council between the 1950's and 1970's. This boundary is self evident, following a path from England Street in the north to Howe Street in the south. I refer to these areas as "old" Freemans Bay and "redeveloped" Freemans Bay

3. It is important that the application of the Urban Intensification Rules[1] are applied considering the total precinct. If not, then some required judgments

[1] NPS – UD 11 May 2022 and Sections 77F to T and Schedule 3A RMA 1991

would be distorted, for example in assessing the variety of housing available under Policy 1.

Legislation

4. The legislation noted in footnote 1 contains a strong imperative to provide for more intensive development so as to make housing more diverse and affordable. This value is important but the legislation is framed in a more nuanced manner than some popular debate would suggest[2] Planning values require a balancing act and the legislation specifically acknowledges:

- The need to be evidence based, including a realistic expectation of realisable benefits and the likelihood of intensification
- The need to balance competing amenity values, including differing views on what these should be
- A broad menu of *qualifying matters* that allow for less enabling rezoning
- The practicality of redevelopment including infrastructure restraints and the avoidance of out of phase changes
- The quality of development and the need for a variety of housing types
- An overarching Objective 1 harmonising the above to achieve a well functioning urban environment providing for residents' social cultural and economic well being

Zoning and Layering Submission

5. I wish to support the Low Density Residential Zoning, and the Special Character Overlay in the historic portion of old Freemans Bay, as currently proposed, subject to adding four, currently excluded, clusters of houses 2230.1 2230.2

- The Arthur Street properties currently zoned HDRZ and outside the SCA 2230.3

[2] See Metro 435 *The Character Protection Racket* Hayden Donnell framing the issue as the selfishness of rich people

- The Spring Street properties currently zoned HDRZ and outside the SCA
- The Hepburn Street properties currently zoned HDRZ and outside the SCA.
- The Ryle/Wood Street properties currently zoned MDRZ and within the SCA

2230.4
2230.5
2230.6
2230.7

6. I support this change on the grounds that they are authorised as a qualifying matter under S77I (a) RMA and S77I (j) RMA.

7. I support the proposed controls in PC 80 and oppose any reduction in their effect 2230.19

8. I oppose any further intensification in both the old and redeveloped portions of Freemans Bay beyond what is currently proposed in Proposed Plan Change 78 and this submission.

Grounds for Submission

Past History

9. Old Freemans Bay is one of the oldest and best preserved inner city suburbs of Auckland and has a particularly rich mix of styles and social history. For example:

- Houses range from three tiny cottages in Costley Street barged back from Thames after the 1870's gold rush to the grand Edwardian mansion at 249 Ponsonby Rd built for the Calder family whose brother founded the City Mission and whose father was the vicar of All Saints church.
- Social history ranges from Jim Knox's memories of candle lit Labour Party meetings during the depression to Edwardian concerts at Queens Hall, a private theatre built by the Thorne family in Paget Street.
- The many layers of history include the original mixed class suburb formed from the 1850's which supported lost 19th century industries of milling, ship building, rope walks and brick kilns. The post war Polynesian immigrants who forged a NZ identity

through activists like Betty Wark and the Polynesian Panthers[3] and the post war generation who fought to protect this heritage when 19th century architecture was at its most unfashionable and vulnerable.

10. From 1948 to 1968, Freemans Bay was seen as a slum and designated for complete demolition with the suburb to be then rebuilt in the form of 16 high rise towers. This very English model was never implemented and was, of course, one that is now much criticised.

11. However Auckland Council did comprehensively redevelop several blocks facing Wellington Street between the 1950's and 1970's as well as some more isolated blocks of pensioner housing funded partly by central government. This means Freemans Bay already contains an unusual diversity of housing stock anticipating the current objectives of PC 78

12. In 1968 it was decided to uplift the demolition designation, which, in the meantime, had had the ironic effect of preserving the undemolished historic fabric of this suburb more extensively than would otherwise have been the case[4].

13. Effectively most of old Freemans Bay was therefore frozen in time from at least 1940[5] until 1968 and, from this time on, under successive operative plans, a strong preservation ethic has been applied to any development.

Current History

14. As a result of its long, and complicated history, Freemans Bay largely retains its pre-war stock of houses and post war additions have generally been done to a high standard complying with rules requiring conformity with the existing character. An unusually high proportion have been designed by architects.

15. This means old Freemans Bay now represents a very special grouping of about 1,200 houses spanning the entire 170 years of Auckland's european

---

[3] See the current Tautai exhibition *Still Here*

[4] The Urban Renewal and Housing Improvement Act 1945 required consent to alter a designated house in case it increased the compensation payable on compulsory acquisition

[5] No new houses were built in Freemans Bay during the war years. Council interventions under the URHIA 1945 were confined to the lower sites of Freemans Park and adjacent blocks. However the original Star blocks designed by Frederick Newman are now regarded as iconic mid-century architecture.

settlement in turn constructed on a palimpsest of centuries of Maori occupation. Important houses, both old and new, are contained in a coherent matrix of sympathetically scaled and styled structures.

16. This seems to represent the essence of Schedule 15 AUP which states:

> *The special character of Auckland's residential and business special character areas results from a combination of elements including the urban structure, buildings and their relationship to one another, the street and open spaces.* ***A collective coherence is often evident based on a mix in the age and styles of buildings in a particular area.***

17. This value is universally recognised as one central to heritage and conservation values. In this respect Auckland's oldest wooden suburbs are invariably seen by visiting architects and planners as its unique feature. Handsome as the Auckland Museum is, it a type of public architecture found all over the world.

18. In essence, few Auckland suburbs have such a long and rich built history as Freemans Bay. Its surviving buildings date back to Auckland's first european settlement, are contained within a particularly complementary land form[6] and now include fine examples of almost every fashion in architecture since then. This is an architectural heritage that should survive into the future.

Specific Reasons for Submission

19. Specific factors recognised by the legislation as relevant to any decision are:

- In the scheme of greater Auckland, and its potential for intensification, the oldest suburbs are tiny, irreplaceable pockets[7] of heritage whose inclusion or exclusion in this process would have a miniscule impact on central government objectives.

---

[6] The land forms a natural amphitheatre facing north east and running down to Victoria Park, the original harbour, and neatly bounded by Howe Street, Ponsonby Rd and College Hill

[7] It must be remembered that many thousands of early 19th century houses were demolished during the construction of the inner city motorway links so the importance of what remains becomes ever greater

- Freemans Bay's character is the hard won product of over 70 years of Council controls and the commitment of generations of residents working within the framework of successive conservation regimes. To now throw away part of this achievement by allowing four small and intrusive pockets of intensification seems an ill judged policy rug pull.
- The likelihood of significant intensification is actually low[8] and so removing a special character designation from such a small portion of old Freemans Bay would have a negligible impact on achieving central government objectives.
- The fact that Freemans Bay is already surrounded by large numbers of large built and planned apartments lining Nelson and Hobson streets, and interspersed along Karangahape and Ponsonby Roads further suggests its special character status should be retained intact. Diversity of type and price is well catered for. In addition the lower area, redeveloped by Auckland Council 50 years ago, further increases diversity
- The many small lot sizes, a product of history, would create jarring boundaries without strong boundary controls. This would then reduce the possibility of multi unit housing which, in turn, undermines the likelihood of significant affordable housing being created.
- This effect also results from economic forces. Freemans Bay was once rejected by middle class buyers but is now sought after. This could change again. For example, for complex reasons, the central city now struggles to thrive as a cultural and business centre. However planning cannot ignore economic reality and pretend all objectives are viable.
- Parking is a significant infrastructure constraint in old Freemans Bay, north of Franklin Road where 90% of the properties excluded from the SCA are situated. All streets are significantly below the standards required for the existing housing let alone intensified housing.

[8] The land values and small lot sizes are a disincentive to developers

- Parking is already congested and managed through a permit scheme. Research shows residents will maintain car ownership even if they commute less so this infrastructure restraint has to be recognised as having no practical solution other than to limit intensification

The "less enabling" options

20. The reasoning set out above is contemplated by the legislation, and reflects the inevitability of judgment being exercised on planning values, and how they are expressed. However these judgments must now be exercised within the framework of *qualifying matters* as set out in S 77I RMA. These permit what are called *less enabling* options in particular areas.

21. Two options are available in an historic suburb such as old Freemans Bay:

- The recognition, under S 77I (a) RMA, of *historic heritage,* as defined in S 2 RMA, as a matter to be accommodated
- The recognition, under S77I (j) of any other matter making higher density inappropriate provided an analysis under S 77L RMA has been done.

22. Auckland Council has pursued both options by:

- Taking a narrow approach under S77I (a) RMA listing a very limited number of sites
- Taking a broader approach under S 77I RMA conceptualising, via Schedule 15 AUP *special character areas* and then assessing their extent by a survey done to comply with S 77L RMA

23. It is submitted that this approach is flawed in a number of ways and the changes sought by this submission can be accommodated by a modified approach to the application of S 77I RMA. The two principal flaws are: 2230.8

- The failure to rely on the full scope of the heritage protection powers in S 77I (a) RMA, particularly in so far as these are not constrained by S 77 L RMA
- The assessment of *special character* by a physical survey that is too constrained by the structure and application of the check list used thus producing a too flattened picture of the heritage and character of old Freemans Bay.

24. The following paragraphs amplify these points.

S 77K (a) RMA, *heritage,* versus S 77K (j) RMA *special character*

The definition of *Historic Heritage* in the RMA is broad, and no particular method is ascribed to its assessment. It is clear that various key qualities of *Special Character* in Schedule 15 AUP would be within the statutory definition of *historic heritage* and these are required to be protected by the statute. Importantly:

- No temporal cut off is required and it is indisputable that there are structures of historic significance in Freemans Bay built in the second 80 years of its history as well as the first.
- The approach by the Council is too reactive, for example using Heritage New Zealand's national classification. It underweights architectural rarity or importance[9] as opposed to the significance of an occupant. There is a good case for treating all intact pre 1870 buildings as *historic heritage* as there are so few left and they preserve a late Georgian architectural grammar quite different from the far more numerous Edwardian villas. 2230.15
- The distinction between *historic heritage* and *special character* is conceptualised very awkwardly in the Council's Guidance Notes

  > *Historic heritage values and special character values are related and may overlap or align, however the two values are different. While special character is primarily related to amenity, historic heritage values are intrinsic to the place or area and may manifest in different ways.*

- The Council's approach of limiting *historic heritage* to a small number of structures within an area such as Freemans Bay therefore ignores the substantial overlap between *heritage* and *special character* and has lead it to unreasonably limit its legislative powers

[9] Despite architecture being specifically included under S 2 *historic heritage* (a)(ii) RMA

The Scoring system for *special character*

25. The identification of *special character areas* is currently the product of a thorough, but a rather one dimensional site scoring process, which very much reduces the qualities of *heritage* and *special character* to a focus on pre 1940 facades.

26.

Whilst accepting the Councils scoring system can be a rough cut, it needs to be refined, or augmented, to fully capture the qualities conceptualised as *special character* in Schedule 15.

27. More specifically:

- The scoring was undertaken by Council staff with broad guidelines but no local input.
- Individual scores are based on five characteristics[10] with a bonus for integrity of architectural style.
- Each characteristic is ranked as *contributing, neutral* or *detracting* to/from the special character as identified in Schedule 15 of the Unitary Plan
- Depending on walking distance, 75% or 65% of properties of selected areas must each make at least 4 *contributions* to special character to justify retention of the special character restraints
- Post 1940 properties are treated as not making a *contribution* to *period* which then makes it very difficult for them to be treated as *contributing* to special character for the percentage tests.

28. Whilst well intentioned this process has a major limitation:

- The *special character* concept was designed to allow, in the words of Schedule 15, for the *maintenance* and *management* of special character. For many decades this has permitted limited modifications that recognise that usability is the key to effective conservation.

2230.12

[10] Essentially Scale, Relationship to Street, Period, Typology and Architectural Style.

- However, under the scoring system a house of historic quality is downgraded because of a very narrow view of visual amenity. For example points are lost because of a high fence or obscuring planting, an orientation away from the street, even though this is an historic feature of tiered streets like Wood and Arthur, post 1940 alterations no matter how sympathetically designed and inappropriate but reversible alterations.

29. It is unreasonable that the philosophy of Schedule 15, which permits limited alterations to preserve or enhance the *special character,* is now to be treated as having progressively undermined *special character* so as to threatened the survival of this status.

2230.12

30. The penalising of sympathetic alterations, or replica houses seems to really be an unarticulated reallocation of value to *historic heritage* despite Schedule 15 specifically stating this is not the prime purpose of the *special character* designation.

31. More specific limitations of the survey are that:

- Scoring individual properties in this way creates the inevitable distortion of not seeing the wood for the trees.
- For example it provides a limited view of the collective effect of the building forms, and is opaque to the rarity, quality or historical significance of individual properties, and the overall streetscapes.
- Numerical scoring is notorious for its seemingly objective appearance when, in reality, it is a collection of individual judgments that should always be tested by a broader "stand back and look" assessment.
- In this respect the Findings Reports contain errors, anomalies and inconsistencies. To a degree these are probably a product of speed and lack of both local knowledge and the fine points of Freemans Bay's 170 year architectural history. On any analysis, these reports should properly be treated as a rough cut rather than a definitive judgment
- The use of a 1940 cut off for *period* contribution gives enormous weight to *character* and *heritage* originating in the first 80 years of Freemans Bay's history and little or none to the second 80 years.

2230.16

- This is arbitrary and illogical implying that nothing built after 1940 contributes to the special character of Freemans Bay despite 50 years of design controls requiring that post 1940 developments reflect and protect the existing special character
- The 80 years from 1940 to date is a long period in which many important design trends expressed themselves. It is very difficult to see why this is of less value than the previous 80 years. Many built heritage campaigns, here and overseas, now relate to this period.
- More importantly, and unusually for Auckland, many post 1940 houses built in Freemans Bay under conservation controls have been architect designed, are distinctive and of high quality. Their significant contribution to special character is indisputable[11] and it seems to be muddling heritage with character to give them no weight.
- These houses represent new chapters in Freemans Bay's long architectural history and it must surely better fulfil central government objectives to focus on protecting smaller special character areas that protect a long architectural history rather than multiple special character areas each protecting a short architectural history.
- This also avoids a spottiness of conservation areas which greatly undermines their impact for tourists for whom historic areas are always a drawcard for a city.
- It also seems a perverse outcome of combining a 1940 cut off with a 75% contribution test that this then favours attractive, but uniform, and monocultural streets, like the Herne Bay avenues over historically and architecturally much richer areas like Freemans Bay.
- Overall, a common comment by visiting architects is that pockets of historic houses like Freemans Bay are what is special about Auckland architecture. They possess the appealing quality of

[11] The first post war house in Freemans Bay was 61 Wood Street, a conventional brick and tile built by a retired farmer. However subsequent new houses are more sympathetic and, after 50 years, many now represent past styles and have acquired heritage qualities.

Italian hill villages of having evolved over centuries but always retaining a consistency of scale and respect for the past.

32. Because of the limited view of *character* derived from the site by site analysis I consider its results should therefore be treated as a rough cut and be subject to a review process that takes a broader view and allows weight to be given to factors such as: 2230.13

- The architectural importance and rarity of both pre and post 1940 buildings. This is particularly true of Wood Street and Arthur Street. 2230.15
- The collective effect of the streetscapes for example the falling valley of Wood Street is not dissimilar to the descending curve of Renall Street that partly inspired its heritage status.
- The historical significance of individual properties, for example the Blomfield home on Wood Street. 2230.18
- The unreasonable sacrifice of 50 years of investment in conservation in Freemans Bay by both Council and residents.
- The risks of causing an irrevocable loss in one of the most historic areas of Auckland in favour of a making a minimal contribution to a short term problem.
- The risk that history will look back at such a loss as a regrettable heavy handed panic reaction not dissimilar to the 1948 proposal to demolish the entire suburb.
- The low likelihood of higher density redevelopment actually happening in an area of high property values and many small sites.
- The physical unity of the area currently subject to the existing special character overlay.
- The importance of retaining even compromised heritage where restoration is feasible in the future. This has powerfully motivated many owners in the past, and will continue to do so in the future.
- The jarring conflict with the existing scale and pattern along the boundaries of the proposed hole in the existing character overlay.
- The unreasonableness of increasing the test to 75% because of walking distance to the central city edge instead of the centre. This

2230.16

is a false measure as traversing the inner city itself can involve greater times and crossing steep ridges.

- Walking distance to the central city also has limited relevance to residents who can shop and eat locally because of the fine grained 19th century layout that evolved as a walking precinct before trams and cars existed. The proposed walking catchments distances are also not evidence based and exceed traditional standards
- More generally surveys show that large numbers of residents do not visit the inner city often as both work and leisure options have changed through technology. It is important that the evolving role of the inner city is not idealised to fit a preconceived planning agenda.
- The inadequacy of the 19th century street network to handle increased traffic and parking. Although people may not commute to nearby work they will still own and use cars for other purposes. The area is already subject to a resident's parking regime but is still congested and requires considerable courtesy when cars need to pass.
- The inappropriateness of treating the social housing blocks as not contributing to character. This penalises special character areas for carrying their fair share of this social obligation despite this being something sought by the new legislation.

2230.11

Overall the narrowness, and reductionist quality of the site by site analysis means it fails to fully capture the *heritage* and *character* aspects of the Freemans Bay. It is a useful first cut but a second, overall review, should be undertaken with a team ideally including at least one leading heritage architect.

33. They would assess the bigger picture, if necessary using a matrix of factors of the kind identified above. If a quantitative result is still preferred they should be empowered to make an up to 10 percentage point adjustment to the findings scores.

2230.14

34. In this respect the preliminary scores should be cut off at 65% for the whole area as it does not make sense to artificially split a coherent existing special character area into more and more parts on the basis of walking distances to the centre city that fail to recognise the distances to be covered within this area and the availability of local employment and shopping.

I wish to be heard in support of this submission

William Somerville

29 September 2022

Ginny Taare

From: Patricia Grinlinton <patgrinlinton@gmail.com>
Sent: Thursday, 29 September 2022 4:17 pm
To: Unitary Plan
Subject: Submission PC78 :attention: Planning Technician
Attachments: Submissionre Plan Change 78 (1).pdf

Please find attached my submission on notified proposal for policy statement o plan change or variation (Clause 6 of Schedule 1 Resource Management Act).

Kind Regards

Patricia Grinlinton
0284179848
19 Calliope Road, Devonport 0624

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) PatriciaGrinlinton

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

19 Calliope Road, Devonport, Auckland 0624

Telephone: 284179848 Fax/Email: patgrinlinton@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Chapter D18 Special Character Overlay Residential as the overlay relates to Devonport

Or

Property Address: 19 Calliope Road, Devonport, Auckland 0624

Or

Map:

Or

Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

Devonport is an important historic suburb, first settled in the 1840s by immigrants who brought with them a variety of skills, including shipbuilding. These were the people who first built and occupied the lovely Victorian and Edwardian houses which make Devonport an exceptional tourist destination.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☒

Retain the integrity of the special character overlay in Devonport and keep its coherence. 2231.1

Do not erode or disrupt the cohesive streetscape or the wider special character area. 2231.2

Delete the mixed urban housing zone (of three storeys) in Devonport. Remove Policy 3d from residential areas. Make Victoria Rd shopping area an Historic Heritage area. 2231.3 2231.4 2231.5 2231.6

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Patricia Grinlinton
Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/29/2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Ginny Taare

From: Peter Fuller <peter.fuller@quaychambers.co.nz>
Sent: Thursday, 29 September 2022 4:37 pm
To: Unitary Plan
Subject: PC 78 - Stratis Submission - 83 Halsey St
Attachments: 220929 - Stratis Submission on PC 78 to the AUP - 29 Sept 2022.pdf

Greetings Unitary Plan Team,

Please see **attached** a submission on PC 78 from Stratis Body Corporate at 83 Halsey St, mainly on the Viaduct Harbour Precincts.

As you can see, we have indicated that we would like to be heard.

Please contact me if I can be of any further assistance.

Kind regards,

Peter

Peter Fuller - Barrister
LLB, MPlan, DipEnvMgt, BHortSc
Quay Chambers
Level 7, 2 Commerce Street, Auckland City
DX CP 18023, Lower Albert St, Auckland
PO Box 106215, Auckland City 1143

Mob: +64 021 635 682
Email: peter.fuller@quaychambers.co.nz

Notice - This e-mail and any attachments are confidential and may contain copyright and/or legally privileged material and or/personal information. If you have received this e-mail in error, please advise the sender immediately and delete the message, your reply and any attachments. The contents of this email are not guaranteed to be error or virus free and any legal professional privilege is not waived by the sender.

BEFORE THE AUCKLAND COUNCIL

UNDER	Schedule 1 of the Resource Management Act 1991
AND **IN THE MATTER OF**	Plan Change 78 to the Auckland Unitary Plan – Operative in Part to give effect to the National Policy Statement – Urban Development 2020
AND	a submission from Stratis Body Corporate, 83 Halsey St, Lighter Quay

To:

The Unitary Plan Team
Auckland Council
unitaryplan@aucklandcouncil.govt.nz

SUBMISSIONS FROM STRATIS BODY CORPORATE ON PC 78

29 Sept 2022

Counsel Instructed:
Mr Peter Fuller
Barrister
Quay Chambers
Level 7, 2 Commerce Street
PO Box 106215
Auckland 1143
021 635 682
Email: peter.fuller@quaychambers.co.nz

May it please the Council:

1. This submission is on Plan Change 78 **(PC 78)** to the Auckland Unitary Plan – Operative in Part (**AUP**), to give effect to the National Policy Statement – Urban Development 2020 (**NPS-UD**). This submision is provided on behalf of Stratis Body Corporate 343562 (**Stratis**) located in Lighter Quay at 83 Halsey St. Stratis provided feedback on the Draft provisions on 9 May 2022.

2. In general terms, and subject to this full submission, Stratis is pleased that the notified PC 78 provisions are largely consistent with its feedback on the Draft provisions. Stratis is seeking some changes to PC 78 as per the relief at the end of the submission.

3. Some of the material from the previous feedback is repeated in this formal submission, where still relevant, so that it can be considered by the Independent Hearings Panel.

4. Stratis could not gain an advantage in trade competition through this submission, and it is directly affected by PC 78.

5. Stratis wishes to be heard and to present evidence and submissions in support of its submission.

6. This submission relates to various aspects of the entire notified proposal and is generally supportive of the PC 78 Viaduct precinct provisions, to the extent that it is understood that notwithstanding being in the City Centre zone, it is proposed to largely retain the current AUP precinct provisions (subject to the relief being sought). 2240.1

7. For Sub-Precinct C, this includes the current 16.5m height limit and a maximum floor area ratio (**FAR**) of 3.5:1, which already gives effect to the NPS-UD Policy 3. As is clearly evident in the existing high quality built form outcomes, and as people experience in Viaduct Harbour, the current AUP provisions are already achieving a “well-functioning urban environment”, so give effect to Objective 1 of the NPS-UD. 2240.2

8. Regarding the relevant statutory tests, and subject to the more detailed submission points, and relief requested below, in general terms PC 78;

(a) Meets the sustainable management Purpose of s 5, and Part 2 of the Act; 2240.3

(b) Maintains public access to the coastal marine area (**CMA**) (s6(d)).

(c) Manages the risks of coastal inundation by not allowing further intensification of built development in the Viaduct precincts that are vulnerable to sea level rise, and are also sinking (s6(h) & s7(i)).

(d) By retaining the height and intensity controls, properly recognises the special amenity values of the coastal/maritime environment in the Viaduct, and the "human scale" of the high-quality built form, that maintains the relationships between people and the environment (s6(a) & s7(c) & (f)).

(e) Satisfies the requirements of s 32 of the Act.

(f) Gives effect to the AUP – RPS including the objectives and policies that are intended to achieve a quality compact urban environment, while also avoiding, remedying and mitigating, the significant adverse effects of natural hazards.

(g) Gives effect to the NPS-UD, and policy 3 in particular, by meeting the intensification threshold for development in the Viaduct, while also recognising important qualifying matters, that would make additional building height, and intensity of development, inappropriate.

(h) Avoids, remedies, and mitigates potential adverse environmental, social, and cultural effects, that would arise from increasing building heights and intensity in the Viaduct.

(i) Enables residents in the Viaduct to provide for their wellbeing and health and safety.

Stratis Building

9. Stratis is an award-winning residential apartment building, inspired by tangata whenua art forms, that is part of a complex of 4 buildings that were constructed approximately 18 years ago:

(a) North (40 units)
(b) Stratis (65 units)

(c) Halsey (106 units)

(d) Sofitel Hotel

10. The land is leasehold and Viaduct Harbour Holdings Limited (**VHHL**) is the landowner.

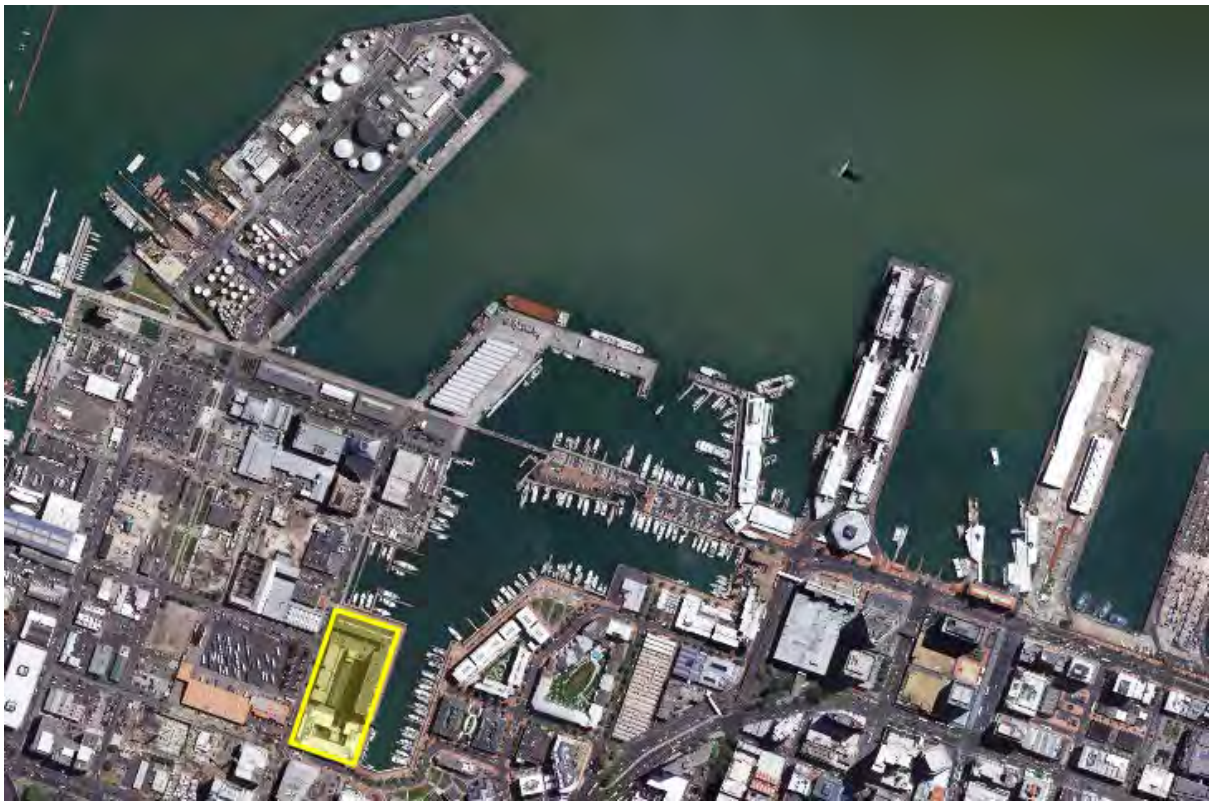


Figure 1 – location of Lighter Quay complex – the Stratis Building is on the eastern side

Support for the AUP Status Quo

11. The Wynyard Quarter and Viaduct Harbour areas are located within the City Centre Zone under the AUP. This area is also subject to several precincts and sub-precincts that modify the normal rules and standards that would otherwise apply in the City Centre Zone. Lighter Quay is in Sub-precinct C and has a 16.5m building height limit. Importantly, this roughly equates with the current 5-6 storey buildings that have been constructed.

12. The precincts are intended to reduce the height and intensity of development, that could otherwise be achieved in the City Centre Zone, in recognition of the location of the land at the edge of the City Centre and adjacent to the harbour. For example, there is a heavily used public walkway on land owned by the

complex that is an access arrangement arising from the original development consent. The current "human scale" building heights maintain public amenity values and there are no adverse shading, domination, and wind tunnel effects, that arise from buildings higher than 6 storeys' in the City Centre.

13. The constraints to development are achieved through maximum building height standards and the use of FAR standards in each sub-precinct. The floor area ratio is a ratio of gross floor area of development relative to the area of the site on which it is located. It is noted that this control has been proposed to be removed by PC 78 in the main City Centre, but it is not appropriate to remove this intensity rule from the Viaduct precincts.

14. Stratis supports the current AUP precinct planning provisions as outlined below and as notified in PC 78 (with some changes referred to below). 2240.1

***Figure 2**: Viaduct Harbour building height controls*

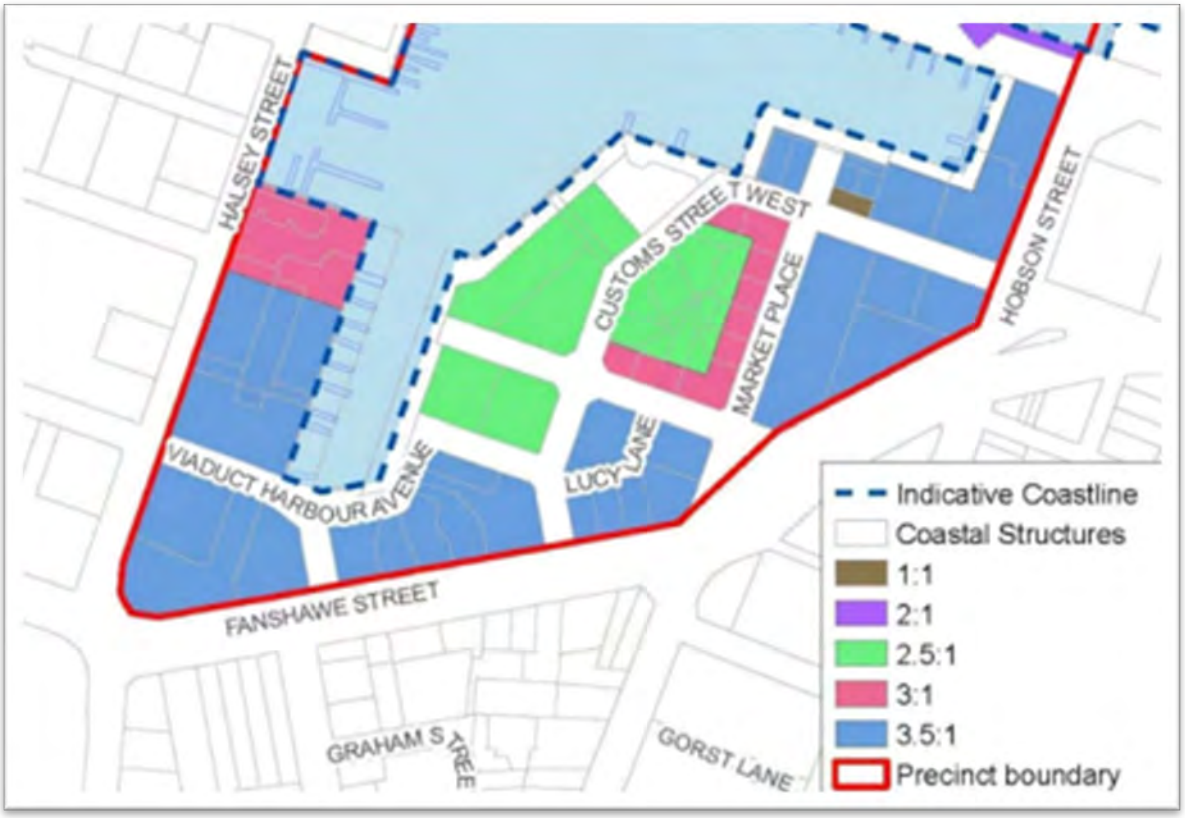


***Figure 3**: Viaduct Harbour site intensity controls*

NPS-UD Changes

15. The NPS-UD requires the Council to amend the AUP to enable greater housing/development density. Specifically, Policy 3 requires that buildings of six storeys or more are to be enabled within walkable distances of the City Centre, the ten metropolitan centres, and rapid transit stops (train stations and rapid busway stops). Greater building heights and density are also required within and around neighbourhood, local and town centres across Auckland.

16. The Wynyard Quarter and Viaduct Harbour area has been identified as falling within the 1.2km walkable catchment of the City Centre. It is noted that the proposed '*Auckland Light Rail Corridor – Intensification",* from the Draft plan change, has been deferred to a future variation process.

17. In the City Centre Zone, PC 78 removes limitations on gross floor area (the FAR provisions) and removes height controls to enable unlimited height, unless qualifying matters apply, such as daylight into Albert Park. Some additional provisions are proposed to ensure that tall buildings are of a form and scale that

fits the context of the city and provides for adequate privacy, daylight, and sunlight between buildings.

18. Importantly, PC 78 continues to ensure that the City Centre Zone provisions are modified by the more bespoke/nuanced City Centre precincts. This outcome is supported because it appropriately recognises and provides for the diversity of natural, living, and built environments, in the City Centre. 2240.4

Reasons for Supporting the Current AUP Provisions & PC 78

19. The Viaduct Harbour area is an exemplary demonstration of high-quality master planning, where development has been fully integrated with bespoke and sophisticated planning provisions. Arguably, it the first large scale master planned urban renewal area in New Zealand and formed the "template" for subsequent successful examples such as Hobsonville Point. There is a vibrant mix of activities, a truly "live, work, play" environment for people to enjoy, and businesses to thrive.

20. The planning provisions that were adopted for the Viaduct are modelled on successful urban forms in iconic cities, such as Paris and Amsterdam, where functionality and adaptability have supported dynamic changes in activities over centuries. A key to the success is to manage the height of buildings, to maintain public streetscape amenity values, where community building takes place.

21. The Viaduct buildings are high quality and provide a variety of architectural forms, styles, and materials, but most importantly, are all compatible. The urban form outcome is legible and coherent at different scales.

22. A key element to achieving this World class urban design outcome is the "human-scale" 5-6 storey buildings that preserve not only the private amenity values of residents, but very importantly, the amenity values of the CMA and public open spaces. As demonstrated during the America's Cup events, with little physical structural change, the variety of generous public open spaces, linked by wide boulevard promenades, can accommodate thousands of people comfortably.

23. The connectivity of the built form, to the highly valued coastal environment, can only be achieved by managing the scale and intensity of development, in the manner that the Legacy Auckland City Council Central Area Plan provided, that was appropriately largely rolled into the AUP.

24. Therefore, there is no doubt that the current AUP provisions for the Viaduct Harbour, evident in the outstanding built form outcomes and the experience of being in the area, meet the key objective of the NPS-UD: 2240.1

> *New Zealand has 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* (Objective 1).

25. It would be a challenge to find a better functioning urban environment than the Viaduct in New Zealand, and the amenity values are outstanding, at even a global scale.

26. Regarding NPS-UD Policy 3, that the Council is required to give effect to, it is already complied with in the Viaduct because all the sub-precincts have a height limit that provides for buildings of 6 storeys' already (the minimum requirement).

27. Stratis would be opposed to any increase in built heights and FAR ratios because it is not necessary to give effect to the NPS-UD. 2240.5

28. Arguably, because it already complies with Policy 3, there is no need to provide a justification for creating an exception to the application of Policy 3, by identifying qualifying matters in the Viaduct Harbour area.

29. However, PC 78 does identify important qualifying characteristics of this high amenity coastal environment, that do satisfy the NPS criteria, as highlighted below:

> *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…*
> >
> > [s6(a) natural character of the coastal environment, including the CMA, and s6(d) public access etc]
> >
> > ….
> >
> > *(d) open space provided for public use, but only in relation to the land that is open space*
> >
> > [this provision is not well worded but could be interpreted as including development on land that relates to public

open space and may have an adverse effect on its amenity values]

30. The current AUP provisions contain an integrated suite of objectives and policies that cascade in a coherent way down from the general (within the Regional Policy Statement) to the specific (within the Viaduct and Wynyard precincts). The objectives and policies set out the outcomes that are important in the wider Viaduct Harbour and Wynyard Point area and identify the means to achieve these outcomes.

31. There are clear directives in the policy framework that would be compromised by any increase in building heights. For example, the Wynyard Precinct provisions in the AUP seek to achieve *"a high-quality visitor destination which showcases the City's diverse communities and the importance of the harbour"*. One of the means of achieving this outcome is through a policy that seeks to *"identify and protect public view shafts from open space across, within, and to Wynyard precinct to reinforce connections with the central area, harbour, and wider Auckland."*

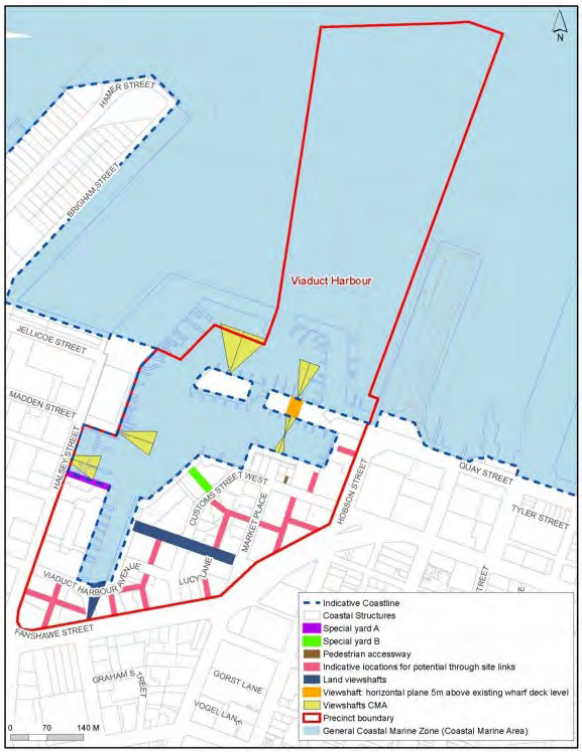


Figure 4 – *Viewshafts Viaduct Harbour*

32. As above, the Precinct includes identified viewshafts that are intended to enhance the visual connections of the Precinct with the harbour, other features of the surrounding landscape, the CBD and the wider City.

33. The Viaduct Harbour Precinct contains objectives and policies, reinforcing a consistent planning approach across the common precinct boundary. One of the Precinct objectives is to: *"maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct."* Underpinning policies seek to *"enable and maintain a network of different-sized public open spaces in key locations along the water's edge to cater for a range of recreational opportunities and provide vantage points"* and to *"limit the loss of significant public views from the city to the harbour and adjacent landscape features."*

34. Viewshaft development standards are in place to manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour Precinct. Standard I211.6.11 states that buildings and structures must not locate over those parts of the coastal marine area water-space that are identified as viewshafts where they exceed a height of 5m above the existing wharf deck level. This standard implements the clear policy direction that seeks to preserve open views of the Waitemata Harbour from public areas of the Viaduct Harbour.

35. The viewshafts enable a viewer to 'read' the coastal landscape because they make it legible. For example, the views to the north from the head of the Lighter Basin currently provide the public with views to Stanley Point, Bayswater further in the distance, and Rangitoto in the far distance to the east (depending on the viewing position). These views enable the viewer to feel connected to the harbour and the wider Gulf via the perceived location of the main harbour channel. If there is an increase in building heights and intensity of development, the connectivity from highly valued public walking and passive recreation areas will be severed.

36. An increase in building heights and intensity in Viaduct Harbour would also risk undermining the central core of the CBD as the primary focus for business, commercial, retail, public transport, and residential activity. The core of the CBD needs to be maintained, and not dissipated by new competing neighbouring

intensive development, particularly at the current time, as it struggles to regain its pre-Covid level of activity.

37. There is no need to increase the heights in Viaduct Harbour, even if it became part of a future Light Rail corridor (pending investigations), because the existing intensity of development is sufficient to adequately support rapid transit.

38. Viaduct Harbour is a success story of Auckland's urban renewal and regeneration. It is a popular recreational destination for tourists and locals alike, an economic hub for business, and an attractive location for residents to live. Its success is founded on the high amenity environment that is present, which is the result of careful and consistent planning and the input of substantial public and private funding over the last 2 decades. The current scale of development is appropriate for this highly valued coastal environment.

39. Substantive changes to the current AUP planning provisions, to give effect to the NPS-UD, are not required in Viaduct Harbour, and would undermine the "well-functioning urban environment" that already exists. PC 78 is supported because it largely leaves the operative provisions un-amended. 2240.1

Coastal Hazards

40. The Council will be aware that parts of the Viaduct Harbour are subject to potential future hazards. The land through this area is subject to coastal inundation 1% AEP plus 1m, as noted previously in the Draft feedback in the mapping below:

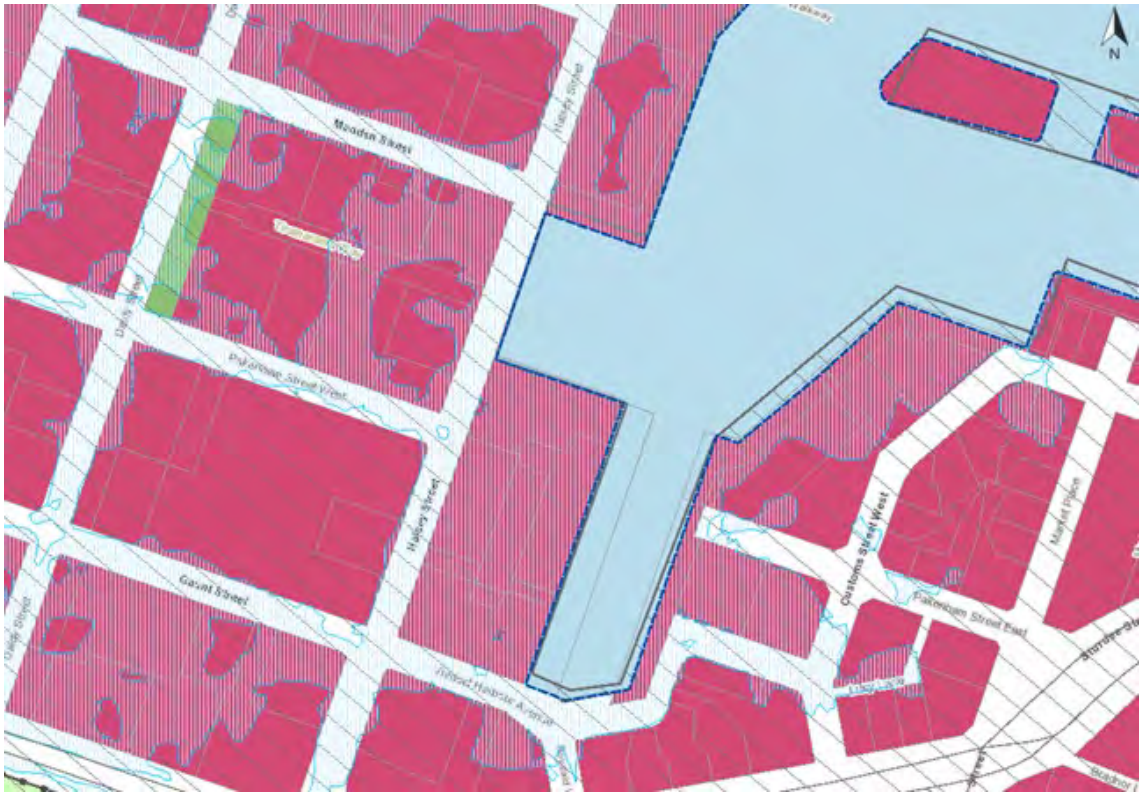


Figure 5 *– Coastal flooding hazard*

41. There appear to be some updated maps now on the GIS mapping for the area, and it is noted that a full planning response to the threat of coastal inundation is still being developed and will be subject to a future variation. It also appears from Council information and national guidance, that planning must now take into account a 1.5 to 1.7m rise in sea levels, based on the most recent information.

42. To compound future potential issues with sea level rise, recent GIS survey mapping has revealed that this area is actually sinking at the rate of a few mm/yr because it is built on sedimentary materials.

43. The Council is required to avoid, remedy, and mitigate natural hazards and to plan for the effects of climate change. Planning for how the Viaduct will have to physically respond to the effects of climate change in the future, is only just beginning (the Govt has recently released an adaptation strategy), and there is currently much uncertainty about what works may be required, by when, and who will be liable to pay.

44. However, what is very certain is that it would be, with respect, irresponsible to up-zone areas that are subject to the effects of coastal inundation, and at risk of property damage. Indeed, a planning decision to increase heights/intensity in the

Viaduct Harbour at the current time, and considering the Council has knowledge of the future hazard risks, would almost certainly expose the Council to being sued for negligence/compensation in the future, if development occurred in reliance of that up-zoning, and losses were suffered.

45. The *status quo* is clearly preferrable while the parties (Govt, Council, mana whenua, infrastructure providers, landowners, lease holders, ratepayers etc) work together in the coming years to achieve a successful response to climate change issues in Viaduct Harbour. If any planning changes were to be made now, arguably it should be to down-zone the current heights and intensity of development.

46. There is of course policy support for down-zoning, or at least maintaining the status quo and not further exacerbating, this potential hazard risk. Section 6(h) of the Act requires that the "management of significant risks from natural hazards" is a matter of national importance. The Council could, and arguably should, identify the risk of coastal inundation as a further qualifying reason (in addition to the amenity and viewshaft factors etc) to maintain the current heights/intensity of development in the Viaduct, to properly "give effect" (s75) to the NPS-UD Clause 3.32(1)(a).

Relief sought

47. For the reasons set out above, it is requested that:

(a)	PC 78, for the Viaduct Precincts, that largely leaves the operative AUP provisions intact, is approved, subject to the more detailed relief below.	2240.1
(b)	To avoid any uncertainty, that there is no increase in heights, coverage, built intensity, or FAR for Sub Precinct C and the Stratis site.	2240.6
(c)	The change to the precinct description (I211.1) is approved.	2240.7
(d)	The change to Objective (I211.1(2)) is rejected because the maintenance of views is an appropriate wider objective than being limited just to identified significant views. A broader objective is also necessary to support the numerous policies that address amenity, scale, views, attractive streets etc (e.g. Policies 5. 7. & 11).	2240.8

(e) The amendments and deletions of policies 4(b) & (c) are provisionally opposed and should be rejected. It is considered that the wording needs further amendment as it is no longer clear what is now being "complemented". 2240.9

(f) The threat of future coastal inundation is added as a qualifying matter to justify retaining the current development provisions, or down-zoning. 2240.10 2240.11

(g) Any submissions from other parties that may seek to increase the maximum heights and FAR in Viaduct Harbour precincts are rejected. 2240.12

(h) Any up-zoning sought by other parties should be rejected due to potential hazard risks, and for the reasons outlined in this submission. 2240.13

DATED at **AUCKLAND** this *29th* day of September 2022

Stratis Body Corporate
by its barrister and duly authorised agent

Peter Fuller

Peter Fuller
LLB, MPlan, DipEnvMgt, BHortSc
Barrister
Quay Chambers
Level 7, 2 Commerce Street
PO Box 106215
Auckland 1143
021 635 682
Email: peter.fuller@quaychambers.co.nz

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 5:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Ian Ross Newton McCormick and Ruby Jean McCormick
Attachments: Submission - 53 Tohunga Crescent Parnell_20220929170748.700.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ian Ross Newton McCormick and Ruby Jean McCormick

Organisation name:

Agent's full name: Hamish Firth

Email address: vignesh@mhg.co.nz

Contact phone number: 021661973

Postal address:
PO Box 37964
Parnell
Auckland 1151

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:

Property address: 53 Tohunga Crescent, Parnell

Map or maps:

Other provisions:
Proposed LDR zoning to the subject site.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Refer to the attached submission.

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Rezone 53 Tohunga Crescent from LDR to MHU. Further details provided in the attached submission.

Submission date: 29 September 2022

Supporting documents
Submission - 53 Tohunga Crescent Parnell_20220929170748.700.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

SUBMISSION ON PROPOSED PLAN CHANGE 78 – INTENSIFICATION

To: Auckland Council ("**the Council**")

Submitter Name: Ian Ross Newton McCormick **("the submitter")**

1. INTRODUCTION

1.1. This submission relates to property the submitter owns at 53 Tohunga Crescent, Parnell (Lot 3 DP 94873) as shown in Figure 1 below. The land is jointly owned by the submitter and Ruby Jean McCormick.

1.2. The subject land is currently zoned Residential – Single House under the Auckland Unitary Plan (Operative in Part) and is subject to a Special Character Overlay (Isthmus B2) and Sea level rise. The site currently contains a two-storey residential dwelling.

Figure 1: Aerial view of the subject land

2. SCOPE OF SUBMISSION

2.1. The submission relates to the proposed zoning of the property under Plan Change 78 (PC78).

3. NATURE OF SUBMISSION

3.1. The submitter opposes the proposed Low-Density Residential (LDR) zoning for the subject land and seeks that the land instead be rezoned to Residential Mixed Housing Urban (MHU). 2242.1

4. REASONS FOR SUBMISSION

4.1. The submitter supports the intent of PC78 in terms of the rezoning of land within the Auckland region for more intensive development and inclusion of provisions to enable additional housing intensification and supply.

4.2. The submitter does not support the proposed rezoning of the subject land to the Residential Low-Density Residential Zone. Amendment to the zoning is sought as per reasons provided below. This is because, without the amendments proposed, those provisions:

a) will not promote sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 (RMA) and are contrary to Part 2 and other provisions of the RMA.

b) will not adequately support the intended outcomes envisaged by the NPS-UD.

c) will not enable the social and economic wellbeing of the community in Auckland Region; and

d) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

4.3. In particular, and without limiting the generality of the above:

A. <u>Giving effect to NPS-UD and RMA Amendment Act:</u>

a. The intention of the NPS-UD is to achieve more efficient land use and provide more housing and business choices within urban environments that are close to the city and town centres, where there is high demand for housing and are well connected to public modes of transport

as provided in Objective 3. In line with the NPS-UD, the RMA Amendment Act 2021 (RMA-AA) seeks to remove the barriers to development to allow for a wider variety of medium-density housing within Auckland and other Tier 1 councils by incorporating the Medium Density Residential Standards (MDRS).

b. In giving effect to the NPS-UD and RMA-AA provisions, most of the residential properties having frontage to Tohunga Crescent that are currently zoned Single House are rezoned to MHU while the subject land and several other properties are rezoned as LDR. The submitter considers that the rezoning of the subject land and other surrounding land to LDR is inappropriate and unreasonably reduces its development potential.

c. Having regards to the expected outcomes of the NPS-UD and RMA-AA, the submitter considers that PC78 can and should go further to achieve more efficient land use around the neighbourhood as required by Objective 3 of the NPS to enable more housing choices. Providing for additional intensity by rezoning the subject land to MHU will better serve the objectives and purpose of NPS-UD and RMA-AA to create a well-functioning urban environment.

B. <u>Flooding on the subject land:</u>

a. The PC78 map viewer shows that the subject land is located within coastal inundation and erosion area (see Figure 2 overleaf). It appears that this is the reason that the site is proposed to be zoned for LDR rather than MHU. As shown, the mapping is very coarse and often bears limited relation to the on-ground situation. 2242.2

b. The application of the LDR zone does not make sense since several sites to the north on Takutai street have a similar coastal erosion and inundation issue and are however proposed to be rezoned as MHU by PC78.

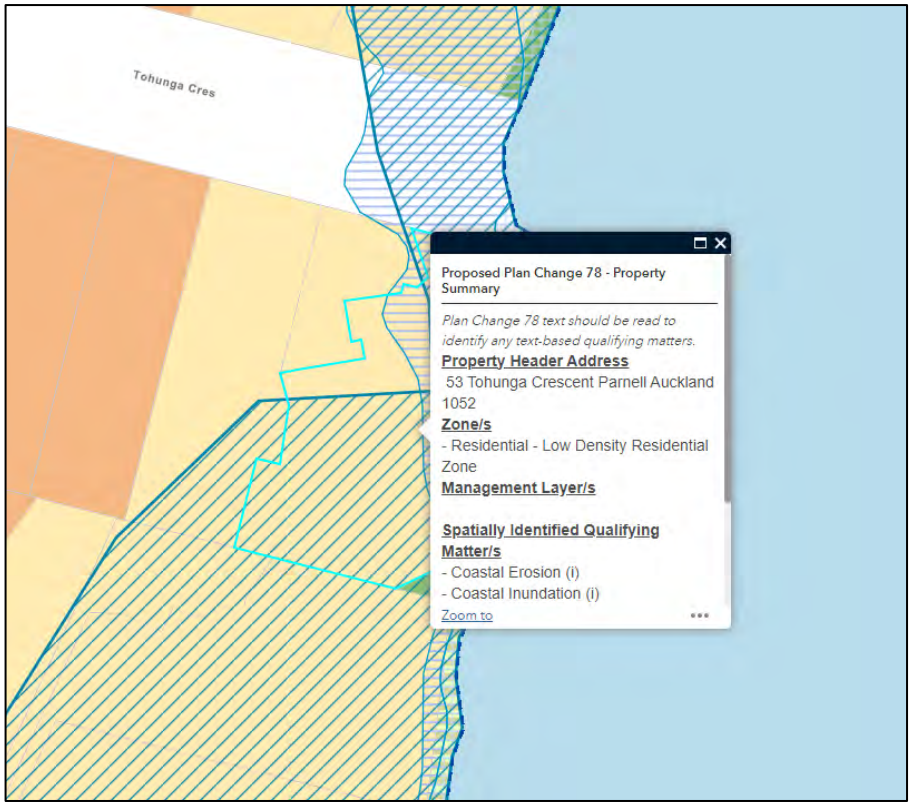


Figure 2: Extent of Coastal erosion and coastal inundation hazard on the subject land.

c. As shown in the topography data on Auckland Council GIS provided in Figure 3, the main portion of the subject land is located well above the coastal hazard (perhaps 17m or more) and thus there appears to be limited reason to seek to apply a LDR zone to the land rather than MHU. Considering the topography of the subject land, any coastal inundation would be limited along the eastern side of the land and also to be designed around in any redevelopment of the land. 2242.3

d. In any event, the AUP (OIP) contains sufficient provision in Chapter E36 to assess and address the potential coastal erosion and inundation impacts. Accordingly, any adverse effects on the subject land due to the coastal hazards could be mitigated by appropriate flooding measures proposed as a part of the consent process.

e. Therefore, the submitter considers that restricting the subject land's development by rezoning to LDR is inappropriate and the land be rezoned as MHU. The surrounding land that is identified as LDR in PC78 is also considered to be more appropriately zoned as MHU and flooding addressed via the resource consent process. 2242.3 2242.4

Figure 3: Topography of the subject land

C. <u>Consistency with the MHU provisions and amenity value effects:</u>

a. Objective H5.2 (3) requires that the developments provide high-quality residential amenity for the residents and to the surrounding environment. In accordance with the objective, the submitter considers that the subject land has the potential to serve more medium-density residential developments which adequately contributes to the urban environment and well-being of the residents and neighbourhood while ensuring that quality amenities are provided within new developments.

b. With regards to the adverse amenity value effects due to the rezoning, the subject land will be surrounded by similar MHU zoned properties. Therefore, any new developments proposed on the subject land will be consistent with the planned outcome of the neighbourhood and

will allow for more housing choices within the area. Further, the submitter considers that restricting the development potential of the subject land due to a minor coastal hazard will not achieve the intended outcome of the NPS-UD and RMA-AA to provide more housing choices within an urban environment.

c. Overall, in line with the objectives of the MHU zone, RMA-AA and NPS-UD and the surrounding environment, the submitter considers that the subject land and surrounding properties should be rezoned as Mixed Housing Urban. 2242.5

5. SPECIFIC RELIEF SOUGHT

5.1. The submitter seeks the following amendments to the proposed Plan Change 78:

a. Remove the proposed LDR zoning to the subject land and rezone to Residential – Mixed Housing Urban. 2242.1

b. Such further or other consequential relief as may be necessary to fully give effect to the relief sought in the Trustee's submission.

6. OTHER MATTERS

6.1. The submitter could not gain an advantage in trade competition through its submission.

6.2. The submitter wishes to be heard in support of its submission.

IAN ROSS NEWTON MCCORMICK

Date:	29 September 2022
Name:	Ian Ross Newton McCormick
Contact Person:	Hamish Firth
Address for Service:	Ian Ross Newton McCormick C/- Mt Hobson Group PO Box 37964

Parnell

Auckland 1151

Telephone: 09 950 5110

Email: hamish@mhg.co.nz

FORM 5

SUBMISSION ON PROPOSED PLAN CHANGE 78 – INTENSIFICATION

AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Name of Submitter: Buildcorp Management Limited

Buildcorp Management Limited provides this submission on Proposed Plan Change 78 ("**PC78**") to the Auckland Unitary Plan ("**AUP**"). The Submitter is the owner of twenty properties across multiple North Shore suburbs including Greenhithe, Albany, Schnapper Rock, Browns Bay, Unsworth Heights, and Milford.

The purpose of PC78 is described in the public notice as being to include provisions in the Auckland Unitary Plan (Operative in Part) that incorporate the Medium Density Residential Standards as contained in Schedule 3A of the RMA in relevant residential zones, and to give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 ("**NPS-UD**").

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

The submission relates to the proposed amendments to the text and provisions of the AUP as set out in PC78. There are two components of this submission, both in **support** of the proposed PC78 zoning for eighteen sites and **opposing** the proposed PC78 zoning for two sites.

In particular, the Submitter **supports** the changes to the zoning proposed in PC78 of the sites listed in **Table 1** below:

No.	Address	Current Zoning	Proposed PC78 Zoning	
1.	3 Orwell Road, Greenhithe	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.1
2.	418 Albany Highway, Albany	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.2

3.	8 Schnapper Rock, North Shore	Residential – Mixed Housing Urban Zone (MHU)	Residential – Mixed Housing Urban Zone (MHU)	2243.3
4.	20 Langana Ave, Browns Bay	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.4
5.	22 Langana Ave, Browns Bay	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.5
6.	35 & 35A Calypso Way, Unsworth Heights	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.6
7.	55 & 55a Caribbean Drive, Unsworth Heights	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.7
8.	17c Langana Ave, Greenhithe	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.8
9.	31 Bronzewing Terrace, Unsworth Heights	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.9
10.	43 Forrest Hill Road, Milford	Residential – Mixed Housing Urban Zone (MHU)	Residential – Mixed Housing Urban Zone (MHU)	2243.10
11.	72 Caribbean Drive, Unsworth Heights	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.11
12.	77 Barbados Drive, Unsworth Heights	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.12
13.	5 The Avenue, Albany	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Terraced Housing & Apartment Buildings Zone (THAB)	2243.13
14.	9 The Avenue, Albany	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.14
15.	33 Bronzewing Terrace, Unsworth Heights	Residential – Mixed Housing Urban Zone (MHU)	Residential – Mixed Housing Urban Zone (MHU)	2243.15
16.	418 Albany Highway, Albany	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.2
17.	9 Almond Grove, Greenhithe	Residential – Single House Zone (SHZ)	Residential – Mixed Housing Urban Zone (MHU)	2243.16
18.	427 Albany Highway, Albany	Residential - Mixed Housing Suburban Zone (MHS)	Residential – Mixed Housing Urban Zone (MHU)	2243.17

***Table 1**: Sites that the Submitter supports retention of the zoning proposed in PC78*

The Submitter **opposes** the proposed zoning for two sites at 11 Monkton Close, Greenhithe, and 548 Albany Highway, Albany. The proposed zoning unduly constrains development capacity on the properties and diminishes their ability to give effect to the purpose of the NPS-UD.

The provisions that are opposed are as follows:

- The proposed zoning of 11 Monkton Close, Greenhithe, from Residential – Mixed Housing Suburban (MHS) to Residential - Low Density Residential Zone (LDRS) in PC78.
- The proposed zoning of 548 Albany Highway, Albany, as Residential – Mixed Housing Urban (MHU) zone in PC78.

The Submitter seeks that the site at 11 Monkton Close, Greenhithe, is amended to be zoned within the MHU zone and the site at 548 Albany Highway, Albany is amended to be zoned within the Residential – Terrace Housing and Apartment Buildings (THAB) zone under PC78. 2243.18 2243.19

Reasons for Submission

Where the Submitter **supports** the provisions in Table 1 as outlined above, the Submitter considers that:

1. The applicable provisions/zoning will promote the sustainable management of natural and physical resources, and will be consistent with Part 2 of the Resource Management Act 1991.

2. The applicable provisions/zoning are soundly based on evidence or an appropriate cost benefit analysis as required by section 32.

3. The applicable provisions/zoning will give effect to the NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

4. The applicable objectives, policies and rules of PC78, as they relate to the Submitter's sites and interests:
    - i) will promote the sustainable management of natural and physical resources;
    - ii) are consistent with the purpose and principles of the Act;
    - iii) will not give rise to adverse effects on the environment that cannot be avoided, remedied or mitigated; and
    - iv) are appropriate and justified in terms of Section 32 of the Act.

Where the Submitter **opposes** the provisions as outlined above, the Submitter considers that:

11 Monkton Close, Greenhithe

1. The subject site is proposed to be zoned within the LDRZ, being re-zoned from the SHZ under PC78 as seen in **Figure 1** below. The site is subject to a coastal erosion qualifying matter.

***Figure 1**: Relationship of the site at 11 Monkton Close, Greenhithe (outlined in pink) within the proposed surrounding PC78 zoning context (source: PC78 map viewer)*

2. The subject site has an Open Space – Conservation Zone buffer between the SEA overlay and also the Coastal Transition Zone between the site and the indicative coastline. The SEA overlay does not extend onto the site.

3. The site is proposed to be zoned within the LDRZ, which is intended to prevent more intensive development on sites subject to qualifying matters such as coastal erosion and significant ecological area. It is considered that the application of the LDRZ to the site is not an appropriate conclusion from a cost-benefit perspective as required by section 32. As seen within the wider coastal Greenhithe suburb to the east, numerous sites that are subject to the coastal erosion qualifying matter are zoned within the MHU zone. There are no defining features that distinguish the MHU zoned sites and the subject site zoned as LDRZ in this area of Greenhithe.

4. There are no additional qualifying matters that are applicable to the site that would warrant the application of the LDRZ over the MHU zone in PC78. The relief sought by the Submitter to rezone the subject site the MHU zone would give effect to the NPS-UD and will not give rise to adverse effects on the environment that cannot be avoided, remedied or mitigated.

548 Albany Highway, Albany

1. As seen in **Figure two** below, the subject site is one lot to the south of the Albany Village local centre and is on the edge of the walkable catchment of Albany's metropolitan centre zone (located to the east) which lies along the Albany Highway road corridor. The sites in the block are currently zoned within the MHU zone and are proposed to be retained in the MHU zone in PC78. The existing block currently is occupied by a retirement village with low rise apartments, semi-detached terraced dwellings, and Albany Senior High School.

***Figure 2**: Relationship of the site at 548 Albany Highway, Albany (outlined in red) within the proposed surrounding PC78 zoning context. Yellow dashed line demonstrates the walkable catchment of Albany metropolitan centre; Cyan line demonstrates the block that the subject site is within (source: PC78 map viewer)*

2. The land to the east between the site and Albany metropolitan centre zone is public land (Albany Domain) and is publicly accessible. It is considered that the walkable catchment should be extended to the subject site as the edge of Albany metropolitan zone visible to the east is approximately 500m away, and therefore within the prescribed 800m walkable catchment. 2243.20

3. Objective 3 of the NPS-UD requires district plans to enable more people to live in, and more businesses and community services to be located in, areas of Auckland that are in or near a centre zone or other area with many employment opportunities, or are well-serviced by public transport, or where there is high demand for housing or for business land in the area. In short, land in this location is precisely where significant intensification should occur, as confirmed by its location located in close proximity to a walkable catchment and local centre and where the market will deliver that intensification.

4. Policy 3(c) of the NPS-UD seeks building heights of heights at least 6 storeys within at least a walkable catchment of the edge of metropolitan centre zones. Policy 3(d) requires building heights and densities of urban form to be commensurate with the level of commercial activity and community services. It is considered that the subject site is located within an ideal position to receive additional intensification by rezoning the site within the THAB zone. The relief sought by the Submitter would give effect to the NPS-UD.

5. The NPS-UD effectively requires consideration of opportunity cost when assessing the merits of imposing qualifying matters.[1] The site is subject to a Significant Ecological Areas Overlay (SEA) that covers a small part of the western boundary. A qualifying matter such as the SEA must be justified as to why development is inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. As the SEA only affects a small part of the site it is considered that this qualifying matter should not restrict the development potential for the unaffected majority of the site. 2243.21

6. In this case, any adverse amenity effects that may arise from up zoning the site to the THAB zone are greatly outweighed by the positive effects that would be available through enabling more development capacity in a desirable location. Due to the site being less than 100m to the Albany Village local centre, less than 600m from the Albany metropolitan centre, with a major bus route and arterial road, and in close proximity to shops, employment and services.

Relief sought

The Submitter seeks the following decision in respect of PC78:

- That the proposed planning maps retain the zoning for the eighteen sites listed above in Table 1.

[1] NPS-UD, 3.33, 2(b) and (c), and 3(a)

- The rezoning of the site at 548 Albany Highway, Albany to the Terrace Housing and Apartment Buildings Zone as set out above. 2243.19
- The rezoning of 11 Monkton Close, Greenhithe to the Mixed Housing Urban Zone as set out above. 2243.18
- Such other consequential amendments to the PC78 provisions as may be necessary to give effect to the relief sought in this submission.

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.

Philip Brown
Campbell Brown Planning Limited
For and on behalf of Buildcorp Management Limited as its duly authorised agent.

28 September 2022

Address for service of Submitter:

C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Attention: Philip Brown

Telephone: (09) 394 1694
Mobile: 021845327
Email: philip@campbellbrown.co.nz

SUBMISSION ON PROPOSED PLAN CHANGE 78 (PUBLIC)

THAT IS SUBJECT TO FULL NOTIFICATION

PLAN CHANGE 78 - INTENSIFICATION

To: Auckland Council

Attention: Principal Policy Planner

By email: unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Stuart P.C. Ltd ('**the Submitter**')

1. This is a submission on behalf of Stuart P.C. Ltd on public Plan Change 78 (**PC78**) to the Auckland Unitary Plan – Operative in Part (**the Unitary Plan**) prepared by Auckland Council (**Council**). The plan change was notified by Auckland Council on 18 August 2022.

2. The submitter could not gain an advantage in trade competition through this submission.

Background to this submission

3. The submitter owns the properties at 30 and 32 Selwyn Avenue, Mission Bay (**the Sites**). The Sites are contiguous, elevated above Tamaki Drive, are relatively flat and have a combined area of 4,516m^2 as identified in the aerial below:

Figure: 30 and 32 Selwyn Avenue

Wider statutory context

*National Policy Statement – Urban Development 2020 (**NPS-UD**) and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**the RM Enabling Act**)*

4. The NPS-UD seeks to ensure councils better plan for growth and remove overly restrictive barriers to development to enable growth in locations that have good access to services, public transport networks and infrastructure. The associated intensification policies require councils to enable greater heights and residential densities in areas that are well-suited to growth, and specifically in and around urban centres and rapid transit stops.

5. The RM Enabling Act introduced the Intensification Streamlined Planning Process for tier 1 councils (which includes Auckland Council) as the mechanism by which to implement the NPS-UD intensification policies. It also introduced and required tier 1 councils to implement the Medium Density Residential Standards (MDRS).

6. The NPS-UD and RM Enabling Act collectively seek to ensure New Zealand's urban centres are well-functioning urban environments that support housing supply and affordability, accessibility to jobs and services, and the reduction of emissions.

Summary of Plan Change 78

7. PC78 seeks to:

   a. Change the allocation of residential zoning, and provisions within residential zones to enable:

      - More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops.
      - More intensive development in and around neighbourhood, local and town centres.
      - Incorporate MDRS that enable three storey housing in most residential areas.

   b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS.
   c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided.

8. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows:

   a. The inclusion of Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict development potential where there is a feature or value that should be protected or avoided.
   b. New Low Density Residential Zone applied across areas subject to specific qualifying matters.
   c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential zones, overlays and Auckland-wide chapters.

Scope of Submission

9. This submission relates to PC78 in its entirety and in particular the zoning and provisions that apply to the sites in Selwyn Avenue, Mission Bay.

The Submission is:

10. The Submitter largely supports the zoning changes and provisions that seek to implement the NPS-UD and MDRS requirements for quality intensification in appropriate locations. 2248.124

a. The Submitter supports the broad application of the Mixed Housing Urban (MHU) zone and considers this to be an appropriate mechanism by which to incorporate the MDRS and to give effect to the objectives and policies of the NPS-UD for quality intensification in appropriate areas. 2248.20

11. Notwithstanding the above, the Submitter considers that further amendments are required to provide a more effective planning framework that gives full effect to the directives of the legislation. The key overarching considerations and concerns are:

a. The proposed plan change is contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts.

b. The Submitter opposes the Council's approach to the relationship between Qualifying Matters and the underlying zoning. Qualifying Matters have been included within the zones, rather than the zoning being applied on the basis of location and other mechanisms such as Overlays, Precincts and / or Auckland-wide provisions being relied upon to achieve the outcomes sought by the Qualifying Matter. Rather than providing for a qualifying matter which forecloses the opportunity to impose the increased density the Council should rely on the existing provisions in the AUP that require assessment of the issues (such as natural hazards) or can be dealt with appropriately through other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria. 2248.125 2248.126

c. The Submitter opposes the introduction of the extensive suite of amendments proposed to the descriptions, objectives, policies, rules, development standards, matters of discretion, assessment criteria and information requirements of the MHU and THAB zones. The Submitter also opposes the introduction of Qualifying Matters into zones as these can be dealt with appropriately through existing provisions in the AUP or other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria. The provisions are overly complicated and restrictive, and the changes proposed in addition to those strictly required to give effect to the NPS-UD and RM Enabling Act provisions combine to reduce development yield and increase costs of compliance, and in the process undermine the outcomes envisaged by the statutory documents. These provisions have not been sufficiently justified under Section 32 of the RMA.

d. The Submitter opposes the introduction of those Council identified Qualifying Matters, under sections 77I(j) of the RMA and the use of those Qualifying Matters to justify lower intensity development of land. The Submitter seeks the deletion of those matters as 2248.127 2248.128 2248.129 2248.130

2248.131

Qualifying Matters from the sites. In particular, the submitter opposes the application of the Coastal Inundation and Flooding Constraints as qualifying matters on the subject sites and seeks the deletion of these. These matters are already addressed in other parts of the Auckland Unitary Plan and should not be included as Qualifying Matters. The flooding and coastal inundation qualifying matters relate primarily to Tamaki Drive and do not impact most of the site, as illustrated in the diagram in Figure 1 below.

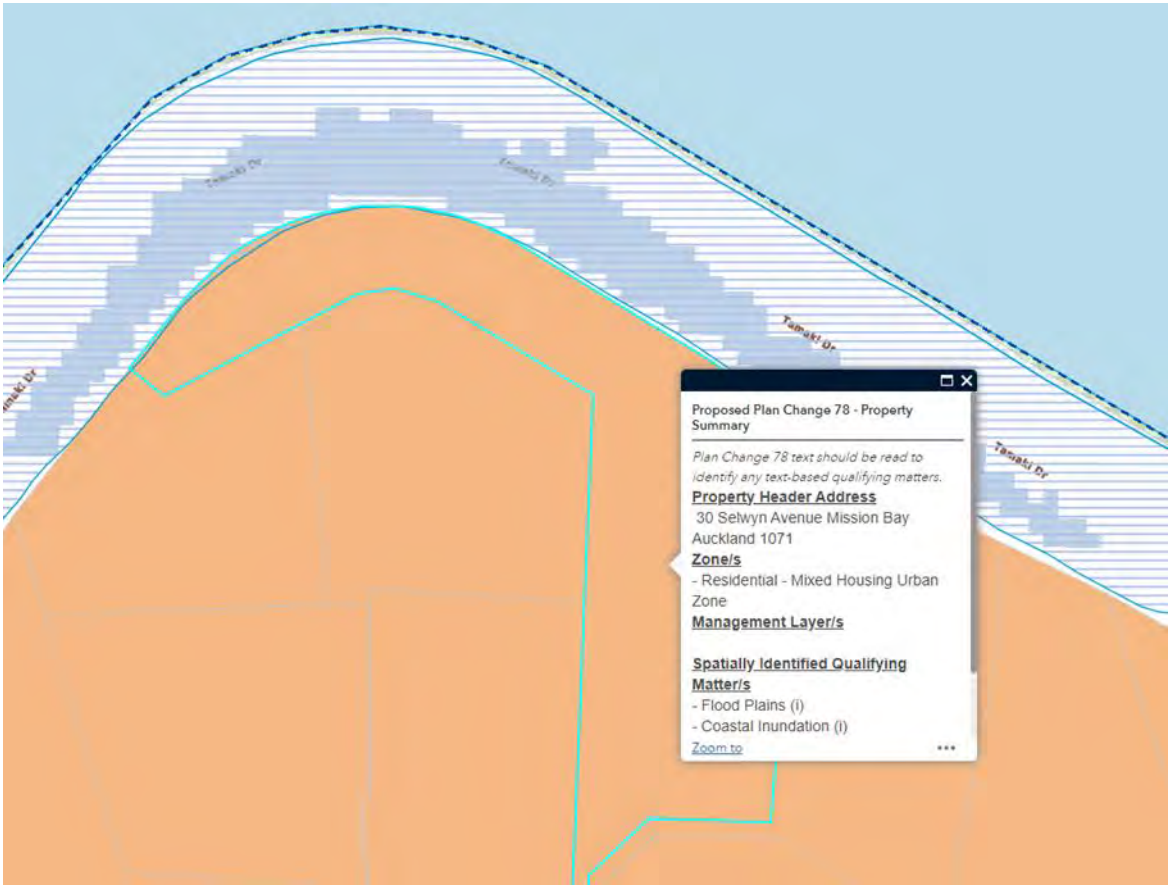


Figure 1: Qualifying Matters applied to 30 Selwyn Avenue

e. The level of detail required by the provisions is not appropriate in a district plan or necessary for a resource consent process and is more appropriately provided during detailed design for building consent / engineering plan approval.

12. The Submitter seeks to ensure that PC78 plan change provisions are amended so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to Council qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act. Without limiting the generality of the above, the specific parts of the plan change that this submission relates to are set out in the main body of this submission and Attachment 1 and include the following:

a. Over complication of the structure of the Unitary Plan:

- There is a clear divergence in the drafting style of PC78 compared with the well-established frameworks and approach to the Operative Unitary Plan. The language is more prescriptive and directive, assessment criteria can appear more like standards through the introduction of detailed requirements that do not exist elsewhere in the Plan, and a prescriptive 'one size fits all' approach has been taken through the introduction of significant new Special Information Requirements. 2248.132

- The clarity of zones has been compromised by the introduction of Qualifying Matters when they are (or can be) already dealt with via other existing provisions in the AUP(i.e. Flooding and Coastal Inundation are subject to Chapter 36 – Natural hazards and flooding).

- The extensive suite of changes proposed to the MHU zone goes well beyond what is needed to give effect to the MDRS and the NPS-UD. The submitter considers that the operative provisions are clear, efficient and effective, having been evaluated through the robust Unitary Plan hearings process. The proposed amendments adopt a contrary drafting style and general approach that is far more prescriptive and creates inconsistency across the Unitary Plan. 2248.133

- The proposed amendments to the MHU zone introduce a far more prescriptive requirements for 'four plus dwellings' in the form of new and amended rules, development standards and assessment matters. The net result is a significant reduction in design flexibility, clear impacts on the development potential of land and the costs associated with obtaining and implementing resource consents. This sits in contrast to the current approach taken within the residential zones which requires compliance with those standards that seek to control the overall bulk and location of buildings (height, height in relation to boundary and yards), with all other standards referenced via assessment criteria as a means of guiding design while enabling flexibility. 2248.134

- New standards are complex, detailed and will undermine the ability to achieve the intensification objectives of the NPS-UD.

Decision Requested

13. The Submitter seeks the following decision from the Council on PC78:

    a. Support the proposed Residential – Mixed Housing Urban zoning applied to Selwyn Avenue, Mission Bay. 2248.1

    b. Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to Council qualifying matters and other provisions that will undermine the ability to achieve the purpose of NPS-UD or RM Enabling Act and development of the sites;

    c. In the alternative to the primary relief of approving PC78, amend PC78 and retain provisions as set out in Attachment 1 to this submission; and

    d. Any other alternative or consequential relief, including in relation to PC78's objectives, policies, rules, methods and maps, that reflects or responds to the reasons for this submission.

Reasons for relief sought

14. The reasons for the relief sought are to ensure that PC78:

    a. will give effect to the objectives and policies of the NPS-UD
    b. will contribute to well-functioning urban environments
    c. is consistent with the sustainable management of natural and physical resources and the purpose and principles of the RMA
    d. Will meet the reasonably foreseeable needs of future generations
    e. Will satisfy the requirements of section 32 of the RMA; and
    f. Is consistent with sound resource management practice.

Appearance at hearing

1. The Submitter wishes to be heard in support of its submission.

2. The Submitter will consider presenting a joint case with others making a similar submission.

DATED on this 29th September 2022

Mark Vinall

For and on behalf of Stuart P.C. Ltd as duly authorised agent

Electronic address for service of Submitter:

Stuart P.C. Ltd

Mark Vinall

Tattico Limited

PO Box 91562, Victoria Street, Auckland 1142

Mobile: 027 280 8281

Email address: mark.vinall@tattico.co.nz

Attachment 1 - Plan Change 78 submission table

PLAN CHANGE 78 – INTENSIFICATION				
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**
Whole of Plan Change 78				
Whole of Plan Change 78	PC78 (Intensification) seeks to: a. Change the allocation of residential zoning, and provisions within residential zones to enable: ▪ More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops. ▪ More intensive development in and around neighbourhood, local and town centres. ▪ Incorporate MDRS that enable three storey housing in most residential areas b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS. c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows: a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure	Oppose	▪ The proposed changes are contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts. ▪ The provisions are overly complicated and restrictive and the additional non NPS-UD and RMA Enabling Act provisions reduce yield and increase costs of compliance while not meeting the outcomes envisaged by these documents. These provisions have not been justified under section 32 of the RMA.	Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act.

2248.2

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	constraints, specific matters in precincts) that restrict development potential where there is a feature or value that should be protected or avoided. b. New Low Density Residential Zone applied across areas subject to specific qualifying matters. c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.				
Mapping	Application of zones, overlays, spatially represented qualifying matters	Oppose	▪ The proposed qualifying matters undermine the national direction afforded the NPS-UD and RM Enabling Act	▪ Remove overlays / qualifying matters that inappropriately restrict the implementation of the NPS-UD and RM Enabling Act	2248.3
Chapter C: General rules					
New Rule C1.6A	1. Where an activity is subject to a rule in an overlay, the overlay may specific whether the overlay rule replaces a zone rule, a precinct rule or an Auckland-wide rule. 2. Where an activity is subject to a rule in a precinct, the precinct may specify whether the precinct rule replaces an overlay rule or a zone rule, or an Auckland-wide rule.	Support	▪ The proposed rule clarifies the relationship overlays / precincts and other parts of the Unitary Plan	Retain proposed rule C1.6A	2248.4
	▪ New special information requirement that all applications are to be accompanied by a landscape and visual assessment prepared by a registered landscape architect, commensurate	Oppose	▪ Suggest that a blanket requirement for a Landscape Assessment is unnecessary given the Discretionary Activity requirement for development that is not a permitted activity.	▪ Delete the proposed requirement	2248.5

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	with the scale and significance of the effects of the proposed buildings		Full discretion to Council to assess the actual effects of an application, rather than the assumed effects		
Chapter E: Auckland-wide rules					
Chapter E36: Natural Hazards and Flooding	▪ New statement inserted under heading E38. Natural hazards and flooding: *'The management of significant risks from natural hazards is a qualifying matter in accordance with sections 77I(a) and 77O(a) of the RMA.'* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	2248.6 2248.7
	▪ Amendment to E36.1. Background: The Plan has defined criteria to identify land which may be subject to natural hazards and in some cases has applied the Residential - Low Density Residential Zone to this land. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	2248.8
Chapter E38: Subdivision – Urban	▪ Amendment to E38.1. Introduction: This chapter incorporates Medium Density Residential Standards (MDRS). The subdivision outcomes anticipated by the RMA are provided for in this chapter except to the extent necessary to accommodate one or more qualifying matters.	Oppose	▪ Delete reference to Qualifying Matters. These are dealt with through out Plan mechanisms and do not need to be brought into the E38 Subdivision. This just creates duplication and unnecessary complexity ▪	▪ Remove reference to Qualifying Matters	2248.9

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	▪ Amendments to E38.2. Objectives: - New addition of E38.2(10)(d) that subdivision is '*provided for where the sites can be serviced by the water supply, wastewater and stormwater networks*'; - and E38.2(10)(e) that subdivision '*avoids the creation of vacant sites not complying with the minimum site size in areas where transport qualifying matters apply*'. - New addition of '*Medium Density Residential Standards Objectives*': (11) '*Provide for subdivision which enables the level of development anticipated by the RMA, except in circumstances where one or more qualifying matters are relevant'*.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	2248.10
	▪ Amendments to E38.3. Policies: (13) Require subdivision (except for subdivision around MDRS compliant development) to deliver sites that are of an appropriate size and shape for development intended by the zone by: *Subdivision in areas subject to the Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and/or Wastewater Constraints Control, Infrastructure – Stormwater Disposal Constraints Control as identified in the planning maps* (31) Avoid subdivision in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints unless proposed subdivisions can be serviced by infrastructure and there is sufficient capacity. *Subdivision in areas subject to the Infrastructure – Beachlands Transport Constraints Control as identified in the planning maps* (32) Avoid vacant site subdivision that does not comply with the minimum site size in areas identified on the planning maps as subject to transport infrastructure constraints.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	2248.11

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Medium Density Residential Standards Policies (33) Provide for subdivision as a controlled activity in zones where the Medium Density Residential Standards apply except where: (a) there is significant risk from natural hazards; (b) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision; (c) where a qualifying matter is relevant; or (d) where the proposed subdivision does not comply with any relevant subdivision standards. (34) Subdivision is enabled as required by the RMA except to the extent necessary to accommodate one or more qualifying matters. (35) Require subdivision around MDRS development to not compromise any qualifying matters located on the site.				
	▪ Amendments to Table E38.4.2 Activity table - Subdivision in residential zones:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	2248.12

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	<table><tr><th>Activity</th><th></th><th>Activity status</th></tr><tr><td colspan="3"><u>Subdivision for the purpose of the construction or use of dwellings, which are provided for as either permitted or restricted discretionary activities in the Residential - Low Density Residential Zone, Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone</u> <u>Note 1</u> <u>All applications for subdivision consent, including controlled activities A13A and A13B below, are subject to section 106 of the RMA</u></td></tr><tr><td><u>(A13A)</u></td><td><u>Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1</u></td><td><u>C</u></td></tr><tr><td><u>(A13B)</u></td><td><u>Subdivision around existing buildings and development complying with Standard E38.8.1A.2.</u></td><td><u>C</u></td></tr><tr><td><u>(A13C)</u></td><td><u>Subdivision around buildings and development with existing use rights where sites created results in non-compliance with the relevant overlay, Auckland-wide and zone rules and is not accompanied by a land use consent.</u></td><td><u>RD</u></td></tr><tr><td><u>(A13D)</u></td><td><u>Subdivision in accordance with an approved land use resource consent not meeting Standard E38.8.1A.1</u></td><td><u>RD</u></td></tr><tr><td><u>(A13E)</u></td><td><u>Subdivision around existing buildings and development not meeting the standards in E38.8.1A.2</u></td><td><u>RD</u></td></tr><tr><td><u>(A13F)</u></td><td><u>Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2.</u></td><td><u>D</u></td></tr><tr><td><u>(A13G)</u></td><td><u>Any subdivision listed above not meeting General Standards E38.6.2 - E38.6.6</u></td><td><u>D</u></td></tr><tr><td colspan="3"><u>All other types of subdivision in residential zones</u></td></tr><tr><td><u>(A29A)</u></td><td><u>Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control.</u></td><td><u>RD</u></td></tr></table>			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(A29B) Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control and/or the Infrastructure – Water and Wastewater Constraints Control. — RD (A29C) Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control complying with Standard 38.8.2.9. — D (A29D) Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control not complying with Standard 38.8.2.9. — NC				
	▪ New addition of E38.8.1A. Standards – residential controlled activities: **E38.8.1A. Standards – residential controlled activities** Subdivision listed as a controlled activity in Table E38.4.2 Subdivision in residential zones must comply with standards E38.6.2 - E38.6.6 listed in E38.6 General standards for subdivisions, standard E38.8.1.1(1) and standard E38.8.1.2 in E38.8.1 General standards in residential zones and standards listed in E38.8.1A Standards – residential controlled activities as relevant. **E38.8.1A.1. Subdivision in accordance with an approved land use resource consent** (1) Any subdivision relating to an approved land use consent must comply with that land use consent. (2) No vacant sites are created. **E38.8.1A.2. Subdivision around existing buildings and development** (1) Prior to subdivision occurring, all development must meet one of the following: (a) comply with the relevant overlay, Auckland-wide and zone rules; or (b) be in accordance with an approved land use resource consent. (2) No vacant sites are created.	Support	▪ Appropriate provision that streamlines subdivision around consented development ▪ Specify that for subdivision around approved land use resource consent or around existing building and development, Standard E38.8.1.2(1) "A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites" does not apply. ▪ Apply to restricted discretionary activity resource consent around approved land use resource consent or around existing building and development also.	▪ Retain proposed provisions except that E38.8.1.2(1) does not apply ▪ Expand to apply to restricted discretionary activity applications around approved land use resource consent or around existing building and development also.	2248.13 2248.14

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to E38.8.2. Standards – residential restricted discretionary activities: **E38.8.2.7. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control.** (1) An application must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that sufficient stormwater disposal capacity exists. **E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control.** (1) Applications must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that infrastructure and servicing can be achieved. **E38.8.2.9. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control.** (1) Proposed vacant sites identified in the Infrastructure – Beachlands Transport Constraints Control Overlay must comply with a minimum net site area of 600m².	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	2248.15
	▪ Amendments to E38.11.1. Matters of control:	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	2248.16

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application: (1) all controlled activities in Table E38.4.1: (a) compliance with an approved resource consent except for boundary adjustment subdivision; (b) the effect of the site design, ~~size, shape~~, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; (c) the effects of infrastructure provision; and (d) the effects on historic heritage and cultural heritage items. (2) all controlled activities in Table E38.4.2: (a) compliance with an approved land use consent; (b) compliance with the relevant overlay, Auckland-wide and zone rules; and (c) the effects of infrastructure provision.				
	▪ Amendments to E38.11.2. Assessment criteria for controlled activities:	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	2248.17

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(2) All controlled activities in Table E38.4.2: (a) compliance with an approved resource consent: (i) refer to Policy E38.3(6); (b) compliance with the relevant overlay, Auckland-wide and zone rules; (i) refer to Policy E38.3(1) and (6); (c) whether there is appropriate provision made for infrastructure including; (ii) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and (iii) Whether appropriate management of effects of stormwater has been provided; (iv) refer to Policies E38.3(1), (6), (19) to (23).				
	▪ Amendments to E38.12.1. Matters of discretion: (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) the ability to provide for stormwater disposal. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) the effect on the capacity of the existing public reticulated water supply and wastewater network; (b) the provision of access to water supplies for firefighting purposes; (c) the ability to provide for a connection between any dwelling(s) and a reticulated water supply and wastewater network in the future; and (d) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	2248.18

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	▪ Amendments to E38.12.2. Assessment criteria: (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) Whether there is the ability to adequately dispose of stormwater via a connection to the public stormwater network to service the proposed subdivision. (b) Whether stormwater can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice to service the proposed subdivision. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and wastewater network to service the proposed subdivision. (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and/or wastewater network in the future. (d) If the site is an area subject to the Infrastructure – Combined Wastewater Network Control whether separation is in progress and whether the new site can connect to a separated stormwater pipe that is part of the public stormwater network.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	2248.19
Chapter H – Zones					
Chapter H5: Residential – Mixed Housing Urban Zone	▪ Mapping changes reflecting that the MHU zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply.	Support Oppose	▪ General support for changes proposed to include additional sites within the zone. ▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to	▪ Retain proposed MHU zoning ▪ Any constraints identified are dealt with through other mechanisms, and 'down-	2248.20 2248.21 2248.22

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ The most widespread residential zone covering most of urban Auckland		include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	zoning' the underlying zone is not necessary to appropriately manage those constraints.	2248.21 2248.22
	▪ Additional objectives inserted at H5.2: *(5) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks* *(6) Development contributes to a high-quality built environment that is resilient to the effects of climate change* *(7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects* *(8) Enable a safe street environment for pedestrians* *(9) Development is enabled on sites within SEAs where it provides for the protection and management of the significant ecological values* *(10) Intensification is avoided in areas with significant transport infrastructure constraints.*	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions	▪ Delete proposed provisions	2248.23
	▪ Additional policies inserted at H5.3:	Oppose	▪ These policies open the door for the standards Council has proposed later in the	▪ Delete proposed provisions	2248.24

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(6A) Require development to achieve a built form that contributes to high-quality built environment outcomes by: *(a) Maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site* *(b) Providing for residents' safety and privacy while enabling passive surveillance on the street* *(c) Minimising visual dominance effects to adjoining sites* *(d) Maintaining a level of privacy, and sunlight and daylight access for adjoining sites* *(e) Minimising visual dominance effects of carparking and garage doors to streets and private accessways* *(f) Minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated* *(g) Requiring development to reduce the urban heat island effects of development and respond to climate*		chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (6A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone. ▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job. ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	change, by providing deep soil areas that enable the growth of canopy trees *(h) Designing practical, sufficient space for residential waste management; and* *(i) Designing practical, sufficient space for internal storage and living areas.* *(7) [deleted]* *(11) Require buildings to be setback from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards* *(12) Require dwellings to be provided with access to safe and reliable drinking water, wastewater and stormwater disposal services* *(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, are provided with appropriate infrastructure* *(14) Require development of four or more dwellings per site to contribute to a safe urban road environment for pedestrians through improvements to the adjacent road network*			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas *(16) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints* *(17) Building height is restricted to respond to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga, where located adjacent to Pukekiwiriki Pā Historic Reserve, Red Hill.*				
	H5.4.1 Activity Table ▪ New clarifying statement: *'Applications for Activity (A2B) will be considered against objectives and policies in E15 Vegetation management and biodiversity in addition to the standards listed below and any other infringements.* ▪ New rules introduced: - *(A2A), One dwelling per site subject to a SEA overlay which complies with Standards E15.4.2(A29) and E15.6.5* - *(A2B), Two or more dwellings per site subject to a SEA overlay (refer to Vegetation management and biodiversity E15.4.2(A43) and E15.6.5*	Oppose	▪ Duplicates requirements of Chapter D9 (SEA Overlay) ▪ If they are retained, the rules should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions	2248.25 2248.26

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	- *(A14A), Two or more per site dwellings within the Infrastructure – Beachlands Constraints Control is a non-complying activity* - *(A14B), One dwelling per site in the Infrastructure – Water and Wastewater Constraints Control is a permitted activity* - *(A14C), Two or more dwellings per site in the Infrastructure – Water and Wastewater Constraints Control is a restricted discretionary activity* - *(A30A), Internal and external alterations to buildings for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A31A), Accessory buildings associated with development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32A), Additions to an existing dwelling for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32B), New buildings and additions and alterations to buildings in a SEA which do not comply with H5.6.10(2) Building coverage is a discretionary activity* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA			

2248.27

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Introduction of extensive new 'standard to be complied with' against new and existing rules				2248.28
	▪ Deletion of existing notification provisions at H5.5(1) as they are inconsistent with the MDRS requirements. New H5.5(4) introduced to align with those requirements: *(1) Unless the Council decides that special circumstances existing under section 95A(9) of the RMA, public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2 or 3 dwellings that do not comply with 1 or more of the following:* *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards* *(iv) Standard H5.6.10 Building coverage* *(v) Standard H5.6.11(3) and (4) Landscape area* *(vi) Standard H5.6.12(A1) outlook space* *(vii) Standard H5.6.14(A1)-(B1) Outdoor living space; and* *(viii) Standard H5.6.18(1) Windows to street and private vehicle and pedestrian accessways* *(2) Unless the Council decides that special circumstances exist under section 95A(9) of the RMA, public and limited*	Support	▪ Appropriate change	▪ Retain proposed provisions	2248.29

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	notification of an application for resource consent is precluded if the application is for the construction and use of four or more dwellings that comply with the following standards: *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards* *(iv) Standard H5.6.9 Maximum impervious area* *(v) Standard H5.6.10 Building coverage* *(vi) Standard H5.6.11(5), (6) and (7) Landscape area* *(vii) Standard H5.6.12(1)-(9) outlook space* *(viii) Standard H5.6.13 Daylight* *(ix) Standard H5.6.14(1)-(4) Outdoor living space;* *(x) Standard H5.6.15 Front, side and rear fences and walls* *(xi) Standard H5.6.16 Minimum dwelling size* *(xii) Standard H5.6.18(2) Windows to street and private vehicle and pedestrian accessways* *(xiii) Standard H5.6.19 Deep soil area and canopy tree*			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	(xiv) Standard H5.6.20 Safety and privacy buffer from private vehicle and pedestrian accessways; and *(xv) Standard H5.6.21 Residential waste management* *(3) Any application for resource consent which is listed in H5.5(4) or H5.5(5) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the RMA.*				
	▪ New standard H5.6.3A 'Number of dwellings per site' *(1) There must be no more than three dwellings per site.*	Support	▪ MDRS requirement	▪ Retain proposed provision	2248.30
	▪ New standard H5.6.3B 'Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps' *Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network* *(1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	2248.31

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	local stormwater pipe that is part of the public stormwater network				
	▪ New standard H5.6.3C 'Dwellings within the Infrastructure – Stormwater Disposal Constraints Control' *Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site.* ▪ *A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage must either be able to connect to the public stormwater network or provide sufficient stormwater disposal by capacity on-site*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	2248.32

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	▪ H5.6.5 HiRB amended to accord with MDRS ▪ Consequential amendments including deletion of AHiRB standard and HiRB adjoining lower intensity zone standard	Support	▪ MDRS requirement	▪ Retain MDRS provisions	2248.33
	▪ Amendments to H5.6.8 Yards to accord with MDRS requirements ▪ Table H5.6.8.2 (riparian / lakeside / coastal protection yard) identified as a qualifying matter under section 77I(b) of the RMA	Support	▪ MDRS requirement ▪ Oppose identification of QM	▪ Retain MDRS provisions ▪ Delete QM	2248.34
	▪ Amendments to H5.6.10 Building coverage to incorporate MDRS requirement ▪ Additional requirements identified as qualifying matter under s77I(a) relating to management of development within SEAs: *Purpose: …and to provide for the protection and management of SEAs* *(2) On a site subject to a SEA overlay:* *(a) The maximum building coverage must not exceed 50% of the net site area* *(b) Building coverage must not be located in any areas within 3m of vegetation within a SEA including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3(A29) and E15.6.5; and*	Support	▪ MDRS requirement ▪ Oppose identification of QM. SEAs are dealt with elsewhere in the Plan, don't duplicate provisions within residential zones	▪ Retain MDRS provisions ▪ Delete QM / SEA requirements from the zone	2248.35

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(c) Other than provided for in H5.6.10(2)(b), building coverage must not be located within a SEA.				
	▪ Amendments to H5.6.11 Landscaped area to incorporate MDRS requirements *Developments containing up to three dwellings must comply with the following:* *(3) A dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them* *(4) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling* ▪ Additional amendments: *Development containing four or more dwellings and any other developments must comply with the following:* *(5) The minimum landscaped area must be at least 20% of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch.*	Oppose	▪ Accept MDRS requirements ▪ Landscape provisions relating to four + dwellings are space hungry and reduce development potential	▪ Delete proposed provisions other than those required by MDRS	2248.36 2248.37

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(6) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m2 as shown below in Figure H5.6.19.1… *(7) A minimum of 50% of the front yard must be landscaped*				2248.37
	▪ Standard H5.6.12 Outlook space amended to accord with MDRS requirements for up to three dwellings per site -	Support	▪ MDRS requirement	▪ Retain MDRS provision	2248.38
	▪ Existing H5.6.12 Outlook space standard otherwise amended to apply to four or more dwellings, with key amendments being: - Where the principal living room outlook is on the ground floor and defined by a boundary fence, outlook depth may be reduced to 5m - Outlook space is measured from the centreline of the façade with the largest window OR balcony edge, whichever is closest to the boundary or opposing building - Outlook space must align with private outdoor space except where of a public space or street	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge ▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site	▪ Delete proposed provisions or otherwise amend to address reasons identified	2248.39 2248.40 2248.41

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Standard H5.6.14 Outdoor living space amended to give effect to MDRS requirements for up to three dwellings	Support	▪ MDRS requirement	▪ Retain MDRS provision	2248.42
	▪ Standard H5.6.14 Outdoor living space otherwise amended to achieve: - Purpose statement expanded to specify IRDs and that living space must be separated from vehicle access and manoeuvring areas - That private outdoor living spaces are directly accessible from main dwelling areas - Communal outdoor living spaces are conveniently accessible for all occupants ▪ Standard H5.6.14 amended to apply to four or more dwellings and specify that it applies to IRDs ▪ Standard H5.6.14 further expanded to include specific outdoor living requirement for 20+ dwellings including IRDs:	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79)	▪ Delete proposed provisions	2248.43 2248.44 2248.45

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(4) In addition to H5.6.14(1) and H5.6.14(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more dwellings, must provide a communal outdoor living space that: (a) is located in a communally accessible location; (b) is at least 10m² for every five dwellings it serves; (c) is a minimum dimension of 4m; (d) free of buildings, parking spaces and servicing and manoeuvring areas; (e) for at least 20m² of the communal living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; (f) has a gradient not exceeding 1 in 20; and (g) may be split into no more than two outdoor communal living spaces per development.			
	▪ New Standard H5.6.18 'Windows to street and private vehicle and pedestrian accessways *Purpose: To provide for passive surveillance while maintaining privacy for residents and users* *Development containing up to three dwellings must comply with the following:* *(1) Any dwelling facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.* [MDRS] *Development containing four or more dwellings and any other development must comply with the following:* *(2) Any dwelling, IRD, supported residential care, boarding house and visitor accommodation facing the street or*	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

2248.46

PLAN CHANGE 78 – INTENSIFICATION				
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**
	private vehicle accessway or private pedestrian accessway, must have a minimum of 20% of the relevant façade in glazing. This can be in the form of windows or doors.			
	▪ New standard H5.6.19 'Deep soil area and canopy tree' *Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater* *(1) Any site greater than 200m2 must provide a deep soil area that must comply with the following:* *(a) 10% of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions* *(b) Expect that sites 1,200m2 or greater may have more than 1 deep soil area provided that:* *(i) each deep soil area is a minimum of 60,2 with 3m dimension; and* *(ii) the combined total deep soil area is a minimum 10% of the site area* *(c) Deep soil areas must not be provided in private outdoor living spaces but can be provided as part of*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed	▪ Delete proposed provisions

2248.47

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Provision</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>
communal outdoor living spaces and landscaped areas as shown in Figure H5.6.19.1; and
(d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements set out in Table H5.6.19.1; and
(2) Trees required by H5.69.19(1) can be existing canopy trees or new canopy trees in accordance with Table H5.6.19(3)
Table H5.6.19.1 Minimum requirements for canopy trees
<table>
<tr><th>Site Area (prior to development or re-development)</th><th>Minimum canopy tree requirements</th></tr>
<tr><td>200m² – 600m²</td><td>1 small canopy tree per 200m² of site</td></tr>
<tr><td>601m² – 1,500m²</td><td>1 medium canopy tree per 300m² of site</td></tr>
<tr><td>1,501m² or more</td><td>1 large canopy tree or 2 medium canopy trees per 500m² of site</td></tr>
</table>
</td><td></td><td></td><td></td></tr>
<tr><td></td><td>▪ New standard H5.6.20 ‘Safety and privacy buffer from private pedestrian and vehicle accessways’
Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways</td><td>Oppose</td><td>▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79)</td><td>▪ Delete proposed provisions</td></tr>
</table>

2248.48

PLAN CHANGE 78 – INTENSIFICATION				
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**
	(1) A minimum 1m buffer area must be provided between a dwelling and private pedestrian and / or vehicle accessways as shown in Figure H5.6.19.1 *(2) The buffer area must be:* *(a) Free of buildings, parking spaces, servicing and manoeuvring areas* *(b) Planted with shrubs or ground cover*			
	▪ New standard H5.6.21 'Residential waste management' *Purpose: to provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions

2248.49

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m² per dwelling. › Change 78 Intensification 38 H5 Residential – Mixed Housing Urban Zone (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H5.6.21(3) and either H5.6.21(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m² per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ New matters of control H5.7.1 relating to one dwelling per site in a SEA *The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application:* *(1) For one dwelling per site subject to a Significant Ecological Area Overlay:* *(a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area;* *(b) The location, bulk and scale of built development relative to the surrounding ecological values.* ▪ Associated assessment criteria introduced at H5.7.2(1) *(1) For one or more dwellings in a Significant Ecological Area Overlay:* *(a) Refer to Policy H5.3(15)*	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions	2248.50 2248.51
	▪ Addition to matters of discretion for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.1(1) *(c) the effects of the development on the safe access for pedestrians on the adjacent road network.*	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied	▪ Delete proposed provisions	2248.52

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to criteria for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.2(1) (b) building ~~intensity,~~ scale, location, form and appearance: (i) whether the intensity and scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area. (c) traffic: (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads. (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and accessways are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or landscaping (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development. (e) noise, lighting and hours of operation:				2248.53.
	▪ Substantial amendments to matters of discretion H5.8.1(2) relating to four or more dwellings per site: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and	Oppose	▪ Far too broad. ▪ Criteria will be administered as a standard, where no standard exists. Assessment becomes subjective / uncertain. ▪ Criterion H5.8.2(2)(ad) – implies that development potential / built form may be impacted by the presence of a Special	▪ Retain the proposed the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i) ▪ Delete 'intensity' from matter of discretion H5.8.1(3)(a)(i) relating to Integrated Residential Developments	2248.54 2248.55

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area, (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between resident's privacy and opportunities for passive surveillance; D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management (ii) traffic; and (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided).		Character building across the street. Completely unreasonable. ▪ Support the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i) ▪ Oppose matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) relating to the extent to which the adjacent road network provides for safe pedestrian movements	▪ Retain the proposed the deletion of 'intensity' from criterion H5.8.2(1)(b) ▪ Delete 'intensity and' from criterion H5.8.2(1)(b)(i) ▪ Delete matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions	2248.56 2248.57 2248.58 2248.59

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size~~ (c) ~~I~~the effects on infrastructure and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria for four or more dwellings at H5.8.2(2):			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(2) for four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards identified in Table 5.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted]~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted]~~Standard H5.6.10 Building coverage;~~ (iii) [deleted]~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted]~~Standard H5.6.12 Outlook space;~~ (v) [deleted]~~Standard H5.6.13 Daylight;~~ (vi) [deleted]~~Standard H5.6.14 Outdoor living space;~~ (vii) [deleted]~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted]~~Standard H5.6.16 Minimum dwelling size.~~ (aa) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportions and arrangement of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii) locating deep soil areas and/or communal outdoor spaces around and between buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials.			

	(ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies . (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets . (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance. (v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street. (b) [deleted] ~~The extent to which the development contributes to a variety of housing types at higher densities in the zone and is in keeping with the neighbourhood's planned urban built character of predominantly three storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.~~ (c) [deleted] ~~The extent to which development achieves attractive and safe streets and public open space by:~~ (i) ~~providing doors, windows and/or balconies facing the street and public open spaces~~ (ii) ~~minimising tall, visually impermeable fences~~ (iii) ~~designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.~~ (iv) ~~optimising front yard landscaping~~ (v) ~~providing safe pedestrian access to buildings from the street~~			

	(vi) ~~minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings a viewed from streets or public open spaces~~ (d) [deleted]~~The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites;~~ (e) [deleted]~~The extent to which dwellings:~~ (i) ~~Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling~~ (ii) ~~Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space~~ (iii) ~~Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.~~ (iv) ~~Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screens from streets and public open spaces.~~ (f) [deleted]~~The extent to which outdoor living space:~~ (i) ~~Provides for access to sunlight~~ (ii) ~~Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.~~ (iii) ~~When provided at ground level, is located on generally flat land or otherwise functional~~ (fa) refer to Policy H5.3(A1); (fb) refer to Policy H5.3(C1); (fc) refer to Policy H5.3(D1); (fd) refer to Policy H5.3(E1); (fe) refer to Policy H5.3(6A) (g) [deleted]~~refer to Policy H5.3(7); and~~ (ga) refer to Policy H5.3(10); (gb) refer to Policy H5.3(11); (gc) refer to Policy H5.3(12); (gd) refer to Policy H5.3(14); and			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(h) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (i) The extent to which the adjacent road network enables safe pedestrian movements.				
	▪ Changes to matters of discretion H5.8.1(3) relating to Integrated Residential Developments:	Oppose	▪ Matter (a)(i) – buildings to be designed to 'minimise visual dominance effects'. Potentially problematic depending on how this is administered. ▪ Prescriptive transport items at criterion (l) written like a standard	▪ Delete proposed provisions	2248.60

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building intensity, scale, location, form and appearance including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. (b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size.~~ (c) Infrastructure and servicing (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria at H5.8.2(3) for IRDs:			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(3) for integrated residential development: (a) the extent to which or whether the development achieves the purpose outlined in the ~~following~~ relevant standards and identified in Table H5.4.1 or what alternatives are provided that result in the same or a better outcome: (i) [deleted] ~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H5.6.10 Building coverage;~~ (iii) [deleted] ~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted] ~~Standard H5.6.12 Outlook space;~~ (v) [deleted] ~~Standard H5.6.13 Daylight;~~ (vi) [deleted] ~~Standard H5.6.14 Outdoor living space;~~ (vii)[deleted] ~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H5.6.16 Minimum dwelling size (excluding retirement villages).~~ (aa) refer to Policy H5.3(C1) (ab) refer to Policy H5.3(D1) (ac) refer to Policy H5.3(E1) (b) [deleted] ~~refer to Policy H5.3(1);~~ (c) [deleted] ~~refer to Policy H5.3(2);~~ (d) [deleted] ~~refer to Policy H5.3(3);~~ (e) [deleted] ~~refer to Policy H5.3(4);~~ (f) [deleted] ~~refer to Policy H5.3(5);~~ (g) refer to Policy H5.3(6A); (h) [deleted] ~~refer to Policy H5.3(7);~~			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(i) refer to Policy H5.3(8); (j) refer to Policy H5.3(9); ~~and~~ (ja) refer to Policy H5.3(11); (jb) refer to Policy H5.3(12); (jc) refer to Policy H5.3(14); and (k) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (l) The extent to which the adjacent road network enable safe pedestrian movements, including: i. Footpaths of at east 1.8m in width ii. Facilities to safely and conveniently cross the road including pram crossings, and tactile paving. iii. Narrowed pedestrian crossing distances of vehicle carriageways iv. Front berms to separate pedestrians from traffic.			
	▪ New matters of discretion at H5.8.1 relating to applications for more than one dwelling on sites subject to identified infrastructure constraints: *(6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the*	Oppose	▪ Remove from zone, this is managed through other processes (i.e. securing permission to connect to reticulated infrastructure at detailed design phase)	▪ Delete proposed provisions from zone

2248.61

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Infrastructure – Water and Wastewater Constraints Control: *(a) Infrastructure and servicing.* *(7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:* *(a) Stormwater disposal.*				
	▪ Amendments / significant additions to H5.8.2(4) 'for building height': (4) for building height: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1); (ca) refer to Policy H5.3(E1); (da) refer to Policy H5.3(6A); (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4);~~ and **Visual dominance** (c) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account: (i) the planned urban built character of the zone; and	Oppose	▪ Language too negative. Why is additional height viewed as a negative outcome? ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.62

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(ii) the location, orientation and design of development. (iii) the effect of the proposed height on the surrounding and neighbouring development. **Character and Visual Amenity** (d) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast (e) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Relationship of Maori and their culture and traditions** (f) The extent to which proposed building heights as viewed both from and to Pukekiwiriki Pā Historic Reserve maintain the culture and traditions of Māori on this site, taking into account: (i) The site's historic function as an observation and defensive site. (ii) The site's contemporary function as an educational site and site of cultural importance.				
	▪ Amendments / significant additions to criteria at H5.8.(6) 'for HiRB':	Support	▪ Generally considered appropriate for infringements to HiRB, and note the precedent in the Plan already relating to reliance on the Alternative HiRB standard.	▪ Retain proposed provisions	2248.63

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(6) for height in relation to boundary: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(E1); (ba) refer to Policy H5.3(6A) and (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~ **Sunlight access** (d) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September): (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H5.6.4: or (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H5.6.14. (e) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a): (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Overlooking and privacy** (g) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to criteria at H5.8.2(9) 'for yards: (9) for yards: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1) (ca) refer to Policy H5.3(C1); (dc) refer to Policy H5.3(6A); and (ec) refer to Policy H5.3(11). (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.64
	▪ Amendments to criteria at H5.8.2(10) 'for maximum impervious areas: (10) for maximum impervious areas: (aa) refer to Policy H5.3.(6A); (a) [deleted]~~refer to Policy H5.3(7);~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.65
	▪ Amendments to criteria at H5.8.2(11) 'for building coverage': (11) for building coverage: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); and (a) ~~refer to Policy H5.3(2); and~~ (b) ~~refer to Policy H5.3(4);~~ (c) whether the non-compliance is appropriate to the context taking into account:	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.66

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(i) Whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site.				
	▪ Amendments to criteria at H5.8.2(12) 'for landscaped area': (12) for landscaped area: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); (da) refer to Policy H5.3(10); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which existing trees are retained.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.67
	▪ Amendments to criteria at H5.8.2(13) 'for outlook space':	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.68

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(13) for outlook space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(D1); (da) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.				
	▪ Amendments to criteria at H5.8.2(14) 'for daylight: (14) for daylight: (aa) refer to Policy H5.3(D1); (ab) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.69
	▪ Amendments to criteria at H5.8.2(15) 'for outdoor living space':	Support	▪ Appropriate level of detail and targeted assessment required	▪ Retain proposed provisions	2248.70

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(15) for outdoor living space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(D1); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4);~~ (c) [deleted] ~~refer to Policy H5.3(5); and~~ (d) [deleted] ~~refer to Policy H5.3(6). and;~~ (e) The extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.				
	▪ New criteria at H5.8.2(15A) 'for windows to street and pedestrian accessways': (15A) For windows to street and private vehicle and pedestrian accessways (a) refer to Policy H5.3(C1) (b) refer to Policy H5.3(6A); and (c) The extent to which the glazing: (i) allows views to the street and/or accessways to ensure passive surveillance; and (ii) provides a good standard of privacy for occupants.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ (c) seems an appropriate assessment matter ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.71
	▪ Amendments to criteria at H5.8.2(16) 'for front, side and rear walls': (16) for front, side and rear fences and walls: (aa) refer to Policy H5.3(C1); (ba) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.72

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(b) [deleted] ~~refer to Policy H5.3(3); and~> (c) [deleted] ~~refer to Policy H5.3(4).~~				
	▪ Amendments to criteria at H5.8.2(17) 'for minimum dwelling size': (17) For minimum dwelling size: (aa) refer to Policy H5.3(A1) (ba) refer to Policy H5.3(D1) (ca) refer to Policy H5.3(6A); and (da) The extent to which each dwelling is designed to: (i) Provide simple and convenient internal access and circulation (ii) Include adequate storage; and (iii) Be large enough to allow the use of typical furnishings that meet the needs of the intended occupants. (a) ~~Policy H5.3(5)~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2248.73
	▪ New criteria at H5.8.2(18) 'for deep soil area and canopy': (18) for deep soil area and canopy tree (a) refer to Policy H5.3(6A); (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	2248.74
	▪ New criteria at H5.8.2(19) 'for safety and privacy buffer from private pedestrian and vehicle accessways':	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	2248.75

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(19) for safety and privacy buffer from private pedestrian and vehicle accessways: (a) refer to Policy H5.3(6A); and (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; (ii) planted with suitable and low level plants.				
	▪ New criteria at H5.8.2(20) 'for residential waste': (20) For residential waste management: (a) refer to Policy H5.3(D1) (b) refer to Policy H5.3(6A); (c) refer to Policy H5.3(10); (d) The extent to which sufficient space is provided for residential waste management that is suitably located for ease of movement to collection points; (e) The extent to which the waste management area is designed to minimise visibility; (f) How the development intends to ensure the on-going management and maintenance of any communal residential waste management area; (g) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (h) Whether waste management vehicle can safely undertake collection.	Oppose	▪ Oppose standard in full, therefore specific criteria redundant ▪ Council's Solid Waste Calculator is overly conservative and overstates the space needed to provide for waste storage and collection	▪ Delete proposed provisions	2248.76
	▪ New criteria at H5.8.2(21) 'for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control':	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	2248.77

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability to connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future.				
	▪ New criteria at H5.8.2(22) 'for more than one dwelling per site … subject to the Infrastructure – Stormwater Disposal Constraints Control': (22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control. (a) Whether stormwater can be disposed via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	2248.78
	▪ New special information requirements at H5.9: **Landscape Plans as required by H5.6.11. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and	Oppose	▪ Far too prescriptive and treats all applications the same, regardless of scale ▪ Adds cost up front to proposals even before resource consent is secure ▪ In combination with other Council proposed changes, adds cost and impacts development yield	▪ Delete proposed provisions	2248.79

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Provision</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>
<u>Deep Soil Area and Canopy Tree</u>
(2) <u>The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following:</u>
(a) <u>plant and tree species, number of each species to be planted and planting grades;</u>
(b) <u>location of existing trees to be retained;</u>
(c) <u>dimensions of individual mature tree canopy;</u>
(d) <u>any areas of grass; and</u>
(e) <u>Minimum tree canopy dimensions are specified in Table H5.9(3) below.</u>
<u>Table H5.9(3) Minimum tree canopy dimensions</u>
<table>
<tr><th></th><th>Minimum mature tree height</th><th>Minimum mature canopy diameter</th><th>Minimum tree height above ground when planted</th><th>Indicative tree planting grade</th></tr>
<tr><td>Small</td><td>8m</td><td>6m</td><td>2m</td><td>120L</td></tr>
<tr><td>Medium</td><td>10m</td><td>8m</td><td>2.5m</td><td>160L</td></tr>
<tr><td>Large</td><td>15m</td><td>12m</td><td>3m</td><td>200L</td></tr>
</table>
<u>Residential waste management</u>
(3) <u>Applications for where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H5.6.21(1)(b)).</u>
(4) <u>When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided at a minimum:</u>
a) <u>the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of;</u>
b) <u>the frequency, location, access and on-site route of waste collection or transportation; and</u>
c) <u>the method of waste collection, transportation or disposal.</u>
</td><td></td><td></td><td></td></tr>
<tr><td>Chapter H6 – THAB zone</td><td>▪ Mapping changes reflecting that the THAB zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply.</td><td>Oppose</td><td>▪ General support for changes proposed to include additional sites within the zone inside walkable catchments.</td><td>▪ Extend the mapped extent of the THAB zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to</td></tr>
</table>

2248.80
2248.81
2248.82

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	The most widespread residential zone inside Walkable Catchments		▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	cultural values, or any other identified QMs where otherwise appropriately located close to centres, transport options, etc. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	2248.84 2248.85 2248.86 2248.87
	▪ Amendments to H6.1 Zone description: … The zone provides for the greatest density, height and scale of development of all the residential zones. Within walkable catchments, as identified on the planning maps, development of at least six storeys is enabled unless qualifying matters apply. Outside the walkable catchments, Bbuildings are enabled up to at least five storeys ~~six or seven storeys in~~. In identified Height Variation Control areas buildings of seven or more storeys are enabled. Permitted height standards vary depending on the scale of the adjoining centre, to achieve a transition in height from the centre to adjoining ~~lower scale~~ residential zones. ~~This form of development will, o~~The zone anticipates the greater intensity of development will transition neighbourhoods ~~and over time~~, ~~result in a change~~ from a suburban character to urban built character with a corresponding ~~a high~~ degree of visual change. The zone enables a mix of housing types including three-storey attached and detached dwellings, terraced housing and apartment buildings and integrated residential developments such as retirement villages and papakāinga. The Residential – Terrace Housing and Apartment Buildings Zone is a relevant residential zone as defined in the RMA. The zone incorporates Medium Density Residential Standards (MDRS). The development outcomes anticipated by the RMA are enabled in the zone and are less enabling of development where one or more qualifying matters apply. ▪	Support	▪ Changes directly related to implementation of MDRS ▪ Enable at least six-storey development across the zone	▪ Retain MDRS provisions	2248.88
	▪ New / amendments to objectives at H6.2:	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural	▪ Delete proposed provisions	2248.89

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(1A) Development of at least six storeys is enabled within walkable catchments, with seven or more storey buildings in identified areas, while also achieving a high-quality built environment. (2) Development outside walkable catchments is in keeping with the areas' changing planned urban built character of predominantly five storeys or six or seven storey buildings where specified in identified areas, in a variety of forms. (3) Development provides high-quality amenity: (a) on-site ~~residential amenity~~ for residents; (b) to adjoining sites; and (c) to the street. (5) Development contributes to a high-quality built environment that is resilient to the effects of climate change. (6) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not ~~nor~~ increase the impact from their potential natural hazard risks. (7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects. (8) Enable safer pedestrian movement within the immediate locality of higher density developments to ensure ease of pedestrian movement to ~~the~~ rapid transport stops. (9) Development is enabled on sites subject to significant ecological areas where it provides for the protection and management of the significant ecological values.		hazards and water quality). This is simply duplication and completely unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions ▪ Enable at least six-storey development across the zone		2248.89
	▪ New / amendments to policies at H6.3: (1) Enable a variety of housing types at high densities including terrace housing and low to mid-rise and higher rise apartments within walkable catchments and integrated residential development such as retirement villages. (2) Require the height, bulk, form and appearance of multi-unit development ~~and the provision of setbacks and landscaped areas~~ to achieve a high-quality built environment: (a) with a high-density urban built character of predominantly five, six or seven storey buildings in identified areas; and (b) through building and site design which locates bulk and mass towards the street and provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas. ~~, in a variety of forms.~~	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of	▪ Delete proposed provisions	2248.90

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(A4) Require development to achieve a built form that contributes to high-quality built environment outcomes by: (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site; (b) providing for resident's' safety and privacy while enabling passive surveillance on the street; (c) minimising visual dominance effects on adjoining sites; (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites; (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways; (f) minimising the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated; (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees; and (h) designing practical, sufficient space for residential waste management; and (i) designing practical, sufficient space for internal storage and living areas. (4) In identified locations adjacent to centres, enable greater building height ~~through the~~ of five storey's outside walkable catchments, at least six storeys within walkable catchments and the application of the Height Variation Control where additional development potential is enabled and which: (7) ~~Encourage~~ Require accommodation to have useable and accessible outdoor living space (8) [Deleted]~~Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.~~		broader constraints within overlays and Auckland-wide provisions. ▪ Policy (4A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone. ▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job. ▪ Enable at least six-storey development across the zone	

2248.90

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(11) Require buildings to be set back from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards. (12) Require dwellings to be provided with access to safe and reliable drinking water and wastewater services. (13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, to be provided with appropriate infrastructure. (14) Require development to contribute to safety improvements of the immediate urban road environment to achieve pedestrian connectivity to public transport. (15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.				
	▪ Significant additions to Activity Table H6.4.1 regarding standards to be complied with across the zone, within and outside walkable catchments. Changes include but are not limited to: - (A7) Integrated Residential Development - (A31) and (A31A) Internal and external alterations to buildings (up to three dwellings, and four + dwellings)	Oppose	▪ Unnecessarily restrictive given these sites will be comprehensively developed. ▪ Remove reference to infrastructure constraints ▪ Remove requirement to comply with numerous standards given the comprehensive nature of the design and development	▪ Delete proposed provisions	2248.91
	▪ New rules in Activity table H6.4.1: - H6.4.1(A2A), one dwelling per site subject to SEA which complied with standards E15.4.2(A29) an E15.6.5 – Controlled activity - H6.4.1(A2B), two or three dwellings per site where located in a SEA E15.4.2(A49) and E15.6.5	Oppose	▪ Remove all reference to SEA from the residential zones, Overlay D9 already addresses that constraint in a more efficient manner	▪ Delete proposed provisions	2248.92

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	-		▪ If retained, remove reference to limiting development on 'sites' subject to an SEA, and focus on managing works 'within' the SEA.		
	▪ New rules in Activity table H6.4.1: - Duplication of rules / standards throughout A31/A31A/A32/A32A/A33/A33A	Oppose	▪ Way too complicated / too much duplication ▪ Don't make rules just for the sake of it. Look to streamline the Plan, not add complexity and volume to it. ▪ Way too many standards listed as relevant to A31/ A31A relating to internal and external alterations	▪ Delete proposed provisions	2248.93
	▪ New notification exclusion at H6.5(5) Public and limited notification for 4+ dwellings precluded if standards met	Support	▪ Appropriate change	▪ Retain proposed provisions	2248.94
	▪ New standards at H6.6 **H6.6.4B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps** Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network. (1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network. **H6.6.4C Dwellings within the Infrastructure - Stormwater Disposal Constraints Control** Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site. (1) A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage capacity must either be	Oppose	▪ Unnecessary to bring these infrastructure constraints into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	2248.95

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	able to connect to the public stormwater network or provide sufficient stormwater disposal capacity on-site.				
	▪ Amendment to standard H6.6.5 Height (1) Buildings must not exceed the height in metres specified in clauses H6.6.5.1(a) – H6.6.5.1(c) ~~16m in height~~ unless otherwise specified in the Height Variation Control on the planning maps: **Developments containing up to three dwellings must comply with the following standard:** (a) Buildings must not exceed 11m (3 storeys) in height, except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H6.6.5.1 below: ... **Any other development:** (b) Buildings outside a walkable catchment must not exceed 16m (5 storeys) in height unless otherwise specified in the Height Variaton Control on the planning maps. (c) Buildings in a walkable catchment must not exceed 21m (6 storeys) in height unless otherwise specified in the Height Variation Control on the planning maps (2) [deleted] ~~If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for the site on the planning maps.~~ (3) ~~Standard H5.6.4 Building height applies to the site at 16 Spring Street, Freemans Bay (Lot 1 DP 85829) within a 10m setback area along Spring Street, England Street and adjoining the reserve at 10 England Street (Lot 1 DP 85953) as indicated on the planning maps. Outside of the setback area Buildings must not exceed 16m in height.~~ [deleted]	Oppose	▪ It is overly complex to have three different height limits apply in the zone (plus Height Variation Control, and any actual Qualifying Matters), particularly a separate lower limit for 'up to three dwellings' and where the achievable height is dependant on the activity status of an application. This undermines the integrity of the zone. ▪ Enable at least six-storey development across the zone ▪ Support increased height inside walkable catchments ▪ There will be numerous examples of where applications for three dwellings exceed 11m height limit and trigger assessment, when an application for 4+ dwellings may be able to build 10m+ taller as of right (subject to a consent around design)	▪ Delete the MDRS standard for 'up to three dwellings' and replace it with the standard zone height limits proposed inside / outside walkable catchments ▪ Enable at least six-storey development across the zone	2248.96
	▪ Amendments to standard H6.6.6 Height in relation to boundary	Support	▪ These generous provisions will significantly aid the maximisation of development potential of appropriately located land	▪ Retain proposed provisions	2248.97

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	H6.6.6. Height in relation to boundary Purpose: • For buildings containing no more than three dwellings, to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels. • For buildings outside a walkable catchment, to enable 5 storeys, achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and managing the overall visual dominance of buildings on the rear parts of adjoining sites. • For buildings in a walkable catchment, to enable 6 storeys that locate bulk and mass towards the street and achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and reducing the overall visual dominance of buildings on the rear parts of adjoining sites. **Developments containing up to three dwellings must comply with the following:** (1) Buildings must not project beyond a 4560-degree recession plane measured from a point 34m vertically above ground level along the side and rear boundaries, as shown below in Figure H6.6.6.1 Height in relation to boundary for up to three dwellings. **Developments containing four or more dwellings and any other development outside a walkable catchment must comply with the following:** (1A) Buildings must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.2 below. **Developments containing four or more dwellings and any other development in a walkable catchment must comply with the following:** (1B) Buildings within 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below; and (1C) Buildings 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below.			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	H6.6.6.(2b) – DELETED. H6.6.6.(5)-(6) – DELETED.				
	▪ Standard H6.6.7 Alternative height in relation to boundary – DELETED.	Support	▪ Support as long as proposed amendments to the HiRB standard H6.6.6 are retained	▪ Retain proposed provisions	2248.98
	▪ H6.6.8. Height in relation to boundary adjoining lower intensity zones. - Standard applies to development located outside walkable catchments.	Support	▪ Appropriate to attend to the amenity of lower intensity zoned land outside walkable catchments	▪ Retain proposed provisions	2248.99
	▪ Amendments to standard H6.6.11 Building coverage Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space and to provide for the protection and management of significant ecological areas. (1) The maximum building coverage must not exceed 50 per cent of the net site area. (2) On a site subject to a Significant Ecological Areas Overlay: (a) the maximum building coverage must not exceed 50 per cent of the net site area; and (b) building coverage must not be located in any area within 3m of vegetation within a significant ecological area, including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3.2(A29) and E15.6.5; and (c) other than provided for in H6.6.11(2)(b), building coverage must not be located within a significant ecological area.	Oppose	▪ Delete provisions relating to SEAs, these constraints are dealt with in Chapter D9 – SEA Overlay	▪ Delete proposed provisions	2248.100
	▪ Amendments to standard H6.6.12 Landscaped area Purpose: • to provide for quality living environments consistent with the planned built character of buildings surrounded by ~~open space~~ vegetation; and • to create a ~~landscaped~~ vegetated urban streetscape character within the zone;	Oppose	▪ Reference to Deep Soil area and Safety and privacy buffer standards is concerning. The relationship between those provisions is not clear across the zone ▪ Benefits of Deep Soil standard not proven	▪ Delete proposed provisions	2248.101

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Developments containing four or more dwellings and any other development must comply with the following: (1) The minimum landscaped area must be at least ~~30~~20 per cent of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch. (2) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of $4m^2$ as shown below in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (3) A minimum 50 per cent of the front yard must be a landscaped area.			
	▪ Amendments to standard H6.6.13 Outlook space **Development containing four or more dwellings and any other development must comply with the following:** (1) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the face with the largest balcony or area of glazing. (2) The minimum dimensions for a required outlook space are as follows: (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space as shown in Figure H6.6.13.1 Required outlook space for four or more dwellings and any other development, with a minimum dimension of: i 6m in depth and 4m in width; ~~and~~ ii Except for buildings greater than 3 storeys where the minimum dimension is 8m depth and 4m in width and, or iii Where the principal living room outlook is on the ground floor and is defined by a boundary fence, outlook depth may be reduced to 5m.	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge ▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space.	▪ Delete proposed provisions

2248.102
2248.103
2248.104

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(4) The width of the outlook space is measured from: (a) the centre point of the largest window on the building face to which it applies where outlook depth is reduced to 5m as provided for under H5.6.13(2)(a)(iii) above; or (b) the centre line of the façade of the largest window or balcony edge whichever is closer to the boundary or opposing building. (9) Outlook spaces must: (a) be clear and unobstructed by buildings and servicing area; (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(6) above; ~~and~~ (c) not extend over an outlook spaces or outdoor living space required by another dwelling; and (d) must align with private outdoor living space, except for where the outlook space is over a public street or public open space as required in H6.6.13(6) above.		▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site		
	▪ Amendments to standard H6.6.15 Outdoor living space Purpose: to provide dwellings, integrated residential development, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure: • private outdoor living spaces are ~~is~~ directly accessible from the principal living room, dining room or kitchen ~~and is separated from vehicle access and manoeuvring areas.~~; • communal outdoor living spaces are conveniently accessible for all occupants. **Developments containing four or more dwellings and any other development must comply with the following:** (1) A dwelling, integrated residential development, supported residential care or boarding house at ground floor level, must have ~~an~~ private outdoor living space that is at least 20m² that comprises ground floor, patio ~~and~~/or balcony/roof terrace space that:	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79)	▪ Delete proposed provisions	2248.105

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(2) A dwelling, integrated residential development, supported residential care or boarding house located above ground floor level must have an private outdoor living space in the form of a balcony, patio or roof terrace that: (4) In addition to H6.6.6.15 (1) and H6.6.6.15(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more, must provide a communal outdoor living space that: a) is located in a communally accessible location; b) is at least 10m² for every five dwellings it serves; c) has a minimum dimension of 4m; d) is free of buildings, parking spaces, and servicing and manoeuvring areas; e) for an area of at least 20m² of the total communal outdoor living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; and f) has a gradient not exceeding 1 in 20; and g) may be split into no more than two outdoor communal living spaces per development.				
	▪ Amendments to standard H6.6.19 Windows to street and private vehicle and pedestrian accessways Purpose: To provide for passive surveillance while maintaining privacy for dwellings. **Development containing up to three dwellings must comply with the following:** (1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors. **Developments containing four or more dwellings and any other development must comply with the following:** (2) Any dwelling, integrated residential development, supported residential care, boarding house, and visitor accommodation facing the street or private vehicle or private pedestrian accessway, must have a minimum of 20 per cent of the relevant façade in glazing. This can be in the form of windows or doors.	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions	2248.106
	▪ Amendments to standard H6.6.20 Deep soil area and canopy tree	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	2248.107

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater. (1) Any sites greater than 200m² must provide a deep soil area that must comply with the following: (a) 10 per cent of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions; (b) Except that sites 1,200m² or greater may have more than 1 deep soil area provided that: (i) each deep soil area is a minimum of 60m² with 3m dimensions; and (ii) the combined total deep soil area is a minimum 10 per cent of the site area; (c) Deep soil areas must not be provided in private outdoor living spaces but can be provided in communal outdoor living spaces and landscaped areas as shown in Figure H6.6.20.1 Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer below; and (d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements as set out in Table H6.6.20.1 below; and (2) Trees required by H6.6.20(1) can be existing canopy trees or new canopy trees in accordance with Table H6.9(3).		throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed		
	▪ Amendments to standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways. (1) A minimum 1m buffer must be provided between a dwelling and private pedestrian and/or vehicle accessways as shown above in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (2) The buffer area must be: (a) free of buildings, parking spaces, servicing and manoeuvring areas. (b) planted with shrubs or ground cover plants.	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪	▪ Delete proposed provisions	2248.108
	▪ Amendments to standard H6.6.22 Residential waste management	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	2248.109

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: To provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings. (1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m² per dwelling (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H6.6.22(3) and either H6.6.22(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m² per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.		throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development		
	▪ Amendments to H6.7.1. Matters of control for controlled activities	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course	▪ Delete proposed provisions	2248.110

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	~~There are no controlled activities in this zone.~~ **H6.7.1 Matters of control** The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay: (a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area; (b) The location, bulk and scale of built development relative to the surrounding ecological values.		▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA. ▪	
	▪ Amendments to H6.7.2. Assessment criteria for controlled activities The Council will consider the assessment criteria below for controlled activities to the extent relevant to the proposal: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay (a) refer to Policy H6.3(15)	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions

2248.111

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to H6.8.1. Matters of discretion for restricted discretionary activities (b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: (i) ~~building intensity.~~ building scale, location, form and appearance; (ii) traffic; (iii) location and design of ~~parking and~~ access and parking (if provided); and (iv) noise, lighting and hours of operation. (c) the effects of the development on the safe access and walkability of the immediate urban road environment to frequent public transport stops. (2) for four or more dwellings per site:	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints ▪ Assessment criteria relating to infrastructure capacity to serve a development supported if mapped Infrastructure Constraints removed from the Planning Maps and zones ▪ Oppose introduction of criterion H6.8.2(2)(ad) relating to the extent to which a building are designed to respect the prevailing character of an area or key historic heritage design when opposite or adjoining special character or historic heritage items ▪ Support the deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Oppose matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) relating to the effects of	▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints ▪ Retain assessment criteria relating to infrastructure capacity to serve a development supported if mapped Infrastructure Constraints removed from the Planning Maps and zones ▪ Delete criterion H6.8.2(2)(ad) ▪ Retain the proposed deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Delete matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions	2248.112 2248.113 2248.114 2248.115 2248.116 2248.117

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area, (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between a reasonable standard of privacy and opportunities for passive surveillance, and D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management. (i) traffic; and (ii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided). H6.8.1(2b) – DELETED.		development on the safe access and walkability of the immediate urban road environment to frequent public transport stops	

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(c) the effects on infrastructure, and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access and walkability on the immediate urban road environment to frequent public transport stops. (3) for integrated residential development: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale, location, form and appearance~~;~~ including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. H6.8.1(3b) – DELETED. H6.8.1(5) – DELETED.			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control. (a) Infrastructure and servicing. (7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Residential Single Dwelling and Subdivision Stormwater Disposal Constraints Control. (a) Stormwater disposal.				
	▪ Amendments to H6.8.2. Assessment criteria for restricted discretionary activities (b) building ~~intensity,~~ scale, location, building form and appearance: (i) whether the ~~intensity and~~ scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area; (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and parking areas are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or vegetation. (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development.	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Infrastructure matter supported if Infrastructure Constraints mapping removed from the Planning Maps and zones ▪ Inappropriate to covertly include footpath upgrades within criteria – some of these are written like standards and come across as public infrastructure upgrade requirement. In many cases, including for smaller developments, this is what development contributions are for. Likely to lead to appalling piecemeal outcomes if incremental and uncoordinated upgrades are coerced through resource consents.	▪ Delete proposed provisions	2248.118 2248.119

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) Safe access and walkability of routes to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development to the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (2) For four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards specified and identified in Table H6.4.1 or what alternatives are provided that result in the same or a better outcome.: (i) [deleted] ~~Standard H6.6.10 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H6.6.11 Building coverage;~~ (iii) [deleted] ~~Standard H6.6.12 Landscaped area;~~ (iv) [deleted] ~~Standard H6.6.13 Outlook space;~~ (v) [deleted] ~~Standard H6.6.14 Daylight;~~ (vi) [deleted] ~~Standard H6.6.15 Outdoor living space; and~~ (vii)[deleted] ~~Standard H6.6.16 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H6.6.17 Minimum dwelling size~~ (aa) the extent to which the building location, scale, form and appearance is of a high-quality and compatible with the planned urban built character		▪ The criteria relating to the above point are so broad that a small developer could have to upgrade hundred of meters of footpath, provide pram crossings, etc, only because they're the first cab off the rank. Council needs to use its Development Contributions for what they're intended. This smacks of double-dipping at developers' (and ultimately purchasers') expense ▪ Criterion (2)(ad) - Inappropriate to limit the development potential of a site across the road from a Special Character building.	

2248.119

2248.120
2248.121
2248.122

	and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportion and arrangements of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, balconies, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii)locating deep soil areas and/or communal outdoor spaces between the breaks in buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials. (ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontages contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies. (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings that directly front, align and orientate to public streets. (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible, attractive, safe and well-lit connections between dwellings and the street. (m) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians.			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(l) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. **Visual dominance** (f) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, ~~infringements~~ taking into account: (i) the planned urban built character of the zone; and **Character and Visual Amenity** (g) The extent to which the form and design of the building and any additional height ~~infringement~~ responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast. (h) The way in which buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation.			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Visual dominance (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Attractiveness and safety of the street** (g) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by: (i) providing doors, windows and balconies facing the street; (ii) optimising front yard landscaping; (iii) providing safe pedestrian access to buildings from the street; and (iv) minimising the visual dominance of garage doors as viewed from the street. **Overlooking and privacy** (h) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening. (11) for building coverage:			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) whether the non-compliance is appropriate to the context taking into account: (i) Whether the balance of private open space and buildings is high-quality and consistent with the planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site. (12) for landscaped area: (e) the extent to which existing trees are retained; and (13) for outlook space: (f) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be reasonably minimised through the placement and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design. (15) for outdoor living space:			

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) The extent to which residential units provide private open space and communal open space that is useable, accessible and attractive for occupants. (15A) For windows to street and private ways (a) refer to Policy H6.3(C1) (a) refer to Policy H6.3(A4); and (b) The extent to which the glazing: i. allows views to the street and/or accessways to ensure passive surveillance; and ii. provides a good standard of privacy for occupants. (17) For minimum dwelling size (d) The extent to which each residential unit is designed to: (i) provide simple and convenient access and circulation; (ii) include adequate storage; and (iii) be large enough to allow the use of typical furnishings that meet the needs of the intended number of occupants. (18) For deep soil area and canopy tree (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and (19) For safety and privacy buffer from private pedestrian and vehicle accessways: (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; and (ii) planted with suitable and low level plants. (20) For residential waste management			

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(e) The extent to which the development provides sufficient space for residential waste management that is suitably located for ease of movement to collection points; (f) The extent to which the waste management area is designed to minimise visibility; (g) How the development intends to ensure the on-going management and maintenance of any communal waste management area; (h) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (i) Whether waste management vehicle can safely undertake collection. (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future. (22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Stormwater Disposal Constraints Control (a) Whether there is the ability to adequately dispose of stormwater from the site via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.				
	▪ Additions to H6.9. Special information requirements	Oppose	▪ Far too prescriptive and treats all applications the same, regardless of scale ▪ Adds cost up front to proposals even before resource consent is secure	▪ Delete proposed provisions	2248.123

PLAN CHANGE 78 – INTENSIFICATION				
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	~~There are no special information requirements in this zone.~~ **Landscape Plans for all other developments as required by H6.6.12. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and (d) Any paths included in landscaped area. **Deep Soil Area and Canopy Tree** (2) The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following: (a) plant and tree species, number of each species to be planted and planting grades; (b) location of existing trees to be retained; (c) dimensions of individual mature tree canopy; (d) any areas of grass; (e) Minimum tree canopy dimensions are specified in Table H6.9(3) below. **Residential waste management** (3) Applications where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H6.6.22(1)(b)). (4) When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided as a minimum: a) the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of; b) the frequency, location, access and on-site route of waste collection or transportation; and c) the method of waste collection, transportation or disposal.		▪ In combination with other Council proposed changes, adds cost and impacts development yield	

2248.123

Form 5

Submission on notified proposal for policy statement or plan change or variation

To	Auckland Council
Name of submitter	*Jack van de Water*
Address for service of Submitter	*12 Miran Lane, Red Beach*
Telephone	*027 978 2121*
Email	*jack.vandewater@outlook.com*

This is a submission on the following proposed plan change to an existing plan:

Plan Change Number	PC 78
Plan Change Name	Intensification

I ~~could ☐~~ /could not ☐ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please complete the following: Not applicable

I am ☐ /am not ☐ directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are detailed in Appendix 1.

My submission is:

I **support** the specific provisions identified in Appendix 1

I **oppose** the specific provisions identified in Appendix 1

I wish to have the provisions identified in Appendix 1 **amended**

The reasons for my views are attached as Appendix 1

I seek the following decision by Council:

~~Accept the proposed plan change~~ ~~☐~~

Accept the proposed plan change with amendments as outlined in Appendix 1 ☐

~~Decline the proposed plan change~~ ~~☐~~

~~If the proposed plan change is not declined, then amend it as outlined below.~~

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☐

27 September 2022

……. …….

Signature of submitter
(or person authorised to sign on behalf of submitter)

Date

Appendix 1:

Plan Change 78

The specific provisions of the proposal that this submission relates to:

1.0

We consider that unless the relief sought in this submission is granted PPC78 and in particular the specific provisions challenged:

1. Will not promote the sustainable management of resources;
2. Will be inconsistent with the resource management principles expressed in Part 2 of the Resource Management Act 1991 ("RMA");
3. Will variously be inappropriate, unnecessary and contrary to sound resource management practice;
4. Will not warrant confirmation in terms of section 32;
5. Will be contrary to relevant provisions in the National Policy Statements and National Environmental Standards; and
6. Will enable the generation of significant adverse effects on the environment that warrant being addressed through PPC78 provisions.

2.0 General Submission

2.1 Introduction of a Qualifying Matter (QM)- Matija Place, Red Beach

We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach. This road is a cul-de-sac off a no exit road (Jelas Road), with no entry from Hibiscus Coast Highway. The road is narrow, with footpath on one side only, and two- way vehicle movements are often blocked by parked vehicles. Trucks, such as rubbish or recycling trucks, cannot be passed on the road which blocks traffic, and sometimes cannot move up the road due to parked vehicles and the narrowness of the road. There is often none (or very little) on- street parking. The contour of the road impedes visibility of oncoming vehicles on Matija Place. 2249.1

A school is located at 100 Jelas Road, with its only vehicle access onto Jelas Road, opposite Matija Place. Access into and on Matija Place is often restricted by vehicles moving to and from the school, and parking associated with the school.

The area is not well serviced by public transport, being only buses (and these are not regular and could not be relied on as a car alternative).

Matija Place contains larger sites from historical subdivision. Under PC78 there is potential that these sites could be extensively subdivided, and a large number of dwellings constructed. The transportation infrastructure is insufficient to service this level of development. It is appropriate that development be limited to recognise this constraint, and that future resource consent applications be specifically required to take into account and address these infrastructure issues.

The introduction of a QM is consistent with higher leave planning documents, including because some of the high-level outcomes sought cannot be achieved given the transportation matters present. Relevant provisions include:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources noting this constraint,
c) Section 7c) RMA, the maintenance and enhancement of amenity values,

d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
   i. Objective 2.1(1):
   New Zealand has 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.

   A QM and related impacts on development is consistent with this objective.

   ii. Objective 2.1(3) (emphasis added) "…the area is <u>well-serviced</u> by existing or planned public transport"

   This cannot be achieved. A QM is appropriate.

   iii.
   iv. Objective 2.1(6) (emphasis added):
   Local authority decisions on urban development that affect urban environments are:
   integrated with <u>infrastructure planning</u> and <u>funding</u> decisions;
   and strategic over the <u>medium term and long term</u>; and…

   This cannot be achieved. A QM is appropriate.

   v. Policy 2.2(1)
   Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
   …..
   (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

   This cannot be achieved. A QM is appropriate.

   vi. Policy 2.2(4)

f) The Auckland Unitary Plan, including (but not limited to):
   i. Objectives and policies of B2.2, including where a compact urban form is sought, that makes better use of existing infrastructure and efficient provision of new infrastructure, integrates land use and transport and supports a range of transport modes.
   ii. Objectives and policies of B2.3, which seek a quality, built environment. This includes (but is not limited to) development which maximises infrastructure efficiency, that provides good access and enables a range of travel options, achieves a high level of amenity and safety for pedestrians and cyclists, and meets the functional, and operational needs of the intended use.
   iii. Objective B3.3.1 and policies B3.3.2, including (but not limited to) where these provisions seek effective, efficient and safe transport. This includes integration with land uses and ensuring transport infrastructure is planned, funded and staged.

   This cannot be achieved. A QM is appropriate.

2.2 Zoning

The proposed rezoning of the majority of Auckland urban areas to Mixed Housing Urban is unnecessary and excessive. Auckland Council has indicated that with all the proposed Qualifying Matters in place, the enabled capacity via PC78 would be more than three times the total demand for housing in 2051. This creates a situation where residents, who have largely had no opportunity for involvement in the rezoning process (due to changes being required by central government), will be adversely affected by development when there is no demand for the related housing. The AUP(OP) as it standards, which has been through a full statutory process where people were able to make submissions in relation to zoning, has more than sufficient capacity to meet the housing demands in Auckland. The AUP(OP) already meets relevant objectives and policies of the NPS- US and RPS regarding residential capacity.

Red Beach and Silverdale are established, medium density residential areas. The area is currently zoned Single House Zone in the Auckland Unitary Plan (OP) and has had a similar zoning since at least the late 1990's. Land has been purchased and developed on this basis. Dwellings have been sited and designed based on existing development standards, as currently detailed in the AUP(OP). The MDRS now seeks to change this and the zoning, without the ability of affected parties to be involved. People have made significant investment decisions and now have little, if any, ability to be involved in changes that will affect them and, in some cases, significantly.

While we understand Auckland Council is largely obligated to make these zoning and MDRS standard changes, we record that we do not support the changes proposed in Red Beach, Orewa, Silverdale and the Hibiscus Coast, and in particular in Matija Place, Red Beach. Site owners will be significantly adversely affected by this zoning change and have had no ability to be involved in the rezoning process. We would support the retention of the Single House Zone (SHZ) in these areas if this was possible under the PC78 process. We do not support any "increase" in zoning of sites in Matija Place, Red Beach as shown in the notified version of PC78 (such as to THAB zone for example). 2249.2 2249.3

If the retention of SHZ is not possible, we seek strong objectives, policies, rules and criteria to ensure that potential effects on adjacent residential sites are avoided, remedied or mitigated and the owners/ occupiers of adjoining sites can become involved in resource consent applications. The relief sought includes (but is not limited to) that which would achieve the following:

a) Resource consent applications can be declined when there is insufficient servicing capacity, or servicing options are proposed that are suboptimal. Plan language must reflect this, and be sufficiently strong, in legal terms, to enable decline. 2249.4
b) That the density of development is appropriate for the site, including having regard to development on adjacent sites (including character and amenity effects experienced on adjacent sites) and infrastructure capacity. 2249.5
c) All residential developments must be required to have close regard to the interface with existing residential development on adjoining sites, including (but not limited to): 2249.6
    I. Building form that provides articulation including in roof and facades, to minimise the visual dominance of bult form when viewed from adjacent sites,
    II. The use of colours and variation of building materials to visually break up built form and reduce visual dominance when viewed from adjacent sites,

III. Minimising overlooking, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens, and minimising retaining (fill) on site boundaries where overlooking could occur into adjoining sites,
IV. Impacts on privacy on adjoining sites, including by the location and scale of buildings, placement of windows, size of windows, floor plans and other features such as screens,
V. Ensuring sufficient sunlight access is retained into adjoining residential dwellings and outdoor living areas,
VI. Managing amenity effects and providing privacy through boundary landscaping (capable of growing to a suitable height to provide privacy and softening of built form, such as 5m) and fencing.

d) The landscaping on- site is maximised, to improve amenity both on site and on those adjoining, 2249.7
e) Ensuring that applications, including those that do not provide a suitable interface with adjoining sites, can be notified and that affected parties can become involved in the resource consent process, 2249.8
f) Adequate areas are identified for waste and recycling storage and on- site collection, 2249.9
g) Waste and recycling areas are screened from adjoining sites and in larger development with communal waste storage areas, that waste is managed to control odour, 2249.10
h) Adequate areas are provided on- site for delivery vehicles, parking and visitors to remove or minimise the need for on- street parking, 2249.11
i) Providing for on- going management of communal areas (including access, parking and landscaped areas) and services on sites, such as a body corporate or similar. The ongoing management of these areas can easily be disregarded if a specific management regime is not put in place at the time of development. 2249.12
j) Requiring upgrading of infrastructure, including roads and footpaths, where the existing services are inadequate and further loading is proposed by a development. 2249.13

The relief sought above, is consistent with:

a) Section 5 RMA,
b) Section 7b) RMA, in that this represents an efficient use of physical land resources,
c) Section 7c) RMA in that this would result in the maintenance and enhancement of amenity values,
d) Section 7f) RMA, in that this maintains the quality of the environment,
e) The National Policy Statement on Urban Development, including:
    i. Objective 2.1(1),
    ii. Policy 2.2(6)
f) The Auckland Unitary Plan, including (but not limited to):
    i. Objective B2.2.1(1), including refence to quality compact urban form,
    ii. Objective B2.3.1(1) and policies B2.3.2(1), including by creating a quality built environment that responds to the site and its setting,
    iii. Objective B4.2.1(1),
    iv. Policy B2.4.2(4),
    v. Policy B2.4.2(6), including that development is adequately serviced,
    vi. Policy B2.4.2(8), including recognising and providing for existing and planned neighbourhood character,
    vii. Policy B2.4.2(9) and (10).

For completeness it is noted that higher residential intensification in this location is not consistent with some provisions such as B2.2.2(5).

3.0 Submission on Specific PC78 Provisions

Without limiting the generality of the relief sought above, the following submission is made on specific PC78 provisions.

3.1 Maps

Maps		
Matter	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Qualifying Matter	Qualifying Matter- Infrastructure Water and/ or Wastewater Constraints Control as shown on Matija Place (including at 77 and 86 Matija Place) is supported	We understand that infrastructure in Matija Place and the wider Red Beach, Silverdale and Hibiscus Coast areas, has not been designed or established to service the level of development that the MDRS or NPS- UD will enable. There is frequently news of overflows at beaches in local media, including of raw sewerage. Local roads also flood to varying degrees, including at the intersection of Jelas Road and Matija Place. There are clear issues with capacity of existing stormwater and wastewater services in these areas. It is appropriate that a QM be utilised, to place restrictions and controls on development in these areas. This is consistent with higher order planning provisions and outcomes sought by the RPS (including objectives and policies of B3.2), NPS- UD and Part 2 RMA.
Qualifying Matter	We seek the introduction of a Transportation related Qualifying Matter at Matija Place, Red Beach.	Please see reasons in 2.0 above.
Zoning- Matija Place	We seek the rezoning of Matija Place to Single House and if this is not possible Mixed Housing Suburban due to development constraints.	Please see reasons above relating to servicing and infrastructure, including transportation servicing.

2249.14

3.2 Auckland- Wide provisions (Chapter E)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
E36	The inclusion of natural hazards as a Qualifying Matter is **supported**.	This is consistent with Part 2 RMA. 2249.15
Objective E38.2(10)(d)	**Reword** to "Avoid subdivision that cannot be appropriately serviced by the water supply, wastewater and stormwater networks".	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined. 2249.16
Objective E38.2(10)(e)	**Support**	We support the objective and the terminology, specifically use of "avoid" in relation to under sized lots in areas affected by a Transportation Qualifying Matter. 2249.17
Objective E38.2(11)	**Support** reference to subdivision and density of development being controlled where a Qualifying Matter is present.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 2249.18
Policy E38.3(13)	Seek **insertion** of reference to Qualifying Matter, to control density and site sizes. Insert the following, or words to like effect: (d) Taking into account a Qualifying Matter affecting the site, noting that this may result in larger sites or fewer sites (lower yield) than may otherwise be usually anticipated in that particular zone.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 2249.19
Policy E38.3(31)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. The use of "avoid" is supported. 2249.20
Policy E38.3(32)	**Support**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies. 2249.21

Policy E38.3(33)(c)	**Support reference to QM**	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	2249.22
Policy E38.3(34)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	2249.23
Policy E38.3(35)	**Support** reference to QM	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	2249.24
Activity Table			
Table E38.4.2(A29A)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate.	2249.25
Table E38.4.2(A29B)	**Support** subdivision affected by this QM being a Restricted Discretionary Activity.	A controlled activity, which cannot be declined, is not appropriate. To be consistent with higher level documents including the NPS- UD, NPS- FW and RMA (Part 2) it is critical that development be serviced in an appropriate way, and that Council has the ability to decline an application if this is not the case.	2249.26
E38.5- Notification			
E38.5 Notification (2A)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	2249.27
E38.5 Notification (2B)	**Oppose**. This development type should be subject to the standard test for notification.	Applications of this nature have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	2249.28
E38.6- General Standards			
E38.6.3. Services	Seek that this Standard be **altered** to refer to appropriate services or words to that effect.	It is important that proposed servicing is appropriate, having regard to the location of the site, capacity of reticulated services and ongoing maintenance. PC78 should be clear that suboptimal servicing solutions are not appropriate and will not be accepted. The use of the word “provision” is not sufficient.	2249.29

E38.8 Standards for subdivision in residential zones			
E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control.	**Support** in part, subject to the following **amendment**: "The technical report must demonstrate: a) That infrastructure and servicing can be achieved. b) <u>The method and capacity of water, wastewater and water servicing for the development;</u> c) <u>The durability and maintenance required for the proposed system/s;</u> d) <u>The appropriateness of the proposed servicing for the nature and scale of the development;</u> e) <u>The potential effects of the proposed servicing;</u> f) <u>Proposed long term management of the system/s."</u>	Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	2249.30
E38.8.2.9	**Support**	Please see section 2 above, where a similar QM in Matija Place, Redd Beach is sought.	2249.31
E38.11 Assessment- Controlled Activities			
E38.11.1(2)	**Support**	Support reference to infrastructure	2249.32
E38.11.2(2)	**Support**	Support reference to infrastructure	2249.33
E38.12 Assessment- Restricted Discretionary Activities			
E38.12.1(10)	**Support**	Support assessment of stormwater matters being required.	2249.34
E38.12.1(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined.	2249.35
E38.12.2(10)	**Support**	Support assessment of stormwater matters being required.	2249.36

E38.12.2(11)	**Support**	Support assessment required in these QM areas. Subdivision must be serviced, and this must be appropriate. Appropriate infrastructure must be utilised, and not systems that are unreliable, require high maintenance, are costly to maintain or have a short lifespan. This is a critical part of urban subdivision, and to be consistent with higher order planning provisions (such as B2.2, and those proposed in PC80)). It is inevitable that with the geographical extent of the related QM's that applicants will suggest poor servicing solutions- Plan provisions must be sufficiently strong to allow applications to be declined

2249.37

3.3- Zones (Residential)

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Objective H5.2(A1)	**Support**	
Objective H5.2(B1)	**Reword** objective to the following or words to like effect: "…(b) The neighbourhoods planned urban built character, including 3- story buildings, unless the site is affected by a Qualifying Matter in which case the development density must take into account the related constraint."	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.
Objective H5.2(1)	**Reword** objective to the following or words to like effect: Land ~~near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network~~ is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport, unless it is affected by a Qualifying Matter in which case the development density must take into account the related constraint.	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.
Objective H5.2(3)	**Supported**, in particular where it refers to high quality amenity in relation to adjacent sites and the street.	Please see "General Submission" above.

2249.38
2249.39
2249.40
2249.41

Objective H5.2(5)	**Supported**	Inappropriate servicing can impact on water quality, and this requires control.	2249.42
Objective H5.2(6)	**Supported**		2249.43
Objective H5.2(7)	The following **rewording** is sought, or words to the same effect: "Development that cannot be appropriately serviced for water supply, wastewater or stormwater is **avoided**"	Wording in the Plan must be sufficiently strong to enable applications to be declined where the required outcome is not achieved, especially for fundamental matters such as servicing.	2249.44
Objective H5.2(8)	**Supported**		2249.45
Objective H5.2(10)	**Supported**	Please see "General Submission" above.	2249.46
Policy 5.3(B1)	**Support** "..except in circumstances where a qualifying matter is relevant"	Qualifying Matters affect what type and scale of development is appropriate on a site. This should be clearly reflected in objectives and policies.	2249.47
Policy H5.3(C1)	**Reword** to the following or words to like effect: ~~"Encourage~~ <u>Require</u> development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance."	Wording in the Plan must be sufficiently strong to ensure the required outcome is achieved.	2249.48
Policy H5.3(E1)	**Reword** to the following or words to like effect: ~~Provide for developments not meeting permitted activity status, while encouraging high-quality developments~~ <u>"Require developments to achieve a high-quality environment"</u>	It is not necessary to have a policy that provides for activities which are not permitted, as the plan already provides for this. A "high quality development" should not be "encouraged"- this must be <u>required</u>, to be consistent with the RPS and the NPS- UD.	2249.49
Policy H5.3(6A)	**Support in part**, in particular references to adjacent sites. **Introduce** the following or words to like effect: (j) <u>Establishing landscaping (vegetation) to create quality on- site amenity and soften the interface between the site and adjoining residential sites.</u>	The policy is generally supported for the reasons set out in section 2 above , with amendments as required to address the issues raised in section 2 above.	2249.50
Policy H5.3(12)	**Support**	All development must be appropriately serviced.	2249.51
Policy H5.3(13)	**Support**	All development must be appropriately serviced. Qualifying Matters affect what type and scale of development is	2249.52

		appropriate on a site. This should be clearly reflected in objectives and policies.	
Policy H5.3(14)	**Support**	Please see section 2 above.	2249.53
Policy H5.3(16)	**Support**	Please see section 2 above.	2249.54
		Activity Table	
Table H5.4.1(A14B)	**Support** one dwelling on a site in the Water and/or Wastewater Constraints Control QM being a permitted activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, with permitted development limited.	2249.55
Table H5.4.1(A14B)	**Seek amendment** to table H5.4.1 to introduce "Standards to be complied with". This should include reference to Standards H5.6.3- H5.6.21 and the new Standard sought below.	The Plan must be clear about what Standards must be complied with to be a permitted activity.	2249.56
Table H5.4.1(A14C)	**Support** two or more dwelling on a site in the Water and/or Wastewater Constraints Control QM being at least a restricted discretionary activity.	Qualifying Matters affect what type and scale of development is appropriate on a site. It is appropriate that this be controlled as shown, and consent required for more than one dwelling to enable site specific assessment.	2249.57
Table H5.4.1	**Insert new A14D with the following,** or words to a similar effect (to reflect the Qualifying Matter sought on Matija Place): "Two or more dwellings per site in the Matija Place Transportation Qualifying Matter Control"- Restricted Discretionary Activity.	To reflect the Qualifying Matter sought, as detailed above in section 2.	2249.58
		Notification	
H5.5(5) (Notification)	The preclusion of limited or full notification for a development of four or more dwellings, irrespective of meeting Standards, is **opposed**.	Applications of 4 or more dwellings have the potential to create adverse effects that are more than minor and greatly impact on people. These applications should be subject to the normal tests for notification.	2249.59
H5.5(6) (Notification)	**Support**	These applications should be subject to the normal tests for notification.	2249.60
		Standards	
H5.6.3A	**Seek introduction** of a specific Standard related to the Water and/or Wastewater Constraints Control to ensure that servicing is appropriate for the site, area and development proposed, and that there is sufficient capacity.	The Plan should be clear that servicing must be provided, and that this must be fit for purpose, able to be maintained in perpetuity and is suitable. Given the geographical extent of this QM it is likely that bespoke solutions will be suggested, that are not appropriate- the Plan must be strongly worded to make it clear	2249.61

		these outcomes will not be consented.
H5.6.5(4). Height in relation to boundary	**Oppose** the proposed HIRB plane and the removal of consideration of boundaries adjoining lower zones.	The proposed HIRB plane will create adverse shading and overlooking and reduce sunlight access, in relation to adjoining residential sites. Given the existing AUP zoning, some of these adjoining sites contain new development based on existing zoning (1-2 levels, greater yard setbacks and lower HIRB controls)- in these cases the adjoining sites are unlikely to be redeveloped in the medium terms and a higher degree of adverse effects will be created in the . We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 2249.62
H5.6.5(4)(4). Height in relation to boundary	**Oppose**. HIRB should apply from the site boundary, not right of way/ access lot boundaries.	2249.63
Table H5.6.8.1 Yards	**Oppose.** Given the increased level of density proposed, yards should be larger. The definition of "Yard" to be **amended** to reduce the length of eaves that can encroach into yard setbacks.	We understand however that this forms part of the MDRS provisions and Council may not have scope to amend these. 2249.64 At present eves up to 750mm are excluded from the definition of yards. This could result in part of a building being only 250mm from a common boundary. This impacts on maintenance and amenity of adjoining sites. 2249.65
H5.11(5)- Landscaped Area	The minimum landscaped area of 20% **is opposed.** The following is sought, or words to similar effect: "<u>The minimum landscaped area must be at least 35 percent of the net site area</u>".	The landscaping present on a site makes an important contribution to on- site amenity and amenity on adjoining sites. 2249.66
H5.6.12- Outlook Space	Generally **supported**	The requirement to provide outlook space is supported, including that this space must be located within the development site. 2249.67
H5.6.14(4)- Communal Outdoor Living Space	Supported with the following **amendment** (or words of similar effect): <u>(h) Is managed and maintained by a body corporate or similar legal entity.</u>	The requirement for a communal outdoor living space for larger residential developments is supported. Appropriate maintenance and management of these areas is also required. 2249.68

H5.6.21 Residential waste management	Standard is generally **supported** with the following amendment requested: "H5.6.21(6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings, and this must include details of how odour will be controlled".	Where a site has limited road frontage, requiring waste collection on- site is supported. Sufficient space must be available on -site for a waste vehicle to park, collect the waste/ recycling, manoeuvre on-site and leave in a forward-facing direction. Waste and recycling storage areas can easily create odour, which impacts on amenity on site and on those adjoining, if not controlled. 2249.69
H5.8- Assessment – restricted discretionary activities		
H5.8.1. Matters of discretion 5.8.1(2) For four or more dwellings per site: (a)(i)	**Oppose** deletion of the word "intensity"- seek that "intensity" not be deleted. Reword to (or words to like effect): (i)building intensity, scale and location, including	Building intensity, not only scale, has the potential to impact on the success of an overall development, its appropriateness in a specific location, and the adverse effects created on people, in particular adjoining site owners. It is appropriate that Council retain the ability to assess this important aspect of a proposal. 2249.70
H5.8.1(2) (a)(i) (A)	**Support**	Support reference to "adjoining sites" for the reasons set out in section 2 above. 2249.71
H5.8.1(2) (a)(i) (B)	Seek **amendment** as follows, or words to like effect: "the extent to which the height, roof form and design of buildings respond to the local streetscape, adjacent sites, …"	Please see section 2 above. 2249.72
H5.8.1(2) (ai)	**Support**	Please see section 2 above. 2249.73
H5.8.1(2) (c)	**Support**	Please see comments above regarding infrastructure and servicing. 2249.74
H5.8.1(2) (d)	Seek **amendment** as follows, or words to like effect: "the effects of the development on the safe access for pedestrians and other transportation users on the adjacent road network"	Please see section 2 above. In some locations there is insufficient transportation infrastructure to service a development, and the traffic generated by a development may impact on other users off the site. Potential adverse effects in this regard should be assessed. 2249.75
H5.8.1(6)	**Supported**	Please see comments above regarding infrastructure and servicing. 2249.76
H5.8.2- Assessment Criteria		
H5.8.2(2)(ab)	**Amend** to include the following, or words to like effect:	Please see section 2 above. 2249.77

	(ix) Placing lower buildings adjacent to residential dwellings on adjoining sites.	
H5.8.2(2)(ac)	**Support**	2249.78
H5.8.2(2)(ae)	**Support**	Support the design outcomes achieved by buildings fronting public streets. 2249.79
H5.8.2(2)(af)	**Support**	Support the design outcomes achieved by buildings fronting public streets. 2249.80
H5.8.2	**Insert new** Assessment Criteria related to H.8.1(6) (More than one dwelling in Waste and Wastewater Constraints Control). Insert the following or words to same effect: I. The method and capacity of water, wastewater and water servicing for the development; II. The durability and maintenance required for the proposed system/s; III. The appropriateness of the proposed servicing for the nature and scale of the development; IV. The potential effects of the proposed servicing; V. Proposed long term management of the system/s.	PC78 notes the need for consent and provides Matters for Discretion. The inclusion of Assessment Criteria will provide further guidance on what is required. 2249.81

3.4 Definitions

PC78 Reference	Support/Opposition/ Amendment Sought (additions underlined, deletions strikethrough)	Reasons
Definition of "Landscaped Area"	**Support**	The changes proposed mean the landscaped area focuses more on vegetation, and excludes more hard landscaping than previous. This is supported as it will positively affect amenity on- site and on adjacent sites, as the density of development increases. This is consistent with the urban design outcomes sought by objectives and policies of the zone, and the RPS. 2249.82

4.0 Submission- Additional relief sought

In addition to the relief sought in sections 1, 2 and 3 above, we also seek:

(1) any additional changes which are required to the text and maps of the proposed plan to give effect to this submission.
(2) Any other consequential or alternative amendments arising from these changes.

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Elliot Bryan McCullough

Organisation Name (if submission is made on behalf of Organisation)

-

Address for service of Submitter

9 Melody Lane, Otahuhu, Auckland 1062

Telephone: 225153791 Fax/Email: elliotbryanmccullough@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Future Coastal Hazards Zone. Qualifying matters: Coastal Erosion, Coastal inundation and flooding.

Or

Property Address: 9 Melody Lane, Otahuhu, Auckland 1062

Or

Map:

Or

Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

Please see the attachment/ email for more detail. I have only just contacted Planners, seeking initial advice, on becoming aware of this, so it will require more detail.

Far away from coast, and well protected by vegetation and other barriers these should be removed form the property.. Unfairly impacting upon future opportunities and additional costs/ value 2253.2

Flooding is incredibly unlikely on a slightly sloping section into a stream and there has been no flooding in the valley even with 100 year events of the passed year. 2253.3

(continue on a separate sheet if necessary) 2253.4

I seek the following decision by Council: 2253.5

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☒

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Suggest is changes to mixed urban as planned but removing the Qualifying matters. 2253.1

Suggest the future coastal hazards and Qualifying matters are reviewed and removed from the property. 2253.2

I would look to liaise with neighbouring properties on this matter to make a joint submission. 2253.3

2253.4

I wish to be heard in support of my submission ☒ 2253.5

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Signature of Submitter
(or person authorised to sign on behalf of submitter)

28/09/2022 (below keeps going American)

09/28/2022

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Therese Strickland

From: Elliot Mccullough <elliotbryanmccullough@gmail.com>
Sent: Wednesday, 28 September 2022 9:56 PM
To: Unitary Plan
Subject: Submission plan change 78 & 80 - 9 Melody Lane, Otahuhu
Attachments: pc-78-form-5-notification- 9 Melody Lane.pdf; pc-80-form-5-notification- 9 Melody lane.pdf

Hello,

Please see Form five attached for the plan change 78 & 80 submission, and relevant information below.

Sorry it is so brief at the moment, I have only just become aware of the potential impacts on what this could mean for my property, 9 Melody Lane, Ōtāhuhu, Auckland 1062

My partner spoke briefly with a planner yesterday who advised that we should make a submission and request to be kept informed of any further changes relating to the Qualifying Matters or the property - 9 Melody Lane, Otahuhu, Auckland.
I expect survey information and interpretation would be required to further substantiate.

Could you please also provide the information you have used to make your initial assessment?

Hello
I have just recently become aware of the Plan change 78, and plan change 80 (as of 27th Sept), and I am writing this submission to object to some of the changes affecting my property.
First of all there is an awful lot of information I have not had sufficient time or resources to engage with consultants or have surveys undertaken, and so lodge the submission as preliminary, and will engage on feedback from the council on this submission (likely it will be a group submission). Please notify me of any changes, development etc. to this affecting 9 Melody Lane, Otahuhu.
My property is 9 Melody Lane, Otahuhu, Auckland.
It is located on a slightly sloping section that backs on to a flat to sloped area near a stream.
The stream is relatively small and has a very slow / no flow. It does not appear to be impacted by tides, suggesting it is above sea level and Mean high tide level. When I have gone down after heavy rain this seems to have little impact on flow or level. - i.e. there is no discernable change and the stream remains reasonably clear (except for the rubbish and light oil sheen sometimes from the road I assume)
This stream continues for approx. 100m before dribbling down a small narrow section into the wider stream again. Past this point mangroves begin which soon become dense and continue for approximately 205m before joining the Tamaki Estuary, on the upper end of the river just beyond the motorway, (GIS measurement, straight line).
My fence line is 10-12+m away from the stream and approximately 5/6m above it. My house is a further 12-14m sloping from the fence,(approx 1-2 m increase in height) . From here my section slopes up to the road approximately a further 10m (based on two story's plus roof).

Plan change 78 and Qualifying Matters Plan change 80

The issues I wish to object to are the qualifying matters shown as impacting my property. It would appear that this has been based on a desktop survey without consideration to topography, vegetation and real levels. 2253.2

1. Coastal Erosion. The plan change shows that the majority of my property is in the erosion zone. I find this incredibly difficult to believe for the following reasons.
    a. My property is set 300m away from the beginning of the estuary
    b. My property is set approx. 5m+ Above and at least 10m away from the nearest stream. my house is more like 25m. yet the entire section is shown to be designated as susceptible.
    c. The stream does not appear to be tidal, suggesting that it is above sea level presently.
    d. there is approx 300m+ of vegetation and then mangroves closest to the estuary. This would further slow flow of water and prevent waves should sea level rise.
    e. The motorway between Princes St offramp and High brook create a block slowing tides. Refer to the 2017 aerial image on GIS which shows a difference in tide either side of the bridge.

f. Because of the removed location from the estuary and up a dead end valley it seems unlikely that this is a future coastal hazards zone.
g. My neighbours have sne me a copy of their geotech report for their planned extension (only been able to scan quickly and not really understand much) it shows the follow on foundations. I do not have the engineers permission to share the report but will likely engage them for my property

2253.2

2. <u>Flood plains.</u>
    a. Even with the heavy rains there has been no overland flow onto my property.
    b. Even with the 1:100 year rains there has been no flooding in the valley area near the stream, as the catchment area will not increase, there will be no flooding to the areas noted, certainly.

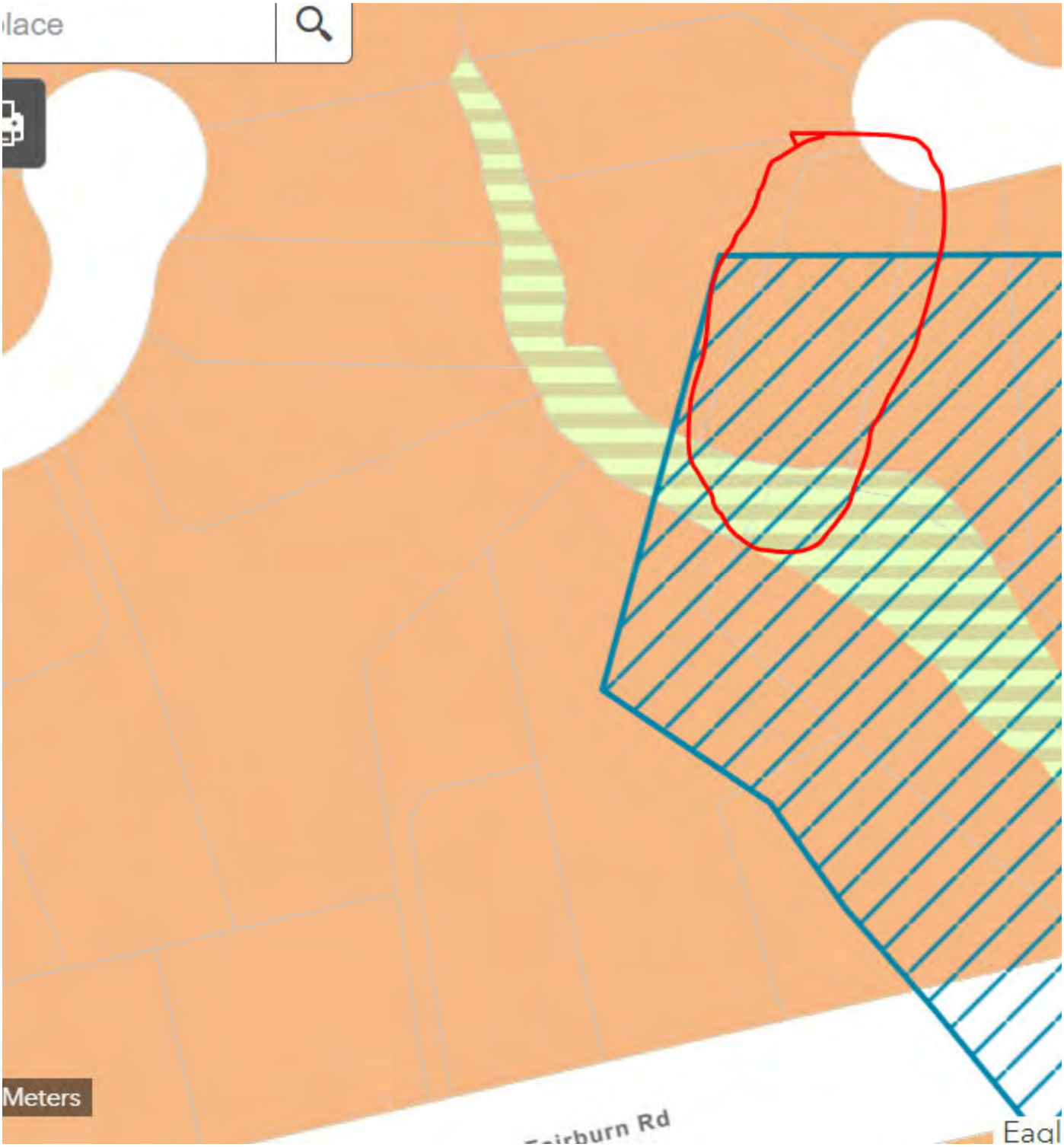
2253.3

3. Coastal inundation.
    a. As above, there is significant obstacles preventing inundation
        i. motorway, as above. This provides a good barrier against tidal and waves - there are practically none in the estuary 300m away.
        ii. small width of the Tamaki estuary - (approx. 200m across at high tide 50m or less at low tide.)- prevents forming of waves.
        iii. 200m+ of thick mangrove protection - typically increases solid level. Dampens any wave action.
        iv. Prevailing wind is south west - this is across land and away from my property.
        v. Level of land compared to sea.
        vi. Vegetation in surrounding land.

2253.4

4. Future Coastal Hazards
    a. For the reasons provided above, I believe that the future coastal hazards zone should not affect my property.
    b. Given more time, I believe I could engage with neighbors and professional consultants to aid in the case to prove that these should not impact my property and to have them remove from my property.
    c. My key concern is the potential impacts on value and potential increase to insurance, and severely limiting any improvements, extensions for development to the property.

2253.5


lace
Meters
Fairburn Rd
Eagl

Proposed Plan Change 78 - Property Summary

Plan Change 78 text should be read to identify any text-based qualifying matters.

Property Header Address

9 Melody Lane Otahuhu Auckland 1062

Zone/s

- Residential - Mixed Housing Urban Zone

Management Layer/s

Spatially Identified Qualifying Matter/s

- Coastal Erosion (i)
- Flood Plains (i)
- Coastal Inundation (i)

Further Information (i)

This site is subject to a future coastal hazards plan change, please see council's factsh

•••

Distance: 13.9 Meters
Distance: 17.3 Meters
Distance: 206.8 Mete

Kind Regards

Elliot McCullough

022 515 3791

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Tom Purkis
ADDRESS OF SUBMITTER	10 Melford St, St Marys Bay
TELEPHONE	02102269300
EMAIL	tom.purkis.98@gmail.com

SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

The will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.

4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

   a. It mainly has designer clothing stores, bars and restaurants.
   b. Lacks employment opportunities.
   c. Has very little in the way of community services.
   d. Is really just a long block of neighbourhood shops.
   e. Lacks the potential to grow because of the 13m height restriction.
   f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
   g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.
h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones.

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments -** The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal -** The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings -** Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal -** The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA -** The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone -** Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required -** The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan -** The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice -** The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices -** Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative zone arrangements accepting that previous MHS zoned areas will become MHU zone. 2258.6

11. **Road Network Constraints** - There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas –** PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure. 2258.7

13. **Abandoning Amenity Controls in MHU Zone -** The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities. 2258.8

14. **Minimum Lot Size in THAB Zone –** Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone. 2258.9

15. **Summary -** Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1. Reduce the Central City Zone walkable catchment to 800 metres. 2258.1

2. Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission. 2258.2 2258.3

3. Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria. 2258.10

4. Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere. 2258.4

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 2258.5

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 2258.11

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter.....

Date: ...29 September 2022.....

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Holly Purkis
ADDRESS OF SUBMITTER	10 Melford St, St Marys Bay
TELEPHONE	0211241900
EMAIL	purkisholly@gmail.com

SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

The will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.

4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

   a. It mainly has designer clothing stores, bars and restaurants.
   b. Lacks employment opportunities.
   c. Has very little in the way of community services.
   d. Is really just a long block of neighbourhood shops.
   e. Lacks the potential to grow because of the 13m height restriction.
   f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
   g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.
h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones. 2259.8

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments** - The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal** - The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings** - Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal** - The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA** - The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone** - Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required** - The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan** - The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice** - The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices** - Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative zone arrangements accepting that previous MHS zoned areas will become MHU zone. 2259.6

11. **Road Network Constraints -** There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas** – PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure. 2259.7

13. **Abandoning Amenity Controls in MHU Zone -** The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities. 2259.8

14. **Minimum Lot Size in THAB Zone** – Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone. 2259.9

15. **Summary -** Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1. Reduce the Central City Zone walkable catchment to 800 metres. 2259.1

2. Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission. 2259.2 2259.3

3. Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria. 2259.10

4. Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere. 2259.4

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 2259.5

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 2259.11

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter.....

Date: …29 September 2022.....

Ginny Taare

From: rg.manaia@xtra.co.nz on behalf of t.r.gardner@xtra.co.nz
Sent: Thursday, 29 September 2022 5:36 pm
To: Unitary Plan
Subject: Submission: Proposed Plan Change 78 - Intensification
Attachments: pc-78-form-5-P R ^0 T H Gardner.pdf; pc-78-form-5-P R ^0 T H Gardner-Separate Sheets.pdf

To the Planning Technician:

Please see the attached submission on Proposed Plan Change 78: Intensification, together with an associated attachment.

The submission has also been made through the Online facility, but no acknowledgement has been received, so this version of the submission is also presented.

Regards.

Trudy and Richard Gardner

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Peter Richard Gardner and Trudy Harriette Gardner

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

t.r.gardner@xtra.co.nz

Telephone: 95240055 Fax/Email: 095248025

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other *(specify)*

The whole of the Proposed Plan Change
The whole of the Proposed Plan Change

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☐ No ☐

The reasons for my views are:

(See attached sheets)

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☒

Include the area around our home at 8 Ada Street within the proposed Special Character Overlay Residential and Business; 2266.1

Retain the existing Residential Single House Zone, or at the very most, amend the zoning to the proposed Residential – Low Density Zone; 2266.2

Retain the inclusion of our site and much of the area around our home at 8 Ada Street within the Combined Wastewater Network Control. 2266.3

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

M.H. Gardner

Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/29/2022

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

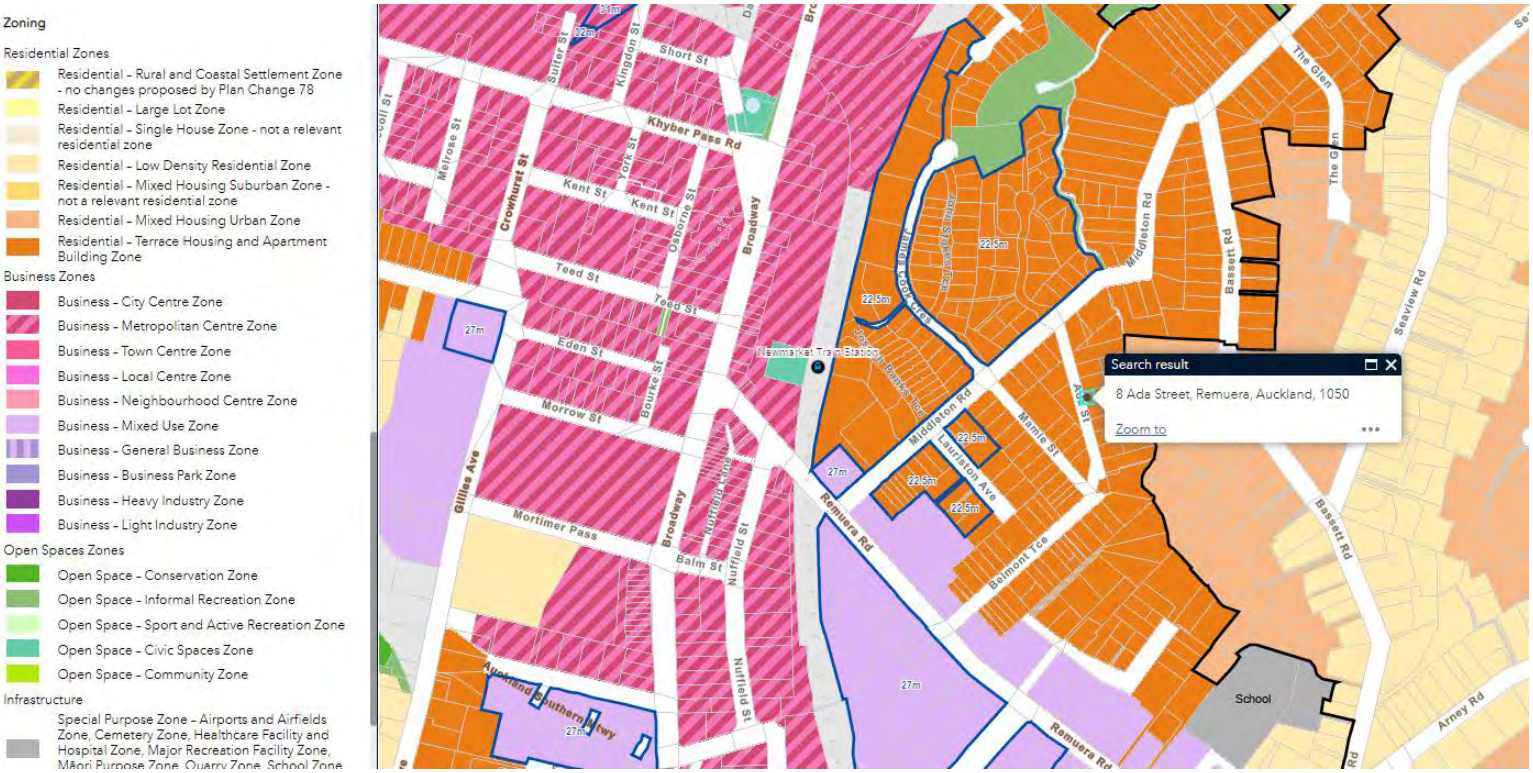
I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

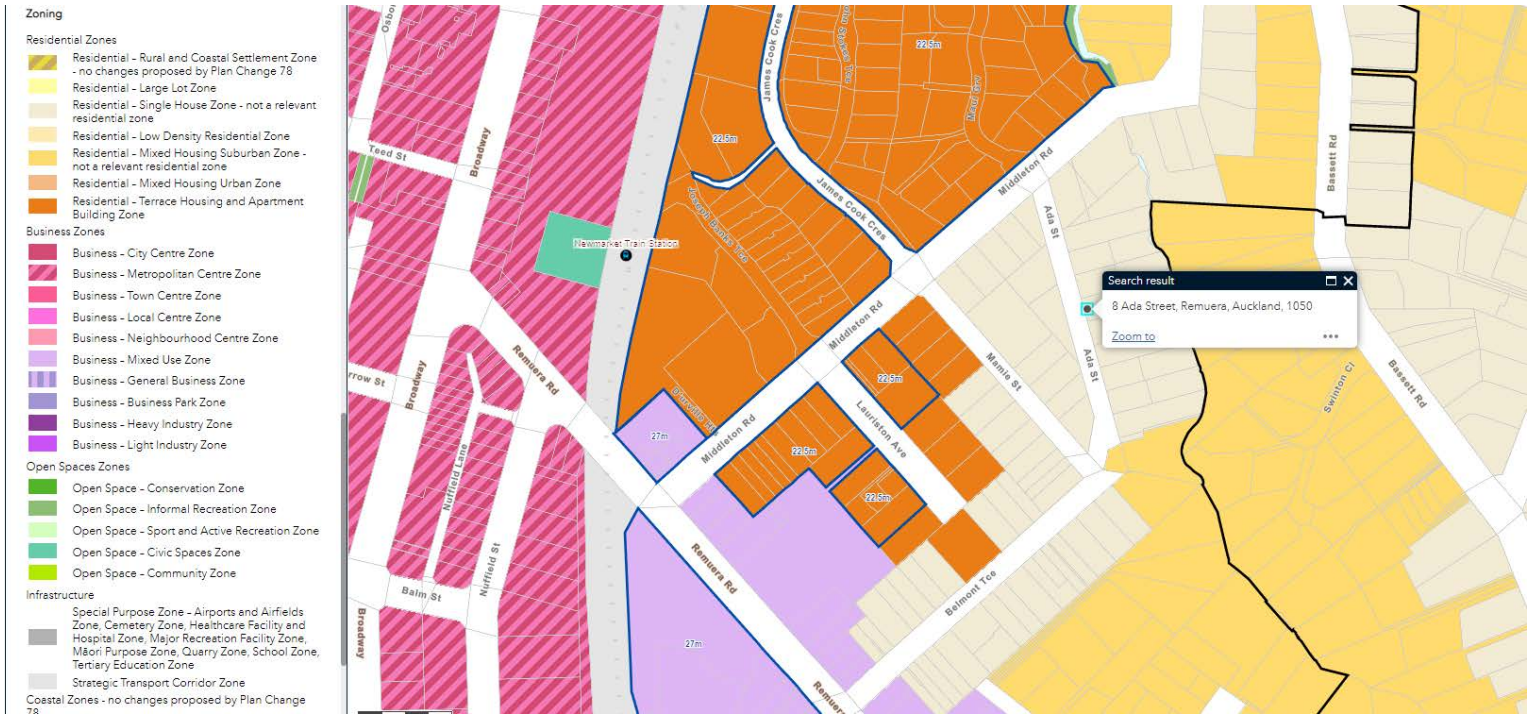
I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

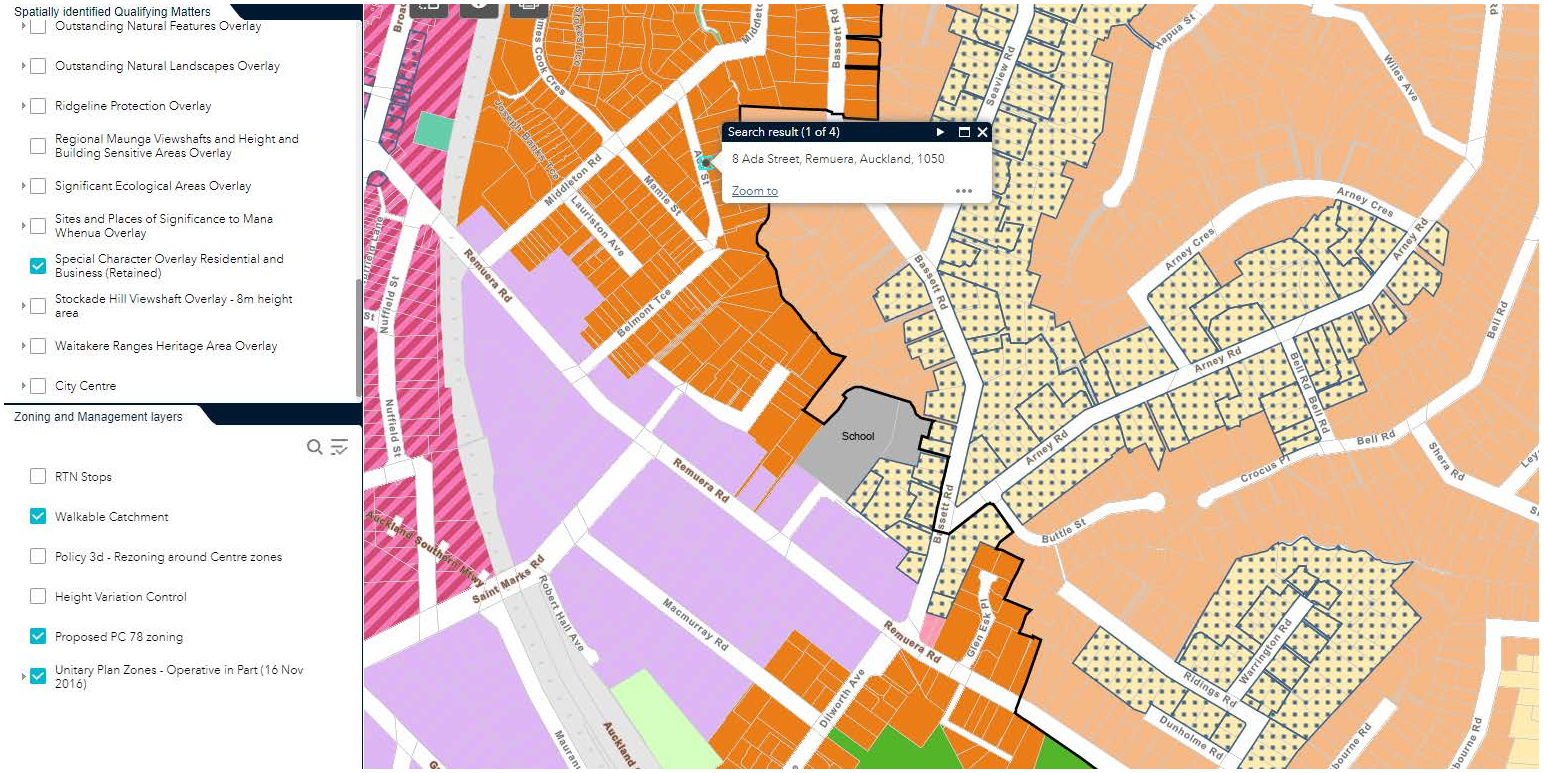
(b) does not relate to trade competition or the effects of trade competition.



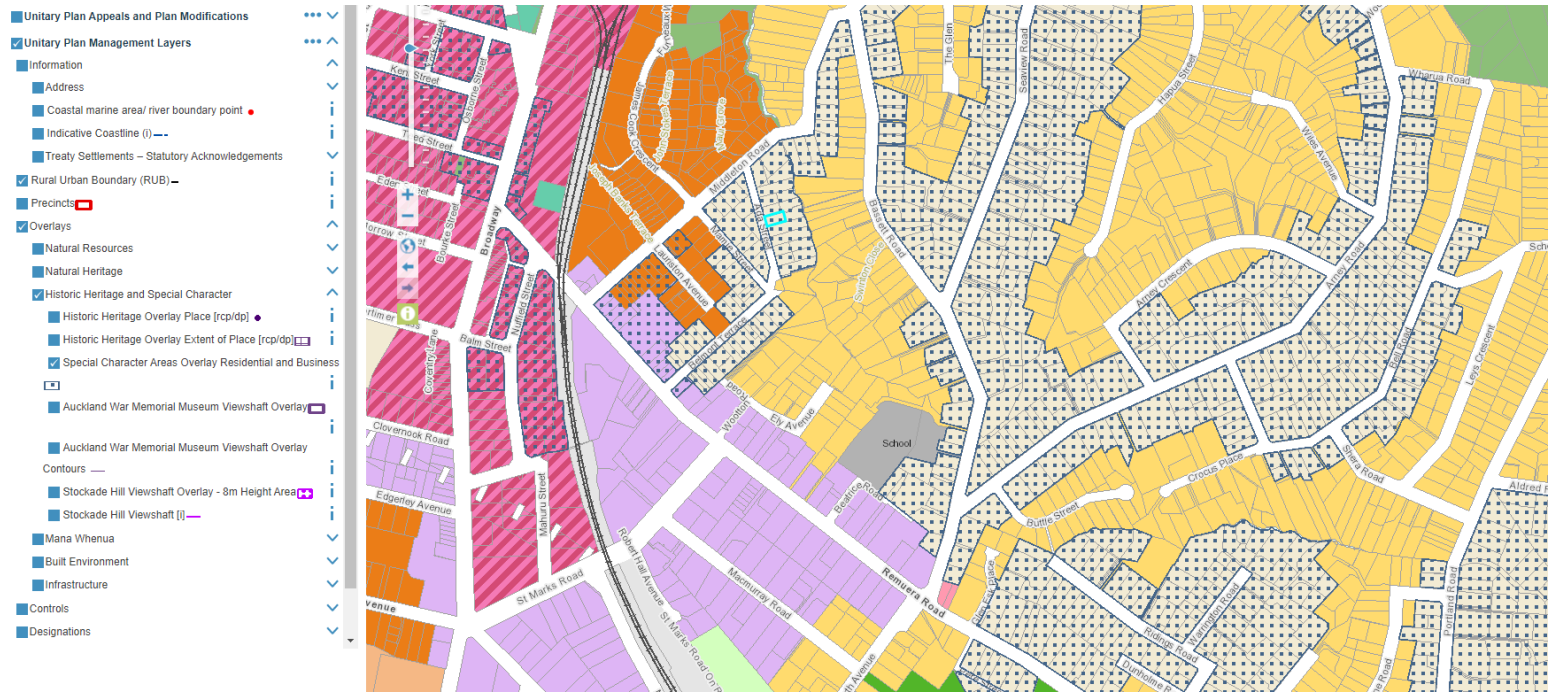
Proposed zoning



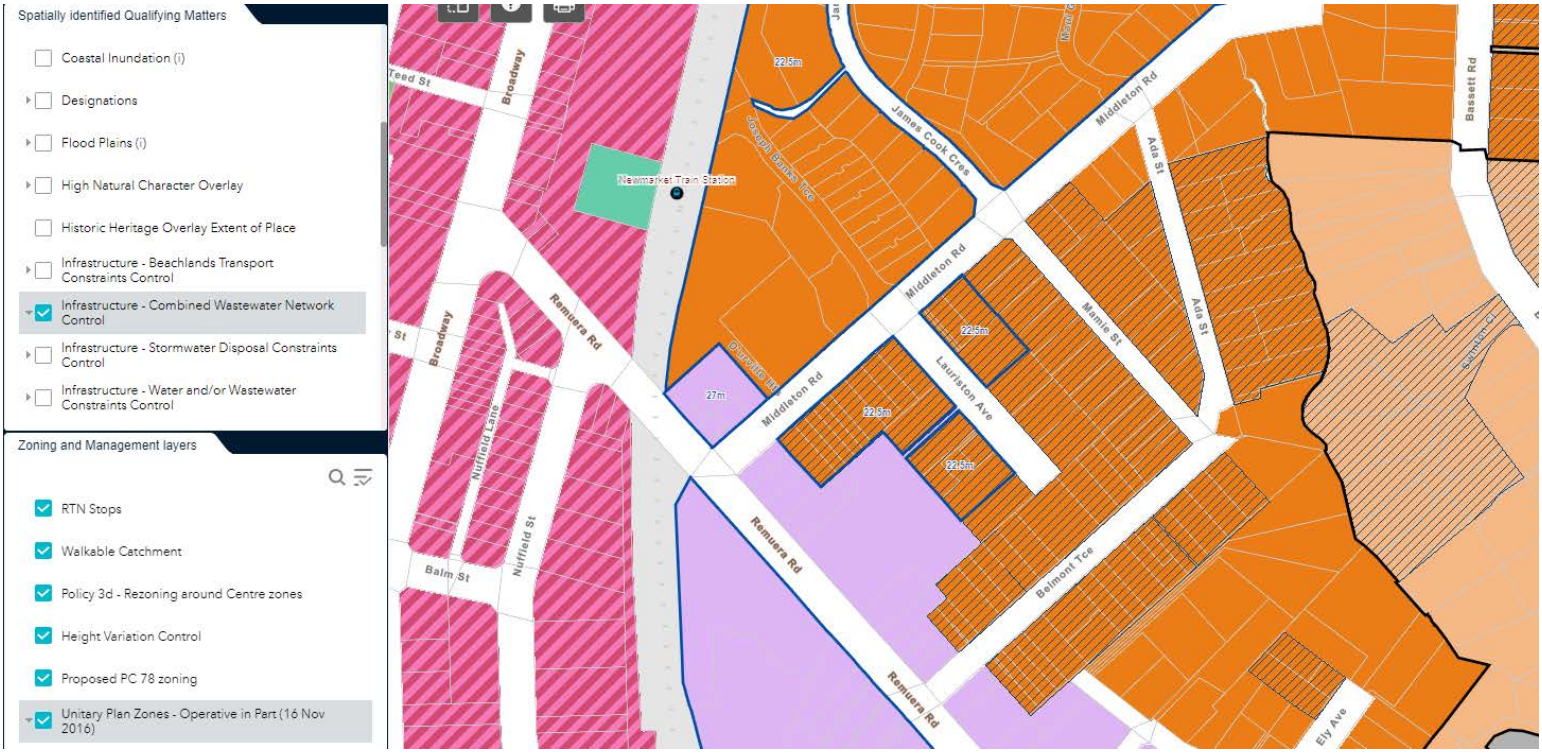
Existing zoning



Proposed zoning, showing retained Special Character Overlay in the vicinity



Existing zoning map, showing existing Special Character Areas Overlay Residential and Business



Proposed zoning map, showing Combined Wastewater Network Control for the local area

We would like the existing special character area overlay for the area around our home at 8 Ada Street to be retained, in other words, we would like the area included within the proposed Special Character Overlay Residential and Business. | 2266.1

We would also like the existing Residential Single House Zone to be retained, or at the very most, the zoning amended to the proposed Residential – Low Density. | 2266.2

The area is representative of turn of the 20th century Newmarket. We do not think it is in the long term interest of Auckland as a whole for the existing special character area be discontinued. We do not agree that long-standing heritage areas should be changed willy-nilly in the way that is proposed, for one thing the heritage significance criteria and thresholds in Chapter B5.2 of the Regional Policy Statement are not proposed to be amended as part of the Plan Change. We do not think that the fact that the area is within a "walkable catchment" is sufficient reason for the special character overlay for the area to be removed. Indeed, the overlay has been retained for some other areas in the immediate locality, which are also within the "walkable catchment".

The area is noted in the Plan Change 78 Map Viewer as being in Remuera, but it can be considered to be part of Newmarket. Much of the immediate area is made up of former railway cottages, dating from the turn of the 20th century, and associated with the former Newmarket Railway Workshops, and much of the character of those houses has been retained, despite the in-filling that has taken place since about the 1970's. Indeed, that there is infilling is not readily apparent from the street, and the area retains much of its original character, despite the infilling.

Ada Street and other nearby streets are narrow, the lot sizes are modest and much of the land is steep in contour, so we think the area is ill-suited to intensive development. Other | 2266.3

infrastructure, for example wastewater systems, are inadequate for the area now, as evidenced by the odour of sewerage which is often evident in parts of Newmarket Park and nearby. We support the inclusion of much of the area within the Combined Wastewater Network Control. 2266.3

We purchased our property in the area in part because of its heritage value, and we have made considerable investment since we purchased the property to retain and enhance that value. We do not wish to see this investment lost, and to this end we would like to see the heritage value of the house, the street the house is in and the immediate area retained.

The Auckland Unitary Plan makes adequate provision already for intensification in Auckland. It is due for review before 2026, and any changes that may be appropriate to the intensification rules can be made at that time.

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Adair Robyn Potter

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

9 Buchanan St Devonport Auckland

Telephone: 272233534 Fax/Email: adair.potter11@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Chapter D18 Special Character Overlay Residential as the overlay relates to Devonport

Or
Property Address:

Or
Map:

Or
Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

Devonport currently carries protection reflecting its unique preserved character.

Intensive development would greatly impact this uniqueness, heritage and historical value and negatively impact the green environment.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Delete the mixed housing urban zone altogether. 2268.1

Maintain the special character overlay 2268.2

Determine the Victoria Rd shopping area as a heritage zone. 2268.3

Remove Policy 3d from residential areas in Devonport 2268.4 2268.5

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

A R Potter
Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/29/2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Ginny Taare

From: Unitary Plan
Sent: Thursday, 29 September 2022 6:31 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Ms Amy Margaret Parlane and Mr Leslie James Parlane
Attachments: Submission on Proposed Plan Change 78 Intensification 2022 09 29.pdf; Submission on PPC78 Supporting Document 01 2022 09 29.pdf; Submission on PPC78 Supporting Document 02 2022 09 29.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ms Amy Margaret Parlane and Mr Leslie James Parlane

Organisation name: N/A

Agent's full name: N/A

Email address: a_parlane@yahoo.com

Contact phone number: 0223400232

Postal address:
28 Hill Road
Hillpark
Auckland 2102

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Various components of Proposed Plan Change 78 - Intensification

Property address: N/A

Map or maps: Hillpark, and Significant Ecological Area - Terrestrial.

Other provisions:
I don't know what 'provisions' in this context means.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
The natural environment generally and in the climate change context, and the degree to which the proposal is liveable rather than existable. No point in expanding this city if it becomes one big ugly ghetto without any nature.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Various, but all tied to Proposed Plan Change 78 - Intensification.

Submission date: 29 September 2022

Supporting documents
Submission on Proposed Plan Change 78 Intensification 2022 09 29.pdf
Submission on PPC78 Supporting Document 01 2022 09 29.pdf
Submission on PPC78 Supporting Document 02 2022 09 29.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

Submission:

Proposed Plan Change 78 – Intensification

This plan change responds to the government's National Policy Statement on Urban Development (NPS-UD) and requirements of the Resource Management Act.

Our views and suggestions on the proposed changes to our city's planning rules

Submitter's Contact Details & Supporting Documentation

Submitter's Full Name	Amy Margaret Parlane Leslie James Parlane
Email Address	a_parlane@yahoo.com les@parlane.me
Mobile Telephone Number	0223 400 232 021 626 756
Supporting Documents	Supporting Document 01 **Building Heights at Different Zone Interfaces** Supporting Document 02 **Areas we want the Significant Ecological Area Overlay assigned to.**

Specific responses to the main proposals within the Proposed Plan Change 78 – Intensification.

This table has been laid out in accordance with the Auckland Council's 'Information Sheet' order for this plan change.

	Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
01	**Walkable Catchments**				
	01	We are concerned about the Walkable Catchment and it's	Other rarer features such as a Qualifying Matter or	This is so the character of these features / resources	2269.1

Item		Things We Support / Want Changed	The Alternative / Requests	Why?	
		boundary, overlaying more sensitive / delicate features such as an SCA.	an overlay such as an SEA should trump the Walkable Catchment and it's boundary.	are not undermined by greater and more domineering urban intensification.	2269.1
	02	The delineation between the City Centre and Metropolitan Centres/ Town and Local Centres, and the Medium Density Residential Standards and Special Character Areas especially, but Single House and the new Low-density residential Zone too.	A margin area with it's own definition and characteristics to surround the Walkable Catchment Area Refer Supporting Document 01	This is to ensure a smoother height transition between the zones mentioned in the left column, adjacent. The urban environment will look abrupt if on one site boundary, building heights go from six stories (i.e. Town and Local Centres) down to an area zoned for two or single storey buildings (i.e. Special Character Areas).	2269.2
02	**Residential intensification in walkable catchments and the Terrace Housing and Apartment Buildings Zone**				
	01	No comment.			
03	**Intensification around suburban centres**				
	01	No comment.			
04	**Medium Density Residential Standards (MDRS)**				
	01	The fastest way to convey this is: We oppose and dislike almost all limitations for this policy.	In so far as amenity and setbacks etc. for higher density areas, we like the Auckland Unitary Plan limitations as are. Specific comments for a portion of the limitation range are below.	The current AUP enables more creativity, flexibility for difficult and odd situations, and more variance in building and landscape style will be achieved. In every way, the quality of liveability is superior to these new MDRS rules.	2269.3
	02	**Three Dwellings per Site**			

Item		Things We Support / Want Changed	The Alternative / Requests	Why?	
	01	In the along ground format (as opposed to vertically stacked): Oppose	Only allow this form of development when site amalgamation occurs so that 'sausage flat' and houses lined up in a row alongside a long Right Of Way that is perpendicular to the road, is avoided.	This is for better outlooks for residents. Looking out over a street is better than looking in to a neighbour's wall 2m away, or, looking out onto a driveway. Ew!	2269.4
03	**Yard Setbacks**				
	01	Front Yard			
		Oppose	Would like at least 3m, especially if the building is to be three stories.	This enables better privacy, feels less close to street traffic and feels out of step with the established road scale. This prevents the need for fire rating – an expensive and un-environmentally friendly component of construction. This also enables more space for vital vegetation such as a small tree and/or other habitat offerings.	2269.5
	02	Side Yards			
		These 1m minimum Side Yards are too narrow to be practical. This current proposal is prejudicial to the disabled community, workers and caregivers and generally, it does not contribute to the term *'well-functioning urban environment'* as per the NPS-UD 2020, Policy 1, Page 14.	2m minimum Side Yards	This is more in keeping with fire egress from a building to a final safe place as per the New Zealand Building Code 'C' Documents. It is also more cost effective for construction because those building these buildings wont' have to spend money on fire rating windows (very expensive!), or building components such as claddings, base building structures such as posts or eaves and roofs which are all currently required by the New Zealand	2269.6

Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
			Building Code 'C' Documents if any part of the building is closer to the boundary than a metre. A 2m minimum Side Yard also allows for effective passage by those carrying wide loads (which will be more commonplace with less vehicles being parked by doors or on the endangered side yard lawn etc); or those who require aids such as wheelchairs or prams, and those who need to maintain a building via scaffolding etc. i.e. house washers, painters, tradespeople. Ref. NZBC D1, NZS4121:2001 and Universal Design Guidelines. A 2m minimum Side Yard will also better accommodate walls, fences, hedges and retaining walls which will be required for access, building stability, privacy, shade and amenity.	
03	**Rear Yards**			
	See 'Side Yards' above.	See 'Side Yards' above.	See 'Side Yards' above.	2269.7
04	**Riparian Yards**			
	This should still be included.	The rule should be about the distance between the waterbody and the building in addition to the gradient between the two.	The margin from a body of water shouldn't only be about the distance from the shore etc. to the building. It should also be about the slope between the two, to account for issues such as the rate of overland water flow, silt build up in the water body, slips and wind speeds. If we are to have more	2269.8

Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
			extreme weather, winds will only be greater thus more damaging to our built environment. The current policy doesn't foster best practice regarding ecology (riparian or aquatic biodiversity and ecosystem services).	
05	**Access to Daylight**			
	This policy seems to neglect the different latitudes that each of the five subject cities are within. It fails to ensure a *'well-functioning urban environment'* as per the NPS-UD 2020, Policy 1.	The Access to Daylight rules should vary for each city because each set of rules should be based on each city's latitude and it's different seasonal sun paths, not a rule dreamed up in Wellington that is to apply to all five cities.	The daylight differs in Auckland to Christchurch etc. Expecting one rule to fit all five cities neglects to acknowledge how daylight differs – from glare and brightness or shade, through to getting enough sun exposure to maintain our vitamin D levels.	2269.9
06	**Outlook Space**			
	01 Oppose.	We like what the Auckland Unitary Plan has had. This has worked well.	The original AUP version is better because it ensures a bit more distance between neighbours so more privacy is gained, and greater access to daylight is achieved.	2269.10
07	**Outdoor Living Space**			
	01 Ground Floor Units	Prefer the AUP's original policy.	More comfortable for living in.	2269.11
	02 Above Ground Units			
	Oppose the 1.8m min. dimension.	Prefer at least 2.3m	1.8m is too shallow to accommodate any outdoor living furniture and people. It's barely bigger than a wheelchair turning circle whereas, a depth of 2. m enables movement and a dining table and chairs.	2269.12
08	**Acoustic Space**			

Item		Things We Support / Want Changed	The Alternative / Requests	Why?	
	01	New Item	An introduced notion: This needs to be factored in to the policy for acoustic comfort of occupant. It would work in the same way as visual privacy. (also refer section on Aircraft noise below)	Uninhabitable or uncomfortable living environments for urban dwellers because their residential units are so close together, no one gets any peace from their neighbours.	2269.13
05	**Updates to the Residential – Mixed Housing Urban Zone (MHUZ)**				
	01	No comment but I shudder to think – you could refer to the text that follows this table.			
06	**The Residential – Low Density Residential Zone (LDRZ)**				
	01	Generally, might be okay	Prefer to retain the Single House Zone The automatic requirement for a new build to gain resource consent should also apply to those properties with an SEA overlay present.	Because these areas that will inevitably have good single dwellings will be undermined by new development which will be out of step with the established style of the single house zone aesthetic and pattern. SEAs and notable trees will also be undermined / removed, because these can be altered with a resource consent.	2269.14 2269.15
	02	Strongly Oppose for Hillpark	Retain the Single House Zone for Hillpark. Calling this a low density zone intimates it is, yet, the employment of the MDRS Site Limitations will not enable this reality or sense of low density.	This policy is inconsistent with the reasons we have a Special Character Area overlay in the first place (for it's unique interplay between its architecture urban design and natural environment). This new zone will negatively impact on the essence of this area that we cherish. It will also reduce the breadth and connectivity of our ecological migration corridor, thus undermining	2269.16

Item	Things We Support / Want Changed	The Alternative / Requests	Why?
			wildlife populations and their genetic diversity. About 70-80% of Hillpark is on soak pits, the balance connected to the storm water system. We don't have much infrastructural stormwater system to warrant this density. This will cost you and/or developers more to build here. However, by having soakage pits this allows the ground water level to remain more evenly charged - this is good for the trees. In turn the trees prevent excessive storm water runoff and maintains a healthy ground and soil structure. As so many of the MDRS limitations are replicated for this LDRZ, we will lose the unique ecological component we have our SCA overlay for. We do not want a change in yard setbacks, recession planes as proposed by the Low Density Residential Zone. Mandating that a percentage of windows face the street also undermines the pattern this area already has and celebrates. If we have to shift to the LDRZ this will change the aesthetic, ecological and community fabric. Privacy will be undermined, and noise and particulate pollution will increase. WE DO NOT WANT to trade trees for this.

	Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
				Where is the comparison document between Res-SHZ and this proposed Res-LDRZ?	
07	**Qualifying matters (Part 1)** ***Qualifying Matters Identified by the Government***				
	01	Generally, we agree and support the Auckland Council's list of Qualifying matters within this category.			
	02	Support the existing SEA Terrestrial Overlay for Hillpark but we want this extended to include additional stands of trees – often associated with streams.	Please add the stands of trees identified on the attached maps, to the SEA Terrestrial Overlay. Refer Supporting Document 02	We need every tree we can get, especially native trees, and trees that shade streams. We need them for a variety of extrinsic and intrinsic ecosystem services including stormwater management (i.e. flood mitigation, sediment prevention), soil hydration, charging aquifers, habitat for flora and fauna, migration corridors for them to maintain genetic diversity, and we need them for our recreation, and wellbeing. Further, the protection of these stands contributes to our Special Character Area overlay.	2269.17
	03	We propose that view shafts are placed over the seven (?) volcanoes in Manukau's volcanic field and that they are each recognised as a Qualifying Matter. We also request you: Uphold Outstanding Natural Features Overlay, and assign them: Outstanding Natural Landscapes Overlay, Outstanding and/or High Natural Character Overlays		It would be great if these were also celebrated and restored as these are our local, often sacred maunga that help provide a sense of place. If Auckland can have theirs, it is only right that we have ours too. With increased urban density these will offer much needed visual respite.	2269.18

	Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
	04	We support the proposal to reduce Building Height and Housing Density within Walkable Catchments' when a Qualifying Matter is present (as Per Proposed Plan Change 78 Information Sheet #1). This is especially useful and relevant to the Hillpark Manurewa interface.	Please ensure the building heights are lower as they head towards the beginning of the hill (not up to where the Walkable Boundary is currently proposed).	This will reveal the hill of Hillpark much more, offering visual respite from the high building density in Manurewa township.	2269.20 2269.21
08	**Qualifying matters (Part 2)** ***Auckland Council's Additional Qualifying Matters***				
	01	Outside of anything itemised below, we agree in principle to these proposed Qualifying Matters.			
	02	Re. Significant Infrastructure Constraints as this was not assigned to Hillpark:	Hillpark has Significant Infrastructure Constraints in that it has a severe lack of infrastructural stormwater system. Unless significant expenditure is made to remedy this (which I hope does not happen (see why adjacent), the this version of Qualifying Matter should be assigned to this suburb, and remain, long term. Our version of soakage helps our immediate environment thrive.	About 70-80% of Hillpark is on soak pits, the balance connected to the storm water system. We don't have much infrastructural stormwater system to warrant further density. This will cost you and/or developers more to build here. However, by having soakage pits this allows the ground water level to remain more evenly charged - this is good for the trees. In turn the trees prevent excessive storm water runoff and maintains a healthy ground and soil structure.	2269.22
	03	We propose that the wider Hillpark suburb's significant natural environment be recognised as a Qualifying Matter.	We request that Auckland Council undertakes a comprehensive investigation of Hillpark's natural environment and apply additional protections where required, such as additional and / or extended Significant Ecological Area Overlays, and improved identification and	1. Within Hillpark there is a high number of scheduled Notable Trees and several Significant Ecological Areas, as well as permanent and intermittent streams. That said, the natural environment in Hillpark is under-recognised / under-protected, with significant stands of	2269.23

Item	Things We Support / Want Changed	The Alternative / Requests	Why?
		classification of streams where appropriate.	mature native trees potentially worthy of having Significant Ecological Area overlays applied, and some streams not yet identified on Unitary Plan maps. 2. Hillpark's mature native bush supports an abundance of flora and fauna. Most noticeable are the native birds supported by Hillpark's bush including Kereru, Tui, Kotare (Kingfisher), Piwakawaka (Fantail), Ruru (Morepork), and Kaka are also seen from time to time. 3. Hillpark is part of a wider ecological corridor that stretches from Great Barrier Island in the east, through the Hunua Ranges, Totara Park and Murphy's Bush to the Waitakere Ranges in the west. This corridor is largely broken with large areas clear-felled in the past, so it is important to maintain what we have left while other initiatives are undertaken to improve the corridor, such as regeneration of the Puhinui Stream (which you have signed a Charter for), and the South-East Wildlink Project (lead by Forest and Bird, but which you support – or endorce).

Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
			4. Maintaining the health of Hillpark's streams, which generally coincide with stands of native bush, helps to maintain the health of the Puhinui Stream and Manukau Harbour.	
04	We propose that Hillpark's significant landscape and strong visual presence is now recognised as a Qualifying Matter, just like Stockdale Hill and The Auckland War Memorial Museum areas are.	Sight lines to and from here should be protected so that we maintain our visual links with The Manukau Heads, Pukekohe Hill, totara park and Manukau Heights. With increased urban density – especially heights it is vital these features are still seen.	1. While there are currently no landscape-related overlays applied to Hillpark, it is clear the abundance of mature native bush cover has landscape value that can be appreciated both within Hillpark itself (as noted in the current Special Character Overlay statement), and also in the wider region. 2. Hillpark's significant tree cover has a strong visual presence from all surrounding viewpoints, including both North and South motorway approaches and from surrounding suburbs. A keen eye can even pick Hillpark out from the Bombay Hills. 3. Hillpark's trees provide a stunning dark backdrop to Manurewa Town Centre. 4. Arguably this landscape value is worth recognition either by extension of the Special Character Statement, or by further assessment and application of SEA Overlays, or by	2269.24

Item		Things We Support / Want Changed	The Alternative / Requests	Why?	
				addition of a suitable landscape overlay (ie ridgeline protection, or outstanding natural landscape) noting this landscape value is heavily interrelated with Hillpark's Special Character. We suggest Council undertake a Landscape Visual Assessment(s) to determine whether Hillpark's landscape values are worthy of specific recognition, and if necessary to further inform proposed development standards.	
09	**Special character areas**				
	01	We support Auckland Council's proposal to recognise the Hillpark Special Character Area Overlay as a Qualifying Matter.		The Hillpark Special Character Area is one of the only Special Character Area's in the wider Southern Auckland area. The Hillpark Special Character Area is the only Special Character Area that is a purpose-designed garden suburb with a high number of mid-century homes (many by prominent architects of the time). The Hillpark Special Character Area recognises the pattern of subdivision which is the unique interplay between the natural and built environments - a subdivision designed	2269.25

Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
			around heritage features, gardens and native forests.	
02	We disagree with the ranking system breadth and style used for individual property assessment.	The ability for restoration and other property enhancements should have been factored into the assessment. Rear properties should be fully included in SCA assessments etc.	Rear properties also convey the style of the area, not just the buildings facing the street. Only valuing the buildings that front a street, neglects the fact that any development on rear sites, also has the ability to transform a neighbourhood. If the character of the area is to be retained, rear sites and any not seen from the street should also be included in the overlays and assessments such as the Field or Desk Top Surveys you carried out. These properties should be weighted by percentage as well, otherwise, this assessment is not very fair or accurate of the entire neighbourhood. This is of particular importance to places such as Hillpark where a high number of right-of-way sites are present.	2269.26
03	You only did a desk top assessment of Hillpark. This form of assessment won't be accurate, and it is not fair.	Complete an on-site assessment.	It's fair. It's more accurate.	2269.27
04	Rainwater tanks shouldn't be situated in any front yard unless they are super discreate or screened. This requirement shouldn't only be limited to SCAs.	Situate all urban rainwater tanks in side or rear yards (ideally) and request they are discreate and/or screened.	The front yard area will be crowded with other things and who wants to look out on a water tank at ground level or down to one. Its just bad taste. We don't want to see front yards cluttered with such facilities.	2269.28

	Item	Things We Support / Want Changed	The Alternative / Requests	Why?	
10	**The City Centre Zone**				
	01	No comment.			
11	**Updates to precincts**				
	01	No comment.			
12	**Future Coastal Hazards Plan Change**				
	01	No Comment			
13	**Plan Change 78 and the Auckland Light Rail corridor**				
	01	Support in principle, however, we also need a significantly more comprehensive railway network, not just a light rail corridor.	We need east Auckland to be linked by rail with the North Shore, etc. The rail network needs to cover the big distances – those that are too far to complete by bike or walk.	This will get people out of private vehicles – especially if the railway network is faster than a trip by private vehicle.	2269.29

Because we don't know where else to say this / request it or it's too late for us to further research the matter:

Urban Design Panel Input

Due to the extensive development and fairly drastic transformation of our urban landscape, we request that the Urban Design Panel is expanded, more involved and equipped to oversee the design of the developments that are to be built in these areas of the city. 2269.30

Additional policy that requires quality aesthetics for citizens as much as residents and those that will manage these developments (e.g., building maintenance staff, community nurses and city service staff such as rubbish collectors).

Aircraft noise zones

The Aircraft zones need to be reduced in area if more people are set to live in these zones. Expecting them to be subjected full time to aircraft noise every 10 minutes as already experienced when visiting Hayman Park is unfair. 2269.31

Rural Urban Boundary

Please maintain the Rural Urban Boundary as has been proposed or shrink it now that the density shall be greater within it. 2269.32

Zones

In terms of residential zones, We think you should create another zone that signals individual sites should be tethered to neighbouring ones and that this group of lots can only be developed together. This is because the current outcome for developments within the zones Residential Suburban and Residential Urban (and whatever they are transferring to) are sausage flat type formats of buildings on sites; scenarios where a long driveway runs the length of the site perpendicular to the street, while individual houses or flats run front to back along the driveway. This is bad. We end up with land wasted on driveways and a poor-quality amenity for the occupants of each dwelling established in this scenario. We need to see far more developments that provide outlook to the street and have a better relationship with that instead of a long, hard concrete private driveway which is depressing. Unsightly, inefficient, unesthetic, noisy, limiting for residential activities other than driving. 2269.33

Tethering sites would then force developments like the Sydney-style terrace houses alongside the Auckland Domain to occur. These are far more gracious thus desirable. We would then be in step with best practice guidelines for this level of density, and well probably have better mental health outcomes too.

Public Art

More Public Art needs to be planned for (alongside public parks) to offset the absence of our natural environment and help to give areas a sense of place, and additional visual interest. 2269.34

Side notes:

1. Thank you for offering us with the facility 'Friend of the Submitter'. I haven't used the service but had I more time or known about it earlier I would have. Please continue to offer this with all your future submission processes.

2. You've spelt 'Hillpark' wrong in the document: PC 78 Special Character Residential Findings Reports South.pdf (aucklandcouncil.govt.nz)

Submission:

Proposed Plan Change 78 - Intensification

Supporting Document:

AREAS WE WANT THE OVERLAY ‘SIGNIFICANT ECOLOGICAL AREA – TERRESTRIAL’ ASSIGNED TO

Notes:

The areas we have identified as requiring the SEA have been marked with this colour:

The area has been divided across two maps – Northern Hillpark and Southern Hillpark

HILLPARK NORTH

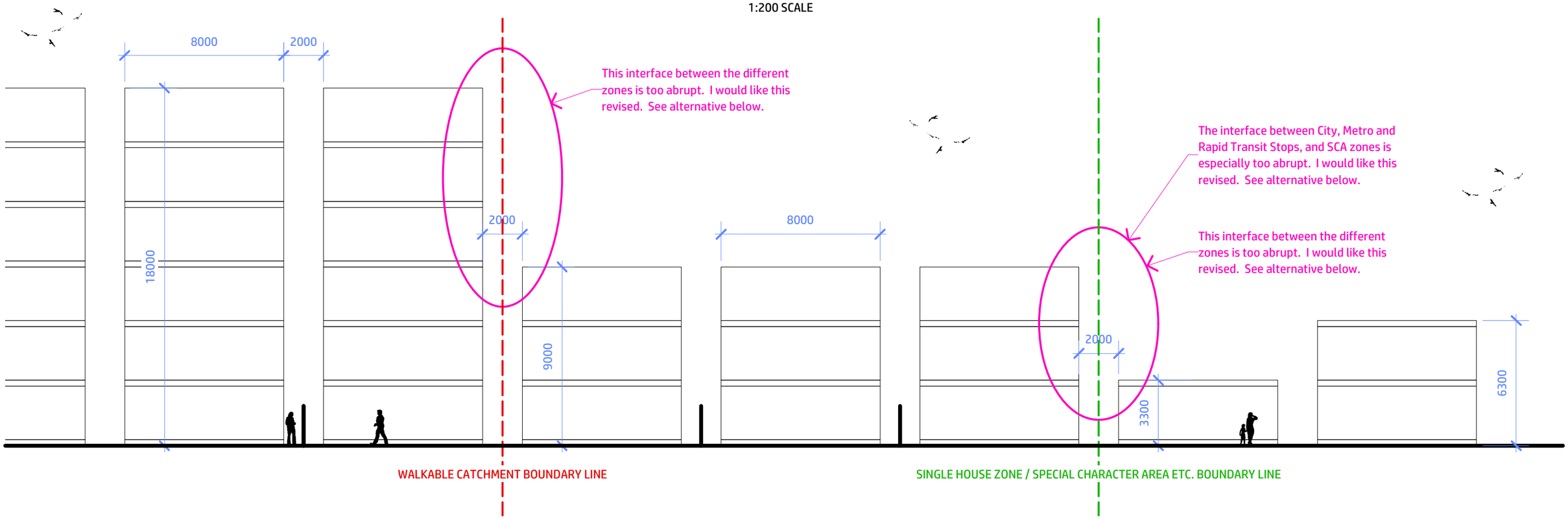
2269.17

HILLPARK SOUTH

2269.17

BUILDING HEIGHTS AT DIFFERENT ZONE INTERFACES - AS PROPOSED

1:200 SCALE



Buildings at the edge of either / or City Centres, Metropolitan Centres and Rapid Transit Stops

"development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops"

Buildings within zones subject to Medium Density Residential Standards

"Medium Density Housing across most of Auckland's residential suburbs Three dwellings up to three storeys, including terrace housing and low-rise apartments are to be permitted on most residential properties unless a 'qualifying matter' applies."

Buildings within low densit zones suchas Single House Zones, Qualifying Matter or Heritage zones

This inculdes buildings within zones such as Special Character Areas such as Hillpark,

2269.2

DRAWING NOTES / DISCLAIMERS

Dimensions in blue, are generic only

Stud heights are 2.7m

Midfloors and roofs are 300mm high

Fences are the allowed 2m Side Yard heights and have been positioned on boundary lines

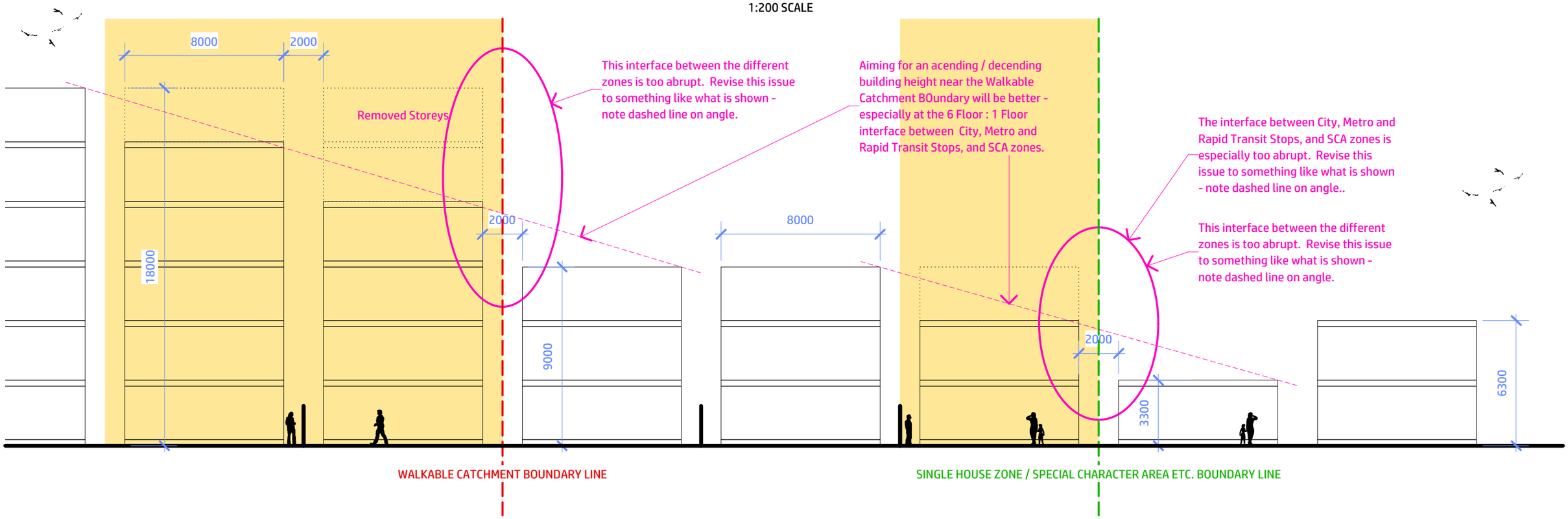
COMMENTS

Obviously there will be allowance for terrain variation but this diagram represents how abrupt the built form will be at the different zone interfaces. This isn't nice at all.

It also shows how the urban arangement could be once the new policies have been fully realised, and, doesn't at all represent the transition phase which will be uglier due to greater height and volumn variance.

BUILDING HEIGHTS AT DIFFERENT ZONE INTERFACES - AS COUNTER-PROPOSED

1:200 SCALE



2269.2

Buildings at the edge of either / or City Centres, Metropolitan Centres and Rapid Transit Stops

"development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops"

Buildings within zones subject to Medium Density Residential Standards

"Medium Density Housing across most of Auckland's residential suburbs Three dwellings up to three storeys, including terrace housing and low-rise apartments are to be permitted on most residential properties unless a 'qualifying matter' applies."

Buildings within low densit zones suchas Single House Zones, Qualifying Matter or Heritage zones

This inculdes buildings within zones such as Special Character Areas such as Hillpark,

DRAWING NOTES / DISCLAIMERS

Dimensions in blue, are generic only

Stud heights are 2.7m

Midfloors and roofs are 300mm high

Fences are the allowed 2m Side Yard heights and have been positioned on boundary lines.

Obviously there will be allowance for terrain variation but this diagram is a starting point to convey our concerns.

COMMENTS

Have a buffer zone (as per yellow rectangles) in which the buildings at the edge of the Walkable Catchement Boundary step down to enable a softer graduation of building heights as they transition down to another zone (ideally as a native vegetation buffer zone for another migration corridor option). This will look far nicer and it will offer better views for occupants residing in at least three adjacent properties so livability is improved.

The buffer zone width (yellow rectangles) should be determined by combining the number of properties stepping back from a boundary* with the maximum floor level - as shown.

Boundary: a zone boundary or other boundary such as a Walkable Catchment boundary.

Ginny Taare

From: Soriya Em <soriya.em@gmail.com>
Sent: Thursday, 29 September 2022 5:52 pm
To: Unitary Plan
Subject: PC 78: Intensification
Attachments: PC 78 Submission Topic - Walkable Catchments.pdf; PC 78 Submission Topic Additional qualifying matters - stormwater constraints and flood hazards.pdf

Kia ora,
I am having problems submitting a submission on the website (I have done it several times but not received a confirmation email). I am sending this via email to ensure it is received.

Ngā mihi nui, many thanks

Soriya
0211569928

Submission Topic: Walkable Catchments

Draft submission form

The specific provisions that my submission relates to are:
Plan provision(s)
The walkable catchment of 800m from the edge of rapid transit stop (Sunnynook Bus Station)

My submission is:
I support the specific provisions identified above - YES
I wish to have the provisions identified above amended - YES

The reasons for my views are:

I support the walkable catchment of 800m from the edge of the transit stop, however specific to the Sunnynook Bus Station, I propose that this provision is amended to restrict this catchment to no greater than 800m and that this threshold should not be extended further due to local factors that include: 2270.1

- Pedestrian experience:
    - The layout of streets in Sunnynook beyond the 800m boundary do not enable easy connectivity and footpaths are not wide enough to support increased pedestrian traffic. Pedestrian safety is compromised due to the lack of pedestrian crossings and pedestrian friendly infrastructure. Pedestrian safety is a paramount consideration for pedestrian planning in other major cities such as Melbourne and London.
    - Topography beyond the 800m boundary will limit the ability of pedestrians to easily walk to and from Sunnynook Station. The slopes of the nearby major streets Sycamore Drive, Sunnynook Road and Becroft Ave are inhibitory for pedestrians or transport users are mobility challenged such as people using wheel chairs or walking aids.
    - Footpath lighting: Streets around Sunnynook are mostly adequately lit, however connecting paths are not lit and pose a critical safety issue. An example of this is the north-eastern side of Sunnynook Park where lighting is non-existent.
- Infrastructure, natural hazards and flooding
    - Intensification within the 800m walkable catchment will place severe pressure on existing infrastructure. The recontouring of Sunnynook Park provides limited flood resilience under existing housing density, and the lower section of Sunnynook Rd and adjacent residential properties are within a flood plain. The proposed increase in Terraced House & Apartment zoned land within the Sunnynook walkable catchment will increase maximum permitted impervious area, thereby increasing the risk of downstream flooding. With the intensification enabled under the proposed plan, the current infrastructure will not handle severe weather events, presenting significant risk to properties in the area. There is increased likelihood of this occurring long term due to climate change

- Any new subdivision, use and development, including redevelopment in Sunnynook within the 800m walkable catchment will exacerbate flood risk and should be subject a hazard risk assessment, clearly identifying risk and mitigation plans.
- The 800m walkable catchment threshold should not be extended further due to extreme risk of flooding.

I seek the following decision by Council:

Accept the proposed plan change / variation with amendments as outlined below
If the proposed plan change / variation is not declined, then amend it as outlined below.

"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 maximum distance of 800 metres from each main entrance to a transit stop is considered a walkable catchment in all urban areas. 2. For larger tier 2 and all tier 1 local authorities, proposed extension of this threshold is subject to public consultation and undertaking of a detailed risk assessment"

Submission Topic: Additional qualifying matters - stormwater constraints and flood hazards

Draft submission form

The specific provisions that my submission relates to are:

Plan provision(s)

Additional qualifying matters - stormwater constraints and flood hazards

My submission is:

I support the specific provisions identified above - YES

I wish to have the provisions identified above amended - YES

The reasons for my views are:

I support the endorsement of the additional qualifying matters which are additional to those approved by the Planning Committee in resolution PLA/2022/84(5). These matters are specifically related to stormwater constraints and flood hazards.

2270.2
2270.3

The Sunnynook area is a significant flood risk, with a number of residential and commercial properties at risk of inundation due the significant pressure from multiple surrounding stormwater catchments flowing downstream towards Sunnynook.

Despite the risk mitigation attempts to temporarily detain stormwater with the upgrade of Sunnynook Park for the reduction of peak flows, it is obvious with recent heavy rain events that severe flood risks still exist and will increase with greater intensification bringing an increase in impermeable surfaces along with future climate change events.

The Sunnynook plan specifically highlights the medium term need to address Wairau Creek catchment flood resilience and to Investigate opportunities to improve flood resilience in the TŌtara Vale area, including Rewi Alley Reserve and Trias Reserve over the next decade.

I seek the following decision by Council:

Accept the proposed plan change / variation with amendments as outlined below

If the proposed plan change / variation is not declined, then amend it as outlined below.

I would not support the NPS-UD until:

1) Pressures on stormwater infrastructure and flood risks are further mitigated through improvements to flood resilience in the Sunnynook area as outlined in the Sunnynook Plan AND
2) The issuing of consents or permissions for proposed developments in the Sunnynook area are assessed with respect to long term impacts on stormwater, including the wider view of increased impermeable surfaces impacting the pressure on stormwater infrastructure.

2270.4

A suggested mechanism for change in PC 78 would to implement the following:

(a) the stormwater catchment for Sunnynook area to be identified as a "Qualifying Matter" described as "flood-sensitive catchment" or similar , and

(b) for a new rule to be included in the activity tables for the THAB and MHU zone, requiring a *restricted discretionary activity r*esource consent for additional dwellings within this Qualifying Matter, and

(c) for assessment criteria to be included for this rule, requiring an assessment of whether the additional dwelling/s can be accommodated without increasing the risk of downstream flooding within the flood sensitive catchment.

Ginny Taare

From: Emma Bayly <Emma@civilplan.co.nz>
Sent: Thursday, 29 September 2022 5:50 pm
To: Unitary Plan
Cc: Aaron Grey
Subject: Submission on PC78 to the AUP by CivilPlan Consultants Ltd
Attachments: 1003-SUB07-PC78-ajg-20220929-merge.pdf

Good Afternoon

Please find attached a submission on PC78 to the AUP by CivilPlan Consultants Ltd.

Kind Regards

CIVILPLAN CONSULTANTS

Emma Bayly

CIVILPLAN ASSOCIATE

BPlan(Hons), MNZPI

P: 09 222 2445 extn 701 | M: 0274 612 313

E: emma@civilplan.co.nz | W: www.civilplan.co.nz

Level 9, Laidlaw House, 20 Amersham Way, Manukau 2104

Confidentiality: The information contained in this e-mail is confidential and may be legally privileged. If you have received it in error, you may not read, use, copy or disclose this email or any attachments hereto. If you are not the intended recipient, please let us know by reply e-mail immediately and then delete this email from your system. CivilPlan Consultants Limited shall not be responsible for any changes to, or interception of this email or any attachment after it leaves our information systems.

CIVILPLAN CONSULTANTS

Submission on Proposed Plan Change 78 to the Auckland Unitary Plan

To: Auckland Council

Name of Submitter: CivilPlan Consultants Limited

Address for Service: PO Box 97796
Manukau City
Auckland 2241

Telephone: 0274 612 319

Email: aaron@civilplan.co.nz

This is a submission on Plan Change 78 to the Auckland Unitary Plan ("PC78").

1. The Submitter (Background)

CivilPlan Consultants Limited ('CivilPlan') is a planning, engineering, and surveying consultancy based in Manukau, Auckland. The planning consultancy, surveying, and engineering services CivilPlan provide underpin a wide range of development across Auckland, spanning from large-scale phased industrial developments and earthworks to small scale residential subdivision and redevelopment.

CivilPlan is actively involved in a wide array of areas and types of growth in Auckland, which make it particularly suited to provide comments on the operational aspects of the proposed plan change.

CivilPlan is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 ('RMA').

2. Specific provisions of the proposal that this submission relates to

This submission partly supports and partly opposes PC78.

The submission addresses the following matters:

- Consistency with the National Planning Standards;
- Urban areas excluded from PC78
- Qualifying Matters
- Zoning and Mapping, including walkable catchments
- Provisions in Chapters A, C, D, E, G, H, I and J

3. Overall Considerations

Consistency with the National Planning Standards

3.1 As provided for under sections 58B to 58K of the RMA, the National Planning Standards were released by the Ministry for the Environment in April 2019, with minor amendments made in November 2019.

3.2 Within these National Planning Standards, direction 7 of *17. Implementation* provides a mandatory direction that requires unitary authorities that have a combined plan (i.e. Auckland Council and the AUP) to comply with the National Planning Standards through amendments to the combined plan within 10 years from when the planning standards come into effect (i.e. April 2029).

3.3 While there is currently no mandatory requirement for the AUP to comply with the National Planning Standards, we consider that it is appropriate that regard be given to whether new or amended provisions of the AUP are compliant with the National Planning Standards, in order to limit the need for further plan changes prior to April 2029.[1]

3.4 In this regard, the following aspects of PC78 are considered to be inconsistent with the National Planning Standards, and are therefore opposed:

a) The introduction of provisions related to natural hazards within zone provisions,[2] which is inconsistent with direction 10 of *7. District-wide Matters* Standard, which states that provisions related to natural hazards must be located within the *Natural hazards* chapter of a Plan (e.g. section E36 of the AUP).

b) The introduction of provisions to protect and manage historic heritage within zone provisions,[3] which is inconsistent with direction 15b of *7. District-wide Matters* Standard, which states that provisions to protect and manage historic heritage must be located within the *Historic heritage* chapter of a Plan (e.g. section D17 of the AUP).

c) The introduction of provisions to manage sites and areas of significance to Māori within zone provisions,[4] which is inconsistent with direction 17b of *7. District-wide Matters* Standard, which states that provisions to manage sites and areas of significance to Māori must be located within the *Sites and areas of significance to Māori* chapter of a Plan (e.g. section D21 of the AUP).

1 Although the AUP is expected to be replaced prior to April 2029 by a plan prepared under the proposed Natural and Built Environments Act, and therefore there would never be any mandatory requirement to comply with the National Planning Standards, no regard should be given to that expected requirement until the Natural and Built Environments Act is based in to law (assuming that occurs).

2 For example, Objective H3A.3(9), Policy H3A.3(14), rules H3A.4.1(A34), H3A.4.1(A35), H3A.4.1(A38).

3 For example, Objective H3A.2(8), Policies H3A.3(15) and H3A.3(16), rules H3A.4.1(A37), Standards H3A.6.8(3) and H3A.6.12(3), matters of discretion H5.8(2)(ia)E and H6.8(2)(ia)E.

4 For example, Policy H5.3(17), Standard H5.6.5(2) and assessment criterion H5.8.2(4)(f).

d) The introduction of provisions to protect and manage outstanding natural features and landscapes,[5] which is inconsistent with direction 21b of *7. District-wide Matters* Standard, which states that provisions to protect and manage outstanding natural features and landscapes must be located within the *Natural features and landscapes* chapter of a Plan (e.g. sections D10 and D11 of the AUP).

e) In relation to items (a)-(d) above there is no allowance in the National Planning Standards for provisions addressing the above identified matters to be included in zone chapters.

f) Inserting provisions with numbering that includes letters,[6] which is inconsistent with direction 44 of *10. Format* Standard, which states that if an additional provision is added, the next sequential number must be used.[7]

3.5 Clause 1(3) of Schedule 3A of the RMA states the following: "*Terms used in this schedule that are defined in the national planning standards have the same meaning in this schedule as they do in those standards*". This refers to the *Definitions List* in *14. Definitions* Standard. Section 77G then requires Auckland Council to incorporate the MDRS (which under section 2(1) "*means the requirements, conditions, and permissions set out in Schedule 3A*"), with allowance to make development less enabling than the requirements set out in Schedule 3A only provided for by section 77I, which relates to qualifying matters.

3.6 PC78 does not propose any changes to definitions of the terms in PC78 that are contained within the *Definitions List* in *14. Definitions* Standard. Given that the definitions in Chapter J of the AUP are partly inconsistent with the definitions within the *Definitions List*, the following provisions are less enabling than the requirements set out in Schedule 3A and no qualifying matters have been identified in accordance with section 77I to allow for this.

3.7 Standards H5.6.4(1) and H6.6.5(1), both related to building height; Standards H3A.6.8(1), H5.6.5(1) and H6.6.6(1), all related to height in relation to boundary; Standards H3A.6.7(1), H5.6.8(1) and H5.6.9(1), all related to yards; and Standards H5.6.10(1) and H6.6.11(1), both related to building coverage; are less enabling than clauses 11, 12, 13 and 14 respectively of Schedule 3A, as:

a) Clauses 11-14 of Schedule 3A use the term 'building', which is defined in the *Definitions List* in *14. Definitions* Standard to be

> "*a temporary or permanent movable or immovable physical construction that is*
>
> *(a) partially or fully roofed; and*
>
> *(b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power*".

[5] For example, Objective H3A.2(8), Policy H3A.3(9), rules H3A.4.1(A4), H3A.4.1(A6), H3A.4.1(A31) , H3A.4.1(A32), H3A.4.1(A33), H3A.4.1(A36) and H3A.4.1(A37), Standards H3A.6.6, H3A.6.7(2) and H3A.6.10(2).

[6] PC78 contains numerous examples of this, including Objectives H6.2(A1) and H6.2(B1) being inserted above Objective H6.2(1) and Objective H6.2(1A) being inserted between Objectives H5.2(1) and H5.2(2), with Objectives H5.2(5) and H5.2(9) the inserted below Objective H5.2(4).

[7] With the following example: "*CE-M1, CE-M2, CE-M5 (new provision), CE-M3, CE-M4*"

b) While the listed building height, height in relation to boundary and yard standards verbatim repeat the standards specified in clauses 11-13 of Schedule 3A, 'building' is subject to a different definition in Chapter J of the AUP, which generally covers "*any permanent or temporary structure*", although structures listed in Table J1.4.1 are excluded if they do not meet the qualifying dimensions stated in this table.

c) Any structures that are not partially or fully roofed but would meet the qualifying dimensions stated in Table J1.4.1 of the AUP, or are not provided for in that table, would be required under PC78 to comply with the proposed height and yard limits for the relevant zones; where these structures would not be classified as buildings, and therefore not be subject to the relevant height and yard limits under Schedule 3A.

d) While the listed building coverage standards verbatim repeat the standard specified in clause 14 of Schedule 3A, 'building coverage' is subject to a different definition in Chapter J of the AUP, which is defined to be "*The part of the net site area covered by buildings*", with some listed inclusions and exclusions. 'Building' is then subject to a different definition in Chapter J of the AUP, as specified above.

e) As a result, structures associated with the construction and use of residential units could infringe the listed AUP building height, yard or coverage standards but not the standards specified in clauses 11-14 of Schedule 3A. In particular:

   i) For the yards standards, this would include retaining walls, decks, steps and terraces greater than 1.5 m in height, fences and walls greater than 2.5 m in height and swimming pools over 1 m in height or more than 25,000 litres in capacity.

   ii) For the building coverage standards (noting that this relates to all buildings on the site, not just those accommodating residential units), this would include retaining walls, decks, steps and terraces greater than 1.5 m in height and pools over 1 m in height or 25,000 litres in capacity,

Relief Sought

3.8 In relation to the above matters, the following relief is sought:

a) That PC78 be amended to be consistent with the National Planning Standards, including:

   i) Removing proposed provisions related to natural hazards, protecting or managing historic heritage, managing sites and areas of significance to Māori, or protecting or managing outstanding natural features and landscapes from the zone provisions[8] and inserting these within the overlay, Auckland-wide and precinct provisions, as relevant; 2272.1

   ii) Ensuring that inserted provisions use the next sequential number in that section; 2272.2

[8] Refer to the examples given in footnotes 2, 3, 4 and 5 and the list attached as Appendix 1.

b) That PC78 be amended to ensure that the building height, height in relation to boundary and building coverage standards that incorporate the MDRS are not less enabling than the provisions in Schedule 3A of the RMA by ensuring that definitions for 'building' and 'building coverage' in Chapter J of the AUP are amended in accordance with the *Definitions List* in *14. Definitions* Standard of the National Planning Standards. 2272.3

Areas Excluded from Plan Change 78

3.9 All of the Special Housing Area Precincts that were introduced to the AUP through the Housing Accords and Special Housing Areas Act 2013 have been excluded from PC78. The majority of these are within the urban environment where the MDRS should apply, including the following:

- Ardmore 2;
- Birdwood 2;
- Drury 1;
- Drury South Residential;
- Flat Bush Sub-precinct C;
- Franklin 2;
- Hingaia 2;
- Hingaia 3;
- Hobsonville Point sub-precinct F;
- Mangere Gateway Sub-precinct E;
- Opaheke 1;
- Scott Point;
- Whenuapai 1; and
- Whenuapai 2.

3.10 The PC78 maps specify the reason for excluding these areas as follows: "*Special Housing Area Precincts are excluded from Plan Change 78. These precincts were prepared under the Housing Accords and Special Housing Areas Act 2013 and refer to the Proposed Auckland Unitary Plan notified 30 September 2013 (the Notified Version) which cannot be amended*."

3.11 This is insufficient justification for the exclusion of these areas. While the precincts were introduced as variations to the Proposed Auckland Unitary Plan, they are operative provisions that form part of the Operative Auckland Unitary Plan. Any references to the Proposed Auckland Unitary Plan continue to be operative rules and can be changed to no longer refer to the Proposed Auckland Unitary Plan (which would be a helpful outcome for all plan users).

3.12 The ability for plan changes to the Auckland Unitary Plan to change provisions in precincts introduced by the HASHAA has already been tested. Specifically, Plan Change 67 made changes to the Hingaia 1 Precinct, removing all references to the Proposed Auckland Unitary Plan provisions and relocating the precinct from the 'Special Character Areas' section of the precinct chapter to the 'South' section of the precinct chapter. At no point during that process were any issues raised regarding the ability for a plan change under Schedule 1 of the RMA to amend provisions of a precinct introduced by a variation to the Proposed Auckland Unitary Plan under the HASHAA.

3.13 CivilPlan opposes the exclusion of the above-listed precincts from PC78 and requests that decisions on PC78:

a) Apply the Residential – Terrace Housing Apartment Buildings Zone (subject to any provisions that accommodate existing qualifying matters) to residential zoned land within the Special Housing Area precincts and within the urban environment that is adjacent (within 400 m, subject to the position of defensible boundaries) to land currently zoned Business – Local Centre or Business – Town Centre. 2272.251

b) Apply the Residential – Mixed Housing Urban zone (subject to any provisions that accommodate existing qualifying matters) to all other land within the Special Housing Area precincts and within the urban environment currently zoned Residential – Single House or Residential – Mixed Housing Suburban. 2272.252

c) Delete any provisions of the Special Housing Area precincts that apply to land within the urban environment that are more restrictive than the MDRS or any requirements under the NPS-UD, instead relying on the underlying zone provisions as much as possible, unless they relate to a qualifying matter. 2272.253

Approach for Qualifying Matters

3.14 Sections 77I and 77O of the RMA allow for the AUP to provide for less-enabling provisions than the requirements of the MDRS or the NPS-UD "*only to the extent necessary*" to accommodate one or more qualifying matters. Auckland Council has identified in PC78 where qualifying matters have been applied and which of the existing or proposed provisions accommodate qualifying matters.

3.15 The rules of the AUP are generally laid out in four chapters: Overlays, Auckland-wide provisions, Zones and Precincts. The following hierarchy generally occurs between these chapters:

a) The zone provisions form the 'base' or default rules for activities.

b) The Auckland-wide provisions provide for:

i) Rules for activities that are the same across all zones (for example, stormwater and wastewater discharges);

ii) Additional rules for accessory activities (for example, earthworks, access and signs); or

iii) Additional restrictions due to site-specific matters unrelated to zones (for example, natural hazards).

c) The precinct provisions provide for deviations from the above rules where alternative site-level or neighbourhood-level outcomes are sought.

d) The overlay provisions provide additional restrictions for site-specific matters, usually in relation to the matters of national importance specified in section 6 of the RMA (e.g. historic heritage, outstanding natural features, etc.)

3.16 Where existing provisions of the AUP accommodate qualifying matters, these are, for the most part, contained with the Auckland-wide and Overlay provisions, alongside some qualifying matters within Precinct provisions. Section C1.6 of the AUP states that all rules in all chapters of the AUP apply to a site (with the above hierarchy taken account of if there is conflict between rules). Therefore, there is no need for zone provisions to include provisions related to spatially mapped areas that can be covered in the Auckland-wide and Overlay provisions

3.17 CivilPlan supports the use of overlay and Auckland-wide provisions to provide for qualifying matters.

3.18 CivilPlan opposes the large number of provisions proposed by PC78 within the zone chapters to accommodate qualifying matters .[9] These provisions unnecessarily 'clutter' and 'bog down' the zone chapter text, given that those provisions would not be applicable to overwhelming majority of the sites within that zone. All qualifying matters provisions related to spatially mapped areas should be relocated from the zone provisions to Auckland-wide, Overlay or precinct provisions (wherever is the most appropriate). This will ensure the zone provisions are significantly simplified and more user-friendly. It will also be clearer which provisions are specifically related to each qualifying matter, and ensure consistency with Sections 77I and 77O of the RMA that allow for the AUP to provide for less-enabling provisions than the requirements of the MDRS or the NPS-UD "*only to the extent necessary*" to accommodate one or more qualifying matters. Refer to Appendix 1 for a list of the various proposed zone provisions that should instead be located in the Auckland-wide, Overlay or precinct provisions.

3.19 With the expectation that these Auckland-wide, Overlay or precinct provisions would be more restrictive than the zone provisions, the existing text in Chapter C of the AUP will make clear to all readers that the more enabling zone provisions are not relevant, without the need for that to be made explicitly clear in the zone chapters.

3.20 Given that qualifying matter provisions related to spatially mapped areas are often the same regardless of the zone, relocating these provisions to Auckland-wide, Overlay or precinct provisions that apply across all zones will provide a single set of provisions that can more easily be maintained by Council, understood and applied by plan users, and avoid duplication of provisions within zone chapters. To demonstrate this, an example is attached that takes the proposed zone provisions related to the various Infrastructure Constraints Controls and relocates them to a single separate overlay section (Appendix 2).

3.21 In some cases, PC78 has inserted zone rules that duplicate and cross-reference existing Auckland-wide or Overlay rules.[10] This is an inefficient approach to plan making, as rather than applying for consent under just the relevant Auckland-wide or Overlay rule, consent is now also required under the duplicate zone rule.

[9] This includes, but is not limited to, Objectives H5.2(9) and H5.2(10), Policies H5.3(15), H5.3(16) and H5.3(17), rules H5.4.1(A2A), H5.4.1(A2B), H5.4.1(A14A), H5.4.1(A14B), H5.4.1(A14C), H5.4.1(A32B) and Standards H5.6.3B, H5.6.3C, H5.6.4(2), H5.6.10(2).

[10] This includes, but is not limited to, rules H3A.4.1(A4), H3A.4.1(A5), H3A.4.1(A6), H3A.4.1(A8), H3A.4.1(A9), H3A.4.1(A34), H3A.4.1(A35), H3A.4.1(A36), H3A.4.1(A37), H3A.4.1(A38), H5.4.1(A2A), H5.4.1(A2B), H6.4.1(A2A) and H6.4.1(A2B).

Relief Sought

3.22 In relation to the above matters, the following relief is sought:

a) That no further changes are made to existing provisions of the AUP that accommodate qualifying matters that would create new restrictions to development. 2272.4

b) That all proposed zone provisions designed to accommodate qualifying matters be relocated to the relevant existing or new overlay, Auckland-wide or precinct provisions, including (but not limited to):

i) deleting all provisions that duplicate (and, in some cases, also cross-reference) existing provisions with the Overlay or Auckland-wide chapters; 2272.5

ii) relocating all new rules related to Significant Ecological Areas to section D9; 2272.6

iii) inserting a new overlay section for Infrastructure Constraints; and 2272.7

iv) inserting a new precinct for Pukekiwiriki Pā Historic Reserve. 2272.8

4. Zoning and Mapping Considerations

Zones Informed by Qualifying Matters

4.1 It appears that PC78 has applied zoning to sites within the urban environment subject to qualifying matters in the following manner:

a) Sites in the Single House zone under the AUP and subject to a retained Special Character Areas Overlay are proposed to be zoned Low Density Residential, regardless of whether they are within a walkable catchment or not.

b) Sites in the Single House or Mixed Housing Suburban zone under the AUP and subject to coastal natural hazards are proposed to be zoned Low Density Residential, where they are outside a walkable catchment and Mixed Housing Urban where they are within a walkable catchment.

c) Sites in the Single House or Mixed Housing Suburban zone under the AUP and subject to an Outstanding Natural Features Overlay are proposed to be zoned Low Density Residential, regardless of whether they are within a walkable catchment or not.

d) Sites in the Single House or Mixed Housing Suburban zone under the AUP outside of walkable catchments not covered above are mostly proposed to be zoned Mixed Housing Urban, although a significant number of pockets proposed to be zoned Low Density Residential Zone, even though there are no differences in qualifying matters.

e) Sites in the Single House or Mixed Housing Suburban zone under the AUP within walkable catchments subject to the National Grid Overlay Corridor are proposed to be zoned Mixed Housing Urban Zone.

f) Sites in the Single House, Mixed Housing Suburban or Mixed Housing Urban zone under the AUP within walkable catchments not covered above are mostly proposed to be zoned Terrace Housing and Apartment Buildings zone, although a significant number of pockets are proposed to be zoned Mixed Housing Urban Zone or Low Density Residential Zone, even though there are no differences in qualifying matters.

4.2 In addition, specifically identified land adjacent to some town and local centres are proposed to be zoned Terrace Housing and Apartment Buildings in accordance with Policy 3(d) of the NPS-UD, regardless of qualifying matters.

4.3 There appears to be no clear rationale for why some sites within the urban environment, but outside of walkable catchments, are proposed to be within the Low Density Residential zone whilst other adjacent sites, with no difference in qualifying matters, are proposed to be within the Mixed Housing Urban zone.

4.4 It is also extremely concerning that the Low Density Residential Zone applies blanket restrictions on height and density, unrelated to the qualifying matter that has apparently resulted in the application of this zone. By doing so, Council is treating the restrictions on development required to accommodate qualifying matters as being, for the most part, the same regardless of the characteristics of the qualifying matter. It appears that Council has not given appropriate regard to the requirement under sections 77I and 77O of the RMA that allow for the AUP to provide for less-enabling provisions than the requirements of the MDRS or the NPS-UD "*only to the extent necessary*" to accommodate one or more qualifying matters.

4.5 It is unclear why restrictions in the Low Density Residential zone are necessary to accommodate certain qualifying matters, such as:

a) Why restrictions on height are necessary when the qualifying matter would only be affected by the number of dwellings and a density control already applies (e.g. where the only applicable qualifying matter is the Water and/or Wastewater Constraints Control)

b) Why restrictions on building coverage and landscaped area across the whole site apply when the qualifying matter is unrelated to the visual appearance of the site, and restrictions on locating buildings on specific parts of the site subject to qualifying matters already apply.

c) Why restrictions on front yard setbacks and landscaping apply when the qualifying matter is unrelated to the visual appearance of the streetscape.

4.6 Objective H3A.2(4) and Policy H3A.3(7) is a clear example of how Council's use of the Low Density Residential Zone to restrict development is misguided and inconsistent with the requirements of sections 77I and 77O of the RMA. These provisions read:

> *More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring that it does not detract from qualifying matters' values accommodated by the zone's purpose.*
>
> *Require more intensive residential development including Medium Density Residential development to be enabled only to the extent necessary, ensuring that it does not detract from the identified qualifying matters' values.*

4.7 Rather than restricting development to the extent necessary to accommodate qualifying matters (as required by sections 77I and 77O of the RMA), Council has instead taken the approach of enabling development only to the extent necessary to not detract from the qualifying matters' values. While the RMA used a permissive presumption, Council has instead taken a restrictive presumption that is inconsistent with sections 77I and 77O.

4.8 This issue is further compounded by the Low Density Residential Zone applying to sites that are only partly subject to, or even simply adjacent to, qualifying matter areas. This approach is contrary to the direction of the NPS-UD and the requirements under section 77I and 77O of the RMA, given that it bluntly restricts development capacity beyond the extent necessary to accommodate the given qualifying matter. Applying the Low Density Residential Zone to entire sites means that development is restricted in parts of the site where no qualifying matters apply, which is not necessary to accommodate the qualifying matters on other parts of the site, particularly with reference to larger sites where a qualifying matter may affect a small portion of the overall site only. The development potential of these sites is being unduly restricted, when these are the sites with the greatest development potential.

4.9 This approach is particularly perplexing in the following instances:

a) All sites partly subject to coastal natural hazards that have been in the Single House zone have been zoned Low Density Residential. The spatial area that development is restricted beyond the area of the qualifying area is inconsistent when there a variation of lot sizes occurs. In some instances, sites adjacent to esplanade reserves do not have MDRS development restricted on the basis that coastal natural hazard areas do not extent beyond the esplanade reserves. In other cases, sites where only a small area of a lot is subject to coastal natural hazards (including where there is an esplanade reserve) have MDRS development restricted across the entire area of that site. One extreme example, shown below left, is the site at 296-310 Hingaia Road which has the Low Density Residential Zone applied for a distance of almost 200 m from MHWS, while the nearby site at 18 Towai Road, which is between 30 and 80 m from MHWS is within the Mixed Housing Urban Zone.

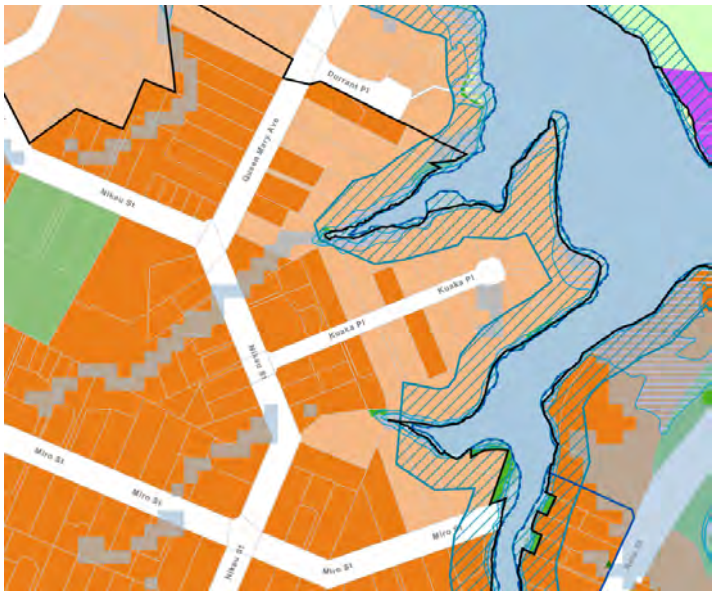
b) Some sites partly subject to the 1% AEP floodplain that have been in the Single House zone have been zoned Low Density Residential, with others zoned Mixed Housing Urban. There is no apparent logical rationale as to why either zone was chosen. To take two contrasting examples in Howick (as shown below right) that are in close proximity to each other, the site at 9A Luplau Crescent is almost wholly subject to the 1% AEP floodplain and zoned Mixed Housing Urban, yet the site at 11 Liston Crescent is only subject to the 1% AEP floodplain at the road frontage of its entrance strip (with it most likely that the floodplain is contained within the road), but is zoned Low Density Residential. This is absurd, particularly noting that the Auckland-wide natural hazards provisions in section E36 of the AUP apply to both sites and address the risks of development on and from flooding.

4.10 Given the above, CivilPlan strongly opposes the introduction of the Low Density Residential zone on the basis that:

a) Development within this zones is restricted beyond the "extent that is necessary" to accommodate qualifying matters, with reference to section 77I and 77O of the RMA; and

b) The application of this zone to larger sites due to small overlaps with qualifying matter areas, whilst adjacent smaller sites are not subject to this zone, unduly restricts development on land where development opportunities are more likely to be realised.

4.11 A similar concern applies where THAB zoning has not been applied within walkable catchments due to qualifying matters (in particular where the Coastal Erosion Area and National Grid Corridor affect part of sites). An example of this is shown below in New Lynn where this zoning approach has resulted in numerous sites along the coastal edge that are partially affected by the Coastal Erosion Area are proposed as MHU zone, despite being within a walkable catchment of the New Lynn metropolitan centre. Whilst adjacent sites, in some cases just beyond the Coastal Erosion Area extent are proposed to be zoned THAB. As evidenced below, this has resulted in two narrow sites off Kuaka Place being zoned THAB whilst being surrounded by MHU zone. This is an inefficient and non-sensical zoning pattern. Conversely, land on the opposite side of the coastal inlet on Rata Street also affected by the Coastal Erosion Area extent and within the walkable catchment is zoned THAB.



Relief Sought

4.12 In relation to the above matters, the following relief is sought:

a) Delete the proposed Low Density Residential Zone in full. 2272.9

b) Apply the Terrace Housing and Apartment Buildings zone to all residential zones within walkable catchments, regardless of whether qualifying matters apply. 2272.10

c) Apply the Terrace Housing and Apartment Buildings zone to all residential zones within Policy 3(d) areas around town and local centres, regardless of whether qualifying matters apply. 2272.11

d) Apply the Mixed Housing Urban zone to all other residential zones, regardless of whether qualifying matters apply. 2272.12

e) Do not use zones to restrict development to the extent necessary to accommodate qualifying maters, relying instead on Overlay, Auckland-wide or Precinct provisions to do so. 2272.13

Walkable Catchments

4.13 CivilPlan supports the identification of walkable catchments consistent with Policy 3(c) of the NPS-UD.

4.14 In this regard, PC78 does not give effect to Policy 3(c)(i) in full by failing to provide for walkable catchments for all planned rapid transit services, where there is sufficient confidence in stop locations. The inclusion of 'planned stops' as part of the NPS-UD definition of 'rapid transit stop', with "planned" referring simply to whether a funding decision had been made, rather than designations being in place, indicates that the NPS-UD anticipates that minor changes to rapid transit stops may occur after a walkable catchment is provided, and therefore, this risk should not limit walkable catchment identification.

4.15 Planned rapid transit stops for which walkable catchments should be identified under PC78 include:

a) The planned Ngākōroa Station at Drury West, along the southern rail line. While the planned Drury and Paerata stations have been provided with walkable catchments, Ngākōroa Station, which is planned between these stations was not. As a notice of requirement has now been applied for this station,11 the location of this station is now known and so its walkable catchment should be included as part of PC78.

b) The planned busway stations associated with Stages 2 and 3 of the Eastern Busway, at Pakuranga Town Centre, Edgewater Drive, Gossamer Drive, Burswood and Botany. Given the long history of planning for the Eastern Busway and the recent consultation (and decision) on the location of the Burswood station, Auckland Council should have enough confidence regarding the location of bus stations along the Eastern Busway in order to provide them with a walkable catchment as part of PC78. In addition, a notice of requirement has now been applied for Stage 2, which includes the Pakuranga Town Centre station.12

c) The planned busway stations associated with the North-Western Busway, at Te Atatu Road, Lincoln Road and Westgate. Given that construction works have commenced for preliminary stations for the North-Western Busway at Te Atatu Road and Lincoln Road, Auckland Council should have enough confidence regarding the location of these bus stations in order to provide them with a walkable catchment as part of PC78.

4.16 CivilPlan also considers the approach to walkable catchments Council has taken in terms of determining "walkable" distances is typically cautious, particularly with reference to the PC78 s32 research and analysis, which identifies that in many circumstances people are willing to walk more than 800m to a rapid transit stop.

4.17 The application of these distances for determining walkable catchments is also considered to be inconsistent and questionable, particularly where there are large sites, noting that the boundaries of walkable catchments have been set along existing cadastral boundaries without consideration to future cadastral boundaries. Regard has also not been given in planned roads and walkways (for example, as shown on precinct plans) that would decrease walking distances when constructed. All walkable catchments should be revised as necessary to account for this. In particular, the walkable catchment for the Westgate metropolitan centre should be revised in order to address the following:

a) Regard should be given to the proposed roading shown on the precinct plans for Westgate and Redhills Precinct and the walkable catchment extended along these roads.

11 Refer to https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=143

12 Refer to https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=155

b) The property at 76-78 Fred Taylor Drive should be part of this walkable catchment given that it is a minimum of 700 m from the edge of the Metropolitan Centre zone when measured along Raupo Drive and its extension through to Fred Taylor Drive – for comparison, 23-31 Northside Drive is within the walkable catchment despite being a minimum of 1 km from the Metropolitan Centre zone.

c) At least that part of 1 Dunlop Drive that is within 800 m of the Metropolitan Centre zone (when measured along Raupo Drive and its extension through to Fred Taylor Drive) should be within the walkable catchment, with this ideally extending through to the existing THAB/MHU zone boundary.

Relief Sought

4.18 In relation to the above matters, the following relief is sought:

a) That the proposed walkable catchments are not removed or reduced. 2272.14

b) That the proposed walkable catchments account for roads and paths required by precinct plans. 2272.15

c) That the proposed walkable catchments include those parts of large sites within at least 800 m that are expected to be subdivided further. 2272.16

d) That walkable catchments be established within 800 m of the proposed Ngākōroa train station and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2272.17

e) That walkable catchments be established within 800 m of the proposed Eastern Busway stations at Pakuranga Town Centre, Edgewater Drive, Gossamer Drive, Burswood and Botany and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2272.18

f) That walkable catchments be established within 800 m of the proposed North-Western Busway stations at Te Atatu Road, Lincoln Road and Westgate and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2272.19

Defensible Boundaries

4.19 The approach to zoning by PC78 does not appear, on the surface, to be giving any regard to the concept of defensible boundaries. In particular:

a) The sporadic application of the Low Density Residential zones in response to spatial mapped qualifying matter areas that do not follow legal boundaries results in pockets of Mixed Housing Urban zone surrounded by Low Density Residential zone.

b) In numerous locations, access sites are provided with a different zone to the sites they serve, including instances where the access site is zoned Mixed Housing Urban but all of the sites it serves are zoned Low Density Residential.

c) The edges of walkable catchments, especially where at the edge of walkable catchments can result in instances where a handful of properties are subject to a lower-density zone than all other properties in the immediate area. This is particularly noticeable at Ramsey Street in Papatoeotoe, where the eastern end of the road is within the Puhinui Station walkable catchment and the western end of the road is within the Papatoetoe Station walkable catchment (shown below left). The properties at 17-29 Ramsey Street, Papatoetoe are zoned Mixed Housing Urban, whilst the adjacent sites to the west, north and east, all accessed off the same road, are proposed as THAB zone. This makes no rational sense from a general zoning approach, defensible boundary or good urban outcomes perspective.

d) Where natural features (such as streams) or key infrastructure (such as motorways) are located in proximity to the edge of walkable catchments, extending the THAB zone/walkable catchment to the edge of these features should be considered as a defensible zone boundary. For example on Middlemore Crescent (shown below right), a rationale and defensible zone boundary is provided by the stream/estuary along the eastern/northern boundary of these sites. The application of the THAB zone to only 4 sites on the eastern side of this road, but all sites on the western side of the road makes no rational sense from a walkable catchment perspective, or defensible zone boundary perspective.

4.20 Given that Policy 3(c) of the NPS-UD provides directions for "*at least*" walkable catchments, additional Terrace Housing and Apartment Buildings zone should be applied around the edge of the currently mapped walkable catchments in order to ensure that defensible boundaries occur, such as allowing for entire roads or blocks to have the same zoning.

Relief Sought

4.21 In relation to the above matters, the following relief is sought:

a) That zoning is not determined by whether qualifying matters apply to the site, in order to avoid zoning boundaries that are not defensible. 2272.20

b) The edge of walkable catchments are redrawn to ensure that zoning boundaries are defensible. In all instances, this should be achieved by increasing the walkable catchment area, or simply the THAB zone extent, rather than reducing these, noting that the NPS-UD directs intensification (additional building height) around rapid transit stops to "at least" a walkable catchment. 2272.21

Open Space

4.22 Where land recently vested in Council as reserve or acquired for use as a park is within a residential zone, PC78 continues to apply a residential zone, in some cases changing its residential zone. This is not considered to appropriately recognise the land's current use, whilst also being inconsistent with the qualifying matter provided for under section 77I(f) of the RMA.[13] Open space zones should instead be applied.

4.23 Examples of land that is vested in Council as open space but PC78 has applied a new residential zone rather than an open space zone include 86 Argento Avenue, 255 Murphys Road, 107 Valderama Drive, 9R Kilcadden Drive, 23F Matahae Drive, 79 Whakatupu Road, 2 Meadowridge Drive, 6F Hughs Way and 32F Castlebane Drive in Flat Bush.

Relief Sought

4.24 In relation to the above matters, the following relief is sought:

a) That all land subject to a residential zone that has been vested in Council as reserve or acquired by Council for use as a park be zoned Open Space – Informal Recreation. 2272.22

5. General Provisions (Chapters A, C, G and J)

5.1 CivilPlan's submission points on the new and amended provisions in Chapters A, C, G and J, including the relief sought, are provided in Table 1, below.

Table 1: Analysis of Changes to Provisions in Chapters A, C, G and J

Provision	Issue	Relief Sought
Tables A1.4.8.1 and A1.4.8.2	Depending on the relief granted elsewhere, consequential amendments will be necessary to the list of qualifying matters in Tables A1.4.8.1 and A1.4.8.2.	Amend Tables A1.4.8.1 and A1.4.8.2 as necessary to ensure consistency with other relief granted. 2272.23
Section A1.8.2	The section regarding the immediate legal effect of rules is not necessary once a decision is made as all rules would then have legal effect. Incorporation of this section into the AUP will then be redundant at that time that formally occurs	Delete Section A1.8.2. 2272.24

[13] *"open space provided for public use, but only in relation to land that is open space"*

Provision	Issue	Relief Sought
Section C1.6A	New section C1.6A allows for the AUP to clearly identify where rules replace other rules where a rule is not an activity status. This allows for overlay and precinct standards to replace zone standards, for example, which is suitable in a number of instances and avoids the need for activity tables to replicate provisions from other chapters.	Retain section C1.6A as proposed. 2272.25
Section G2	For ease of reference, it is suggested that section G2 provide a list of all walkable catchments that are included in the AUP, split into the two different types (rapid transit stops and city and metropolitan centres).	Inserted into section G2 a list of walkable catchment areas. 2272.26
Chapter J – definition of "landscaped area"	Given the significant reduction in minimum landscaped area within residential zones, the changes to the landscaped area definition are supported. The inclusion of pervious paths up to a width of 1.5 m (where this was previously only non permeable paths) is supported, but given that separate provisions control the extent of impervious paths, and that paths have the same visual effects regardless of whether they are impervious or not, allowance for impervious paths up to a width of 1.5 m should also remain. The text "*This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS*" is supported on the basis that no definition for "landscaped area" is referenced in clause 18 of Schedule 3A to the RMA as the standard itself sufficiently qualifies what can be considered as 'landscaped area'.	Amend the definition of "landscaped area" as follows: "…Landscaped area can include ~~pervious~~ paths with a maximum width of 1.5m provided they do not make up more than 10 per cent of the landscaped area. Buildings, artificial grass, and structures including pools, paving (except for ~~pervious~~ paths), pergolas, decks and servicing area is excluded from the landscaped area. This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS." 2272.27
Chapter J – definition of "floodplain"	The proposed changes to the definition of 'floodplain' in Chapter J enable Council to consider potential floodplains that are not shown on Auckland Council's GIS maps. This provides additional uncertainty, will remove confidence for plan users as to the relevance of Auckland-wide provisions related to flooding, and essentially removes responsibility for Council to maintain this aspect of the publicly accessible resource. With this change, Council would have the ability to request a site-specific technical report for all land use proposals on any site.	Retain the phrase "although Council accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain" in the advice note beneath the definition of "floodplain". 2272.28
Chapter J – definition of "coastal erosion hazard area"	The inclusion of a provision within the AUP specifying that a future plan change may be made (but has not been notified) is considered to be unnecessary and irrelevant. Therefore, this note below the definition of coastal erosion hazard area should be deleted.	Delete "Note: Auckland Council may prepare a future plan change that applies to coastal erosion hazard areas" below the definition of coastal erosion hazard area. 2272.29

6. Overlay Provisions (Chapter D)

Maunga Viewshafts and Height and Building Sensitive Areas Overlay

6.1 Proposed standard D14.6.7 specifies that "*Within Height and Building Sensitive Areas Land Disturbance shall comply with E12.4.2 (A32) and (A33)*". As E12.4.2(A32) and (A33) are rules that specify activity standards, they apply regardless of this cross-reference. Furthermore, whether an activity status is complied with or not is not measurable. If resource consent is required under E12.4.2(A32) or (A33), matters of discretion are provided in section E12.8.1(f) that are consistent with those specified in section D14.8.1(2). Therefore, the standard and related provisions are inappropriate and completely redundant.

Relief Sought

6.2 In relation to the above matters, the following relief is sought:

a) Delete Standard D14.6.7 and reference to this standard in section D14.8.1(2) and D14.8.2(2) (and undertake consequential amendments to section E12.8.2(f)) on the basis that they are unnecessary and applicable provisions to this effect are already provided for in E12. 2272.30

Aircraft Noise Overlay

6.3 CivilPlan submits that Activity D24.4.3(A38), which restricts density to one dwelling per 400m² within the moderate aircraft noise area, should be reconsidered in light of the requirements of the NPS-UD and the MDRS. This is particularly relevant to achieving:

a) Policy 3(b) of the NPS-UD, as the northern parts of the walkable catchment from Manukau metropolitan centre are subject to the density restriction.

b) Policy 3(c) of the NPS-UD, as the northern parts of the walkable catchment from Puhinui Train Station are subject to the density restriction.

c) Policy 3(d) of the NPS-UD, as the southern parts of the land adjacent to the Dawson Road local centre and other land adjacent to neighbourhood centres in Clover Park and Flat Bush are subject to the density restriction.

d) The MDRS, as most sites subject to the density restriction are less than 1,200 m² in area and therefore up to three dwellings is not provided for as a permitted activity.

6.4 The section 32 report for PC78 gives no consideration to the impact that D24.4.3(A38) has on achieving the requirements of the NPS-UD and the MDRS and the appropriateness of retaining this restriction.

6.5 CivilPlan supports retention the requirements under Standard D24.6.3 to accommodate the qualifying matter related to ensuring the safe or efficient operation of the Auckland International Airport. Compliance with this Standard D24.6.3 would appropriately manage the potential for reverse sensitivity effects to adversely affect operation of the Auckland International Airport, regardless of the number of people living within in overlay area.

6.6 In relation to the above matters, the following relief is sought:

a) Amend D24.4.3(A37) and D24.4.3(A38) so refer to dwellings that comply with and do not comply with Standard D24.6.3, deleting the minimum density requirements. 2272.31

b) Delete "*restrictions on the numbers of people to be accommodated through zoning and density mechanisms and*" from Policy D24.3(3)(a). 2272.32

c) Make consequential changes to the Flat Bush Precinct to remove all density requirements based on the Auckland Airport moderate aircraft noise area. 2272.33

7. Auckland-wide Provisions (Chapter E)

Notification rules

7.1 In order to ensure that the MDRS notification exemption rules required by clause 5 of Schedule 3A of the RMA are effective, I consider it necessary for similar rules precluding notification apply to activities associated with the construction and use of residential activities. This is considered necessary given that sections 95 to 95F of the RMA do not enable effects of an activity to which a rule precludes notification to be considered when accessory activities that require resource consent form part of the application

7.2 This circumstance has been evident in the AUP to date, where the construction of four or more dwellings is an activity identified as not requiring notification if the 'standards to be complied with' are all met. However, our experience is that typically a development of that scale triggers resource consent under E12 for earthworks, and often also triggers a resource consent under E27 for a parking or access standard infringement. These other activities render the non-notification clause for the construction of dwellings effectively void, as there are not corresponding non-notification clauses in E12 and E27, even though we have never experienced a Council determination that notification is necessary for these activities.

Relief Sought

7.3 In relation to this matter, the following relief is sought:

a) That the following be inserted in section E12.5 (or similar):

"Any application for resource consent for an activity listed in Table H12.4.1 Activity table as a restricted discretionary activity that meets the following requirements 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(9) of the Resource Management Act 1991: 2272.34

(a) the activity is required for the construction or use of dwellings;

(b) the activity is within the Residential – Mixed Housing Urban zone or Residential – Terrace Housing and Apartment Buildings Zone; and

(c) the activity complies with all of the relevant standards in section E12.6 below."

b) That the following be inserted in section E27.5(1) (or similar):

"(c) (A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access, subject to the following requirements:

(i) the activity is accessory to the construction or use of dwellings; and

(ii) the activity is within the Residential – Mixed Housing Urban zone or Residential – Terrace Housing and Apartment Buildings Zone."

2272.35

Natural hazards and flooding (E36)

7.4 CivilPlan supports the provisions in E36, which accommodate qualifying matters, being retained without change.

7.5 CivilPlan opposes the addition of the text "*and in some cases has applied the Residential - Low Density Residential Zone to this land*" in section E36.1. As outlined elsewhere in this submission, no other provisions (including zoning) are considered necessary to accommodate qualifying matters associated with natural hazards.

Relief Sought

7.6 In relation to the above matters, the following relief is sought:

a) That the text "*and in some cases has applied the Residential - Low Density Residential Zone to this land*" is not inserted in section E36.1.

2272.36

Subdivision – Urban (E38)

7.7 CivilPlan's submission points on the new and amended provisions in section E38, including the relief sought, are provided in Table 2, below.

Table 2: Analysis of Changes to Provisions in Section E38

Provision	Issue	Relief Sought
Objective E38.2(10)(e), Policies E38.3(31) and E38.3(32), Rules E38.4.2(A29A) to E38.4.2(A29D), Standards E38.8.2.7 to E38.8.2.9, Matters of discretion E38.12.1(10) and E38.12.1(11), Assessment criteria E38.12.2(10) and E38.12.2(11).	These provisions relate to land identified in the proposed Infrastructure Constraints Control areas shown on the PC78 maps. In order to streamline the provisions of E38, these provisions should instead be provided for in an overlay specific to those areas.	Delete these provisions from E38 and instead insert an Infrastructure Constraints Overlay section that includes these provisions. Refer to the example overlay attached as Appendix 3.

2272.37

Provision	Issue	Relief Sought
Policy E38(13)	PC78 inserts an exception to this policy for when subdivision is around MDRS compliant development. This policy, which relates to ensuring the size and shape of allotments is appropriate for development intended by the zone, should be irrelevant to all subdivision around existing development, regardless of whether that development complies with the MDRS.	Rather than inserting "(except for subdivision around MDRS compliant development)", insert "(unless Policy E38.3(6) applies)" in Policy E38.3(13) 2272.38
Policy E38.3(35)	This policy is ambiguous. In particular, there is no definition for "MDRS development", especially in the context of a site where qualifying matters are accommodated. In any case, multiple other policies elsewhere in the AUP ensure that the various qualifying matters are not compromised by subdivision, without the need for this broad, vague policy.	Delete Policy E38.3(35) 2272.39
Table E38.4.1	Section E38.4 states "The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity", suggesting that some of the activities listed in Table E38.4.1 comprise the entirety of a subdivision activity, with no regard needing to be given to Tables E38.4.2, E38.4.3, E38.4.4 and E38.4.5. This is not clarified further and so creates unnecessary ambiguity. This may lead to rules related to qualifying matters not being given regard to when necessary. Retaining the existing approach is inconsistent with the procedural principles in section 18A(b)(ii) of the RMA.	a) Split Table E38.4.1 into two tables. 2272.40 b) The first table would include activities (A1) to (A6), (A12) and (A13), with it being identified that the activities in that table comprise the entirety of a subdivision activity and no regard need be given to Tables E38.4.2, E38.4.3, E38.4.4 and E38.4.5. c) The second table would include activities (A7) to (A13), with it being identified that the activities in that table only comprise a specific element of a subdivision activity, to which Tables E38.4.2, E38.4.3, E38.4.4 and E38.4.5 also apply, as relevant.
Table E38.4.2	The need for activities (A13A) to (A13G) to be differentiated from existing activities within this table is unclear. There is also the potential for ambiguity as to whether a subdivision is "*for the purpose of the construction or use of dwellings*" or not. The resultant duplication with existing provisions is inefficient and unnecessary. This is inconsistent with the procedural principles in section 18A(b)(ii) of the RMA. There is no need for Note 1 to be included within Table E38.4.2 (noting that it is not provided for in any other table that lists controlled activities). If absolutely necessary, reference to section 106 can be made before or after all of the activities tables or inserted in chapter C of the AUP. Activities (A13A) and (A13B) should be reinserted to be located above (A14) and (A15), respectively. Standards E38.8.1A.1 and E38.8.1A.2 should then amended to include reference to being related to dwellings and within a relevant residential zone. Activities	a) Delete activities (A13A) to (A13G) from Table E38.4.2, including Note 1. 2272.41 b) Delete Standards E38.8.2.1 and E38.8.2.2 and make the changes to Table E38.4.2, Standards E38.8.1A.1 and E38.8.1A.2 as detailed in Appendix 3. c) If they are to be retained, relocate activities (A13A) to (A13G) to a new Activity Table.

Provision	Issue	Relief Sought
	(A14) and (A15) should then refer to subdivisions that do not comply with Standards E38.8.1A.1 and E38.8.1A.2, respectively. Standard E38.8.2.1 can be deleted as any activity that infringes it would not be "subdivision in accordance with an approved land use resource consent" and so the standard would not comply in the first place. If "lawfully established" was inserted into activities (A13C) and (A15), Standard E38.8.2.2 can be deleted as any activity that infringes it would not be lawfully established and so the standard would not comply in the first place. Refer to the tracked changes attached as Appendix 3. Activity (A13C) should be covered by activity (A13B) or (A15). There is no need for a different activity for development with existing use rights. In fact the application of a restricted discretionary activity is considered to be contrary to the requirement under clause 3 of Schedule 3A to the RMA, given that all residential units within the applicable residential zones are provided for as a permitted or restricted discretionary activity in accordance with clauses 2 and 4 of Schedule 3A to the RMA. When the above changes are made, activities (A13D) and (A13E) would be a direct repetition of activities (A14) and (A15), respectively, and so they are not necessary. Activity (A13F) is a direct repetition of activity (A31) and so it not necessary. Activity (A13G) is a direct repetition of activity (A30) and so it not necessary.	
Section E38.5	The notification rules are difficult to follow and not user friendly. This is inconsistent with the procedural principles in section 18A(b)(ii) of the RMA. The need for subclauses (2A) and (2B) is unclear given that such activities should be within scope of the subdivision activities provided for as a controlled activity, already covered by the amendments to subclause (1).	Delete subclauses (2A) and (2B) on the basis that all relevant activities will be covered by clause (1). 2272.42
Standard E38.8.2.6 / Table E38.8.2.6	The minimum lot sizes specified in Table E38.8.2.6 are in many cases smaller (and therefore more enabling) than the minimum lot sizes specified in Tables E38.8.2.3.1 and E38.8.3.1.1 for the Low Density Residential Zone. As there is no exception to the requirements of Standards E38.8.2.3 and E38.8.3.1 (like there is in Standard E38.8.2.4), the more enabling lot sizes in Table E38.8.2.6 have no effect.	If the Special Character Overlay is to be retained, insert the following into Standard E38.8.2.6: 2272.43 "(3) Standard E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and Standard E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Special Character Areas Overlay – Residential and Business that are listed in Table E38.8.2.6.1."

Provision	Issue	Relief Sought
	The lot sizes in Table E38.8.2.6 more accurately accommodate the relevant qualifying matter (special character) than the standard minimum lot sizes for the Low Density Residential Zone. Therefore, the current approach restricts development beyond the extent necessary to accommodate qualifying matters.	
Tables E38.8.2.3.1 and E38.8.3.1.1 – Low Density Residential Zone	The 600m² minimum lot size and the 600m² minimum average lot size requirements for the Low Density Residential Zone are inappropriate. In a number of instances where land is being rezoned from Mixed Housing Suburban to Low Density Residential, this is more restrictive that the existing provisions. The necessity for these lot size requirements is not explained or justified in the Section 32 reports for this proposed plan change. Notwithstanding CivilPlan's submission that the Low Density Residential zone should be deleted, if retained the same minimum and minimum average that lot sizes that apply in the Mixed Housing Urban zone should also apply to this zone, with the necessary lot size to accommodate qualifying matters determined through compliance with Standard E38.8.1.1(2).	If the Low Density Residential Zone is to be retained, amend the size requirements under Tables E38.8.2.3.1 and E38.8.3.1.1 to match the size requirements in the Mixed Housing Urban zone. 2272.44
Tables E38.8.2.3.1 and E38.8.3.1.1 – Terrace Housing and Apartment Buildings Zone	The 1,200m² minimum lot size for the Terrace Housing and Apartment Buildings Zone is inconsistent with the requirement under clause 7 of Schedule 3A of the RMA for subdivision provisions to be consistent with the level of development permitted under the other clauses in Schedule 3A. As the permitted activity allowances in the THAB zone are the same as the MHU zone, the same lot size requirements should apply in both zones.	Amend the size requirements for the Terrace Housing and Apartment Buildings zone under Tables E38.8.2.3.1 and E38.8.3.1.1 to match the size requirements in the Mixed Housing Urban zone. 2272.45
Standards E38.8.2.7 and E38.8.2.8	In each of these standards, subclause (1) is an information requirement and subclause (2) is a judgement which requires assessment to be undertaken. Neither should be a standard. If either subclause is not complied with, this is grounds to decline the restricted discretionary activity under the existing matters of discretion. There is no need for additional discretion to be available to Council by making applications that do not provide a technical report a discretionary activity.	Delete Standards E38.8.2.7 and E38.8.2.8 and insert special information requirements for each of these activities to achieve the requirements of subclause (1). As above, relocate these provisions into a new Infrastructure Constraints Overlay section. 2272.46
Section E38.11.1	Subclauses (2)(a) and (2)(b) will never both be applicable. These provisions are also unnecessary since if compliance is not achieved, the subdivision would not be a controlled activity.	Delete subclauses (2)(a) and (2)(b) or replace these with: "*the effect of the design and layout of the proposed sites created*" to be consistent with E38.12.1(6). Consequential changes to E38.11.2(2) would be required. 2272.47

Provision	Issue	Relief Sought
Assessment criterion E38.11.2(2)(c)(iii)	For subdivision around existing development or in accordance with a land use consent, an assessment criterion related to the management of effects of stormwater is considered to be inappropriate. This is because the management of stormwater for the existing or authorised land uses (such as requirements for retention or detention devices) will have already been determined by previous authorisations, with no change occurring as a result of the proposed subdivision. The only potential effect that should be included as part of a subdivision decision is whether appropriate easements are provided.	Delete assessment criterion E38.11.2(2)(c)(iii). Alternatively, insert "*… as a result of the proposed subdivision boundaries*" to the end of assessment criterion E38.11.2(2)(c)(iii). 2272.48
Sections E38.12.1(11) and E38.12.2(11)	The assessment criteria related to water supply should not be relevant to the Infrastructure – Combined Wastewater Network Control.	Insert "*If the site is an area subject to the Infrastructure – Combined Water and/or Wastewater Constraints Control…*" as necessary or split out E38.12.1(11) and E38.12.2(11) to cover Infrastructure – Combined Wastewater Network Control and the Infrastructure – Water and/or Wastewater Constraints Control separately. 2272.49

8. Zone Provisions (Chapter H)

Residential Zones

8.1 CivilPlan generally supports (subject to the further submission points below) the changes to the Mixed Housing Urban and Terrace Housing and Apartment Building zones that provide for more specific policies and matters of discretion for dwellings, as these give more certainty for Plan users regarding expected development outcomes for these zones. However, CivilPlan does not support any provisions that are beyond the matters that should be considered by Council (as outlined further below).

8.2 CivilPlan's submission points on the new and amended residential zone provisions, including the relief sought, are provided in Table 3, below. These points are in addition to the relocation of zone provisions to the Overlay, Auckland-wide and Precinct provisions (as relevant) detailed in Appendix 1.

Table 3: Analysis of Changes to Residential Zone Provisions

Provision	Issue	Relief Sought
Objective H3A.2(3) and Policy H3A.3(6)	Objective HA.2(3) is generally consistent with Objectives H3.2(4), H4.2(4), H5.2(4) and H6.2(4), while Policy H3A.3(6) is generally consistent with Policies H3.3(7), H4.3(9), H5.3(8) and H6.3(9). However, each of these other objectives and policies refer to "non-residential activities", while Objective HA.2(3) and Policy H3A.3(6) only refer to "community activities". It is unclear why a different approach to non-residential activities is proposed within the Low Density Residential Zone compared to all other residential zones, including the zones that the Low Density Residential Zone is replacing in the urban environment.	If the LDR Zone is not deleted (see above), then amend Objective HA.2(3) and Policy H3A.3(6) by replacing "Community activities" with "Non-residential activities" 2272.50
Objective H3A.2(4) and Policy H3A.3(7)	As outlined earlier, these provisions provide for a restrictive presumption, where the extent to which development is enabled is based on the extent to which development does not detract from qualifying matters' values, rather than the permissive presumption outlined by sections 77I and 77O of the RMA, where the extent to which development is restricted is based on accommodating qualifying matters. This change in approach is therefore considered to restrict development further to that which is provided for under sections 77I and 77O of the RMA.	If the LDR Zone is not deleted (see above), then amend Objective HA.2(4) and Policy H3A.3(7) as follows (or similar): 2272.51 "More intensive residential development including medium density residential development is ~~enabled~~ restricted only to the extent necessary to accommodate~~, ensuring that it does not detract from~~ qualifying matters' values ~~accommodated by the zone's purpose~~." Require more intensive residential development including Medium Density Residential development, which is restricted ~~to be enabled~~ only to the extent necessary to accommodate~~, ensuring that it does not detract from the~~ identified qualifying matters' values."
Objective H3A.2(13), Policy H3A.3(18) and Standard H3A.6.7	These provisions insert the mandatory objectives and policies from Schedule 3A of the RMA, which refer to enabling three storey buildings. However, the Standard H3A.6.7 sets a maximum building height of 8 m, which (in most circumstances) does not allow for three storey buildings. Therefore, there is conflict between the objectives and policies and the rules that should be rationalised. Given that the objectives and policies are mandated and cannot be changed, the rules should be changed instead to resolve this conflict.	If the LDR Zone is not deleted (see above), then amend Standard H3A.6.7 and Figure H3A.6.7.1 by replacing "8 m" with "11 m" 2272.52
Rules H3A.4.1(A4), H3A.4.1(A5), H3A.4.1(A6), H3A.4.1(A7), H3A.4.1(A9), H3A.4.1(A31), H3A.4.1(A33), H5.4.1(A2A) and H6.4.1(A2B)	These rules specify discretionary or non-complying activities but list standards to be complied with. However, general rule C1.9(1) of the AUP only requires permitted, controlled and restricted discretionary activities to comply with standards. Existing discretionary and non-complying activities are not provided with lists of standards to comply with in residential zones for this reason. Therefore, the list of standards serves no purpose.	Delete the list of standards in the 'Standards to be complied with' column of Tables H3A.4.1, XX for discretionary and non-complying activities. 2272.53 2272.54 2272.55

Provision	Issue	Relief Sought
Standard H3A.6.8	This height in relation to boundary standard applies to all site boundaries, which would include front/road boundaries. This approach is inconsistent with the approach taken in all other residential zones. There is considered to be no need for height in relation to boundary apply along the front/road boundary	Amend Standard H3A.6.8(1) as follows: "…along ~~all~~ side and rear boundaries…". 2272.56
Standard H3A.6.9 (Table E3A.6.9.1)	All boundaries of a corner site are road/front boundaries or side boundaries. For this reason, the exemption to the rear yard requirement under corner sites does not make sense. It is understood that the exemption to rear yards for corner sites is provided for in section 3A of the MDRS. However, for the reasons specified, deleting this exemption will not result in development being restricted without a qualifying matter being present.	Delete "*(excluding corner sites)*" from Table E3A.6.9.1. 2272.57
Standard H3A.6.9(3)	Standard H3A.6.9(3) provides an exemption to both H3A.6.9(1) and H3A.6.9(2) for where a common wall is provided along the site boundary. However, this exemption should not be relevant to Standard H3A.6.9(2) as that only specifies riparian, lakeside and coastal protection yards, which are not based on site boundaries.	Amend Standard H3A.6.9(3) as follows: "Standard~~s~~ H3A.6.9(1) ~~and H3A.6.9(2)~~ above does not apply …". 2272.58
Standards H3A.6.12(1)-(2), H5.6.11(3)-(4) and H6.6.12(A1)-(A2)	These provisions refer to the "developed site", which is not defined.	Either define "developed site" or replace this with "net site area" in Standards H3A.6.12, H5.6.11 and H6.6.12. 2272.59 2272.60 2272.61
Matters of discretion H3A.8.1(3) and Assessment criteria H3A.8.2(9)	The matters of discretion and assessment criteria in sections H3A.8.1(3) and H3A.8.2(9) apply to the activity of "two or more dwellings on a site" where this is specified in Table H3A.4.1 to be a restricted discretionary activity in the Low Density Residential Zone. As the MDRS requires up to three dwellings per site to be a permitted activity, further restrictions are only provided for to the extent necessary to accommodate qualifying matters. However, some of the matters of discretion and assessment criteria in sections H3A.8.1(3) and H3A.8.2(9) are unrelated to qualifying matters – for example, provisions regarding the appearance of buildings is unrelated to qualifying matters associated with natural hazards and infrastructure capacity. Therefore, the inclusion of these matters of discretion and assessment criteria is contrary to section 77I of the RMA.	If the LDR Zone is not deleted (see above), then delete rule H3A.4.1(A3) (with consequential changes to rule H3A.4.1(A2) to make two or three dwellings per site a permitted activity), delete matter of discretion H3A.8.1(3) and assessment criteria H3A.8.2(9) Alternatively, delete matter of discretion H3A.8.1(3)(a) and delete assessment criteria H3A.8.2(9)(a), H3A.8.2(9)(b), H3A.8.2(9)(c), H3A.8.2(9)(d) and H3A.8.2(9)(e) (retaining matter of discretion H3A.8.1(3)(b) and assessment criterion H3A.8.2(9)(f). 2272.62
Assessment criteria H3A.8.2(9)(a), H5.8.2(2)(a), H5.8.2(3)(a), H6.8.2(2)(a) and H6.8.2(3)(a)	The listed assessment criteria state the following: "whether the development achieves the purpose, where specified, in the standards identified in Table H[X].4.1 or what alternatives are provided that result in the same or a better outcome".	Delete the assessment criteria in sections H3A.8.2(9)(a), H5.8.2(2)(a), H5.8.2(3)(a), H6.8.2(2)(a) and H6.8.2(3)(a) 2272.63

Provision	Issue	Relief Sought
	Each of the identified standards are required to be complied with, which should be sufficient to determine that the purpose of those standards is achieved. If a standard is infringed, then that is a restricted discretionary activity, with the relevant matters of discretion including whether the purpose of that standard is achieved. Therefore, the listed assessment criteria are unnecessary.	
Policy H5.3(6A)(i)	This policy inserts a requirement for development to incorporate practical, sufficient space for internal storage and living areas. However, unlike all other outcomes specified in the policy, there are no standards that provide guidance to Council to the reader as to how this policy can be achieved – the only standard relates to the total floor area for each dwelling, not individual parts of the dwelling. Standards to require minimum dimensions and areas for internal storage and living areas were proposed as part of the Auckland Unitary Plan, but decisions determined that such standards were inappropriate and unnecessary. Therefore, this policy should be deleted	Delete Policy H5.3(6A)(i). 2272.64
Policies H5.3(14) and H6.3(14), Matters of discretion H5.8.1(1)(c), H5.8.1(2)(d), H5.8.1(3)(d), H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and Assessment criteria H5.8.2(1)(f), H5.8.2(2)(i), H5.8.2(3)(l), H6.8.2(1)(f)(i), H5.8.2(2)(m)(i) and H5.8.2(3)(l)(i)	These provisions provide a framework where Council can require developments of four or more dwellings (and other developments) to provide for upgrades to pedestrian facilities within the adjacent transport network. While potentially suitable for unanticipated large scale development, the threshold of application to four dwellings is considered to be too low. It is considered the responsibility of AT to ensure that pedestrian facilities within existing public roads are fit for purpose for the level of intensification anticipated by AUP zoning. If additional funding is required to facilitate this, Council has many options to raise funds. There is also an equity issue with these provisions whereby the first development along the street may be required to undertake improvements to the adjacent road that benefits a large area of land, while further developments can be undertaken without being required to contribute to these improvements. For larger scale development, such considerations are already provided for through Standard E27.6.1, matter of discretion E27.8.1(4) and assessment criteria E27.8.2(3).	Delete Policies H5.3(14) and H6.3(14), the matters of discretion in sections H5.8.1(1)(c), H5.8.1(2)(d), H5.8.1(3)(d), H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and the assessment criteria in sections H5.8.2(1)(f), H5.8.2(2)(i), H5.8.2(3)(l), H6.8.2(1)(f)(i), H5.8.2(2)(m)(i) and H5.8.2(3)(l)(i). 2272.65 2272.66 2272.67 2272.68

Provision	Issue	Relief Sought
Activity Tables H5.4.1 and H6.4.1	Given that it is now proposed that all relevant standards be complied with, rather than some only being considered as a matter of discretion for restricted discretionary activities, there is no obvious need for the 'Standards to be complied with' columns in these activity tables. There are also a large number of inconsistencies in the 'Standards to be complied with' column that may or may not be drafting errors. This includes: - Standard H5.6.19 (Deep soil area and canopy tree) is not listed for supported residential care, boarding houses or visitor accommodation greater than 10 people in the MHU zone, but it is for care centres greater than 10 people and for all of these activities for up to 10 people. Then, the equivalent THAB zone standard applies to all of these activities in that zone. - For Activity H6.4.1(A3), the standard for residential waste management is incorrectly numbered - For Activity H6.4.1(A32A), The "Standards to be complied with across the zone" column includes Standard H6.6.5(1)(b) Building height, which is then repeated in the "Additional standards to be complied with outside walkable catchments" column and contradicts the requirements within walkable catchments. Deleting the list of standards from the activity table will avoid any unintentional omissions or errors.	Delete the 'Standards to be complied with' columns in these activity tables and make consequential changes to each of the standards where necessary to specify any activities that each standard does not apply to. 2272.69 2272.70
Activities H5.4.1(A3) and H6.4.1(A3)	The activity table identifies that up to three dwellings are subject to the Deep soil area and canopy tree and the safety and privacy buffer from private vehicle accessways standards. Both of these standards specify landscaping requirements that are beyond that necessary under clause 18 of Schedule 3A to the RMA. Therefore, their applicability to the activity of up to three dwellings is inconsistent with the requirement under clause 2(2) of Schedule 3A to the RMA. Reference to these standards should be deleted. Similarly, reference to the waste management standard should be deleted on the basis that this is contrary to the expectation for up to three dwellings complying with MDRS standards to be provided for as a permitted activity.	Delete Standards H5.6.19, H5.6.20 and H5.6.21 from the list of standards to be complied with for activity H5.4.1(A3). Delete Standards H6.6.20, H6.6.21 and H6.6.22 from the list of standards to be complied with for activity H6.4.1(A3). 2272.71 2272.72

Provision	Issue	Relief Sought
Activities H5.4.1(A30) to H5.4.1(A32A) and H6.4.1(A31) to H6.4.1(A33A)	The listing of standards for these activities is unnecessary if instead reference is made to the standards for the activity that the buildings accommodate or are accessory to.	If the 'Standards to be complied with' columns is not deleted, then replace the text in this column for activities H5.4.1(A30), H5.4.1(A30A), H5.4.1(A32) H5.4.1(A32A), H6.4.1(A31), H6.4.1(A31A), H6.4.1(A33) and H65.4.1(A33A) with "*The same standards as applies to the land use activity that building is designed to accommodate*" and replace the text in this column for activities H5.4.1(A31), H5.4.1(A31A), H6.4.1(A32) and H6.4.1(A32A) with "*The same standards as applies to the land use activity that building is accessory to*". Consequentially, activities H5.4.1(A30), H5.4.1(A30A), H5.4.1(A31A), H5.4.1(A32A), H6.4.1(A31), H6.4.1(A31A), H6.4.1(A32A) and H6.4.1(A33A) could be deleted and no changes need be made to activities H5.4.1(A31), H5.4.1(A32), H6.4.1(A32) and H6.4.1(A33). 2272.73 2272.74
Activities H5.4.1(A30) to H5.4.1(A32A) and H6.4.1(A31) to H6.4.1(A33A)	These activities are split out for "development of up to three dwellings" and "development of four or more dwellings". As the wording is different to that used for the base activities ("up to three dwellings per site" and "four or more dwellings per site"), it is not clear how it is to be determined which activity status is to apply to the building alteration or addition, particularly after subdivision has occurred). These provisions are ambiguous and confusing. If the intention is to avoid dwellings that were required to comply with the "four or more dwellings" standards to be altered after subdivision under the "up to three dwellings" standards, this occurrence can be avoided by the use of consent notices requiring on-going compliance with the conditions of the land use consent for four or more dwellings, which is a standard approach undertaken by Council. Notwithstanding our submissions regarding the additional provisions for four or more dwellings.	If activities H5.4.1(A30A), H5.4.1(A31A), H5.4.1(A32A), H6.4.1(A31A), H6.4.1(A32A) and H6.4.1(A33A) are retained, replace "*development of up to three dwellings*" with "*up to three dwellings per site*" and "*development of four or more dwellings*" with "*four or more dwellings per site*" (unless this conflicts with the relief sought below). 2272.75 2272.76
Activities H5.4.1(A30) to H5.4.1(A31A) and H6.4.1(A31) to H6.4.1(A32A)	As these activities refer to either "development of up to three dwellings" and "development of four or more dwellings", there is no longer any provision for building alterations or accessory buildings related to development other than dwellings (such as other residential and community facilities provided for as a permitted activity), making these non-complying activities under (A1). This is considered to be an oversight when PC78 was drafted.	If activities H5.4.1(A30A), H5.4.1(A31A), H6.4.1(A31A) and H6.4.1(A32A) are retained, replace "*development of four or more dwellings*" with "*all other development*". 2272.77 2272.78
Notification rules H5.5(5) and H6.5(5)	It is unclear why this rule has needed to be inserted in place of existing rule (1)(a), which serves a similar purpose.	Delete H5.5(5) and H6.5(5) and retain H5.5(1)(b), ensuring that H5.5(1)(a) and H6.5(1)(a) refers only to the MDRS standards equivalent to those specified in Schedule 3A of the RMA. 2272.79 2272.80

Provision	Issue	Relief Sought
	To accord with the requirement of clause 5(3) of Schedule 3A of the RMA, the standard that four or more dwellings need to comply with in order for public and limited notification to be precluded should only be those specified in Schedule 3A and not the additional standards proposed for four or more dwellings. To achieve this would require significant reorganisation of the standards sections and require the 'base' MDRS standards to apply to four or more dwellings, with the 'additional' MDRS standards applying as well. Requiring compliance with a number of additional standards that control the same matters that the MDRS standards in Schedule 3A relate to in order for notification to be precluded is at least inconsistent with the intent of clause 5(3) of Schedule 3A of the RMA, if not directly contrary to.	
Standards H5.6.3A and H6.6.4A	There is no need for the AUP to contain a standard which states "There must be no more than three dwellings per site" when compliance or infringement of this standard is already provided for by the activity tables (or, in the case of the THAB zone, can be provided). While a standard in Schedule 3A of the RMA, its removal (and reliance on the activity tables instead) would not result in greater restrictions than that specified in schedule 3A.	Delete Standard H5.6.3A and H6.6.4A. 2272.81 2272.82
Standards H5.6.5(2)(b) and H6.6.6(2)(b)	PC78 deletes the existing exemptions for height in relation to boundary for boundaries adjacent open space zones of a certain size and shape. As a result, a 4 m and 60 degree recession plane is imposed as a new restriction along this boundary. Given the purpose of an intensification planning instrument to reduce development restrictions, this change is not considered appropriate.	Retain Standard H5.6.5(2)(b) and H6.6.6(2)(b). If the LDR Zone is not deleted (see above), then insert a provision equivalent to Standard H5.6.5(2)(b) in Standard H3A.6.8.1. 2272.83 2272.84
Standards H5.6.8 and H6.6.9	The tables in these yards standards have been split out to separately cover yards related to boundaries and yards related to waterbodies. Given that the reasons for these types of yards are different, it is suggested that these standards be split into two. This would also allow for the boundary yards standard to be identified as part of the MDRS and the waterbody yards standard be identified as related to qualifying matters.	Split Standards H5.6.8 and H6.6.9 into two standards – the first for front, side and rear yards and the second for riparian, lakeside and coastal protection yards. 2272.85 2272.86
Standards H5.6.11, H5.6.12, H5.6.14 H5.6.18, H6.6.6, H6.6.12, H6.6.13, H6.6.15 and H6.6.19	Each of these standards include provisions related to "up to three dwellings" and then "four or more dwellings and any other development". To make it clearer to the reader, each of these standards should be split out into separate standards and the applicability of each be identified.	Split Standards H5.6.11, H5.6.12, H5.6.14 H5.6.18, H6.6.6, H6.6.12, H6.6.13, H6.6.15 and H6.6.19 into two standards each – the first for up to three dwellings (or have this apply to dwellings in general) and the second for any other development (ideally only including additional requirements).

Provision	Issue	Relief Sought
	The separate standards should then attempt to avoid repetition as much as possible, with the "four or more dwellings and any other development" standard only identifying the additional requirements not applicable under the "up to three dwellings" standard. Also, where standards are applied on a per dwelling basis (i.e. outdoor living space and outlook space), additional requirements should only apply for the fourth dwelling onwards.	For the outlook space and outdoor living space standards, specify that the additional requirements only apply for the fourth dwelling onwards (i.e. they do not apply to any three of the proposed dwellings). 2272.87 2272.88
Standards H5.6.11(5) and H6.6.12(1)	Providing for a landscaped coverage for four or more dwellings or other developments that is consistent with the permitted baseline for up to three dwellings is supported.	Do not increase the minimum landscaped area for four or more dwellings above 20% of the net site area. 2272.89 2272.90
Standards H5.6.12 and H6.6.13	There are a number of matters that need to be further clarified about the outlook space standards in order to avoid ambiguity, as follows: - In (1), how is priority determined where a balcony is smaller than the largest area of glazing? - In (1), if a habitable room has windows of the same size, can compliance be demonstrated from either window or is it required from both? - In (2)(a), how is principal living room determined if two separate living rooms are proposed, neither of which is combined with the kitchen or dining spaces? - In (2)(a), can outlook be taken from a kitchen if it is combined with the living room and the glazing in the kitchen is larger than the glazing in the living room? - In (4), if outlook space is measured from the edge of a balcony, can this balcony have a width of less than 4 m as viewed from the principal living space? - In (4)(b), how is "the centre line of the façade of the … balcony edge" determined? - Given (4)(b), does this mean in some cases that outlook will only be available when residents use their outdoor balconies and not when inside the habitable room the balconies serve. - As (7) allows for outlook spaces to overlap where they from different rooms within the same building, can these overlap with an outlook space for another dwelling in the same building or is this prevented by (9)(c)?	a) Amend Standards H5.6.12 and H6.6.13 to provide clarity for each of these queries. b) Reduce the outlook space requirement to 4m from principle living rooms at ground level to be consistent with the MDRS, as the construction of additional dwellings is not sufficient justification for the ground level outlook space to need to be an increased depth. c) Alternatively, if a reduction to 4m is not accepted, retain the allowance for outlook spaces at ground floor level to be reduced to 5 m. d) Provide for a specific clause for where outlook spaces should be taken from balconies instead of windows, such as the following: "*Where a balcony is directly accessible from a habitable room and either:* • *the floor area of that balcony exceeds the area of glazing for any of that habitable room's windows, or* • *the balcony is an outdoor living space required by Standard [X],* *Standards [X] do not apply for the outlook space required for that habitable room and instead:* *(a) The outlook space must be provided from the edge of the balcony.* *(b) The depth of the outlook space is measured at right angles to and horizontal from the longest edge of the balcony.* *(c) The width of the outlook space is measured from the centreline of the longest edge of the balcony."* e) Provide for a specific clause regarding the required overlap of outlook spaces with outdoor living spaces, such as the following: 2272.91 2272.92

Provision	Issue	Relief Sought
	- As (8) allows for outlook spaces to overlap where they are on the same wall plane, can these overlap with an outlook space for another dwelling along the same wall plane or is this prevented by (9)(c)? - In (9)(a), if outlook is taken from a window that overlooks a balcony, can the balustrades of that balcony (part of a building) be within the outlook space? - In (9)(a), how is the delineation of "servicing area" determined in order to conclude whether or not this obstructs an outlook space? - Does (9)(c) prevent outlook spaces extending over outdoor living spaces of dwellings on lower levels or is this allowed due to the height of the outlook space being limited under (5)? - For (9)(d), what counts as "aligning"? What is the minimum overlap that is allows? Is this requirement limited only to the principal living room outlook space or all outlook spaces and if the latter how is that achievable? The allowance for outlook spaces at ground floor level to be reduced to 5 m is supported, on the basis that since buildings are not authorised within 1 m of the boundary, outlook of at least 6 m would still be provided for.	*"The outlook space required for the principal living room of a dwelling must either:* *(a) overlap with a ground floor outdoor living space required for the same dwelling by Standard [X] for at least 10 m²;* *(b) overlap with a balcony/roof terrace outdoor living space required for the same dwelling by Standard [X] for at least 5 m²; or* *(c) extend over a public street or other public open space."* 2272.91 2272.92
Standards H5.6.14 and H6.6.15	A number of issues with the outdoor living space standards have been identified as follows: - The purpose of this standard refers to "*private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen*", but the standard only requires the spaces to be accessible from any part of the dwelling. The inconsistent purpose should be amended. - These standards differentiate between units that are at ground floor level and above ground floor level without these terms being defined further. This creates ambiguity in some instances as to which provisions should apply. For example, which applies where the lower level is solely garaging and building entrance (with stairs) or if a unit has differing ground levels on either side due to topography? Defining these terms will provide clarification in these instances.	Insert definitions for "at ground level" and "above ground floor level" in Chapter J, such as the following: 2272.93 "Above ground floor level: In relation to a dwelling, integrated residential development, supported residential care or boarding houses, means where the activity is wholly located above on levels of a building that are not directly accessible from ground level (including after earthworks), other than: • Entrance lobbies, stairwell or lifts serving two or more activities or two or more dwellings; and/or • Accessory parking, including garages. At ground floor level: In relation to a dwelling, integrated residential development, supported residential care or boarding houses, means not above ground floor level." Amend Standards H5.6.14 and H6.6.15 as follows:

Provision	Issue	Relief Sought
	- In (1), there is no clear rationale as to the removal of "and" from the "and/or", which would allow for the minimum 20m² to be provided for across multiple outdoor living spaces. Given that (1)(b) allows for 5 m² balconies to contribute towards the total of 20 m², the removal of "and" does not make logical sense.	- In the purpose of the standard, replace "are directly accessible from the principal living room, dining room or kitchen" with "are directly accessible from the dwelling or unit" - Retain "and/or" in clause (1) 2272.93
Standards H5.6.14(4) and H6.6.15(4)	There is considered to be insufficient need for both communal outdoor living space in addition to private outdoor living to be a requirement of all developments of 20 or more dwellings. Communal outdoor living spaces are also not appropriate for all typologies of 20 or more dwellings. In particular, the provisions are inappropriate for large scale developments of terrace houses across many hectares of land, when each are provided with at least 20 m² of ground floor private outdoor living space. If the standard is to be retained, it should only apply where units are not provided with at least 20 m² of ground floor private outdoor living space (i.e. apartments and where infringements of the private outdoor living space standard applies). Otherwise, the following issues with this standard are raised: - Given the above, (a) and (b) should only apply to units for which communal outdoor living space is necessary. - (a) is not easily measurable and does not guarantee that communal spaces are conveniently accessible in accordance with the purpose of the standard. It is suggested that a maximum walking distance is provided. - (b) is not clear as to whether an additional 10 m² is required for the 21st, 25th and 31st (etc.) dwelling or whether this should be pro-rated (i.e. 2 m² per dwelling). - Depending on the size of the development site, the limitation of only two communal outdoor living spaces (g) may conflict with provision of communally accessible locations that are conveniently accessible. A minimum separation distance for communal outdoor living spaces should instead be proposed. - Allowance should be provided for communal outdoor living space that is provided on communal land delivered as part of a previous subdivision.	a) Delete Standards H5.6.14(4) and H6.6.15(4). b) Alternatively, amend these standards as follows: 2272.94 2272.95 - Apply the communal outdoor living space requirements only to developments where at least 20 m² of private outdoor living space is provided for each unit. - Amend subclauses (a) and (b) to only apply in relation to dwellings that are not provided with 20 m² of private outdoor living space. - Amend subclause (b) to clarify further how this area is calculated. - Amend subclauses (a) and (g) to provide for a maximum distance of communal living spaces from the dwellings they serve and a minimum separation distance between one or more communal living spaces. c) If H5.6.14(4) and H6.6.15(4) are not deleted and amended as per the above, amend H5.6.14(1) and H6.6.15(1) to allow for dwellings at ground floor level to only require 8 m² of private outdoor living space if provided as a patio or balcony. d) If H5.6.14(4) and H6.6.15(4) are not deleted, provide for allowance for these areas to be contained within existing communal land related to the site, such as the following: "<u>If the required communal outdoor living spaces is located on a separate site, then:</u> <u>(a) the separate site must be held in common ownership as follows:</u> <u>(i) the owners of the development site own a share of the separate site as tenants in common; or</u> <u>(ii) the owners of the development site are required to be members of an incorporated society that owns the separate site; and</u> <u>(b) The communal outdoor living space required by the proposal is additional to any communal outdoor living space on the separate site required any other development.</u>"

Provision	Issue	Relief Sought
Standards H5.6.18 and H6.6.19	It will be more efficient for the façade area for which the 20% glazing requirement is calculated against to be based on an assumed stud height, such as is provided for by Flat Bush Sub-precinct C Development Control 3.12 (which uses 2.4 m per storey). This will allow for the glazing requirement to be calculated based only on the length of the façade and the number of storeys, rather than needing to account for architectural features, such as gable ends. This would also mean that façades with gable end roof forms are not unfairly required to provide for increased glazing in comparison with hip roof forms of the same height. As not all buildings will be parallel to the road (or accessway) or square, further clarification is required in these standards as to which facades are subject to the glazing requirements. It is also suggested that the glazing requirements only apply to buildings within a certain distance of the road (or accessway). Also, allowance should be made for the area of joinery between and around window panes (excluding window frames) to be included as part of the area of glazing in order to allow for calculation efficiencies. This approach would be more enabling than the requirement in Schedule 3A and therefore allowed for by the RMA. Finally, the additional requirements related to private accessways should only apply for where that private accessway serves two or more dwellings. Otherwise, driveways and footpaths to the rear of the dwelling only serving that dwelling would be unnecessarily captured by the requirements.	Amend Standards H5.6.18 and H6.6.19 to: - Rely on a fixed stud height for the efficient calculation of the glazing requirement. - Specify 'facing' façades to be those less than 45 degrees from, and within a certain distance of the relevant boundary. - Specify that joinery between and around window panes (excluding window frames) can be included as 'glazing'. - Specifying that glazing for facades facing private access only relates to private access serving two or more dwellings. 2272.96 2272.97
Standard H5.6.19 and H6.6.20	The deep soil area and canopy tree standard should be merged with the landscaped area standard, as they seek similar outcomes. Given there is no specified depth for 'deep soil areas', the use of this term is confusing. There is no clear rationale as to why deep soil areas cannot be provided in private outdoor living spaces but can be provided in communal outdoor living spaces. The purposes of both standards can still be met if overlap occurs. (b) needs to specifically identify that it is an exception to (a). If the minimum tree canopy dimensions in Tables H5.9(3) and H6.9(3) are standards to be met, then they should be located within the standard rather than in the special information requirements section.	Amend Standard H5.6.19 and H6.6.20 to: - Merge the requirements with the landscaped area standard. - Allow for deep soil areas to be located within private outdoor living spaces. - Specify in clause (b) that it is an exception to clause (a). - Insert the minimum tree canopy dimensions from the special information requirements. - Provide for allowance for these areas to be contained within existing communal land related to the site. 2272.98 2272.99

Provision	Issue	Relief Sought
	As with communal outdoor living spaces, allowance should be provided for deep soils areas that are provided on communal land delivered as part of a previous subdivision.	
Standards H5.6.20 and H6.6.21	The Safety and privacy buffer from private pedestrian and vehicle accessways standard should be merged with the windows to private vehicle and pedestrian accessways standard, as they seek similar outcomes (attractive and safe accessways).	Amend Standards H5.6.20 and H6.6.21 to merge the requirements with the windows to private vehicle and pedestrian accessways standard. 2272.100 2272.101
Standards H5.6.21 and H6.6.22	The majority of this standard is not easily measurable, especially when on-site collection or communal bin storage is proposed. For example: - At (1)(c)(i), "visually screened" and "from within the site" needs to be defined further in order to ensure the standard is measurable. - At (1)(c)(ii), "steep gradients" needs to be defined further in order to ensure the standard is measurable. Reference to E27.6.6.2 should not be made as this is a provision introduced by PC79 that has not been confirmed. - At 1(c)(iii) what does 'accessible for collectors and residents' mean and how can compliance be determined? - Further details need to be provided in (2) as to how the mentioned 1m is to be provided. If a width parallel to the road, then what is the required depth and how is it determined that it doesn't impede the footpath? - (3) and (6) are a special information requirements, not standards. - (4) and (5) are not sufficiently measurable, and instead read as matters to be considered during a resource consent process. Given these issues, it would be more appropriate that this standard only provide measurable requirements for individual bins using kerbside collection and any alternative arrangements (I communal collection) be assessed through the resource consent process.	Amend Standard H5.6.21 and H6.6.22 to address the issues raised, such as: - Including specific screening requirements (eg min 1.4m high fencing) - Clarifying a minimum footpath width that must be maintained clear of bin collection areas - Consider requiring any proposal for communal bin collection to be a restricted discretionary activity - Clarify what 'accessible' means 2272.102 2272.103

Provision	Issue	Relief Sought
Matters of discretion H5.8.1(1)(b)(i), H5.8.1(2)(a)(i), H6.8.1(1)(b)(i), H6.8.1(2)(a)(i) and H6.8.1(3)(a)(i) and Assessment criteria H5.8.2(1)(b) and H6.8.2(1)(b)	"Building intensity" has been removed from each of the specified matters of discretion and assessment criteria following the Wallace decision determination that this refers to the density of uses within the building. This change is supported to avoid unduly restricting development capacity. However, it is unclear why this has not also been deleted from the matters of discretion for integrated residential development in the MHU zone (H5.8.1(3)(a)(i)).	Support removal of "building intensity" from the matters of discretion in sections H5.8.1(1)(b)(i), H5.8.1(2)(a)(i), H6.8.1(1)(b)(i), H6.8.1(2)(a)(i) and H6.8.1(3)(a)(i) and the assessment criteria in section H5.8.2(1)(b) and H6.8.2(1)(b). Delete "building intensity" from the matter of discretion in section H5.8.1(3)(a)(i). 2272.104 2272.105
Matters of discretion H5.8.1(2)(i)A and H6.8.1(2)(i)A	This matter of discretion refers to orientation to the street and adjoining sites, but the equivalent assessment criteria ((2)(ae)) also refers to orientation to accessways. The inconsistency should be resolved.	Insert "*…private vehicle and pedestrian accessways*" at the end of the matter of discretions in sections H5.8.1(2)(i)A and H6.8.1(2)(i)A. 2272.106 2272.107
Matters of discretion H5.8.1(2)(ib) and H6.8.1(2)(ib)	This matter of discretion relating to the functional day to day needs of residents is opposed on the basis that: - No guidance is provided in relation to the appropriate size and dimensions of living areas and internal storage and standards controlling this have already been determined through the Proposed Auckland Unitary Plan process to be inappropriate. - Compliance with the waste management standard should be sufficient to demonstrate that the functional day to day needs associated with waste are achieved. If that standard is infringed, a similar matter of discretion would apply anyway.	Delete the matters of discretion in section H6.8.1(2)(ib) and H6.8.1(2)(ib). 2272.108 2272.109
Matters of discretion H5.8.1(2)(ii) and H6.8.1(2)(ii)	These matters of discretion are too broad, referring simply to 'traffic' and should instead refer to the specific effects sought to be controlled.	Replace matters of discretion in section H6.8.1(2)(ii) and H6.8.1(2)(ii) (and any other matters of discretion in the residential zones referring to "traffic") with "*effects of traffic generated by the proposed development on the adjacent transport network*", or similar. 2272.110 2272.111
Matters of discretion H5.8.1(2)(b)(iii) and H6.8.1(2)(b)(iii)	The location and design of access and parking is controlled by E27, which under PC79 is being expanded to include standards for pedestrian access. If four or more dwellings comply in full with E27, there should be no need for any further assessment of the location and design of access and parking to be undertaken. If the standards in E27 are infringed, similar matters of discretion would apply anyway.	Delete the matters of discretion in section H5.8.1(2)(iii) and H6.8.1(2)(iii) (and any other matters of discretion in the residential zones referring to "location and design of parking and access" or "location and design of access (including pedestrian access) and parking (if provided)") 2272.112 2272.113

Provision	Issue	Relief Sought
Matters of discretion H5.8.1(3)(a)(i)C and H6.8.1(3)(a)(i)C	Height of buildings is controlled by the height and height in relation to boundary standards. It should be concluded that buildings that comply with these standards do not have adverse effects on the surrounding and neighbouring development and therefore this matter of discretion is unnecessary. If those standards were infringed, a similar matter of discretion would apply anyway.	Delete the matters of discretion in sections H5.8.1(3)(a)(i)C and H6.8.1(3)(a)(i)C. 2272.114 2272.115
Assessment criteria H5.8.2(2)(ac) and H6.8.2(2)(ac)	The quality and durability of building materials is not considered to be a resource management consideration. This is more appropriate to be determined through the building consent process.	Delete the assessment criteria in section H5.8.2(2)(ac) and H6.8.2(2)(ac). 2272.116 2272.117
Policy H6.3(A1)	While a requirement of the MDRS, inserting this policy verbatim resulted in duplication and conflict with other policies, namely H6.3(1) and H6.3(2)(a). Given that Policy H6.3(A1) is enabling, adding additional provisions to this policy would not be contrary to the requirements under the RMA to incorporate the MDRS provisions. H6.3(2)(a) is also problematic in practice as there are no provisions that prevent buildings that are less than five storeys in height and therefore the policy should not refer to five, six or seven storey buildings being required.	Replace Policies H6.3(A1), H6.3(1) and H6.3(2)(a) with the following (or similar): Enable a variety of housing typologies with a mix of densities within the zone including: (a) Three-storey attached and detached dwellings, terrace housing and low-rise apartments (b) mid-rise apartments with a high-density urban built character of predominantly five storey buildings (c) mid-rise apartments with a high-density urban built character of predominantly six and seven storey buildings within walkable catchments and other identified areas." (d) Integrated residential development such as retirement village Retain Policy H6.3(2)(b) as follows: *Require the height, bulk, form and appearance of multi-unit development to achieve a high-quality built environment through building and site design which locates bulk and mass towards the street and provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas.* 2272.118
Activities H6.4.1(A3) and H6.4.1(A3A)	To provide consistency with all other residential zones, these activities should be referred to as "Up to three dwellings per site" and "Four or more dwellings per site"	At H6.4.1(A3), replace "Dwellings (up to three)" with "Up to three dwellings per site". At H6.4.1(A4), replace "Dwellings (four or more)" with "Four or more dwellings per site". 2272.119
Standard H6.6.6(1B)-(1C)	This height in relation to boundary standard does not specify any requirement from rear boundaries in a walkable catchment. This is considered to result in adverse effects along the rears of properties, where outdoor living spaces are anticipated to predominantly be located. It is unclear why restrictions are applied along side boundaries rather than rear boundaries. With this distinction, it is likely that arguments would arise as to whether a site boundary is a side or a rear boundary.	Insert "… *side and rear boundaries*…" at Standard H6.6.6(1B)-(1C). 2272.120

Other Zones

8.3 In relation to provisions for other zones, the following submissions are made:

a) Proposed standard H10.6.1(1A) is not necessary as all Town Centre zones are subject to a Height Variation Control.

b) A separate height limit for industrial zones within walkable catchments, as per Standards H17.6.1 and H16.6.1, is considered to be unnecessary given that it is only 1 m different from the height limited for industrial zones outside of walkable catchments. A consistent height limit should be used in order to simplify the zone provisions. These standards also do not recognise that some industrial zoned sites are subject to a Height Variation Control (for example, at 34 to 46 Galway Street, Onehunga)

Relief sought

8.4 The following relief is sought:

a) Delete Standard H10.6.1(1A). 2272.121

b) Amend Standards H16.6.1 and H17.6.1 to apply a maximum height of 21m unless otherwise specified in the Height Variation Control (regardless of whether the sites are located within or outside of a walkable catchment) 2272.122 2272.123

9. Precinct Provisions (Chapter I)

9.1 A large number of the precincts have had the following text inserted:

> *"The rules in Activity Table [X] in [X] Precinct as they relate to the construction and use of up to 3 dwellings per site replace the rules in the underlying zones for the construction and use of up to 3 dwellings per site"*
>
> *"The standards in [X] in [X] Precinct as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying [X] Zone and for the construction and use of up to 3 dwellings per site."* 2272.124

9.2 This text is poorly drafted and ambiguous, and therefore is inconsistent with section 18A(b)(ii) of the RMA. This text should be deleted or rephrased to specifically clarify which rules in the precinct replace specific rules in the underlying zones (if any).

9.3 General rule C1.6(4) already states that the activity status in a precinct replaces the activity status in the underlying zone. The first paragraph should not be necessary and there is no need for the construction and use of up to 3 dwellings to be singled out when the same applies to all activities.

9.4 Standards in precincts related to qualifying matters would only be more restrictive than the underlying zone provisions and therefore there is no need for these to replace the underlying standards.

9.5 Where standards in precincts are more enabling than the underlying zone provisions, it is considered to be more appropriate for this to be specified stated as part of the precinct standards (supported by the new general rule C1.6A(2).

9.6 Care should be taken when applying blanket provisions that allow for standards to cancel out other standards. Precincts do not necessarily contain standards that can fully replace an underlying zone standards. For example, precincts may provide for alternative front, side and rear yard requirements in a yard standard, but the underlying zone yards standard also covers riparian yards, lakeside yards and coastal protection yards – these latter yards would, based on the precinct text, no longer be relevant.

Relief Sought

9.7 In relation to these matters, the following relief is sought:

a) That the above text is deleted from all precincts and consequential amendments are made to standards as necessary to ensure that MDRS development is only restricted when a qualifying matter applies. 2272.124

Flat Bush Precinct (I412)

9.8 CivilPlan has prepared many resource consent applications utilising the Flat Bush Precinct provisions. These provisions are unnecessarily complex and there is insufficient justification for their significant departures from the underlying zone and Auckland-wide provisions. Even if the changes proposed by PC78 are carried through, the Flat Bush Precinct text will remain overly complicated and difficult to navigate.

9.9 The intensification planning instrument presents an opportunity to update outdated, contradictory, and overly restrictive provisions that are in many cases no longer relevant, especially for those areas where residential development has now occurred. Therefore, it is submitted that Auckland Council should endeavour to delete the Flat Bush Precinct as much as possible.

9.10 In particular, the Sub-precinct G provisions, which are unchanged by PC78 should no longer apply or at the very least the rule specifying that all buildings and structures are a restricted discretionary activity (I412.4.1(A20)) should be deleted on the basis that this unduly restricted development in accordance with the MDRS.

9.11 Where land in sub-precinct G is already vested in Council, this should be rezoned Open Space zone and administered in accordance with the Open Space zone provisions (refer also to the relief sought above regarding open space zoning). Where land sub-precinct G has been subdivided and the land was not required to meet open spaces needs, the Sub-precinct is not appropriate. For that land and other undevelopable land partly subject to the Sub-precinct, the retention of the Sub-precinct G provisions as a qualifying matter has not been justified by Council, noting that section 77I(f) of the RMA is not relevant to land that is not already open space.

9.12 Provisions related to riparian margins and the 1% AEP floodplain, which Flat Bush Sub-precinct G contains, are provided for as qualifying matters under section 77I(a). The management of activities within the 1% AEP floodplain is provided for by the Auckland-wide provisions and there is no area-specific reason to require an alternative approach within this precinct. However, planting requirements for riparian margins can be provided for in line with similar provisions in other precincts (including Flat Bush Sub-precinct C).

9.13 On review, only the following provisions of the Flat Bush Precinct are considered necessary to be retained in light of the MDRS and NPS-UD:

a) All provisions related to Flat Bush Sub-precinct I and J, on the basis that these relate to sites not within the urban environment.

b) If necessary to accommodate the Council-identified qualifying matters, all provisions related to Flat Bush Sub-precinct K.

c) The exemption to yards for rear boundaries adjoining an access lot.

d) The more permissible maximum impervious area.

e) Provisions related to Flat Bush Sub-precinct G only to the extent that they relate to riparian margins and the 1% AEP floodplain.

f) Subdivision standards related to the location of roads, cul-de-sacs and block lengths and perimeters.

Relief sought

9.14 In relation to these matters, the following relief is sought:

a) That the Flat Bush Precinct be deleted from the urban zones to the greatest extent possible so that greater reliance is given to the underlying zone and Auckland-wide provisions.

b) Alternatively, as a minimum:

i) Delete I412.4.1(A14) on the basis that there are no instances where subdivision in accordance with a land use consent would not comply within the minimum lot size area and dimensions, given that Standards I412.6.2.1 and I412.6.2.2 specify these do not apply to subdivision in accordance with a land use consent. 2272.125

ii) Amend I412.4.1(A20) to only refer to subdivision, so that all buildings and structures (which would include up to three residential units) within the Flat Bush Sub-precinct G are no longer a restricted discretionary activity.

iii) Delete the minimum and average lot sizes for Sub-precincts A, D, E, F and H from Table I412.6.2.1.1 on the basis that these are not consistent with the level of development permitted by the MDRS.

iv) Delete the minimum site dimensions for Sub-precincts A, B, D, E, F and H from Table I412.6.2.2.1 on the basis that these are not consistent with the level of development permitted by the MDRS. 2272.125

Hingaia 1 Precinct (I449)

9.15 CivilPlan staff prepared Plan Change 67 to the AUP, which significantly amended the provisions for the Hingaia 1 Precinct.

9.16 CivilPlan supports the removal of various provisions in the Hingaia 1 Precinct in order to give effect to the MDRS.

9.17 In particular, CivilPlan supports removal of the density limitation for sites adjoining the coast or esplanade reserves, on the basis that provisions accommodating qualifying matters related to the coastal environment (including coastal hazards) should be provided for within the Auckland-wide provisions and there is no area-specific reason to require an alternative approach within this precinct.

9.18 However, CivilPlan considers there are additional changes that should be made to simplify the precinct further in light of the changes to the underlying zone provisions and the changes to zoning within the precinct. The requested changes have been applied into an updated version of the precinct text, which has been attached separately as Appendix 4.

Relief sought

9.19 In relation to these matters, the following relief is sought:

a) That changes be made to the Hingaia 1 Precinct as outlined in Appendix 4. This includes:

i) Deleting the "zone and precinct standards to be complied with" column, given that the underlying zone provisions are now heavily relied on. 2272.126

ii) Deleting activities (A7) and (A9) ("four or more dwellings" and "integrated residential development") and associated provisions given that full reliance can now be made on the underlying zone provisions. 2272.127

iii) Deleting Standard I449.6.2.2, given that these requirements are now no different from the Auckland-wide standards. 2272.128

Redhills Precinct (I610)

9.20 The transport triggers in Standard I610.6.1 have been identified as a qualifying matter without any amendments. However, since being incorporated in the AUP, Auckland Transport has reviewed the transport thresholds set out in Table I610.6.1.1 and Table I610.6.2.1. Attached as Appendix 5 is a copy of the memo issued by Auckland Transport in 2019 that sets out amended/updated transport triggers.

9.21 Based on our experience obtaining resource consents in this Precinct, these triggers are referenced informally as part of the resource consent process for development within the precinct, and should be formally included in the precinct to minimise ambiguity for consenting remove unnecessary limitations to development within the precinct, particularly the '1 dwelling' threshold, which currently renders all development within the precinct either restricted discretionary or non-complying (typically the latter as the works are planned and no alternatives are appropriate).

Relief sought

9.22 In relation to this matter, the following relief is sought:

a) That the transport triggers set out in Table I610.6.1.1 and I610.6.1.2 are updated consistent with the memo attached as Appendix 5. 2272.129

10. Summary of Relief Sought

10.1 The following relief is sought from Auckland Council:

a) All relief specified in the sections and tables above in relation to each submission point;

b) Such other alternative or consequential relief as is necessary to achieve consistency with the above; and

c) Such other alternative relief to satisfy the concerns of the submitter.

CivilPlan wishes to be heard in support of its submission.

If others make a similar submission, CivilPlan will consider presenting a joint case with them at a hearing.

Signature: .....

Aaron Grey – Senior Planner
CivilPlan Consultants Ltd

Emma Bayly – CivilPlan Associate
CivilPlan Consultants Ltd

Date: 29/9/2022

Attachments:

Appendix 1	List of zone provisions to be relocated
Appendix 2	Infrastructure Constraints Overlay example text
Appendix 3	Section E38 Changes
Appendix 4	Sought Changes to the Hingaia 1 Precinct
Appendix 5	Auckland Transport Memo regarding Redhills Precinct transport triggers

S:\CivilPlan Admin\LIBRARY\Planning\Submissions for CP\SUB07 - PC78 - Intensification\1003-SUB07-PC78-ajg-20220929.docx

For each of the provisions listed in the table below, the relief sought is that each is relocated to the section of the AUP identified in the 'Relocated To' column (which may consist of a new overlay or precinct), or otherwise simply deleting the provisions if they duplicate an existing provision in that section

Provision	Areas Applicable To	Relocated To	
Objective H3A.2(6)	Special Character Areas Overlay	Section D18 (if retained)	2272.130
Objective H3A.2(7)	Sites and Places of Significance to Mana Whenua Overlay	Section D21	2272.131
Objective H3A.2(8)	Significant Ecological Areas Overlay Outstanding Natural Features Overlay Outstanding Natural Landscapes Overlay Outstanding Natural Character Historic Heritage Overlay	Sections D9, D10, D11 and D17	2272.132
Objective H3A.2(9)	Natural hazards	Section E36	2272.133
Objective H3A.2(11)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.134
Policy H3A.3(8)	Special Character Areas Overlay	Section D18 (if retained)	2272.135
Policy H3A.3(9)	Significant Ecological Areas Overlay Outstanding Natural Features Overlay Outstanding Natural Landscapes Overlay Outstanding Natural Character	Sections D9, D10 and D11	2272.136
Policy H3A.3(10)	Sites and Places of Significance to Mana Whenua Overlay	Section D21	2272.137
Policy H3A.3(13)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.138
Policy H3A.3(14)	Natural hazards	Section E36	2272.139
Policy H3A.3(15)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2272.140
Policy H3A.3(16)	Waitakere Ranges Heritage Area Overlay	Section D12	2272.141
Policy H3A.3(17)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.142
H3A.4.1(A4)	High Natural Character Overlay	Section D11	2272.143
H3A.4.1(A5)	Outstanding Natural Character Overlay	Section D11	2272.144
H3A.4.1(A6)	Outstanding Natural Landscapes Overlay	Section D11	2272.145
H3A.4.1(A7)	Waitakere Ranges Heritage Area Overlay	Section D12	2272.146
H3A.4.1(A8)	Significant Ecological Areas Overlay	Section D9	2272.147
H3A.4.1(A9)	Significant Ecological Areas Overlay	Section D9	2272.148
H3A.4.1(A10)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.149

Provision	Areas Applicable To	Relocated To	
H3A.4.1(A20)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.150
H3A.4.1(A31)	Outstanding Natural Character Overlay	Section D11	2272.151
H3A.4.1(A32)	High Natural Character Overlay Outstanding Natural Landscapes Overlay	Section D11	2272.152
H3A.4.1(A33)	Outstanding Natural Character Overlay	Section D11	2272.153
H3A.4.1(A34)	1% AEP coastal storm inundation	Section E36	2272.154
H3A.4.1(A35)	Coastal erosion hazard area	Section E36	2272.155
H3A.4.1(A36)	Outstanding Natural Features Overlay	Section D10	2272.156
H3A.4.1(A37)	Outstanding Natural Features Overlay	Section D10	2272.157
H3A.4.1(A38)	1% AEP floodplain	Section E36	2272.158
Standard H3A.6.4	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.159
Standards H3A.6.5	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.160
Standard H3A.6.8.1(2)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2272.161
Standard H3A.6.6	Outstanding Natural Character Overlay High Natural Character Overlay Outstanding Natural Landscapes Overlay	Section D11	2272.162
Standard H3A.6.7(2)	Outstanding Natural Character Overlay High Natural Character Overlay Outstanding Natural Landscapes Overlay	Section D11	2272.163
Standard H3A.6.8(2) and Figure H3A.6.8.2	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2272.164
Standard H3A.6.10(2)	Outstanding Natural Landscapes Overlay	Section D11	2272.165
Standard H3A.6.11(2) to (4)	Significant Ecological Areas Overlay	Section D9	2272.166
Standard H3A.6.12(3)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2272.167
Matters of control H3A.7.1(1)	Significant Ecological Areas Overlay	Section D9	2272.168
Assessment criteria H3A.7.2(1)	Significant Ecological Areas Overlay	Section D9	2272.169
Matters of discretion H3A.8.1(4)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.170
Matters of discretion H3A.8.1(5)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.171
Assessment criteria H3.8.2(4)(i)-(k)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2272.172

Provision	Areas Applicable To	Relocated To	
Assessment criteria H3A.8.2(10)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.173
Assessment criteria H3A.8.2(11)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.174
Objective H5.2(10)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.175
Policy H5.3(13)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.176
Policy H5.3(15)	Significant Ecological Areas Overlay	Section D9	2272.177
Policy H5.3(16)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.178
Policy H5.3(17)	Pukekiwiriki Pā Historic Reserve, Red Hill	New Precinct	2272.179
H5.4.1(A2A)	Significant Ecological Areas Overlay	Section D9	2272.180
H5.4.1(A2B)	Significant Ecological Areas Overlay	Section D9	2272.181
H5.4.1(A14A)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.182
H5.4.1(A14B)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.183
H5.4.1(A14C)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.184
H5.4.1(A32A)	Significant Ecological Areas Overlay	New Infrastructure Constraints Overlay	2272.185
Standard H5.6.3B	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.186
Standard H5.6.3C	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.187
Standard H5.6.5(2)	Pukekiwiriki Pā Historic Reserve, Red Hill	New Precinct	2272.188
Standard H5.6.10(2)	Significant Ecological Areas Overlay	Section D9	2272.189
Matters of control H5.7.1(1)	Significant Ecological Areas Overlay	Section D9	2272.190
Assessment criteria H5.7.2(1)	Significant Ecological Areas Overlay	Section D9	2272.191
Matters of discretion H5.8.1(6)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.192
Matters of discretion H5.8.1(7)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.193
Assessment criteria H5.8.2(4)(f)	Pukekiwiriki Pā Historic Reserve, Red Hill	New Precinct	2272.194
Assessment criteria H5.8.2(22)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.195
Assessment criteria H5.8.2(21)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.196

Provision	Areas Applicable To	Relocated To	
Objective H6.2(9)	Significant Ecological Areas Overlay	Section D9	2272.197
Policy H6.3(13)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.198
Policy H6.3(15)	Significant Ecological Areas Overlay	Section D9	2272.199
H6.4.1(A2A)	Significant Ecological Areas Overlay	Section D9	2272.200
H6.4.1(A2B)	Significant Ecological Areas Overlay	Section D9	2272.201
H6.4.1(A3B)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.202
H6.4.1(A3C)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.203
H6.4.1(A33B)	Significant Ecological Areas Overlay	Section D9	2272.204
Standard H6.6.4B	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.205
Standard H6.6.4C	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.206
Standard H6.6.11(2)	Significant Ecological Areas Overlay	Section D9	2272.207
Matters of control H6.7.1(1)	Significant Ecological Areas Overlay	Section D9	2272.208
Assessment criteria H6.7.2(1)	Significant Ecological Areas Overlay	Section D9	2272.209
Matters of discretion H6.8.1(6)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.210
Matters of discretion H6.8.1(7)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.211
Assessment criteria H6.8.2(22)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.212
Assessment criteria H6.8.2(21)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2272.213

2272.37

D28. Infrastructure Constraints Overlay

D28.1. Overlay Description

[Additional description text to be inserted]

The Infrastructure Constraints Overlay consists of the following controls as shown on the planning maps:

- Infrastructure – Combined Wastewater Network Control
- Infrastructure – Water and/or Wastewater Constraints Control
- Infrastructure – Stormwater Disposal Constraints Control
- Infrastructure – Beachlands Transport Constraints Control

D28.2. Objectives

(1) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects

Commented [AG1]: H3A.2(10), H5.2(7), H6.2(7)

(2) Intensification is avoided in areas with significant transport infrastructure constraints.

Commented [AG2]: H3A.2(11), H5.2(10)

(3) Subdivision avoids the creation of vacant sites not complying with the minimum site size in areas where transport qualifying matters apply.

Commented [AG3]: E38.2(10)(e)

D28.3. Policies

Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and/or Wastewater Constraints Control, Infrastructure – Stormwater Disposal Constraints Control

(1) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints to be provided with appropriate infrastructure.

Commented [AG4]: H3A.3(13), H5.3(13), H6.3(13)

(2) Avoid subdivision in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints unless proposed subdivisions can be serviced by infrastructure and there is sufficient capacity.

Commented [AG5]: E38.3(31)

Infrastructure – Beachlands Transport Constraints Control

(3) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints.

Commented [AG6]: H3A.3(17), H5.3(16)

(4) Avoid vacant site subdivision that does not comply with the minimum site size in areas identified on the planning maps as subject to transport infrastructure constraints.

Commented [AG7]: E38.3(32)

D28.4. Activity Table

Table D28.4.1 specifies the activity status of land use, development and subdivision activities within the Infrastructure Constraints Overlay pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

2272.37

Where activities are shown in the Activity table below, the applicable zone, precinct and Auckland-wide rules also apply.

Table D28.4.1 Activity Table

Activity		Activity Status
Residential		
(A1)	Two or more per site dwellings per site within the Infrastructure – Beachlands Transport Constraints Control	NC
(A2)	Two or more dwellings per site within the Infrastructure – Water and/or Wastewater Constraints Control	RD
(A3)	Dwellings within the Infrastructure – Combined Wastewater Network Control that do not comply with Standard D28.6.1	RD
(A4)	Dwellings within the Infrastructure – Stormwater Disposal Constraints Control that do not comply with Standard D28.6.2	RD
Subdivision		
(A5)	Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control	RD
(A6)	Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control and/or the Infrastructure – Water and Wastewater Constraints Control	RD
(A7)	Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control complying with Standard D28.6.3.	D
(A8)	Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control not complying with Standard D28.6.3	NC

Commented [AG8]: H3A.4.1(A20), H5.4.1(A14A)

Commented [AG9]: H3A.4.1(A10), H5.4.1(A14C), H6.4.1(A3C)

Commented [AG10]: E38.4.2(A29A)

Commented [AG11]: E38.4.2(A29B)

Commented [AG12]: E38.4.2(A29C)

Commented [AG13]: E38.4.2(A29D)

D28.5. Notification

(1) Any application for resource consent for an activity listed in Table D28.4.1 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) 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).

D28.6. Standards

D28.6.1. Dwellings within the Infrastructure – Combined Wastewater Network Control

Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network

(1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network.

Commented [AG14]: H3A.6.4, H5.6.3B, H6.6.4B

2272.37

D28.6.2. Dwellings within the Infrastructure – Stormwater Disposal Constraints Control

Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to require adequate provision for stormwater disposal from the site

(1) A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage capacity must either be able to connect to the public stormwater network or provide sufficient stormwater disposal capacity on-site.

Commented [AG15]: H3A.6.45 H5.6.3C, H6.6.4C

D28.6.3. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control

(1) Proposed vacant sites identified in the Infrastructure – Beachlands Transport Constraints Control Overlay must comply with a minimum net site area of 600m^2.

Commented [AG16]: E38.8.2.9

D28.7. Assessment – controlled activities

There are no controlled activities in this precinct.

D28.8. Assessment of Restricted Discretionary Activities

D28.8.1. Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application.

(1) for two or more dwellings per site in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control:

(a) the effect on the capacity of the existing public reticulated water supply and wastewater network;

(b) the provision of access to water supplies for firefighting purposes;

(c) the ability to provide for a connection between any dwelling(s) and a reticulated water supply and wastewater network in the future.

Commented [AG17]: E38.12.1(11)
Also to replace H3A.8.1(4), H5.8.1(6), H6.8.1(6), for consistency.
Amended to relate to Water and/or Wastewater Constraints Control only.

(2) for dwellings within the Infrastructure – Combined Wastewater Network Control that do not comply with Standard D28.6.1; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control:

(a) the effect on the capacity of the existing public reticulated wastewater network;

(b) the ability to provide for a connection between any dwelling(s) and a reticulated wastewater network in the future; and

(c) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress.

Commented [AG18]: E38.12.1(11)
Also to replace H3A.8.1(4), H5.8.1(6), H6.8.1(6), for consistency.
Amended to relate to Combined Wastewater Network Control only.

(3) for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:

(a) the ability to provide for stormwater disposal.

Commented [AG19]: H3A.8.1(5), H5.8.1(7), H6.8.1(7) (all modified for consistency) and E38.12.1(10)

D28.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities from the list below.

2272.37

(1) for two or more dwellings per site in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control:

(a) Whether there is adequate capacity in the existing public reticulated water supply and wastewater network to service the proposed dwellings or subdivision;

(b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available;

(c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and/or wastewater network in the future.

Commented [AG20]: H3A.8.2(10), H5.8.2(21), H6.8.2(21) and E38.12.2(11).
Amended to relate to the Water and/or Wastewater Constraints Control only

(2) for developments containing more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control:

(a) Whether there is adequate capacity in the existing public reticulated wastewater network to service the proposed dwellings or subdivision;

(b) Whether there is the ability connect the dwelling(s) to a reticulated wastewater network in the future; and

(c) Whether separation is in progress and whether the new dwelling(s) or site(s) can connect to a separated stormwater pipe that is part of the public stormwater network.

Commented [AG21]: H3A.8.2(10), H5.8.2(21), H6.8.2(21) and E38.12.2(11).
Amended to relate to the Combined Wastewater Network only

(3) for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:

(a) Whether there is the ability to adequately dispose of stormwater via a connection to the public stormwater network to service the proposed dwellings or subdivision

(b) Whether stormwater can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice to service the proposed dwellings or subdivision.

Commented [AG22]: H3A.8.2(11), H5.8.2(22), H6.8.2(22) and E38.12.2(10)

D28.9. Special Information Requirements

(1) For subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:

2272.37

(a) A technical report prepared by a suitably qualified and experienced person that demonstrates that sufficient stormwater disposal capacity exists.

Commented [AG23]: Standard E38.8.2.7(1) converted to a special information requirement

(2) For subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control:

(a) A technical report prepared by a suitably qualified and experienced person that demonstrates that infrastructure and servicing can be achieved.

Commented [AG24]: Standard E38.8.2.8(1) converted to a special information requirement

…

Table E38.4.2 Activity table – Subdivision in residential zones

Activity		Activity Status
…		
(A13A)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1.	C
(A14)	Subdivision in accordance with an approved land use resource consent not complying with Standard E38.8.1A.1 ~~E38.8.2.1~~.	RD
(A13B)	Subdivision around lawfully established existing buildings and development complying with Standard E38.8.1A.2	C
(A15)	Subdivision around lawfully established existing buildings and development not complying with Standard E38.8.1A.2 ~~E38.8.2.2~~.	RD
…		

2272.41

…

E38.8.1A.1. Subdivision in accordance with an approved land use resource consent

(1A) The approved land use consent must relate to the construction or use of dwellings provided for as either permitted or restricted discretionary activities in the ~~Residential - Low Density Residential Zone,~~ Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone.

~~(1) Any subdivision relating to an approved land use consent must comply with that land use consent.~~

(2) No vacant sites are created.

E38.8.1A.2. Subdivision around lawfully established existing buildings and development

(1A) The lawfully established existing development must be dwellings provided for as either permitted or restricted discretionary activities in the ~~Residential - Low Density Residential Zone,~~ Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone.

(1) Prior to subdivision occurring, all development must meet one of the following:

(aa) have existing use rights;

(a) comply with the relevant overlay, Auckland-wide and zone rules; or

(b) be in accordance with an approved land use resource consent.

(2) No vacant sites are created.

…

I449. Hingaia 1

I449.1. Precinct Description

The Hingaia 1 precinct is located approximately 2.4km west of Papakura and is located in the southern part of the Hingaia Peninsula, to the south of the existing 'Karaka Lakes' residential subdivision.

The whole of the Hingaia Peninsula was structure planned for growth in 2000-2002. However, only Stage 1A was re-zoned at that time. This precinct is to be developed to provide for a logical extension of the existing Hingaia urban area, and development in the precinct will be guided by the Hingaia 1 precinct plan.

The purpose of the Hingaia 1 precinct is to provide for comprehensive and integrated residential development on the Hingaia Peninsula, to increase the supply of housing, to facilitate the efficient use of land, and to co-ordinate the provision of infrastructure.

It is envisaged that future land use, development and subdivision consents will give effect to the key elements of the precinct plan and provide opportunities for pedestrian and roading connections into future development areas.

2272.249

The zoning of land within this precinct is predominantly ~~Residential – Mixed Housing Suburban,~~ Residential – Mixed Housing Urban and Business – Neighbourhood Centre.

Commented [AG1]: Recognises that some land is in open space zone and future reserves will be in open space zone

The following overlays apply to parts of the land within this precinct:

- D9 Significant Ecological Areas Overlay
- D13 Notable Trees Overlay
- D17 Historic Heritage Overlay
- D26 National Grid Corridor Overlay

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I449.2. Objectives

(1) Subdivision and development occurs in a co-ordinated way that implements the Hingaia 1 precinct plan, provides a logical extension to the existing urban environment, and provides for connections to future development on adjoining land.

(2) Development achieves a high standard of amenity while ensuring there is a choice of living environments and affordability options.

(3) The existing stream network as illustrated on the Hingaia 1 precinct plan is retained and enhanced.

(4) Subdivision and development occurs in a manner that achieves the co-ordinated and timely delivery of infrastructure, including transport, wastewater, and water services either prior to or at the same time as development.

(5) The safety of users of shared paths and dedicated cycleways is prioritised over vehicle access.

(6) Significant adverse effects of stormwater run-off on communities, the marine receiving environment and freshwater systems are avoided to the extent practical, or otherwise mitigated using water sensitive design principles.

(7) Subdivision and development adjoining the coast provides for enhanced amenity and avoids risks of adverse effects arising from coastal erosion.

All relevant overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I449.3. Policies

(1) Require the structural elements of the Hingaia 1 precinct plan to be incorporated into all subdivision and development that results in urbanisation of the land.

(2) Require the construction of new roads, as generally indicated on the Hingaia 1 precinct plan, to achieve integration with the existing urban area and to enable future connections to link into adjoining sites to ensure that an interconnected movement network can be achieved on the Hingaia Peninsula.

(3A) Manage the adverse traffic effects of subdivision and development on the following parts of the transport network:

(a) The intersection of Great South Road and Park Estate Road;

(b) The intersection of Park Estate Road and Goodwin Drive, unless the full construction of Hinau Road and/or Ngakoro Road to collector road standard between Wawatai Drive and Park Estate Road has been completed; and

(c) The intersection of Park Estate Road, Clover Road and a future fourth leg.

(3B) Avoid subdivision and development that results in an average density of more than 40 dwellings per net ha (excluding roads and open space) or a total of 2,300 dwellings south of Park Estate Road, unless all adverse effects on the transport network resulting from this density are avoided, remedied or mitigated, including through the delivery of any necessary upgrades to the transport network.

(3) Ensure that a range of lot sizes, housing typologies and densities is enabled throughout the precinct to reflect a choice of living environments and affordability~~, including by enabling greater development potential for higher density residential developments and integrated residential development~~.

2272.214

Commented [AG2]: This relates to residential land use provisions that are being deleted

(4) Enable a range of residential living opportunities (including a range of lot sizes) with more intensive housing encouraged in locations with close proximity to the neighbourhood centre, public transport routes or areas with high amenity (e.g. locations close to public open space).

(5) Ensure subdivision and development, including road design, achieves a high standard of amenity, pedestrian safety and convenience, and contributes to a positive sense of place and identity.

(6) Require subdivision and development to be staged to align with the co-ordinated provision of infrastructure, including transport, water and wastewater.

(7) Require subdivision and development to use water sensitive design principles as the core development approach to manage stormwater run-off, water quality, and flooding and mimic the natural hydrological regime and provide baseflow to streams.

(8) Require subdivision and development to restore and to enhance the stream network, as illustrated on the Hingaia 1 precinct plan, to achieve a natural appearance with appropriate native species and encourage restoration and enhancement of wetland areas.

(9) Encourage walkways along stream corridors and within and around wetland areas. Where possible, walkways should integrate with existing open space areas and enable future connections to adjoining undeveloped sites.

(10) Require the design of stormwater retention devices in public areas to be integrated with the surrounding area and to contribute to multi-use benefits for public areas. Where appropriate, the devices should be natural in appearance.

(11) Enhance the natural character of the coast and avoid adverse effects from further coastal erosion by ~~restricting residential density on sites directly adjacent to the coast and~~ encouraging restoration planting with eco-sourced plants where subdivision vests esplanade reserve in Council.

2272.214

(12) Promote the development and enhancement of a high amenity urban coastal character by:

(a) managing the interface between open space and private allotments to minimise visual dominance effects from buildings, fences and retaining walls; and

(b) providing for viewshafts out to the coast along roads and open space (and from the esplanade reserve back into the development).

(13) Restrict or manage vehicle access to and from sites adjacent to shared paths or dedicated cycleways so that:

(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of users of the shared path or dedicated cycleway; and

(b) any adverse effect on the effective, efficient and safe operation of the shared paths or dedicated cycleways arising from vehicle access across these facilities is avoided or mitigated.

(14) Encourage subdivision and development to contribute to a positive sense of place and identity through in-street landscape elements, including retaining existing landscape features, and maximising coastal vistas.

All relevant overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I449.4. Activity Table

All relevant overlay activity tables apply unless otherwise specified below.

All other relevant Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I449.4.1 below or Activity Table I449.4.2 below.

Table I449.4.1 specifies the activity status of land use and development activities in the Hingaia 1 Precinct pursuant to sections 9 (2) and 9(3) of the Resource Management Act 1991.

Table I449.4.2 specifies the activity status of subdivision activities in the Hingaia 1 Precinct pursuant to section 11 of the Resource Management Act 1991.

A blank cell in the activity status means that the activity status (and any relevant matters of control or discretion) in the relevant overlay, Auckland-wide or zone provisions applies.

Table I449.4.1 Activity Table – Land use activities

Activity		Activity Status	~~Zone and Precinct Standards to be complied with~~
Transport			
(A1)	Construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities	RD	
(deleted) ~~**Residential**~~			
(A2)	*(deleted)* ~~Residential activities (including dwellings) not provided for below~~		~~The underlying zone standards applying to that activity; I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A2A)	*(deleted)* ~~Two or three dwellings on sites that adjoin the coast and/or esplanade reserve~~	~~RD~~	~~The underlying zone standards applying to that activity; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A3)	*(deleted)* ~~Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area~~	~~RD~~	~~Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A4)	*(deleted)* ~~Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone~~	~~RD~~	~~Standard H4.6.4 Building height; Standard; H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A4A)	*(deleted)* ~~Four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone~~	~~RD~~	~~Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~

Commented [AG3]: This column is no longer necessary following deletion of all residential activities and additional text in I499.6.1 below.

Commented [AG4]: This is no longer necessary following deletion of all residential activities

Commented [AG5]: This is no longer necessary given the removal of the "zone and precinct standards to be complied with" column and additional text in I499.6.1 below. The underlying zone activity table will instead apply.

2272.215

(A5)	*(deleted)* One dwelling on a front site less than 400 m² in area in the Residential – Mixed Housing Urban zone	P	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls; Standard H5.6.16 Minimum dwelling size; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.2. Building coverage for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A6)	*(deleted)* Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A7)	*(deleted)* Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A7A)	*(deleted)* Four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; The underlying zone standards applying to that activity; I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A8)	*(deleted)* Integrated Residential Development in the Residential – Mixed Housing Suburban zone	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A9)	*(deleted)* Integrated Residential Development in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone

Commented [AG6]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for four or more dwellings will instead apply.

2272.127

Commented [AG7]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for integrated residential development will instead apply.

Commerce			
(A10)	Show homes in a residential zone	P	~~Standard I449.6.1.6 Show homes~~
Development			
(A11)	~~*(deleted)* Internal and external alterations to buildings in residential zones~~ the Residential -Mixed Housing Urban zone	~~The same activity status and standards as applies to the land use activity that the building is designed to accommodate~~	
(A12)	~~*(deleted)* Accessory buildings in~~ the ~~residential zones~~ Residential -Mixed Housing Urban zone	~~The same activity status and standards as applies to the land use activity that the building is accessory to~~	
~~(A14)~~	~~*(deleted)* New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard H5.6.5 Height in relation to boundary but comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone~~	~~P~~	~~Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone Note: Compliance with Standard H5.6.5 Height in relation to boundary is not required.~~
(A15)	~~*(deleted)* New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary~~	~~RD~~	~~H5.6.6 Alternative height in relation to boundary Note: Compliance with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone is not required.~~
(A16)	~~*(deleted)* New buildings and additions to buildings in the residential zones~~ Residential -Mixed Housing Urban zone	~~The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate~~	
~~(A17)~~	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Suburban zone that are accessory to a residential activity listed as permitted or restricted discretionary activity in this activity table~~	~~P~~	~~Standard H4.6.14 Front, side and rear fences and walls; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining reserves~~
~~(A18)~~	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Suburban zone not otherwise provided for~~	~~P~~	~~Standard H4.6.8 Maximum impervious areas; Standard H4.6.10 Landscaped area; Standard H4.6.14 Front, side and rear fences and walls; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A19)	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Urban zone that are accessory to a show home or a residential activity listed as permitted or restricted discretionary activity in this activity table~~	~~P~~	~~Standard H5.6.15 Front, side and rear fences and walls; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.3. Landscaped area for higher density development, Standard I449.6.1.4 Fences and walls adjoining reserves~~

2272.216
2272.217

Commented [AG8]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for internal and external alterations will instead apply.

Commented [AG9]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for accessory buildings will instead apply.

2272.218

Commented [AG10]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for new buildings will instead apply.

2272.219

Commented [AG11]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The activty status under the amended (A20) will instead apply.

(A20)	Structures not defined as buildings under Chapter J ~~in the Residential – Mixed Housing Urban zone not otherwise provided for~~	P	~~Standard H5.6.9 Maximum impervious areas; Standard H5.6.11 Landscaped area; Standard H5.6.15 Front, side and rear fences and walls; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A21)	~~*(deleted)* Structures not defined as buildings under Chapter J in the Business – Neighbourhood Centre zone~~	~~P~~	~~Standard H12.6.11 Landscaping; Standard H12.6.6. Maximum impervious area in the riparian yard; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A21A) [rp]	Development of new or redevelopment of existing impervious areas greater than 50 m² within Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1	P	

2272.220

Commented [AG12]: This is no longer necessary following the deletion of activities (A19) and (A20) and deletion of the column "Zone and Precinct Standards to Be Complied With"

Commented [AG13]: This is no longer necessary due to additional text in I499.6.1 below.

Commented [AG14]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS), which had required a different approach to be taken for the residential zones (different standards applied).

2272.221

Table I449.4.2 Activity Table – Subdivision activities

Subdivision Activity		Activity Status
(A22)	~~*(deleted)* Subdivision that is listed as a restricted discretionary activity in Table E38.4.1, E38.4.2, E38.4.3 or E38.4.4 and not otherwise provided for below~~	~~RD~~
(A23)	Vacant sites subdivision in ~~a residential zone~~ the Residential -Mixed Housing Urban zone involving parent sites of 1ha or greater complying with Standard E38.8.3.1	RD
(A24)	Any subdivision ~~listed in this activity table~~ that does not comply with any of the relevant standards in I449.6.2 Subdivision standards	D

2272.222

Commented [AG15]: This is no longer necessary due to additional text in I499.6.1 below. Recognises that some subdivision for residential development is to be provided for in E38 as a controlled activity instead.

Commented [AG16]: Consequential amendment in order to facilitate the deletion of Standard I449.6.2.2 and retain RD activity status. For parent sites less than 1ha, E38.4.2(A16) applies instead.

Commented [AG17]: Consequential amendments due to the deletion of I449.4.2(A24). Activity now applies to any subdivision provided for in E38 that does not comply with precinct standards.

Commented [AG18]: This is no longer necessary following the deletion of (e)

2272.223
2272.224
2272.225

I449.5. Notification

~~(1A) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties:~~

~~(a) Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(b) Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(c) Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(d) Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(e) Integrated Residential Development in the Residential – Mixed Housing Urban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(f) Integrated Residential Development in the Residential – Mixed Housing Suburban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities; and~~

~~(g) New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary.~~

2272.226

Commented [AG19]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone notification rules will instead apply.

(1) Any application for resource consent for an activity listed in Table I449.4.1 or Table I449.4.2 ~~and which is not listed in I449.5(1A) above~~ will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991 ~~unless there are specific notification rules for that activity in the zone in which case those rules will apply~~.

(2) 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).

2272.227

Commented [AG20]: This is no longer necessary following the deletion of I449.5(1A).

Commented [AG21]: This is not necessary as the activities listed in Tables I449.4.1 and I449.4.2 (as amended) are not subject to any notification rules in the zone. In any case, notification rules in the zone would only apply to activities in the zone's activity table, which precinct activity tables replace.

I449.6. Standards

I449.6.1. Land use standards

(1) All relevant overlay, ~~and~~ Auckland-wide and zone standards apply in this precinct ~~to the activities listed in Table I449.4.1~~, unless specified in I449.6.1(3) below. ~~except that in the Residential - Mixed Housing Urban zone the impervious area standard is replaced by I449.6.1.1~~

2272.228

Commented [AG22]: This is necessary following the deletion of I449.6.1(2)

Commented [AG23]: Amendments clarify that these standards apply to all land use activities, not just those specified in Table I449.4.1.

Commented [AG24]: Exemption to zone impervious area provided for in a separate subclause.

~~(2) *(deleted)* Land use activities listed in Table I449.4.1 Activity Table – Land use activities must comply with the standards listed in the column in Table I449.4.1 called Standards to be complied with, including the relevant zone standards.~~

(3) The following zone standards do not apply in the Residential – Mixed Housing Urban Zone:

(a) Standard H5.6.9. Maximum impervious area.

Commented [AG25]: This is no longer necessary following the deletion of the column "Zone and Precinct Standards to Be Complied With"

Commented [AG26]: Replaces proposed addition of "except that in the Residential - Mixed Housing Urban zone the impervious standard is replaced by I449.6.1.1" in (1) above

(4) All land use activities must also comply with Standards I449.6.1.1 to I449.6.1.7, as relevant.

I449.6.1.1. Maximum impervious areas ~~for higher density development~~ in the Residential – Mixed Housing Urban zone

Commented [AG27]: Inserted to clarify that the remaining precinct standards apply to all land use activities. Alongside amendments to (1) above, enables the column Zone and Precinct Standards to Be Complied With" to be deleted.

Commented [AG28]: Given this standard now applies to all land use activities, provision needs to be specified to only apply to MHU zone area.

2272.229
2272.230
2272.231
2272.232

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risk;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards;
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood; and
- To provide for flexibility of built form for higher density development

(1) The maximum impervious area must not exceed 70 per cent of the site area.

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

~~**I449.6.1.2.** *(deleted)* **Building coverage for higher density development**~~

~~Purpose:~~
- ~~in the Residential – Mixed Housing Suburban zone, to manage the extent of buildings on a site to achieve the planned suburban built character of buildings;~~
- ~~in the Residential – Mixed Housing Urban zone, to manage the extent of buildings on a site to achieve the planned urban built character of buildings; and~~
- ~~to provide for flexibility of built form for higher density residential development.~~

~~(1) The maximum building coverage must not exceed 50 per cent of the net site area.~~

~~**I449.6.1.3.** *(deleted)* **Landscaped area for higher density development**~~

~~Purpose:~~
- ~~in the Residential – Mixed Housing Suburban zone, to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting;~~
- ~~in the Residential – Mixed Housing Urban zone, to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space;~~
- ~~to maintain the landscaped character of the streetscape within the zone; and~~
- ~~to provide for flexibility of built form for higher density residential development.~~

~~(1) The minimum landscaped area must be at least 30 per cent of the net site area.~~

~~(2) The front yard must comprise landscaped area of at least 40 per cent of the front yard.~~

I449.6.1.4. Fences and walls adjoining public places other than roads

Purpose: to enable fences and walls to be constructed on or adjacent to a site boundary adjoining a public place (other than roads) to be a sufficient height to:
- provide privacy for dwellings while enabling opportunities for passive surveillance of the adjoining public place; and
- minimise visual dominance effects to the adjoining public place;

(1) Where a site has a boundary that adjoins either the marginal strip legally described as Allotment 435 Parish of Opaheke or a site that is vested in Council as a local purpose (esplanade) reserve and is adjacent to the coastal marine area, then:

(a) no fences or walls shall be constructed on or within 1.0 m of that boundary;

(b) no retaining walls shall be constructed within 1.5 m of that boundary;

(c) within 1.5 m of that boundary, any fences must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.2 m; or

(ii) 1.6 m, if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary;

(d) within 1.5 m of that boundary, any fences must be a dark, recessive colour; and

(e) if any fence is constructed within 1.5 m of that boundary, then the area between the fence and that boundary shall be fully planted with shrubs that are maintained at a height of at least 1.0 m, except that:

(i) where a fence contains a gate, no planting is required between that gate and the boundary for a maximum width of 2 m.

(2) Where a site has a boundary that adjoins a public place other than a road that Standard I449.6.1.4(1) does not apply to, then:

(a) on or within 1.0 m of that boundary, fences or walls or any combination of these structures (whether separate or joined together) must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.4 m;

(ii) 1.8 m for no more than 50 per cent of the length of the boundary and 1.4 m for the remainder; or

(iii) 1.8 m if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary.

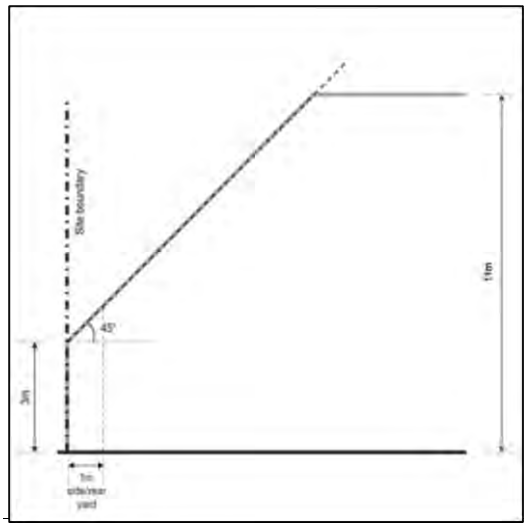
~~**I449.6.1.5.** *(deleted)*~~ **~~Height in relation to boundary in the Residential – Mixed Housing Urban Zone~~**

~~Purpose:~~

- ~~to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours; and~~
- ~~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) Unless otherwise specified below, buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along side and rear boundaries, as shown in Figure I449.6.1.5.1 Height in relation to boundary below.~~

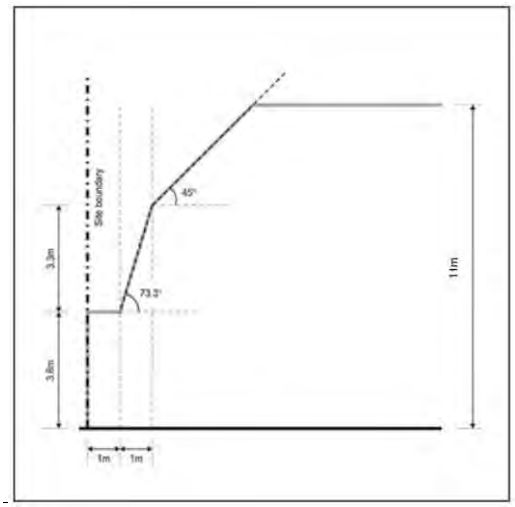
Figure I449.6.1.5.1 Height in relation to boundary



(2) Standard I449.6.1.5(1) does not apply to any buildings or parts of buildings that comply with Standards I449.6.1.5(3) and I449.6.1.5(4) below.

(3) Any buildings or parts of buildings on front sites within 20 m of the site frontage and more than 6 m from any rear boundary must not exceed a height of 3.6 m measured vertically above ground level at side boundaries. Thereafter, buildings must be set back 1 m and then 0.3 m for every additional metre in height (73.3 degrees) up to 6.9 m and then 1 m for every additional metre in height (45 degrees) as shown in Figure I449.6.1.5.2 Alternative Height in relation to boundary, below.

Figure I449.6.1.5.2 Alternative Height in relation to boundary



(4) Standard I449.6.1.5(3) above only applies to buildings that comply with the following:

(a) Where the site that adjoins the side boundary that the recession plane under Standard I449.6.1.5(3) is taken from contains an existing dwelling (or a dwelling that has obtained building consent), then shading caused by those parts of the building that would not comply with Standard I449.6.1.5(1) shall not result in less than four hours of sunlight between the hours of 9am and 4 pm during the equinox (22 September) over an area of at least:

(i) 75% of that existing dwelling's outdoor living space, if the outdoor living space has a total area of 20 m² or greater; or

(ii) 100% of that existing dwelling's outdoor living space, if the outdoor living space has a total area of less than 20 m².

(b) The front façade of each building must contain glazing that is cumulatively at least 20 percent of the area of the front façade (excluding any garage door).

(c) The front yard must comprise landscaped area of at least 50 per cent of the front yard.

(d) The proposed building shall provide a main entrance door that is visible from the street.

(e) Pedestrian access between the main entrance door of the building and the street must not cross any areas for the parking or manoeuvring of vehicles.

(f) Any garage doors facing the street must:

(i) Be set back at least 5 m from the front boundary; and

(ii) Must not project forward of the front façade of the building.

(g) Any balconies, decks or any similar outdoor living spaces above ground floor level must not be visible from any side boundary (when viewing perpendicular to that boundary), unless the structure (including any balustrades) does not intrude the recession planes specified in Standard I449.6.1.5(1).

(h) Those parts of the building that would not comply with Standard I449.6.1.5(1) must not include any glazing that faces a side boundary unless at least one of the following applies:

(i) The glazing is opaque; or

(ii) The window sill height is at least 1.6 m above the room's floor level.

(5) Standards I449.6.1.5(1) and I449.6.1.5(3) above do not apply to a boundary or part of a boundary adjoining any of the following:

(a) a Business – Neighbourhood Centre Zone;

(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, sites vested in Council as reserve, or sites held by Council as a park pursuant to section 138 of the Local Government Act 2002:

(i) that are greater than 2,000 m² in area;

(ii) where that part of the site in (i) is greater than 20 metres in width when measured perpendicular to the shared boundary;

(iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone may be treated as a single site for the purpose of applying this standard; and

(iv) where multiple reserves adjoin each other, the combined reserves may be treated as a single site for the purpose of applying this standard.

(6) Unless otherwise specified below, buildings must not project beyond a 45 degree recession plane measured from a point 2.5 m vertically above ground level along any boundary adjoining any of the following sites:

(a) Any site in the Residential – Mixed Housing Suburban Zone; or

(b) Any site 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 not covered by Standard I449.6.1.5(5)(b) above.

(7) Standards I449.6.1.5(1), I449.6.1.5(3) and I449.6.1.5(6) do 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.

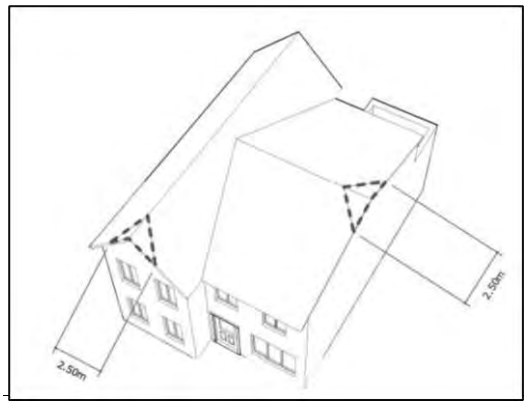
(8) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the applicable recession plane in Standard I449.6.1.5(1), I449.6.1.5(3) or I449.6.1.5(6) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(9) A gable end, dormer or roof may project beyond the applicable recession plane in Standard I449.6.1.5(1), I449.6.1.5(3) or I449.6.1.5(6) where that portion beyond the recession plane is:

(a) no greater than 1.5 m² in area and no greater than 1 m in height; and

(b) no greater than 2.5 m cumulatively in length measured along the edge of the roof as shown in I449.6.1.5.3 Exceptions for gable ends, dormers and roof projections and dormers below

~~**Figure I449.6.1.5.3 Exceptions for gable ends, dormers and roof projections and dormers**~~



~~(10) No more than two gable end, dormer or roof projections enabled under I449.6.1.5(9) above are allowed for every 6 m length of site boundary.~~

~~(11) The recession planes in Standards I449.6.1.5(1), I449.6.1.5(3) and I449.6.1.5(6) do not apply to existing or proposed internal boundaries within a site.~~

I449.6.1.6. Show homes in a residential zone

2272.233

Commented [AG29]: Given this standard now applies to all land use activities, provision needs to be specified to only apply to MHU zone area. Title also matches wording of activity I449.4.1(A10)

Purpose: to avoid, remedy and mitigate adverse effects on residential amenity resulting from show homes, including in relation to noise and traffic.

(1) The show home shall comply with all standards that are applicable to a dwelling on the site.

(2) The show home shall not operate outside the hours of 9:00 am and 5:00 pm on any day.

(3) The show home shall cease to operate five years after approval of code compliance certificate for that show home. From that date, the show home shall be deemed to be a dwelling.

I449.6.1.7. Vehicle access restrictions – Cycle facilities ~~(This rule applies to all development in Precinct)~~

2272.234

Commented [AG30]: This is not necessary following the insertion of I449.6.1(4).

(1) In addition to the requirements of Standard E27.6.4.1, new vehicle crossings must not be constructed or used to provide vehicle access across that part of a site boundary which has frontage to an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan. For the avoidance of doubt, this relates only to allotments fronting that side of the road where the shared path or dedicated cycle way exists or is proposed.

(2) Standard I449.6.1.7(1) above applies in any of the following circumstances:

(a) a new vehicle crossing is proposed;

(b) a new activity is established on a site;

(c) there is a change of type of activity; or

(d) a building(s) is constructed, or additions to buildings that are not permitted activities in Table H12.4.1 Activity table, except that this does not apply in the case of a dwelling where the reconstruction, alteration or addition does not increase the number of dwellings on a site.

(3) Standards I449.6.1.7(1) and I449.6.1.7(2) above do not apply to:

(a) the use of a vehicle crossing that exists on ~~*[legal effect date]*~~ 12 August 2022 that serves no more than one dwelling per site; and

(b) the construction or use of a vehicle crossing that has been shown on the plans of an approved subdivision consent that will serve no more than one dwelling per existing or approved site.

I449.6.2. Subdivision ~~controls~~ standards

(1) All relevant overlay, Auckland-wide and zone standards apply in this precinct ~~to the activities listed in Table I449.4.1~~.

(2) ~~Activities listed in Table I449.4.2~~ All subdivision activities must also comply with ~~the~~ Standards I449.6.2.1 to I449.6.2.3, as relevant.

I449.6.2.1. Precinct Plan

(1) Vacant sites subdivision shall provide for the following structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, unless they are shown on the precinct plan to be within any proposed allotment 4 ha or greater in area:

(a) Collector roads;

(b) Shared paths or dedicated cycle ways (excluding the shared path along the Southern Motorway);

(c) Parks, in the locations shown on the precinct plan.

(2) Where the structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan are required within any proposed allotment that is 4 ha or greater in area, it shall be demonstrated that the proposed subdivision does not preclude the provision of these elements under future subdivisions of that allotment.

I449.6.2.2. *(deleted)* ~~Vacant Sites Subdivision in Residential Zones~~

~~(1) Where subdivision is of a parent site less than 1 ha, each vacant site must comply with the minimum net site area of 300 m².~~

~~(2) Where subdivision is of a parent site 1 ha or greater in area:~~

~~(a) Each vacant site within a residential zone the Residential -Mixed Housing Urban zone must comply with the minimum net site area in Table I449.6.2.3.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater above.~~

2272.235

Commented [AG31]: Correcting an error.

Commented [AG32]: Correcting an error.

Commented [AG33]: Amendments clarify that these standards apply to all subdivision activities, not just those specified in Table I449.4.2.

2272.236
2272.237
2272.238

Commented [AG34]: Deleted as no longer necessary following removal of MHS zone. Standards E38.8.2.3 and E38.8.3.1 are instead relied on. These standards are no longer more restrictive than I449.6.2.2.

Commented [AG35]: Already provided for under Standard E38.8.2.3(2).

Commented [AG36]: Already provided for under Standard E38.8.3.1(3).

2272.250

2272.250

Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater

Zone	Minimum Net Site Area	Minimum Average Net Site Area	Maximum Average Net Site Area
Residential – Mixed Housing Suburban Zone	240m²	300m²	480m²
Residential – Mixed Housing Urban Zone	240m²	300m²	360m²

(b) The minimum average net site area calculated over the total of all sites created must comply with Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater above.

When calculating the minimum average net site area for the purpose of this standard, any proposed site with a net site area greater than the maximum average net site area specified for the applicable zone in Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.

(3) Where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.

Commented [AG37]: Already provided for under Standard E38.8.3.1(4).

Commented [AG38]: Already provided for under Standard E38.8.3.1(5).

Commented [AG39]: Already provided for under Standard E38.8.3.1(6).

I449.6.2.3. Riparian Margins

(1) Where a permanent or intermittent stream is shown on Figure I449.10.1. Hingaia 1 - Precinct Plan within or adjoining a road or an allotment less than 4 ha in area riparian margins shall be established either side of the banks of the stream (or on one side where the opposite side adjoins an allotment 4 ha or more in area) to a minimum width of 10m measured from the bank of the stream, where the location of the bank can be physically identified by ground survey, or from the centreline of the stream where the bank cannot be physically identified by ground survey. Those margins shall be planted in native vegetation and shall be offered to Council for vesting as local purpose (drainage) reserves.

I449.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I449.8. Assessment of Restricted Discretionary Activities

I449.8.1. Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application.

(1A) *(deleted)* for two or three dwellings on sites that adjoin the coast and/or esplanade reserve:

(a) effects on the natural character of the coast; and

(b) risks from coastal erosion.

(1) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone:

(aa) for sites that adjoin the coast and/or esplanade reserve:

(i) effects on the natural character of the coast; and

(ii) risks from coastal erosion;

(a) the matters listed in H4.8.1(2)(a) and H4.8.1(2)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size.

(2) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone:

(aa) for sites that adjoin the coast and/or esplanade reserve:

(i) effects on the natural character of the coast; and

(ii) risks from coastal erosion;

(a) the matters listed in H5.8.1(2)(a) and H5.8.1(2)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

2272.239

Commented [AG40]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's maximum impervious area standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(iv) Standard H5.6.12 Outlook space;

(v) Standard H5.6.13 Daylight;

(vi) Standard H5.6.14 Outdoor living space;

(vii) Standard H5.6.15 Front, side and rear fences and walls; and

(viii) Standard H5.6.16 Minimum dwelling size.fo

Commented [AG41]: This is no longer necessary following the deletion of I449.4.1(A7A). The underlying zone matters of discretion for four or more dwellings will apply instead.

(3) *(deleted)* for Integrated Residential Development in the Residential – Mixed Housing Suburban zone:

(a) the matters listed in H4.8.1(3)(a) and H4.8.1(3)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H4.6.11 Outlook space;

(vi) Standard H4.6.12 Daylight;

(vii) Standard H4.6.13 Outdoor living space;

(viii) Standard H4.6.14 Front, side and rear fences and walls; and

(ix) Standard H4.6.15 Minimum dwelling size.

(4) *(deleted)* for Integrated Residential Development in the Residential – Mixed Housing Urban zone in addition to the matters set out in the zone:

(a) The matters listed in H5.8.1(3)(a) and H5.8.1(3)(c); and

(b) all of the following standards:

2272.240

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

Commented [AG42]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's maximum impervious area standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

Commented [AG43]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's fences and walls standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(v) Standard H5.6.12 Outlook space;

(vi) Standard H5.6.13 Daylight;

(vii) Standard H5.6.14 Outdoor living space;

(viii) Standard H5.6.15 Front, side and rear fences and walls; and

~~(ix) Standard H5.6.16 Minimum dwelling size.~~

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious area~~s~~ in the Residential – Mixed Housing Urban zone ~~for higher density development~~; ~~Standard I449.6.1.2 Building coverage for higher density development; Standard I449.6.1.3 Landscaped area for higher density development;~~ Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.6 Show homes:

(a) any precinct or zone policy which is relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

~~(d) *(deleted)* in the Residential – Mixed Housing Suburban zone, the effects on the suburban built character of the zone;~~

(e) ~~in the Residential – Mixed Housing Urban zone,~~ the effects on the urban built character of the zone;

(f) the effects on the amenity of neighbouring sites;

(g) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(h) the characteristics of the development;

(i) any other matters specifically listed for the standard; and

(j) where more than one standard will be infringed (including standards in the underlying zone), the effects of all infringements.

(6) ~~*(deleted)* for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary:~~

~~(a) the matters listed in H5.8.1(5).~~

(7) ~~*(deleted)* for new buildings and additions to buildings that do not comply with the applicable standards in the zone~~ ~~in the Residential – Mixed Housing Urban zone that does not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone where Standard H5.6.6 Alternative height in relation to boundary is either not applicable or infringed~~:

~~(a) the matters in H5.8.1(4)any precinct or zone policy which is relevant to the standard;~~

~~(b) the purpose of the standard;~~

~~(c) the effects of the infringement of the standard;~~

~~(d) the effects on the urban built character of the zone;~~

~~(e) the effects on the amenity of neighbouring sites;~~

~~(f) the effects of any special or unusual characteristic of the site which is relevant to the standard;~~

Commented [AG44]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone matters of discretion for four or more dwellings will apply instead.

Commented [AG45]: To ensure consistency with amended standard title.

2272.241

2272.242

~~(g) the characteristics of the development;~~

~~(h) any other matters specifically listed for the standard; and~~

~~(i) where other standards will be infringed (including standards in the underlying zone), the effects of all infringements.~~

Commented [AG46]: This amended provision is redundant. The underlying zone matters of discretion for infringing standards will apply, without any need to give consideration to this provision.

(8) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the matters listed in E27.8.1(12); and

(b) effects on cyclist safety and amenity.

(9) for subdivision ~~listed~~ as a restricted discretionary activity ~~in Activity Table I449.4.2~~:

Commented [AG47]: Consequential change following changes to Table I449.4.2

2272.243

(a) the relevant matters listed in section E38.12.1;

(b) the subdivision's consistency with Figure I449.10.1. Hingaia 1 - Precinct Plan;

(c) consistency with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities for any proposed or future vehicle crossings required to access proposed or existing allotments;

(cc) effects on the transport network

(d) any applicable on-site stormwater management requirements for lots less than 4 ha in area; and

(e) the management of effects of stormwater from any proposed roads; and

(f) enabling viewshafts out to the coast.

I449.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities from the list below.

(1A) ~~*(deleted)* for two or three dwellings on sites that adjoin the coast and/or esplanade reserve:~~

~~(a) refer to Policy I449.3(11).~~

(1) ~~*(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone:~~

~~(aa) for sites that adjoin the coast and/or esplanade reserve, refer to Policy I449.3(11):~~

~~(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:~~

~~(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;~~

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size.

(b) the criteria listed in H4.8.2(2)(b) to H4.8.2(2)(i).

(2) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone in addition to the matters set out in the zone:

(aa) for sites that adjoin the coast and/or esplanade reserve, refer to Policy I449.3(11);

(a) the extent to which or whether the development achieves the purpose outlined in the following relevant standards identified in Table I449.4.1 Activity Table – Land use activities or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2. Building coverage for higher density development;

(iii) Standard I449.6.1.3. Landscaped area for higher density development;

(iv) Standard H5.6.12. Outlook space;

(v) Standard H5.6.13. Daylight;

(vi) Standard H5.6.14. Outdoor living space;

(vii) Standard H5.6.15. Front, side and rear fences and walls; and

(viii) Standard H5.6.16. Minimum dwelling size.

(b) the criteria listed in H5.8.2(2)(baa) to H5.8.2(2)(afh), H5.8.2(2)(fa) to H5.8.2(2)(fe) and H5.8.2(2)(ga) to 5.8.2(2)(h).

(3) *(deleted)* for integrated residential development in the Residential – Mixed Housing Suburban zone:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

2272.244

Commented [AG48]: This is no longer relevant following amendments to Policy I449.3(11).

Commented [AG49]: This is no longer necessary following the deletion of I449.4.1(A7A). The underlying zone assessment criteria for four or more dwellings will apply instead.

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H4.6.11 Outlook space;

(vi) Standard H4.6.12 Daylight;

(vii) Standard H4.6.13 Outdoor living space;

(viii) Standard H4.6.14 Front, side and rear fences and walls; and

(ix) Standard H4.6.15 Minimum dwelling size.

(b) the criteria listed in H4.8.2(3)(b) to H4.8.2(3)(k).

(4) *(deleted)* for integrated residential development in the Residential – Mixed Housing Urban zone:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards identified in Table I449.4.1 Activity Table – Land use activities or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2. Building coverage for higher density development;

(iii) Standard I449.6.1.3. Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H5.6.12. Outlook space;

(vi) Standard H5.6.13. Daylight;

(vii) Standard H5.6.14. Outdoor living space;

(viii) Standard H5.6.15. Front, side and rear fences and walls; and

(ix) Standard H5.6.16. Minimum dwelling size.

(b) the criteria listed in H5.8.2(3)(baa) to H5.8.2(3)(kac), H5.8.2(3)(q), and H5.8.2(3)(i) to (j).

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious areas in the Residential – Mixed Housing Urban zone for higher density development:

(a) refer Policies I449.3(3) and I449.3(4).

(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(9).

(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(10).

(6) *(deleted)* for buildings that do not comply with Standard I449.6.1.2 Building coverage for higher density development:

2272.245

Commented [AG50]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's fences and walls area standard. If infringed, the assessment criteria in I449.8.2(8) will instead apply.

Commented [AG51]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone assessment criteria for four or more dwellings will apply instead.

Commented [AG52]: To ensure consistency with amended standard title.

Commented [AG53]: Redundant text

2272.246
2272.247

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(10).~~

~~(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(11).~~

~~(7) *(deleted)* for development that does not comply with Standard I449.6.1.3 Landscaped area for higher density development:~~

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(11).~~

~~(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(12).~~

(8) for development that does not comply with Standard I449.6.1.4 Fences and walls adjoining public places other than roads:

(a) refer Policies I449.3(5) and I449.3(12).

(9) ~~*(deleted)* for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary:~~

~~(a) the criteria listed in H5.8.2(5).~~

(10) ~~*(deleted)* for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone that does not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone where Standard H5.6.6 Alternative height in relation to boundary is either not applicable or infringed:~~

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) the criteria listed in H5.8.2(6) and H5.8.2(7).~~

(11) for development that does not comply with Standard I449.6.1.6 Show homes:

(a) refer Policy H5.8.2(8).

(12) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the criteria listed in E27.8.2(11); and

(b) refer to Policy I449.3(13).

(13) for subdivision ~~listed~~ as a restricted discretionary activity ~~in Activity Table I449.4.2~~:

2272.248

Commented [AG54]: Consequential change following changes to Table I449.4.2

(a) the relevant criteria listed in section E38.12.2.

(b) whether the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan (including roads and stream corridors) are incorporated into the subdivision design (other than where proposed sites are 4 ha or greater in area);

(ba) the extent to which any roads are designed in accordance with the road construction guidelines in Appendix 1.

(c) whether the proposed staging of development promotes efficient development of the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan.

(cc) Whether there is a need for any of the following transport upgrades:

(i) The signalisation of the intersection of Great South Road and Park Estate Road;

(ii) If Hinau Road or Ngakoro Road is not yet constructed to collector road standard between Wawatai Drive and Park Estate Road, any upgrades to the intersection of Park Estate Road and Goodwin Drive;

(iii) The installation of a roundabout at the intersection of Park Estate Road and Clover Road when the northern fourth leg is constructed; or

(iv) If the development will provide for an average density of 40 dwellings per net ha (excluding roads and open space) across all of the Hingaia 1 Precinct south of Park Estate Road, any other transport upgrades to the road network resulting from this density.

(d) whether the subdivision is consistent with the Hingaia 1 precinct objectives and policies.

(e) whether lots adjoining an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, are provided with access from an alternative road so that infringement of Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities (including future infringements by land use activities on the proposed allotments) can be avoided or minimised.

(f) whether on-going compliance with the on-site stormwater management requirements contained in any relevant approved Stormwater Management Plan will be achieved.

(g) whether the management of stormwater runoff from any proposed road is consistent with the requirements of any relevant Stormwater Management Plan.

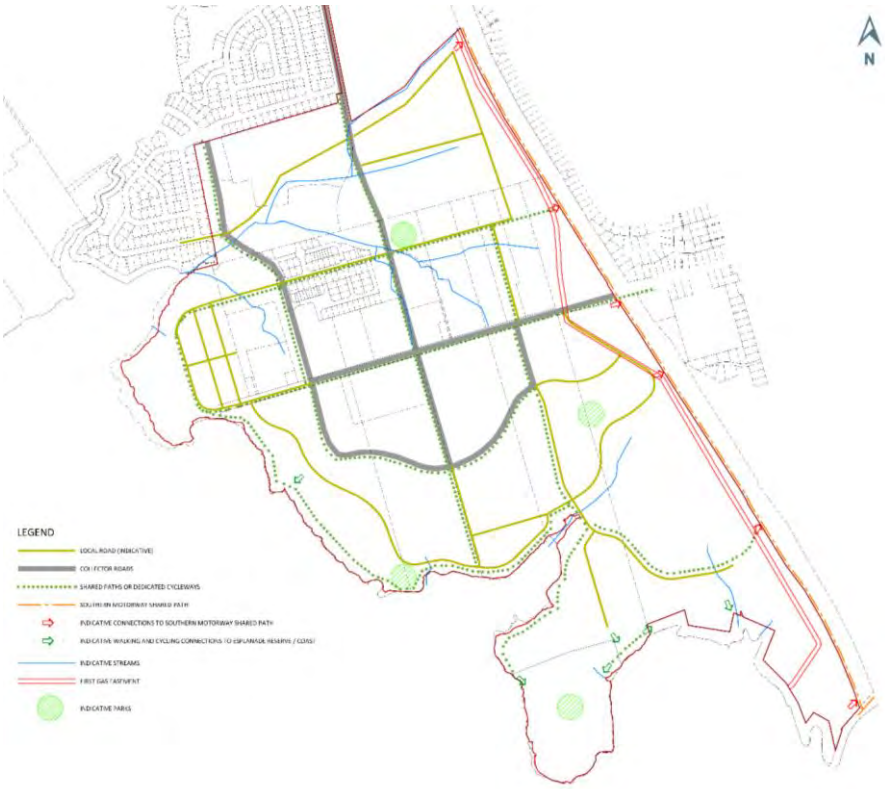
(h) the extent to which viewshafts from roads and open spaces out to the coast are provided for.

I449.9. Special Information Requirements

There are no special information requirements in this section.

I449.10. Precinct Plan

Figure I449.10.1. Hingaia 1 - Precinct Plan



I449.11. Hingaia 1 Precinct – Appendix 1

This appendix sets out the guidelines for the construction of roads in the precinct but is not intended to represent the only design solution.

Table I449.11.1 Hingaia 1 Precinct road construction guidelines

Road Type/Function	Minimum* Road Reserve Width	Total Number of Lanes	Design Speed	Cycle Provisions	Pedestrian Provision	Access Restrictions	Bus Provision
Park Estate Road, Hinau Road or Ngakoro Road (Collector)	21m	2	50 km/h	Yes	Both sides	Where cycle provision is made, in accordance with Standard I449.6.1.7.	Yes
Other Collector Road	21m	2	30 km/h	Yes	Both sides		Yes
Local Road	16m	2	30 km/h	If shown on Figure I449.10.1. Hingaia 1 - Precinct Plan	Both sides		No
Park Edge Local Road	12m	2	30 km/h		Both sides, but can be provided within park rather than the road		No

* Typical minimum cross section which may need to be varied in specific locations where required to accommodate batters, structures, intersection design, significant constraints or other localised design requirements.

Memorandum

To:	Fennel Mason – Premium Resource Consents
From:	Jarette Wickham – Principal Planner, Auckland Transport
Date:	4 November 2019
Subject:	Review of the Redhills Transport Triggers

Flow Transportation Specialists have reviewed the Redhills transport triggers and key intersections in I610.6.1 of the Redhills Precinct. The full report is attached.

The report assessed the upgrades required at the following key intersections and made comments on revised triggers:

- Don Buck/Westgate Drive (1 dwelling)
- Don Buck/ Fred Taylor Drive (3,600 dwellings)
- Don Buck/ Triangle Road (1 dwelling)

2272.129

This memo and the attached report will not change the triggers in the Redhills Precinct. It has identified some errors and the modelling has indicated potential changes in the triggers based on the latest information.

AT will work with Council and applicants as part of the normal consenting process in line with the updated triggers report and the trigger table in this memo.

The outcomes of the report are explained in more detail below. The review indicates that the in I610.6.1 and I610.6.2 could be amended as follows:

Table I610.6.1.1 Threshold for Development - Transport

Dwelling threshold	Infrastructure work required to exceed the dwelling threshold
~~1~~	~~Provision of signals at Don Buck Road/Westgate Drive intersection~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
	~~Upgrade to Don Buck Road/Triangle Road intersection~~ *Moved to be reviewed at 3,600 dwellings below.*
1,800	Widening of Don Buck Road ~~between Fred Taylor Drive and~~ Westgate Drive: - 2 ~~exit~~ through southbound lanes ~~from Fred Taylor/~~ at Don Buck/Westgate Drive intersection ~~in southbound direction~~ reducing to one lane, south of the intersection; and - 2 ~~exit~~ through northbound lanes ~~from Fred Taylor/~~ at Don Buck/ Westgate Drive intersection ~~in northbound direction reducing to one~~ ,extending through to the existing two lane section on approach to Fred Taylor Drive

Memorandum

	~~Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
	~~Link from Redhills Centre to Redhills Road~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
3,600	Upgrade to Fred Taylor Drive/Don Buck Road intersection to signalised layout (with full pedestrian/cycle crossing facilities)
	Widening of Don Buck Road ~~between Fred Taylor Drive and Westgate Drive~~: - 2 southbound lanes from Fred Taylor Drive to Westgate Drive ~~and~~, if there are two turning lanes into Don Buck Road at the Fred Taylor Drive intersection - ~~2~~ 3 northbound lanes ~~between Westgate Drive and~~ approaching Fred Taylor Drive (signalised) ~~increasing to 3 approach lanes at the~~ intersection ~~in northbound direction~~
	Review the needed upgrade to Don Buck Road/Triangle Road intersection, based on operational, safety and accessibility
5,400	North-western busway and bus station at Massey North
	Widening of full length of Fred Taylor Drive from Brigham Creek Road to Don Buck Road to two lanes in each direction with widening at intersections
	Widening of Don Buck Road from Royal Road to Redhills Road to two lanes in each direction
	Northside Drive East overbridge

2272.129

Table I610.6.2.1 Trigger for Development – Transport

Trigger	Infrastructure Upgrade
In advance of development adjacent to Don Buck Road/Westgate Drive intersection and when a fourth arm to Westgate Drive is provided	Signalise Don Buck Road/Westgate Drive/Westgate Drive extenstion intersection
In advance of development adjacent to the link from Redhills Centre to Redhills Road	Provide the link from Redhills Centre to Redhills Road as per the precinct
As development proceeds adjoining Fred Taylor Drive between Northside Drive and Don Buck Road (upgrade frontage)	Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)

Memorandum

In advance of development accessing the Northside Drive intersection	Fourth arm at Fred Taylor Drive/Northside Drive signalised intersection
When fourth arm to Dunlop Road is provided	Signalise Fred Taylor Drive/Dunlop Road intersection
In advance of development accessing Baker Lane	Upgrade to Fred Taylor Drive/Baker Lane intersection
In advance of development in the area adjacent to Henwood Road extension / Fred Taylor Drive intersection	Upgrade Fred Taylor Drive/Kakano Road/Henwood Road signalised intersection to incorporate fourth arm into signals

A summary of the assessment in the triggers report for each intersection is as follows:

Don Buck/Westgate Drive Intersection

- The current trigger for this upgrade is 1 dwelling. Currently it is a three-legged roundabout. Development adjacent to this intersection and the extension of Westgate Drive would result in a four-legged intersection.
- One and two-lane roundabout options were looked at. One-lane was preferred. In saying this, a roundabout has limitations for pedestrian and cycle connectivity and in dealing with the offset of the Westgate Drive Extension. 2272.129
- A signalised intersection would reduce these issues. The report considers that a one lane signalised intersection would work as an interim measure to 2026, but a larger two lane signalised will be required at a later stage.
- The trigger has therefore been amended from 1 dwelling to a requirement that a signalised intersection will be required when development adjacent to Westgate Drive/Don Buck Road is carried out. This would necessitate the Westgate Drive extension for access in line with the precinct plan.

Errors in the 1,800 dwelling triggers

- The current 1,800 dwelling trigger which requires two lanes on Don Buck Road on the exit from the Fred Taylor Drive roundabout is an error, as it should instead refer to the Don Buck Road/Westgate Drive intersection, where two exit lanes are recommended. This would be required at 1,800 dwellings which is approximately 2026. A cost share for the final design of Don Buck Road/Westgate Drive two-lane signalised intersection and associated widening with AT may be an option.

Don Buck/ Triangle Road Intersection

- The current trigger for this upgrade is 1 dwelling. This was informed by previous work to support the precinct which considered the northbound capacity would be reached by 2020 and two through lanes would be required. This intersection is a three-leg roundabout. No additional accesses are proposed.
- This intersection in its current form is still predicted to operate satisfactorily in 2026 and at 3,200 dwellings. In fact, the traffic flows are likely to decrease between now

Memorandum

and 2026, likely due to the completion of widening works along SH16 between Lincoln and Westgate. This may not have been anticipated by the previous work to support the precinct.

- The provision of two through lanes, with traffic then merging immediately north of the roundabout, would appear to increase vehicle conflicts, indicating that the upgrade may result in safety implications. On this basis the trigger has been amended to 3,600 dwellings where the operation and safety of the intersection should be reviewed.

Don Buck/ Fred Taylor Drive/ Te Oranui Way Intersection

- The current trigger for this upgrade is 3,600 dwellings.
- The intersection is a four-leg roundabout. This was proposed to be amended to five to accommodate an east west arterial. The Bunnings appeal resulted in this shifting north meaning it will remain four-legs.
- For vehicles the roundabout is predicted to have spare capacity at 3,200 dwellings and will be over capacity by 6,500 dwellings.
- In saying this, the roundabout does not currently provide well for pedestrian and cyclists and the layout is skewed in a way which may result in vehicle conflicts. A signalised intersection would address these issues.
- On this basis pedestrian/cycle improvements should be implemented as early as possible and a signalised intersection should still be required at 3,600 dwellings. There is no change proposed for this trigger.

2272.129

Some other changes have been suggested to the triggers for consistency that were not included in the triggers report. These include:

- **The link from Redhills Road to the Redhills Centre** is required when 1,800 dwellings are constructed. This link may be needed sooner or later than 1,800 dwellings depending on how they are distributed across the precinct. This upgrade would be required when development adjacent to the link is carried out. This would mean each developer would construct this link as per the layout shown in the precinct plan. This trigger has been moved to *Table I610.6.2.1 Trigger for Development – Transport*.
- **Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road.** As each developer develops the frontage of their site it should be upgraded to an urban standard to achieve this as opposed to being tied to a trigger of 1,800 dwellings. Auckland Transport will provide a cross section of this portion of Fred Taylor Drive so it can be added as a consent condition to resource consents.

Attachment A: Flow Report: Redhills Precinct Review of Transport Infrastructure Triggers dated October 2019.

Attachment B: Clean copy of triggers table.

Memorandum

Attachment B: Clean copy of triggers table

Table I610.6.1.1 Threshold for Development - Transport

Dwelling threshold	Infrastructure work required to exceed the dwelling threshold
1,800	Widening of Don Buck Road: - 2 through southbound lanes at Don Buck/Westgate Drive intersection reducing to one lane, south of the intersection; and - 2 through northbound lanes at Don Buck/ Westgate Drive intersection extending through to the existing two lane section on approach to Fred Taylor Drive
3,600	Upgrade to Fred Taylor Drive/Don Buck Road intersection to signalised layout (with full pedestrian/cycle crossing facilities)
	Widening of Don Buck Road: - 2 southbound lanes from Fred Taylor Drive to Westgate Drive, if there are two turning lanes into Don Buck Road at the Fred Taylor Drive intersection - 3 northbound lanes approaching Fred Taylor Drive (signalised)
	Review the needed upgrade to Don Buck Road/Triangle Road intersection, based on operational, safety and accessibility
5,400	North-western busway and bus station at Massey North
	Widening of full length of Fred Taylor Drive from Brigham Creek Road to Don Buck Road to two lanes in each direction with widening at intersections
	Widening of Don Buck Road from Royal Road to Redhills Road to two lanes in each direction
	Northside Drive East overbridge

2272.129

Table I610.6.2.1 Trigger for Development – Transport

Trigger	Infrastructure Upgrade
In advance of development adjacent to Don Buck Road/Westgate Drive intersection and when a fourth arm to Westgate Drive is provided	Signalise Don Buck Road/Westgate Drive/Westgate Drive extenstion intersection
In advance of development adjacent to the link from Redhills Centre to Redhills Road	Provide the link from Redhills Centre to Redhills Road as per the precinct
As development proceeds adjoining Fred Taylor Drive between Northside Drive and Don Buck Road (upgrade frontage)	Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)
In advance of development accessing the Northside Drive intersection	Fourth arm at Fred Taylor Drive/Northside Drive signalised intersection
When fourth arm to Dunlop Road is provided	Signalise Fred Taylor Drive/Dunlop Road intersection
In advance of development accessing Baker Lane	Upgrade to Fred Taylor Drive/Baker Lane intersection
In advance of development in the area adjacent to Henwood Road extension / Fred Taylor Drive intersection	Upgrade Fred Taylor Drive/Kakano Road/Henwood Road signalised intersection to incorporate fourth arm into signals

Submission on Proposed Plan Change 78 to the Auckland Unitary Plan

To: Auckland Council

Name of Submitter: Aaron Grey

Address for Service: 97H Mays Road
Onehunga
Auckland 1061

Telephone: 0274 612 319

Email: aaronjgrey@gmail.com

This is a submission on Plan Change 78 to the Auckland Unitary Plan ("PC78").

My name is Aaron Grey and I am a planning professional with over eight years' experience covering a wide range of land use and subdivision planning matters on behalf of private and public entities in New Zealand. I have particular expertise in applying for and processing resource consents associated with residential development and subdivision with the Auckland urban area under the Auckland Unitary Plan ('AUP'). I hold a Bachelor of Planning with Honours from the University of Auckland and I am a Full Member of the New Zealand Planning Institute.

The views shared in this submission are my own based on my working experience and do not necessarily reflect the views of my employer or clients of my employer.

I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991 ('RMA').

1. Specific provisions of the proposal that this submission relates to

This submission partly supports and partly opposes PC78.

The submission addresses the following matters:

- Consistency with the National Planning Standards;
- Urban areas excluded from PC78
- Qualifying Matters
- Zoning and Mapping, including Walkable Catchments
- Various provisions in Chapters A, C, D, E, G, H, I and J

2. Overall Considerations

Consistency with the National Planning Standards

2.1 As provided for under sections 58B to 58K of the RMA, the National Planning Standards were released by the Ministry for the Environment in April 2019, with minor amendments made in November 2019.

2.2 Within these National Planning Standards, direction 7 of *17. Implementation* Standard provides a mandatory direction that requires unitary authorities that have a combined plan (i.e. Auckland Council and the AUP) to comply with the National Planning Standards through amendments to the combined plan within 10 years from when the planning standards come into effect (i.e. April 2029).

2.3 While there is currently no mandatory requirement for the AUP to comply with the National Planning Standards, I consider that it is appropriate that regard be given to whether new or amended provisions of the AUP are compliant with the National Planning Standards, in order to limit the need for further plan changes prior to April 2029.[1]

2.4 In this regard, the following aspects of PC78 are considered to be inconsistent with the National Planning Standards and are therefore opposed:

a) The introduction of provisions related to natural hazards within zone provisions,[2] which is inconsistent with direction 10 of *7. District-wide Matters* Standard, which states that provisions related to natural hazards must be located within the *Natural hazards* chapter (e.g. section E36 of the AUP) with no allowance for these provisions to also be within zone chapters.

b) The introduction of provisions to protect and manage historic heritage within zone provisions,[3] which is inconsistent with direction 15b of *7. District-wide Matters* Standard, which states that provisions to protect and manage historic heritage must be located within the *Historic heritage* chapter (e.g. section D17 of the AUP) with no allowance for these provisions to also be within zone chapters.

[1] Although the AUP is expected to be replaced prior to April 2029 by a plan prepared under the proposed Natural and Built Environments Act, and therefore there would never be any mandatory requirement to comply with the National Planning Standards, no regard should be given to that expected requirement until the Natural and Built Environments Act is based in to law (assuming that occurs).

[2] For example, Objective H3A.3(9), Policy H3A.3(14), rules H3A.4.1(A34), H3A.4.1(A35), H3A.4.1(A38).

[3] For example, Objective H3A.2(8), Policies H3A.3(15) and H3A.3(16), rules H3A.4.1(A37), Standards H3A.6.8(3) and H3A.6.12(3), matters of discretion H5.8(2)(ia)E and H6.8(2)(ia)E.

c) The introduction of provisions to manage sites and areas of significance to Māori within zone provisions,[4] which is inconsistent with direction 17b of *7. District-wide Matters* Standard, which states that provisions to manage sites and areas of significance to Māori must be located within the *Sites and areas of significance to Māori* chapter (e.g. section D21 of the AUP) with no allowance for these provisions to also be within zone chapters.

d) The introduction of provisions to protect and manage outstanding natural features and landscapes,[5] which is inconsistent with direction 21b of *7. District-wide Matters* Standard, which states that provisions to protect and manage outstanding natural features and landscapes must be located within the *Natural features and landscapes* chapter (e.g. sections D10 and D11 of the AUP) with no allowance for these provisions to also be within zone chapters.

e) Inserting provisions with numbering that includes letters,[6] which is inconsistent with direction 44 of *10. Format* Standard, which states that if an additional provision is added, the next sequential number must be used.[7]

2.5 In addition, the following further changes could also be made by PC78 in order to be consistent with the National Planning Standards:

a) The following existing zone names and zone colours can be changed to those specified in Table 13, in accordance with direction 2 of *8. Zone Framework* Standard:

i) The Residential – Single House Zone becomes the Low Density Residential Zone.[8]

ii) The Residential – Mixed Housing Suburban Zone becomes the General Residential Zone.

iii) The Residential – Mixed Housing Urban Zone becomes the Medium Density Residential Zone.[9]

iv) The Residential – Terrace Housing and Apartment Buildings Zone becomes the High Density Residential Zone.

---

4 For example, Policy H5.3(17), Standard H5.6.5(2) and assessment criterion H5.8.2(4)(f).

5 For example, Objective H3A.2(8), Policy H3A.3(9), rules H3A.4.1(A4), H3A.4.1(A6), H3A.4.1(A31) , H3A.4.1(A32), H3A.4.1(A33), H3A.4.1(A36) and H3A.4.1(A37), Standards H3A.6.6, H3A.6.7(2) and H3A.6.10(2).

6 PC78 contains numerous examples of this, including Objectives H6.2(A1) and H6.2(B1) being inserted above Objective H6.2(1) and Objective H6.2(1A) being inserted between Objectives H5.2(1) and H5.2(2), with Objectives H5.2(5) and H5.2(9) the inserted below Objective H5.2(4).

7 With the following example: "*CE-M1, CE-M2, CE-M5 (new provision), CE-M3, CE-M4*"

8 On the basis that the proposed Low Density Residential Zone (H3A) is not introduced. The fact that the National Planning Standards do not allow for the introduction of a further residential zone gives further weight to the position that the proposed Low Density Residential Zone (H3A) is not appropriate or necessary.

9 This better reflects that this zone is the primary zone that provides for the Medium Density Residential Standards.

b) Reordering the activities within each affected zone or chapter's activity table by its activity status, in accordance with direction 3 of *10. Format* Standard.

c) Cross-referencing the matters of control or discretion within each affected zone or chapter's activity table, in accordance with direction 4 of *10. Format* Standard.

d) Amending the abbreviations used for the relevant activity status within each affected zone or chapter's activity table, in accordance with direction 5 of *10. Format* Standard.

e) Differentiating terms defined in the AUP within new or amended provisions, in accordance with direction 11 of *10. Format* Standard.

f) Amending the definitions in Chapter J of the AUP relied upon by the new or amended provisions to the definitions in the *Definitions List*, in accordance with direction 1 of *14. Definitions* Standard.

2.6 In addition, despite direction 7 of *17. Implementation* Standard providing for 10 years for Auckland Council to comply with the National Planning Standards, clause 1(3) of Schedule 3A of the RMA states the following: "*Terms used in this schedule that are defined in the national planning standards have the same meaning in this schedule as they do in those standards*". This refers to the *Definitions List* in *14. Definitions* Standard. Section 77G then requires Auckland Council to incorporate the MDRS (which under section 2(1) "*means the requirements, conditions, and permissions set out in Schedule 3A*"), with allowance to make development less enabling than the requirements set out in Schedule 3A only provided for by section 77I, which relates to qualifying matters.

2.7 PC78 does not propose any changes to definitions of the terms in PC78 that are contained within the *Definitions List* in *14. Definitions* Standard. Given that the definitions in Chapter J of the AUP are partly inconsistent with the definitions within the *Definitions List*, the following provisions are less enabling than the requirements set out in Schedule 3A and no qualifying matters have been identified in accordance with section 77I to allow for this:

a) Standards H5.6.4(1) and H6.6.5(1), both related to building height, are less enabling than clause 11 of Schedule 3A, as:

i) Clause 11 of Schedule 3A uses the term 'building', which is defined in the *Definitions List* in *14. Definitions* Standard to be "*a temporary or permanent movable or immovable physical construction that is (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power*".

ii) While the listed building height standards verbatim repeat the standard specified in clause 11 of Schedule 3A, 'building' is subject to a different definition in Chapter J of the AUP, which generally covers "*any permanent or temporary structure*", although structures listed in Table J1.4.1 are excluded if they do not meet the qualifying dimensions stated in this table.

iii) As a result, a number of structures associated with the construction and use of residential units would infringe the listed AUP building height standards but not the standard specified in clause 11 of Schedule 3A. In particular, this includes any structures that are not partially or fully roofed but would meet the qualifying dimensions stated in Table J1.4.1 of the AUP or are not provided for in that table.

b) Standards H3A.6.8(1), H5.6.5(1) and H6.6.6(1), all related to height in relation to boundary, are less enabling than clause 12 of Schedule 3A, as:

i) Clause 12 of Schedule 3A also uses the term 'building', with the definition of this term under the National Planning Standards specified above.

ii) While the listed height in relation to boundary standards verbatim repeat the standard specified in clause 12 of Schedule 3A, 'building' is subject to a different definition in Chapter J of the AUP, as specified above.

iii) As a result, a number of structures associated with the construction and use of residential units would infringe the listed AUP height in relation to boundary standards but not the standard specified in clause 12 of Schedule 3A. In particular, this includes any structures that are not partially or fully roofed but would meet the qualifying dimensions stated in Table J1.4.1 of the AUP or are not provided for in that table. Of most concern for the height in relation to boundary standards, this would include retaining walls, decks, steps and terraces greater than 1.5 m in height.

c) Standards H3A.6.7(1), H5.6.8(1) and H5.6.9(1), all related to yards, are less enabling than clause 13 of Schedule 3A, as:

i) Clause 13 of Schedule 3A also uses the term 'building', with the definition of this term under the National Planning Standards specified above.

ii) While the yards standards verbatim repeat the standard specified in clause 13 of Schedule 3A, 'building' is subject to a different definition in Chapter J of the AUP, as specified above.

iii) As a result, a number of structures associated with the construction and use of residential units would infringe the listed AUP yards standards but not the standard specified in clause 13 of Schedule 3A. In particular, this includes any structures that are not partially or fully roofed but would meet the qualifying dimensions stated in Table J1.4.1 of the AUP or are not provided for in that table. Of most concern for the yards standards, this would include retaining walls, decks, steps and terraces greater than 1.5 m in height, fences and walls greater than 2.5 m in height and swimming pools over 1 m in height or more than 25,000 in capacity.

d) Standards H5.6.10(1) and H6.6.11(1), both related to building coverage, are less enabling than clause 14 of Schedule 3A, as:

i) Clause 14 of Schedule 3A uses the term 'building coverage', which is defined in the *Definitions List* in *14. Definitions* Standard to be "*the percentage of the net site area covered by the building footprint*". 'Building footprint' is then defined to be "*the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground*". 'Building' is then interpreted in accordance with the definition of this term under the National Planning Standards specified above.

ii) While the listed building coverage standards verbatim repeat the standard specified in clause 14 of Schedule 3A, 'building coverage' is subject to a different definition in Chapter J of the AUP, which is defined to be "*The part of the net site area covered by buildings*", with some listed inclusions and exclusions. 'Building' is then subject to a different definition in Chapter J of the AUP, as specified above.

iii) As a result, a number of structures associated with the construction and use of residential units would infringe the listed AUP building coverage standards but not the standard specified in clause 14 of Schedule 3A. In particular, this includes any covered swimming pools over 1 m in height or 25,000 litres in capacity

iv) structures that are not partially or fully roofed but would meet the qualifying dimensions stated in Table J1.4.1 of the AUP or are not provided for in that table. Of most concern for the building coverage standards (noting that this relates to all buildings on the site, not just those accommodating residential units), this would include retaining walls, decks, steps and terraces greater than 1.5 m in height and pools over 1 m in height or 25,000 litres in capacity,

Relief Sought

2.8 In relation to the above matters, the following relief is sought:

a) That PC78 be amended to be consistent with the National Planning Standards, including:

i) Removing proposed provisions related to natural hazards, protecting or managing historic heritage, managing sites and areas of significance to Māori, or protecting or managing outstanding natural features and landscapes from the zone provisions[10] and inserting these within the overlay Auckland-wide and precinct provisions (if not already located there), as relevant; 2273.1

ii) Ensuring that inserted provisions use the next sequential number in that section; 2273.2

iii) Amending the naming of residential zones to match the Zone Framework Standard; 2273.3

iv) Amending the activity tables of zones of chapters affected by PC78 in accordance with the Format Standard; and 2273.4

v) Amending the relevant definitions in Chapter H in accordance with the Definitions Standard. 2273.5

b) That PC78 be amended to ensure that the building height, height in relation to boundary and building coverage standards that incorporate the MDRS are not less enabling than the provisions in Schedule 3A of the RMA by ensuring that the terms 'building' and 'building coverage' are defined in accordance with the *Definitions List* in *14. Definitions* Standard of the National Planning Standards, rather than the definitions for these terms in Chapter J of the AUP (which are unchanged by PC78). 2273.6

Areas Excluded from Plan Change 78

2.9 The National Policy Statement for Urban Development ('NPS-UD') includes directions for tier 1 urban environments, which includes Auckland, which are reiterated by section 77N of the RMA. 'Urban environment' is defined by the NPS-UD as land that is, or is intended to be, predominantly urban in character and part of a housing and labour market of at least 10,000 people.

[10] Refer to the examples given in footnotes 2, 3, 4 and 5 and the list attached as Appendix 1.

2.10 Section 77G of the RMA then requires Auckland Council to incorporate the MDRS into every relevant residential zone, which is defined by the RMA as all residential zones other than a large lot residential zone, a settlement zone, land on offshore island and "*area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment*". As 'urban environment' is defined in accordance with the NPS-UD definition above, townships where the MDRS is not required to apply to must both have a population of less than 5,000 recorded from the 2018 census and not be intended to become part of a housing and labour market of at least 10,000 people. It is noted that there is no specified timeframe within which a housing and labour market of at least 10,000 people is intended.

2.11 Sections 77H and 77O of the RMA (and policy 4 of the NPS-UD) only allow for provisions that are less enabling than the above requirements if qualifying matters apply.

2.12 Despite this, Auckland Council has excluded from its intensification planning instrument (PC78) a number of areas that I consider are required to give effect to the NPS-UD and/or the MDRS under the above provisions:

a) The Auckland Light Rail corridor, affecting large areas of Mt Eden, Mt Roskill, Hillsborough, Onehunga, Mangere and adjoining suburbs.

b) The following Special Housing Area precincts:

i) Ardmore 2;

ii) Birdwood 2;

iii) Drury 1;

iv) Drury South Residential;

v) Flat Bush Sub-precinct C;

vi) Franklin 2;

vii) Hingaia 2;

viii) Hingaia 3;

ix) Hobsonville Point sub-precinct F;

x) Mangere Gateway Sub-precinct E;

xi) Opaheke 1;

xii) Scott Point;

xiii) Whenuapai 1; and

xiv) Whenuapai 2.

c) The Kumeu-Huapai area, including the Huapai 2 and Huapai Triangle Special Housing Area precincts.

d) Maraetai.

Auckland Light Rail Corridor

2.13 Auckland Council has identified that the Auckland Light Rail Corridor has not been included as part of PC78 for the following reasons:

a) The specific route for the light rail corridor and locations of the stations are not known but are understood to be within the extent of the Auckland Light Rail Corridor that has been excluded from PC78.

b) Given that the NPS-UD requires further intensification around the stations of the light rail corridor, the land within the walkable catchments of those stations (when known) would be subject to a further plan change. Council considered it to be a more efficient approach for land within these areas to be subject to a single plan change that gives effect to the NPS-UD.

c) The exclusion will be rectified by a variation to PC78 after community consultation on light rail stations and related intensification has occurred, expected to be sometime in 2023.

2.14 However, I am not aware of any legal basis that enables Auckland Council to exclude any existing urban land from its intensification planning instrument in this manner. The only reason provided for by the RMA within an urban environment is when a qualifying matter applies. Auckland Council has not referred to the light rail corridor as a qualifying matter and if it were to be treated as such then none of the requirements under section 77P have been met.

2.15 The approach is also inconsistent with the approach taken for other planned rapid transit corridors, including where the locations of rapid transit stops is known with relevant confidence. These rapid transit corridors are expected to be delivered alongside or prior to the route through the Auckland Light Rail corridor. This includes the following corridors:

a) Stages 2 and 3 of the Eastern Busway, which includes planned rapid transit stops at Pakuranga Town Centre, Edgewater Drive, Gossamer Drive, Burswood and Botany. The location of these stations are for the most part confirmed, with recent consultation confirming the location of the Burswood station. A notice of requirement for Stage 2 was recently lodged.

b) The North-Western Busway, with stations proposed (based on Auckland Transport's website) at Te Atatu Road, Lincoln Road and Westgate. Construction works for the preliminary Te Atatu and Lincoln stations have now commenced.

c) The Airport to Botany Busway, with stations anticipated (based on Auckland Transport's website) at Carruth Road, Manukau, Diorella Drive, Dawson Road, Ormiston Road, Accent Drive, Smales Road and Botany.

d) The Ngākōroa Station at Drury West, along the southern rail line. A notice of requirement for this station was recently lodged.

2.16 In all of these listed instances, land within the walkable catchments of the planned rapid transit stops will be subject to an additional plan change to allow for six-storey buildings (unless the Policy 3 requirements are addressed through decisions on PC78). However, Auckland Council was not concerned about this implication other than within the Auckland Light Rail corridor. If Auckland Council had taken a consistent approach, they would have either excluded land along the Eastern Busway, North-Western Busway and Airport to Botany Busway from PC78, or include the Light Rail Corridor in PC78.

2.17 The large extent of land within the Light Rail Corridor is also concerning. For the majority of this land (especially within the isthmus area, where the corridor is over 3 km wide), potential decisions under PC78 would not need to be revisited by a future plan change once the light rail stations are known. In excluding the Light Rail Corridor from PC78 for the reasons outlined above, Auckland Council is giving greater weight to the need to relitigate zoning for around half of this corridor area above settling the zoning approach for the other half, instead providing continued uncertainty for the entire area.

2.18 The argument that zoning would need to be amended when the light rail stations are known is also irrelevant to those parts of the Light Rail Corridor that are already within the walkable catchment of a rapid transit station, including the walkable catchments of Mt Eden, Kingsland and Morningside train stations. The NPS-UD directs that six storey buildings are to be enabled within these areas. This is the same requirement that would apply to walkable catchment of the light rail stations, when known. I see no logical reason why the entire walkable catchments of Mt Eden, Kingsland and Morningside train stations could not have been included in PC78.

2.19 I am extremely critical of the approach taken by Auckland Council in relation to the light rail corridor, particularly since this corridor overlaps with large swathes of land currently subject to the Special Character Areas Overlay in Mt Eden and surrounding suburbs. Given Council's inconsistent approach when compared to other planned rapid transit corridors and their strong opposition to applying the MDRS to Special Character Areas (as identified by their submission on the legislation that introduced it and the significant workstream undertaken to justify retaining these as a qualifying matter), I consider that it can be reasonably inferred that Auckland Council has excluded the Auckland Light Rail Corridor from PC78 primarily to retain existing special character restrictions as long as possible, rather than their stated reasoning outlined above. This is particularly apparent where all existing special character restrictions are being retained within walkable catchments of existing rapid transit stops (Mt Eden, Kingsland and Morningside) as a result of the Auckland Light Rail corridor being excluded, despite there being no difference in what the directions of the NPS-UD and RMA anticipate in these locations if this land was also within the walkable catchment of planned light rail stations.

2.20 The land within the Auckland Light Rail Corridor should always have been included as part of PC78 and I strongly oppose its exclusion. Therefore, I request that decisions on PC78:

a) Apply the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) to residential zoned land within the walkable catchments of Mt Eden, Kingsland and Morningside train stations where these overlap with the Auckland Light Rail Corridor; 2273.274

b) Apply the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) to residential zoned land within the Auckland Light Rail Corridor that adjacent (within 400 m, subject to the position of defensible boundaries) to land currently zoned Business – Local Centre or Business – Town Centre. 2273.275

c) Apply the Residential – Mixed Housing Urban zone (and subject to any provisions that accommodate existing qualifying matters) to all other land within the Auckland Light Rail Corridor currently zoned Residential – Single House or Residential – Mixed Housing Suburban. 2273.276

Special Housing Area Precincts

2.21 All of the Special Housing Area Precincts that were introduced to the AUP through the Housing Accords and Special Housing Areas Act 2013 have been excluded from PC78. The majority of these are within the urban environment where the MDRS should apply.

2.22 The PC78 maps specify the reason for excluding these aras as follows: "*Special Housing Area Precincts are excluded from Plan Change 78. These precincts were prepared under the Housing Accords and Special Housing Areas Act 2013 and refer to the Proposed Auckland Unitary Plan notified 30 September 2013 (the Notified Version) which cannot be amended*."

2.23 I fail to understand why this would prevent PC78 from applying to this land. While the precincts were introduced as variations to the Proposed Auckland Unitary Plan, they are operative provisions that form part of the Operative Auckland Unitary Plan. Any references to the Proposed Auckland Unitary Plan continue to be operative rules and can be changed to no longer refer to the Proposed Auckland Unitary Plan (which would be a helpful outcome for all plan users).

2.24 The ability for plan changes to the Auckland Unitary Plan to change provisions in precincts introduced by the HASHAA has already been tested. Specifically, Plan Change 67 made changes to the Hingaia 1 Precinct, removing all references to the Proposed Auckland Unitary Plan provisions and relocating the precinct from the 'Special Character Areas' section of the precinct chapter to the 'South' section of the precinct chapter. At no point during that process were any issues raised regarding the ability for a plan change under Schedule 1 of the RMA to amend provisions of a precinct introduced by a variation to the Proposed Auckland Unitary Plan under the HASHAA.

2.25 The land within the Special Housing Area precincts, where within the urban environment, should have been included as part of PC78 and I oppose their exclusion. Therefore, I request that decisions on PC78:

a) Apply the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) to residential zoned land within the Special Housing Area precincts and within the urban environment that is adjacent (within 400 m, subject to the position of defensible boundaries) to land currently zoned Business – Local Centre or Business – Town Centre. 2273.277

b) Apply the Residential – Mixed Housing Urban zone (and subject to any provisions that accommodate existing qualifying matters) to all other land within the Special Housing Area precincts and within the urban environment currently zoned Residential – Single House or Residential – Mixed Housing Suburban. 2273.278

c) Delete any provisions of the Special Housing Area precincts that apply to land within the urban environment that are more restrictive than the MDRS or any requirements under the NPS-UD, instead relying on the underlying zone provisions as much as possible, unless they relate to a qualifying matter. 2273.279

Kumeu-Huapai

2.26 Auckland Council has considered that the Kumeu-Huapai area is not within the urban environment on the basis that the population of this area at the 2018 Census was less than 5,000.

2.27 I consider that Auckland Council has failed to then consider whether the Kumeu-Huapai area is within the urban environment on the basis of whether it is intended to be part of a housing and labour market of at least 10,000 people. Only if that is also the case (alongside the 2018 Census population being below 5,000) can it be concluded that the Kumeu-Huapai area is not part of the urban environment.

2.28 In order to determine whether this is the case, I searched for "Kumeu-Huapai expected population" on the internet, to find that the first result on Google was the Kumeū-Huapai Centre Plan prepared by Auckland Council in September 2017, which proudly states "*Over that time* [the next 30 years, i.e. before 2047] *the town is anticipated to grow in stages from around 1,400 residents (2013 Census) to around 25,000*". While more accurate estimates are likely to be able to be found, I am not aware of any change in policy between 2017 and the present that would have notably reduced the expected population of the Kumeu-Huapai area, especially by more than half.

2.29 As mentioned before, the definition of urban environment does not include a maximum timeframe by which land may be intended to be part of a housing and labour market of at least 10,000 people. However, a timeframe of 30 years is considered to be suitable given that this would be consistent with the timeframe related to long-term development capacity in the NPS-UD.

2.30 The exclusion of the Kumeu-Huapai area from the urban environmental is also questionable given that the 2021 Statistics NZ population estimate for this area specified a population of more than 5,000. There is also no restriction on Auckland Council applying the MDRS to land not within the defined urban environment. If taking a proactive approach, Auckland Council should have included the Kumeu-Huapai area as part of the urban environment for the purposes of PC78.

2.31 Given that the Kumeu-Huapai is, in my view, within the urban environment as defined by the NPS-UD, this land should have been included as part of PC78 and I oppose its exclusion. Therefore, I request that decisions on PC78:

a) Apply the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) to residential zoned land that is adjacent (within 400 m, subject to the position of defensible boundaries) to land at Kumeu and Huapai currently zoned Business – Town Centre. 2273.280

b) Apply the Residential – Mixed Housing Urban zone (and subject to any provisions that accommodate existing qualifying matters) to all other land within the Kumeu-Huapai currently zoned Residential – Single House or Residential – Mixed Housing Suburban. 2273.281

c) Delete any provisions of the Huapai Triangle and Huapai 1 precincts that apply to land within the urban environment that are more restrictive than the MDRS or any requirements under the NPS-UD, instead relying on the underlying zone provisions as much as possible, unless they relate to a qualifying matter. 2273.282

Maraetai

2.32 Auckland Council has considered that the Maraetai area is not within the urban environment on the basis that the population of this area at the 2018 Census was less than 5,000.

2.33 Like Kumeu-Huapai, I consider that Auckland Council has failed to then consider whether the Maraetai area is within the urban environment on the basis of whether it is intended to be part of a housing and labour market of at least 10,000 people.

2.34 In this regard, I note that the directly adjacent township of Beachlands has been included as part of the urban environment. Beachlands and Maraetai were reported as separate townships under the 2018 Census, with Beachlands having a population of greater than 5,000 (6,261) and Maraetai having a population of less than 5,000 (2,346).

2.35 Given the close proximity of Beachlands and Maraetai, which are almost contiguous other than for the Omana Regional Park and associated open space, I consider that they should collectively be considered as a single housing and labour market. Based on the 2021 Statistics NZ population estimates, Maraetai has a population of 2,520 and Beachlands has a population of 7,480 – cumulatively, exactly 10,000. This population figure does not account for any future growth within greenfield land already zoned urban or within a Future Urban zone, meaning that it is intended that the housing and labour market for Beachlands and Maraetai would grow above 10,000 people.

2.36 Given that the Maraetei is, in my view, within the urban environment as defined by the NPS-UD (on the basis that it is part of the same housing and labour market as Beachlands), this land should have been included as part of PC78 and I oppose its exclusion. Therefore, I request that decisions on PC78:

a) Apply the Residential – Mixed Housing Urban zone (and subject to any provisions that accommodate existing qualifying matters) to all land within Maraetai currently zoned Residential – Single House. 2273.283

b) If it is to be retained, extend the proposed Beachlands Transport Constraints Control to Maraetai. 2273.284 2273.285

Approach for Qualifying Matters

2.37 Sections 77I and 77O of the RMA allow for the AUP to provide for less-enabling provisions than the requirements of the MDRS or the NPS-UD "*only to the extent necessary*" to accommodate one or more qualifying matters. Auckland Council has identified in PC78 where qualifying matters have been applied and which of the existing or proposed provisions accommodate qualifying matters.

2.38 The rules of the AUP are generally laid out in four chapters: Overlays, Auckland-wide provisions, Zones and Precincts. The following hierarchy generally occurs between these chapters:

a) The zone provisions form the 'base' or default rules for activities.

b) The Auckland-wide provisions provide for:

i) Rules for activities that are the same across all zones (for example, stormwater and wastewater discharges);

ii) Additional rules for accessory activities (for example, earthworks, access and signs); or

iii) Additional restrictions due to site-specific matters unrelated to zones (for example, natural hazards).

c) The precinct provisions provide for deviations from the above rules where alternative site-level or neighbourhood-level outcomes are sought.

d) The overlay provisions provide additional restrictions for site-specific matters, usually in relation to the matters of national importance specified in section 6 of the RMA (e.g. historic heritage, outstanding natural features, etc.)

2.39 Where existing provisions of the AUP accommodate qualifying matters, these are, for the most part, contained with the Auckland-wide and Overlay provisions, alongside some qualifying matters within Precinct provisions. Zone provisions very rarely contain any provisions related to spatially mapped areas that the Auckland-wide and Overlay provisions related to. For example, the zone provisions do not include additional rules for buildings in the 1% AEP floodplain or within an Outstanding Natural Features overlay.

2.40 I generally support the retention of existing AUP provisions to accommodate qualifying matters, rather than an alternative approach of inserting new restrictions.

2.41 Section C1.6 of the AUP states all rules in all chapters of the AUP apply to a site (with the above hierarchy taken account of if there is conflict between rules). Therefore, there is no need for zone provisions to include provisions related to spatially mapped areas that can be covered in the Auckland-wide and Overlay provisions.

2.42 However, a larger number of provisions proposed by PC78 to accommodate qualifying matters have been inserted into the zone chapters. In my view, these provisions unnecessary 'clutter' and 'bog down' the zone chapter text, given that those provisions would not be applicable to overwhelming majority of the sites within that zone. All qualifying matters provisions related to spatially mapped areas should be relocated from the zone provisions to Auckland-wide, Overlay or precinct provisions (wherever is the most appropriate). This will ensure hen the zone provisions are significantly simplified and more user-friendly.

2.43 Refer to Appendix 1 for a list of the various proposed zone provisions that should instead be located in the Auckland-wide, Overlay or precinct provisions.

2.44 Where a site is within these spatially mapped areas, the additional provisions required to accommodate qualifying matters would remain relevant to the site through the relevant Auckland-wide, Overlay or precinct provisions. It would also be clearer to the reader which provisions are specifically related to that qualifying matter – this is also considered to be appropriate on the basis that Sections 77I and 77O of the RMA allow for the AUP to provide for less-enabling provisions than the requirements of the MDRS or the NPS-UD "*only to the extent necessary*" to accommodate one or more qualifying matters. With the expectation that these Auckland-wide, Overlay or precinct provisions would be more restrictive than the zone provisions, the existing text in Chapter C of the AUP will make clear to all readers that the more enabling zone provisions are not relevant, without the need for that to be made explicitly clear in the zone chapters.

2.45 Given that qualifying matter provisions related to spatially mapped areas are often the same regardless of the zone, relocating these provisions to Auckland-wide, Overlay or precinct provisions that apply across all zones will provide a single set of provisions that can more easily be maintained by Council, understood and applied by plan users, and avoid duplication of provisions within zones (and should a future plan change affect these provisions, only one section of the AUP would need to be updated, rather than multiple zone sections).

2.46 In some cases, PC78 has inserted zone rules that duplicate and cross-reference existing Auckland-wide or Overlay rules.[11] This is an inefficient approach to plan making, as rather than applying for consent under just the relevant Auckland-wide and Overlay rule, consent is now also required under the duplicate zone rule.

[11] This includes, but is not limited to, rules H3A.4.1(A4), H3A.4.1(A5), H3A.4.1(A6), H3A.4.1(A8), H3A.4.1(A9), H3A.4.1(A34), H3A.4.1(A35), H3A.4.1(A36), H3A.4.1(A37), H3A.4.1(A38), H5.4.1(A2A), H5.4.1(A2B), H6.4.1(A2A) and H6.4.1(A2B).

2.47 If Auckland Council is concerned that there is a need for zone chapters to identify more restrictive rules required to accommodate qualifying matters than related to spatially mapped areas, then I consider that concern to stem from insufficient training and enforcement rather than an issue with the AUP text itself. If absolutely necessary, advice notes could be inserted above the zone activity tables to advise readers of the Auckland-wide and Overlay chapters where more restrictive rules would apply in certain circumstances. However, duplicate rules should not be inserted.

2.48 As part of my submission, I have prepared an alternative section H5 of the AUP (Residential – Mixed Housing zone) that, amongst other matters, has removed all qualifying matter provisions related to spatially mapped areas, with the expectations that these would be relocated to Overlay, Auckland-wide or Precinct chapters as relevant. Refer to Appendix 2. To support this, I have also provided an example of a 'Infrastructure Constraints Overlay' that takes the proposed zone provisions related to the various Infrastructure Constraints Controls and relocates them to a single separate overlay section. Refer to Appendix 3. I consider these examples to show a much simpler layout to the AUP than that proposed by PC78, whilst still resulting in the same outcomes.

Relief Sought

2.49 In relation to the above matters, the following relief is sought:

a) That no further changes are made to existing provisions of the AUP that accommodate qualifying matters that would create new restrictions to development. In this regard, PC78 should not be creating any new restrictions on development to accommodate qualifying matters that are already addressed by existing provisions of the AUP, such as the provisions in section E36 related to natural hazards. 2273.7

b) That all proposed zone provisions designed to accommodate qualifying matters be relocated to the relevant existing or new overlay, Auckland-wide or precinct provisions, including (but not limited to): 2273.8

   i) deleting all provisions that duplicate (and, in some cases, also cross-reference) existing provisions with the Overlay or Auckland-wide chapters; 2273.9

   ii) relocating all new rules related to Significant Ecological Areas to section D9; 2273.10

   iii) inserting a new overlay section for Infrastructure Constraints; and 2273.11

   iv) inserting a new precinct for Pukekiwiriki Pā Historic Reserve. 2273.12

3. Zoning and Mapping Considerations

Zones Informed by Qualifying Matters

3.1 It appears that PC78 has applied zoning to sites within the urban environment subject to qualifying matters in the following manner:

a) Sites in the Single House zone under the AUP and subject to a retained Special Character Areas Overlay are proposed to be zoned Low Density Residential, regardless of whether they are within a walkable catchment or not.

b) Sites in the Single House or Mixed Housing Suburban zone under the AUP and subject to coastal natural hazards are proposed to be zoned Low Density Residential, where they are outside a walkable catchment and Mixed Housing Urban where they are within a walkable catchment.

c) Sites in the Single House or Mixed Housing Suburban zone under the AUP and subject to an Outstanding Natural Features Overlay are proposed to be zoned Low Density Residential, regardless of whether they are within a walkable catchment or not.

d) Sites in the Single House or Mixed Housing Suburban zone under the AUP outside of walkable catchments not covered above are mostly proposed to be zoned Mixed Housing Urban, although a significant number of pockets are proposed to be zoned Low Density Residential Zone, even though there are no differences in qualifying matters.

e) Sites in the Single House or Mixed Housing Suburban zone under the AUP within of walkable catchments subject to the National Grid Overlay Corridor are proposed to be zoned Mixed Housing Urban Zone.

f) Sites in the Single House, Mixed Housing Suburban or Mixed Housing Urban zone under the AUP within walkable catchments not covered above are mostly proposed to be zoned Terrace Housing and Apartment Buildings zone, a significant number of pockets are proposed to be zoned Mixed Housing Urban Zone or Low Density Residential Zone, even though there are no differences in qualifying matters.

3.2 In addition, specifically identified land adjacent to some town and local centres are proposed to be zoned Terrace Housing and Apartment Buildings in accordance with Policy 3(d) of the NPS-US, regardless of qualifying matters.

3.3 I am very concerned that there appears to be no clear rationale for why some sites within the urban environment but outside of walkable catchments are proposed to be within the Low Density Residential Zone whilst other adjacent sites, with no difference in qualifying matters, are proposed to be within the Mixed Housing Urban zone.

3.4 I am also extremely concerned that the Low Density Residential Zone applies blanket restrictions on height and density, unrelated to the qualifying matter that has apparently resulted in the application of this zone. By doing so, Council is treating the restrictions on development required to accommodate qualifying matters as being, for the most part, the same regardless of the characteristics of the qualifying matter. This approach makes clear, in my view, that Council has not given appropriate regard to the requirement under sections 77I and 77O of the RMA that allow for the AUP to provide for less-enabling provisions than the requirements of the MDRS or the NPS-UD "*only to the extent necessary*" to accommodate one or more qualifying matters. This brings questions as to why restrictions in the Low Density Residential zone are necessary to accommodate certain qualifying matters, such as:

a) Why restrictions on height are necessary when the qualifying matter would only be affected by the number of dwellings and a density control already applies (e.g. where the only applicable qualifying matter is the Water and/or Wastewater Constraints Control)

b) Why restrictions on building coverage and landscaped area across the whole site apply when the qualifying matter is unrelated to the visual appearance of the site, and restrictions on locating buildings on specific parts of the site subject to qualifying matters already apply.

c) Why restrictions on front yard setbacks and landscaping apply when the qualifying matter is unrelated to the visual appearance of the streetscape.

3.5 Objective H3A.2(4) and Policy H3A.3(7) is a clear example of how Council's use of the Low Density Residential Zone to restrict development is misguided and inconsistent with the requirements of sections 77I and 77O of the RMA. These provisions read:

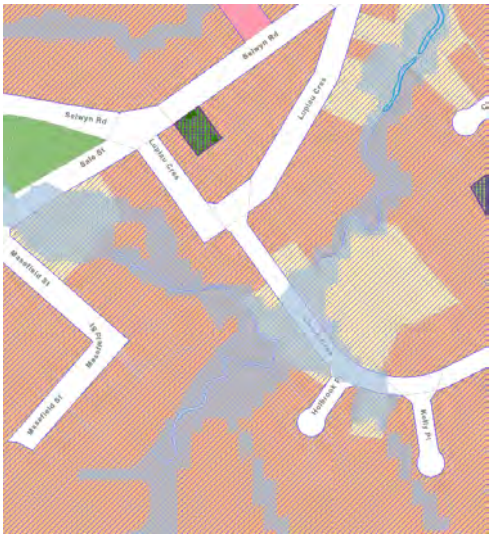
> *More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring that it does not detract from qualifying matters' values accommodated by the zone's purpose.*
>
> *Require more intensive residential development including Medium Density Residential development to be enabled only to the extent necessary, ensuring that it does not detract from the identified qualifying matters' values.*

3.6 Rather than restricting development to the extent necessary to accommodate qualifying matters (as required by sections 77I and 77O of the RMA), Council has instead taken the approach of enabling development only to the extent necessary to not detract from the qualifying matters' values. While the RMA used a permissive presumption, Council has instead taken a restrictive presumption that is inconsistent with sections 77I and 77O.

3.7 This issue is further compounded by the Low Density Residential Zone applying to sites that are only partly subject to, or even simply adjacent to, qualifying matter areas. This approach is contrary to the direction of the NPS-UD and the requirements under section 77I and 77O of the RMA, given that it bluntly restricts development capacity beyond the extent necessary to accommodate the given qualifying matter. Applying the Low Density Residential Zone to entire sites means that development is restricted in parts of the site where no qualifying matters apply, which is not necessary to accommodate the qualifying matters on other parts of the site, particularly with reference to larger sites where a qualifying matter may affect a small portion of the overall site. The development potential of these sites is being unduly restricted, when these are the sites with the greatest development potential.

3.8 This approach is particularly perplexing in the following instances:

a) All sites partly subject to coastal natural hazards that have been in the Single House zone have been zoned Low Density Residential. The spatial area that development is restricted beyond the area of the qualifying area is inconsistent when there a variation of lot sizes occurs. In some instances, sites adjacent to esplanade reserves do not have MDRS development restricted on the basis that coastal natural hazard areas do not extent beyond the esplanade reserves. In other cases, sites where only a small area of a lot is subject to coastal natural hazards (including where there is an esplanade reserve) have MDRS development restricted across the entire area of that site, including when adjacent similar sites do not have MDRS development restricted due to coastal natural hazards being contained within their esplanade reserves, or when sites having been subdivided so only have the area has MDRS development restricted. One extreme example, shown below left, is the site at 296-310 Hingaia Road, which has the Low Density Residential Zone appled for a distance of almost 200 m from MHWS, while the nearby site at 18 Towai Road, which is between 30 and 80 m from MHWS is within the Mixed Housing Urban Zone.



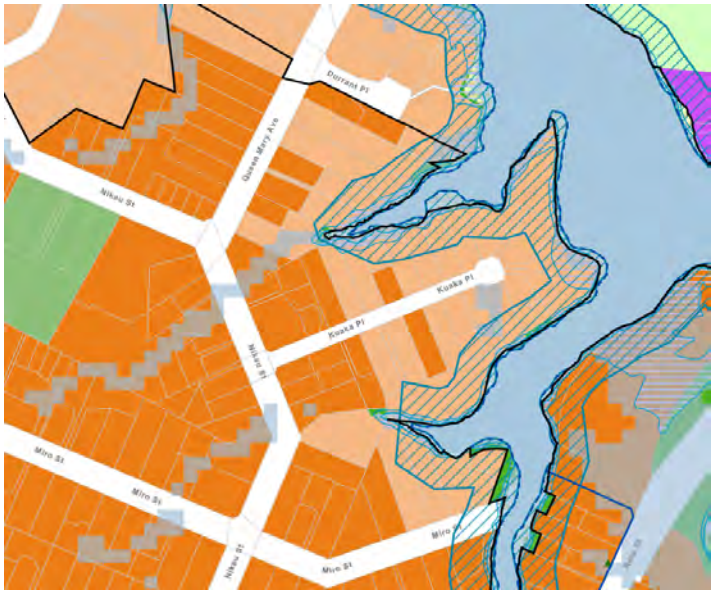
b) Some sites partly subject to the 1% AEP floodplain that have been in the Single House zone have been zoned Low Density Residential, with others zoned Mixed Housing Urban. I am unable to determine any apparent logical rationale as to why either zone was chosen. To take two contrasting examples in Howick (as shown above right) that are in close proximity to each other, the site at 9A Luplau Crescent is almost wholly subject to the 1% AEP floodplain and zoned Mixed Housing Urban, yet the site at 11 Liston Crescent is only subject to the 1% AEP floodplain at the road frontage of its entrance strip (with it most likely that the floodplain is contained within the road), but is zoned Low Density Residential. This is absurd, particularly noting that the Auckland-wide natural hazards provisions in section E36 of the AUP apply to both sites and address the risks of development on and from flooding. MDRS development should not be restricted at 11 Liston Crescent in order to accommodate the floodplain on a small part of the site, while MDRS development is restricted at 9A Luplau Crescent. Similar inconsistencies are observed at properties along Portland Road, Remuera (where the Special Housing Areas Overlay is not retained). Given the changes proposed by PC78 to the definition of 'floodplain', there is no guarantee that the mapped floodplains are sufficiently accurate to direct zoning anyway.

3.9 Given the above, I strongly oppose the introduction of the Low Density Residential zone on the basis that:

a) Development within this zone is restricted beyond the "extent that is necessary" to accommodate qualifying matters, with reference to section 77I and 77O of the RMA; and

b) The application of this zone to larger sites due to small overlaps with qualifying matter areas, whilst adjacent smaller sites are not subject to this zone, unduly restricts development on land where development opportunities are more likely to be realised.

3.10 I hold similar concerns where THAB zoning has not been applied within walkable catchments due to qualifying matters (in particular where the Coastal Erosion Area and National Grid Corridor affect part of sites). An example of this is shown below in New Lynn where this zoning approach has resulted in numerous sites along the coastal edge that are partially affected by the Coastal Erosion Area are proposed as MHU zone, despite being within a walkable catchment of the New Lynn metropolitan centre. Whilst adjacent sites, in some cases just beyond the Coastal Erosion Area extent, are proposed to be zoned THAB. As evidenced below, this has resulted in two narrow sites off Kuaka Place being zoned THAB whilst being surrounded by MHU zone. This is an inefficient and non-sensical zoning pattern. Conversely, land on the opposite side of the coastal inlet on Rata Street also affected by the Coastal Erosion Area extent and within the walkable catchment is inconsistently zoned THAB.



3.11 I consider that it is more appropriate that the decisions on PC78 apply the following zones, regardless of qualifying matters, given that qualifying matters should not be addressed in zone provisions or by zones:

a) That all residential zoned land within walkable catchment be zoned Terrace Housing and Apartment Buildings.

b) That all residential zoned land within Policy 3(d) areas around town and local centres be zoned Terrace Housing and Apartment Buildings.

c) That the necessary residential zoned land adjacent to the above areas be zoned Terrace Housing and Apartment Buildings in order to ensure that defensible boundaries are achieved (see further below).

d) That all other residential zoned land, other than existing Terrace Housing and Apartment Buildings zoned not within the above areas, be zoned Mixed Housing Urban.

3.12 With the above application of zones, the Low Density Residential zone would no longer exists (although the Single House zone, applying only outside of the urban environment, could be renamed to this).

Relief Sought

3.13 In relation to the above matters, the following relief is sought:

a) Delete the proposed Low Density Residential Zone in full. 2273.13

b) Apply the Terrace Housing and Apartment Buildings zone to all residential zones within walkable catchments, regardless of whether qualifying matters apply. 2273.14

c) Apply the Terrace Housing and Apartment Buildings zone to all residential zones within Policy 3(d) areas around town and local centres, regardless of whether qualifying matters apply. 2273.15

d) Apply the Mixed Housing Urban zone to all other residential zones, regardless of whether qualifying matters apply. 2273.16

e) Do not use zones to restrict development to the extent necessary to accommodate qualifying maters, relying instead on Overlay, Auckland-wide or Precinct provisions to do so. 2273.17

Walkable Catchments

3.14 While I consider that some of the walkable catchments could be extended further, I am neutral towards the proposal to apply a 1,200 m walking distance for the City Centre and an 800 m walking distance for the Metropolitan Centres and rapid transit stops. I would oppose any reduction to the proposed walkable catchment.

3.15 The application of these distances for determining walkable catchments is also considered to be inconsistent and questionable, particularly where there are large sites, noting that the boundaries of walkable catchments have been set along existing cadastral boundaries without consideration to future cadastral boundaries. Regard has also not been given in planned roads and walkways (for example, as shown on precinct plans) that would decrease walking distances when constructed. All walkable catchments should be revised as necessary to account for this. In particular, the walkable catchment for the Westgate metropolitan centre should be revised in order to address the following:

a) Regard should be given to the proposed roading shown on the precinct plans for Westgate and Redhills Precinct and the walkable catchment extended along these roads.

b) The property at 76-78 Fred Taylor Drive should be part of this walkable catchment given that it is a minimum of 700 m from the edge of the Metropolitan Centre zone when measured along Raupo Drive and its extension through to Fred Taylor Drive – for comparison, 23-31 Northside Drive is within the walkable catchment despite being a minimum of 1 km from the Metropolitan Centre zone.

c) At least that part of 1 Dunlop Drive that is within 800 m of the Metropolitan Centre zone (when measured along Raupo Drive and its extension through to Fred Taylor Drive) should be within the walkable catchment, with this ideally extending through to the existing THAB/MHU zone boundary.

3.16 Furthermore, I consider that PC78 does not give effect to Policy 3(c)(i) in full by failing to provide for walkable catchments in the following locations:

a) All bus stops east of Point Chevalier Road served by bus route 18 (along Great North Road).

b) All bus stops north of Mt Albert Road served by bus route 24B/R (along Sandringham Road and New North Road).

c) All bus stops north of Denbigh Ave served by bus route 25B/L (along Dominion Road).

d) All bus stops north of Campbell Road served by bus route 70 (along Great South Road).

e) All bus stops served by the AirportLink bus route (between Manukau and Roscommon Road).

f) Any other bus stops served by a 'frequent' bus route used by double-decker buses with significant lengths of bus lanes in both directions.

g) The existing Onehunga and Te Papapa train stations along the Onehunga Line.

h) The planned Ngākōroa Station at Drury West, along the southern rail line.

i) The planned busway stations associated with Stages 2 and 3 of the Eastern Busway, at Pakuranga Town Centre, Edgewater Drive, Gossamer Drive, Burswood and Botany.

j) The planned busway stations associated with the North-Western Busway, at Te Atatu Road, Lincoln Road and Westgate.

k) The planned busway stations associated with the Airport to Botany Busway, at Carruth Road, Manukau, Diorella Drive, Dawson Road, Ormiston Road, Accent Drive, Smales Road and Botany.

Bus Routes Qualifying as Rapid Transit Stops

3.17 I consider that the listed bus stops served by the listed bus routes qualifying as rapid transit stops as defined by the NPS-UD. In particular the listed bus routes meet the definition of 'rapid transit service' for the following reasons:

a) The bus routes are "*frequent"* as they are advertised by Auckland Transport as being a Frequent bus service, with at least four services per hour between 7 am and 7 pm.

b) The bus routes are "*quick*" as they are provided with bus lanes along both directions of the routes for the majority of the route.

c) The bus routes are "*reliable*" due to the reasons above.

d) The bus routes are "*high capacity*" as they are regularly served by double decker buses or, in the case of the AirportLink, run every 10 minutes.

e) The bus routes "*[operate] on a permanent route (road or rail) that is largely separated from other traffic*" as they are provided with bus lanes along both directions of the routes for the majority of the route.

3.18 The list excludes those parts of the route that do not meet the above requirements, usually due to there being no bus lanes or the route splitting into two less frequent routes.

3.19 I considered that Auckland Council has failed to address whether any bus services that are not along busways meet the definition of a rapid transit service and subsequently failed to provide walkable catchments around the bus stops served by these bus services.

3.20 While I can accept that these bus routes may barely pass the threshold of being considered a rapid transit service under this definition (especially in regard to whether bus lanes are sufficient to determine the route is largely separated from other traffic), I consider that the level of service provided to passengers by these bus routes is equivalent to or potentially superior to that provided by other services Auckland Council has determined to be a rapid transit service.

Onehunga Line

3.21 Unlike all other train stations, the Onehunga and Te Papapa train stations have not been provided with walkable catchments. Auckland Council has justified this based on existing services running twice per hour and therefore not being "frequent".

3.22 However, no regard appears to be given to the frequency of future services along this line. Auckland Transport's Regional Public Transport Plan 2018 (which has not since been replaced) identifies that following the opening of the City Rail Link, services will increase to three trains per hour (i.e. every 20 minutes). This frequency is equivalent to the existing frequency of Southern, Eastern and Western train services outside of peak hours.

3.23 Given that the Onehunga Line easily meets all other qualifiers under the definition of "rapid transit service" under the NPS-UD and increases to its frequency are planned, the Onehunga and Te Papapa train stations should be considered rapid transit stops.

Ngākōroa Station

3.24 While the planned Drury and Paerata stations have been provided with walkable catchments, Ngākōroa Station, which is planned between these stations was not. As a notice of requirement has now been applied for this station,[12] the location of this station is now known and so its walkable catchment should be included as part of PC78.

Eastern Busway

3.25 Given the long history of planning for the Eastern Busway and the recent consultation (and decision) on the location of the Burswood station, Auckland Council should have enough confidence regarding the location of bus stations along the Eastern Busway in order to provide them with a walkable catchment as part of PC78. In addition, a notice of requirement has now been applied for Stage 2, which includes the Pakuranga Town Centre station.[13]

[12] Refer to https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=143

[13] Refer to https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=155

3.26 The inclusion of planned stops as part of the NPS-UD definition of 'rapid transit stop', with "planned" referring simply to whether a funding decision had been made, rather than designations being in place, indicates that the NPS-UD anticipates that minor changes to rapid transit stops may occur after a walkable catchment is provided. Therefore, the potential for this to occur should not be a determent to setting a walkable catchment based on the best available information for the rapid transit stops. I note also that the requirement under Policy 3(c) uses "*at least*", indicating intensification does not need to strictly be limited only to a walkable catchment.

3.27 From this perspective, I consider it inappropriate for Council to wait any longer for walkable catchments to be provided for the planned stations along the Eastern Busway. These walkable catchments should be included as part of PC78.

North-Western Busway

3.28 Given that construction works have commenced for preliminary stations for the North-Western Busway at Te Atatu Road and Lincoln Road, Auckland Council should have enough confidence regarding the location of these bus stations in order to provide them with a walkable catchment as part of PC78.

3.29 As above, in relation to the Eastern Busway, I consider that the NPS-UD anticipates that minor changes to rapid transit stops may occur after a walkable catchment is provided. I consider it inappropriate for Council to wait any longer for walkable catchments to be provided for the planned stations along the North-Western Busway. These walkable catchments should be included as part of PC78.

Airport to Botany Busway

3.30 While less certain than the busways above, planning to date provides reasonable confidence to Council on the likely locations of stations for the Airport to Botany Busway. As these are planned rapid transit stations in accordance with the definition under the NPS-UD, PC78 should provide for walkable catchments based on the approximate locations of these (i.e. the road intersections). I accept that, given the higher level of uncertainty, a lower walkable catchment distance, such as 600 m, may be appropriate in this case, to then be increased by a future plan change when the station designs are confirmed.

Relief Sought

3.31 In relation to the above matters, the following relief is sought:

a) That the proposed walkable catchments are not removed or reduced (but could be increased). 2273.18

b) That the proposed walkable catchments account for roads and paths required by precinct plans. 2273.19

c) That the proposed walkable catchments include those parts of large sites within 800 m that are expected to be subdivided further. 2273.20

d) That walkable catchments be established within 800 m of all bus stops serving bus routes that qualify as rapid transit stops (listed above) and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within these walkable catchments. 2273.21

e) That walkable catchments be established within 800 m of the existing Onehunga and Te Papapa train stations and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within these walkable catchments. 2273.22

f) That walkable catchments be established within 800 m of the proposed Ngākōroa train station and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2273.23

g) That walkable catchments be established within 800 m of the proposed Eastern Busway stations at Pakuranga Town Centre, Edgewater Drive, Gossamer Drive, Burswood and Botany and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2273.24

h) That walkable catchments be established within 800 m of the proposed North-Western Busway stations at Te Atatu Road, Lincoln Road and Westgate and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2273.25

i) That walkable catchments be established within 800 m (or 600 m, if considered more appropriate) of the proposed Airport to Botany Busway stations at Carruth Road, Manukau, Diorella Drive, Dawson Road, Ormiston Road, Accent Drive, Smales Road and Botany and that the Residential – Terrace Housing Apartment Buildings Zone (and subject to any provisions that accommodate existing qualifying matters) apply to residential zoned land within this walkable catchment. 2273.26

Policy 3(d) Rezoning

3.32 Auckland Council determined that the application of Policy 3(d) of the NPS-UD would occur as follows:[14]

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

[14] Planning Committee resolution number PLA/2022/11

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.

3.33 I disagree with the approach to only provide additional intensification around some of the local centres and town centres, especially when the methodology to determine whether these centres were "small" or large" of whether accessibility was "high" or "low" was based on whether these were above or below the average centre area, meaning that a purposeful decision was made to split the centres almost evenly into two groups for each category, leading to at least half of the centres not being provided with intensification.

3.34 This has resulted in peculiar situations such as where Howick town centre was determined to have low accessibility at the 50th percentile, which could equally have been considered high accessibility, or where Ormiston town centre was determined to have low accessibility at the 48th percentile, despite being within a centre of large growth (Flat Bush).

3.35 The exclusion of the Light Rail Corridor also means that those Local and Town centres with high accessibility are not part of the notified PC78, reducing the extent of intensification around Local and Town centres provided for by PC78 even further.

3.36 In addition, accessibility of a centre is in part determined by the extent of intensification that exists around it. Therefore preventing further intensification on the basis that existing accessibility is low prevents the centres from becoming more accessible.

3.37 In my view, in order to adhere to the requirement under Policy 3(d) of the NPS-UD further intensification should be enabled around all town and local centres, regardless of arbitrary thresholds for size and accessibility.

3.38 I also consider that in order for building heights and densities of urban form commensurate, height variation controls should be applied to these intensification areas that are the same height limit that applies to the town or local centre.

Relief Sought

3.39 In relation to the above matters, the following relief is sought:

a) That the Terrace Housing and Apartment Buildings zone is applied to all residential zones within at least 200 m and ideally at least 400 m of all Local Centre zones and Town Centre zones, including where not proposed by PC78. 2273.27 2273.28

b) That all Policy 3(d) intensification areas are subject to a maximum height limit that is not less than the height limit of the adjacent Local Centre zone and Town Centre zone, applying a Height Variation Control if necessary. 2273.29

Defensible Boundaries

3.40 The approach to zoning by PC78 does not appear, on the surface, to be giving any regard to the concept of defensible boundaries. In particular:

a) The sporadic application of the Low Density Residential zones in response to spatial mapped qualifying matter areas that do not follow legal boundaries results in pockets of Mixed Housing Urban zone surrounded by Low Density Residential zone.

b) In numerous locations, access sites are provided with a different zone to the sites they serve, including instances where the access site is zoned Mixed Housing Urban but all of the sites it serves are zoned Low Density Residential.

c) The edges of walkable catchments, especially where at the edge of walkable catchments can result in instances where a handful of properties are subject to a lower-density zone than all other properties in the immediate area. This is particularly noticeable at Ramsey Street in Papatoeotoe, where the eastern end of the road is within the Puhinui Station walkable catchment and the western end of the road is within the Papatoetoe Station walkable catchment. The properties at 17-29 Ramsey Street, Papatoetoe are zoned Mixed Housing Urban, whilst the adjacent sites to the west, north and east, all accessed off the same road, are proposed as THAB zone. Refer below. This makes no rational sense from a general zoning approach, defensible boundary or good urban outcomes perspective.

d) Where natural features (such as streams) or key infrastructure (such as motorways) are located in proximity to the edge of walkable catchments (or Policy 3(d) intensification areas), the walkable catchments and/or THAB zoning should be extend through to these.

3.41 Given that Policy 3(c) of the NPS-UD provided directions for "*at least*" walkable catchments, additional Terrace Housing and Apartment Buildings zone should be applied around the edge of the currently mapped walkable catchments in order to ensure that defensible boundaries occur, such as allowing for entire roads or blocks to have the same zoning.

Relief Sought

3.42 In relation to the above matters, the following relief is sought:

a) That zoning is not determined by whether qualifying matters apply to the site, in order to avoid zoning boundaries that are not defensible. 2273.30

b) The edge of walkable catchments and Policy 3(d) intensification areas are redrawn to ensure that zoning boundaries are defensible. In all instances, this should be achieved by increasing the walkable catchment area or THAB zone extent rather than reducing these, noting that the NPS-UD directs intensification around centres and rapid transit stops to a walkable catchment *as a minimum.* 2273.31

Open Space

3.43 Where land recently vested in Council as reserve or acquired for use as a park is within a residential zone, PC78 continues to apply a residential zone, in some cases changing its residential zone. This is not considered to appropriately recognise the land's current use, whilst also being inconsistent with the qualifying matter provided for under section 77I(f) of the RMA.[15] Open space zones should instead be applied.

3.44 Examples of land that is vested in Council as open space but PC78 has applied a new residential zone rather than an open space zone include 86 Argento Avenue, 255 Murphys Road, 107 Valderama Drive, 9R Kilcadden Drive, 23F Matahae Drive, 79 Whakatupu Road, 2 Meadowridge Drive, 6F Hughs Way and 32F Castlebane Drive in Flat Bush.

Relief Sought

3.45 In relation to the above matters, the following relief is sought:

a) That all land subject to a residential zone that has been vested in Council as reserve or acquired by Council for use as a park be zoned Open Space – Informal Recreation. 2273.32

4. General Provisions (Chapters A, C, G and J)

4.1 My submission points on the new and amended provisions in Chapters A, C, G and J, including the relief sought, are provided in Table 1, below.

[15] "*open space provided for public use, but only in relation to land that is open space*"

Table 1: Analysis of Changes to Provisions in Chapters A, C, G and J

Provision	Issue	Relief Sought	
Tables A1.4.8.1 and A1.4.8.2	Depending on the relief granted elsewhere, consequential amendments will be necessary to the list of qualifying matters in Tables A1.4.8.1 and A1.4.8.2.	Amend Tables A1.4.8.1 and A1.4.8.2 as necessary to ensure consistency with other relief granted.	2273.33
Section A1.8.2	The section regarding the immediate legal effect of rules is not necessary once a decision is made as all rules would then have legal effect. Incorporation of this section into the AUP will then be redundant at that time that formally occurs	Delete Section A1.8.2.	2273.34
Section C1.6A	New section C1.6A allows for the AUP to clearly identify where rules replace other rules where a rule is not an activity status. This allows for overlay and precinct standards to replace zone standards, for example, which is suitable in a number of instances and avoids the need for activity tables to replicate provisions from other chapters.	Retain section C1.6A as proposed.	2273.35
Section G2	For ease of reference, it is suggested that section G2 provide a list of all walkable catchments that are included in the AUP, split into the two different types (rapid transit stops and city and metropolitan centres).	Inserted into section G2 a list of walkable catchment areas.	2273.36
Chapter J – definitions of "building" and "building coverage"	As outlined earlier, amendments are required to these definitions to ensure that consistency with clause 1(3) of Schedule 3A of the RMA is achieved.	Amend the definitions of "building" and "building coverage" to refer to the definitions in the National Planning Standards in relation to the construction and use of residential dwellings.	2273.37
Chapter J – definition of "landscaped area"	Given the significant reduction in minimum landscaped area within residential zones, the changes to the landscaped area definition are supported. The inclusion of pervious paths up to a width of 1.5 m (where this was previously only non permeable paths) is supported, but given that separate provisions control the extent of impervious paths and that paths have the same visual effects regardless of whether they are impervious or not, allowance for impervious paths up to a width of 1.5 m should also remain. The text "*This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS*" is supported on the basis that no definition for "landscaped area" as referenced in clause 18 of Schedule 3A to the RMA as the standard itself sufficiently qualifies what can be considered as 'landscaped area'.	Amend the definition of "landscaped area" as follows: "… *Landscaped area can include ~~pervious~~ paths with a maximum width of 1.5m provided they do not make up more than 10 per cent of the landscaped area.* *Buildings, artificial grass, and structures including pools, paving (except for ~~pervious~~ paths), pergolas, decks and servicing area is excluded from the landscaped area.* *This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS.*"	2273.38

Provision	Issue	Relief Sought	
Chapter J – definition of "floodplain"	The proposed changes to the definition of 'floodplain' in Chapter J enable Council to consider potential floodplains that are not shown on Auckland Council's GIS maps. This provides additional uncertainty will remove confidence for plan users as to the relevance of Auckland-wide provisions related to flooding and essentially removes responsibility for Council to maintain this aspect of the publicly accessible resource. With this change, Council would have the ability to request a site-specific technical report for all land use proposals on any site. The proposed amendment should not be necessary if Council continuously updates its GIS floodplain layer, like the current definition states is to occur.	Do not delete the phrase "*although Council accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain*" in the advice note beneath the definition of "floodplain".	2273.39
Chapter J – definition of "coastal erosion hazard area"	The inclusion of a provision within the AUP specifying that a future plan change may be made (but has not been notified) is considered to be unnecessary and irrelevant. Therefore, I do not support inclusion of the note below the definition of coastal erosion hazard area referring to a future coastal hazards plan change.	Delete "*Note: Auckland Council may prepare a future plan change that applies to coastal erosion hazard areas*" below the definition of coastal erosion hazard area.	2273.40

5. Overlay Provisions (Chapter D)

Maunga Viewshafts and Height and Building Sensitive Areas Overlay

5.1 Proposed standard D14.6.7 specifies that "*Within Height and Building Sensitive Areas Land Disturbance shall comply with E12.4.2 (A32) and (A33)*" as E12.4.2(A32) and (A33) are rules that specify activity standards, they apply regardless of this cross-reference Furthermore, where an activity status is complied with or not is not measurable. If resource consent is required under E12.4.2(A32) or (A33), matters of discretion are provided in section E12.8.1(f) that are consistent with those specified in section D14.8.1(2). Therefore, the standard and related provisions are inappropriate and completely redundant.

5.2 I note that the appropriateness of the existing volcanic viewshafts have not been reconsidered in light of the requirements of the NPS-UD and the MDRS and consider that this assessment should be undertaken. I particularly question the need for viewshaft E10 (Mt Eden from SH1 at Onewa Road), which significantly restricts the ability for almost half of the city centre zone to realise as much development capacity as possible as directed by Policy 3(a) of the NPS-UD. The benefit of this viewshaft is considered to be disproportionate to the loss of development capacity given that it is only viewed from moving cars (on the motorway) and similar viewshaft is provided to Mt Eden a short distance further along the motorway (E16, from the Harbour Bridge) that has limited impact on development capacity (as it primarily over the motorway corridor rather than the city centre).

Relief Sought

5.3 In relation to the above matters, the following relief is sought:

a) Delete Standard D14.6.7 and reference to this standard in section D14.8.1(2) and D14.8.2(2) (and undertake consequential amendments to section E12.8.2(f)) on the basis that they are unnecessary and applicable provisions to this effect are already provided for in E12. 2273.41

b) Delete viewshaft E10 from Schedule 9 and the AUP maps. 2273.42

c) Delete any other viewshafts that unduly restrict development capacity anticipated by Policy 3 of the NPS-UD. 2273.43

Special Character Areas Overlay

5.4 In light of the requirements related to the MDRS in the RMA and the NPS-UD, I strongly oppose retaining the Special Character Areas Overlay.

5.5 I am particularly opposed to those instances where the Special Character Areas Overlay has been applied to sites within walkable catchments and adjacent to centres on the basis that this significantly reduces development capacity in comparison to that anticipated by NPS-UD Policies 3(c) and 3(d). This overlay stymies development in those parts of the city where intensification is most appropriate.

5.6 As has been correctly identified in the AUP, special character is not the same as historic heritage. Amendments to the RMA purposely chose not to include special character as a qualifying matter alongside historic heritage, despite submissions on the Bill requesting this. I consider that this was a purposeful decision by Parliament to indicate that special character was not sufficient enough reasons to restrict MDRS development.

5.7 I support those areas where PC78 applies Historic Heritage Overlay to sites previously within the Special Character Areas Overlay where this is justified. However, if sites within the Special Character Areas Overlay cannot be justified to be subject to the Historic Heritage Overlay instead, then no qualifying matters should apply.

5.8 If the Special Character Areas Overlay is to remain, then I have a number of concerns regarding the proposed changes to these overlay provisions.

5.9 The inclusion of the text "*The rules and standards in the Special Character Areas Overlay – Residential replace the rules and standards of any relevant residential zone*" and various consequential amendments (particularly the addition of a large number of activities to the activity table) has the effect of the overlay completely replacing the zone provisions and effectively becoming a zone. I consider this to be inappropriate for the following reasons:

a) Within the National Planning Standards, *8. Zone Framework* Standard does not provide for a Special Character Zone or any residential zones that are not already provided for by AUP. The creation of a special purpose zone is also unlikely to be supported by the National Planning Standards since direction 4 only allows this where it is impracticable for the sought outcomes to be managed through a combination of spatial layers (which is what currently occurs).

b) Section A1.6.2 of the AUP states that "*Overlays manage the protection, maintenance or enhancement of particular values associated with an area or resource*". Table 18 of *8. Zone Framework* Standard of the National Planning Standards similarly states "*An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions*". Therefore, overlays should be focused only on provisions related to particular values rather than replicating all provisions from an underlying zone.

5.10 The particular values in the Special Character Areas Overlay primarily relates to physical attributions, including built form, architectural values and appearance of the streetscape. If the overlay is to be retained, then the overlay provisions should only relate to these matters.

Relief Sought

5.11 In relation to the above matters, the following relief is sought:

a) That the Special Character Areas Overlay be deleted in full.

b) Alternatively:

i) Delete the text "*The rules and standards in the Special Character Areas Overlay – Residential replace the rules and standards of any relevant residential zone*" and delete all rules and standards that have been inserted in order to replicate zone provisions not previously provided for within the overlay. 2273.44

ii) Delete all rules and standard related to the use of buildings (e.g. dwelling density or use as community facilities), only retaining those affecting building form and streetscape appearance. The underlying zone rules will control all other matters.

Aircraft Noise Overlay

5.12 I consider it necessary for activity D24.4.3(A38), which restricts density to one dwelling per 400 m² within the moderate aircraft noise area, to be reconsidered in light of the requirements of the NPS-UD and the MDRS. This is particularly relevant to achieving:

a) Policy 3(b) of the NPS-UD, as the northern parts of the walkable catchment from Manukau metropolitan centre are subject to the density restriction.

b) Policy 3(c) of the NPS-UD, as the northern parts of the walkable catchment from Puhinui Train Station are subject to the density restriction.

c) Policy 3(d) of the NPS-UD, as the southern parts of the land adjacent to the Dawson Road local centre and other land adjacent to neighbourhood centres in Clover Park and Flat Bush are subject to the density restriction.

d) The MDRS, as most sites subject to the density restriction are less than 1,200 m² in area and therefore up to three dwellings is not provided for as a permitted activity.

5.13 The section 32 report for PC78 gives no consideration to the impact that D24.4.3(A38) has on achieving the requirements of the NPS-UD and the MDRS and the appropriateness of retaining this restriction.

5.14 I support retention the requirements under Standard D24.6.3 to accommodate the qualifying matter related to ensuring the safe or efficient operation of the Auckland International Airport. Compliance with this Standard D24.6.3 would appropriately manage the potential for reverse sensitivity effects to adversely affect operation of the Auckland International Airport, regardless of the number of people living within in overlay area.

5.15 In addition, given that no provisions in section D24 relate to the Aircraft Noise Notification Area for the Auckland International Airport, I consider it unnecessary for this to be mapped. As this is not mapped in the PC78, this may also be occurring, but this is unclear.

Relief Sought

5.16 In relation to the above matters, the following relief is sought:

a) Amend D24.4.3(A37) and D24.4.3(A38) so refer to dwellings that comply with and do not comply with Standard D24.6.3, deleting the minimum density requirements. 2273.45

b) Delete "*restrictions on the numbers of people to be accommodated through zoning and density mechanisms and*" from Policy D24.3(3)(a). 2273.46

c) Make consequential changes to the Flat Bush Precinct to remove all density requirements based on the Auckland Airport moderate aircraft noise area. 2273.47

d) Delete the Auckland International Airport Aircraft Noise Notification Area from the mapped extent of the Aircraft Noise Overlay. 2273.48

6. Auckland-wide Provisions (Chapter E)

Notification rules

6.1 In order to ensure that the MDRS notification exemption rules required by clause 5 of Schedule 3A of the RMA are effective, I consider it necessary for similar rules precluding notification apply to activities associated with the construction and use of residential activities. This is considered necessary given that sections 95 to 95F of the RMA do not enable effects of an activity to which a rule precludes notification to be considered when accessory activities that require resource consent form part of the application

6.2 This circumstance has been evident in the AUP to date, where the construction of four or more dwellings is an activity identified as not requiring notification if the 'standards to be complied with' are all met. However, my experience is that typically a development of that scale triggers resource consent under E12 for earthworks, and often also triggers a resource consent under E27 for a parking or access standard infringement. These other activities render the non-notification clause for the construction of dwellings effectively void, as there are not corresponding non-notification clauses in E12 and E27, even though I have never experienced a Council determination that notification is necessary for these activities.

Relief Sought

6.3 In relation to this matter, the following relief is sought:

a) That the following be inserted in section E12.5 (or similar):

"Any application for resource consent for an activity listed in Table H12.4.1 Activity table as a restricted discretionary activity that meets the following requirements 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(9) of the Resource Management Act 1991:

(a) the activity is required for the construction or use of dwellings;

(b) the activity is within the Residential – Mixed Housing Urban zone or Residential – Terrace Housing and Apartment Buildings Zone; and

(c) the activity complies with all of the relevant standards in section E12.6 below."

2273.49

b) That the following be inserted in section E27.5(1) (or similar):

"(c) (A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access, subject to the following requirements:

(i) the activity is accessory to the construction or use of dwellings; and

(ii) the activity is within the Residential – Mixed Housing Urban zone or Residential – Terrace Housing and Apartment Buildings Zone."

2273.50

Natural hazards and flooding (E36)

6.4 I support the provisions in E36, which accommodate qualifying matters, being retained without change.

6.5 I oppose the addition of the text "*and in some cases has applied the Residential - Low Density Residential Zone to this land*" in section E36.1. As outlined elsewhere in this submission, no other provisions (including zoning) are considered necessary to accommodate qualifying matters associated with natural hazards

Relief Sought

6.6 In relation to the above matters, the following relief is sought:

a) That the text "*and in some cases has applied the Residential - Low Density Residential Zone to this land*" is not inserted in section E36.1. 2273.51

Subdivision – Urban (E38)

6.7 My submission points on the new and amended provisions in section E38, including the relief sought, are provided in Table 2, below.

Table 2: Analysis of Changes to Provisions in Section E38

Provision	Issue	Relief Sought	
Objective E38.2(10)(e), Policies E38.3(31) and E38.3(32), Rules E38.4.2(A29A) to E38.4.2(A29D), Standards E38.8.2.7 to E38.8.2.9, Matters of discretion E38.12.1(10) and E38.12.1(11), Assessment criteria E38.12.2(10) and E38.12.2(11).	These provisions relate to land identified in the proposed Infrastructure Constraints Control areas shown on the PC78 maps. In order to streamline the provisions of E38, these provisions should instead be provided for in an overlay specific to those areas.	Delete these provisions from E38 and instead insert an Infrastructure Constraints Overlay section that includes these provisions. Refer to the example overlay attached as Appendix 3.	2273.52
Policy E38(13)	PC78 inserts an exception to this policy for when subdivision is around MDRS compliant development. This policy, which relates to ensuring the size and shape of each allotment is appropriate for development intended by the zone, should be irrelevant to all subdivision around existing development, regardless of whether that development complies with the MDRS.	Rather than inserting "*(except for subdivision around MDRS compliant development)*", insert "*(unless Policy E38.3(6) applies)*" in Policy E38.3(13)	2273.53
Policy E38.3(35)	This policy is ambiguous. In particular, there is no definition for "MDRS development", especially in the context of a site where qualifying matters are accommodated. In any case, multiple other policies elsewhere in the AUP ensure that the various qualifying matters are not compromised by subdivision, without the need for this broad, vague policy.	Delete Policy E38.3(35)	2273.54
Table E38.4.1	Section E38.4 states "*The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity*", suggesting that some of the activities listed in Table E38.4.1 comprise the entirety of a subdivision activity, with no regard needing to be given to Tables E38.4.2, E38.4.3, E38.4.4 and E38.4.5. This is not clarified further and so creates unnecessary ambiguity. This may lead to rules related to qualifying matters not being given regard to when necessary. Retaining the existing approach is inconsistent with the procedural principles in section 18A(b)(ii) of the RMA.	Split Table E38.4.1 into two tables. The first table would include activities (A1) to (A6), (A12) and (A13), with it being identified that the activities in that table comprise the entirety of a subdivision activity and no regard need be given to Tables E38.4.2, E38.4.3, E38.4.4 and E38.4.5. The second table would include activities (A7) to (A13), with it being identified that the activities in that table only comprise a specific element of a subdivision activity, to which Tables E38.4.2, E38.4.3, E38.4.4 and E38.4.5 also apply, as relevant.	2273.55

Provision	Issue	Relief Sought
Table E38.4.2	The need for activities (A13A) to (A13G) to be differentiated from existing activities within this table is unclear. There is also the potential for ambiguity as to whether a subdivision is "*for the purpose of the construction or use of dwellings*" or not. The resultant duplication with existing provisions is inefficient and unnecessary. This is inconsistent with the procedural principles in section 18A(b)(ii) of the RMA. There is no need for Note 1 to be included within Table E38.4.2 (noting that it is not provided for in any other table that lists controlled activities). If absolutely necessary, reference to section 106 can be made before or after all of the activities tables or inserted in Chapter C of the AUP. Activities (A13A) and (A13B) should be reinserted to be located above (A14) and (A15), respectively. Standards E38.8.1A.1 and E38.8.1A.2 should then amended to include reference to being related to dwellings and within a relevant residential zone. Activities (A14) and (A15) should then refer to subdivisions that do not comply with Standards E38.8.1A.1 and E38.8.1A.2, respectively. Standard E38.8.2.1 can be deleted as any activity that infringes it would not be "subdivision in accordance with an approved land use resource consent" and so the standard would not comply in the first place. If "lawfully established" was inserted into activities (A13C) and (A15), Standard E38.8.2.2 can be deleted as any activity that infringes it would not be lawfully established and so the standard would not comply in the first place. Refer to the tracked changes attached as Appendix 4. Activity (A13C) should be covered by activity (A13B) or (A15). There is no need for a different activity for development with existing use rights. In fact, the application of a restricted discretionary activity is considered to be contrary to the requirement under clause 3 of Schedule 3A to the RMA, given that all residential units within the applicable residential zones are provided for as a permitted or restricted discretionary activity in accordance with clauses 2 and 4 of Schedule 3A to the RMA. When the above changes are made, activities (A13D) and (A13E) would be a direct repetition of activities (A14) and (A15), respectively, and so they are not necessary. Activity (A13F) is a direct repetition of activity (A31) and so it not necessary.	Delete activities (A13A) to (A13G) from Table E38.4.2, including Note 1. Delete Standards E38.8.2.1 and E38.8.2.2 and make the changes to Table E38.4.2, Standards E38.8.1A.1 and E38.8.1A.2 as detailed in Appendix 4. If they are to be retained, relocate activities (A13A) to (A13G) to a new Activity Table.

2273.56

Provision	Issue	Relief Sought	
	Activity (A13G) is a direct repetition of activity (A30) and so it not necessary.		
Section E38.5	The notification rules are difficult to follow and not user friendly. This is inconsistent with the procedural principles in section 18A(b)(ii) of the RMA. The need for subclauses (2A) and (2B) is unclear given that such activities should be within scope of the subdivision activities provided for as a controlled activity, already covered by the amendments to subclause (1).	Delete subclauses (2A) and (2B) on the basis that all relevant activities will be covered by clause (1).	2273.57
Standard E38.8.2.6 / Table E38.8.2.6	The minimum lot sizes specified in Table E38.8.2.6 are in many cases smaller (and therefore more enabling) than the minimum lot sizes specified in Tables E38.8.2.3.1 and E38.8.3.1.1 for the Low Density Residential Zone. As there is no exception to the requirements of Standards E38.8.2.3 and E38.8.3.1 (like there is in Standard E38.8.2.4), the more enabling lot sizes in Table E38.8.2.6 have no effect. The lot sizes in Table E38.8.2.6 more accurately accommodate the relevant qualifying matter (special character) than the standard minimum lot sizes for the Low Density Residential Zone. Therefore, the current approach restricts development beyond the extent necessary to accommodate qualifying matters.	If the Special Character Overlay is to be retained, insert the following into Standard E38.8.2.6: *"(3) Standard E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and Standard E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Special Character Areas Overlay – Residential and Business that are listed in Table E38.8.2.6.1."*	2273.58
Tables E38.8.2.3.1 and E38.8.3.1.1 – Low Density Residential Zone	The 600m² minimum lot size and the 600m² minimum average lot size requirements for the Low Density Residential Zone are inappropriate. In a number of instances where land is being rezoned from Mixed Housing Suburban to Low Density Residential, this is more restrictive that the existing provisions. The necessity for these lot size requirements is not explained or justified in the Section 32 reports for this proposed plan change. The same minimum and minimum average that lot sizes that apply in the Mixed Housing Urban zone should also apply to this zone, with the necessary lot size to accommodate qualifying matters determined through compliance with Standard E38.8.1.1(2).	If the Low Density Residential Zone is to be retained, amend the size requirements under Tables E38.8.2.3.1 and E38.8.3.1.1 to match the size requirements in the Mixed Housing Urban zone.	2273.59

Provision	Issue	Relief Sought	
Tables E38.8.2.3.1 and E38.8.3.1.1 – Terrace Housing and Apartment Buildings Zone	The 1,200m² minimum lot size for the Terrace Housing and Apartment Buildings Zone is inconsistent with the requirement under clause 7 of Schedule 3A of the RMA for subdivision provisions to be consistent with the level of development permitted under the other clauses in Schedule 3A. As the permitted activity allowances in the THAB zone are the same as the MHU zone, the same lot size requirements should apply in both zones.	Amend the size requirements for the Terrace Housing and Apartment Buildings zone under Tables E38.8.2.3.1 and E38.8.3.1.1 to match the size requirements in the Mixed Housing Urban zone.	2273.60
Standards E38.8.2.7 and E38.8.2.8	In each of these standards, subclause (1) is an information requirement and subclause (2) is a judgement which requires assessment to be undertaken. Neither should be a standard. If either subclause is not complied with, this is grounds to decline the restricted discretionary activity under the existing matters of discretion. There is no need for additional discretion to be available to Council by making applications that do not provide a technical report a discretionary activity.	Delete Standards E38.8.2.7 and E38.8.2.8 and insert special information requirements for each of these activities to achieve the requirements of subclause (1). As above, relocate these provisions into a new Infrastructure Constraints Overlay section.	2273.61
Section E38.11.1	Subclauses (2)(a) and (2)(b) will never both be applicable. These provisions are also unnecessary since if compliance is not achieved, the subdivision would not be a controlled activity.	Delete subclauses (2)(a) and (2)(b) or replace these with: "*the effect of the design and layout of the proposed sites created*" to be consistent with E38.12.1(6). Consequential changes to E38.11.2(2) would be required.	2273.62
Assessment criterion E38.11.2(2)(c)(iii)	For subdivision around existing development or in accordance with a land use consent, an assessment criterion related to the management of effects of stormwater is considered to be inappropriate. This is because the management of stormwater for the existing or authorised land uses (such as requirements for retention or detention devices) will have already been determined by previous authorisations, with no change occurring as a result of the proposed subdivision. The only potential effect that should be included as part of a subdivision decision is whether appropriate easements are provided.	Delete assessment criterion E38.11.2(2)(c)(iii). Alternatively, insert "*… as a result of the proposed subdivision boundaries*" to the end of assessment criterion E38.11.2(2)(c)(iii).	2273.63
Sections E38.12.1(11) and E38.12.2(11)	The assessment criteria related to water supply should not be relevant to the Infrastructure – Combined Wastewater Network Control.	Insert "*If the site is an area subject to the Infrastructure – Combined Water and/or Wastewater Constraints Control…*" as necessary or split out E38.12.1(11) and E38.12.2(11) to cover Infrastructure – Combined Wastewater Network Control and the Infrastructure – Water and/or Wastewater Constraints Control separately.	2273.64

7. Zone Provisions (Chapter H)

Residential Zones

7.1 It is accepted that the Single House and Mixed Housing Suburban Zones would not be relevant residential zones and so limited changes are proposed to these provisions through PC78.

7.2 PC78 primarily amends the provisions of the Mixed Housing Urban and Terrace Housing and Apartment Buildings zones whilst also introducing the Low Density Residential zone (which, as per my submissions above, I do not support).

7.3 I generally support (subject to the further submission points below) the changes to the Mixed Housing Urban and Terrace Housing and Apartment Building zones that provide for more specific policies and matters of discretion for dwellings as these give more certainty for plan users regarding expected development outcomes for these zones and what will be considered by Council during the resource consent process.

7.4 My submission points on the new and amended residential zone provisions, including the relief sought, are provided in Table 3, below.

7.5 These points are in addition to the relocation of zone provisions to the Overlay, Auckland-wide and Precinct provisions (as relevant) detailed in Appendix 1.

7.6 To support these views, please find attached as Appendix 2, an example of an alternative Mixed Housing Urban zone text that gives effect to the majority of the relief sought in the tables below. For ease of reading, tracked changes are not provided and existing numbering has not been retained.

Table 3: Analysis of Changes to Residential Zone Provisions

Provision	Issue	Relief Sought	
Sections H3.1 and H4.1 (Single House and Mixed Housing Suburban zone description)	These zone descriptions specify that these shown apply to towns and settlements "*with a residential population of less than 5,000 (as determined in the 2018 census)*", in line with the RMA definition of relevant residential zone, but without the further relevant qualifier that the area is not intended to become part of an urban environment (as is defined by the NPS-UD). In order to ensure that these zones are not inappropriately applied (and to align with the zone changes at Kumeu-Huapai and Maraetai as covered earlier in my submission), these zone descriptions should be expanded to includer reference to the towns or settlements not being intended to be part of a housing and labour market of at least 10,000 people.	Amend sections H3.1 and H4.1 as follows: *"… in wastewater serviced rural and coastal towns and settlements with a residential population of less than 5,000 (as determined in the 2018 census) that are not intended to be part of a housing and labour market of at least 10,000 people".*	2273.65 2273.66
Objective H3A.2(3) and Policy H3A.3(6)	Objective HA.2(3) is generally consistent with Objectives H3.2(4), H4.2(4), H5.2(4) and H6.2(4), while Policy H3A.3(6) is generally consistent with Policies H3.3(7), H4.3(9), H5.3(8) and H6.3(9). However, each of these other objectives and policies refer to "non-residential activities", while Objective HA.2(3) and Policy H3A.3(6) only refer to "community activities". It is unclear why a different approach to non-residential activities is proposed within the Low Density Residential Zone compared to all other residential zones, including the zones that the Low Density Residential Zone is replacing in the urban environment.	If the LDR Zone is not deleted (see above), then amend Objective HA.2(3) and Policy H3A.3(6) by replacing "Community activities" with "Non-residential activities"	2273.67
Objective H3A.2(4) and Policy H3A.3(7)	As outlined earlier, these provisions provide for a restrictive presumption, where the extent to which development is enabled is based on the extent to which development does detract not from qualifying matters' values, rather than the permissive presumption outlined by sections 77I and 77O of the RMA, where the extent to which development is restricted is based on accommodating qualifying matters. This change in approach is therefore considered to restrict development further to that which is provided for under sections 77I and 77O of the RMA.	If the LDR Zone is not deleted (see above), then amend Objective HA.2(4) and Policy H3A.3(7) as follows (or similar): *"More intensive residential development including medium density residential development is ~~enabled~~ restricted only to the extent necessary to accommodate~~, ensuring that it does not detract from~~ qualifying matters' values~~ accommodated by the zone's purpose~~."* *Require more intensive residential development including Medium Density Residential development, which is restricted ~~to be enabled~~ only to the extent necessary to accommodate~~, ensuring that it does not detract from the~~ identified qualifying matters' values."*	2273.68

Provision	Issue	Relief Sought	
Objective H3A.2(13), Policy H3A.3(18) and Standard H3A.6.7	These provisions insert the mandatory objectives and policies from Schedule 3A of the RMA, which refer to enabling three storey buildings. However, the Standard H3A.6.7 sets a maximum building height of 8 m, which (in most circumstances) does not allow for three storey buildings. Therefore, there is conflict between the objectives and policies and the rules that should be rationalised. Given that the objectives and policies are mandated and cannot be changed, the rules should be changed instead to resolve this conflict.	If the LDR Zone is not deleted (see above), then amend Standard H3A.6.7 and Figure H3A.6.7.1 by replacing "8 m" with "11 m"	2273.69
Activity Tables H3A.4.1, H5.4.1 and H6.4.1	These activity tables do not provide an activity status for structures that are not defined as buildings, making then non-complying activities (under activities not provided for). These should be provided for as permitted activities, consistent with the activity status for accessory buildings.	Insert permitted activity rules for "structures not defined as buildings" in Activity Tables H3A.4.1 (if retained), H5.4.1 and H6.4.1.	2273.70 2273.71 2273.72
Rules H3A.4.1(A4), H3A.4.1(A5), H3A.4.1(A6), H3A.4.1(A7), H3A.4.1(A9), H3A.4.1(A31), H3A.4.1(A33), H5.4.1(A2A) and H6.4.1(A2B)	These rules specify discretionary or non-complying activities but list standards to be complied with. However, general rule C1.9(1) of the AUP only requires permitted, controlled and restricted discretionary activities to comply with standards. Existing discretionary and non-complying activities are not provided with lists of standards to comply with in residential zones for this reason. Therefore, the list of standards serves no purpose.	Delete the list of standards in the 'Standards to be complied with' column of Tables H3A.4.1, XX for discretionary and non-complying activities.	2273.73 2273.74 2273.75
Standard H3A.6.8	This height in relation to boundary standard applies to all site boundaries, which would include front/road boundaries. This approach is inconsistent with the approach taken in all other residential zones, including the Single House and Mixed Housing Suburban zones that the Low Density Residential zone generally replaced. There is considered to be no need for height in relation to boundary apply along the front/road boundary	Amend Standard H3A.6.8(1) as follows: *"…along ~~all~~ side and rear boundaries…"*.	2273.76
Standard H3A.6.9 (Table E3A.6.9.1)	Rear yards from rear boundaries only occur on front sites (to be boundary furthest from the road) and rear sites (all sites), and not corner sites. All boundaries of a corner site are road/front boundaries or side boundaries. For this reason, the exemption to the rear yard requirement under corner sites does not make sense.	Delete "*(excluding corner sites)*" from Table E3A.6.9.1.	2273.77

Provision	Issue	Relief Sought	
	In addition, an exclusion to rear yards for corner sites suggests that there are boundaries of a corner site where no yard setbacks are required, which is considered to not be the intention of the exemption. It is understood that the exemption to rear yards for corner sites is provided for in section 3A of the MDRS. However, for the reasons specified, deleting this exemption will not result in development being restricted without a qualifying matter being present.		2273.77
Standard H3A.6.9(3)	Standard H3A.6.9(3) provides an exemption to both H3A.6.9(1) and H3A.6.9(2) for where a common wall is provided along the site boundary. However, this exemption should not be relevant to Standard H3A.6.9(2) as that only specified riparian, lakeside and coastal protection yards, which are not based on site boundaries.	Amend Standard H3A.6.9(3) as follows: "*Standard~~s~~ H3A.6.9(1) ~~and H3A.6.9(2)~~ above does not apply …*".	2273.78
Standards H3A.6.12(1)-(2), H5.6.11(3)-(4) and H6.6.12(A1)-(A2)	These provisions refers to the "developed site", which is not defined.	Either define "developed site" or replace this with "net site area" in Standards H3A.6.12, H5.6.11 and H6.6.12.	2273.79 2273.80 2273.81
Matters of discretion H3A.8.1(3) and Assessment criteria H3A.8.2(9)	The matters of discretion and assessment criteria in sections H3A.8.1(3) and H3A.8.2(9) apply to the activity of "two or more dwellings on a site" where this is specified in Table H3A.4.1 to be a restricted discretionary activity in the Low Density Residential Zone. As the MDRS requires up to three dwellings per site to be a permitted activity, further restrictions are only provided for to the extent necessary to accommodate qualifying matters. However, I consider some of the matters of discretion and assessment criteria in sections H3A.8.1(3) and H3A.8.2(9) are unrelated to qualifying matters – for example, provisions regarding the appearance of buildings is unrelated to qualifying matters associated with natural hazards and infrastructure capacity. Therefore, the inclusion of these matters of discretion and assessment criteria is contrary to section 77I of the RMA.	If the LDR Zone is not deleted (see above), then delete rule H3A.4.1(A3) (with consequential changes to rule H3A.4.1(A2) to make two or three dwellings per site a permitted activity), delete matter of discretion H3A.8.1(3) and assessment criteria H3A.8.2(9) Alternatively, delete matter of discretion H3A.8.1(3)(a) and delete assessment criteria H3A.8.2(9)(a), H3A.8.2(9)(b), H3A.8.2(9)(c), H3A.8.2(9)(d) and H3A.8.2(9)€ (retaining matter of discretion H3A.8.1(3)(b) and assessment criterion H3A.8.2(9)(f).	2273.82

Provision	Issue	Relief Sought	
Assessment criteria H3A.8.2(9)(a), H5.8.2(2)(a), H5.8.2(3)(a), H6.8.2(2)(a) and H6.8.2(3)(a)	The listed assessment criteria state the following: "*whether the development achieves the purpose, where specified, in the standards identified in Table H*[X].*4.1 or what alternatives are provided that result in the same or a better outcome*". Each of the identified standards are required to be complied with, which should be sufficient to determine that the purpose of those standards is achieved. If a standard is infringed, then that is a restricted discretionary activity, with the relevant matters of discretion including whether the purpose of that standard is achieved. Therefore, the listed assessment criteria are unnecessary and have the potential to result in inefficient consent processes whereby Council could choose to determine that compliance with a standard is not sufficient demonstration that the purpose of that standard is achieved.	Delete the assessment criteria in sections H3A.8.2(9)(a), H5.8.2(2)(a), H5.8.2(3)(a), H6.8.2(2)(a) and H6.8.2(3)(a)	2273.83
Policy H5.3(6A)(i)	This policy inserts a requirement for development to incorporate practical, sufficient space for internal storage and living areas. However, unlike all other outcomes specified in the policy, there are no standards that provide guidance to Council to the reader as to how this policy can be achieved – the only standard relates to the total floor area for each dwelling, not individual parts of the dwelling. Standards to require minimum dimensions and areas for internal storage and living areas were proposed as part of the Auckland Unitary Plan, but decisions determined that these were inappropriate and unnecessary. insertion of a policy that is equivalent to such a standard is considered to similarly be inappropriate.	Delete Policy H5.3(6A)(i).	2273.84

Provision	Issue	Relief Sought	
Policies H5.3(14) and H6.3(14), Matters of discretion H5.8.1(1)(c), H5.8.1(2)(d), H5.8.1(3)(d), H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and Assessment criteria H5.8.2(1)(f), H5.8.2(2)(i), H5.8.2(3)(l), H6.8.2(1)(f)(i), H5.8.2(2)(m)(i) and H5.8.2(3)(l)(i)	These provisions provide a framework where Council can require developments of four or more dwellings (and other developments) to provide for upgrades to pedestrian facilities within the adjacent transport network. While potentially suitable for unanticipated large scale development, the threshold of application to four dwellings is considered to be too low. It is considered the responsibility of AT to ensure that pedestrian facilities within existing public roads are fit for purpose for the level of intensification anticipated by AUP zoning. If additional funding is required to facilitate this, Council has many options to raise funds. There is also an equity issue with these provisions whereby the first development along the street may be required to undertake improvements to the adjacent road that benefits a large area of land, while further developments can be undertaken without being required to contribute to these improvements. For larger scale development, such considerations are already provided for through Standard E27.6.1, matter of discretion E27.8.1(4) and assessment criteria E27.8.2(3). Therefore, for large scale developments, the proposed provisions add nothing further to what already is provided for.	Delete Policies H5.3(14) and H6.3(14), the matters of discretion in sections H5.8.1(1)(c), H5.8.1(2)(d), H5.8.1(3)(d), H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and the assessment criteria in sections H5.8.2(1)(f), H5.8.2(2)(i), H5.8.2(3)(l), H6.8.2(1)(f)(i), H5.8.2(2)(m)(i) and H5.8.2(3)(l)(i).	2273.85 2273.86 2273.87 2273.88
Activity Tables H5.4.1 and H6.4.1	Given that it is now proposed that all relevant standards be complied with, rather than some only being considered as a matter of discretion for restricted discretionary activities, there is no obvious need for the 'Standards to be complied with' columns in these activity tables. With almost all standards applying to each activity, the activity tables become unnecessary convoluted and not user-friendly. This issue is compounded by the table referring to the sub-standards that relate to the activity, rather than relying on text within the standard itself that specifies this. There are also a large number of inconsistencies in the 'Standards to be complied with' column that may or may not be drafting errors. This includes:	Delete the 'Standards to be complied with' columns in these activity tables and make consequential changes to each of the standards where necessary to specify any activities that each standard does not apply to.	2273.89 2273.90

Provision	Issue	Relief Sought	
	- Standard H5.6.19 (Deep soil area and canopy tree) is not listed for supported residential care, boarding houses or visitor accommodation greater than 10 people in the MHU zone, but it is for care centres greater than 10 people and for all of these activities for up to 10 people. Then, the equivalent THAB zone standard applies to all of these activities in that zone. - For Activity H6.4.1(A3), the standard for residential waste management is incorrectly numbered - For Activity H6.4.1(A32A), The "Standards to be complied with across the zone" column includes Standard H6.6.5(1)(b) Building height, which is then repeated in the "Additional standards to be complied with outside walkable catchments" column and contradicts the requirements within walkable catchments. Deleting the list of standards from the activity table will avoid any unintentional omissions or errors.		2273.89 2273.90
Activities H5.4.1(A3) and H6.4.1(A3)	The activity table identifies that up to three dwellings are subject to the Deep soil area and canopy tree and the safety and privacy buffer from private vehicle accessways standards. Both of these standards specify landscaping requirements that are beyond that necessary under clause 18 of Schedule 3A to the RMA. Therefore, their applicability to the activity of up to three dwellings is inconsistent with the requirement under clause 2(2) of Schedule 3A to the RMA. Reference to these standards should be deleted. Similarly, reference to the waste management standard should be deleted on the basis that this is contrary to the expectation for up to three dwellings complying with MDRS standards to be provided for as a permitted activity.	Delete Standards H5.6.19, H5.6.20 and H5.6.21 from the list of standards to be complied with for activity H5.4.1(A3). Delete Standards H6.6.20, H6.6.21 and H6.6.22 from the list of standards to be complied with for activity H6.4.1(A3).	2273.91 2273.92

Provision	Issue	Relief Sought	
Activities H5.4.1(A30) to H5.4.1(A32A) and H6.4.1(A31) to H6.4.1(A33A)	The listing of standards for these activities is unnecessary if instead reference is made to the standards for the activity that the buildings accommodate or are accessory to.	If the 'Standards to be complied with' columns is not deleted, then replace the text in this column for activities H5.4.1(A30), H5.4.1(A30A), H5.4.1(A32) H5.4.1(A32A), H6.4.1(A31), H6.4.1(A31A), H6.4.1(A33) and H65.4.1(A33A) with "*The same standards as applies to the land use activity that building is designed to accommodate*" and replace the text in this column for activities H5.4.1(A31), H5.4.1(A31A), H6.4.1(A32) and H6.4.1(A32A) with "*The same standards as applies to the land use activity that building is accessory to*". Consequentially, activities H5.4.1(A30), H5.4.1(A30A), H5.4.1(A31A), H5.4.1(A32A), H6.4.1(A31), H6.4.1(A31A), H6.4.1(A32A) and H6.4.1(A33A) could be deleted and no changes need be made to activities H5.4.1(A31), H5.4.1(A32), H6.4.1(A32) and H6.4.1(A33).	2273.93 2273.94
Activities H5.4.1(A30) to H5.4.1(A32A) and H6.4.1(A31) to H6.4.1(A33A)	These activities are split out for "development of up to three dwellings" and "development of four or more dwellings". As the wording is different to that used for the base activities ("up to three dwellings per site" and "four or more dwellings per site"), it is not clear how it is to be determined which activity status is to apply to the building alteration or addition or accessory building, particularly after subdivision has occurred (it can be unclear whether the works relate to a development of up to three dwellings or a development of four or more dwellings). If the intention is to avoid dwellings that were required to comply with the "four or more dwellings" standards to be altered after subdivision under the "up to three dwellings" standards, this occurrence can be avoided by the use of consent notices requiring on-going compliance with the conditions of the land use consent for four or more dwellings, which is a standard approach undertaken by Council. Therefore, there is considered to be no disadvantage to referring to "up to three dwellings per site" rather than "development of up to three dwellings" and "four or more dwellings per site" rather than "development of four or more dwellings.	If activities H5.4.1(A30A), H5.4.1(A31A), H5.4.1(A32A), H6.4.1(A31A), H6.4.1(A32A) and H6.4.1(A33A) are retained, replace "*development of up to three dwellings*" with "*up to three dwellings per site*" and "*development of four or more dwellings*" with "*four or more dwellings per site*" (unless this conflicts with the relief sought below).	2273.95 2273.96

Provision	Issue	Relief Sought	
Activities H5.4.1(A30) to H5.4.1(A31A) and H6.4.1(A31) to H6.4.1(A32A)	As these activities refer to either "development of up to three dwellings" and "development of four or more dwellings", there is no longer any provision for building alterations or accessory buildings related to development other than dwellings (such as other residential and community facilities provided for as a permitted activity), making these non-complying activities under (A1). This is considered to be an oversight when PC78 was drafted.	If activities H5.4.1(A30A), H5.4.1(A31A), H6.4.1(A31A) and H6.4.1(A32A) are retained, replace "*development of four or more dwellings*" with "*all other development*".	2273.97 2273.98
Notification rules H5.5(5) and H6.5(5)	It is unclear why this rule has needed to be inserted in place of existing rule (1)(a), which serves a similar purpose. To accord with the requirement of clause 5(3) of Schedule 3A of the RMA, the standard that four or more dwellings need to comply with in order for public and limited notification to be precluded should only be those specified in Schedule 3A and not the additional standards proposed for four or more dwellings. To achieve this would require significant reorganisation of the standards sections and require the 'base' MDRS standards to apply to four or more dwellings, with the 'additional' MDRS standards applying as well. Requiring compliance with a number of additional standards that control the same matters that the MDRS standards in Schedule 3A relate to in order for notification to be precluded is at least inconsistent with the intent of clause 5(3) of Schedule 3A of the RMA, if not directly contrary to.	Delete H5.5(5) and H6.5(5) and retain H5.5(1)(b), ensuring that H5.5(1)(a) and H6.5(1)(a) refers only to the MDRS standards equivalent to those specified in Schedule 3A of the RMA.	2273.99 2273.100
Standards H5.6.3A and H6.6.4A	There is no need for the AUP to contain a standard which states "There must be no more than three dwellings per site" when compliance or infringement of this standard is already provided for by the activity tables (or, in the case of the THAB zone, can be provided). While a standard in Schedule 3A of the RMA, its removal (and reliance on the activity tables instead) would not result in greater restrictions than that specified in schedule 3A.	Delete Standard H5.6.3A and H6.6.4A.	2273.101 2273.102
Standards H5.6.5(2)(b) and H6.6.6(2)(b)	PC78 deletes the existing exemptions for height in relation to boundary for boundaries adjacent open space zones of a certain size and shape. As a result, a 4 m and 60 degree recession plane is imposed as a new restriction along this boundary. Given the purpose of an intensification planning instrument to reduce development restrictions, this change is not considered appropriate.	Retain Standard H5.6.5(2)(b) and H6.6.6(2)(b). If the LDR Zone is not deleted (see above), then insert a provision equivalent to Standard H5.6.5(2)(b) in Standard H3A.6.8.1.	2273.103 2273.104

Provision	Issue	Relief Sought	
Standards H5.6.8 and H6.6.9	The tables in these yards standards have been split out to separately cover yards related to boundaries and yards related to waterbodies. Given that the reasons for these types of yards are different, it is suggested that these standards be split into two. This would also allow for the boundary yards standard to be identified as part of the MDRS and the waterbody yards standard be identified as related to qualifying matters.	Split Standards H5.6.8 and H6.6.9 into two standards – the first for front, side and rear yards and the second for riparian, lakeside and coastal protection yards.	2273.105 2273.106
Standards H5.6.11, H5.6.12, H5.6.14 H5.6.18, H6.6.6, H6.6.12, H6.6.13, H6.6.15 and H6.6.19	Each of these standards include provisions related to "up to three dwellings" and then "four or more dwellings and any other development". To make it clearer to the reader, each of these standards should be split out into separate standards and the applicability of each be identified. The separate standards should then attempt to avoid repetition as much as possible, with the "four or more dwellings and any other development" standard only identifying the additional requirements not applicable under the "up to three dwellings" standard. Ideally, the requirements for four or more dwellings per site should not be more onerous than equivalent requirements for up to three dwellings per site. In particular, outlook space and private outdoor living space requirements should be the same. Also, where standards are applied on a per dwelling basis (i.e. outdoor living space and outlook space), additional requirements should only apply for the fourth dwelling onwards.	Split Standards H5.6.11, H5.6.12, H5.6.14 H5.6.18, H6.6.6, H6.6.12, H6.6.13, H6.6.15 and H6.6.19 into two standards each – the first for up to three dwellings (or have this apply to dwellings in general) and the second for any other development (ideally only including additional requirements). Avoid creating standards for four or more dwellings per site that are more onerous than standards for up to three dwellings per site. For the outlook space and outdoor living space standards, specify that the additional requirements only apply for the fourth dwelling onwards (i.e. they do not apply to any three of the proposed dwellings).	2273.107 2273.108
Standards H5.6.11(5) and H6.6.12(1)	Providing for a landscaped coverage for four or more dwellings or other developments that is consistent with the permitted baseline for up to three dwellings is supported.	Do not increase the minimum landscaped area for four or more dwellings above 20% of the net site area.	2273.109 2273.110
Standards H5.6.12 and H6.6.13	There are a number of matters that need to be further clarified about the outlook space standards in order to avoid ambiguity, as follows: - In (1), how is priority determined where a balcony is smaller than the largest area of glazing? - In (1), if a habitable room has windows of the same size, can compliance be demonstrated from either window or is it required from both?	Amend Standards H5.6.12 and H6.6.13 to provide clarity for each of these queries. Unless reduced to 4 m to be consistent with the dimensions for up to three dwellings per site, retain the allowance for outlook spaces at ground floor level to be reduced to 5 m where four or more dwellings per site are proposed.	2273.111 2273.112

Provision	Issue	Relief Sought	
	- In (2)(a), how is principal living room determined if two separate living rooms are proposed, neither of which is combined with the kitchen or dining spaces? - In (2)(a), can outlook be taken from kitchen if it is combined with the living room and the glazing in the kitchen is larger than the glazing in the living room? - In (4), if outlook space is measured from the edge of a balcony, can this balcony have a width of less than 4 m as viewed from the principal living space? - In (4)(b), how is "the centre line of the façade of the … balcony edge" determined? - Given (4)(b), does this mean in some cases that outlook will only be available when residents use their outdoor balconies and not when inside the habitable room the balconies serve. - As (7) allows for outlook spaces to overlap where they from different rooms within the same building, can these overlap with an outlook space for another dwelling in the same building or is this prevented by (9)(c)? - As (8) allows for outlook spaces to overlap where they are on the same wall plane, can these overlap with an outlook space for another dwelling along the same wall plane or is this prevented by (9)(c)? - In (9)(a), if outlook is taken from a window that overlooks a balcony, can the balustrades of that balcony (part of a building) be within the outlook space? - In (9)(a), how is the delineation of "servicing area" determined in order to conclude whether or not this obstructs an outlook space? - Does (9)(c) prevent outlook spaces extending over outdoor living spaces of dwellings on lower levels or is this allowed due to the height of the outlook space being limited under (5)?	Provide for a specific clause for where outlook spaces should be taken from balconies instead of windows, such as the following: "*Where a balcony is directly accessible from a habitable room and either:* • *the floor area of that balcony exceeds the area of glazing for any of that habitable room's windows, or* • *the balcony is an outdoor living space required by Standard [X],* *Standards [X] do not apply for the outlook space required for that habitable room and instead:* *(a) The outlook space must be provided from the edge of the balcony.* *(b) The depth of the outlook space is measured at right angles to and horizontal from the longest edge of the balcony.* *(c) The width of the outlook space is measured from the centreline of the longest edge of the balcony.*" Provide for a specific clause regarding the required overlap of outlook spaces with outdoor living spaces, such as the following: *"The outlook space required for the principal living room of a dwelling must either:* *(a) overlap with a ground floor outdoor living space required for the same dwelling by Standard [X] for at least 10 m²;* *(b) overlap with a balcony/roof terrace outdoor living space required for the same dwelling by Standard [X] for at least 5 m²; or* *(c) extend over a public street or other public open space."*	2273.111 2273.112

Provision	Issue	Relief Sought	
	- For (9)(d), what counts as "aligning"? What is the minimum overlap that is allows? Is this requirement limited only to the principal living room outlook space or all outlook spaces and if the latter how is that achievable? The allowance for outlook spaces at ground floor level to be reduced to 5 m is supported, on the basis that since buildings are not authorised within 1 m of the boundary, outlook of at least 6 m would still be provided for.		2273.111 2273.112
Standards H5.6.14 and H6.6.15	A number of issues with the outdoor living space standards have been identified as follows: - The purpose of this standard refers to "*private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen*", but the standard only requires the spaces to be accessible from any part of the dwelling. The inconsistent purpose should be amended. - These standards differentiate between units that are at ground floor level and above ground floor level without these terms being defined further. This creates ambiguity in some instances as to which provisions should apply. For example, which applies where the lower level is solely garaging and building entrance (with stairs) or if a unit has differing ground levels on either side due to topography? Defining these terms will provide clarification in these instances. - In (1), there is no clear rationale as to the removal of "and" from the "and/or", which would allow for the minimum 20 m² to be provided for across multiple outdoor living spaces. Given that (1)(b) allows for 5 m² balconies to contribute towards the total of 20 m², the removal of "and" does not make logical sense.	Insert definitions for "at ground level" and "above ground floor level" in Chapter J, such as the following: "*Above ground floor level:* *In relation to a dwelling, integrated residential development, supported residential care or boarding houses, means where the activity is wholly located above on levels of a building that are not directly accessible from ground level (including after earthworks), other than:* • *Entrance lobbies, stairwell or lifts serving two or more activities or two or more dwellings; and/or* • *Accessory parking, including garages.* *At ground floor level:* *In relation to a dwelling, integrated residential development, supported residential care or boarding houses, means not above ground floor level.*" Amend Standards H5.6.14 and H6.6.15 as follows: - In the purpose of the standard, replace "*are directly accessible from the principal living room, dining room or kitchen*" with "*are directly accessible from the dwelling or unit*" - Retain "and/or" in clause (1)	2273.113

Provision	Issue	Relief Sought	
Standards H5.6.14(4) and H6.6.15(4)	There is considered to be insufficient need for both communal outdoor living space in addition to private outdoor living to be a requirement of all developments of 20 or more dwellings. Communal outdoor living spaces are also not appropriate for all typologies of 20 or more dwellings. In particular, the provisions are inappropriate for large scale developments of terrace houses across many hectares of land, when each are provided with at least 20 m² of ground floor private outdoor living space. If the standard is to be retained, it should only apply where units are not provided with at least 20 m² of ground floor private outdoor living space (i.e. apartments and where infringements of the private outdoor living space standard applies). If this is not provided for (and all dwellings are required to be provided with communal outdoor living space), then allowance should be made for private outdoor living spaces for dwellings at ground floor level to reduce to 8 m², in line with the requirements for dwellings above ground floor level. Otherwise, the following issues with this standard are raised: - Given the above, (a) and (b) should only apply to units for which communal outdoor living space is necessary. - (a) is not easily measurable and does not guarantee that communal spaces are conveniently accessible in accordance with the purpose of the standard. It is suggested that a maximum walking distance is provided. - (b) is not clear as to whether an additional 10 m² is required for the 21st, 25th and 31st (etc.) dwelling or whether this should be pro-rataed (i.e. 2 m² per dwelling). - Depending on the size of the development site, the limitation of only two communal outdoor living spaces (g) may conflict with provision of communally accessible locations that are conveniently accessible. A minimum separation distance for communal outdoor living spaces should instead be proposed. - Allowance should be provided for communal outdoor living space that is provided on communal land delivered as part of a previous subdivision.	Delete Standards H5.6.14(4) and H6.6.15(4). Alternatively, amend these standards as follows: - Apply the communal outdoor living space requirements only to developments where at least 20 m² of private outdoor living space is provided for each unit. - Amend subclauses (a) and (b) to only apply in relation to dwellings that are not provided with 20 m² of private outdoor living space. - Amend subclause (b) to clarify further how this area is calculated. - Amend subclauses (a) and (g) to provide for a maximum distance of communal living spaces from the dwellings they serve and a minimum separation distance between one or more communal living spaces. If H5.6.14(4) and H6.6.15(4) are not deleted and amended as per the above, amend H5.6.14(1) and H6.6.15(1) to allow for dwellings at ground floor level to only require 8 m² of private outdoor living space if provided as a patio or balcony. If H5.6.14(4) and H6.6.15(4) are not deleted, provide for allowance for these areas to be contained within existing communal land related to the site, such as the following: *"If the required communal outdoor living spaces is located on a separate site, then:* *(a) the separate site must be held in common ownership as follows:* *(i) the owners of the development site own a share of the separate site as tenants in common; or* *(ii) the owners of the development site are required to be members of an incorporated society that owns the separate site; and* *(b) The communal outdoor living space required by the proposal is additional to any communal outdoor living space on the separate site required any other development."*	2273.114 2273.115

Provision	Issue	Relief Sought	
Standards H5.6.18 and H6.6.19	It will be more efficient for the façade area for which the 20% glazing requirement is calculated against to be based on an assumed stud height, such as is provided for by Flat Bush Sub-precinct C Development Control 3.12 (which uses 2.4 m per storey). This will allow for the glazing requirement to be calculated based only on the length of the façade and the number of storeys, rather than needing to account for architectural features, such as gable ends. This would also mean that façades with gable end roof forms are not unfairly required to provide for increased glazing in comparison with hip roof forms of the same height. As not all buildings will be parallel to the road (or accessway) or square, further clarification is required in these standards as to which facades are subject to the glazing requirements. It is also suggested that the glazing requirements only apply to buildings within a certain distance of the road (or accessway). Also, allowance should be made for the area of joinery between and around window panes (excluding window frames) to be included as part of the area of glazing in order to allow for calculation efficiencies. This approach would be more enabling than the requirement in Schedule 3A and therefore allowed for by the RMA. Finally, the additional requirements related to private accessways should only apply for where that private accessway serves two or more dwellings. Otherwise, driveways and footpaths to the rear of the dwelling only serving that dwelling would be unnecessarily captured by the requirements.	Amend Standards H5.6.18 and H6.6.19 to: - Rely on a fixed stud height for the efficient calculation of the glazing requirement. - Specify 'facing' façades to be those less than 45 degrees from, and within a certain distance of, the relevant boundary. - Specify that joinery between and around window panes (excluding window frames) can be included as 'glazing'. - Specifying that glazing for facades facing private access only relates to private access serving two or more dwellings.	2273.116 2273.117

Provision	Issue	Relief Sought	
Standard H5.6.19 and H6.6.20	The deep soil area and canopy tree standard should be merged with the landscaped area standard, as they seek similar outcomes. Given there is no specified depth for 'deep soil areas', the use of this term is confusing. There is no clear rationale as to why deep soil areas cannot be provided in private outdoor living spaces but can be provided in communal outdoor living spaces. The purposes of both standards can still be met if overlap occurs. (b) needs to specifically identify that it is an exception to (a). If the minimum tree canopy dimensions in Tables H5.9(3) and H6.9(3) are standards to be met, then they should be located within the standard rather than in the special information requirements section. As with communal outdoor living spaces, allowance should be provided for deep soils areas that are provided on communal land delivered as part of a previous subdivision.	Amend Standard H5.6.19 and H6.6.20 to: - Merge the requirements with the landscaped area standard. - Allow for deep soil areas to be located within private outdoor living spaces. - Specify in clause (b) that it is an exception to clause (a). - Insert the minimum tree canopy dimensions from the special information requirements. - Provide for allowance for these areas to be contained within existing communal land related to the site (similar to that suggested for communal outdoor living space).	2273.118 2273.119
Standards H5.6.20 and H6.6.21	The Safety and privacy buffer from private pedestrian and vehicle accessways standard should be merged with the windows to private vehicle and pedestrian accessways standard, as they seek similar outcomes (attractive and safe accessways).	Amend Standards H5.6.20 and H6.6.21 to merge the requirements with the windows to private vehicle and pedestrian accessways standard.	2273.120 2273.121
Standards H5.6.21 and H6.6.22	The majority of this standard is not easily measurable, especially when on-site collection or communal bin storage is proposed. For example: - At (1)(c)(i), "visually screened" and "from within the site" needs to be defined further in order to ensure the standard is measurable. - At (1)(c)(ii), "steep gradients" needs to be defined further in order to ensure the standard is measurable. Reference to E27.6.6.2 should not be made as this is a provision introduced by PC79 that has not been confirmed. - At 1(c)(iii) it is unclear what "accessible for collectors and residents" means and how can compliance can be determined.	Amend Standard H5.6.21 and H6.6.22 to address the issues raised, such as the following: *(1) A total on-site waste storage space of 1.4 m² per dwelling must be provided for individual bins, which may be:* *(a) grouped cumulatively by area in one or more communally accessible location(s); or* *(b) located directly adjacent to the unit.* *Note: Storage space based on communal bins is an infringement to this standard, requiring the appropriateness of the area provided to be further assessed.*	2273.122 2273.123

Provision	Issue	Relief Sought	
	- Further details need to be provided in (2) as to how the mentioned 1m is to be provided. If a width parallel to the road, then what is the required depth and how is it determined that it doesn't impede the footpath? What clearances are required from street trees, streetlights, parking bays, vehicle crossings and other road features? Use of the dimensions and requirements in Auckland Design Manual Guide R7 Design for Waste may be more appropriate to provide for a measurable standard (although the suitability of each of those requirements would need to be confirmed as part of the PC78 hearings). - (3) and (6) are a special information requirements, not standards. - (4) and (5) are not sufficiently measurable, and instead read as matters to be considered during a resource consent process. I consider it more appropriate that this standard only provide measurable requirements for individual bins using kerbside collection and any alternative arrangements (such as communal collection) be assessed through the resource consent process. This reflects the experience from applying for resource consents whereby Council has a preference for individual bins and kerbside collection, unless this is not practicable in the circumstances.	*(2) All storage spaces must be visually screened by fences (including gates), buildings or hedges at least 1.4 m in height.* *(3) Where kerbside collection is used, there must be space per dwelling of at least 1.6m wide and 0.85 m deep, along the road frontage of the site that:* *(a) is not located over the public footpath;* *(b) is not located over a formed vehicle crossing;* *(c) is not located in front of a raingarden;* *(d) is not located under the canopy of street trees;* *(e) has a slope of less than 10 degrees.* *Note: On-site collection (whether by Council or a private operator) is an infringement to this standard, requiring the appropriateness of the collection points to be further assessed.* *(4) Routes from storage spaces to kerbside collection points must:* *(a) Not require bins to be transported through dwellings or up or down stairs;* *(b) Be paved with a minimum path width of 1.35 m;* *(c) Comply with the maximum gradient requirements for pedestrian accessways in E27 Transport; and* *(d) Comply with the minimum lighting requirements for pedestrian accessways in E24 Lighting.*	2273.122 2273.123

Provision	Issue	Relief Sought	
Matters of discretion H5.8.1(1)(b)(i), H5.8.1(2)(a)(i), H6.8.1(1)(b)(i), H6.8.1(2)(a)(i) and H6.8.1(3)(a)(i) and Assessment criteria H5.8.2(1)(b) and H6.8.2(1)(b)	"Building intensity" has been removed from each of the specified matters of discretion and assessment criteria following the Wallace decision determination that this refers to the density of uses within the building. This change is supported to avoid unduly restricting development capacity. However, it is unclear why this has not also been deleted from the matters of discretion for integrated residential development in the MHU zone (H5.8.1(3)(a)(i)).	Support removal of "building intensity" from the matters of discretion in sections H5.8.1(1)(b)(i), H5.8.1(2)(a)(i), H6.8.1(1)(b)(i), H6.8.1(2)(a)(i) and H6.8.1(3)(a)(i) and the assessment criteria in section H5.8.2(1)(b) and H6.8.2(1)(b). Delete "building intensity" from the matter of discretion in section H5.8.1(3)(a)(i).	2273.124 2273.125
Matters of discretion H5.8.1(2)(i)A and H6.8.1(2)(i)A	This matter of discretion refers to orientation to the street and adjoining sites, but the equivalent assessment criteria ((2)(ae)) also refers to orientation to accessways. The inconsistency should be resolved.	Insert "*…private vehicle and pedestrian accessways*" at the end of the matter of discretions in sections H5.8.1(2)(i)A and H6.8.1(2)(i)A.	2273.126 2273.127
Matters of discretion H5.8.1(2)(ib) and H6.8.1(2)(ib)	This matter of discretion related to the functional day to day needs is opposed on the basis that: - No guidance is provided in relation to the appropriate size and dimensions of living areas and internal storage and standards controlling this have already been determined through the Proposed Auckland Unitary Plan process to be inappropriate. - Compliance with the waste management standard should be sufficient to demonstrate that the functional day to day needs associated with waste are achieved. If that standard is infringed, a similar matter of discretion would apply anyway.	Delete the matters of discretion in section H6.8.1(2)(ib) and H6.8.1(2)(ib).	2273.128 2273.129
Matters of discretion H5.8.1(2)(ii) and H6.8.1(2)(ii)	These matters of discretion are too broad, referring simply to 'traffic' and should instead refer to the specific effects sought to be controlled.	Replace matters of discretion in section H6.8.1(2)(ii) and H6.8.1(2)(ii) (and any other matters of discretion in the residential zones referring to "traffic") with "*effects of traffic generated by the proposed development on the adjacent transport network*", or similar.	2273.130 2273.131

Provision	Issue	Relief Sought	
Matters of discretion H5.8.1(2)(b)(iii) and H6.8.1(2)(b)(iii)	The location and design of access and parking is controlled by E27, which under PC79 is being expanded to include standards for pedestrian access. If four or more dwellings comply in full with E27, there should be no need for any further assessment of the location and design of access and parking to be undertaken. If the standards in E27 are infringed, similar matters of discretion would apply anyway. If there is considered to be a 'gap' in the AUP provisions regarding the location of parking in residential zones (such as in relation to road boundaries), then an additional standard regarding this should be inserted, similar to the landscaping standards in the Industrial zones.	Delete the matters of discretion in section H5.8.1(2)(iii) and H6.8.1(2)(iii) (and any other matters of discretion in the residential zones referring to "location and design of parking and access" or "location and design of access (including pedestrian access) and parking (if provided)")	2273.132 2273.133
Matters of discretion H5.8.1(3)(a)(i)C and H6.8.1(3)(a)(i)C	Height of buildings is controlled by the height and height in relation to boundary standards. It should be concluded that buildings that comply with these standards do not have adverse effects on the surrounding and neighbouring development and therefore this matter of discretion is unnecessary. If those standards were infringed, a similar matter of discretion would apply anyway.	Delete the matters of discretion in sections H5.8.1(3)(a)(i)C and H6.8.1(3)(a)(i)C.	2273.134 2273.135
Assessment criteria H5.8.2(2)(ac) and H6.8.2(2)(ac)	The quality and durability of building materials is not considered to be a resource management consideration. This is more appropriate to be determined through the building consent process.	Delete the assessment criteria in section H5.8.2(2)(ac) and H6.8.2(2)(ac).	2273.136 2273.137
Policy H6.3(A1)	While a requirement of the MDRS, inserting this policy verbatim resulted in duplication and conflict with other policies, namely H6.3(1) and H6.3(2)(a). Given that Policy H6.3(A1) is enabling, adding additional provisions to this policy would not be contrary to the requirements under the RMA to incorporate the MDRS provisions. H6.3(2)(a) is also problematic in practice as there are no provisions that prevent buildings that are less than five storeys in height and therefore the policy should not refer to five, six or seven storey buildings being required.	Replace Policies H6.3(A1), H6.3(1) and H6.3(2)(a) with the following (or similar): *Enable a variety of housing typologies with a mix of densities within the zone including:* *(a) Three-storey attached and detached dwellings, terrace housing and low-rise apartments* *(b) mid-rise apartments with a high-density urban built character of predominantly five storey buildings* *(c) mid-rise apartments with a high-density urban built character of predominantly six and seven storey buildings within walkable catchments and other identified areas."*	2273.138

Provision	Issue	Relief Sought	
		(d) Integrated residential development such as retirement village Retain Policy H6.3(2)(b) as follows: *Require the height, bulk, form and appearance of multi-unit development to achieve a high-quality built environment through building and site design which locates bulk and mass towards the street and provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas.*	2273.138
Activities H6.4.1(A3) and H6.4.1(A3A)	To provide consistency with all other residential zones, these activities should be referred to as "Up to three dwellings per site" and "Four or more dwellings per site"	At H6.4.1(A3), replace "Dwellings (up to three)" with "Up to three dwellings per site". At H6.4.1(A4), replace "Dwellings (four or more)" with "Four or more dwellings per site".	2273.139
Standard H6.6.6(1B)-(1C)	This height in relation to boundary standard does not specify any requirement from rear boundaries in a walkable catchment. This is considered to result in adverse effects along the rears of properties, where outdoor living spaces are anticipated to predominantly be located. It is unclear why restrictions are applied along side boundaries rather than rear boundaries. With this distinction, it is likely that arguments would arise as to whether a site boundary is a side or a rear boundary.	Insert "… *side <u>and rear</u> boundaries*…" at Standard H6.6.6(1B)-(1C).	2273.140

Other Zones

7.7 My submission points on the new and amended zone provisions (excluding residential zones), including the relief sought, are provided in Table 4, below.

Table 4: Analysis of Changes to Other Zone Provisions

Provision	Issue	Relief Sought	
Standard H8.6.2	The retention of a general height limit is at odds with the requirement under Policy 3(a) to provide for as much development capacity as possible in city centre zones. The approach of providing for a height limit consistent with that used in the Metropolitan Centre zone is only ensuring that no other areas are provided with greater development capacity.	Amend Standard H8.6.2 and/or Map H8.11.3 to remove the general height limit of 72.5 m.	2273.141
Standard H10.6.1(1A)	This new standard is not necessary as all Town Centre zones are subject to a Height Variation Control.	Delete Standard H10.6.1(1A).	2273.142
Standards H17.6.1 and H16.6.1	A separate height limit for industrial zones within walkable catchments is considered to be unnecessary given that it is only 1 m different from the height limited for industrial zones outside of walkable catchments. A consistent height limit should be used in order to simplify the zone provisions. These standards also do not recognise that some industrial zoned sites are subject to a Height Variation Control (for example, at 34 to 46 Galway Street, Onehunga).	Amend Standards H16.6.1 and H17.6.1 to apply a maximum height of 21m unless otherwise specified in the Height Variation Control (regardless of whether the sites are located within or outside of a walkable catchment).	2273.143 2273.144
Standard H22.6.4	The changes to the noise attenuation standards within the Strategic Transport Corridor zone to accommodate the more permissive height in relation to boundary is supported. However, it is considered necessary that further changes are made to clarify the more restrictive standards in this zone (H22.6.1 Yards and H22.6.2 Height in relation to boundary) do not apply to noise attenuation walls.	Amend Standard H22.6.4 to insert an additional provision that specifies Standard H22.6.1 and H22.6.2 do not apply to noise attenuation walls or fences	2273.145
Table H30.6.1.1	Reference in Table H30.6.1.1 to "the Future Urban Zone inside walkable catchments" should be removed as the Future Urban Zone is not part of the urban environment to which walkable catchments apply.	Delete "the Future Urban zone" from the inserted text in Table H30.6.1.1	2273.146

8. Precinct Provisions (Chapter I)

8.1 A large number of the precincts have had the following text inserted:

> *"The rules in Activity Table [X] in [X] Precinct as they relate to the construction and use of up to 3 dwellings per site replace the rules in the underlying zones for the construction and use of up to 3 dwellings per site"*
>
> *"The standards in [X] in [X] Precinct as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying [X] Zone and for the construction and use of up to 3 dwellings per site."*

8.2 This text is poorly drafted and ambiguous, and therefore is inconsistent with section 18A(b)(ii) of the RMA. This text should be deleted or rephrased to specifically clarify which rules in the precinct replace specific rules in the underlying zones (if any).

8.3 General rule C1.6(4) already states that the activity status in a precinct replaces the activity status in the underlying zone. The first paragraph should not be necessary and there is no need for the construction and use of up to 3 dwellings to be singled out when the same applies to all activities.

8.4 Standards in precincts related to qualifying matters would only be more restrictive than the underlying zone provisions and therefore there is no need for these to replace the underlying standards.

8.5 Where standards in precincts are more enabling than the underlying zone provisions, it is considered to be more appropriate for this to be specified stated as part of the precinct standards (supported by the new general rule C1.6A(2).

8.6 Care should be taken when applying blanket provisions that allow for standards to cancel out other standards. Precincts do not necessarily contain standards that can fully replace an underlying zone standards. For example, precincts may provide for alternative front, side and rear yard requirements in a yard standard, but the underlying zone yards standard also covers riparian yards, lakeside yards and coastal protection yards – these latter yards would, based on the precinct text, no longer be relevant.

Relief Sought

8.7 In relation to these matters, the following relief is sought:

a) That the above text is deleted from all precincts and consequential amendments are made to standards as necessary to ensure that MDRS development is only restricted when a qualifying matter applies. 2273.147

Flat Bush Precinct (I412)

8.8 I have a close understanding of the Flat Bush Precinct provisions, having applied for and processed for Council a number of resource consent applications in this area. I find that these provisions are unnecessarily complex and there is insufficient justification for their significant departures from the underlying zone and Auckland-wide provisions. Even if the changes proposed by PC78 are carried through, the Flat Bush Precinct text will remain overly complicated and difficult to navigate.

8.9 The intensification planning instrument presents an opportunity to update outdated, contradictory, and overly restrictive provisions that are in many cases no longer relevant, especially for those areas where residential development has now occurred. Therefore, I consider that Auckland Council should endeavour to delete the Flat Bush Precinct as much as possible.

8.10 I take particular issue to the provisions of Flat Bush Sub-precinct G, which are unchanged by PC78. These provisions should no longer apply or at the very least the rule specifying that all buildings and structures are a restricted discretionary activity (I412.4.1(A20)) should be deleted on the basis that this unduly restricted development in accordance with the MDRS.

8.11 Where land in sub-precinct G is already vested in Council, this should be rezoned Open Space zone and administered in accordance with the Open Space zone provisions (refer also to the relief sought above regarding open space zoning). Where land sub-precinct G has been subdivided and the land was not required to meet open spaces needs, the Sub-precinct is not appropriate. For that land and other undevelopable land partly subject to the Sub-precinct, the retention of the Sub-precinct G provisions as a qualifying matter has not been justified by Council, noting that section 77I(f) of the RMA is not relevant to land that is not already open space.

8.12 Provisions related to riparian margins and the 1% AEP floodplain, which Flat Bush Sub-precinct G contains, are provided for as qualifying matters under section 77I(a). The management of activities within the 1% AEP floodplain is provided for by the Auckland-wide provisions and there is no area-specific reason to require an alternative approach within this precinct. However, planting requirements for riparian margins can be provided for in line with similar provisions in other precincts (including Flat Bush Sub-precinct C).

8.13 On review, I consider that only the following provisions of the Flat Bush Precinct need to be retained in light of the MDRS and NPS-UD:

a) All provisions related to Flat Bush Sub-precinct I and J, on the basis that these relate to sites not within the urban environment.

b) If necessary to accommodate the Council-identified qualifying matters, all provisions related to Flat Bush Sub-precinct K.

c) The exemption to yards for rear boundaries adjoining an access lot.

d) The more permissible maximum impervious area.

e) Provisions related to Flat Bush Sub-precinct G only to the extent that they relate to riparian margins and the 1% AEP floodplain.

f) Subdivision standards related to the location of roads, cul-de-sacs and block lengths and perimeters.

8.14 Find attached as Appendix 5 a series of potential changes to the Flat Bush Precinct that would achieve this outcome.

Relief Sought

8.15 In relation to these matters, the following relief is sought:

a) That the Flat Bush Precinct be deleted from the urban zones to the greatest extent possible so that greater reliance is given to the underlying zone and Auckland-wide provisions (giving regard to the potential changes attached as Appendix 5).

b) Alternatively, as a minimum:

i) Delete I412.4.1(A14) on the basis that there are no instances where subdivision in accordance with a land use consent would not comply within the minimum lot size area and dimensions, given that Standards I412.6.2.1 and I412.6.2.2 specify these do not apply to subdivision in accordance with a land use consent. 2273.148

ii) Amend I412.4.1(A20) to only refer to subdivision, so that all buildings and structures (which would include up to three residential units) within the Flat Bush Sub-precinct G are no longer a restricted discretionary activity.

iii) Delete the minimum and average lot sizes for Sub-precincts A, D, E, F and H from Table I412.6.2.1.1 on the basis that these are not consistent with the level of development permitted by the MDRS.

iv) Delete the minimum site dimensions for Sub-precincts A, B, D, E, F and H from Table I412.6.2.2.1 on the basis that these are not consistent with the level of development permitted by the MDRS.

Hingaia 1 Precinct (I449)

8.16 I have close interest in the Hingaia 1 Precinct, having been heavily involved with Plan Change 67, which significantly amended the provisions.

8.17 I support the removal of various provisions in the Hingaia 1 Precinct in order to give effect to the MDRS, noting that the incorporation of the MDRS into the Hingaia 1 Precinct was my recommendation in the planning evidence I prepared for PC67 hearing.

8.18 In particular, I support removal on the density limitation for sites adjoining the coast or esplanade reserves, on the basis that provisions accommodating qualifying matters related to the coastal environment (including coastal hazards) should be provided for within the Auckland-wide provisions and there is no area-specific reason to require an alternative approach within this precinct.

8.19 However, given my intimate knowledge of the precinct, I consider that additional changes should be made to simplify the precinct further in light of the changes to the underlying zone provisions and the changes to zoning within the precinct. The requested changes have been applied into an updated version of the precinct text, which has been attached separately as Appendix 6.

Relief Sought

8.20 In relation to these matters, the following relief is sought:

a) That changes be made to the Hingaia 1 Precinct as outlined in Appendix 6. This includes:

i) Deleting the "zone and precinct standards to be complied with" column, given that the underlying zone provisions are now heavily relied on. 2273.149

ii) Deleting activities (A7) and (A9) ("four or more dwellings" and "integrated residential development") and associated provisions given that full reliance can now be made on the underlying zone provisions. 2273.150

iii) Deleting Standard I449.6.2.2, given that these requirements are now no different from the Auckland-wide standards. 2273.151

Pukekohe Hill (I433)

8.21 I do not support retention of Standard H433.6.2(1) on the basis that:

a) A maximum impervious area of 35% severely limits the ability for dwellings to provide for up to 50% building coverage under the MDRS.

b) Council regularly grants resource consent to provide for up to 60% impervious area as long as Standards I433.6.3, I433.6.4 and I433.6.5 are complied with, making the rule requiring resource consent inefficient.

Relief Sought

8.22 In relation to this matter, the following relief is sought:

a) That Standard H433.6.2(1) is deleted. 2273.152

Redhills Precinct (I610)

8.23 The transport triggers in Standard I610.6.1 have been identified as a qualifying matter without any amendments. However, since being incorporated in the AUP, Auckland Transport has reviewed the transport thresholds set out in Table I610.6.1.1 and Table I610.6.2.1. Attached as Appendix 7 is a copy of the memo issued by Auckland Transport in 2019 that sets out amended/updated transport triggers. These triggers are referenced informally as part of the resource consent process for development within the precinct, and should be formally included in the precinct to minimise ambiguity for consenting remove unnecessary limitations to development within the precinct, particularly the 1 dwelling threshold which currently renders all development within the precinct either restricted discretionary or non-complying (typically the latter as the works are planned and no alternatives are appropriate).

Relief Sought

8.24 In relation to this matter, the following relief is sought:

a) That the transport triggers set out in Table I610.6.1.1 and I610.6.1.2 are updated consistent with the memo attached as Appendix 7. 2273.153

Millwater South (I550)

8.25 I consider there to be insufficient basis to retain development on restrictions in the Millwater South Precinct, whilst all of the land in remainder of Millwater (which was previously zoned Single House) has the MDRS applied without restriction. I do not agree that qualifying matters related to local character and amenity should be provided for. In particular, site-specific analysis does not appear to have been undertaken for each site within this precinct to justify this qualifying matter, as required by section 77L(c) of the RMA.

Relief Sought

8.26 In relation to this matter, the following relief is sought:

a) That the Millwater South Precinct be deleted to the greatest extent possible, particularly in relation to provisions that are proposed to be retained due to a local character and local amenity qualifying matter. 2273.154

9. Relief Sought

9.1 The following relief is sought from Auckland Council:

a) All relief specified in the sections and tables above in relation to each submission point;

b) Such other alternative or consequential relief as is necessary to achieve consistency with the above; and

c) Such other alternative relief to satisfy the concerns of the submitter.

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature: .....

Aaron Grey

Date: 29 September 2022

Attachments:

Appendix 1	List of zone provisions to be relocated
Appendix 2	Alternative Mixed Housing Urban Zone provisions
Appendix 3	Infrastructure Constraints Overlay example text
Appendix 4	Section E38 Changes
Appendix 5	Potential Changes to the Flat Bush Precinct
Appendix 6	Sought Changes to the Hingaia 1 Precinct
Appendix 7	Auckland Transport Memo regarding Redhills Precinct transport triggers

For each of the provisions listed in the table below, the relief sought is that each is relocated to the section of the AUP identified in the 'Relocated To' column (which may consist of a new overlay or precinct), or otherwise simply deleting the provisions if they duplicate an existing provision in that section

Provision	Areas Applicable To	Relocated To	
Objective H3A.2(6)	Special Character Areas Overlay	Section D18 (if retained)	2273.155
Objective H3A.2(7)	Sites and Places of Significance to Mana Whenua Overlay	Section D21	2273.156
Objective H3A.2(8)	Significant Ecological Areas Overlay Outstanding Natural Features Overlay Outstanding Natural Landscapes Overlay Outstanding Natural Character Historic Heritage Overlay	Sections D9, D10, D11 and D17	2273.157
Objective H3A.2(9)	Natural hazards	Section E36	2273.158
Objective H3A.2(11)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.159
Policy H3A.3(8)	Special Character Areas Overlay	Section D18 (if retained)	2273.160
Policy H3A.3(9)	Significant Ecological Areas Overlay Outstanding Natural Features Overlay Outstanding Natural Landscapes Overlay Outstanding Natural Character	Sections D9, D10 and D11	2273.161
Policy H3A.3(10)	Sites and Places of Significance to Mana Whenua Overlay	Section D21	2273.162
Policy H3A.3(13)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.163
Policy H3A.3(14)	Natural hazards	Section E36	2273.164
Policy H3A.3(15)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2273.165
Policy H3A.3(16)	Waitakere Ranges Heritage Area Overlay	Section D12	2273.166
Policy H3A.3(17)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.167
H3A.4.1(A4)	High Natural Character Overlay	Section D11	2273.168
H3A.4.1(A5)	Outstanding Natural Character Overlay	Section D11	2273.169
H3A.4.1(A6)	Outstanding Natural Landscapes Overlay	Section D11	2273.170
H3A.4.1(A7)	Waitakere Ranges Heritage Area Overlay	Section D12	2273.171
H3A.4.1(A8)	Significant Ecological Areas Overlay	Section D9	2273.172
H3A.4.1(A9)	Significant Ecological Areas Overlay	Section D9	2273.173
H3A.4.1(A10)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.174

Provision	Areas Applicable To	Relocated To	
H3A.4.1(A20)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.175
H3A.4.1(A31)	Outstanding Natural Character Overlay	Section D11	2273.176
H3A.4.1(A32)	High Natural Character Overlay Outstanding Natural Landscapes Overlay	Section D11	2273.177
H3A.4.1(A33)	Outstanding Natural Character Overlay	Section D11	2273.178
H3A.4.1(A34)	1% AEP coastal storm inundation	Section E36	2273.179
H3A.4.1(A35)	Coastal erosion hazard area	Section E36	2273.180
H3A.4.1(A36)	Outstanding Natural Features Overlay	Section D10	2273.181
H3A.4.1(A37)	Outstanding Natural Features Overlay	Section D10	2273.182
H3A.4.1(A38)	1% AEP floodplain	Section E36	2273.183
Standard H3A.6.4	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.184
Standards H3A.6.5	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.185
Standard H3A.6.8.1(2)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2273.186
Standard H3A.6.6	Outstanding Natural Character Overlay High Natural Character Overlay Outstanding Natural Landscapes Overlay	Section D11	2273.187
Standard H3A.6.7(2)	Outstanding Natural Character Overlay High Natural Character Overlay Outstanding Natural Landscapes Overlay	Section D11	2273.188
Standard H3A.6.8(2) and Figure H3A.6.8.2	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2273.189
Standard H3A.6.10(2)	Outstanding Natural Landscapes Overlay	Section D11	2273.190
Standard H3A.6.11(2) to (4)	Significant Ecological Areas Overlay	Section D9	2273.191
Standard H3A.6.12(3)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2273.192
Matters of control H3A.7.1(1)	Significant Ecological Areas Overlay	Section D9	2273.193
Assessment criteria H3A.7.2(1)	Significant Ecological Areas Overlay	Section D9	2273.194
Matters of discretion H3A.8.1(4)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.195
Matters of discretion H3A.8.1(5)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.196
Assessment criteria H3.8.2(4)(i)-(k)	High Natural Character Overlay Waitakere Ranges Heritage Area Overlay	Sections D11 and D12	2273.197

Provision	Areas Applicable To	Relocated To	
Assessment criteria H3A.8.2(10)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.198
Assessment criteria H3A.8.2(11)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.199
Objective H5.2(10)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.200
Policy H5.3(13)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.201
Policy H5.3(15)	Significant Ecological Areas Overlay	Section D9	2273.202
Policy H5.3(16)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.203
Policy H5.3(17)	Pukekiwiriki Pā Historic Reserve, Red Hill	New Precinct	2273.204
H5.4.1(A2A)	Significant Ecological Areas Overlay	Section D9	2273.205
H5.4.1(A2B)	Significant Ecological Areas Overlay	Section D9	2273.206
H5.4.1(A14A)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.207
H5.4.1(A14B)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.208
H5.4.1(A14C)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.209
H5.4.1(A32A)	Significant Ecological Areas Overlay	New Infrastructure Constraints Overlay	2273.210
Standard H5.6.3B	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.211
Standard H5.6.3C	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.212
Standard H5.6.5(2)	Pukekiwiriki Pā Historic Reserve, Red Hill	New Precinct	2273.213
Standard H5.6.10(2)	Significant Ecological Areas Overlay	Section D9	2273.214
Matters of control H5.7.1(1)	Significant Ecological Areas Overlay	Section D9	2273.215
Assessment criteria H5.7.2(1)	Significant Ecological Areas Overlay	Section D9	2273.216
Matters of discretion H5.8.1(6)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.217
Matters of discretion H5.8.1(7)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.218
Assessment criteria H5.8.2(4)(f)	Pukekiwiriki Pā Historic Reserve, Red Hill	New Precinct	2273.219
Assessment criteria H5.8.2(22)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.220
Assessment criteria H5.8.2(21)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.221

Provision	Areas Applicable To	Relocated To	
Objective H6.2(9)	Significant Ecological Areas Overlay	Section D9	2273.222
Policy H6.3(13)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.223
Policy H6.3(15)	Significant Ecological Areas Overlay	Section D9	2273.224
H6.4.1(A2A)	Significant Ecological Areas Overlay	Section D9	2273.225
H6.4.1(A2B)	Significant Ecological Areas Overlay	Section D9	2273.226
H6.4.1(A3B)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.227
H6.4.1(A3C)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.228
H6.4.1(A33B)	Significant Ecological Areas Overlay	Section D9	2273.229
Standard H6.6.4B	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.230
Standard H6.6.4C	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.231
Standard H6.6.11(2)	Significant Ecological Areas Overlay	Section D9	2273.232
Matters of control H6.7.1(1)	Significant Ecological Areas Overlay	Section D9	2273.233
Assessment criteria H6.7.2(1)	Significant Ecological Areas Overlay	Section D9	2273.234
Matters of discretion H6.8.1(6)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.235
Matters of discretion H6.8.1(7)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.236
Assessment criteria H6.8.2(22)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.237
Assessment criteria H6.8.2(21)	Infrastructure Constraints Control	New Infrastructure Constraints Overlay	2273.238

H5. Mixed Housing Urban Zone

H5.1. Zone description

The Residential – Mixed Housing Urban Zone is the most widespread residential zone covering most of urban Auckland. It is a reasonably high-intensity zone.

The zone incorporates Medium Density Residential Standards (MDRS). It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply.

Over time, the appearance of neighbourhoods within this zone will change, with development of typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing.

Up to three dwellings are permitted as of right subject to compliance with the development standards. This is to ensures a quality outcome for adjoining sites and the neighbourhood, as well as for residents living within the development site.

Resource consent is required for four or more dwellings and for other specified buildings in order to:

- achieve the planned urban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.

The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve quality design is important as the scale of development increases.

H5.2. Objectives

(A1) A well-functioning urban environment that 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.

(B1) A relevant residential zone provides for a variety of housing types and sizes that respond to–

(a) Housing needs and demand; and

(b) The neighbourhood's planned urban built character, including 3-storey buildings.

(1) Land is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport.

(3) Development provides high-quality amenity:

(a) on-site residential amenity for residents and

(b) to adjoining sites; and

(c) to the street.

(4) Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

(5) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks.

(6) Development contributes to a high-quality built environment that is resilient to the effects of climate change.

(7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects.

(8) Enable a safe street environment for pedestrians.

H5.3. Policies

(A1) Enable a variety of housing typologies with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.

(B1) Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga).

(C1) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

(D1) Enable housing to be designed to meet the day-to-day needs of residents.

(E1) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

(6A) Require development to achieve a built form that contributes to high-quality built environment outcomes by:

(a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;

(b) providing for residents' safety and privacy while enabling passive surveillance on the street;

(c) minimising visual dominance effects to adjoining sites;

(d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites;

(e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;

(f) minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;

(g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees; and

(h) designing practical, sufficient space for residential waste management.

(8) Provide for non-residential activities that:

(a) support the social and economic well-being of the community;

(b) are in keeping with the scale and intensity of development anticipated within the zone;

(c) avoid, remedy or mitigate adverse effects on residential amenity; and

(d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and Business – Town Centre Zone.

(9) Enable more efficient use of larger sites by providing for integrated residential development.

(10) Recognise the functional and operational requirements of activities and development.

(11) Require buildings to be setback from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards.

(12) Require dwellings to be provided with access to safe and reliable drinking water, wastewater and stormwater disposal services.

H5.4. Activity table

Table H5.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Mixed Housing Urban Zone pursuant to section 9(3) of the Resource Management Act 1991.

An asterisk (*) in the activity status column means the same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate

Table H5.4.1 Activity Table

Activity		**Activity Status**
Use		
(A1)	Activities not provided for	NC
Residential		
(A2)	Camping grounds	D
(A3)	Up to three dwellings per site	P
(A4)	Four or more dwellings per site	RD
(A5)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P
(A6)	Home occupations	P
(A7)	Home occupations that do not meet Standard H5.6.1.1	D
(A8)	Integrated residential development	RD
(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P

(A10)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	RD
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P
(A12)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	RD
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P
(A14)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	RD
Commerce		
(A15)	Dairies up to 100m² gross floor area per site	RD
(A16)	Restaurants and cafes up to 100m² gross floor area per site	D
(A17)	Service stations on arterial roads	D
Community		
(A18)	Care centres accommodating up to 10 people per site excluding staff	P
(A19)	Care centres accommodating greater than 10 people per site excluding staff	RD
(A20)	Community facilities	RD
(A21)	Education facilities	D
(A22)	Tertiary education facilities	D
(A23)	Emergency services adjoining an arterial road	D
(A24)	Healthcare facilities up to 200m² gross floor area per site	RD
(A25)	Healthcare facilities greater than 200m² gross floor area per site	D
(A26)	Veterinary clinics	D
Rural		
(A27)	Grazing of livestock on sites greater than 2,000m² net site area	P
Mana Whenua		
(A28)	Marae complex	D
Development		
(A29)	Demolition of buildings	P
(A30)	Internal and external alterations to buildings for up to three dwellings per site	P
(A30A)	Internal and external alterations to buildings for all other activities	P
(A31)	Accessory buildings associated with up to three dwellings per site	P
(A31A)	Accessory buildings associated with all other activities	P
(A32)	Additions to existing buildings for up to three dwellings per site	P
(A32A)	Additions to existing buildings for four or more dwellings per site	P
(A32B)	Additions to existing buildings for all other activities	*
(A34)	New buildings	*
(A35)	Rainwater tanks	P
(A36)	Structures not defined as buildings associated with up to three dwellings per site	P
(A37)	Structures not defined as buildings associated with all other activities	P

H5.5. Notification

(1) Any application for resource consent for the following activities 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(9) of the Resource Management Act 1991:

(a) four or more dwellings that comply with all of the standards in H5.6.2 (but may not comply one or more of the standards listed in H5.6.3 and H5.6.4).

(b) an integrated residential development that complies with all of the standards in H5.6.2, H5.6.3 and H5.6.4.

(2) Any application for resource consent for the following activities will be considered without public notification unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991 and will be subject to the normal tests for limited notification under the relevant sections of the Resource Management Act 1991:

(a) Up to three dwellings that do not comply with one or more of the standards in H5.6.2.

(3) Any application for resource consent for an activity listed in Table H5.4.1 Activity table and which is not listed in H5.5(1), H5.5(2) or H5.5(3) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(4) 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).

H5.6. Standards

(1) No standards apply to the following permitted activities:

(a) H5.4.1(A27) Grazing of livestock on sites greater than 2,000m² net site area.

(b) H5.4.1(A29) Demolition of buildings.

(2) The following permitted activities must comply with the listed activity-specific standards:

(a) H5.4.1(A5): The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings:

(i) Standard H5.6.1.2 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings

(b) H5.4.1(A6) Home occupations:

(i) Standard H5.6.1.1 Home occupations

(c) H5.4.1(A35) Rainwater tanks:

(i) Standard H5.6.1.3 Rainwater tanks

(3) All activities listed as permitted and restricted discretionary activities in Table H5.4.1 Activity table and which are not listed in H5.6(1) or H5.6(2) above must comply with the standards listed in H5.6.2 and H5.6.3.

(4) All activities listed as restricted discretionary activities in Table H5.4.1 Activity table and the following permitted activities must comply with the standards listed in H5.6.4:

(a) H5.4.1(A9) Supported residential care accommodating up to 10 people per site inclusive of staff and residents.

(b) H5.4.1(A11) Boarding houses accommodating up to 10 people per site inclusive of staff and residents.

(c) H5.4.1(A13) Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors.

(d) H5.4.1(A18) Care centres accommodating up to 10 people per site excluding staff.

(e) H5.4.1(A30A) Internal and external alterations to buildings for all other activities.

(f) H5.4.1(A31A) Accessory buildings associated with all other activities.

(g) H5.4.1(A32A) Additions to existing buildings for four or more dwellings per site.

(h) H5.4.1(A37) Structures not defined as buildings associated with all other activities

H5.6.1. Activity-specific standards

H5.6.1.1. Home occupations

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

(1) A home occupation must comply with all the following standards:

(a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;

(b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;

(c) no more than four people in total may work in the home occupation;

(d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;

(e) car trips to and from the home occupation activity must not exceed 20 per day;

(f) heavy vehicle trips must not exceed two per week;

(g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;

(h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;

(i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and

(j) goods sold from the home occupation must be:

(i) goods produced on site; or

(ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or

(iii) goods ancillary and related to a service provided by the home occupation.

H5.6.1.2. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

(1) Where a principal dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:

(a) at least 5m^2 for a studio or one-bedroom dwelling and 8m² for a two or more bedroom dwelling; and

(b) at least 1.8m in depth; and

(c) directly accessible from the dwelling.

H5.6.1.3. 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.

(e) Rainwater tanks located within a required outlook area must be no higher than 1m.

(f) Rainwater tanks located within the required 20m^2 outdoor living space with minimum dimensions of 4m (Rule H5.6.14(1)) must be installed wholly below ground level.

(g) Rainwater tanks (excluding any pipework) must not exceed 3 m in height in a rear or side yard.

(h) 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.

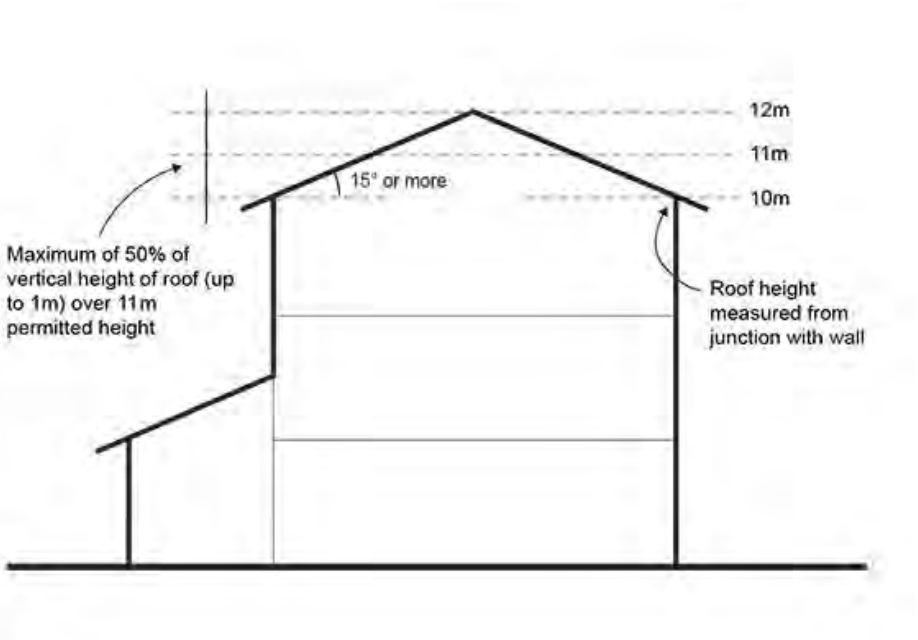
H5.6.2. Medium density residential standards

H5.6.2.1. Building height

Purpose: to manage the height of buildings to:
- achieve the planned urban built character of predominantly three storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

(1) Buildings must not exceed 11m in height, except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H5.6.2.1.1 Building height in the Residential – Mixed Housing Urban Zone below.

Figure H5.6.2.1.1 Building height in the Residential – Mixed Housing Urban Zone

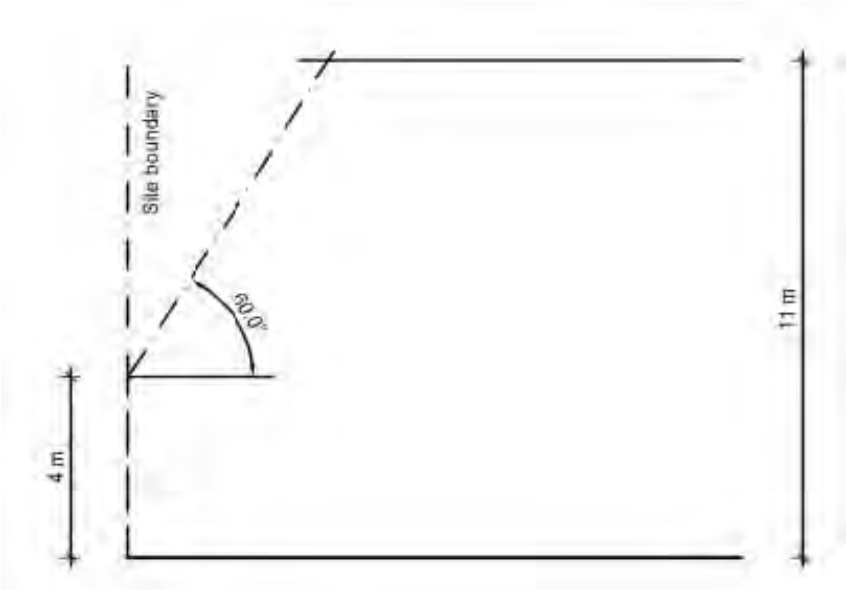


H5.6.2.2. Height in relation to boundary

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual dominance effects to immediate neighbours.

(1) Buildings must not project beyond a 60 degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries, as shown in Figure H5.6.2.2.1 Height in relation to boundary below.

Figure H5.6.2.2.1 Height in relation to boundary



(2) Standard H5.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any a business zone.

(3) Standard H5.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining 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 that are greater than 2000 m² in area, subject to the following:

(a) the site is greater than 20 m in width when measured perpendicular to the shared boundary; and

(b) where an open space comprises multiple sites but has a common open space zoning, the entire zone may be treated as a single site for the purpose of applying this standard.

(4) Standard H5.6.5(1) above 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 H5.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(6) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

H5.6.2.3. Yards

Purpose:
- to create an urban streetscape character and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H5.6.2.3.1 Yards below.

Table H5.6.2.3.1 Yards

Yard	Minimum depth
Front	1.5m
Side	1m
Rear	1m

(2) Standard H5.6.8(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.

H5.6.2.4. Building coverage

Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space.

(1) The maximum building coverage must not exceed 50 per cent of the net site area.

H5.6.2.5. Landscaped area

Purpose: to provide for quality living environments consistent with the planned urban built character of buildings surrounded by vegetation.

(1) This standard does not apply to sites only containing the following activities:

(a) Dwellings where no dwellings are proposed at ground floor level (other than any entrance lobby, stairwell or lift).

(b) Dairies up to 100m² gross floor area per site.

(2) The minimum landscaped area must be at least 20 per cent of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is natural grass, plants or natural mulch

For the avoidance of doubt, the landscaped area for dwellings may be located on any part of the development site and does not need to be associated with each dwelling.

H5.6.2.6. Outlook space

Purpose:
- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with the daylight standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

(1) An outlook space must be provided from habitable room windows.

(2) The minimum dimensions for a required outlook space are as follows as shown in Figure H5.6.2.6.1 Outlook space requirements below:

(a) a principal living room of a dwelling must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and

(b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.

(3) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

(4) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

(5) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

(6) Outlook spaces may be under or over a balcony.

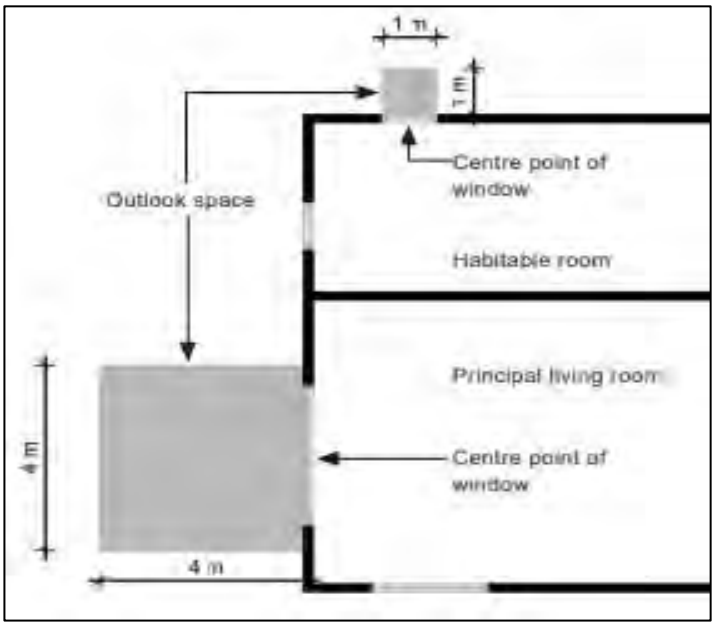
(7) Outlook spaces required from different rooms within the same building may overlap.

(8) Outlook spaces must—

(a) be clear and unobstructed by buildings; and

(b) not extend over an outlook space or outdoor living space required by another dwelling.

Figure H5.6.2.6.1 Outlook space requirements



H5.6.2.7. Outdoor living space

Purpose: to provide dwellings with outdoor living space that is of a functional size and dimension and is separated from vehicle access and manoeuvring areas.

(1) Each dwelling at ground floor level must have an outdoor living space that is at least 20m^2 and that comprises ground floor, balcony, patio, or roof terrace space that,—

(a) where located at ground level, has no dimension less than 3 metres; and

(b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m^2 and has a minimum dimension of 1.8 metres; and

(c) is accessible from the dwelling; and

(d) may be—

(i) grouped cumulatively by area in 1 communally accessible location; or

(ii) located directly adjacent to the unit; and

(e) is free of buildings, parking spaces, and servicing and manoeuvring areas.

(2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—

(a) is at least 8m^2 and has a minimum dimension of 1.8 metres for three or more dwellings; and

(b) is accessible from the dwelling; and

(c) may be—

(i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or

(ii) located directly adjacent to the unit.

H5.6.2.8. Windows to street

Purpose: To provide for passive surveillance while maintaining privacy for residents and users.

(1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing on the basis of a storey height of 2.4m per storey. This can be in the form of windows or doors.

(2) For the purpose of this standard:

(a) ‘Street-facing’ means any wall that is within 10 m of the front boundary and at an angle of less than 45 degrees in relation to the site frontage

(b) ‘Glazing’ includes joinery around and between window panes, excluding the window frame.

H5.6.3. Additional permitted activity standards

H5.6.3.1. Riparian, Lakeside and Coastal Protection Yards

Purpose: to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards.

(1) A building or parts of a building must be set back from the relevant edge or boundary by the minimum depth listed in Table H5.6.3.1.1 Yards below.

Table H5.6.3.1.1 Yards

Yard	Minimum depth
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in Appendix 6 Coastal protection yard

H5.6.3.2. Maximum Impervious Area

Purpose:
- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards;
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood

(1) The maximum impervious area must not exceed 60 per cent of site area

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area

H5.6.3.3. Daylight

Purpose:
- to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and
- in combination with the outlook standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

(1) Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses, then:

(a) (a) that part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window. The arc may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H5.6.13.2 Required setbacks for daylight below.

Refer to Table H5.6.13.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H5.6.13.1 Required setbacks for daylight and Figure H5.6.13.2 Required setbacks for daylight below.

(2) Where the principal living room, main living/dining area or bedroom has two or more external faces with windows, Standard H5.6.13(1) above will apply to the largest window.

(3) Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

(4) Standard H5.6.13(1), (2) and (3) does not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

Table H5.6.3.3.1 Maximum height of that part of a building within a site facing a principal living room or bedroom window within the same site

Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)
1.0m	2.0m	1.0m
1.5m	3.0m	1.5m
2.0m	4.0m	2.0m
2.5m	5.0m	2.5m
2.7m	5.4m	2.7m
3.0m	6.0m	3.0m
3.5m	7.0m	3.5m
4.0m	8.0m	4.0m
4.5m	9.0m	4.5m
5.0m	10.0m	5.0m
5.5m	11.0m	5.5m
6.0m	12.0m	6.0m

Figure H5.6.3.3.1 Required setbacks for daylight

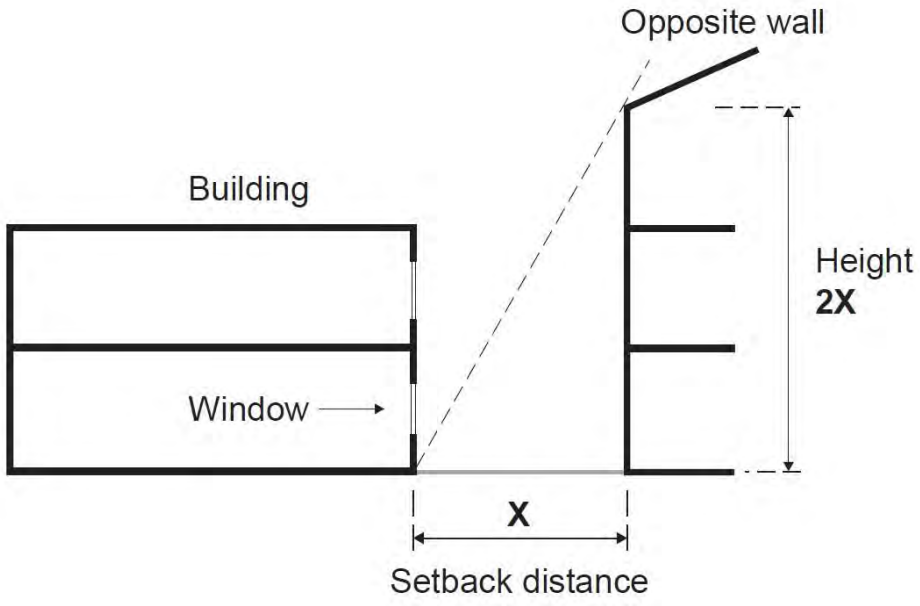
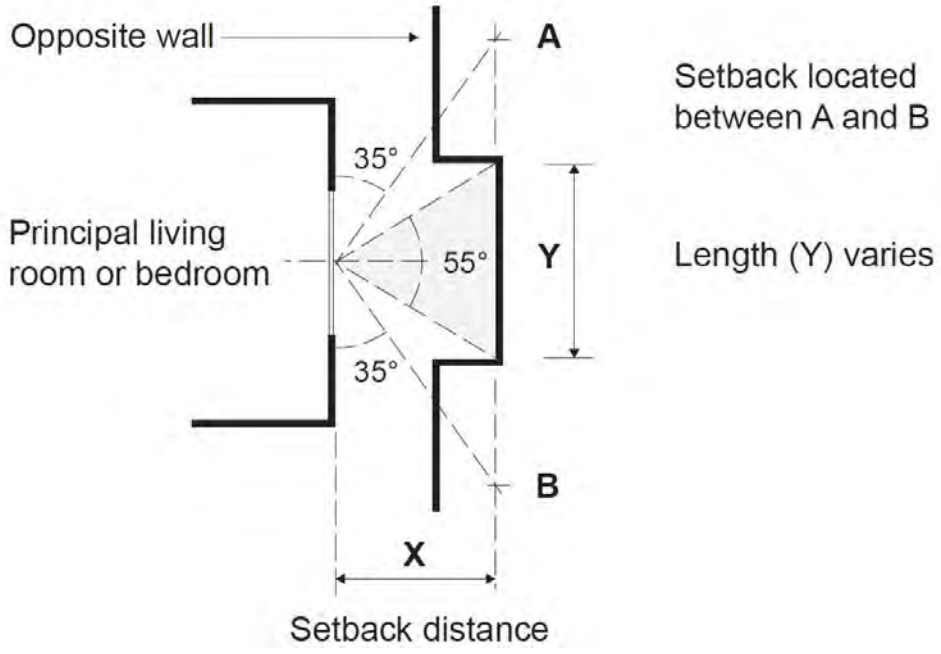


Figure H5.6.3.3.2 Required setbacks for daylight



H5.6.3.4. Front, side and rear fences and walls

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours and the street or adjoining public place.

(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

(i) 1.4m in height, or

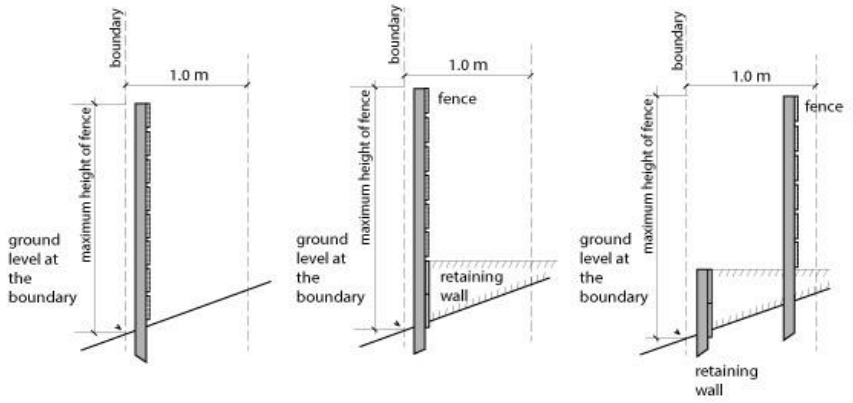
(ii) 1.8m in height for no more than 50 per cent of the site frontage and

(iii) 1.4m for the remainder, or

(iv) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

(b) Within the side, rear, coastal protection, lakeside or riparian yards: 2m.

Figure H5.6.3.4.1 Measurement of fence height



H5.6.3.5. Minimum dwelling size

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

(1) Dwellings must have a minimum net internal floor area as follows:

(a) 30m² for studio dwellings.

(b) 45m² for one or more bedroom dwellings.

H5.6.4. Additional restricted discretionary activity standards

H5.6.4.1. Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by vegetation; and
- to create a vegetated urban streetscape character within the zone.
- To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater

(1) This standard applies in addition to the requirements under Standard H5.6.2.5 Landscaped area.

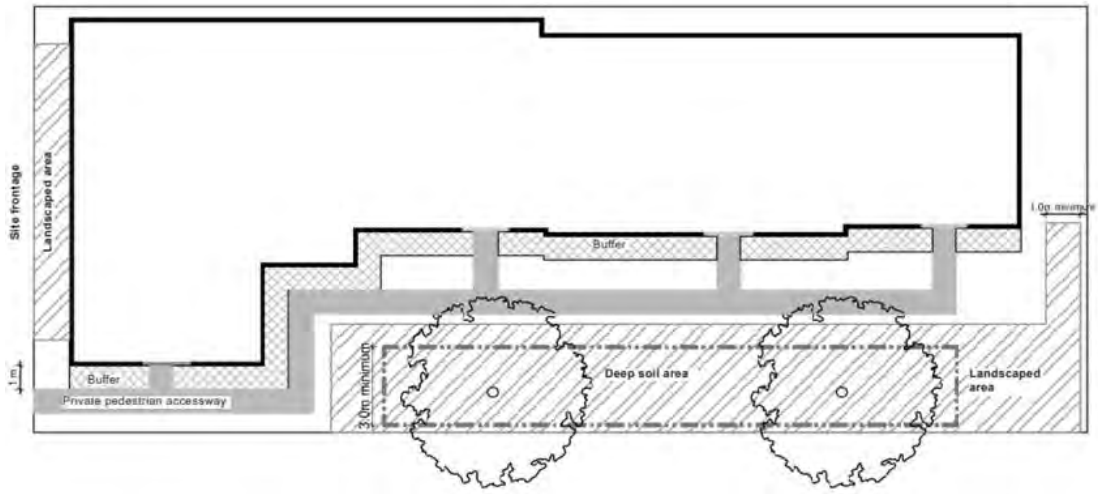
(2) This standard does not apply to sites only containing the following activities:

(a) Dairies up to 100m² gross floor area per site.

(3) A minimum 50 per cent of the front yard must be a landscaped area.

(4) Any part of the landscaped area required by Standards H5.6.2.5(2) must have a minimum dimension of 1m and minimum area of 4m² as shown below in Figure 5.6.4.1.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer.

Figure H5.6.4.1.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer



(5) Any site greater than 200m^2 must provide a deep soil area that must comply with the following:

(a) 10 per cent of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions, except that sites 1,200m^2 or greater may have more than 1 deep soil area provided that:

(i) each deep soil area is a minimum of 60m^2 with 3m dimensions; and

(ii) the combined total deep soil area is a minimum 10 per cent of the site area;

(b) Deep soil areas must not be provided in private outdoor living spaces required by Standards H5.6.2.7 and H5.6.4.3 but can be provided:

(i) as part of the area of private outdoor living spaces that are not required by Standards H5.6.2.7 and H5.6.4.3;

(ii) as part of communal outdoor living spaces; and

(iii) as part of landscaped areas; and

(c) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements as set out in Table H5.6.4.1.1 Minimum requirements for canopy tree.

Table H5.6.4.1.1 Minimum requirements for canopy tree

Site Area (prior to development or redevelopment, excluding land to be vested in Council as road or reserve)	**Minimum canopy tree requirements**
200m^2 – 600m^2	1 small canopy tree per 200m^2 of site
601m^2 – 1,500m^2	1 medium canopy tree per 300m^2 of site
1,501m^2 or more	1 large canopy tree or 2 medium canopy trees per 500m^2 of site

(6) The required deep soil area may be is located on a separate site subject to the following:

(a) the separate site must be held in common ownership as follows:

(i) the owners of the development site own a share of the separate site as tenants in common; or

(ii) the owners of the development site are required to be members of an incorporated society that owns the separate site; and

(b) The deep soil area required by the proposal is additional to any deep soil area on the separate site required any other development.

(7) Trees required by Standard H5.6.4.1(5)(c) above can be existing canopy trees or new canopy trees in accordance with Table H5.6.4.1.2 Minimum tree canopy dimensions

Table H5.6.4.1.2 Minimum tree canopy dimensions

	Minimum mature tree height	**Minimum mature canopy diameter**	**Minimum tree height above ground when planted**	**Indicative tree planting grade**
Small	8m	6m	2m	120L
Medium	10m	8m	2.5m	160L
Large	15m	12m	3m	200L

H5.6.4.2. Outlook space

Purpose:
- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with the daylight standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

(1) This standard applies in addition to the requirements under Standard H5.6.2.6 Outlook space, except that:

(a) Where four or more dwellings are proposed, these additional requirements may not apply for no more than three dwellings where that part of a building containing the dwelling complies with Standard H5.6.2.1 Building height

(2) In addition to the requirements of Standard H5.6.2.6(2), the additional minimum dimensions for a required outlook space are as follows as shown below in Figure H5.6.4.2.1 Additional outlook space requirements:

(a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a minimum dimension of 6 m in depth and 4 m in width, except that:

(i) Where the outlook is from a room on the ground floor, outlook depth may be reduced to 5 m where it faces a boundary fence; and

(b) a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width.

(3) Where a habitable room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.

(4) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.

(5) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.

(6) Where a balcony is directly accessible from a habitable room and either:

- the floor area of that balcony exceeds the area of glazing for any of that habitable room's windows, or
- the balcony is an outdoor living space required by Standard H5.6.4.3(2) or Standard H5.6.4.3(3),

Standards H5.6.2.6(3), H5.6.4.2(3) and H5.6.4.2(4) do not apply for the outlook space required for that habitable room and instead:

(a) The outlook space must be provided from the edge of the balcony.

(b) The depth of the outlook space is measured at right angles to and horizontal from the longest edge of the balcony.

(c) The width of the outlook space is measured from the centreline of the longest edge of the balcony.

(7) The outlook space required for the principal living room of a dwelling must either:

(a) overlap with a ground floor outdoor living space required for the same dwelling by Standard H5.6.4.3(2) for at least 10 m²;

(b) overlap with a balcony/roof terrace outdoor living space required for the same dwelling by Standard H5.6.4.3(3) for at least 5 m²; or

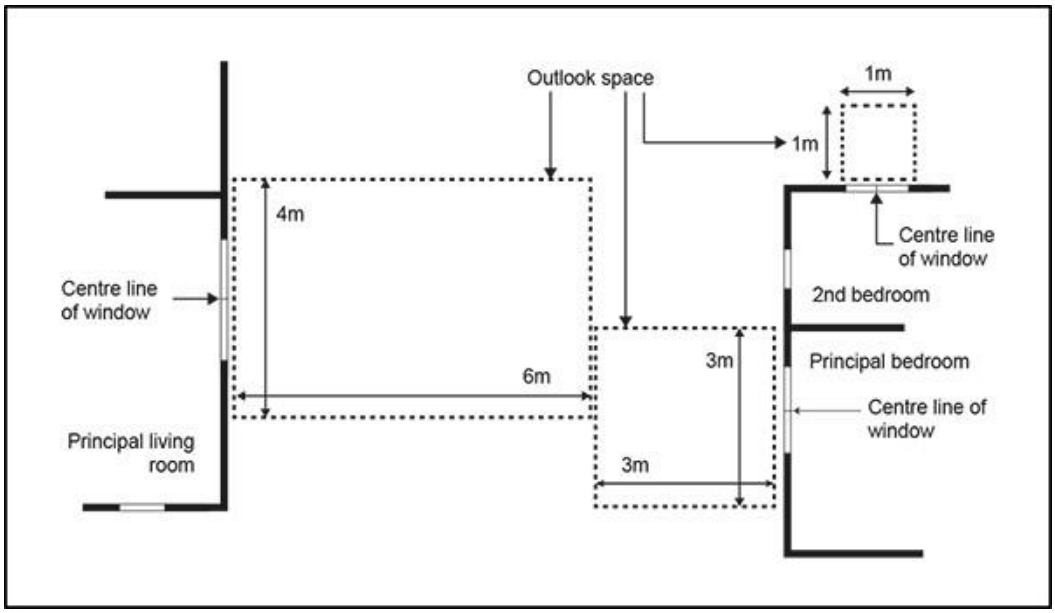
(c) extend over a public street or other public open space.

(8) In addition to the requirements under Standard H5.6.2.6(8), outlook spaces must:

(a) be clear and unobstructed by servicing areas; and

(b) not extend over adjacent sites, except for where the outlook space is over a public street or other public open space.

Figure H5.6.4.2.1 Additional outlook space requirements



H5.6.4.3. Private outdoor living space

Purpose: to provide dwellings, integrated residential development, supported residential care and boarding houses with private outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and directly accessible.

(1) This standard applies in addition to the requirements under Standard H5.6.2.7 Outdoor living space, except that:

(a) Where four or more dwellings are proposed, these additional requirements may not apply for no more than three dwellings where that part of a building containing the dwelling complies with Standard H5.6.2.1 Building height

(2) A dwelling or unit of an integrated residential development at ground floor level, must have one or more private outdoor living spaces that comprises ground floor, patio and/or balcony/roof terrace space that:

(a) are cumulatively at least 20 m²;

(b) where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and

(c) where provided in the form of balcony, patio or roof terrace is at least $5m^2$ and has a minimum dimension of 1.8m; and

(d) is accessible from the dwelling or unit; and

(e) is free of buildings, parking spaces, servicing and manoeuvring areas.

(3) A dwelling or unit of an integrated residential development located above ground floor level must have a private outdoor living space in the form of a balcony, patio or roof terrace that:

(a) is at least $5m^2$ for studio and one-bedroom dwellings or units and has a minimum dimension of 1.8m; or

(b) is at least 8m² for two or more bedroom dwellings or units and has a minimum dimension of 1.8m; and

(c) is accessible from the dwelling or unit.

(d) except that, a balcony or roof terrace is not required where the net internal floor area of a dwelling is at least 35m^2 for a studio and 50m^2 for a dwelling with one or more bedrooms.

(4) A supported residential care or boarding house must have one or more private outdoor living spaces that comprises ground floor, patio and/or balcony/roof terrace space that:

(a) are cumulatively at least 20 m² per 10 people accommodated inclusive of staff and residents;

(b) where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and

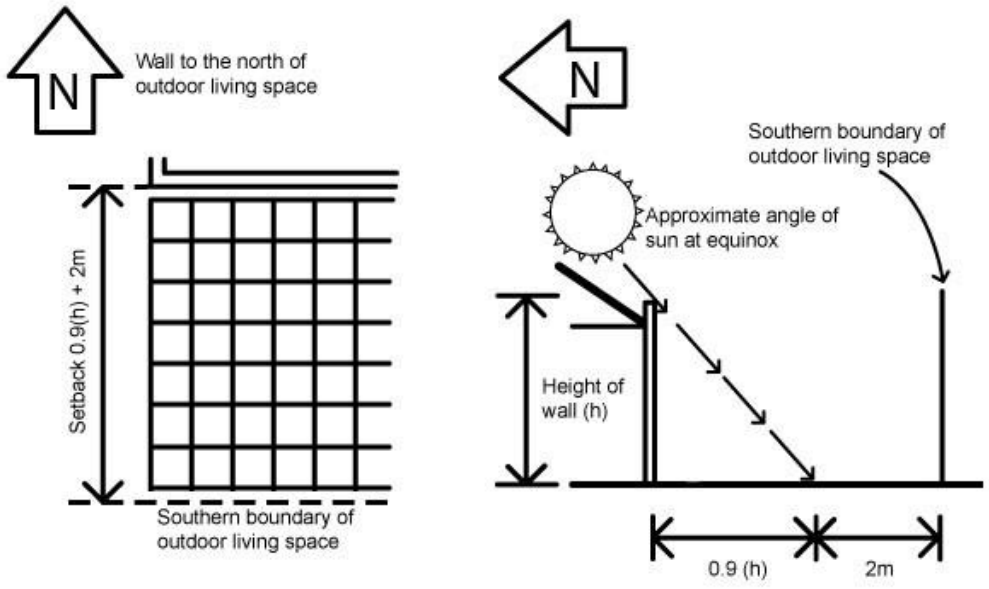
(c) where provided in the form of balcony, patio or roof terrace is at least 5m^2 and has a minimum dimension of 1.8m; and

(d) is accessible from the dwelling, supported residential care unit or boarding house; and

(e) is free of buildings, parking spaces, servicing and manoeuvring areas.

(5) Where private outdoor living space required by Standard H5.6.4.3(2), Standard H5.6.4.3(3) or H5.6.4.3(4) above is provided at ground level, and is located south of any building located on the same site, the southern boundary of that space must be separated from any wall or building by at least 2m + 0.9(h), where (h) is the height of the wall or building as shown in the Figure H5.6.14.1 Location of outdoor living space below. For the purpose of this standard south is defined as between 135 and 225 degrees.

Figure H5.6.14.1 Location of private outdoor living space



H5.6.4.4. Communal outdoor living space

Purpose: to provide high density dwellings with communal outdoor living spaces that are of a functional size and dimension, have access to sunlight, are separated from vehicle access and manoeuvring areas and are conveniently accessible for all occupants.

(1) In addition to Standard H5.6.4.3(2) and Standard H5.6.4.3(3) above, one or more communal outdoor living space must be provided where:

(a) 20 or more dwellings are proposed or integrated residential development of 20 or more units is proposed; and

(b) One or more dwellings or units are not provided with a single private outdoor living space of at least 20 m² (including dwellings and units above ground floor level).

(2) Required communal outdoor living spaces must:

(a) be at least 2m^2 for every dwelling or unit that are not provided with a single private outdoor living space of at least 20 m² that the space serves;

(b) be located within 50 m external walking distance of all dwellings or units that are not provided with a single private outdoor living space of at least 20 m² that the space serves;

(c) be individually at least 40 m²;

(d) have a minimum dimension of 4m;

(e) be free of buildings, parking spaces and servicing and manoeuvring areas;

(f) receive a minimum of 3 hours of sunlight per day between the hours of 9am to 4pm on 21 June for at least 20m^2 of the communal living space;

(g) have a gradient not exceeding 1 in 20;

(h) have a minimum area of 40 m² for each communal outdoor living space, even if this is greater than the total area required by (a); and

(i) where split into two or more communal outdoor living space, be separated by at least 50 m.

(3) If the required communal outdoor living spaces is located on a separate site, then:

(a) the separate site must be held in common ownership as follows:

(i) the owners of the development site own a share of the separate site as tenants in common; or

(ii) the owners of the development site are required to be members of an incorporated society that owns the separate site; and

(b) The communal outdoor living space required by the proposal is additional to any communal outdoor living space on the separate site required any other development.

H5.6.4.5. Windows to private vehicle and pedestrian accessways

Purpose:
- to provide for passive surveillance while maintaining privacy for residents and users
- to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways.

(1) Any dwelling, integrated residential development, supported residential care, boarding house and visitor accommodation facing a private vehicle accessway or private pedestrian accessway serving two or more dwellings or units, must have a minimum of 20 per cent of the relevant façade in glazing on the basis of a storey height of 2.4m per storey. This can be in the form of windows or doors.

(2) For the purpose of this standard:

(a) 'Facing' means any wall that is within 5 m of the formed edge of accessway and at an angle of less than 45 degrees in relation to the accessway.

(b) 'Glazing' includes joinery around and between window panes, excluding the window frame.

(3) A minimum 1 m buffer area must be provided between the façade of a dwelling or integrated residential development unit containing ground floor windows and private pedestrian and/or vehicle accessways as shown in Figure H5.6.4.1.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. This buffer area must be:

(a) free of buildings, parking spaces, servicing and manoeuvring areas; and

(b) planted with shrubs or ground cover plants.

H5.6.4.6. Residential waste management

Purpose:
- to provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings.
- to ensure that appropriate storage space is provided when communal bins are used.
- to ensure that an accessible location for collection of bins is provided when on-site collection occurs.

(1) A total on-site waste storage space of 1.4 m² per dwelling must be provided for individual bins, which may be:

(a) grouped cumulatively by area in one or more communally accessible location(s); or

(b) located directly adjacent to the unit.

Note: Storage space based on communal bins is an infringement to this standard, requiring the appropriateness of the area provided to be further assessed.

(2) All storage spaces must be visually screened by fences (including gates), buildings or hedges at least 1.4 m in height.

(3) Where kerbside collection is used, there must be space per dwelling of at least 1.6m wide and 0.85 m deep, along the road frontage of the site that:

(a) is not located over the public footpath;

(b) is not located over a formed vehicle crossing;

(c) is not located in front of a raingarden;

(d) is not located under the canopy of street trees; and

(e) has a slope of less than 10 degrees.

Note: On-site collection (whether by Council or a private operator) is an infringement to this standard, requiring the appropriateness of the collection points to be further assessed.

(4) Routes from storage spaces to kerbside collection points must:

(a) Not require bins to be transported through dwellings or up or down stairs;

(b) Be paved with a minimum path width of 1.35 m;

(c) Comply with the maximum gradient requirements for pedestrian accessways in E27 Transport; and

(d) Comply with the minimum lighting requirements for pedestrian accessways in E24 Lighting.

H5.7. Assessment – controlled activities

There are no controlled activities in this zone.

H5.8. Assessment – restricted discretionary activities

H5.8.1. Matters of discretion

The Council will restrict its discretion to the matters listed below when assessing a restricted discretionary activity resource consent application listed in Table I450.4.1 Activity table, in addition to the matters specified for the relevant restricted discretionary activities in the zone or Auckland-wide provisions:

(1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m2 gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m2 gross floor area per site:

(a) infrastructure and servicing

(b) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

(i) building scale, location, form and appearance;

(ii) effects of traffic generated by the proposed development on the adjacent transport network;

(iii) location and design of parking and access; and

(iv) noise, lighting and hours of operation.

(2) for four or more dwellings per site:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

(i) building scale and location, including:

A. the way in which buildings are orientated to the street, private accessways and adjoining sites, and

B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area,

(ii) building form and appearance including:

A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest;

B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance;

C. whether design provides for the balance between resident's privacy and opportunities for passive surveillance;

D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites;

E. the interface with an identified special character area or a scheduled historic heritage place;

(iii) effects of traffic generated by the proposed development on the adjacent transport network.

(b) the effects on infrastructure and servicing including existing infrastructure capacity.

(3) for integrated residential development:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

(i) building scale, location, form and appearance including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account:

A. the planned urban built character of the zone; and

B. the location, orientation and design of development.

(ii) effects of traffic generated by the proposed development on the adjacent transport network;

(iii) noise, lighting and hours of operation.

(b) Infrastructure and servicing

(4) for buildings that do not comply with the relevant standards specified in H5.6.2, H5.6.3 or H5.6.4:

(a) any policy which is relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

(d) the effects on the urban built character of the zone;

(e) the effects on the amenity of neighbouring sites;

(f) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(g) the characteristics of the development;

(h) any other matters specifically listed for the standard; and

(i) where more than one standard will be infringed, the effects of all infringements.

(5) for four or more dwellings per site that do not comply with Standard H5.6.4.5 Residential waste management:

(a) the purpose of the standard;

(b) the effects of the infringement of the standard;

(c) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(d) the characteristics of the development; and

(e) where on-site collection or communal bins are proposed, the suitability of that arrangement.

H5.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities in Table I412.4.1 Activity table, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the zone, or Auckland-wide provisions:

(1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m2 gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m2 gross floor area per site:

(a) infrastructure and servicing:

(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.

(ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(b) building scale, location, form and appearance:

(i) whether the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(c) traffic:

(i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(d) location and design of parking and access (including pedestrian access) and parking (if provided):

(i) whether adequate parking and access is provided or required.

(ii) whether car parking and accessways are integrated into the overall design of the development

(iii) whether parking is located away from street frontages and screened from the street by buildings or landscaping

(iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development.

(e) noise, lighting and hours of operation:

(i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:

• locating noisy activities away from neighbouring residential boundaries;

• screening or other design features; and

• controlling the hours of operation and operational measures

(2) for four or more dwellings on a site:

(a) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the zone.

(b) the extent to which buildings are designed to manage building length and bulk and visual dominance by:

(i) placing taller buildings on the street front

(ii) varying roof form and building height

(iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements

(iv) using the proportions and arrangement of windows and doors to provide relief to building length and bulk

(v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls

(vi) providing adequate breaks in long continuous buildings to minimise the appearance of length

(vii) locating deep soil areas and/or communal outdoor spaces around and between buildings to provide space and soften the built form

(viii) designing balconies as an integral part of the building

(c) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used.

(d) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by:

(i) having clearly defined fronts that provide passive surveillance from windows and balconies .

(ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy.

(iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets .

(iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.

(v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space.

(e) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street.

(f) refer to Policy H5.3(A1);

(g) refer to Policy H5.3(C1);

(h) refer to Policy H5.3(D1);

(i) refer to Policy H5.3(E1);

(j) refer to Policy H5.3(6A)

(k) refer to Policy H5.3(10);

(l) refer to Policy H5.3(11);

(m) refer to Policy H5.3(12);

(n) refer to Policy H5.3(14); and

(o) infrastructure and servicing:

(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.

(ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(3) for integrated residential development:

(a) refer to Policy H5.3(C1)

(b) refer to Policy H5.3(D1)

(c) refer to Policy H5.3(E1)

(d) refer to Policy H5.3(6A);

(e) refer to Policy H5.3(8);

(f) refer to Policy H5.3(9);

(g) refer to Policy H5.3(11);

(h) refer to Policy H5.3(12);

(i) refer to Policy H5.3(14); and

(j) infrastructure and servicing:

(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.

(ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(4) for buildings that do not comply with Standard H5.6.2.1 Building height:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(B1);

(c) refer to Policy H5.3(E1);

(d) refer to Policy H5.3(6A);

(e) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account:

(i) the planned urban built character of the zone; and

(ii) the location, orientation and design of development.

(iii) the effect of the proposed height on the surrounding and neighbouring development.

(f) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast

(g) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account:

(i) whether roof plant, services and equipment are hidden from views; and

(ii) whether the expression of the top of the building provides visual interest and variation.

(5) for buildings that do not comply with Standard H5.6.2.2 Height in relation to boundary:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(E1);

(c) refer to Policy H5.3(6A) and

(d) refer to Policy H5.3(2);

(e) refer to Policy H5.3(4); and

(f) refer to Policy H5.3(5).

(g) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

(i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H5.6.4: or

(ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H5.6.14.

(h) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a):

(i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and

(ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

(i) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:

(i) the planned urban built character of the zone;

(ii) the location, orientation and design of development; and

(iii) the physical characteristics of the site and the neighbouring site.

(iv) the design of side and rear walls, including appearance and dominance; and

(v) providing adequate visual and/or physical break up of long continuous building forms.

(j) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(6) for buildings that do not comply with Standard H5.6.2.3 Yards or Standard H5.6.3.1 Riparian, Lakeside and Coastal Protection Yards:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(B1)

(c) refer to Policy H5.3(C1);

(d) refer to Policy H5.3(6A); and

(e) refer to Policy H5.3(11).

(7) for buildings that do not comply with Standard H5.6.3.2 Maximum Impervious Area:

(a) refer to Policy H5.3.(6A);

(8) for buildings that do not comply with Standard H5.6.2.4 Building coverage:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(C1);

(c) refer to Policy H5.3(6A); and

(d) whether the non-compliance is appropriate to the context taking into account:

(i) Whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the zone;

(ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas;

(iii) The proportion of the building scale in relation to the proportion of the site.

(9) for buildings that do not comply with Standard H5.6.2.5 Landscaped area or Standard H5.6.4.1 Landscaped area:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(C1);

(c) refer to Policy H5.3(6A);

(d) refer to Policy H5.3(10);

(e) the extent to which existing trees are retained; and

(f) The extent to which any proposed deep soil area uses or adds to existing deep soil areas to support canopy trees.

(10) for buildings that do not comply with Standard H5.6.2.6 Outlook space or Standard H5.6.4.2 Outlook space:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(C1);

(c) refer to Policy H5.3(D1);

(d) refer to Policy H5.3(6A); and

(e) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.

(11) for buildings that do not comply with Standard H5.6.3.3 Daylight:

(a) refer to Policy H5.3(D1);

(b) refer to Policy H5.3(6A); and

(12) for buildings that do not comply with Standard H5.6.2.7 Outdoor living space or Standard H5.6.4.3 Private outdoor living space:

(a) refer to Policy H5.3(A1);

(b) refer to Policy H5.3(D1); and

(c) The extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.

(13) for buildings that do not comply with Standard H5.6.2.8 Windows to street

(a) refer to Policy H5.3(C1)

(b) refer to Policy H5.3(6A); and

(c) The extent to which the glazing:

(i) allows views to the street and/or accessways to ensure passive surveillance; and

(ii) provides a good standard of privacy for occupants.

(14) for buildings that do not comply with Standard H5.6.3.4 Front, side and rear fences and walls:

(a) refer to Policy H5.3(C1);

(b) refer to Policy H5.3(6A); and

(15) for buildings that do not comply with Standard H5.6.3.5 Minimum dwelling size:

(a) refer to Policy H5.3(A1)

(b) refer to Policy H5.3(D1)

(c) refer to Policy H5.3(6A); and

(d) The extent to which each dwelling is designed to:

(i) Provide simple and convenient internal access and circulation

(ii) Include adequate storage; and

(iii) Be large enough to allow the use of typical furnishings that meet the needs of the intended occupants.

(16) for buildings that do not comply with Standard H5.6.4.5 Windows to private vehicle and pedestrian accessways:

(a) refer to Policy H5.3(C1);

(b) refer to Policy H5.3(6A); and

(c) the extent to which the buffer is:

(i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas;

(ii) planted with suitable and low level plants.

(17) for four or more dwellings per site that do not comply with Standard H5.6.4.5 Residential waste management:

(a) refer to Policy H5.3(D1)

(b) refer to Policy H5.3(6A);

(c) refer to Policy H5.3(10);

(d) The extent to which sufficient space is provided for residential waste management that is suitably located for ease of movement to collection points;

(e) The extent to which the waste management area is designed to minimise visibility;

(f) How the development intends to ensure the on-going management and maintenance of any communal residential waste management area;

(g) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and

(h) Whether waste management vehicle can safely undertake collection.

(i) Where on-site collection of individual waste bins is used, whether there must be a space of at least 1m^2 per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site.

(j) Where on-site collection of communal waste bins is used, whether there must be an accessible location for collection of communal bins by a collection vehicle within the site.

H5.9. Special information requirements

(1) A resource consent application for an activity that is required to comply with Standard H5.6.4.1 Landscaped area must provide a scaled landscape plan that shows:

(a) Plant and tree species, number of each species to be planted and planting grades;

(b) Location and canopy of existing trees to be retained;

(c) Dimensions of individual mature tree canopy;

(d) Any area of grass; and

(e) Any paths included in landscaped area.

(2) A resource consent application for 10 or more dwellings or four or more dwellings that do not comply with Standard H5.6.4.5 Residential waste management must provide a waste management and minimisation plan (refer to the Waste Management and Minimisation Bylaw 2019). The following information must be provided at a minimum:

(a) an estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of;

(b) the frequency, location, access and on-site route of waste collection or transportation; and

(c) the method of waste collection, transportation or disposal.

D28. Infrastructure Constraints Overlay

D28.1. Overlay Description

[Additional description text to be inserted]

The Infrastructure Constraints Overlay consists of the following controls as shown on the planning maps:

2273.11

- Infrastructure – Combined Wastewater Network Control
- Infrastructure – Water and/or Wastewater Constraints Control
- Infrastructure – Stormwater Disposal Constraints Control
- Infrastructure – Beachlands Transport Constraints Control

D28.2. Objectives

(1) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects

Commented [AG1]: H3A.2(10), H5.2(7), H6.2(7)

(2) Intensification is avoided in areas with significant transport infrastructure constraints.

Commented [AG2]: H3A.2(11), H5.2(10)

(3) Subdivision avoids the creation of vacant sites not complying with the minimum site size in areas where transport qualifying matters apply.

Commented [AG3]: E38.2(10)(e)

D28.3. Policies

Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and/or Wastewater Constraints Control, Infrastructure – Stormwater Disposal Constraints Control

(1) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints to be provided with appropriate infrastructure.

Commented [AG4]: H3A.3(13), H5.3(13), H6.3(13)

(2) Avoid subdivision in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints unless proposed subdivisions can be serviced by infrastructure and there is sufficient capacity.

Commented [AG5]: E38.3(31)

Infrastructure – Beachlands Transport Constraints Control

(3) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints.

Commented [AG6]: H3A.3(17), H5.3(16)

(4) Avoid vacant site subdivision that does not comply with the minimum site size in areas identified on the planning maps as subject to transport infrastructure constraints.

Commented [AG7]: E38.3(32)

D28.4. Activity Table

Table D28.4.1 specifies the activity status of land use, development and subdivision activities within the Infrastructure Constraints Overlay pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

Where activities are shown in the Activity table below, the applicable zone, precinct and Auckland-wide rules also apply.

Table D28.4.1 Activity Table

Activity		Activity Status
Residential		
(A1)	Two or more per site dwellings per site within the Infrastructure – Beachlands Transport Constraints Control	NC
(A2)	Two or more dwellings per site within the Infrastructure – Water and/or Wastewater Constraints Control	RD
(A3)	Dwellings within the Infrastructure – Combined Wastewater Network Control that do not comply with Standard D28.6.1	RD
(A4)	Dwellings within the Infrastructure – Stormwater Disposal Constraints Control that do not comply with Standard D28.6.2	RD
Subdivision		
(A5)	Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control	RD
(A6)	Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control and/or the Infrastructure – Water and Wastewater Constraints Control	RD
(A7)	Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control complying with Standard D28.6.3.	D
(A8)	Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control not complying with Standard D28.6.3	NC

Commented [AG8]: H3A.4.1(A20), H5.4.1(A14A)

Commented [AG9]: H3A.4.1(A10), H5.4.1(A14C), H6.4.1(A3C)

Commented [AG10]: E38.4.2(A29A)

Commented [AG11]: E38.4.2(A29B)

Commented [AG12]: E38.4.2(A29C)

Commented [AG13]: E38.4.2(A29D)

D28.5. Notification

(1) Any application for resource consent for an activity listed in Table D28.4.1 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) 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).

2273.11

D28.6. Standards

D28.6.1. Dwellings within the Infrastructure – Combined Wastewater Network Control

Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network

(1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network.

Commented [AG14]: H3A.6.4, H5.6.3B, H6.6.4B

D28.6.2. Dwellings within the Infrastructure – Stormwater Disposal Constraints Control

Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to require adequate provision for stormwater disposal from the site

(1) A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage capacity must either be able to connect to the public stormwater network or provide sufficient stormwater disposal capacity on-site.

Commented [AG15]: H3A.6.45 H5.6.3C, H6.6.4C

D28.6.3. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control

(1) Proposed vacant sites identified in the Infrastructure – Beachlands Transport Constraints Control Overlay must comply with a minimum net site area of 600m^2.

Commented [AG16]: E38.8.2.9

D28.7. Assessment – controlled activities

There are no controlled activities in this precinct.

D28.8. Assessment of Restricted Discretionary Activities

D28.8.1. Matters of Discretion

2273.11

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application.

(1) for two or more dwellings per site in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control:

(a) the effect on the capacity of the existing public reticulated water supply and wastewater network;

(b) the provision of access to water supplies for firefighting purposes;

(c) the ability to provide for a connection between any dwelling(s) and a reticulated water supply and wastewater network in the future.

Commented [AG17]: E38.12.1(11)
Also to replace H3A.8.1(4), H5.8.1(6), H6.8.1(6), for consistency.
Amended to relate to Water and/or Wastewater Constraints Control only.

(2) for dwellings within the Infrastructure – Combined Wastewater Network Control that do not comply with Standard D28.6.1; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control:

(a) the effect on the capacity of the existing public reticulated wastewater network;

(b) the ability to provide for a connection between any dwelling(s) and a reticulated wastewater network in the future; and

(c) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress.

Commented [AG18]: E38.12.1(11)
Also to replace H3A.8.1(4), H5.8.1(6), H6.8.1(6), for consistency.
Amended to relate to Combined Wastewater Network Control only.

(3) for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:

(a) the ability to provide for stormwater disposal.

Commented [AG19]: H3A.8.1(5), H5.8.1(7), H6.8.1(7) (all modified for consistency) and E38.12.1(10)

D28.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities from the list below.

(1) for two or more dwellings per site in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Water and/or Wastewater Constraints Control:

(a) Whether there is adequate capacity in the existing public reticulated water supply and wastewater network to service the proposed dwellings or subdivision;

(b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available;

(c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and/or wastewater network in the future.

Commented [AG20]: H3A.8.2(10), H5.8.2(21), H6.8.2(21) and E38.12.2(11).
Amended to relate to the Water and/or Wastewater Constraints Control only

(2) for developments containing more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control:

(a) Whether there is adequate capacity in the existing public reticulated wastewater network to service the proposed dwellings or subdivision;

2273.11

(b) Whether there is the ability connect the dwelling(s) to a reticulated wastewater network in the future; and

(c) Whether separation is in progress and whether the new dwelling(s) or site(s) can connect to a separated stormwater pipe that is part of the public stormwater network.

Commented [AG21]: H3A.8.2(10), H5.8.2(21), H6.8.2(21) and E38.12.2(11).
Amended to relate to the Combined Wastewater Network only

(3) for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control; subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:

(a) Whether there is the ability to adequately dispose of stormwater via a connection to the public stormwater network to service the proposed dwellings or subdivision

(b) Whether stormwater can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice to service the proposed dwellings or subdivision.

Commented [AG22]: H3A.8.2(11), H5.8.2(22), H6.8.2(22) and E38.12.2(10)

D28.9. Special Information Requirements

(1) For subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control:

(a) A technical report prepared by a suitably qualified and experienced person that demonstrates that sufficient stormwater disposal capacity exists.

(2) For subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control:

(a) A technical report prepared by a suitably qualified and experienced person that demonstrates that infrastructure and servicing can be achieved.

Commented [AG23]: Standard E38.8.2.7(1) converted to a special information requirement

2273.11

Commented [AG24]: Standard E38.8.2.8(1) converted to a special information requirement

…

Table E38.4.2 Activity table – Subdivision in residential zones

Activity		Activity Status
…		
(A13A)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1.	C
(A14)	Subdivision in accordance with an approved land use resource consent not complying with Standard E38.8.1A.1 ~~E38.8.2.1~~.	RD
(A13B)	Subdivision around lawfully established existing buildings and development complying with Standard E38.8.1A.2	C
(A15)	Subdivision around lawfully established existing buildings and development not complying with Standard E38.8.1A.2 ~~E38.8.2.2~~.	RD
…		

2273.56

…

E38.8.1A.1. Subdivision in accordance with an approved land use resource consent

(1A) The approved land use consent must relate to the construction or use of dwellings provided for as either permitted or restricted discretionary activities in the ~~Residential - Low Density Residential Zone,~~ Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone.

~~(1) Any subdivision relating to an approved land use consent must comply with that land use consent.~~

(2) No vacant sites are created.

E38.8.1A.2. Subdivision around lawfully established existing buildings and development

(1A) The lawfully established existing development must be dwellings provided for as either permitted or restricted discretionary activities in the ~~Residential - Low Density Residential Zone,~~ Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone.

(1) Prior to subdivision occurring, all development must meet one of the following:

(aa) have existing use rights;

(a) comply with the relevant overlay, Auckland-wide and zone rules; or

(b) be in accordance with an approved land use resource consent.

(2) No vacant sites are created.

…

Suggested Changes to the Flat Bush Precinct

1. Make the following precinct changes:

2273.148

• Flat Bush Precinct (no sub-precinct)*	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct A	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct B	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct D	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct E	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct F	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct G	becomes	Flat Bush Urban Precinct (no sub-precinct)
• Flat Bush Sub-precinct I	becomes	Flat Bush Rural Precinct (no sub-precinct)
• Flat Bush Sub-precinct J (within the RUB)	becomes	Flat Bush Urban Sub-precinct A
• Flat Bush Sub-precinct J (outside the RUB)	becomes	Flat Bush Rural Sub-precinct A
• Flat Bush Sub-precinct K	becomes	Flat Bush Urban Sub-precinct A

* except that the land at Lot 24 DP 57076, Lot 61 DP 78858 and Lot 75 DP 75777 will become Flat Bush Rural Precinct (no sub-precinct)

2. Replace I412 Flat Bush Precinct with I412 Flat Bush Rural Precinct as detailed on the following pages

3. Insert I450 Flat Bush Urban Precinct as details on the following pages

4. Make the following changes to D24 Aircraft Noise Overlay*

* on the basis that density restrictions within the moderate aircraft noise area are confirmed to be retained

…

Table D24.4.3 Activity table for Auckland International Airport

Activity		Activity Status
…		
Activities within the moderate aircraft noise area and/or within the 57dB Ldn noise boundary (Figure 1)		
~~(A37)~~	~~New dwellings (or any subdivision for new dwellings) in a residential zone where: (a) average density does not exceed one dwelling per 400m²; or (b) the maximum density controls and/or minimum site size within the area included within I412 Flat Bush Precinct in the moderate aircraft noise area are complied with~~	~~P~~
(A37A)	New dwellings in a residential zone that comply with Standard D24.6.3(1A)	P
(A37B)	Subdivision in a residential zone that complies with Standard D24.6.3(1A)	P
~~(A38)~~	~~New dwellings (or any subdivision for new dwellings) in a residential zone where: (a) average density exceeds one dwelling per 400m²; or (b) the maximum density controls and/or minimum site size within the area included within I412 Flat Bush Precinct in the moderate aircraft noise area are exceeded~~	~~RD~~
(A38A)	New dwellings in a residential zone that do not comply with Standard D24.6.3(1A)	RD

(A38B)	Subdivision in a residential zone that does not comply with Standard D24.6.3(1A)	RD
…		

2273.148

…

D24.6.3. Auckland International Airport

(1A) Where subdivision or two or more dwellings per site is proposed within a residential zone, the average site area per lot or dwelling must not exceed the following:

(a) For sites shown on Figure D24.6.3.1 below, the areas listed in Table D24.6.3.1.

Figure D24.6.3.1 Density within Flat Bush

[Insert map showing:
- land currently within Flat Bush Sub-precinct D as "Area 1"
- land currently within Flat Bush Sub-precinct E as "Area 2"
- land currently within Flat Bush Sub-precinct F as "Area 3"]

Table D24.6.3.1 Density within Flat Bush

Area	Minimum Average Site Area
Area 1	150m²
Area 2	180m²
Area 3	300m²

(b) For all other areas within the moderate aircraft noise area, 400 m².

…

I412. Flat Bush Rural Precinct

I412.1. Precinct description

The Flat Bush Rural precinct covers the land previously identified as part of the Flat Bush Precinct that are zoned Residential – Large Lot or Rural – Countryside Living.

This Precinct relates to land within the upper catchment area and alongside the many streams and waterways in the Precinct. The Precinct further functions to protect and enhance the natural environmental qualities found within the Precinct, while providing for appropriate countryside living.

Flat Bush Rural Sub-precinct A (Conservation and Stormwater Management)

This Sub-precinct covers the steep gully areas and waterways that have been identified as warranting environmental enhancement.

The function of the Sub-precinct is to improve the overall ecological condition of these gullies and waterways and ensure a level of open space by limiting development in these sensitive areas and undertaking riparian planting and allowing areas of existing native vegetation to regenerate. The riparian planting will enhance the ecological condition of streams, maintain stream bank stability and reduce the level of erosion and flooding created within the catchment where existing exotic planting exists. Land covered by this Sub-precinct is to remain in private ownership and is to be kept free from buildings and structures.

Areas within this Sub-precinct are intended to remain in private ownership and be kept free from buildings and structures.

I412.2. Objectives

(1) Ecology of remnant native vegetation and waterways are protected, sustained, restored and enhanced.

(2) Stormwater runoff is managed to enable the maintenance and enhancement of natural waterways, native forest and wetlands and to provide passive recreational opportunities as well as pedestrian and cycle access.

(3) The landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with the spaciousness in these low density residential sub-precincts is maintained and enhanced.

The zone, Auckland-wide and overlay objectives apply in this precinct in addition to those specified above.

I412.3. Policies

(1) Provide a gradation of residential activity density by locating less intensive residential areas at the extremities of the Flat Bush area

(2) Encourage riparian planting along waterways to:

(a) maintain and enhance water quality and aquatic habitats;

(b) enhance existing native forest and wetland areas within the catchment; and

(c) reduce stream bank erosion.

(3) Require subdivision and development to be of a type, density and design that does not detract from, and is supportive of, the specific environmental outcomes identified for the Flat Bush Rural Precinct.

(4) Require subdivision, land use and development to maintain and enhance the natural character and ecological values of the wider Flat Bush area and provide access to such features so they contribute to the unique character of the area by:

(a) using the conservation and stormwater management area and subdivision standards to maintain and enhance identified watercourses and environmental corridors; and

(b) requiring street patterns to maximise long views to the environmental corridors where practical and having regard to topography.

(5) Require lower densities and site coverage to create spacious rural and transitional urban development with reduced visual impact.

(6) Require riparian planting of native species within Sub-precinct A to:

(a) maintain and enhance water quality and aquatic habitats, existing native forest and wetland areas within the catchment; and

(b) improve general landscape qualities and to prevent stream bank erosion.

(7) Require that activities, buildings and structures are designed and located to:

(a) retain significant native vegetation, including riparian vegetation; and

(b) protect the ecological and landscape values associated with the area.

The zone, Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

I412.4. Activity table

The activity status of activities in the underlying zone, and Auckland-wide provisions apply in this precinct unless otherwise specified below.

Table I412.4.1 specifies the activity status of land use, development and subdivision activities in the Flat Bush Rural Precinct pursuant to section 9(3) and 11 of the Resource Management Act 1991 where relevant.

Table I412.4.1 Activity Table

Activity		**Activity Status**
Residential		
(A1)	One dwelling per site	P
(A2)	Two or more dwellings per site	RD
(A3)	Two or more dwellings per site that do not comply with Standard I412.6.2.1	NC
Rural		
(A4)	Farming	P

Community		
(A5)	Formed Bridle Trails and Mountain Bike Trails within Sub-precinct A	C
Development		
(A6)	Any buildings or structures within Sub-precinct A	RD
(A7)	On-site wastewater disposal	RD
Subdivision Note: For any subdivisions listed below, the Auckland-wide rules for Subdivision continue to also apply		
(A8)	Subdivision provided for as a permitted, controlled or restricted discretionary activity in the Auckland-wide rules	RD
(A9)	Subdivision that does not comply with Standard I412.6.3.1	NC
(A9)	Subdivision that does not comply with Standard I412.6.3.2	D
(A9)	Subdivision within Sub-precinct A that does not comply with Standard I412.6.3.3	D

I412.5. Notification

(1) An application for resource consent for a controlled activity listed in Table I412.4.1 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.

(2) Any other application for resource consent for an activity with a different activity status listed in Table I412.4.1 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).

I412.6. Standards

The overlay, zone and Auckland-wide standards apply in this precinct except the following:

(1) H1 Residential – Large Lot zone:

  (a) Standard H1.6.4 Building height

  (b) Standard H1.6.5 Yards

  (c) Standard H1.6.6 Maximum impervious area

  (d) Standard H1.6.7 Building coverage

(2) H19 Rural zones:

  (a) Standard H19.10.2 Building height

  (b) Standard H19.10.3 Minimum yards setback requirement

All activities listed as permitted, controlled and restricted discretionary in Table I412.4.1 Activity table or in the underlying zone’s activity table must comply with the following standards.

I412.6.2. Land use standards

I412.6.2.1. Density

(1) For two or more dwellings per site, a maximum density of at least 5,000 m² per dwelling applies.

I412.6.2.2. Building Height

(1) Buildings must not exceed a maximum height of 8 m

I412.6.2.3. Yards

(1) For front sites, a building or parts of a building must be set back from any boundary by a minimum of 6 m.

(2) For rear sites, a building or parts of a building must be set back from any boundary by a minimum of 3 m.

I412.6.2.4. Building coverage

(1) The maximum building coverage must not exceed 15 per cent of the net site area.

I412.6.2.5. Impervious Area

(1) The maximum impervious area must not exceed 70 per cent of the gross site area.

I412.6.2.6. Fences

(1) Any fences or walls along the boundary of Sub-precinct A must not exceed 1.8 m in height.

I412.6.3. Subdivision standards

I412.6.3.1. Minimum and average lot sizes

(1) For subdivision, proposed sites must have a minimum net site area of 2,000 m²

(2) Subdivision must not result in an average site size greater than 5,000 m² based on the area of land held in a separate Certificate of Title on 27 October 2010.

I412.6.3.2. Minimum site dimensions

(1) For subdivision, proposed front sites must have a frontage of at least 25 m.

I412.6.3.3. Subdivision in Sub-precinct A

(1) Access to all sites and all specified building areas must shall be wholly outside Sub-precinct A

(2) Land within Sub-precinct A to be set aside for planting and to be secured by consent notice must be planted and a programme of weed and pest control must be provided for in the consent notice.

(3) The developer shall be responsible for the routine maintenance and replacement of any planting they provide for a period of two years from the time of planting.

I412.7. Assessment – controlled activities

I412.7.1. Matters of control

The Council will reserve its control to the matters below when assessing a controlled activity resource consent application listed in Table I412.4.1 Activity table, in addition to the matters specified for the relevant controlled activities in the zone or Auckland-wide provisions for the activities listed as controlled in the precinct activity tables:

(1) Formed Bridle Trails and Mountain Bike Trails in Sub-precinct A:

(a) location and design; and

(b) personal safety and damage to and effects on neighbouring properties.

I412.7.2. 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 or Auckland-wide provisions:

(1) Formed Bridle Trails and Mountain Bike Trails in Sub-precinct A:

(a) location and design:

(i) whether the bridle trail provides for safe and convenient access and addresses effects on the safe and efficient operation of the adjoining road network.

(ii) whether the access has a minimal adverse effect on pedestrian access and safety and/or the recreational or environmental functions of the areas.

(b) personal safety and damage to and effects on neighbouring properties:

(i) whether the activity results in a dangerous situation to other public open space users or otherwise detracts from other users enjoyment of the public open space.

(ii) the activity should not cause damage to neighbouring residential properties.

I412.8. Assessment – restricted discretionary activities

I412.8.1. Matters of discretion

The Council will restrict its discretion to the matters listed below when assessing a restricted discretionary activity resource consent application listed in Table I412.4.1 Activity table, in addition to the matters specified for the relevant restricted discretionary activities in the zone or Auckland-wide provisions:

(1) existing native vegetation, riparian planting, ecosystem and natural landscape quality;

(2) placement of buildings infrastructure and other structures;

(3) design and external appearance;

(4) servicing - Wastewater disposal and discharge of contaminants; and

(5) site stability.

I412.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities in Table I412.4.1 Activity table, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the zone, or Auckland-wide provisions:

(1) Existing native vegetation, riparian planting, ecosystem and natural landscape quality:

(a) the development should not alter the existing topography of the site or affect existing natural features or existing native vegetation;

(b) the development should not adversely affect the ability in the future to protect land within Sub-precinct A from development and undertake native riparian planting;

(c) the development should propose a Riparian Planting Plan for Sub-precinct A that should add ecological and amenity values as public open space;

(d) the proposal should avoid adverse effects on the freshwater and terrestrial ecosystems including the quality of the water and riparian vegetation, areas of native forest and wetlands or on the natural habitats of birds, aquatic species and wildlife found within Sub-precinct A;

(e) the proposal should not impact on the natural landscape quality of the precinct;

(f) the proposed planting should be sufficiently robust to survive in the proposed location;

(g) the pest and weed management programme for the area should protect the planting from damage and ensure plant survival; and

(h) a refundable bond may be required to ensure that the riparian planting undertaken in accordance with the approved riparian planting plan survives for a two-year period from the time of planting.

(2) Placement of buildings infrastructure and other structures:

(a) the design and external appearance of a building or structure in terms of scale, form, materials and colour should respect the natural character and aesthetic qualities of the sub-precinct;

(b) the proposed building or structure should make a positive contribution to the built form of the surrounding streetscape and to any existing buildings on the public open space; and

(c) the placement of buildings and structures should avoid Sub-precinct A.

(3) Design and external appearance:

(a) the proposed building or structure should be sympathetic to the surrounding natural landscape qualities and characteristics;

(b) the car parking and access for the proposed building or structure should be safe and convenient while still maintaining an acceptable aesthetic quality;

(c) the proposed activity should not generate noise levels that adversely affect the amenity of adjoining properties and whether any mitigation measures are proposed to reduce noise effects on these properties;

(d) the design and external appearance of buildings including the scale, articulation, orientation and spacing should complement the existing buildings in the vicinity;

(e) the bulk or repetitive form of buildings should not detract from the visual amenities of the neighbourhood; and

(f) the car parking should be safe and convenient while still maintaining an acceptable aesthetic quality as viewed from the street, in particular the hard paved areas associated with parking and garaging should not dominate the streetscape.

(4) Servicing - Wastewater disposal and discharge of contaminants:

(a) the site should have sufficient area available to accommodate an adequate wastewater disposal system which should not create an erosion, land instability or water pollution problem and that should not adversely affect the stormwater treatment and discharge systems on the site, or adversely affect public health and safety;

(b) adequate provision should be made on site for rubbish storage and servicing and the areas should be adequately screened from view from public places and neighbouring sites; and

(c) the proposal should not generate any dust, smoke, fumes or other discharges to air which would potentially detract amenity values of the area.

(5) Site stability:

(a) the building, structure or activity should not adversely affect the stability of the site or adjacent sites.

I412.9. Special information requirements

An application for subdivision of a site containing land in Sub-precinct A must be accompanied by:

(1) A riparian planting plan.

I450. Flat Bush Urban Precinct

I450.1. Precinct description

The Flat Bush Urban Precinct covers the land previously identified as part of the Flat Bush Precinct that are not included in the Flat Bush Rural Precinct.

Flat Bush Sub-precinct A

This area relates to steeper land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It anticipates lower density residential environment with development controls to ensure a degree of spaciousness.

Flat Bush Sub-precinct A has been identified as a qualifying matter in accordance with section 77I(j) of the RMA.

I450.2. Objectives

(1) A well-connected, adaptable, safe, attractive and healthy environment for living, working and movement with an emphasis on the importance of the public realm, is achieved.

(2) An appropriate range of physical and social infrastructure and facilities enhance the resulting urban environment and address any adverse effects of urbanisation.

(3) Ecology of remnant native vegetation and waterways are protected, sustained, restored and enhanced.

(4) A pattern of commercial activities based on an identifiable community focus is established which is supported by office or institutional activities and small scale business and mixed use activities along nominated main roads and in close proximity to the town and neighbourhood centres.

(5) A safe, efficient, well-connected and integrated transport system is established within and beyond the Flat Bush area that provides a choice of travel modes.

(6) High quality residential amenity is promoted for all types of housing that reflects and responds to community needs and the physical environment both now and in the future.

(7) Stormwater runoff is managed to enable the maintenance and enhancement of natural waterways, native forest and wetlands and to provide passive recreational opportunities as well as pedestrian and cycle access.

(8) An integrated, medium to high density residential environment which has high levels of amenity, supports a range of travel modes, allows for a range of living opportunities and incorporates opportunities for compatible small scale employment.

(9) A street grid that, combined with the park edge road network, provides a legible urban pattern that reveals the Flat Bush landscape.

(10) In Sub-precinct A, the landscape quality, water and soil resources, native forest, wetlands and open space amenity values of this highly visible landscape in the mid to upper reaches of the Flat Bush basin along with the spaciousness in these low density residential sub-precincts is maintained and enhanced.

The zone, Auckland-wide and overlay objectives apply in this precinct in addition to those specified above.

I450.3. Policies

(1) Enable land uses that orient primarily towards business, residential and open space activities and provide a gradation of residential activity density by:

(a) focusing the highest allowable densities around the Flat Bush Town Centre, Flat Bush Neighbourhood Centres, the perimeter of Barry Curtis Park and along arterial roads;

(b) allowing medium/higher densities within the remaining residential areas; and

(c) locating less intensive residential areas at the extremities of the Flat Bush Precinct Plan area.

(2) Enable an integrated road and transport system by guiding the design and layout of subdivision to provide connectivity and the opportunity for a variety of travel modes.

(3) Encourage riparian planting along waterways to:

(a) maintain and enhance water quality and aquatic habitats;

(b) enhance existing native forest and wetland areas within the catchment; and

(c) reduce stream bank erosion.

(4) Require subdivision and development to incorporate sustainable management principles as part of the land modification process to comply with safe practices in the identification, assessment, treatment and/or remediation of asbestos- containing materials.

(5) Require subdivision, land use and development to maintain and enhance the natural character and ecological values of the wider Flat Bush precinct and provide access to such features so they contribute to the unique character of the area by:

(a) maintaining and enhancing identified watercourses and environmental corridors; and

(b) requiring street patterns to maximise long views to the environmental corridors where practical and having regard to topography.

(6) Subject to topographical restrictions, require open space corridors to be edged by streets and maintain physical integration between the open space and street environment e.g. significant grade changes are avoided.

(7) Encourage higher density residential development in close proximity to the Town Centre/Neighbourhood Centres, main arterials and public open space including Barry Curtis Park.

(8) Maximise vehicular and pedestrian connectivity/permeability of the street network wherever possible.

(9) Promote development where streets are to form blocks that enable future development to conform to a perimeter block pattern of development where buildings front roads; and

(10) Promote and maintain interconnectivity between sub-catchments.

(11) In Sub-precinct A, require lower densities and site coverage to create spacious rural and transitional urban development with reduced visual impact.

The zone, Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

I450.4. Activity table

The activity status of activities in the underlying zone, and Auckland-wide provisions apply in this precinct unless otherwise specified below.

Table I450.4.1 specifies the activity status of land use, development and subdivision activities in the Flat Bush Urban Precinct pursuant to section 9(3) and 11 of the Resource Management Act 1991 where relevant.

A blank cell in the activity status means that the activity status (and any relevant matters of control or discretion) in the relevant overlay, Auckland-wide or zone provisions applies.

Table I450.4.1 Activity Table

Activity		Activity Status
Residential		
(A1)	Dwellings	
Rural		
(A2)	Farming	P
Commerce		
(A3)	Food and beverage	D
(A4)	Offices	D
(A5)	Retail not otherwise provided for no greater than 150 m² gross floor area	D
(A6)	Show homes	P
Subdivision		
(A7)	Subdivision within Sub-precinct A that does not comply with Standard I450.6.2.1	NC
(A8)	Subdivision within Sub-precinct A that does not comply with Standard I450.6.2.2	D
(A9)	Subdivision that does not comply with Standard I450.6.2.3	D
(A10)	Subdivision that does not comply with Standard I450.6.2.4	RD

I450.5. Notification

(1) Any application for resource consent for an activity listed in Table I450.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991, except that:

(a) The underlying zone notification rules apply for dwellings that comply with all of the standards listed in section I450.6.1.

(b) The underlying Auckland-wide notification rules apply for subdivision that complies with all of the standards listed in section I450.6.2.

(2) 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).

I450.6. Standards

The overlay, zone and Auckland-wide standards apply in this precinct unless otherwise specified.

I450.6.1. Land use standards

All land use activities listed as permitted, controlled and restricted discretionary in Table I412.4.1 Activity table or in the underlying zone's activity table must comply with the following standards.

I450.6.1.1. Yards

(1) The rear yard requirement under Standard H5.6.8(1) and H6.6.9(1) does not apply to rear boundaries that adjoin an access lot.

(2) The front yard requirement under Standard H6.6.9(1) does not apply.

(3) Within Sub-precinct A, the front, side and rear yard requirements under Standard H5.6.8(1) do not apply and the following requirements apply:

(a) A building or parts of a building must be set back from any front boundary by a minimum of 4 m.

(b) A building or parts of a building must be set back from any side boundary by a minimum of 3 m.

(c) For front sites, a building or parts of a building must be set back from any rear boundary that does not adjoin an access lot by a minimum of 8 m.

(d) For rear sites, a building or parts of a building must be set back from any rear boundary that does not adjoin an access lot by a minimum of 3 m.

I450.6.1.2. Maximum impervious area

(1) The maximum impervious area requirement under Standard H5.6.9(1) does not apply.

(2) The maximum impervious area must not exceed 70 per cent of the gross site area.

I450.6.1.3. Building coverage

(1) Within Sub-precinct A, the maximum building coverage must not exceed 30 per cent of the net site area.

I450.6.1.4. Fences

(1) Fences or walls or a combination of these structures (whether separate or joined together) within riparian yards must not exceed a height of 1.8 m.

I450.6.2. Subdivision standards

All subdivision listed as permitted, controlled and restricted discretionary in the Auckland-wide rules must comply with the following standards.

I450.6.2.1. Minimum lot size in Sub-precinct A

(1) Within Sub-precinct A, proposed sites must have a minimum net site area of 1,000 m².

I450.6.2.2. Minimum site dimensions in Sub-precinct A

(1) Within Sub-precinct A, proposed front sites must have a frontage of at least 20 m. This minimum lot width must be maintained for a depth of 26 m.

I450.6.2.3. Riparian margins

(1) Riparian margins must be planted either side of the banks of a permanent or intermittent stream to a minimum width of 10m measured from the bank of the stream, or from the centreline of the stream where the bank cannot be physically identified by ground survey.

(2) All land within riparian yards and the 1% AEP floodplain must be offered to Council for vesting.

(3) This standard does not apply where road crossings over streams are proposed.

I450.6.2.4. Movement Network

(1) Subdivision must provide for the road network shown on Figure I450.6.2.4.1 Flat Bush Urban Precinct Road Network.

Figure I450.6.2.4.1 Flat Bush Urban Precinct Road Network
[Insert updated map of Figure I412.10.2 that
- aligns proposed roads with constructed roads
- removes roading within Flat Bush Sub-precincts C, I and J]

Note: Road cross-sections are to be determined in consultation with Auckland Transport.

(2) The subdivision layout must provide for:

(a) A maximum block length of 250 m, measured as the cumulative length of lot frontages between road intersections; and

(b) A maximum block perimeter of 700 m, measured as the cumulative length of continuous lot frontage. This requirement does not apply where no roads are proposed or to blocks that include:

(i) Land within Sub-precinct A;

(ii) Permanent or intermittent streams; or

(iii) Adjacent sites with an area greater than 1 ha.

(3) No cul-de-sacs may be provided unless:

(a) They are wholly or partly within Sub-precinct A; or

(b) They extent to a boundary that adjoins a site with an area greater than 1 ha where a through route can be achieved in the future.

(4) The length of cul-de-sacs wholly or partly within Sub-precinct A must not exceed 200 m, excluding the turning circle radius.

I450.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I450.8. Assessment – restricted discretionary activities

I450.8.1. Matters of discretion

The Council will restrict its discretion to the matters listed below when assessing a restricted discretionary activity resource consent application listed in Table I450.4.1 Activity table, in addition to the matters specified for the relevant restricted discretionary activities in the zone or Auckland-wide provisions:

(1) Subdivision that does not comply with Standard I450.6.2.4:

(a) road standards;

(b) provision of back lanes that connect roads and/or provide alternative access to the rear of residential sites;

(c) legibility of Network, Safety, Block Pattern and Neighbourhood Identity;

(d) Maximum Block Length and Maximum Block Perimeter Distance;

(e) design and Layout of Subdivision, Staging, Design and External Appearance;

(f) movement network.

I450.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for activities listed as restricted discretionary activities in Table I412.4.1 Activity table, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the zone, or Auckland-wide provisions:

(1) Subdivision that does not comply with Standard I450.6.2.4:

(a) road standards;

(i) cycleways should provide continuous routes between subdivisions; and

(ii) subdivisional road and site layout and dimensions should optimise the orientation of the sites to the sun in terms of their likely future development;

(b) provision of Back Lanes that connect roads and/or provide alternative access to the rear of residential sites;

(i) back lanes should be limited in length to ensure that long repetitive lanes are avoided;

(ii) building line restrictions should be introduced in relation to rear lanes to ensure that adequate opportunities are provided for landscaping and to limit repetitive building forms;

(c) legibility of Network, Safety, Block Pattern and Neighbourhood Identity;

(i) whether changes to the park edge local roads have adverse impacts on the design, amenity and usability of the adjacent open space and result in substantially greater earthworks and retaining structures adjacent to the open space than would otherwise be required;

(ii) whether the proposal avoids adverse effects on the clarity, legibility and connectivity of the roading network with particular regard to any cumulative effect which might arise with regard to the wider neighbourhood in each sub-catchment as shown in Figure I450.6.2.4.1 Flat Bush Urban Precinct Sub-catchments;

Figure I450.6.2.4.1 Flat Bush Urban Precinct Sub-catchments
[Insert Figure I412.10.3]

(iii) whether the proposal achieves straight roads that maximise legibility to reveal the topography and strengthen visual connection to the wider landscape;

(iv) whether the proposed layout promotes good connectivity by all modes of travel including short walking routes to potential bus routes and other community infrastructure such as schools, neighbourhood centres and public open space;

(v) whether the proposal achieves a neighbourhood identity by maximising connections to landscape features and to other features such as schools, neighbourhood centres, public open space and community facilities;

(vi) whether the proposed layout contributes to a clear and legible understanding of the neighbourhood within the wider context;

(vii) whether the proposed road layout creates flexibility for a range of potential activities and residential densities to occur in appropriate places now and in the future;

(viii) whether vehicle access should be restricted (including on arterial routes) to achieve spatial outcomes that reinforce a sense of place

(ix) whether the proposed block pattern results in the opportunity to create regular shaped sections with the inherent flexibility to be developed for a range of potential activities and residential densities now and into the future;

(x) whether the proposed street design and layout provides for consistency of treatment down lengths of street and appropriate integration to adjoining areas; and

(xi) whether the proposal impacts the clarity and legibility of the roading network with particular regard to the sub-catchment within which the proposed subdivision is located as shown in Figure I450.6.2.4.1 Flat Bush Urban Precinct Sub-catchments;

(d) Maximum Block Length and Maximum Block Perimeter Distance;

(i) whether the proposed road layout provides for convenient and safe access for pedestrian, cycle and vehicle users;

(ii) whether the proposed road layout provides for a clear and easily understood network that is easy to navigate through for all users; and

(iii) whether the proposed road layout is constrained by topography, trees or bush to be retained and/or fragmented land ownership and/or existing buildings;

(e) design and Layout of Subdivision, Staging, Design and External Appearance;

(i) in the case of a staged subdivision, whether each stage of subdivision complies with the relevant standards. Council may, by way of either a consent notice or a condition of consent, require that any such density shortfall or surplus be made good in, or be carried forward to, subsequent stages of the subdivision;

(ii) whether the subdivision design provides an adequate buffer between the proposed sites and land being vested as open space;

(iii) whether the design and layout of the subdivision protects land in within riparian yards and the 1% AEP floodplain from inappropriate development; and

(iv) whether the proposal achieves neighbourhood identity by maximising connections to landscape features and to other features such as schools, neighbourhood centres, public open space and community facilities;

(f) movement network.

(i) whether there are topographical, geotechnical or other environmental factors or constraints which indicate that changes to collector, park edge and local roads would improve the road layout from that set out in Figure I450.6.2.4.1 Flat Bush Urban Precinct Road Network;

(ii) whether the proposed road layout respects and relates to the existing contour and avoid permanent features such as steep cut faces and retaining structures which are highly visible;

(iii) whether the layout promotes good vehicular and pedestrian connectivity within the area including to community infrastructure such as bus stops, schools, neighbourhood centres, public open space and community facilities;

(iv) whether the proposal achieves an acceptable low impact stormwater management solution having regard to integrating good urban design and stormwater management solutions;

(v) whether the road serves only a small number of dwellings or is for a short length;

(vi) whether an alternative design of the road addresses traffic and pedestrian volumes, safety and amenity and access for emergency vehicles;

(vii) whether on-street car parking is catered for;

(viii) whether a footpath is required or is desirable on both sides of the road; and

(ix) whether visual and physical differentiation is required and, if so, the modified section of road links appropriately with adjoining sections of road.

I450.9. Special information requirements

An application for subdivision of a site containing land in permanent or intermittent streams must be accompanied by:

(1) A riparian planting plan.

I449. Hingaia 1

I449.1. Precinct Description

The Hingaia 1 precinct is located approximately 2.4km west of Papakura and is located in the southern part of the Hingaia Peninsula, to the south of the existing 'Karaka Lakes' residential subdivision.

The whole of the Hingaia Peninsula was structure planned for growth in 2000-2002. However, only Stage 1A was re-zoned at that time. This precinct is to be developed to provide for a logical extension of the existing Hingaia urban area, and development in the precinct will be guided by the Hingaia 1 precinct plan.

The purpose of the Hingaia 1 precinct is to provide for comprehensive and integrated residential development on the Hingaia Peninsula, to increase the supply of housing, to facilitate the efficient use of land, and to co-ordinate the provision of infrastructure.

It is envisaged that future land use, development and subdivision consents will give effect to the key elements of the precinct plan and provide opportunities for pedestrian and roading connections into future development areas.

The zoning of land within this precinct is predominantly ~~Residential – Mixed Housing Suburban,~~ Residential – Mixed Housing Urban and Business – Neighbourhood Centre.

Commented [AG1]: Recognises that some land is in open space zone and future reserves will be in open space zone

2273.286

The following overlays apply to parts of the land within this precinct:

- D9 Significant Ecological Areas Overlay
- D13 Notable Trees Overlay
- D17 Historic Heritage Overlay
- D26 National Grid Corridor Overlay

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I449.2. Objectives

(1) Subdivision and development occurs in a co-ordinated way that implements the Hingaia 1 precinct plan, provides a logical extension to the existing urban environment, and provides for connections to future development on adjoining land.

(2) Development achieves a high standard of amenity while ensuring there is a choice of living environments and affordability options.

(3) The existing stream network as illustrated on the Hingaia 1 precinct plan is retained and enhanced.

(4) Subdivision and development occurs in a manner that achieves the co-ordinated and timely delivery of infrastructure, including transport, wastewater, and water services either prior to or at the same time as development.

(5) The safety of users of shared paths and dedicated cycleways is prioritised over vehicle access.

(6) Significant adverse effects of stormwater run-off on communities, the marine receiving environment and freshwater systems are avoided to the extent practical, or otherwise mitigated using water sensitive design principles.

(7) Subdivision and development adjoining the coast provides for enhanced amenity and avoids risks of adverse effects arising from coastal erosion.

All relevant overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I449.3. Policies

(1) Require the structural elements of the Hingaia 1 precinct plan to be incorporated into all subdivision and development that results in urbanisation of the land.

(2) Require the construction of new roads, as generally indicated on the Hingaia 1 precinct plan, to achieve integration with the existing urban area and to enable future connections to link into adjoining sites to ensure that an interconnected movement network can be achieved on the Hingaia Peninsula.

(3A) Manage the adverse traffic effects of subdivision and development on the following parts of the transport network:

(a) The intersection of Great South Road and Park Estate Road;

(b) The intersection of Park Estate Road and Goodwin Drive, unless the full construction of Hinau Road and/or Ngakoro Road to collector road standard between Wawatai Drive and Park Estate Road has been completed; and

(c) The intersection of Park Estate Road, Clover Road and a future fourth leg.

(3B) Avoid subdivision and development that results in an average density of more than 40 dwellings per net ha (excluding roads and open space) or a total of 2,300 dwellings south of Park Estate Road, unless all adverse effects on the transport network resulting from this density are avoided, remedied or mitigated, including through the delivery of any necessary upgrades to the transport network.

(3) Ensure that a range of lot sizes, housing typologies and densities is enabled throughout the precinct to reflect a choice of living environments and affordability~~, including by enabling greater development potential for higher density residential developments and integrated residential development~~.

2273.239

Commented [AG2]: This relates to residential land use provisions that are being deleted

(4) Enable a range of residential living opportunities (including a range of lot sizes) with more intensive housing encouraged in locations with close proximity to the neighbourhood centre, public transport routes or areas with high amenity (e.g. locations close to public open space).

(5) Ensure subdivision and development, including road design, achieves a high standard of amenity, pedestrian safety and convenience, and contributes to a positive sense of place and identity.

(6) Require subdivision and development to be staged to align with the co-ordinated provision of infrastructure, including transport, water and wastewater.

(7) Require subdivision and development to use water sensitive design principles as the core development approach to manage stormwater run-off, water quality, and flooding and mimic the natural hydrological regime and provide baseflow to streams.

(8) Require subdivision and development to restore and to enhance the stream network, as illustrated on the Hingaia 1 precinct plan, to achieve a natural appearance with appropriate native species and encourage restoration and enhancement of wetland areas.

(9) Encourage walkways along stream corridors and within and around wetland areas. Where possible, walkways should integrate with existing open space areas and enable future connections to adjoining undeveloped sites.

(10) Require the design of stormwater retention devices in public areas to be integrated with the surrounding area and to contribute to multi-use benefits for public areas. Where appropriate, the devices should be natural in appearance.

(11) Enhance the natural character of the coast and avoid adverse effects from further coastal erosion by ~~restricting residential density on sites directly adjacent to the coast and~~ encouraging restoration planting with eco-sourced plants where subdivision vests esplanade reserve in Council.

(12) Promote the development and enhancement of a high amenity urban coastal character by:

(a) managing the interface between open space and private allotments to minimise visual dominance effects from buildings, fences and retaining walls; and

(b) providing for viewshafts out to the coast along roads and open space (and from the esplanade reserve back into the development).

(13) Restrict or manage vehicle access to and from sites adjacent to shared paths or dedicated cycleways so that:

(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of users of the shared path or dedicated cycleway; and

(b) any adverse effect on the effective, efficient and safe operation of the shared paths or dedicated cycleways arising from vehicle access across these facilities is avoided or mitigated.

(14) Encourage subdivision and development to contribute to a positive sense of place and identity through in-street landscape elements, including retaining existing landscape features, and maximising coastal vistas.

All relevant overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I449.4. Activity Table

All relevant overlay activity tables apply unless otherwise specified below.

All other relevant Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I449.4.1 below or Activity Table I449.4.2 below.

Table I449.4.1 specifies the activity status of land use and development activities in the Hingaia 1 Precinct pursuant to sections 9 (2) and 9(3) of the Resource Management Act 1991.

Table I449.4.2 specifies the activity status of subdivision activities in the Hingaia 1 Precinct pursuant to section 11 of the Resource Management Act 1991.

A blank cell in the activity status means that the activity status (and any relevant matters of control or discretion) in the relevant overlay, Auckland-wide or zone provisions applies.

Table I449.4.1 Activity Table – Land use activities

Activity		Activity Status	~~Zone and Precinct Standards to be complied with~~
Transport			
(A1)	Construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities	RD	
(deleted) ~~**Residential**~~			
(A2)	*(deleted)* ~~Residential activities (including dwellings) not provided for below~~		~~The underlying zone standards applying to that activity; I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A2A)	*(deleted)* ~~Two or three dwellings on sites that adjoin the coast and/or esplanade reserve~~	~~RD~~	~~The underlying zone standards applying to that activity; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A3)	*(deleted)* ~~Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area~~	~~RD~~	~~Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A4)	*(deleted)* ~~Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone~~	~~RD~~	~~Standard H4.6.4 Building height; Standard; H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~
(A4A)	*(deleted)* ~~Four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone~~	~~RD~~	~~Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads~~

Commented [AG3]: This column is no longer necessary following deletion of all residential activities and additional text in I499.6.1 below.

Commented [AG4]: This is no longer necessary following deletion of all residential activities

Commented [AG5]: This is no longer necessary given the removal of the "zone and precinct standards to be complied with" column and additional text in I499.6.1 below. The underlying zone activity table will instead apply.

2273.240

(A5)	*(deleted)* One dwelling on a front site less than 400 m² in area in the Residential – Mixed Housing Urban zone	P	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard H5.6.12 Outlook space; Standard H5.6.13 Daylight; Standard H5.6.14 Outdoor living space; Standard H5.6.15 Front, side and rear fences and walls; Standard H5.6.16 Minimum dwelling size; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.2. Building coverage for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A6)	*(deleted)* Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A7)	*(deleted)* Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A7A)	*(deleted)* Four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; The underlying zone standards applying to that activity; I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone
(A8)	*(deleted)* Integrated Residential Development in the Residential – Mixed Housing Suburban zone	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A9)	*(deleted)* Integrated Residential Development in the Residential – Mixed Housing Urban zone	RD	Standard H5.6.4 Building height; Standard H5.6.8 Yards; Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone

Commented [AG6]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for four or more dwellings will instead apply.

2273.150

Commented [AG7]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for integrated residential development will instead apply.

Commerce			
(A10)	Show homes in a residential zone	P	~~Standard I449.6.1.6 Show homes~~
Development			
(A11)	~~*(deleted)* Internal and external alterations to buildings in residential zones~~ the Residential -Mixed Housing Urban zone	~~The same activity status and standards as applies to the land use activity that the building is designed to accommodate~~	
(A12)	~~*(deleted)* Accessory buildings in~~ the ~~residential zones~~ Residential -Mixed Housing Urban zone	~~The same activity status and standards as applies to the land use activity that the building is accessory to~~	
~~(A14)~~	~~*(deleted)* New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard H5.6.5 Height in relation to boundary but comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone~~	~~P~~	~~Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone Note: Compliance with Standard H5.6.5 Height in relation to boundary is not required.~~
(A15)	~~*(deleted)* New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary~~	~~RD~~	~~H5.6.6 Alternative height in relation to boundary Note: Compliance with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone is not required.~~
(A16)	~~*(deleted)* New buildings and additions to buildings in the residential zones~~ Residential -Mixed Housing Urban zone	~~The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate~~	
~~(A17)~~	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Suburban zone that are accessory to a residential activity listed as permitted or restricted discretionary activity in this activity table~~	~~P~~	~~Standard H4.6.14 Front, side and rear fences and walls; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.3. Landscaped area for higher density development; Standard I449.6.1.4 Fences and walls adjoining reserves~~
~~(A18)~~	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Suburban zone not otherwise provided for~~	~~P~~	~~Standard H4.6.8 Maximum impervious areas; Standard H4.6.10 Landscaped area; Standard H4.6.14 Front, side and rear fences and walls; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A19)	~~*(deleted)* Structures not defined as buildings under Chapter J in the Residential – Mixed Housing Urban zone that are accessory to a show home or a residential activity listed as permitted or restricted discretionary activity in this activity table~~	~~P~~	~~Standard H5.6.15 Front, side and rear fences and walls; Standard I449.6.1.1 Maximum impervious areas for higher density development; Standard I449.6.1.3. Landscaped area for higher density development, Standard I449.6.1.4 Fences and walls adjoining reserves~~

2273.241
2273.242

Commented [AG8]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for internal and external alterations will instead apply.

Commented [AG9]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for accessory buildings will instead apply.

2273.243

Commented [AG10]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The underlying zone activity status for new buildings will instead apply.

2273.244

Commented [AG11]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS). The activty status under the amended (A20) will instead apply.

(A20)	Structures not defined as buildings under Chapter J ~~in the Residential – Mixed Housing Urban zone not otherwise provided for~~	P	~~Standard H5.6.9 Maximum impervious areas; Standard H5.6.11 Landscaped area; Standard H5.6.15 Front, side and rear fences and walls; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A21)	~~*(deleted)* Structures not defined as buildings under Chapter J in the Business – Neighbourhood Centre zone~~	~~P~~	~~Standard H12.6.11 Landscaping; Standard H12.6.6. Maximum impervious area in the riparian yard; Standard I449.6.1.4 Fences and walls adjoining reserves~~
(A21A) [rp]	Development of new or redevelopment of existing impervious areas greater than 50 m² within Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1	P	

Table I449.4.2 Activity Table – Subdivision activities

Subdivision Activity		Activity Status
(A22)	~~*(deleted)* Subdivision that is listed as a restricted discretionary activity in Table E38.4.1, E38.4.2, E38.4.3 or E38.4.4 and not otherwise provided for below~~	~~RD~~
(A23)	Vacant sites subdivision in ~~a residential zone~~ the Residential -Mixed Housing Urban zone involving parent sites of 1ha or greater complying with Standard E38.8.3.1	RD
(A24)	Any subdivision ~~listed in this activity table~~ that does not comply with any of the relevant standards in I449.6.2 Subdivision standards	D

I449.5. Notification

~~(1A) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties:~~

~~(a) Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(b) Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(c) Two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(d) Four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

2273.245

Commented [AG12]: This is no longer necessary following the deletion of activities (A19) and (A20) and deletion of the column "Zone and Precinct Standards to Be Complied With"

Commented [AG13]: This is no longer necessary due to additional text in I499.6.1 below.

Commented [AG14]: This is no longer necessary following the removal of precinct built-form standards (which are more restrictive than the MDRS), which had required a different approach to be taken for the residential zones (different standards applied).

2273.246

2273.247

Commented [AG15]: This is no longer necessary due to additional text in I499.6.1 below. Recognises that some subdivision for residential development is to be provided for in E38 as a controlled activity instead.

Commented [AG16]: Consequential amendment in order to facilitate the deletion of Standard I449.6.2.2 and retain RD activity status. For parent sites less than 1ha, E38.4.2(A16) applies instead.

Commented [AG17]: Consequential amendments due to the deletion of I449.4.2(A24). Activity now applies to any subdivision provided for in E38 that does not comply with precinct standards.

Commented [AG18]: This is no longer necessary following the deletion of (e)

2273.248
2273.249
2273.250

~~(e) Integrated Residential Development in the Residential – Mixed Housing Urban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities;~~

~~(f) Integrated Residential Development in the Residential – Mixed Housing Suburban zone that comply with all of the standards listed for that activity in Table I449.4.1 Activity Table – Land use activities; and~~

~~(g) New buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary.~~

(1) Any application for resource consent for an activity listed in Table I449.4.1 or Table I449.4.2 ~~and which is not listed in I449.5(1A) above~~ will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991 ~~unless there are specific notification rules for that activity in the zone in which case those rules will apply~~.

(2) 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).

I449.6. Standards

I449.6.1. Land use standards

(1) All relevant overlay, ~~and~~ Auckland-wide and zone standards apply in this precinct ~~to the activities listed in Table I449.4.1~~, unless specified in I449.6.1(3) below. ~~except that in the Residential - Mixed Housing Urban zone the impervious area standard is replaced by I449.6.1.1~~

(2) ~~*(deleted)* Land use activities listed in Table I449.4.1 Activity Table – Land use activities must comply with the standards listed in the column in Table I449.4.1 called Standards to be complied with, including the relevant zone standards.~~

(3) The following zone standards do not apply in the Residential – Mixed Housing Urban Zone:

(a) Standard H5.6.9. Maximum impervious area.

(4) All land use activities must also comply with Standards I449.6.1.1 to I449.6.1.7, as relevant.

I449.6.1.1. Maximum impervious area~~s for higher density development~~ in the Residential – Mixed Housing Urban zone

Purpose:
- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risk;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards;
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood; and
- To provide for flexibility of built form for higher density development

(1) The maximum impervious area must not exceed 70 per cent of the site area.

2273.251

Commented [AG19]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone notification rules will instead apply.

2273.252

Commented [AG20]: This is no longer necessary following the deletion of I449.5(1A).

Commented [AG21]: This is not necessary as the activities listed in Tables I449.4.1 and I449.4.2 (as amended) are not subject to any notification rules in the zone. In any case, notification rules in the zone would only apply to activities in the zone's activity table, which precinct activity tables replace.

2273.253

Commented [AG22]: This is necessary following the deletion of I449.6.1(2)

Commented [AG23]: Amendments clarify that these standards apply to all land use activities, not just those specified in Table I449.4.1.

Commented [AG24]: Exemption to zone impervious area provided for in a separate subclause.

Commented [AG25]: This is no longer necessary following the deletion of the column "Zone and Precinct Standards to Be Complied With"

Commented [AG26]: Replaces proposed addition of "except that in the Residential - Mixed Housing Urban zone the impervious standard is replaced by I449.6.1.1" in (1) above

Commented [AG27]: Inserted to clarify that the remaining precinct standards apply to all land use activities. Alongside amendments to (1) above, enables the column Zone and Precinct Standards to Be Complied With" to be deleted.

Commented [AG28]: Given this standard now applies to all land use activities, provision needs to be specified to only apply to MHU zone area.

2273.254
2273.255
2273.256
2273.257

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

~~**I449.6.1.2.** *(deleted)*~~ **~~Building coverage for higher density development~~**

~~Purpose:~~
- ~~in the Residential – Mixed Housing Suburban zone, to manage the extent of buildings on a site to achieve the planned suburban built character of buildings;~~
- ~~in the Residential – Mixed Housing Urban zone, to manage the extent of buildings on a site to achieve the planned urban built character of buildings; and~~
- ~~to provide for flexibility of built form for higher density residential development.~~

~~(1) The maximum building coverage must not exceed 50 per cent of the net site area.~~

~~**I449.6.1.3.** *(deleted)*~~ **~~Landscaped area for higher density development~~**

~~Purpose:~~
- ~~in the Residential – Mixed Housing Suburban zone, to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting;~~
- ~~in the Residential – Mixed Housing Urban zone, to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space;~~
- ~~to maintain the landscaped character of the streetscape within the zone; and~~
- ~~to provide for flexibility of built form for higher density residential development.~~

~~(1) The minimum landscaped area must be at least 30 per cent of the net site area.~~

~~(2) The front yard must comprise landscaped area of at least 40 per cent of the front yard.~~

I449.6.1.4. Fences and walls adjoining public places other than roads

Purpose: to enable fences and walls to be constructed on or adjacent to a site boundary adjoining a public place (other than roads) to be a sufficient height to:
- provide privacy for dwellings while enabling opportunities for passive surveillance of the adjoining public place; and
- minimise visual dominance effects to the adjoining public place;

(1) Where a site has a boundary that adjoins either the marginal strip legally described as Allotment 435 Parish of Opaheke or a site that is vested in Council as a local purpose (esplanade) reserve and is adjacent to the coastal marine area, then:

(a) no fences or walls shall be constructed on or within 1.0 m of that boundary;

(b) no retaining walls shall be constructed within 1.5 m of that boundary;

(c) within 1.5 m of that boundary, any fences must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.2 m; or

(ii) 1.6 m, if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary;

(d) within 1.5 m of that boundary, any fences must be a dark, recessive colour; and

(e) if any fence is constructed within 1.5 m of that boundary, then the area between the fence and that boundary shall be fully planted with shrubs that are maintained at a height of at least 1.0 m, except that:

(i) where a fence contains a gate, no planting is required between that gate and the boundary for a maximum width of 2 m.

(2) Where a site has a boundary that adjoins a public place other than a road that Standard I449.6.1.4(1) does not apply to, then:

(a) on or within 1.0 m of that boundary, fences or walls or any combination of these structures (whether separate or joined together) must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.4 m;

(ii) 1.8 m for no more than 50 per cent of the length of the boundary and 1.4 m for the remainder; or

(iii) 1.8 m if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary.

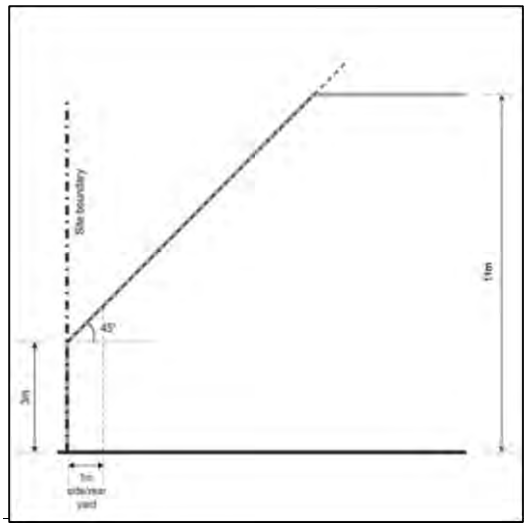
~~**I449.6.1.5.** *(deleted)*~~ **~~Height in relation to boundary in the Residential – Mixed Housing Urban Zone~~**

~~Purpose:~~

- ~~to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours; and~~
- ~~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) Unless otherwise specified below, buildings must not project beyond a 45 degree recession plane measured from a point 3 m vertically above ground level along side and rear boundaries, as shown in Figure I449.6.1.5.1 Height in relation to boundary below.~~

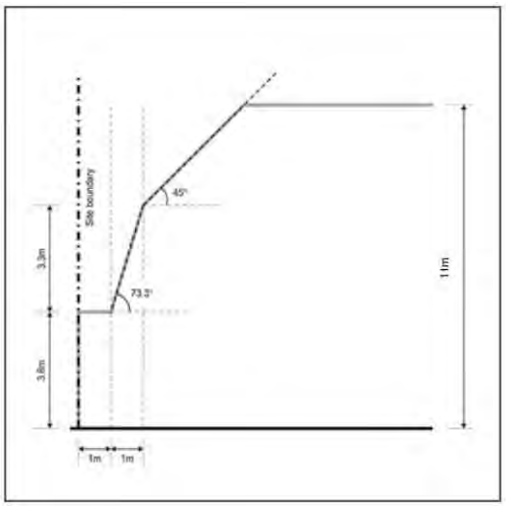
Figure I449.6.1.5.1 Height in relation to boundary



(2) Standard I449.6.1.5(1) does not apply to any buildings or parts of buildings that comply with Standards I449.6.1.5(3) and I449.6.1.5(4) below.

(3) Any buildings or parts of buildings on front sites within 20 m of the site frontage and more than 6 m from any rear boundary must not exceed a height of 3.6 m measured vertically above ground level at side boundaries. Thereafter, buildings must be set back 1 m and then 0.3 m for every additional metre in height (73.3 degrees) up to 6.9 m and then 1 m for every additional metre in height (45 degrees) as shown in Figure I449.6.1.5.2 Alternative Height in relation to boundary, below.

Figure I449.6.1.5.2 Alternative Height in relation to boundary



(4) Standard I449.6.1.5(3) above only applies to buildings that comply with the following:

(a) Where the site that adjoins the side boundary that the recession plane under Standard I449.6.1.5(3) is taken from contains an existing dwelling (or a dwelling that has obtained building consent), then shading caused by those parts of the building that would not comply with Standard I449.6.1.5(1) shall not result in less than four hours of sunlight between the hours of 9am and 4 pm during the equinox (22 September) over an area of at least:

(i) 75% of that existing dwelling's outdoor living space, if the outdoor living space has a total area of 20 m² or greater; or

(ii) 100% of that existing dwelling's outdoor living space, if the outdoor living space has a total area of less than 20 m².

(b) The front façade of each building must contain glazing that is cumulatively at least 20 percent of the area of the front façade (excluding any garage door).

(c) The front yard must comprise landscaped area of at least 50 per cent of the front yard.

(d) The proposed building shall provide a main entrance door that is visible from the street.

(e) Pedestrian access between the main entrance door of the building and the street must not cross any areas for the parking or manoeuvring of vehicles.

(f) Any garage doors facing the street must:

(i) Be set back at least 5 m from the front boundary; and

(ii) Must not project forward of the front façade of the building.

(g) Any balconies, decks or any similar outdoor living spaces above ground floor level must not be visible from any side boundary (when viewing perpendicular to that boundary), unless the structure (including any balustrades) does not intrude the recession planes specified in Standard I449.6.1.5(1).

(h) Those parts of the building that would not comply with Standard I449.6.1.5(1) must not include any glazing that faces a side boundary unless at least one of the following applies:

(i) The glazing is opaque; or

(ii) The window sill height is at least 1.6 m above the room's floor level.

(5) Standards I449.6.1.5(1) and I449.6.1.5(3) above do not apply to a boundary or part of a boundary adjoining any of the following:

(a) a Business – Neighbourhood Centre Zone;

(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, sites vested in Council as reserve, or sites held by Council as a park pursuant to section 138 of the Local Government Act 2002:

(i) that are greater than 2,000 m² in area;

(ii) where that part of the site in (i) is greater than 20 metres in width when measured perpendicular to the shared boundary;

(iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone may be treated as a single site for the purpose of applying this standard; and

(iv) where multiple reserves adjoin each other, the combined reserves may be treated as a single site for the purpose of applying this standard.

(6) Unless otherwise specified below, buildings must not project beyond a 45 degree recession plane measured from a point 2.5 m vertically above ground level along any boundary adjoining any of the following sites:

(a) Any site in the Residential – Mixed Housing Suburban Zone; or

(b) Any site 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 not covered by Standard I449.6.1.5(5)(b) above.

(7) Standards I449.6.1.5(1), I449.6.1.5(3) and I449.6.1.5(6) do 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.

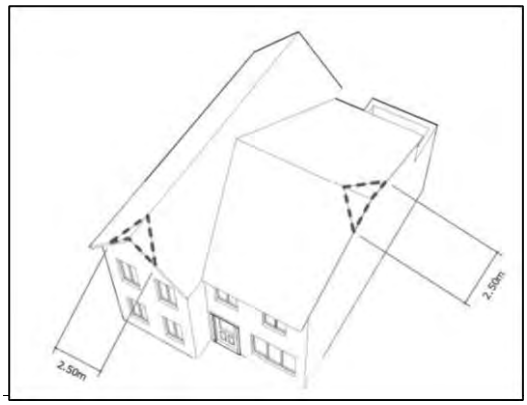
(8) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the applicable recession plane in Standard I449.6.1.5(1), I449.6.1.5(3) or I449.6.1.5(6) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(9) A gable end, dormer or roof may project beyond the applicable recession plane in Standard I449.6.1.5(1), I449.6.1.5(3) or I449.6.1.5(6) where that portion beyond the recession plane is:

(a) no greater than 1.5 m² in area and no greater than 1 m in height; and

(b) no greater than 2.5 m cumulatively in length measured along the edge of the roof as shown in I449.6.1.5.3 Exceptions for gable ends, dormers and roof projections and dormers below

~~**Figure I449.6.1.5.3 Exceptions for gable ends, dormers and roof projections and dormers**~~



~~(10) No more than two gable end, dormer or roof projections enabled under I449.6.1.5(9) above are allowed for every 6 m length of site boundary.~~

~~(11) The recession planes in Standards I449.6.1.5(1), I449.6.1.5(3) and I449.6.1.5(6) do not apply to existing or proposed internal boundaries within a site.~~

I449.6.1.6. Show homes in a residential zone

2273.258

Commented [AG29]: Given this standard now applies to all land use activities, provision needs to be specified to only apply to MHU zone area. Title also matches wording of activity I449.4.1(A10)

Purpose: to avoid, remedy and mitigate adverse effects on residential amenity resulting from show homes, including in relation to noise and traffic.

(1) The show home shall comply with all standards that are applicable to a dwelling on the site.

(2) The show home shall not operate outside the hours of 9:00 am and 5:00 pm on any day.

(3) The show home shall cease to operate five years after approval of code compliance certificate for that show home. From that date, the show home shall be deemed to be a dwelling.

I449.6.1.7. Vehicle access restrictions – Cycle facilities ~~(This rule applies to all development in Precinct)~~

2273.259

Commented [AG30]: This is not necessary following the insertion of I449.6.1(4).

(1) In addition to the requirements of Standard E27.6.4.1, new vehicle crossings must not be constructed or used to provide vehicle access across that part of a site boundary which has frontage to an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan. For the avoidance of doubt, this relates only to allotments fronting that side of the road where the shared path or dedicated cycle way exists or is proposed.

(2) Standard I449.6.1.7(1) above applies in any of the following circumstances:

(a) a new vehicle crossing is proposed;

(b) a new activity is established on a site;

(c) there is a change of type of activity; or

(d) a building(s) is constructed, or additions to buildings that are not permitted activities in Table H12.4.1 Activity table, except that this does not apply in the case of a dwelling where the reconstruction, alteration or addition does not increase the number of dwellings on a site.

(3) Standards I449.6.1.7(1) and I449.6.1.7(2) above do not apply to:

(a) the use of a vehicle crossing that exists on ~~*[legal effect date]*~~ 12 August 2022 that serves no more than one dwelling per site; and

(b) the construction or use of a vehicle crossing that has been shown on the plans of an approved subdivision consent that will serve no more than one dwelling per existing or approved site.

2273.260

Commented [AG31]: Correcting an error.

I449.6.2. Subdivision ~~controls~~ standards

Commented [AG32]: Correcting an error.

(1) All relevant overlay, Auckland-wide and zone standards apply in this precinct ~~to the activities listed in Table I449.4.1~~.

(2) ~~Activities listed in Table I449.4.2~~ All subdivision activities must also comply with ~~the~~ Standards I449.6.2.1 to I449.6.2.3, as relevant.

Commented [AG33]: Amendments clarify that these standards apply to all subdivision activities, not just those specified in Table I449.4.2.

I449.6.2.1. Precinct Plan

(1) Vacant sites subdivision shall provide for the following structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, unless they are shown on the precinct plan to be within any proposed allotment 4 ha or greater in area:

(a) Collector roads;

(b) Shared paths or dedicated cycle ways (excluding the shared path along the Southern Motorway);

(c) Parks, in the locations shown on the precinct plan.

(2) Where the structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan are required within any proposed allotment that is 4 ha or greater in area, it shall be demonstrated that the proposed subdivision does not preclude the provision of these elements under future subdivisions of that allotment.

2273.261
2273.262
2273.263

I449.6.2.2. *(deleted)* ~~Vacant Sites Subdivision in Residential Zones~~

Commented [AG34]: Deleted as no longer necessary following removal of MHS zone. Standards E38.8.2.3 and E38.8.3.1 are instead relied on. These standards are no longer more restrictive than I449.6.2.2.

~~(1) Where subdivision is of a parent site less than 1 ha, each vacant site must comply with the minimum net site area of 300 m².~~

Commented [AG35]: Already provided for under Standard E38.8.2.3(2).

~~(2) Where subdivision is of a parent site 1 ha or greater in area:~~

~~(a) Each vacant site within a residential zone the Residential -Mixed Housing Urban zone must comply with the minimum net site area in Table I449.6.2.3.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater above.~~

Commented [AG36]: Already provided for under Standard E38.8.3.1(3).

2273.151

2273.151

~~**Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater**~~

~~Zone~~	~~Minimum Net Site Area~~	~~Minimum Average Net Site Area~~	~~Maximum Average Net Site Area~~
~~Residential – Mixed Housing Suburban Zone~~	~~240m²~~	~~300m²~~	~~480m²~~
~~Residential – Mixed Housing Urban Zone~~	~~240m²~~	~~300m²~~	~~360m²~~

~~(b) The minimum average net site area calculated over the total of all sites created must comply with Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater above.~~

Commented [AG37]: Already provided for under Standard E38.8.3.1(4).

~~When calculating the minimum average net site area for the purpose of this standard, any proposed site with a net site area greater than the maximum average net site area specified for the applicable zone in Table I449.6.2.2.1 Minimum and average net site areas for vacant sites subdivisions involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.~~

Commented [AG38]: Already provided for under Standard E38.8.3.1(5).

~~(3) Where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.~~

Commented [AG39]: Already provided for under Standard E38.8.3.1(6).

I449.6.2.3. Riparian Margins

(1) Where a permanent or intermittent stream is shown on Figure I449.10.1. Hingaia 1 - Precinct Plan within or adjoining a road or an allotment less than 4 ha in area riparian margins shall be established either side of the banks of the stream (or on one side where the opposite side adjoins an allotment 4 ha or more in area) to a minimum width of 10m measured from the bank of the stream, where the location of the bank can be physically identified by ground survey, or from the centreline of the stream where the bank cannot be physically identified by ground survey. Those margins shall be planted in native vegetation and shall be offered to Council for vesting as local purpose (drainage) reserves.

I449.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I449.8. Assessment of Restricted Discretionary Activities

I449.8.1. Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application.

~~(1A)~~ *~~(deleted)~~* ~~for two or three dwellings on sites that adjoin the coast and/or esplanade reserve:~~

~~(a) effects on the natural character of the coast; and~~

~~(b) risks from coastal erosion.~~

(1) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone:

(aa) for sites that adjoin the coast and/or esplanade reserve:

(i) effects on the natural character of the coast; and

(ii) risks from coastal erosion;

(a) the matters listed in H4.8.1(2)(a) and H4.8.1(2)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size.

(2) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone:

(aa) for sites that adjoin the coast and/or esplanade reserve:

(i) effects on the natural character of the coast; and

(ii) risks from coastal erosion;

(a) the matters listed in H5.8.1(2)(a) and H5.8.1(2)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

2273.264

Commented [AG40]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's maximum impervious area standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(iv) Standard H5.6.12 Outlook space;

(v) Standard H5.6.13 Daylight;

(vi) Standard H5.6.14 Outdoor living space;

(vii) Standard H5.6.15 Front, side and rear fences and walls; and

(viii) Standard H5.6.16 Minimum dwelling size.fo

Commented [AG41]: This is no longer necessary following the deletion of I449.4.1(A7A). The underlying zone matters of discretion for four or more dwellings will apply instead.

(3) *(deleted)* for Integrated Residential Development in the Residential – Mixed Housing Suburban zone:

(a) the matters listed in H4.8.1(3)(a) and H4.8.1(3)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H4.6.11 Outlook space;

(vi) Standard H4.6.12 Daylight;

(vii) Standard H4.6.13 Outdoor living space;

(viii) Standard H4.6.14 Front, side and rear fences and walls; and

(ix) Standard H4.6.15 Minimum dwelling size.

(4) *(deleted)* for Integrated Residential Development in the Residential – Mixed Housing Urban zone in addition to the matters set out in the zone:

2273.265

(a) The matters listed in H5.8.1(3)(a) and H5.8.1(3)(c); and

(b) all of the following standards:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

Commented [AG42]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's maximum impervious area standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

Commented [AG43]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's fences and walls standard. If infringed, the matters of discretion in I449.8.1(5) will instead apply.

(v) Standard H5.6.12 Outlook space;

(vi) Standard H5.6.13 Daylight;

(vii) Standard H5.6.14 Outdoor living space;

(viii) Standard H5.6.15 Front, side and rear fences and walls; and

~~(ix) Standard H5.6.16 Minimum dwelling size.~~

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious area~~s~~ in the Residential – Mixed Housing Urban zone ~~for higher density development~~; ~~Standard I449.6.1.2 Building coverage for higher density development; Standard I449.6.1.3 Landscaped area for higher density development;~~ Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.6 Show homes:

(a) any precinct or zone policy which is relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

~~(d) *(deleted)* in the Residential – Mixed Housing Suburban zone, the effects on the suburban built character of the zone;~~

(e) ~~in the Residential – Mixed Housing Urban zone,~~ the effects on the urban built character of the zone;

(f) the effects on the amenity of neighbouring sites;

(g) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(h) the characteristics of the development;

(i) any other matters specifically listed for the standard; and

(j) where more than one standard will be infringed (including standards in the underlying zone), the effects of all infringements.

(6) *(deleted)* ~~for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary:~~

~~(a) the matters listed in H5.8.1(5).~~

(7) *(deleted)* ~~for new buildings and additions to buildings that do not comply with the applicable standards in the zone in the Residential – Mixed Housing Urban zone that does not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone where Standard H5.6.6 Alternative height in relation to boundary is either not applicable or infringed:~~

~~(a) the matters in H5.8.1(4)any precinct or zone policy which is relevant to the standard;~~

~~(b) the purpose of the standard;~~

~~(c) the effects of the infringement of the standard;~~

~~(d) the effects on the urban built character of the zone;~~

~~(e) the effects on the amenity of neighbouring sites;~~

~~(f) the effects of any special or unusual characteristic of the site which is relevant to the standard;~~

Commented [AG44]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone matters of discretion for four or more dwellings will apply instead.

Commented [AG45]: To ensure consistency with amended standard title.

2273.266

2273.267

~~(g) the characteristics of the development;~~

~~(h) any other matters specifically listed for the standard; and~~

~~(i) where other standards will be infringed (including standards in the underlying zone), the effects of all infringements.~~

Commented [AG46]: This amended provision is redundant. The underlying zone matters of discretion for infringing standards will apply, without any need to give consideration to this provision.

(8) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the matters listed in E27.8.1(12); and

(b) effects on cyclist safety and amenity.

(9) for subdivision ~~listed~~ as a restricted discretionary activity ~~in Activity Table I449.4.2~~:

Commented [AG47]: Consequential change following changes to Table I449.4.2

2273.268

(a) the relevant matters listed in section E38.12.1;

(b) the subdivision's consistency with Figure I449.10.1. Hingaia 1 - Precinct Plan;

(c) consistency with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities for any proposed or future vehicle crossings required to access proposed or existing allotments;

(cc) effects on the transport network

(d) any applicable on-site stormwater management requirements for lots less than 4 ha in area; and

(e) the management of effects of stormwater from any proposed roads; and

(f) enabling viewshafts out to the coast.

I449.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities from the list below.

(1A) ~~*(deleted)* for two or three dwellings on sites that adjoin the coast and/or esplanade reserve:~~

~~(a) refer to Policy I449.3(11).~~

(1) ~~*(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Suburban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone that do not comply with Standard H4.6.8 Maximum impervious area, Standard H4.6.9 Building coverage or Standard H4.6.10 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Suburban zone:~~

~~(aa) for sites that adjoin the coast and/or esplanade reserve, refer to Policy I449.3(11):~~

~~(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:~~

~~(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;~~

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard H4.6.11 Outlook space;

(v) Standard H4.6.12 Daylight;

(vi) Standard H4.6.13 Outdoor living space;

(vii) Standard H4.6.14 Front, side and rear fences and walls; and

(viii) Standard H4.6.15 Minimum dwelling size.

(b) the criteria listed in H4.8.2(2)(b) to H4.8.2(2)(i).

(2) *(deleted)* for four or more dwellings on sites that adjoin the coast and/or esplanade reserve in the Residential – Mixed Housing Urban zone; two or three dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone that do not comply with Standard H5.6.9 Maximum impervious area, Standard H5.6.10 Building coverage or Standard H5.6.11 Landscaped area; four or more dwellings per site where the site area per dwelling is less than 400 m² in the Residential – Mixed Housing Urban zone in addition to the matters set out in the zone:

(aa) for sites that adjoin the coast and/or esplanade reserve, refer to Policy I449.3(11);

(a) the extent to which or whether the development achieves the purpose outlined in the following relevant standards identified in Table I449.4.1 Activity Table – Land use activities or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2. Building coverage for higher density development;

(iii) Standard I449.6.1.3. Landscaped area for higher density development;

(iv) Standard H5.6.12. Outlook space;

(v) Standard H5.6.13. Daylight;

(vi) Standard H5.6.14. Outdoor living space;

(vii) Standard H5.6.15. Front, side and rear fences and walls; and

(viii) Standard H5.6.16. Minimum dwelling size.

(b) the criteria listed in H5.8.2(2)(baa) to H5.8.2(2)(afh), H5.8.2(2)(fa) to H5.8.2(2)(fe) and H5.8.2(2)(ga) to 5.8.2(2)(h).

(3) *(deleted)* for integrated residential development in the Residential – Mixed Housing Suburban zone:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

2273.269

Commented [AG48]: This is no longer relevant following amendments to Policy I449.3(11).

Commented [AG49]: This is no longer necessary following the deletion of I449.4.1(A7A). The underlying zone assessment criteria for four or more dwellings will apply instead.

(ii) Standard I449.6.1.2 Building coverage for higher density development;

(iii) Standard I449.6.1.3 Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H4.6.11 Outlook space;

(vi) Standard H4.6.12 Daylight;

(vii) Standard H4.6.13 Outdoor living space;

(viii) Standard H4.6.14 Front, side and rear fences and walls; and

(ix) Standard H4.6.15 Minimum dwelling size.

(b) the criteria listed in H4.8.2(3)(b) to H4.8.2(3)(k).

(4) *(deleted)* for integrated residential development in the Residential – Mixed Housing Urban zone:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards identified in Table I449.4.1 Activity Table – Land use activities or what alternatives are provided that result in the same or a better outcome:

(i) Standard I449.6.1.1 Maximum impervious areas for higher density development;

(ii) Standard I449.6.1.2. Building coverage for higher density development;

(iii) Standard I449.6.1.3. Landscaped area for higher density development;

(iv) Standard I449.6.1.4 Fences and walls adjoining public places other than roads;

(v) Standard H5.6.12. Outlook space;

(vi) Standard H5.6.13. Daylight;

(vii) Standard H5.6.14. Outdoor living space;

(viii) Standard H5.6.15. Front, side and rear fences and walls; and

(ix) Standard H5.6.16. Minimum dwelling size.

(b) the criteria listed in H5.8.2(3)(baa) to H5.8.2(3)(kac), H5.8.2(3)(q), and H5.8.2(3)(i) to (j).

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious areas in the Residential – Mixed Housing Urban zone for higher density development:

(a) refer Policies I449.3(3) and I449.3(4).

(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(9).

(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(10).

(6) *(deleted)* for buildings that do not comply with Standard I449.6.1.2 Building coverage for higher density development:

2273.270

Commented [AG50]: This is now identified as a standard to be complied with, in line with the change made for the underlying zone's fences and walls area standard. If infringed, the assessment criteria in I449.8.2(8) will instead apply.

Commented [AG51]: This is no longer necessary following the deletion of I449.4.1(A9). The underlying zone assessment criteria for four or more dwellings will apply instead.

Commented [AG52]: To ensure consistency with amended standard title.

Commented [AG53]: Redundant text

2273.271
2273.272

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(10).~~

~~(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(11).~~

~~(7) *(deleted)* for development that does not comply with Standard I449.6.1.3 Landscaped area for higher density development:~~

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) in the Residential – Mixed Housing Suburban zone, the criteria listed in H4.8.2(11).~~

~~(c) in the Residential – Mixed Housing Urban zone, the criteria listed in H5.8.2(12).~~

(8) for development that does not comply with Standard I449.6.1.4 Fences and walls adjoining public places other than roads:

(a) refer Policies I449.3(5) and I449.3(12).

(9) *(deleted)* ~~for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone which do not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone but comply with Standard H5.6.6 Alternative height in relation to boundary:~~

~~(a) the criteria listed in H5.8.2(5).~~

(10) *(deleted)* ~~for new buildings and additions to buildings in the Residential – Mixed Housing Urban zone that does not comply with Standard I449.6.1.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone where Standard H5.6.6 Alternative height in relation to boundary is either not applicable or infringed:~~

~~(a) refer Policies I449.3(3) and I449.3(4).~~

~~(b) the criteria listed in H5.8.2(6) and H5.8.2(7).~~

(11) for development that does not comply with Standard I449.6.1.6 Show homes:

(a) refer Policy H5.8.2(8).

(12) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the criteria listed in E27.8.2(11); and

(b) refer to Policy I449.3(13).

(13) for subdivision ~~listed~~ as a restricted discretionary activity ~~in Activity Table I449.4.2~~:

Commented [AG54]: Consequential change following changes to Table I449.4.2

2273.273

(a) the relevant criteria listed in section E38.12.2.

(b) whether the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan (including roads and stream corridors) are incorporated into the subdivision design (other than where proposed sites are 4 ha or greater in area);

(ba) the extent to which any roads are designed in accordance with the road construction guidelines in Appendix 1.

(c) whether the proposed staging of development promotes efficient development of the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan.

(cc) Whether there is a need for any of the following transport upgrades:

(i) The signalisation of the intersection of Great South Road and Park Estate Road;

(ii) If Hinau Road or Ngakoro Road is not yet constructed to collector road standard between Wawatai Drive and Park Estate Road, any upgrades to the intersection of Park Estate Road and Goodwin Drive;

(iii) The installation of a roundabout at the intersection of Park Estate Road and Clover Road when the northern fourth leg is constructed; or

(iv) If the development will provide for an average density of 40 dwellings per net ha (excluding roads and open space) across all of the Hingaia 1 Precinct south of Park Estate Road, any other transport upgrades to the road network resulting from this density.

(d) whether the subdivision is consistent with the Hingaia 1 precinct objectives and policies.

(e) whether lots adjoining an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, are provided with access from an alternative road so that infringement of Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities (including future infringements by land use activities on the proposed allotments) can be avoided or minimised.

(f) whether on-going compliance with the on-site stormwater management requirements contained in any relevant approved Stormwater Management Plan will be achieved.

(g) whether the management of stormwater runoff from any proposed road is consistent with the requirements of any relevant Stormwater Management Plan.

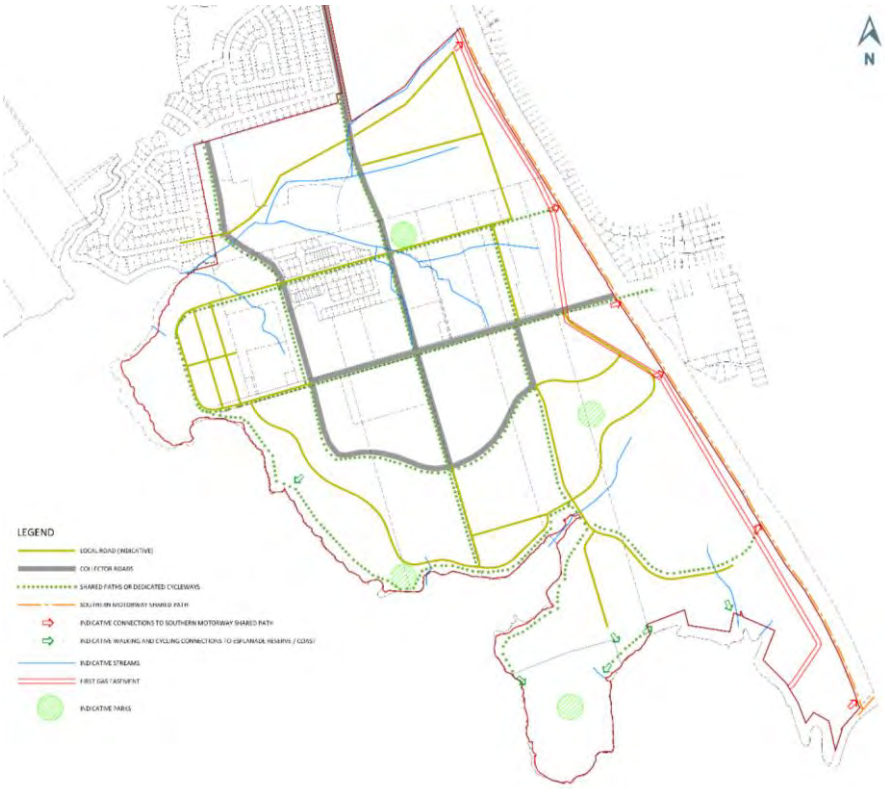
(h) the extent to which viewshafts from roads and open spaces out to the coast are provided for.

I449.9. Special Information Requirements

There are no special information requirements in this section.

I449.10. Precinct Plan

Figure I449.10.1. Hingaia 1 - Precinct Plan



I449.11. Hingaia 1 Precinct – Appendix 1

This appendix sets out the guidelines for the construction of roads in the precinct but is not intended to represent the only design solution.

Table I449.11.1 Hingaia 1 Precinct road construction guidelines

Road Type/Function	Minimum* Road Reserve Width	Total Number of Lanes	Design Speed	Cycle Provisions	Pedestrian Provision	Access Restrictions	Bus Provision
Park Estate Road, Hinau Road or Ngakoro Road (Collector)	21m	2	50 km/h	Yes	Both sides	Where cycle provision is made, in accordance with Standard I449.6.1.7.	Yes
Other Collector Road	21m	2	30 km/h	Yes	Both sides		Yes
Local Road	16m	2	30 km/h	If shown on Figure I449.10.1. Hingaia 1 - Precinct Plan	Both sides		No
Park Edge Local Road	12m	2	30 km/h		Both sides, but can be provided within park rather than the road		No

* Typical minimum cross section which may need to be varied in specific locations where required to accommodate batters, structures, intersection design, significant constraints or other localised design requirements.

I449. Hingaia 1

I449.1. Precinct Description

The Hingaia 1 precinct is located approximately 2.4km west of Papakura and is located in the southern part of the Hingaia Peninsula, to the south of the existing 'Karaka Lakes' residential subdivision.

The whole of the Hingaia Peninsula was structure planned for growth in 2000-2002. However, only Stage 1A was re-zoned at that time. This precinct is to be developed to provide for a logical extension of the existing Hingaia urban area, and development in the precinct will be guided by the Hingaia 1 precinct plan.

The purpose of the Hingaia 1 precinct is to provide for comprehensive and integrated residential development on the Hingaia Peninsula, to increase the supply of housing, to facilitate the efficient use of land, and to co-ordinate the provision of infrastructure.

It is envisaged that future land use, development and subdivision consents will give effect to the key elements of the precinct plan and provide opportunities for pedestrian and roading connections into future development areas.

The zoning of land within this precinct is predominantly Residential – Mixed Housing Urban and Business – Neighbourhood Centre.

The following overlays apply to parts of the land within this precinct:

- D9 Significant Ecological Areas Overlay
- D13 Notable Trees Overlay
- D17 Historic Heritage Overlay
- D26 National Grid Corridor Overlay

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I449.2. Objectives

(1) Subdivision and development occurs in a co-ordinated way that implements the Hingaia 1 precinct plan, provides a logical extension to the existing urban environment, and provides for connections to future development on adjoining land.

(2) Development achieves a high standard of amenity while ensuring there is a choice of living environments and affordability options.

(3) The existing stream network as illustrated on the Hingaia 1 precinct plan is retained and enhanced.

(4) Subdivision and development occurs in a manner that achieves the co-ordinated and timely delivery of infrastructure, including transport, wastewater, and water services either prior to or at the same time as development.

(5) The safety of users of shared paths and dedicated cycleways is prioritised over vehicle access.

(6) Significant adverse effects of stormwater run-off on communities, the marine receiving environment and freshwater systems are avoided to the extent practical, or otherwise mitigated using water sensitive design principles.

(7) Subdivision and development adjoining the coast provides for enhanced amenity and avoids risks of adverse effects arising from coastal erosion.

All relevant overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I449.3. Policies

(1) Require the structural elements of the Hingaia 1 precinct plan to be incorporated into all subdivision and development that results in urbanisation of the land.

(2) Require the construction of new roads, as generally indicated on the Hingaia 1 precinct plan, to achieve integration with the existing urban area and to enable future connections to link into adjoining sites to ensure that an interconnected movement network can be achieved on the Hingaia Peninsula.

(3A) Manage the adverse traffic effects of subdivision and development on the following parts of the transport network:

(a) The intersection of Great South Road and Park Estate Road;

(b) The intersection of Park Estate Road and Goodwin Drive, unless the full construction of Hinau Road and/or Ngakoro Road to collector road standard between Wawatai Drive and Park Estate Road has been completed; and

(c) The intersection of Park Estate Road, Clover Road and a future fourth leg.

(3B) Avoid subdivision and development that results in an average density of more than 40 dwellings per net ha (excluding roads and open space) or a total of 2,300 dwellings south of Park Estate Road, unless all adverse effects on the transport network resulting from this density are avoided, remedied or mitigated, including through the delivery of any necessary upgrades to the transport network.

(3) Ensure that a range of lot sizes, housing typologies and densities is enabled throughout the precinct to reflect a choice of living environments and affordability.

(4) Enable a range of residential living opportunities (including a range of lot sizes) with more intensive housing encouraged in locations with close proximity to the neighbourhood centre, public transport routes or areas with high amenity (e.g. locations close to public open space).

(5) Ensure subdivision and development, including road design, achieves a high standard of amenity, pedestrian safety and convenience, and contributes to a positive sense of place and identity.

(6) Require subdivision and development to be staged to align with the co-ordinated provision of infrastructure, including transport, water and wastewater.

(7) Require subdivision and development to use water sensitive design principles as the core development approach to manage stormwater run-off, water quality, and flooding and mimic the natural hydrological regime and provide baseflow to streams.

(8) Require subdivision and development to restore and to enhance the stream network, as illustrated on the Hingaia 1 precinct plan, to achieve a natural appearance with appropriate native species and encourage restoration and enhancement of wetland areas.

(9) Encourage walkways along stream corridors and within and around wetland areas. Where possible, walkways should integrate with existing open space areas and enable future connections to adjoining undeveloped sites.

(10) Require the design of stormwater retention devices in public areas to be integrated with the surrounding area and to contribute to multi-use benefits for public areas. Where appropriate, the devices should be natural in appearance.

(11) Enhance the natural character of the coast and avoid adverse effects from further coastal erosion by encouraging restoration planting with eco-sourced plants where subdivision vests esplanade reserve in Council.

(12) Promote the development and enhancement of a high amenity urban coastal character by:

(a) managing the interface between open space and private allotments to minimise visual dominance effects from buildings, fences and retaining walls; and

(b) providing for viewshafts out to the coast along roads and open space (and from the esplanade reserve back into the development).

(13) Restrict or manage vehicle access to and from sites adjacent to shared paths or dedicated cycleways so that:

(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of users of the shared path or dedicated cycleway; and

(b) any adverse effect on the effective, efficient and safe operation of the shared paths or dedicated cycleways arising from vehicle access across these facilities is avoided or mitigated.

(14) Encourage subdivision and development to contribute to a positive sense of place and identity through in-street landscape elements, including retaining existing landscape features, and maximising coastal vistas.

All relevant overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I449.4. Activity Table

All relevant overlay activity tables apply unless otherwise specified below.

All other relevant Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I449.4.1 below or Activity Table I449.4.2 below.

Table I449.4.1 specifies the activity status of land use and development activities in the Hingaia 1 Precinct pursuant to sections 9 (2) and 9(3) of the Resource Management Act 1991.

Table I449.4.2 specifies the activity status of subdivision activities in the Hingaia 1 Precinct pursuant to section 11 of the Resource Management Act 1991.

A blank cell in the activity status means that the activity status (and any relevant matters of control or discretion) in the relevant overlay, Auckland-wide or zone provisions applies.

Table I449.4.1 Activity Table – Land use activities

Activity		Activity Status
Transport		
(A1)	Construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities	RD
(deleted)		
(A2)	*(deleted)*	
(A2A)	*(deleted)*	
(A3)	*(deleted)*	
(A4)	*(deleted)*	
(A4A)	*(deleted)*	
(A5)	*(deleted)*	
(A6)	*(deleted)*	
(A7)	*(deleted)*	
(A7A)	*(deleted)*	
(A8)	*(deleted)*	
(A9)	*(deleted)*	
Commerce		
(A10)	Show homes in a residential zone	P
Development		
(A11)	*(deleted)*	
(A12)	*(deleted)*	
(A14)	*(deleted)*	
(A15)	*(deleted)*	
(A16)	*(deleted)*	
(A17)	*(deleted)*	
(A18)	*(deleted)*	
(A19)	*(deleted)*	
(A20)	Structures not defined as buildings under Chapter J	P
(A21)	*(deleted)*	
(A21A) [rp]	Development of new or redevelopment of existing impervious areas greater than 50 m² within Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1	P

Table I449.4.2 Activity Table – Subdivision activities

Subdivision Activity		Activity Status
(A22)	*(deleted)*	
(A23)	Vacant sites subdivision in the Residential -Mixed Housing Urban zone involving parent sites of 1ha or greater complying with Standard E38.8.3.1	RD
(A24)	Any subdivision that does not comply with any of the relevant standards in I449.6.2 Subdivision standards	D

I449.5. Notification

(1) Any application for resource consent for an activity listed in Table I449.4.1 or Table I449.4.2 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) 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).

I449.6. Standards

I449.6.1. Land use standards

(1) All relevant overlay, Auckland-wide and zone standards apply in this precinct, unless specified in I449.6.1(3) below.

(2) *(deleted)*

(3) The following zone standards do not apply in the Residential – Mixed Housing Urban zone:

(a) Standard H5.6.9. Maximum impervious area.

(4) All land use activities must also comply with Standards I449.6.1.1 to I449.6.1.7, as relevant.

I449.6.1.1. Maximum impervious area in the Residential – Mixed Housing Urban zone

Purpose:
- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risk;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards;
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood; and
- To provide for flexibility of built form for higher density development

(1) The maximum impervious area must not exceed 70 per cent of the site area.

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

I449.6.1.2. *(deleted)*

I449.6.1.3. *(deleted)*

I449.6.1.4. Fences and walls adjoining public places other than roads

Purpose: to enable fences and walls to be constructed on or adjacent to a site boundary adjoining a public place (other than roads) to be a sufficient height to:
- provide privacy for dwellings while enabling opportunities for passive surveillance of the adjoining public place; and
- minimise visual dominance effects to the adjoining public place;

(1) Where a site has a boundary that adjoins either the marginal strip legally described as Allotment 435 Parish of Opaheke or a site that is vested in Council as a local purpose (esplanade) reserve and is adjacent to the coastal marine area, then:

(a) no fences or walls shall be constructed on or within 1.0 m of that boundary;

(b) no retaining walls shall be constructed within 1.5 m of that boundary;

(c) within 1.5 m of that boundary, any fences must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.2 m; or

(ii) 1.6 m, if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary;

(d) within 1.5 m of that boundary, any fences must be a dark, recessive colour; and

(e) if any fence is constructed within 1.5 m of that boundary, then the area between the fence and that boundary shall be fully planted with shrubs that are maintained at a height of at least 1.0 m, except that:

(i) where a fence contains a gate, no planting is required between that gate and the boundary for a maximum width of 2 m.

(2) Where a site has a boundary that adjoins a public place other than a road that Standard I449.6.1.4(1) does not apply to, then:

(a) on or within 1.0 m of that boundary, fences or walls or any combination of these structures (whether separate or joined together) must not exceed a height, measured from the ground level at the boundary, of either:

(i) 1.4 m;

(ii) 1.8 m for no more than 50 per cent of the length of the boundary and 1.4 m for the remainder; or

(iii) 1.8 m if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary.

I449.6.1.5. *(deleted)*

I449.6.1.6. Show homes in a residential zone

Purpose: to avoid, remedy and mitigate adverse effects on residential amenity resulting from show homes, including in relation to noise and traffic.

(1) The show home shall comply with all standards that are applicable to a dwelling on the site.

(2) The show home shall not operate outside the hours of 9:00 am and 5:00 pm on any day.

(3) The show home shall cease to operate five years after approval of code compliance certificate for that show home. From that date, the show home shall be deemed to be a dwelling.

I449.6.1.7. Vehicle access restrictions – Cycle facilities

(1) In addition to the requirements of Standard E27.6.4.1, new vehicle crossings must not be constructed or used to provide vehicle access across that part of a site boundary which has frontage to an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan. For the avoidance of doubt, this relates only to allotments fronting that side of the road where the shared path or dedicated cycle way exists or is proposed.

(2) Standard I449.6.1.7(1) above applies in any of the following circumstances:

(a) a new vehicle crossing is proposed;

(b) a new activity is established on a site;

(c) there is a change of type of activity; or

(d) a building(s) is constructed, or additions to buildings that are not permitted activities in Table H12.4.1 Activity table, except that this does not apply in the case of a dwelling where the reconstruction, alteration or addition does not increase the number of dwellings on a site.

(3) Standards I449.6.1.7(1) and I449.6.1.7(2) above do not apply to:

(a) the use of a vehicle crossing that exists on 12 August 2022 that serves no more than one dwelling per site; and

(b) the construction or use of a vehicle crossing that has been shown on the plans of an approved subdivision consent that will serve no more than one dwelling per existing or approved site.

I449.6.2. Subdivision standards

(1) All relevant overlay, Auckland-wide and zone standards apply in this precinct.

(2) All subdivision activities must also comply with Standards I449.6.2.1 to I449.6.2.3, as relevant.

I449.6.2.1. Precinct Plan

(1) Vacant sites subdivision shall provide for the following structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, unless they are shown on the precinct plan to be within any proposed allotment 4 ha or greater in area:

(a) Collector roads;

(b) Shared paths or dedicated cycle ways (excluding the shared path along the Southern Motorway);

(c) Parks, in the locations shown on the precinct plan.

(2) Where the structural elements shown on Figure I449.10.1. Hingaia 1 - Precinct Plan are required within any proposed allotment that is 4 ha or greater in area, it shall be demonstrated that the proposed subdivision does not preclude the provision of these elements under future subdivisions of that allotment.

I449.6.2.2. *(deleted)*

I449.6.2.3. Riparian Margins

(1) Where a permanent or intermittent stream is shown on Figure I449.10.1. Hingaia 1 - Precinct Plan within or adjoining a road or an allotment less than 4 ha in area riparian margins shall be established either side of the banks of the stream (or on one side where the opposite side adjoins an allotment 4 ha or more in area) to a minimum width of 10m measured from the bank of the stream, where the location of the bank can be physically identified by ground survey, or from the centreline of the stream where the bank cannot be physically identified by ground survey. Those margins shall be planted in native vegetation and shall be offered to Council for vesting as local purpose (drainage) reserves.

I449.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I449.8. Assessment of Restricted Discretionary Activities

I449.8.1. Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application.

(1A) *(deleted)*

(1) *(deleted)*

(2) *(deleted)*

(3) *(deleted)*

(4) *(deleted)*

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious areas in the Residential – Mixed Housing Urban zone; Standard I449.6.1.4 Fences and walls adjoining public places other than roads; Standard I449.6.1.6 Show homes:

(a) any precinct or zone policy which is relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

(d) *(deleted)*;

(e) the effects on the urban built character of the zone;

(f) the effects on the amenity of neighbouring sites;

(g) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(h) the characteristics of the development;

(i) any other matters specifically listed for the standard; and

(j) where more than one standard will be infringed (including standards in the underlying zone), the effects of all infringements.

(6) *(deleted)*

(7) *(deleted)*

(8) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the matters listed in E27.8.1(12); and

(b) effects on cyclist safety and amenity.

(9) for subdivision as a restricted discretionary activity:

(a) the relevant matters listed in section E38.12.1;

(b) the subdivision's consistency with Figure I449.10.1. Hingaia 1 - Precinct Plan;

(c) consistency with Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities for any proposed or future vehicle crossings required to access proposed or existing allotments;

(cc) effects on the transport network

(d) any applicable on-site stormwater management requirements for lots less than 4 ha in area; and

(e) the management of effects of stormwater from any proposed roads; and

(f) enabling viewshafts out to the coast.

I449.8.2. Assessment Criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities from the list below.

(1A) *(deleted)*

(1) *(deleted)*

(2) *(deleted)*

(3) *(deleted)*

(4) *(deleted)*

(5) for development that does not comply with Standard I449.6.1.1 Maximum impervious area in Residential – Mixed Housing Urban zone:

(a) refer Policies I449.3(3) and I449.3(4).

(c) the criteria listed in H5.8.2(10).

(6) *(deleted)*

(7) *(deleted)*

(8) for development that does not comply with Standard I449.6.1.4 Fences and walls adjoining public places other than roads:

(a) refer Policies I449.3(5) and I449.3(12).

(9) *(deleted)*

(10) *(deleted)*

(11) for development that does not comply with Standard I449.6.1.6 Show homes:

(a) refer Policy H5.8.2(8).

(12) for construction or use of a vehicle crossing that does not comply with Standard I449.6.1.7. Vehicle access restrictions – Cycle facilities:

(a) the criteria listed in E27.8.2(11); and

(b) refer to Policy I449.3(13).

(13) for subdivision as a restricted discretionary activity:

(a) the relevant criteria listed in section E38.12.2.

(b) whether the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan (including roads and stream corridors) are incorporated into the subdivision design (other than where proposed sites are 4 ha or greater in area);

(ba) the extent to which any roads are designed in accordance with the road construction guidelines in Appendix 1.

(c) whether the proposed staging of development promotes efficient development of the structural elements shown in Figure I449.10.1. Hingaia 1 - Precinct Plan.

(cc) Whether there is a need for any of the following transport upgrades:

(i) The signalisation of the intersection of Great South Road and Park Estate Road;

(ii) If Hinau Road or Ngakoro Road is not yet constructed to collector road standard between Wawatai Drive and Park Estate Road, any upgrades to the intersection of Park Estate Road and Goodwin Drive;

(iii) The installation of a roundabout at the intersection of Park Estate Road and Clover Road when the northern fourth leg is constructed; or

(iv) If the development will provide for an average density of 40 dwellings per net ha (excluding roads and open space) across all of the Hingaia 1 Precinct south of Park Estate Road, any other transport upgrades to the road network resulting from this density.

(d) whether the subdivision is consistent with the Hingaia 1 precinct objectives and policies.

(e) whether lots adjoining an existing or proposed shared path or dedicated cycle way, including where shown on Figure I449.10.1. Hingaia 1 - Precinct Plan, are provided with access from an alternative road so that infringement of Standard I449.6.1.7 Vehicle access restrictions – Cycle facilities (including future infringements by land use activities on the proposed allotments) can be avoided or minimised.

(f) whether on-going compliance with the on-site stormwater management requirements contained in any relevant approved Stormwater Management Plan will be achieved.

(g) whether the management of stormwater runoff from any proposed road is consistent with the requirements of any relevant Stormwater Management Plan.

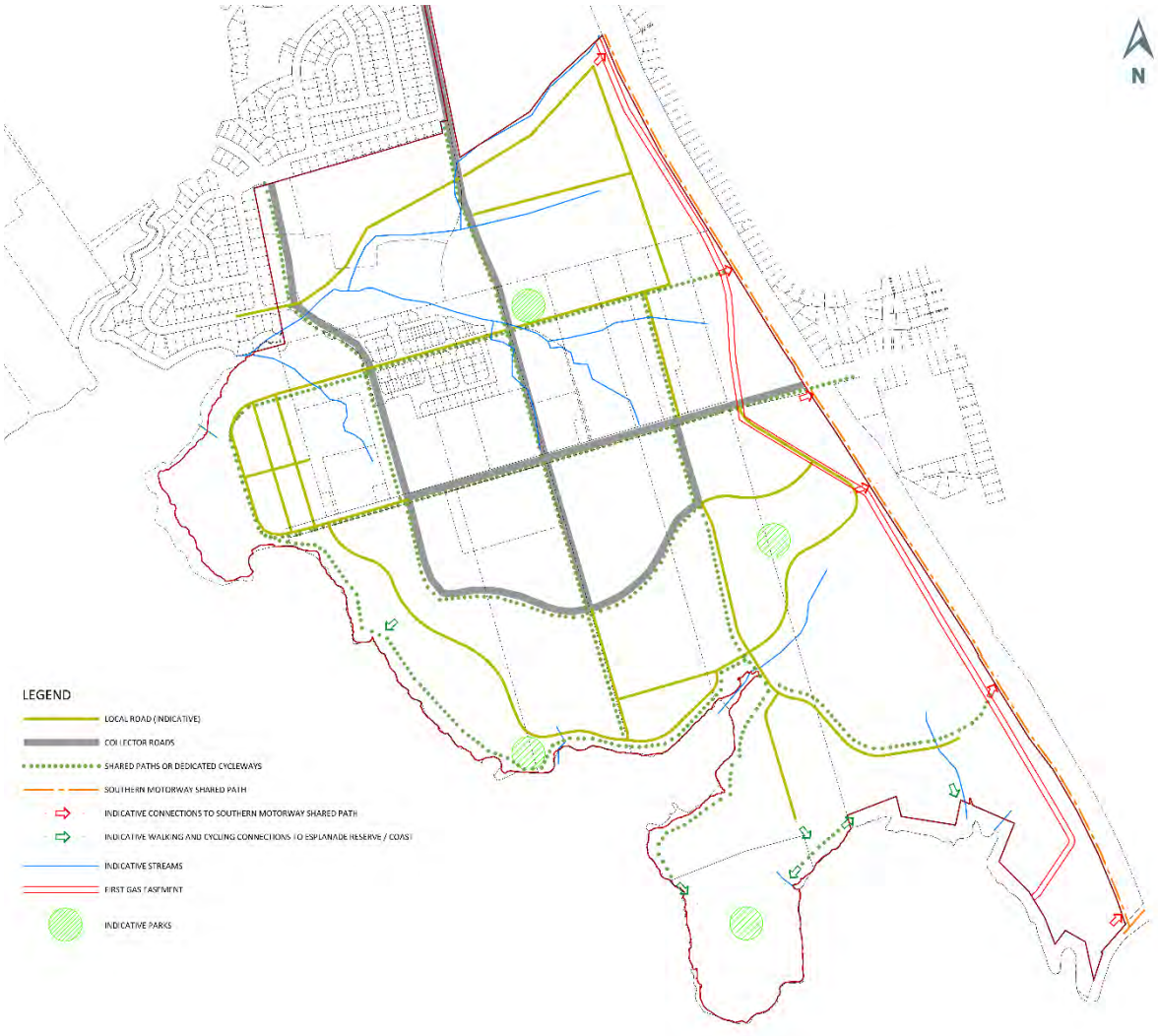
(h) the extent to which viewshafts from roads and open spaces out to the coast are provided for.

I449.9. Special Information Requirements

There are no special information requirements in this section.

I449.10. Precinct Plan

Figure I449.10.1. Hingaia 1 - Precinct Plan



I449.11. Hingaia 1 Precinct – Appendix 1

This appendix sets out the guidelines for the construction of roads in the precinct but is not intended to represent the only design solution.

Table I449.11.1 Hingaia 1 Precinct road construction guidelines

Road Type/Function	Minimum* Road Reserve Width	Total Number of Lanes	Design Speed	Cycle Provisions	Pedestrian Provision	Access Restrictions	Bus Provision
Park Estate Road, Hinau Road or Ngakoro Road (Collector)	21m	2	50 km/h	Yes	Both sides	Where cycle provision is made, in accordance with Standard I449.6.1.7.	Yes
Other Collector Road	21m	2	30 km/h	Yes	Both sides		Yes
Local Road	16m	2	30 km/h	If shown on Figure I449.10.1. Hingaia 1 - Precinct Plan	Both sides		No
Park Edge Local Road	12m	2	30 km/h		Both sides, but can be provided within park rather than the road		No

* Typical minimum cross section which may need to be varied in specific locations where required to accommodate batters, structures, intersection design, significant constraints or other localised design requirements.

Memorandum

To:	Fennel Mason – Premium Resource Consents
From:	Jarette Wickham – Principal Planner, Auckland Transport
Date:	4 November 2019
Subject:	Review of the Redhills Transport Triggers

Flow Transportation Specialists have reviewed the Redhills transport triggers and key intersections in I610.6.1 of the Redhills Precinct. The full report is attached.

The report assessed the upgrades required at the following key intersections and made comments on revised triggers:

- Don Buck/Westgate Drive (1 dwelling)
- Don Buck/ Fred Taylor Drive (3,600 dwellings)
- Don Buck/ Triangle Road (1 dwelling)

This memo and the attached report will not change the triggers in the Redhills Precinct. It has identified some errors and the modelling has indicated potential changes in the triggers based on the latest information.

AT will work with Council and applicants as part of the normal consenting process in line with the updated triggers report and the trigger table in this memo.

The outcomes of the report are explained in more detail below. The review indicates that the in I610.6.1 and I610.6.2 could be amended as follows:

Table I610.6.1.1 Threshold for Development - Transport

Dwelling threshold	Infrastructure work required to exceed the dwelling threshold
~~1~~	~~Provision of signals at Don Buck Road/Westgate Drive intersection~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
	~~Upgrade to Don Buck Road/Triangle Road intersection~~ *Moved to be reviewed at 3,600 dwellings below.*
1,800	Widening of Don Buck Road ~~between Fred Taylor Drive and~~ Westgate Drive: - 2 ~~exit~~ through southbound lanes ~~from Fred Taylor/~~ at Don Buck/Westgate Drive intersection ~~in southbound direction~~ reducing to one lane, south of the intersection; and - 2 ~~exit~~ through northbound lanes ~~from Fred Taylor/~~ at Don Buck/ Westgate Drive intersection ~~in northbound direction reducing to one~~ ,extending through to the existing two lane section on approach to Fred Taylor Drive

2273.153

Memorandum

	~~Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
	~~Link from Redhills Centre to Redhills Road~~ *Moved to Table I610.6.2.1 Trigger for Development – Transport below.*
3,600	Upgrade to Fred Taylor Drive/Don Buck Road intersection to signalised layout (with full pedestrian/cycle crossing facilities)
	Widening of Don Buck Road ~~between Fred Taylor Drive and Westgate Drive~~: - 2 southbound lanes from Fred Taylor Drive to Westgate Drive ~~and~~, if there are two turning lanes into Don Buck Road at the Fred Taylor Drive intersection - ~~2~~ 3 northbound lanes ~~between Westgate Drive and~~ approaching Fred Taylor Drive (signalised) ~~increasing to 3 approach lanes at the~~ intersection ~~in northbound direction~~
	Review the needed upgrade to Don Buck Road/Triangle Road intersection, based on operational, safety and accessibility
5,400	North-western busway and bus station at Massey North
	Widening of full length of Fred Taylor Drive from Brigham Creek Road to Don Buck Road to two lanes in each direction with widening at intersections
	Widening of Don Buck Road from Royal Road to Redhills Road to two lanes in each direction
	Northside Drive East overbridge

2273.153

Table I610.6.2.1 Trigger for Development – Transport

Trigger	Infrastructure Upgrade
In advance of development adjacent to Don Buck Road/Westgate Drive intersection and when a fourth arm to Westgate Drive is provided	Signalise Don Buck Road/Westgate Drive/Westgate Drive extenstion intersection
In advance of development adjacent to the link from Redhills Centre to Redhills Road	Provide the link from Redhills Centre to Redhills Road as per the precinct
As development proceeds adjoining Fred Taylor Drive between Northside Drive and Don Buck Road (upgrade frontage)	Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)

Memorandum

In advance of development accessing the Northside Drive intersection	Fourth arm at Fred Taylor Drive/Northside Drive signalised intersection
When fourth arm to Dunlop Road is provided	Signalise Fred Taylor Drive/Dunlop Road intersection
In advance of development accessing Baker Lane	Upgrade to Fred Taylor Drive/Baker Lane intersection
In advance of development in the area adjacent to Henwood Road extension / Fred Taylor Drive intersection	Upgrade Fred Taylor Drive/Kakano Road/Henwood Road signalised intersection to incorporate fourth arm into signals

A summary of the assessment in the triggers report for each intersection is as follows:

Don Buck/Westgate Drive Intersection

- The current trigger for this upgrade is 1 dwelling. Currently it is a three-legged roundabout. Development adjacent to this intersection and the extension of Westgate Drive would result in a four-legged intersection.
- One and two-lane roundabout options were looked at. One-lane was preferred. In saying this, a roundabout has limitations for pedestrian and cycle connectivity and in dealing with the offset of the Westgate Drive Extension.
- A signalised intersection would reduce these issues. The report considers that a one lane signalised intersection would work as an interim measure to 2026, but a larger two lane signalised will be required at a later stage.
- The trigger has therefore been amended from 1 dwelling to a requirement that a signalised intersection will be required when development adjacent to Westgate Drive/Don Buck Road is carried out. This would necessitate the Westgate Drive extension for access in line with the precinct plan.

Errors in the 1,800 dwelling triggers

- The current 1,800 dwelling trigger which requires two lanes on Don Buck Road on the exit from the Fred Taylor Drive roundabout is an error, as it should instead refer to the Don Buck Road/Westgate Drive intersection, where two exit lanes are recommended. This would be required at 1,800 dwellings which is approximately 2026. A cost share for the final design of Don Buck Road/Westgate Drive two-lane signalised intersection and associated widening with AT may be an option.

Don Buck/ Triangle Road Intersection

- The current trigger for this upgrade is 1 dwelling. This was informed by previous work to support the precinct which considered the northbound capacity would be reached by 2020 and two through lanes would be required. This intersection is a three-leg roundabout. No additional accesses are proposed.
- This intersection in its current form is still predicted to operate satisfactorily in 2026 and at 3,200 dwellings. In fact, the traffic flows are likely to decrease between now

Memorandum

and 2026, likely due to the completion of widening works along SH16 between Lincoln and Westgate. This may not have been anticipated by the previous work to support the precinct.

- The provision of two through lanes, with traffic then merging immediately north of the roundabout, would appear to increase vehicle conflicts, indicating that the upgrade may result in safety implications. On this basis the trigger has been amended to 3,600 dwellings where the operation and safety of the intersection should be reviewed.

Don Buck/ Fred Taylor Drive/ Te Oranui Way Intersection

- The current trigger for this upgrade is 3,600 dwellings.
- The intersection is a four-leg roundabout. This was proposed to be amended to five to accommodate an east west arterial. The Bunnings appeal resulted in this shifting north meaning it will remain four-legs.
- For vehicles the roundabout is predicted to have spare capacity at 3,200 dwellings and will be over capacity by 6,500 dwellings.
- In saying this, the roundabout does not currently provide well for pedestrian and cyclists and the layout is skewed in a way which may result in vehicle conflicts. A signalised intersection would address these issues.
- On this basis pedestrian/cycle improvements should be implemented as early as possible and a signalised intersection should still be required at 3,600 dwellings. There is no change proposed for this trigger.

Some other changes have been suggested to the triggers for consistency that were not included in the triggers report. These include:

- **The link from Redhills Road to the Redhills Centre** is required when 1,800 dwellings are constructed. This link may be needed sooner or later than 1,800 dwellings depending on how they are distributed across the precinct. This upgrade would be required when development adjacent to the link is carried out. This would mean each developer would construct this link as per the layout shown in the precinct plan. This trigger has been moved to *Table I610.6.2.1 Trigger for Development – Transport*.
- **Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road.** As each developer develops the frontage of their site it should be upgraded to an urban standard to achieve this as opposed to being tied to a trigger of 1,800 dwellings. Auckland Transport will provide a cross section of this portion of Fred Taylor Drive so it can be added as a consent condition to resource consents.

Attachment A: Flow Report: Redhills Precinct Review of Transport Infrastructure Triggers dated October 2019.

Attachment B: Clean copy of triggers table.

Memorandum

Attachment B: Clean copy of triggers table

Table I610.6.1.1 Threshold for Development - Transport

Dwelling threshold	Infrastructure work required to exceed the dwelling threshold
1,800	Widening of Don Buck Road: - 2 through southbound lanes at Don Buck/Westgate Drive intersection reducing to one lane, south of the intersection; and - 2 through northbound lanes at Don Buck/ Westgate Drive intersection extending through to the existing two lane section on approach to Fred Taylor Drive
3,600	Upgrade to Fred Taylor Drive/Don Buck Road intersection to signalised layout (with full pedestrian/cycle crossing facilities)
	Widening of Don Buck Road: - 2 southbound lanes from Fred Taylor Drive to Westgate Drive, if there are two turning lanes into Don Buck Road at the Fred Taylor Drive intersection - 3 northbound lanes approaching Fred Taylor Drive (signalised)
	Review the needed upgrade to Don Buck Road/Triangle Road intersection, based on operational, safety and accessibility
5,400	North-western busway and bus station at Massey North
	Widening of full length of Fred Taylor Drive from Brigham Creek Road to Don Buck Road to two lanes in each direction with widening at intersections
	Widening of Don Buck Road from Royal Road to Redhills Road to two lanes in each direction
	Northside Drive East overbridge

Table I610.6.2.1 Trigger for Development – Transport

Trigger	**Infrastructure Upgrade**
In advance of development adjacent to Don Buck Road/Westgate Drive intersection and when a fourth arm to Westgate Drive is provided	Signalise Don Buck Road/Westgate Drive/Westgate Drive extenstion intersection
In advance of development adjacent to the link from Redhills Centre to Redhills Road	Provide the link from Redhills Centre to Redhills Road as per the precinct
As development proceeds adjoining Fred Taylor Drive between Northside Drive and Don Buck Road (upgrade frontage)	Urbanisation of Fred Taylor Drive between Northside Drive and Don Buck Road (50 km/hr speed limit, with pedestrian and cycle facilities along and across road)
In advance of development accessing the Northside Drive intersection	Fourth arm at Fred Taylor Drive/Northside Drive signalised intersection
When fourth arm to Dunlop Road is provided	Signalise Fred Taylor Drive/Dunlop Road intersection
In advance of development accessing Baker Lane	Upgrade to Fred Taylor Drive/Baker Lane intersection
In advance of development in the area adjacent to Henwood Road extension / Fred Taylor Drive intersection	Upgrade Fred Taylor Drive/Kakano Road/Henwood Road signalised intersection to incorporate fourth arm into signals

Ginny Taare

From: Barry Chan <barry.chan@idcltd.co.nz>
Sent: Thursday, 29 September 2022 11:25 pm
To: Unitary Plan
Subject: 75 Russell Road_PC78 Submission
Attachments: 75 Russell Road_PC78 Submission.pdf

To whom it may concern,

Please find attached.
Please feel free to get in touch if you have any questions at all.

Best Regards,

Barry Chan
Architectural Designer

i d c group
land development consultants

tel +64 9 970 1018
fax +64 9 915 1038

Unit 4, Building D, 4 Pacific Rise, Mt Wellington, Auckland 1060
find us here

Warning
Although the company has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments.

Disclaimer
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. Our company accepts no liability for the content of this email, or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.
No employee or agent is authorized to conclude any binding agreement on behalf of IDC Group Ltd with another party by email without express written confirmation. Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the company.

i d c group

land development consultants

Date: 29 September 2022

Attn: Planning Technician

Auckland Council

Level 24, 135 Albert Road

Private bag 92300

Auckland 1142

unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Karan Sawhney

Karan Sawhney ("the Submitter") provide this submission on Proposed Plan Change 78 ("PC78") to the Auckland Unitary Plan (Operative in Part).

The submission relates to:
• The property at 75 Russell Road, Manurewa 2102, which the Submitter owns;
• The PC78 zone maps; and
• The PC78 Spatially Identified Qualifying Matters map, in particular to Flood Plains.

Reasons for the submission
• The submitter considers that flooding should be dealt on a case-by-case scenario and should not be subject to a blanket development restriction.
• Further, the submitter is currently engaging a flood specialist to confirm if flooding does, in fact, impact the site or not and its magnitude, if relevant.

Relief sought
The submitter seeks the following decision from Auckland Council in respect of PC78:
• Enable the MDRS provisions to apply on sites where flooding applies on a case-by-case scenario; 2278.1
• Support the zoning to Residential – Mixed Housing Urban Zone at 75 Russell Road, Manurewa. 2278.2
• Remove the flooding identified on the PC78 Spatially Identified Qualifying Matters map, in particular to Flood Plains as it relates to 75 Russell Road, Manurewa. 2278.3

Please do not hesitate to contact me if further information is required

Kind regards,

Barry Chan

Architectural Designer

Tel: (09) 970 1018

PO Box 91421 Auckland Mail Centre

Unit 4, Building D, 4 Pacific Rise, Mount Wellington, Auckland

To: Auckland Council

emailed to: unitaryplan@aucklandcouncil.govt.nz

Submission on Auckland Council Plan Change 78

Submitter: Civic Trust Auckland
Contact name: Audrey van Ryn (Secretary)
Phone (daytime): 368 1516
Email: cta@civictrustauckland.org.nz
Postal address: PO Box 74 049 Greenlane 1546

---

1. Civic Trust Auckland (CTA) is a non-profit public interest group formed in 1968 with activities and interests throughout the Auckland region. It is a regular submitter on matters of interest to it, mostly at a local government level but also on national matters where they may affect the Auckland region. The aims of the Trust include the:
   - protection of natural landforms
   - preservation of heritage in all its aspects
   - encouragement of good planning for the city and region.

2. CTA made submissions on various documents through the formation of Auckland Council as a Unitary Authority including submissions to the Auckland Unitary Plan Independent Hearings Panel.

Scope of CTA submission on Plan Change 78 (PC78)

3. CTA's submission is primarily focussed on heritage and character in so far as they are identified as "qualifying matters" for the purpose of PC78.

Background

4. The Government gazetted the National Policy Statement Urban Development (the NPS-UD) in August 2020, and in December 2021, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 was passed 'under urgency', bringing forward implementation of the NPS-UD and directing Council to significantly increase intensification, except for where a qualifying matter (QM) might make that inappropriate.

5. In relation to heritage and character, Auckland Council has responded by proposing its existing AUP schedules of Historic Heritage as a prescribed qualifying matter, and Special Character Areas (SCAs) as a nominated qualifying matter, nominated subject to certain provisions under the Act that require further site-specific information.[1]

Historic Heritage

6. The Council, correctly in CTA's view, provided for historic heritage as a qualifying matter, as prescribed in RMA s.77I(a) and 77O(a). 2286.1

7. The Council limited the extent of its provision for historic heritage in PC78 to the existing AUP Schedules of Historic Heritage, with additions to the schedule proposed in Plan Change 81. CTA considers there may be scope within PC78 to propose additions to the heritage schedules in accordance with RMA s.77I(a) and 77O(a). 2286.2

Special Character

8. Council correctly in CTA's view elected to nominate Special Character Areas as a qualifying matter as provided for in RMA s.77I(a) and 77O(a). 2286.3

9. Council has not carried forward all the SCAs that were, until notification of PC78, contained in the Auckland Unitary Plan (the AUP-SCAs), but instead has reduced the extent of those SCA overlays.

10. Having nominated SCAs as a qualifying matter, rather than collating information about the existing AUP-SCAs with information known about further sites eligible for inclusion in SCAs, Council created a methodology that conceived the notion of 'high quality' special character and proposed that any site not so be intensified.

11. The methodology to separate out 'high quality' special character is flawed for many reasons, not the least of which is that Council's analysis focuses on individual buildings in the area without adequate assessment of those collective values for which the SCAs were recognised. Furthermore, it adopts arbitrary and unnecessary measures for establishing thresholds.

12. There are many attributes that contribute to 'character' many of which are referred to in Schedule 15 of the AUP. Change in the SCAs has been managed by Council through controls and rules intended "*to retain and manage the special character values of specific residential and business areas identified as having collective and cohesive values, importance, relevance and interest to the communities within the locality and the wider Auckland Region."*[2] Reduction of SCAs appears to be at odds with retention of such special character values.

[1] RMA s.77L

[2] AUP D18 Special Character Areas Overlay. p.1

13. The unique heritage of Auckland's early timber houses was, as shown below, recognised by Auckland's previous Mayor Dick Hubbard [3]

DICK HUBBARD AUCKLAND

We must preserve our heritage buildings. They are special and give a city character. Not enough attention has been paid to our character buildings and during the campaign I talked of the "about face" situation where currently you need council permission to renovate a villa but no permission to demolish one.

The heritage policies I found at council have been unsatisfactory.

The new council is already taking action. We're putting greater emphasis on heritage protection. We will be reviewing and developing heritage protection under the District Plan and developing heritage protection policies. We will explore setting up a heritage fund and look at special character zoning and character overlays under the District Plan. We will be working hard to ensure that Auckland retains its unique position of having the largest number of period wooden villas in the world.

14. Auckland's current Mayor, Phil Goff, said "We're hoping that we can provide protection for over 15,000 heritage homes in our Special Character Areas" [4], and at a macro level, it can be argued that Auckland's SCAs qualify to be considered as historic heritage in terms of RMA s6(f), and as such can be considered a qualifying matter in terms of RMA S77I(a) and 77O(a) for the purposes of PC78.

15. CTA concurs with the sentiments expressed by Jacinda Ardern at the time during the AUP-IHP process when the pre-1944 demolition control was rejected and any protection for Auckland's estimated 84,000 villas was limited to 21,000.

labour.org.nz/council_must_build_on_heritage_not_destroy_it

Labour NEWS LABOUR'S TEAM JOIN LABOUR VOLUNTEER SHOP DONATE MENU

Council must build on heritage, not destroy it

Posted by Jacinda Ardern on July 28, 2016

Auckland Council must move to ensure there are heritage protections in place following recommendations that demolition restrictions be tossed out, Labour's Arts, Culture and Heritage spokesperson Jacinda Ardern says.

The panel considering the Unitary Plan has recommended removing partial protections for neighbourhoods with houses built before 1944.

"This character overlay was a response to a very real problem – the loss of special character buildings. That need hasn't suddenly disappeared.

"Certainly we need to ensure we build both up and out in order to meet the huge demand for housing, but there are ways to do that without losing the character of our communities.

"Our heritage should not be an either/or. We're a young country when it comes to built heritage and we should be doing everything we can to preserve what we have.

"The Council now needs to work with urgency to ensure a solution that safeguards heritage in our communities so that it's not permanently lost," Jacinda Ardern says.

LABOUR JACINDA ARDERN

Sign in with Facebook, Twitter or email. Authorised by Dianna Lacy, 160 Willis St, Wellington. Authorised by Jacinda Ardern MP, Parliament Bldg, Wellington.

Labour

Created with NationBuilder Privacy Policy

[3] 'Heritage' (magazine of NZ Historic Places Trust) Summer 2004

[4] TVNZ 1 NEWS at Six, 21 May 2022

16. CTA submits that submits that there are streets in SCA's which easily match the quality of some streets scheduled in the AUP as Historic Heritage Areas (HHAs). Parkfield Street in Grafton, as proposed in PC81 is such an example and there are surely others which, as a s.6 matter, Council has considered.

17. It is unclear what has happened to the heritage and character identified by Council through the PAUP process. In terms of further assessment, very little has been formally recognised and protected since then, but CTA contends there is plenty of unscheduled heritage and special character known to Council which should be properly recognised in the appropriate planning instruments.

Other qualifying matters

18. CTA supports Council's decision to nominate Height Sensitive Areas. Local Views, Notable Trees, and Volcanic Viewshafts as qualifying matters. 2286.4

19. We note the apparent absence of many formally recognised local views, and to that end, proposes the view from Emily Place Reserve in the City Centre, including the glimpse from that reserve to the harbour, be considered for formal recognition as a local view in the AUP. Protecting that view would require some form of incentive be provided to the owner of the building at 1 Anzac Avenue. Views to the harbour from within the City Centre are rare however, and this one from a reserve so close to the epicentre of early colonial settlement in Auckland would likely be valued if identified. 2286.5

20. CTA supports Council's contention that constraints on Auckland's capacity to provide necessary infrastructure should also be a qualifying matter. 2286.6

Current position

21. The AUP-SCA overlays were determined through a robust process during the preparation of the Proposed Auckland Unitary Plan (PAUP) and were subject to analysis via submissions and hearings on the PAUP.

22. The failure of proposed Plan Change 78 to include and protect at least the extent of the AUP-SCAs is, in CTA's view:

    1. contrary to the purpose of the Resource Management Act 1991 as set out in Section 5 and Part II.

    2. does not recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development as required by RMA s.6(f),

    3. fails to have particular regard to the matters set out in Section 7 of the Act, and in particular:

       (b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:
(f) maintenance and enhancement of the quality of the environment:
(i) the effects of climate change.

23. In so far as Council is implementing amended RMA provisions that give effect to the NPS-UD and MDRS mandated by government, CTA generally supports PC78.

24. CTA submits however that Council's assessment process was inadequate and that its methodology for assessing special character is fundamentally flawed

CTA supports PC78 subject to amendments that would:

25. Reinstate the SCA's as operative prior to notification of PC78, 2286.7

26. Include in the AUP the policies necessary to achieve the purpose of RMA s.77L and in particular, s.77L(c)(iii) which seeks to accommodate the Government's prescribed intensification in so far as that is possible without unnecessarily destroying Auckland's heritage and character. 2286.8

27. Include in the AUP the local view proposed in paragraph 19 of this submission,

28. Include in the AUP the planning policies and financial incentives that could effectively and equitably help facilitate retention of valued elements of our environment, both natural and physical. Consideration should also be given to the implementation of an effective programme of transferrable development rights. 2286.9

CTA wishes to be heard in support of its submission, would consider presenting jointly with others making similar submissions, and declares that it cannot gain any trade advantage by way of this this submission.

Date of submission: 29 September, 2022

Signature:

Audrey van Ryn
Secretary, Civic Trust Auckland

Ginny Taare

From: Cball@xtra.co.nz
Sent: Thursday, 29 September 2022 11:27 pm
To: Unitary Plan
Subject: Submission on Housing Intensification

I oppose Plan Change 78.

1. I believe we should preserve character parts of our beautiful, historic city. 2287.1
2. I believe that the existing 2016 Unitary Plan has already allowed for sufficient intensification, to provide 900,000 more homes in existing residential areas over the next 30 years. 2287.2
3. Auckland's infrastructure cannot support another 2 million dwellings. Intensification should only take place where land is affordable, and wastewater capacity can be provided in the short term. 2287.3
4. Areas such as Devonport, Birkenhead and Northcote Point are valued for their heritage. Underground services in these areas are aging, and unsuitable for intensification. 2287.4
5. I live in a retirement village. These villages are a form of intensification, and are multiplying rapidly in the Auckland Council area. Every apartment sold in a retirement village releases a home in the community to be purchased for a family to occupy.
6. The construction industry is already working to capacity in greater Auckland. Freeing up more land for intensification will not increase construction capacity. 2287.5
7. Zoning all land for intensification will increase the value of all land, making homes less affordable. First home buyers will be cut out. 2287.6
8. We must leave land for urban trees to grow on. Trees are the lungs of our city. 2287.7
9. We must not build on our most fertile, food-producing soils. 2287.8
10. Immigration has now been slowed to allow infrastructure to catch up. There is no necessity to provide for over 2 million new dwellings. 2287.9

Christine Ball
C23, 2 Rangatira Rd, Birkenhead
027 4359608
cball@xtra.co.nz

NOTICE OF SUBMISSION ON PROPOSED PLAN CHANGE 78

AUCKLAND UNITARY PLAN

TO: Planning Technician, Auckland Council

Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER DETAILS

FULL NAME	Janet Grant
ADDRESS OF SUBMITTER	83 Richmond Road Ponsonby
TELEPHONE	0274 378 444
EMAIL	janet.grant377@gmail.com

SCOPE OF SUBMISSION

This is a submission opposing Proposed Plan Change 78 as it affects the inner city suburb of Auckland known as St Mary's Bay. This submission relates to all aspects of PC78 as they affect St Mary's Bay which, for the purposes of this notice, is the area bounded by St Mary's College and Jacob's Ladder in the east, the northern motorway to the north, Curran Street to the west and Jervois Road/College Hill to the south.

I will not benefit in any form of trade competition through this submission.

SUBMISSION

This submission relates to all of Plan Change 78.

I generally oppose Plan Change 78 because it has not been sufficiently nor accurately assessed, there has been inadequate consultation, and it is not consistent with sound resource management practice, the sustainable management purpose and principles of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Without derogating from this broad objection, I wish to make the following more specific points in opposition to Plan Change 78:

1. **I oppose** the walkable catchment of 1200 metres imposed on St Mary's Bay and measured from the western edge of the City Centre zone. I oppose the method of measurement being from the edge of the City Centre rather than from the centre of the CBD.
2. **I oppose** the calculation the Council has made in analysing the walkable catchment from the edge of the city zone taking into account typography and traffic lights.

3. **I oppose** the use of Jacob's Ladder or any other access points to Saint Marys Bay apart from College Hill being used as an entry point to Saint Marys Bay as it is unsafe after dark.
4. **I oppose** the removal of the majority of the Special Character Area Overlay from St Marys Bay, and particularly in circumstances where there has not been any analysis or justification for this action in the s.32 RMA reports.

5. **I oppose** the potential through Plan Change 78 to reduce significantly the protection of the historic heritage of St Mary's Bay whether by the failure of the Council to fulfil its obligations under s.6f RMA, the Heritage New Zealand Pouhere Taonga Act 2014, and the AUP Chapter B5 Regional Policy Statement instruction, or otherwise.

6. **I oppose** the failure of Plan Change 78 to provide for historic heritage and/or special character sub-areas over St Mary's Bay particularly in circumstances where the number of historic heritage dwellings present across St Mary's Bay reached the 75% and 66% arbitrary threshold unilaterally imposed by the Council without any statutory or evidential foundation. The Association notes with concern the inadequacies of the Council historic heritage rating method for dwellings and the failure to follow the guidance found in AUP Schedule 15 which determines the attributes that contribute to heritage and character.

7. **I oppose** the failure of the Plan Change 78 to recognise the spiritual, ecological, archaeological, and historic value of the Kauri residential buildings located across St Mary's Bay as the legitimate built remnants of the forests of Tai Tokerau and Waitakere. This failure shows neglect for the principles of the Treaty of Waitangi, an obligation which the Council must meet under s.8 RMA.

8. **I oppose** the walkable catchment of 400 metres from the Ponsonby Road Town Centre zone imposed over St Mary's Bay and **opposes** the characterisation of Ponsonby Road as a Town Centre that justifies a walkable catchment under Policy 3(d) National Policy Statement on Urban Development (**NPS-UD**).

9. **I oppose** the categorization of Ponsonby Town Centre. It has been classed as a Large Town Centre. Given Council's Guidelines set out in the Section 32 report it should be classed as a Small Town Centre because

   a. It mainly has designer clothing stores, bars and restaurants.
   b. Lacks employment opportunities.
   c. Has very little in the way of community services.
   d. Is really just a long block of neighbourhood shops.
   e. Lacks the potential to grow because of the 13m height restriction.
   f. It lacks the type of shops you would normally find in a town centre namely a supermarket, hardware store, whiteware, butcher, a large public library, government offices eg MSD.
   g. Ponsonby Road and parts of Jervois Road have been treated as one town centre

when it is actually split into 3 parts being Three Lamps, Franklin Rd to Hepburn St and Karangahape Rd end. The length is 1700m, width is limited to in most cases just shops on each side of the road.
h. Most shops are around 120m2 and do not provide enough size to attract larger tenants which you would normally find in large town centres.

10. **I oppose** the reliance on the Ponsonby Town Centre zone to justify any walkable catchment from Ponsonby Road. The Council is not required by the NPS-UD or otherwise, to impose any walkable catchment from any Town Centre Zone.

11. **I oppose** any walkable catchment extending into St Mary's Bay being imposed and/or measured from any part of Ponsonby Road.

12. **I oppose** the failure of the Council to provide a structure plan (or other) analysis of the likely effects of proposed intensification over St Mary's Bay as required under the provisions of the AUP Chapter B, and s.32 RMA.

13. **I oppose** the failure of the Council to include the road network of St Mary's Bay as a Qualifying Matter recognising the physical constraints of the network and its inability to manage the traffic generation that will arise from the proposed intensification.

14. **I oppose** the absence of any controls/rules /or standards to prevent development applications being considered for consent in areas covered by the Combined Wastewater/Stormwater Constraint notation.

15. **I oppose** the deletion of important standards in the MHU zone, namely **H5.6.6** Alternative Height in Relation to Boundary and the associated amenity standards for assessment found **H5.8.2(5)** Sunlight Access (a) & (b) and Overlooking and Privacy (d); and **H5.6.7** Height in Relation to Boundary adjoining lower intensity zones.

16. I **oppose** the absence of a minimum site size for development in the THAB zone in St Mary's Bay.

17. **I request** Plan Change 78 be amended to account for the above matters and to impose the Low Density Residential Zone over all properties that will be located in an Historic Heritage area or Special Character Area Overlay in St Mary's Bay in satisfaction of this submission.

18. **I request** that Plan Change 78 reinstate the zones currently operative for St Mary's Bay that have been altered by PC78, including those operative zones that were not included in the operative St Mary's Bay Special Character Area Overlay prior to the notification of PC78.

Reasons

The reasons for my opposition to PC78 are as follows:

1. **Walkable Catchments -** The walkable catchment of 1200 metres imposed from the western edge of the City Centre Zone is contrary to international planning advice and unsupportable. The Council's international consultant, Mr Jan Gehl, recommended 500-800 metres as the furthest walking catchment likely to be used in association with a city centre. His advice was received and adopted by the Council in 2011 and is now ignored. All international recommendations are based on an 800 metre maximum walkable catchment. This distance gives recognition to topography and the various population cohorts likely to walk.
   Council have reanalysed the 1200m taking into account topography and traffic lights however one still can not walk for 15 minutes from the central city zone and arrive at the Council's 1200m walkable catchment zone.

2. **Justification for SCA Removal -** The Council has failed to justify the removal of the SCA overlay from St Mary's Bay in the s.32 RMA reports which have been written to support PC78. There is no reference in any report to the reasons for the removal of this important resource management district plan control from this suburb. The demolition control is an integral part of the SCA and is the technique relied upon to implement the instruction of AUP Chapter B5.

3. **Historic Heritage Ratings -** Having provided an historic heritage rating for every dwelling in St Mary's Bay, the Council acknowledges that over 200 of the existing dwellings have high historic heritage value and therefore are protected by s.6f RMA. The obligation to protect these dwellings has been ignored. Although the Association notes the inadequacies of the rating methodology, it has used the rating methodology to review obvious errors in the rating assessments of some dwellings in St Mary's Bay. The attached Annexure 1 Plan demonstrates the Association's review of the heritage rating outcomes across St Mary's Bay. The plan confirms that the Council imposed threshold of 75% and 66% are met. In addition, any dwelling or part thereof predating 1900 required specific protection under the Heritage New Zealand Pouhere Taonga Act 2014. This acknowledgement has not occurred in PC78.

4. **No Reason for SCA Removal -** The Council gives no reason in the s32 RMA documents supporting PC78 why the previous Special Character Area Overlay for St Mary's Bay has not been imposed as in other inner city suburbs but has been withdrawn despite the clear evidence that groupings of historic heritage dwellings

across St Mary's Bay reach the arbitrary thresholds of 75% and 66% used throughout Auckland by the Council, as the basis for reimposing Special Character Areas.

5. **Te Tiriti o Waitangi Obligation s8 RMA -** The intensification outcome of PC78 directly attacks the *mauri* and *wairua* of the ancient Kauri forests which are extant in the Kauri cottages and villas across St Mary's Bay. There is no s.32 documentation discussing why this spiritual and ecological connection has been ignored.

6. **Ponsonby Road Town Centre Zone -** Ponsonby Road and its environs are not properly characterised as a major or minor town centre because it has none of the characteristics of a town centre. Ponsonby Road is unique because it is a lineal specialist retail/entertainment town centre space with few amenity, convenience, or community facilities. The retail catchment is mainly beyond any walkable catchment.

7. **No Walkable Catchment Required -** The walkable catchment of 400 metres from Ponsonby Road is therefore a fiction invented by the Council. Policy 3(d) of the NPSUD makes walkable catchment imposition from town centre zones an option for the Council to impose. The imposition must be related to the character and amenity provided by the Town Centre Zone. There is no obligation on the Council under the NPSUD or otherwise to impose a walkable catchment connected to the Ponsonby Town Centre Zone, nor is there any objectively sustainable imperative for any walkable catchment to be related to the Ponsonby Town Centre Zone and/or Ponsonby Road, and there is there no justification in this case for the Council to do so in Plan Change 78.

8. **Failure to Provide Structure Plan -** The only planning method available for the Council to test the potential adverse effects of the intensification model across St Mary's Bay is to use the structure planning analysis technique endorsed by Chapter B2 of the AUP. This will enable a finer grained and more context specific analysis for changes to the operative plan. The failure of the Council to prepare a structure plan for this major urban paradigm shift to settlement patterns and development initiatives is contrary to the provisions of s.32 RMA and the quality and sufficiency of the proposed changes in Plan Change 78 are irretrievably undermined and cannot be relied on. Just by way of example, Plan Change 78 has failed to account for current road network, infrastructure and open space limitations.

9. **Best Zone Choice -** The newly created Low Density Residential Zone is the appropriate zone to be placed on any parts of St Mary's Bay where an Historic Heritage Area or Special Character Area overlay is imposed. The Mixed Housing Urban Zone is inappropriate as the underlying zone for such overlays and must be restricted to sites where redevelopment is not contrary to the purpose of the overlays.

10. **Wrong Zone Choices -** Without justification the Council, through PC78, has wrongly rezoned areas of St Mary's Bay which were not covered by the former Special Character Area Overlay in the Operative AUP. This action has been taken without consultation with the affected landowners. These areas must revert to the operative

2289.7

zone arrangements accepting that previous MHS zoned areas will become MHU zone. 2289.7

11. **Road Network Constraints -** There are existing serious transport infrastructure constraints throughout St Mary's Bay relating to substandard road reserve widths, traffic congestion and high on-street parking demands. The proposed residential intensification will overwhelm the existing transport infrastructure leading to serious adverse social, economic and cultural effects. There is no capacity for the Council to improve the existing transport infrastructure to avoid, remedy or mitigate such effects. There has been no s.32 RMA analysis of such effects and/or assessment of the serious impact that will occur from the proposed residential intensification through Plan Change 78.

12. **Failure to Control Development in Infrastructure Constrained Areas –** PC78 has imposed constraint mapping across St Mary's Bay to address the Combined Wastewater/Stormwater constraints. A rule is required to prevent development applications for intensification from lodgement until the constraint is addressed with upgraded infrastructure. 2289.8

13. **Abandoning Amenity Controls in MHU Zone -** The amenity standards for solar access and privacy in the operative MHU zone provide a guarantee that properties enjoy an acceptable level of amenity from neighbouring developments. These standards must be reinstated in the new MHU zone to protect these basic amenities. 2289.9

14. **Minimum Lot Size in THAB Zone –** Any development in the THAB zone requires a minimum lot size of at least 1000m² to achieve the purpose of the development envelope promoted by the THAB zone. 2289.10

15. **Summary -** Overall, the Council has failed in its duty to prepare a plan change which meets the purpose of s.32 RMA, and to protect the wellbeing of the community and the historic heritage of St Mary's Bay required by Part 2 RMA. PC78 does not achieve sustainable management and is accordingly contrary to the purpose of the RMA.

I seek the following decisions by the Council, amending PC78:

1. Reduce the Central City Zone walkable catchment to 800 metres. 2289.1

2. Reimpose the operative Special Character Area Overlay across St Mary's Bay, or, alternatively impose Historic Heritage Character Areas as set out in the St Mary's Bay Association's submission. 2289.2 2289.3

3. Impose inadequate road network capacity as an accepted Qualifying Matter under the NPS-UD criteria. 2289.4

4. Delete the reference to any walkable catchment extending into St Mary's Bay, measured from the Ponsonby Road Town Centre western edge or elsewhere. 2289.5

5. Impose the Low Density Residential Zone as the underlying zone for any areas covered by Historic Heritage Area or Special Character Area overlays as depicted on the plan attached as Annexure 2 to the submission of the St Mary's Bay Association. 2289.6

6. Change Ponsonby Town Centre classification from a Large Town Centre to a Small Town Centre 2289.11

I wish to be heard in support of this submission and declare that it cannot gain any advantage in trade competition through this submission.

Myself and my family are directly affected by the adverse effects that will arise from PC78 and as set out by the matters of concern in this submission.

Signature of Submitter…….

Date: …29 September 2022……

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a submission to the **AUCKLAND COUNCIL** by **SCREATON LTD** in respect of **PLAN CHANGE 78 (Intensification)** and **PLAN CHANGE 80 (RPS)** to the partly operative Auckland Unitary Plan

SUBMISSION OF SCREATON LTD

Dated 29 September 2022

To: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
AUCKLAND 1142

1. INTRODUCTION

1.1 This submission is made by Screaton Ltd on Plan Change 78 – Intensification (**PC78**) to the partly operative Auckland Unitary Plan (**AUP**), which gives effect to requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**EHSA**) and the National Policy Statement on Urban Development (**NPS:UD**), and on Plan Change 80 – RPS (**PC80**).

1.2 Screaton Ltd's submission relates to the implications of PC78 and PC80 for commercial properties from 26 – 50 Commercial Road, Helensville shown in red in **Figure 1** below.

1.3 Screaton Ltd owns the land at 48 Commercial Road (**the Subject Site**), shown in blue in Figure 1. Related entities own other land in the block including 50A Commercial Road.

1.4 In terms of Plan Change 80 the relief sought is:

(a) Amend Objective 2.3.1 (1) by adding a new "a" and renumbering accordingly:

enabling as many people to live in, and as many businesses and community services to be located in, areas of an urban environment as is reasonably practical and recognizing that this objective has the highest priority

2295.1

(b) Amend Policy 2.3.2(1) by adding a new "a" and renumbering accordingly:

maximises the enabled intensification of all urban zoned sites and allows resource consent applications to address the interface between the zoning and any applicable overlay or precinct provisions through the resource consent process.

(c) Reject the proposed changes to Objective B2.4.1, except in relation to climate change and natural hazards.

(d) Reject the proposed changes to Policy B2.4.1, except in relation to climate change and natural hazards. 2295.1

(e) Reject references to limiting intensification in Para 4 of B2.9.

Figure 1.

1.5 In terms of PC78, the proposed zoning for the Subject Site is Business – Town Centre Zone, and it is subject to a Special Character Area Overlay – Business (**SCAB**) and Height Variation Control.

1.6 The relief sought is:

(a) Remove the Special Character Overlay from the Subject Site and adjacent properties (Nos. 26 – 50 Commercial Road); and 2295.2

(b) Remove the 13m Height Variation Control from the Subject Site and adjacent properties, and replace it with a 25m Height Variation Control (at a minimum). 2295.3

1.7 Grounds for the relief sought are set out below.

1.8 Screaton Ltd is not a trade competitor for the purposes of PC78 and could not gain an advantage in trade competition through this submission.

2. **REASONS FOR SCREATON LTD'S SUBMISSION ON PC 80**

2.1 Objectives 3 and 4 of the National Policy Statement on Urban Development 2020 ("NPS-UD") provide as follows:

> Objective 3: 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:
> a) the area is in or near a centre zone or other area with many employment opportunities
> b) the area is well-serviced by existing or planned public transport
> c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
>
> Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

2.2 In relation to Auckland – all of urban Auckland (i.e. excluding rural and coastal townships) falls within category (c) of Objective 3.

2.3 As a result it is necessary for all of urban Auckland to have the maximum zoned intensity possible. Further the demand for housing and the changes to desirable housing typology means that applications for resource consent should be considered on their merits and within the context of the most appropriate zoning and the relevant overlay / precinct provisions. Reducing zoned opportunity to the smallest possible extent reduces the opportunity to design sensible and careful developments that respond to the specific values of a site rather than just minimizing any kind of development.

2.4 The proposed changes to the RPS seek to give effect to Objective 3 and 4 of the RPS.

2.5 Further, Objective B2.3.1, Policy 2.3.2, Objective B2.4.1 and Policy B2.4.2 appear to give the impression that the RPS can re-define what a well-functioning environment is – contrary to the definition in the NPS-UD.

2.6 The proposed changes to the RPS are the most appropriate outcome to give effect to the NPS-UD and is required by s61(1)(da) of the RMA.

3. **REASONS FOR SCREATON LTD'S SUBMISSION ON PC 78**

3.1 Overall, Screaton Ltd is neutral as to whether PC78 is accepted or declined. Screaton Ltd's position is that with respect to the Subject Site, PC78 should not be accepted unless it incorporates the relief sought in this submission.

3.2 This is on the basis that, as currently drafted (and again with respect to the Helensville town centre) PC78 will not be consistent with all relevant legislation or appropriately give effect to applicable higher order policy instruments, including the RMA, EHSA and NPS:UD, for the reasons set out below.

Special Character values not very significant

3.3 The special character values of the subject site and adjacent properties were assessed in the PC 78 Special Character Business Findings Reports Part 1. The properties sit within the Helensville Sub-area C: Southern Sub-area.

3.4 In the block of buildings from 26 – 50 Commercial Road, two shop-fronts were assessed as being character-defining (dark purple), and two were assessed as being character-supporting (light purple). This is seen in **Figure 2** below.

Figure 2.

3.5 The subject site and other buildings at the northern end of the block were assessed as being non-contributing buildings. These are shown in Figure 3 below.

Figure 3.

3.6 The buildings on the southern end of the block are not subject to any special character overlay and can be developed to a height of 18m. These are shown in Figure 4 below.

Figure 4.

3.7 The Council inexplicably excluded these buildings from the assessment area despite them being in the same block, artificially increasing the apparent density of buildings with special character. In fact, only about half the buildings in the block have any character value.

3.8 The façade of the '1930 Echo building', one of the buildings assessed as being character-defining, has been re-built in modern times and is in fact made of polystyrene and other materials. The façade is faux, not original. This is shown in Figure 5 below. The same scenario applies to the building at 34-38 Commercial Road – 'Screaton Building 1912'.

Figure 5.

3.9 None of the buildings in the block are heritage-listed.

3.10 The overall impression that the block provides is that any special character values that may be present are not particularly significant, and several of the facades have no special character even by the Council's assessment. In this context, preventing future development by applying the SCAB as a qualifying matter is not appropriate and is contrary to the NPS:UD.

3.11 To the extent that there is special character present, it is outweighed by the opportunity presented for Auckland to move toward a more compact urban form.

Lack of justification for Special Character as a qualifying matter

3.12 The NPS:UD does not include special character considerations as a qualifying matter. It requires that for any proposed qualifying matter, the evaluation report must (among other requirements):[1]

> *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*

3.13 The Section 32 evaluation report in regard to special character addresses the justification for treating this as a qualifying matter at section 2.2.2. This section notes the objectives of the NPS:UD including the direction to improve the responsiveness and competitiveness of land and development markets, and the requirement to open up more development capacity in accessible places.

[1] Section 3.33(3) NPS:UD.

3.14 The report then outlines the nature and value of special character areas in Auckland, establishing that protection of these characteristics is not compatible with "development up to at least six storeys in many Policy 3 locations and up to three dwellings of up to three storeys in relevant residential zones as per the MDRS standards."

3.15 However, having established an incompatibility between special character protections and the MDRS standard, the evaluation report then fails to assess which of these competing values should take precedence, in light of the objectives of the NPS:UD. It simply assumes, without justification, that special character values should be protected at the expense of intensification opportunities. As such the evaluation report fails to meet the process requirements of the NPS:UD.

3.16 Further, the protection of special character values at the expense of key intensification opportunities (e.g. in a Town Centre Zone) is unjustified and contrary to the objectives of the NPS:UD and EHSA: 2295.4

(a) Special Character is the lowest tier of protection under Chapter B5 of the AUP:OP. Special Character is not historic heritage individually or cumulatively.

(b) The loss of intensification opportunity by applying a SCAB Overlay and 13m height control to the subject site and adjacent buildings is severe, as it would result in these areas remaining single storey, where they could otherwise be developed to a minimum of 6 stories.

(c) Applying this approach to the entire Helensville Town Centre Zone (as is proposed) would almost entirely negate the effectiveness of the MDRS standards in the Helensville area.

(d) The evaluation report's assertion that the specific characteristics of the SCAB overlay contribute to a well-functioning urban environment is a bare assertion without any basis. In fact, applying these regulatory restrictions is a barrier to achieving the compact urban form that is necessary for a well-functioning urban environment.

(e) Overall, the negative effects of applying a SCAB overlay in areas that could otherwise be developed up to a minimum of 6 stories outweigh the benefits to such an extent that this proposal would be inconsistent with the requirements of the NPS:UD.

3.17 Once the SCAB is discarded there is no basis for the 13m height variation control. The land is adjacent to the coastline so it would be appropriate to enable development to the height of 25m as there will be minimal adverse effects on neighbouring properties.

4. RELIEF SOUGHT PC 78

4.1 For the foregoing reasons, Screaton Ltd seeks the following outcome in relation to PC78:

(a) If PC78 is approved, then in respect of the Subject Site and adjacent sites, it is amended to adequately address the issues raised and submission points set out above; and

(b) Such further or other consequential relief as may be necessary to fully give effect to the issues raised, submission points set out and relief sought in this submission.

4.2 Screaton Ltd wishes to be head in support of this submission.

4.3 If others make a similar submission, Screaton Ltd will consider presenting a joint case with them at hearing.

5. **RELIEF SOUGHT PC 80**

5.1 For the foregoing reasons, Screaton Ltd seeks the following outcome in relation to PC80:

(a) Amend Objective 2.3.1 (1) by adding a new "a" and renumbering accordingly:

enabling as many people to live in, and as many businesses and community services to be located in, areas of an urban environment as is reasonably practical and recognizing that this objective has the highest priority

(b) Amend Policy 2.3.2(1) by adding a new "a" and renumbering accordingly:

maximises the enabled intensification of all urban zoned sites and allows resource consent applications to address the interface between the zoning and any applicable overlay or precinct provisions through the resource consent process.

(c) Reject the proposed changes to Objective B2.4.1, except in relation to climate change and natural hazards.

(d) Reject the proposed changes to Policy B2.4.1, except in relation to climate change and natural hazards.

(e) Reject references to limiting intensification in Para 4 of B2.9.

DATED at **AUCKLAND** this 29th day of September 2022

_____

A W Braggins / E J Sheppard
Counsel for Screaton Ltd

Address for service of the submitter:

Andrew Braggins
The Environmental Lawyers
Level 4, The B:Hive
72 Taharoto Road
Takapuna

Phone: 021 662 249
Email: andrew@telawyers.co.nz

RESOURCE MANAGEMENT ACT 1991

SUBMISSION ON PLAN CHANGES 78, 79 AND 80 TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

Clause 6 of First Schedule, Resource Management Act 1991

TO: Auckland Council,
By Email: unitaryplan@aucklandcouncil.govt.nz

SUBMITTER: Joanna Louise Beresford c/-Beresford Law at the address for service set out below.

1. This is a submission on Plan Changes 78 (Intensification), 79 (Amendments to the Transport Provisions) and 80 (RPS Well Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters) to the Auckland Unitary Plan (Operative in Part), (the Changes). 2296.1

2. The Submitter (as a trustee of The GJ and JL Beresford Family Trust) is an owner of 5 Seaview Terrace, Mt Albert (the Property).

3. The Submitter could not gain an advantage in trade competition through this submission and in any event are directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

4. The Submitter notes that Auckland Council is required by central Government to promulgate plan changes to incorporate the Medium Density Housing Standards contained in Schedule 3A of the RMA (MDRS) and give effect to the National Policy Statement Urban Design 2020 (NPS-UD).

5. However, to the extent that the Changes go beyond these requirements, would enable more intense development, promote poor quality urban development, and be detrimental to enabling well-functioning urban environments then the Changes are opposed.

6. The reasons for the submission are that to the extent that the Changes go beyond these requirements, would enable more intense development, promote poor quality urban development and be detrimental to enabling well-functioning urban environments (beyond that required to incorporate the MDRS or give effect to the NPS-UD, then the Plan Changes):

(a) Are contrary to the sustainable management of natural and physical resources, do not amount to or promote the efficient use and development of resources, and are otherwise contrary to the purpose and principles in Part 2 of the Resource Management Act 1991 (the Act).

(b) Are inconsistent with objectives, policies and other provisions in the AUP and other relevant planning instruments.

(c) Do not warrant approval in terms of section 32 of the Act.

(d) Are unnecessary and counterproductive to the sustainable management of the Mt Albert area.

(e) Will generate significant adverse effects on the environment, in particular in terms of traffic effects, residential amenity effects (e.g. dominance, shading and privacy), construction effects, and on the ability for residents to provide for their social and economic wellbeing.

7. In particular, but without limiting the generality of the above:

(a) PC 78 proposes to:

(i) Include the Property and much surrounding suburb of Mt Albert within a walkable catchment from either the Mt Albert Railway Station or Baldwin Avenue Railway Station.

(ii) Rezone land within a 800m walkable catchments from Mixed Housing Urban (MHU) to Terraced Housing and Apartment Building (THAB); and

(iii) Amend the THAB zone to incorporate the Medium Density Housing Standards contained in Schedule 3A of the RMA (MDRS) and give effect to the National Policy Statement Urban Design 2020 (NPS-UD).

(iv) Rezone the Mixed Housing Suburban parts of Mt Albert to MHU (as amended to incorporate the MDRS and give effect to the NPS-UD).

(v) Reduce the extent of existing special character overlays and Single House zone in the Mt Albert area.

(b) Mt Albert is an existing residential suburb with a mix of housing typologies. It is the second oldest suburb in Auckland (after Remuera) and was originally settled in the late 1880s and early 1900s. It includes standalone villas and bungalows from when the area was first settled, infill housing and flats from the 1970s-1990s and small number of recent terraced housing developments and apartment complexes. It has predominantly suburban built character (i.e. typically standalone one storey

with some two storey housing), which provides a high degree of residential amenity for the existing community.

(c) The Submitter is concerned that the Changes will enable significant adverse effects on the environment including on the social well-being of the existing residential community without adequate notice to members of the community.

(d) The number of dwellings enabled by the plan changes far exceeds even the high growth scenario for Auckland. The effect of this is that:

(i) While the planned built character of the THAB zone includes five to seven storey urban development the reality is that the areas being rezoned contain existing communities living in predominantly one to two storey houses and it is likely to stay that way for many years.

(ii) Where and when higher intensity development occurs will largely be determined by the market and infrastructural constraints.

(iii) This means that there is very little certainty for existing residents as to if or when a five to seven storey building is constructed next to their one to two storey home.

(iv) In this context, the Changes need to give far more attention to managing interface and transition effects and potential inequities created by enabling transformational urban development.

(e) Given the lack of certainty as to when and where future development may occur under the proposed new zoning regime, the Submitters consider that it is essential that (to the extent allowed by the MDRS and NPS-UD) the Plan Changes:

(i) enable well-functioning urban environments;

(ii) enable high-quality developments that:

- ensure that the scale, design and location of built form internalizes adverse effects; and
- avoid or minimize adverse effects on neighbouring properties and residential amenity;

(iii) recognise that by defining "rapid transit" as a 15 minute service frequency there can be quite long waits for public transport in Auckland wen walk times are added. This means that it is people who live in very close proximity to rapid transit stations (with short walk times) that are more likely to use public transport in Auckland; and

(iv) encourage higher intensity development to concentrate

close to rapid transit stations to increase the likelihood of PT being used.

(f) The MDRS and NPS-UD are incredibly blunt planning tools, which will make it difficult for Auckland Council to:

(i) Design a zoning regime that maintains a sensible gradation of residential built forms (i.e. more intense development close to centres, corridors and transit stations slowly reducing in intensity moving out from these areas).

(ii) Anticipate where development will occur and plan the provision of infrastructure to service that development.

(g) To the extent that it is possible under this new regime, the Submitter considers that the Changes need to provide for a sensible gradation of built form across Auckland urban areas.

8. The Submitter seeks that:

(a) To the extent that the Changes would enable more intense development beyond that required to incorporate the MDRS or give effect to the NPS-UD, then those aspects of the Plan Changes be deleted; and 2296.2

(b) The Changes be amended to address the concerns in this submission, including by way of example:

(i) Clarify in Chapter H6.1 Zone Description that in the context of the THAB zone "high-intensity" is generally considered to be five to seven storeys and that while supporting the "highest levels of intensification" this is in an urban context (rather than city centre or metropolitan centre context) and that high-rise apartment towers are not anticipated and would be contrary to the objectives and policies of the zone. 2296.3

(ii) Amend Chapter H5 Residential MHU Zone and Chapter H6 THAB Zone to specify that "low rise apartments" means three storeys or less. 2296.4 2296.5

(iii) Define rapid transport in the AUP as having a service frequency of six minutes or less (i.e. moderate to high volume services). 2296.6

(iv) Define walkable catchments as within 400m of an existing or planned rapid transit station. 2296.7

(v) Ground truth walkable catchments to take into account the actual effect of physical and topographical barriers to determine what is actually a five or 10 minute walk and amend the planning maps accordingly. In particular, take into account wait times associated with crossing arterial roads at signalized intersections and crossing railway lines without grade separated crossings. 2296.8

(vi) Create a more sensible gradation of planned built form that encourages greater public transport use by splitting the THAB zone into two zones: 2296.9

- Higher Intensity Apartment Zone. Apply this zone to 400m walkable catchments to enable an urban built form that concentrates high intensity apartments (five to seven storeys) very close to existing or rapid transit stations.
- Terraced Housing and Low-Rise Apartment Zone. Apply this zone to land within a 400-800m of an existing or planned rapid transit station to enable low rise (up to three storeys) terraced housing and apartment buildings.

(vii) Retain the MDRS standards and assessment criteria for three dwellings or less within the THAB zone and amend the zone provisions to provide that while the zone enables higher density development, developments of three dwellings or less are also considered appropriate in the zone. 2296.10

(viii) Retain the extent of existing residential special character areas and reassess areas outside of existing special character areas to determine if there are additional areas that warrant inclusion within the overlays. 2296.11

(ix) Ensure that the extent of infrastructure constraints qualifying matter overlays accurately reflect Auckland's infrastructural deficiencies in relation to transport, water supply, stormwater management and wastewater. 2296.12

(x) Amend the Chapter H5 MHU Zone and Chapter H6 THAB Zone to better recognise that well-functioning urban environments need to: 2296.13 2296.14

- Encourage high-quality design including high quality construction standards; and
- address interface issues between existing and new development and maintain a high degree of amenity for existing residents including:
  - Avoiding or minimising visual privacy, outlook, daylight and sunlight, and dominance effects.
  - Defining neighbourhood character and street scape to recognise that the spacing of existing dwellings and the existing level of residential amenity is an integral part of these values.

(xi) Amend Chapter H5 MHU Zone and Chapter H6 THAB Zone to introduce objectives, policies and rules that encourage higher density developments to amalgamate sites and internalize their adverse effects. 2296.15 2296.16

(xii) Amend Chapter H5 Residential Mixed Housing Urban Zone and Chapter H6 THAB Zone to include a definition of "high-quality developments", which provides that high quality developments do not impinge upon amenity of neighbouring sites to a greater extent than that authorised by the MDRS and NPS-UD. 2296.17 2296.18

(xiii) Retain and strengthen the assessment criteria that seek to provide for high-quality building scale, location form and appearance, compatible with planned building character and residential amenity of the surrounding area, and the extent to which buildings are designed to manage building length and bulk and visual dominance. 2296.19

(xiv) Retain and strengthen the provisions that seek to integrate car-parking with development, including requiring that where on-site car parking spaces or driveways are provided in new developments the dimensions are sufficient to avoid cars encroaching on yards, landscaped areas or roads. 2296.20

(xv) Retain and strengthen the provisions requiring dwellings to be designed with adequate storage and space to accommodate typical furnishings. 2296.21

(xvi) Retain and strengthen the deep soil area and canopy requirements in Chapter H5 Residential MHU Zone and Chapter H6 THAB Zone and encourage the retention of mature trees as a means of mitigating the adverse effects of development. 2296.22 2296.23

(xvii) Any consequential amendments to other parts of the AUP (including to address the matters outlined above.

9. The Submitter wishes to be heard in support of their submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.

DATED 29 September 2022

JL Beresford

Address for service of the Submitter: Beresford Law, Level 6, 20 Waterloo Quadrant, Auckland, 1010. PO Box 1088, Shortland Street Auckland. Attention: Joanna Beresford. Phone +64 9 307 1277. Mobile +64 21 114 1277. Email: joanna@beresfordlaw.co.nz

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Gill Chappell

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

P O Box 3320, Shortland Street, Auckland 1140

Telephone: 93001259 Fax/Email: gillian@chappell.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number	PC 78 and PC80
Plan Change/Variation Name	Intensification and RPS

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	See attached
Or Property Address	71 De Luen Ave, Tindalls Bay and 32 Palmer Cres, Mission E
Or Map	

Or
Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☐ No ☐

The reasons for my views are:

See attached

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☒

See attached

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Gill Chappell
Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/29/2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☒ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Submission on behalf of Squirrel Trust

To Auckland Council:

This response is made on behalf of the Trustees of the Squirrel Trust ("The Trust"), a trust which owns two properties in Auckland:

- 71 de Luen Ave, Tindalls Bay
- 32 Palmer Cres, Mission Bay

Specific submissions are set out in Schedule two to these submissions.

Infrastructure constraints

The Trust generally supports the proposal to include significant infrastructure constraints as a qualifying matter. In particular, this should apply to areas such as Tindalls Bay on the Whangaparaoa Isthmus for the reasons outlined below. 2297.1

Whangaparaoa is geographically unsuited to intensification

Whangaparaoa is an isthmus with significant infrastructure constraints. Under the AUP much of the isthmus was zoned Single House Zone, without any overlays. This reflected the significant geographical constraints of the narrow isthmus, particularly in relation to future traffic management, of the area. It also reflected that the coast had not been identified as a high growth area.

As Whangaparaoa Road is a single road in and out of the isthmus, which is already significantly congested, and with little prospect of sufficient supporting commercial infrastructure to enable people to "live" in their communities, a low density approach is considered appropriate. This is consistent with the traffic constraints identified for Beachlands. It is not clear why a similar approach has not been applied to the Whangaparaoa Peninsula. 2297.2

Instead PC78 proposes to manage intensification by way of a Infrastructure Water and Wastewater Constraints Control ("IWWCC") as a qualifying matter. However, this constraint is poorly defined and will not achieve the planning outcomes sought. It will result in adhoc intensification on a first in first served basis without the ability to cohesively plan appropriate infrastructure outcomes. 2297.3

The other proposed approach that applies to Tindalls Bay is the application of a coastal erosion hazard zone to limit some sites close to the coast to low density development. This is described as being a "qualifying matter" and is referred to below as the "Coastal Erosion Approach"

In contrast, other properties on the Coast are zoned MHU, subject only to the IWWCC.

The Coastal Erosion approach is applied on an "information basis" and alters the existing Coastal Erosion Hazard Zone definition by stealth. This is achieved by applying the new information overlay to the planning maps and zoning all of those properties as Low Density Residential.

In the case of 71 De Luen Ave, a fraction of the "information" overlay has resulted in a LDR Zone as compared to its immediate adjacent neighbour which has a MHU zoning. It is unreasonable to zone 71 De Luen Ave differently where there is no effect associated with any 2297.4 2297.5

building platform area on the site. The site is currently occupied by a very small old bach and the provisions of the plan could prevent reasonable development (s85). 2297.4 2297.5

S77I provides that the Council may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development only to the extent necessary to accommodate the identified qualifying matters. It is not considered that a small extent of the information overlay justifies the different approach to zoning. 2297.6

General Submissions

For the provisions of PC78 that The Trust supports in Schedule 2, those provisions will:

a. promote sustainable management of resources, achieve the purpose of the RMA, and are not contrary to Part 2 and other provisions of the RMA;

b. provide and promote greater health and amenity outcomes;

c. enable social, economic, and cultural wellbeing;

d. meet the reasonably foreseeable needs of future generations.

For those provisions of PC78 / PC80 that The Trust opposes in Schedule 2 those provisions require amendment because, without the necessary amendments, those provisions will not:

e. promote or enable the social and economic wellbeing of the community;

f. promote sustainable management of resources, will not achieve the purpose of the RMA, and are contrary to Part 2 and other provisions of the RMA;

Relief sought

The Trust seeks the following amendments from the Council on PC78 / 80:

g. That the proposed provisions be retained, deleted, or amended as set out in the Trust's submission;

h. Such further or other consequential relief as may be necessary to fully give effect to the relief sought in the Trust's submission.

The Trust wishes to be heard in support of its submission.

_____

Gill Chappell

For and on behalf of the Squirrel Trust

Date: 29 September 2022
Address for Service: Vulcan Building Chambers
P O Box 3320
Auckland 1140
Email: gillian@chappell.nz
Telephone: (09) 300 1259
Attached: Form 5 and Schedule 2

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
PC78				
General – all zones				
Height standards and provisions relating to breach of the height standards	Oppose	The Trust opposes the drafting of PC78 to the extent that it is unclear whether the height standards in the AUP as amended by PC78 and to the extent they operate in conjunction with other parts of the AUP are a "starting point", neutral or anticipated. To be meaningful the height standards must send a strong signal as to what is not expected - as opposed to providing no sense that additional height is necessarily inappropriate. Case law has established that owners are entitled to rely on a general anticipation that bulk, height, and location requirements will be complied with and persons will probably plan their own houses accordingly with justifiable expectation that benefits of those standards will not be encroached upon.	Provide planning certainty for residential areas by making it clear that the height standard is not to be exceeded so that it cannot be argued that the standards are a "starting point".	2297.7
LDRZ				
		The LDRZ provisions lack clarity and certainty. The zone has been applied for a mix of purposes, relating to matters including special	Apply the MDRS to all residential zones that are proposed under PC78, with the exception of those zones that were previously Single House Zone and managed by	2297.8

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought
		character, natural character, coastal erosion and infrastructure. Rather than applying an overlay approach through Chapter D overlays, PC78 attempts to use the LDRZ as a de facto overlay and response to various issues and values. However, the planning standards do not consistently respond to the qualifying matters. For example, wastewater constraints are not a matter that is relevant to height or height in relation to boundary and the corresponding yard depths. An overlay approach, consistent with the existing Chapter D overlays of the AUP would provide a much clearer and uniform response to the new qualifying matters that are not managed by existing AUP overlays. The failure to adopt a consistent approach has resulted in confusion and a lack of understanding as to how the LDRZ will operate in practice. There is a further lack of clarity between MDRS objectives and policies and other objectives and policies in the LDRZ. It is unclear how these will be reconciled.	existing Chapter D overlays (eg the Special Character Overlay); and Manage all qualifying matters by way of overlays that form part of Chapter D.

2297.8

2297.9

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
References to coastal erosion, coastal hazards in the LDRZ	Oppose	It is not appropriate to include references to coastal erosion and coastal hazards in the LDRZ including in the description, policies or objectives. This is a matter that should be subject to a separate plan change as required.	Delete any reference to coastal hazards, coastal erosion or the coastal hazards erosion area from the LDRZ and instead manage this matter as an overlay.	2297.10 2297.11
Table H3A.4.1 Activity Table	Oppose	The LDRZ is significantly more restrictive and less enabling than the Single House Zone. For example: - All new buildings in the coastal erosion hazard area which increase gross floor area are restricted discretionary activities (A35). - The Table fails to provide for minor dwellings in the LDRZ as a permitted activity (cf D12.4.1 (A3A)); It is unreasonable to potentially restrict new buildings per site where buildings are not located in the coastal erosion hazard area as delineated on the planning maps. Rule (A35) is unclear as to the extent to how this rule will apply where the coastal hazard maps are not part of the plan change.	Delete (A35) or amend A35 so that it is clear that it applies only to buildings located directly on that part of the coastal erosion hazard area as delineated on the planning maps. Provide for minor dwellings in the LDZR as a permitted activity	2297.12 2297.13

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
		Failure to do so may render a site incapable of reasonable use pursuant to s85.		
H3A.5 Notification	Oppose	The notification provisions residential zones are are inappropriate and inconsistent when compared with each other. It is inappropriate to not notify height applications in the MHU while notifying applications which exceed the height standards in the LDRZ, particularly in circumstances where a qualifying matter that has resulted in the LDRZ zoning is unrelated to residential amenity – eg coastal erosion. The height of buildings is a key feature that affects amenity and the neighbourhood's planned urban built character (eg Objectives H3A.2 /(B1) and H5.2(3))	Make the notification provisions of the residential zones in the plan consistent. Ensure that height is not a matter to which the normal tests for notification apply where it is unrelated to the qualifying matter that changes the activity status from permitted. Ensure that height is a matter to which the normal tests for notification apply where it is related to the qualifying matter that changes the activity status from permitted.	2297.14 2297.15
H3A8.2 – Assessment Criteria	Oppose	It is unreasonable to limit height in the LDRZ on the basis of the coastal erosion overlay.	Add policy H3A3 (18) to the list of assessment criteria for building height in clause H3A8.2(2) Make such other changes to the assessment criteria and matters for control that limit the matters for consideration for restricted discretionary activities where that activity status applies solely as a result of location in the coastal erosion overlay or other infrastructure qualifying matters to those matters directly related to the qualifying	2297.16 2297.17

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
			matter.	2297.17
Residential - MHU Zone				
H5.5 Notification	Oppose	The notification provisions residential zones are are inappropriate and inconsistent when compared with each other. It is inappropriate to not notify height applications in the MHU while notifying applications which exceed the height standards in the LDRZ, particularly in circumstances where a qualifying matter that has resulted in the LDRZ zoning is unrelated to residential amenity – eg coastal erosion. The height of buildings is a key feature that affects amenity and the neighbourhood's planned urban built character (eg Objectives H3A.2 /(B1) and H5.2(3))	Make the notification provisions of the residential zones in the plan consistent. Ensure that height is not a matter to which the normal tests for notification apply where it is unrelated to the qualifying matter that changes the activity status from permitted. Ensure that height is a matter to which the normal tests for notification apply where it is related to the qualifying matter that changes the activity status from permitted.	2297.18 2297.19

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
Policies H5.3	Oppose	Provide greater certainty that three storeys in the MHU zone is the anticipated outcome by adding a new policy that more clearly implements Objective H5.2 (B1)(b) and by ensuring that the corresponding assessment criteria and matters of discretion relating to height are amended. Policy H5.3 6A(f) is unclear and should be split in two to make it clearer that the issue is not just related to the maximum impervious area on a site. A further policy is required for H5.3 6A that addresses height.	Add new policy (18) "Building height is limited to three storeys". And / or add a new policy H5.3(6A) (j) as follows: "managing height to achieve the planned urban built character of predominantly three storeys Split Policy H5.3 (6A)(f) into two parts by adding a new (fa): "Ensuring that adverse effects on water quality, quantity and amenity values are avoided or mitigated".	2297.20 2297.21
Application of the Infrastructure Water and Wastewater Constraints Control	Oppose	In the absence of overlay provisions for the IWWCC it is not clear what outcomes are sought from the IWWCC or how the RPS objectives will be given effect to. As drafted, and in conjunction with the subdivision provisions, it appears that developments will be provided for on a "first in first served approach" rather than adopting a cohesive approach to the upgrading of infrastructure. This will result in ad hoc development to the detriment of the Whangaparoa Peninsula.	Replace Objective H5.2 (7) as follows: "Intensification is avoided in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints" Replace Policy H5.3 (12) as follows: "Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints. Add a new standard H5.6D that relates to the IWWCC and reflects H5.63B and C.	2297.22 2297.23 2297.24

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
Table H5.4.1	Oppose	It is not clear why there are no corresponding standards in the Table for activities (A14B) and (A14C) where those activities are subject to qualifying matters. It is not clear why (A3) does not reference the IWWCC.	Amend (A14B), (A14C) to include the appropriate standards that are to be complied with in relation to the specific qualifying matters. Amend (A3) to refer to the IWWCC	2297.25 2297.26
H5.8 Assessment – restricted discretionary activities	Oppose	It is appropriate that neighbour's amenity is more specifically assessed in relation to four or more dwellings per site in accordance with the zone objectives and policies.	Amend H5.8.1 and H5.8.2 to better address neighbouring amenity including by revising (ia) C to refer to the amenity experienced from adjacent sites. Amend the criteria relating to Character and Visual amenity so that consideration is given to how buildings with extra height are viewed from adjacent properties as well as the street or public places	2297.27 2297.28
Mapping - Coastal Erosion "information"				
coastal erosion hazard area "information" mapping	Oppose	The definition of coastal erosion hazard area has not been amended, with the result that it is out of line with the "information" layer shown on the planning maps. Other than by referencing to the "information sheets" it is unclear how this definition will be applied, particularly to some sites where the coastal erosion hazard area "information" mapping covers only part of a site, but where that site was not previously subject to the definition of "Coastal Erosion Hazard Area".	Remove the coastal erosion hazard area "information" hatching from the planning maps. Clarify that where an activity is in the Coastal Erosion Hazard Area, the activity status of the activity is dependent on the location of the activity with respect to the specific location of the Coastal Erosion Hazard Area.	2297.29 2297.30

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
		This is uncertain and ultra vires.		
Mapping Submissions				
Zoning of 32 Palmer Crescent, Mission Bay Zoning of Palmer Crescent, Mission Bay	Support	The Trust supports the proposed zoning of the Palmer Crescent as MHU	Retain the MHU zoning proposed by PC78 for Palmer Crescent and 32 Palmer Crescent	2297.31
Removal of Special Character Overlay from 32 Palmer Crescent	Support	The Trust supports the proposal to remove the Special Character Overlay from 32 Palmer Crescent	Retain the proposal to remove the Special Character Overlay from 32 Palmer Crescent	2297.32
Application of MHU to Whangaparaoa Peninsula	Oppose	The Trust opposes the proposal to rezone the majority of the Peninsula as MHU in those areas. Intensification in areas subject to the Infrastructure Water and Wastewater Constraints Control is not appropriately controlled or managed by the provisions of the MHU or the subdivision provisions of Chapter E. It is not consistent with the RPS provisions which seek to limit intensification where there are qualifying matters (B2.4.2(4)) The peninsula should be subject to a further infrastructure traffic constraints control for the same reasons as Beachlands. The Peninsula is a one road in, one road out roading system, which has	Rezone those parts of the Whangaparaoa Peninsula that are MHU as LDR. Apply a further transport constraints control (as applied to Beachlands)	2297.33 2297.34

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought	
		irregular and unreliable ferry services. Although Penlink has been consented it has not yet begun and is many years away from completion. The Peninsula has not been identified as a High Growth Area and substantial intensification is enabled despite the IWWCC.		
Application of LDRZ to Single House Zone sites where Coastal Erosion is indicated	Oppose	The s32 Report provides that "Proposed Plan Change 78 limits development within the coastal hazard areas in order to avoid increasing the risk of adverse effects on people and property. In addition to the provisions in Chapters E36 and E38, Proposed Plan Change 78 recommends the application of the new Residential - Low Density Residential Zone to all properties currently zoned Residential – Single House Zone in the AUP and that may be susceptible to these hazards." It provides that other zones will be revisited under a future plan changes and notes that: "The timing of the new MfE guidance did not allow enough time to include a zoning response in Proposed Plan Change 78. This means that the guidance will need to be addressed in the future	If the MHU zoning is to be retained on the Whangaparoa Peninsula, apply MHU zoning to all sites where Pc78 applies a LDRZ to sites solely for the purpose of managing coastal erosion where those sites were zoned Single House Zone under the AUP. For consistency the same approach should be applied to all sites subject to PC78.	2297.35 2297.36

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought
		coastal hazards plan change." It is ultra vires, inappropriate and unreasonable to rely on a future plan change as the basis for rezoning sites to LDRZ as a precautionary response, where overlay provisions relating to coastal erosion hazard areas already exist. PC78 fails to give effect to the Act.	
Zoning of 71 de Luen Avenue as LDRZ	Oppose	It is unreasonable to rezone 71 de Luen Ave as LDRZ: (a) in response to a new and untested "information" map of the Coastal Erosion Hazard Area where that map does not form part of PC78; (b) where the Coastal Hazard Erosion Area extends across one small corner of the site which makes up a very small percentage of the site. A restrictive residential zoning is contrary to the objectives and provisions of the Act.	If MHU zoning is applied to the majority of Tindalls Bay, rezone 71 De Luen Ave, Tindalls Bay to MHU in keeping with its neighbouring site at 69 De Luen Ave.

2297.37

Plan reference	Support / Oppose	Squirrel Trust's submissions	Relief Sought
PC 80			
B10.2.2(13)	Oppose in part with amendments	The Trust opposes the amendments to the RPS in part to the extent that they are overly narrow and prescriptive in managing the risk associated with coastal hazards. Redevelopment has the potential to mitigate or manage climate change risks through improvements to the existing environment.	(13) Require areas potentially affected by coastal hazards over the next 100 years to do all of the following… (b) ~~do not increase~~ manage the intensity of activities that are vulnerable to the effects of coastal hazards beyond that enabled by the Plan, ~~and reduce intensity over time in areas of high risk where this is necessary to implement managed retreat~~; (c) encourage redevelopment where it would reduce the risk of adverse effects from coastal hazards and in the event of redevelopment, minimise natural hazard risks through the location and design of development; …

2297.38

Submission on a notified proposal for plan change or variation

Clause 6 of Schedule 1, RMA 1991

Submission No:

Receipt Date:

Attention: Planning Technician

Auckland Council

Level 24, 135 Albert Street

Auckland 1142

by email: unitaryplan@aucklandcouncil.govt.nz

Submitter details

Mr Richard Brabant

Address for service:

48 Ventnor Road Remuera Auckland 1050

Telephone: 021975548

email: richard@brabant.co.nz

Contact person: Richard Brabant

Scope of submission

This is a submission on the following proposed plan changes to the Auckland Unitary Plan (AUP):

1. PC 78 and Variations 1, 2, 3, 4 & 5. (Intensification)

2. PC 80 (changes to the Regional Policy Statement (RPS)).

The specific provisions that this submission relates to are:

1. In respect of PC 78 and the associated Variations, *all of the provisions*.

2. In respect of PC 80, *all of the provisions.*

Submission

1. I oppose all of the provisions in PC 78, and as a consequence the associated Variations. If PC 78 is nonetheless approved, then I seek changes to the provisions as identified below.

2. I oppose all of the provisions in PC 80.

The reasons/grounds for my submission are:

Overview

1. The AUP (Operative in part) is a relatively recent substantial review and overhaul of the Regional and District Plan provisions applying within the Auckland Region. It is essentially operative, following an exhaustive and comprehensive process of proposed plan preparation and notification, submission, and the hearing of submissions by a specially constituted Independent Hearing Panel. In relation to the question of intensification, this planning issue was given special and detailed attention by submitters, the Council and by the IHP, resulting in recommendations (adopted by the Auckland Council) which would enable over 900,000 dwellings to be built in the identified residential areas (assessed capacity until 2040), with higher-density housing including apartments terraced housing and townhouses enabled close to public transport and centres. This was achieved in respect of residential development (within the Rural Urban Boundary(RUB)) through the spatially planned use of 2 urban zonings (THAB & MHU) and 2 suburban zonings (MHS & SHZ). Also relevant to the AUP provisions providing for this large additional residential dwelling capacity, and additional to the Scheduled Heritage protection of buildings and places, was the continuation of control of development within identified Special Character areas, where pre--1940 dwellings, and commercial buildings are located in Auckland's older suburbs. The extent of this Special Character protection was the subject of a comprehensive Council review prior to notification of the PAUP, followed by submissions, the hearing of submissions and decisions by the IUP. I note this process of reviewing the extent of the Special Character Areas was made following an earlier review of Special Character protection through PC 163 of the Auckland Transitional District Plan.

2. The Council's evaluation of the outcome of making changes to the AUP in response to the NPS – UD estimates the result is provision for an additional 2.3m dwelling capacity extending into the very long-term and far beyond the 30 – 35 year horizon of that NPS. Making provision for residential dwelling capacity beyond that already provided for by the AUP is contrary to sound planning and is likely to lead to outcomes which are contrary to the purpose of the RMA (s 5).

3. The intended – or at least the legitimate – purpose of the introduction by Central Government of the NPS-UD is to achieve throughout New Zealand adequate provision in Unitary and District Plans for housing capacity in identified cities and towns. This NPS was prepared and has been promulgated *after* the necessary provision for intensification and thereby additional housing was achieved for the Auckland Region through the proposed and now operative AUP. The key elements of achieving within existing cities additional dwellings through greater density, enabled close to public transport, city centres and other centres close to work, shops, employment and community services have been adequately addressed and outcomes finalised through the AUP notification, submission and hearing process[1]. The existing 2 urban zones (THAB & MHS) already provide through their objectives policies, development controls (standards) and assessment criteria for higher density urban living (THAB

[1] sound planning practice is to review the adequacy of provision for new residential homes over the life of the AUP, institute plan changes if necessary, and in any event thoroughly review the relevant plan provisions in the proposed replacement AUP. Government intervention at this early stage in the life of the AUP when the issues addressed in the NPS-UD have already been taken into account is poor planning practice.

zone) and development in keeping with a planned urban built character of predominantly three-storey buildings (MHU zone).

4. The amendment to the RMA through the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021(2021 RMA Amendments) requires identified territorial authorities to incorporate objectives and policies and medium density residential standards (MDRS) into every "relevant residential zone in an urban environment". In the AUP, those zones are the THAB and MHU zones, but the statutory amendment to the RMA has been identified by Council as requiring removal of 2 suburban zonings (MHS and SHZ) from the AUP and inclusion of a modified Residential – Mixed Housing Urban zone.

5. As the outcome would be over time significant adverse effects on Auckland's residential suburbs environmental and amenity values, contrary to the purpose of the RMA, and Part 2 considerations (s7 – the maintenance and enhancement of amenity values; the maintenance and enhancement of the quality of the environment), those existing zones should be retained, not replaced with an urban built character zone. Further, the statutory amendment allows for qualifying matters to be identified to avoid the inappropriate inclusion of the MRDS provisions. I submit *additional qualifying matters* in addition to those the council has identified in the notified change provisions should be recognised. These are: 2298.1

(a) the recognised generally spacious suburban character of the existing housing development within the SHZ and MHS zoned areas, reinforced by each zone's development standards in particular as to building coverage, maximum impervious area and minimum landscaped area. This means Auckland's suburbs have a character (at a district as well as at a neighbourhood scale) and scale of development that reduces the amount of stormwater run-off generated by buildings and impermeable surfaces, as much of it is absorbed within residential properties. 2298.2

(b) associated with that existing suburban character, especially in the older established suburbs is the presence of over 60% of Auckland's Urban Forest[2]. Urban trees are increasingly important for biodiversity conservation, ecosystem services and providing direct benefits to urban inhabitants (including psychological and physical health). By global standards Auckland is a relatively young city (founded in 1840[3]), dominated by an extensive and diverse urban forest.[4] In the absence of direct protection for this Urban Forest[5], some 40% of which is on private land[6], retention of the existing SHZ, the existing Special Character Area Isthmus B Overlay protection, and the existing MHS zoning[7] is the single mechanism presently available to protect this resource.

6. Ironically, the retention of these existing zonings and existing protection of individual properties and groups of properties afforded within Auckland's established suburbs through the SCA overlays would best recognise the proposed changes to the RPS through PC 80[8] . A "well-functioning [Auckland] urban environment that enables all people and communities to provide for their social,

[2] Auckland Council Technical Report April 2021 "Auckland's Urban Forest canopy cover: State and change (2013 – 2016/18), Figure 10.
[3] Stone, 2001
[4] Wilcox,2012
[5] By blanket tree protection in the AUP, or another mechanism such as a tree canopy cover target.
[6] Auckland Council Technical Report (reference footnote 4), Figure 13.
[7] Unless discrete areas presently zoned MHS come within the required changes to zoning and land use mandated by the NPS-UD
[8] See B2.2.1 Objectives; also proposed amendment in B2.3.2 relating to the effects of urban heating resulting from climate change including by improving urban tree canopy cover.

economic, and cultural well-being, and for their health and safety,[9] now and into the future" is one that does not plan for the whole city as one intense urban area, but retains Auckland's suburbs with their suburban built character, Auckland's heritage of pre-1940s houses including those characterised by low housing densities, larger sections, a range of housing styles, and an abundance of planting, including private gardens and street tree planting, and protects and enhances Auckland's existing Urban Forest. Recognising these elements as qualifying matters responds to the need to address climate change, biodiversity, and continued increases in stormwater discharge to the Hauraki Gulf through (inadequate) infrastructure that will result from housing intensification with higher building coverage and maximum impervious area percentages and greatly reduced landscaped areas.

Minimum response to the NPS-UD and 2021 RMA Amendments

7. The absolute minimum number of changes to the Operative AUP should be made through this plan change process. The AUP already provides ample provision to accommodate housing supply in Auckland. (Refer paragraphs 1 & 2 above) 2298.4

8. Confining any changes to those the Council is obliged to make by the relevant statutory provisions in the RMA (including those added by the 2021 RMA Amendments) recognises that the submission and hearing process has been substantially truncated and amended so that the expected process of plan change notification submission decision-making and rights of appeal have been interfered with by central government – and with no justification. This includes a statutory right for the Executive arm of the Government to intervene in the current process. Community participation in plan review, plan changes and variations is a cornerstone of the New Zealand planning process, so where this has been interrupted by statutory intervention, any changes made should be the minimum necessary.

PC80 2298.5

9. The s32 evaluation report states: "The NPS – UD does not require the Council to make any changes to its plans in respect of well-functioning urban environment but the reference and Policy 1 to the factors being a minimum provide scope for additional matters to be considered."[10] In relation to the 2021 RMA Amendment Act, the report states: "The Resource Management Enabling Housing Amendment Act 2021 only provides for the Intensification Planning Instrument (IPI) to alter district plan provisions. "[11]

10. Despite these acknowledgements, the Council has proceeded with PC 80, proposing amendments to the RPS provisions within the Operative AUP. The evaluation report contends the Council is enabled to do so – referring to "The Act". I submit this is legally incorrect and the plan change required by both documents is confined by what they oblige the Council to promote by a plan change.

11. The evaluation report also suggests "it is considered best practice to reference well-functioning urban environment, climate resilience and qualifying matters into the text of the RPS". I submit this is not best practice; on the contrary inappropriate especially since the statutory obligation to

[9] a direct quote from s5 RMA
[10] page 6
[11] page 8

introduce objectives and policies into "relevant residential zones" creates internal conflicts within the AUP. These required insertions into residential zone objectives and policies will plainly not enable residential intensification consistent with well-functioning urban environments and pays no regard to the likely current and future effects of climate change. At page 8 of the evaluation report the effects that climate change will have in the Auckland urban environment are listed. All of those expected or anticipated effects would be better addressed by the current RPS and District Plan provisions relating to residential development. In particular the creation of a single residential zone (outside the areas affected by the NPS-UD) in which urban not suburban density and new development controls would control permitted development, and restricted discretionary applications to develop more than 3 dwellings on a site would not be subject to normal notification procedures, would over time produce a residential environment less resilient and less able to deal with climate change, natural hazards, urban heat events, and increased drought. It would inevitably (given the MRDS requirements increase the discharge of stormwater from residential sites) adversely affect biodiversity, natural resources and natural and built heritage.

12. I submit a priority for the in-coming Council post-election is to secure agreement of Government to the revocation of the provisions the subject of these plan changes. This is another reason to decline approval to PC 80.

NPS-UD

13. For reasons already covered, I submit the minimum changes required to existing provision in the AUP for greater intensity residential opportunities associated with centres, transport hubs, rapid transport networks and employment opportunities should be made in response to the NPS-UD.

14. Identification of the dimensions of "walkable catchments" should not be altered from those arrived at through the PAUP submission and hearing process. 2298.6

Residential zones

15. I oppose proposed changes to the existing residential zones – for clarity the THAB, MHU, MHS and SHZ zones should be retained, and existing zone wording retained in its entirety, except for the introduction as required by the 2021 RMA Amendment of objective and policy provisions and the MRDS development controls into the THAB and MHU zones. I oppose any changes to the Special Character Overlay provisions in the AUP – plan wording and zoning. 2298.7 2298.8

16. By reference to the AUP zoning maps, no changes should be made to the application of the existing residential zones to properties within the RUB, other than what is required to comply with the statutory obligations. In respect of the NPS-UD a change of zoning to the THAB zone where properties or areas now fall within locations where greater intensification is required to meet the NPS provisions (but subject to application of qualifying factors). In respect of other residentially zoned land within the RUB, and where qualifying factors enable existing zonings (and where applicable overlays) to be retained, the existing zonings remain; otherwise the zoning is changed to MHU. Where qualifying factors are applied, then existing zonings should be used. If existing zoning provisions are retained, no changes need to be made to residential zoning in coastal and rural 2298.9

settlements. This is the most effective and efficient way of addressing the statutory obligations imposed on the Council.

17. I submit the following changes should be made to the MHU zone provisions, as a result of the replacement of the existing standards or development controls by the MHRS:

(a) because the minimum required front yard is now to be reduced to 1.5m , and the minimum landscaping requirement in the zone has been reduced to 20%, an additional rule requiring all of the front yard to be landscaped other than a single pedestrian pathway to each dwelling with street frontage, and a single driveway crossing.

2298.10

(b) no vehicle parking spaces within the front yard.

(c) landscaping to meet the requirements of H5.6.19 in all landscaped areas.

(d) add to the matters for control and assessment criteria where restricted discretionary consent is sought for 4 or more dwellings: the extent to which the development proposal retains existing mature vegetation including canopy trees, and the extent to which site development minimises impervious areas on a site to manage stormwater run-off and improve site appearance and neighbourhood amenity values.

(e) to control density of development on a site where 4 or more dwellings are proposed, a minimum site area of 200 m² per dwelling.

Qualifying Matters

18. I submit additional qualifying matters should be included in the assessment of locations where existing zoning (SHZ and MHS) should be retained.

(a) **Protection of Urban Forest**. The Council has an Urban Forest Strategy[12] and the Strategy's target average canopy cover is 30%. The Auckland Council April 2021 report on Auckland's Urban Forest Canopy Cover is 18% across the combined area of the 16 urban local boards as of 2016/18. The percentage range at local Board level is from 8% in Mangere-Otahuhu to 30% in Kaipatiki. The report identifies 60% of Auckland's urban forest is in the built-up area (settlement) across the 16 local Board areas, and 40% is on land zoned residential. The importance of protecting (as a first step) then enhancing this urban forest (referencing the Strategy target average canopy cover) justifies identification of Urban Forest as a qualifying matter, and retaining existing zonings where it is located. This is justified because in the absence of tree protection through AUP controls existing vegetation and canopy trees are better protected under the SH and MHU zones than the alternative zone proposed in PC 78. The technical report justifies that approach by reference to the percentage change in canopy cover measured as part of the work.

2298.3

(b) **Rainfall/stormwater constraints**. The evaluation report for stormwater disposal constraints as a qualifying matter takes a far too narrow view of what should qualify as a constraint in relation to stormwater disposal. Healthy Waters identified 511 sites in the central isthmus of Auckland subject to limitations regarding the disposal of stormwater – meaning no ability to connect to the public stormwater network – and where ground soakage capacities are constrained. The evaluation contains an assumption that the issue is only infrastructure capacity and then in respect of sites which presently are unable to connect to the stormwater network. I submit a broader view is

2298.11

[12] Auckland Council 2019 – Auckland's Urban Ngahere (Forest) Strategy

required. In Auckland's suburbs low intensity housing development coupled with spacious sites means that a vital component of stormwater disposal is in-ground – that is within the site itself. Adoption of the MRDS controls in place of the building coverage, maximum impervious area and landscaped area development standards in the SH and MHS zones will significantly reduce rainfall/stormwater absorption capacity and in many developments there will be total reliance on disposal to the public stormwater network and ultimately open drains, streams and thence the CMA. Increasing stormwater discharge rates through zoning changes allowing more intensification requires consideration of future capacity not just existing ability to accommodate any stormwater increase over existing volumes. Accepting that restraints on disposal of stormwater is a legitimate qualifying matter, the evaluation report by Healthy Waters is inadequate. The increased rate of discharge of stormwater off sites developed at a greater intensity of use and a much greater reliance on stormwater discharges requires identification of: 2298.11

(i) those existing public stormwater networks that would reach capacity based on increased stormwater flows due to intensification within (say) the next 10 years, and approved expenditure on upgrades to those stormwater networks by reference to the councils 10 year plan;

(ii) consideration of the effects of additional stormwater discharge on the receiving environment so that consideration is given to whether additional flows could be accepted (a capacity consideration) and the environmental effects of those discharges on the receiving environment (a water quality consideration).

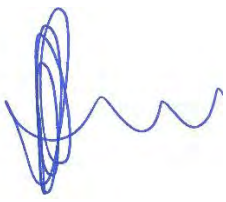
19. In the absence of sufficient evaluation work by Auckland Council (as a proponent of the plan change) on these constraints changes to zoning and land use controls which would enable intensification but result in adverse effects on tree canopy cover and stormwater disposal constraints should not be made and existing zoning should be retained.

I seek the following decision by Council:

Decline the proposed plan changes/variations the subject of this submission.

If the proposed plan changes are not declined, then make amendments as requested in this submission.

I wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Richard Brabant

29 September 2022

SUBMISSION ON PROPOSED PLAN CHANGE 78 (PUBLIC)

THAT IS SUBJECT TO FULL NOTIFICATION

PLAN CHANGE 78 – INTENSIFICATION

To: Auckland Council

Attention: Principal Policy Planner

By email: unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Templeton Group ('**the Submitter**' or **TG**)

1. This is a submission on public Plan Change 78 (**PC78**) to the Auckland Unitary Plan – Operative in Part (**the Unitary Plan**) on behalf of Templeton Group. PC78 was publicly notified by Auckland Council (**Council**) on 18 August 2022.

2. Templeton Group could not gain an advantage in trade competition through this submission.

Wider statutory context

*National Policy Statement - Urban Development (**NPS-UD**) and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**the RM Enabling Act**)*

3. The NPS-UD seeks to ensure councils better plan for growth and remove overly restrictive barriers to development to enable growth in locations that have good access to services, public transport networks and infrastructure. The associated intensification policies require councils to enable greater heights and residential densities in areas that are well-suited to growth, and specifically in and around urban centres and rapid transit stops.

4. The RM Enabling Act introduced the Intensification Streamlined Planning Process for tier 1 councils (which includes Auckland Council) as the mechanism by which to implement the NPS-UD intensification policies. It also introduced and required tier 1 councils to implement the Medium Density Residential Standards (**MDRS**).

5. The NPS-UD and RM Enabling Act collectively seek to ensure New Zealand's urban centres are well-functioning urban environments that support housing supply and affordability, accessibility to jobs and services, and the reduction of emissions.

Summary of Plan Change 78

6. PC78 seeks to:

   a. Change the allocation of residential zoning, and provisions within residential zones to enable:

      - More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops.
      - More intensive development in and around neighbourhood, local and town centres.
      - Incorporate MDRS that enable three storey housing in most residential areas.

   b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS.
   c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided.

7. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows:

   a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict development potential where there is a feature or value that should be protected or avoided.
   b. New Low Density Residential Zone applied across areas subject to specific qualifying matters.
   c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.

Background to this submission

8. Templeton Group is a development company specialising in comprehensive townhouse and apartment developments throughout the Auckland region. TG has a track record and reputation

as developers of quality residential housing for people to live with a strong focus on design aesthetics. TG has interests in significant land holding across Auckland including in Warkworth, Long Bay, Stonefields, Flatbush (Bremner Ridge) and has or is in the process of undertaking developments in Auckland's CBD.

9. TG's developments are based on comprehensively developed masterplans. As a standard development approach, TG seeks to generally comply with development standards relating to the bulk and location of buildings as much as possible. Under the operative Unitary Plan where four or more dwellings are proposed, the standards to be complied with are limited to Height and Height in Relation to Boundary. TG aim to generally comply with yard requirements also.

10. The changes to residential zones proposed as part of PC78 seek a far more prescriptive approach, with numerous additional standards needing to be complied with. TG consider this will significantly reduce design flexibility, add cost to compliance, consenting and construction, and undermine feasibility assessments and development yield.

Scope of Submission

11. This submission relates to PC78 in its entirety.

The Submission is:

12. The Submitter supports the zoning changes and provisions that seek to implement the NPS-UD and MDRS requirements for quality intensification in appropriate locations.

    a. TG supports the broad application of the Mixed Housing Urban (MHU) zone and considers this to be an appropriate mechanism by which to incorporate the MDRS and to give effect to the objectives and policies of the NPS-UD. 2303. 188

    b. TG supports the enhanced application of the Terrace Housing and Apartment Buildings (THAB) within walkable catchments and considers this to be an appropriate mechanism by which to give effect to the objectives and policies of the NPS-UD. 2303. 189

    c. TG supports the proposed zoning of land in the Warkworth Road/Claydon Road Precinct.

    d. TG supports the removal of 'intensity' from the matters of discretion and assessment criteria within the MHU and THAB zones for the assessment of 'four plus dwellings'.

13. Notwithstanding the above, TG considers that amendments are required to provide a more effective planning framework that gives full effect to the directives of the legislation. The key overarching considerations and concerns are:

a. The proposed plan change is contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts.

b. TG opposes the Council's approach to the relationship between Qualifying Matters and the underlying zoning. Qualifying Matters have been included within the zones, rather than the zoning being applied on the basis of location and other mechanisms such as Overlays, Precincts and / or Auckland-wide provisions being relied upon to achieve the outcomes sought by the Qualifying Matter. 2303. 190

c. TG opposes the introduction of the extensive suite of amendments proposed to the descriptions, objectives, policies, rules, development standards, matters of discretion, assessment criteria and information requirements of the MHU and THAB zones. The Submitter also opposes the introduction of Qualifying Matters into zones as these can be dealt with appropriately through other mechanisms such as Overlays, Precincts, Auckland-wide rules and assessment criteria. The provisions are overly complicated and restrictive, and the changes proposed in additional to those strictly required to give effect to the NPS-UD and RM Enabling Act provisions combine to reduce development yield and increase costs of compliance, and in the process undermine the outcomes envisaged by the statutory documents. These provisions have not been sufficiently justified under Section 32 of the RMA.

d. TG opposes the introduction of those Council identified Qualifying Matters, including Infrastructure Constraints and Precincts under sections 77I(j) of the RMA and the use of those Qualifying Matters to justify lower intensity development of land. TG seeks the deletion of those matters as Qualifying Matters. 2303. 191

e. TG opposes the introduction of the Low Density Residential (LDR) zone, including in the Long Bay Precinct. Its existence has been justified on the basis of those Qualifying Matters identified by Council under section 77I(j) of the RMA.

f. The level of detail required by the provisions is not appropriate in a district plan or necessary for a resource consent process and is more appropriately provided during detailed design for building consent / engineering plan approval.

14. The Submitter seeks to ensure that PC78 plan change provisions are amended so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act. Without limiting the generality of the above, the specific parts of the plan change that this submission relates to are set out in the main body of this submission and Attachment 1 and include the following:

a. Over complication of the structure of the Unitary Plan:

- There is a clear divergence in the drafting style of PC78 compared with the well-established approach to the operative Unitary Plan. The language is more negative and directive, assessment criteria can appear more like standards through the introduction of detailed requirements that do not exist elsewhere in the Plan, and a prescriptive 'one size fits all' approach has been taken through the introduction of significant new Special information Requirements.

- The clarity of zones has been compromised by the introduction of Qualifying Matters when they are (or can be) already dealt with via other mechanisms (i.e. Significant Ecological Areas are subject to Chapter D9 – Significant Ecological Area Overlay, but are now proposed to be addressed through zone provisions also).

- Qualifying Matters dealt with via Overlays, Precincts or Auckland-wide rules could (and in some cases already do) trump zone provisions, meaning a more intensive underlying zoning would be appropriately constrained by those mechanisms, where relevant. Accordingly, TG considers that more intensive zoning should be applied in place of the LDR zone, with any applicable Qualifying Matters limiting development potential in specific response to that Qualifying Matter enabled through other Plan mechanisms where appropriate.

- While applied broadly across Qualifying Matters relating to infrastructure constraints, coastal inundation and SEAs, a key function of the LDR zone appears to be to sit across sites identified as being within the Special Character Overlay (Chapter D18). However, as the Special Character Overlay explicitly states that the underlying zone rules do not apply and that the rules within the Overlay apply, it is not clear what the need for a lower intensity underlying zone is.

b. LDR zone

- For the reasons set out above, the LDR zone is considered to be of little value and unnecessary. TG submits that the LDR Zone should be deleted, and all subject land zoned for higher intensity outcomes, including the Long Bay Precinct. Any relevant Qualifying Matters can be applied via other Plan mechanisms and still achieve the intent of limiting development within certain areas.

c. MHU and THAB Zones

- The extensive suite of changes proposed to the MHU and THAB zones go well beyond what is needed to give effect to the MDRS and the NPS-UD. TG considers that the operative provisions are clear, efficient and effective, having been evaluated through the robust Unitary Plan hearings process. The proposed amendments adopt a contrary drafting style and general approach that is far more prescriptive and creates inconsistency across the Unitary Plan.

- The proposed amendments to the MHU and THAB zones introduce far more prescriptive requirements for 'four plus dwellings' in the form of new and amended rules, development standards and assessment matters. The net result is a significant reduction in design flexibility, clear impacts on the development potential of land and the costs associated with obtaining and implementing resource consents. This sits in contrast to the current approach taken within the residential zones which requires compliance with those standards that seek to control the overall bulk and location of buildings (height, height in relation to boundary and yards), with all other standards referenced via assessment criteria as a means of guiding design while enabling flexibility.

- New standards are complex, detailed and will undermine the ability to achieve the intensification objectives of the NPS-UD.

d. Business – City Centre Zone

- TG acknowledge the role of development standards within the City Centre zone to inform the bulk and location of development, particularly in light of the proposed deletion of the floor area ratio / bonus floor area provisions. However, TG oppose a number of changes to existing standards and proposed new standards within the City Centre zone on the basis that they are overly complicated and collectively work to undermine the intensification outcomes of the NPS-UD to maximise development in the city centre.

- As alluded to above, TG opposes the introduction of qualifying matters into zones, including the City Centre zone.

e. Business – Mixed Use Zone

- While noting that relatively discrete changes are proposed to the Mixed Use zone, TG requests that six storey development is enabled across the zone, not just inside walkable catchments.
- As alluded to above, TG opposes the introduction of qualifying matters into zones, including the Mixed Use zone.

f. Walkable Catchments

TG opposes the Council's narrow application of Walkable Catchments through limiting their use to Metropolitan Centres and Rapid Transit Stops. Policy 3 of the NPS-UD stipulates: 2303. 192

(c) building heights of at least 6 storeys within at least a walkable catchment of the following:

(i) Existing and planned rapid transport stops
(ii) The edge of city centre zones
(iii) The edge of metropolitan centre zones.

The Council has adopted the narrowest application of Walkable Catchments possible while giving effect to Policy 3 above. TG's concerns with this approach are:

- While guided by legislation to apply Walkable Catchments to 'at least' Rapid Transit Stops (RTS), Metropolitan Centre zones and City Centre zones, Auckland Council has the opportunity to take a much more liberal approach to the application of Walkable Catchments. The RTS is not defined in legislation, and Auckland Council's interpretation (being train stations and the Northern Busway stations) is unnecessarily narrow. Significant parts of the region area served by excellent public transport options including high-frequency bus services and ferry services. There are also a number of large-scale town centres and commercial areas that would be appropriate for such intensification outcomes.

- Any decision taken by the Council to constrain development potential in otherwise appropriate areas only serves to push development further out and to undermine climate change outcomes.

Avant submit that it is necessary to either more broadly apply Walkable Catchments and the associated intensification outcomes, or broadly enable greater development potential across the THAB and Mixed Use zones (and some centre zones), not just inside walkable catchments.

g. Precincts

- TG believes that Precincts across the region, including the Long Bay and Warkworth/Claydon Road Precincts, need to be reviewed to ensure that constraints on development imposed within precincts remain relevant given the altered built form context within the underlying zone through implementation of the requirements of the NPS-UD and MDRS.

Decision Requested

15. The Submitter seeks the following decision from the Council on PC78:

a. Retain the proposed zoning of land in the Warkworth/Claydon Road Precinct.
b. Retain the land zoned Residential Terrace House and Apartment Building and Residential Mixed Housing Urban in the Long Bay Precinct. 2303. 193 2303. 194
c. Delete the Low Density Zone from the Long Bay Precinct and rezone these site Residential Mixed Housing Urban;
d. Redefine and realign the sub-precinct boundaries in the Long Bay Precinct to reflect the changes in the underlying zones.
e. Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will undermine the ability to achieve the purpose of NPS-UD or RM Enabling Act.
f. In the alternative to the primary relief of approving PC78, amend PC78 and retain provisions as set out in Attachment 1 to this submission; and
g. Any other alternative or consequential relief, including in relation to PC78's objectives, policies, rules, methods and maps, that reflects or responds to the reasons for this submission.

Reasons for relief sought

16. The reasons for the relief sought are to ensure that PC78:

    a. will give effect to the objectives and policies of the NPS-UD
    b. will contribute to well-functioning urban environments
    c. is consistent with the sustainable management of natural and physical resources and the purpose and principles of the RMA
    d. Will meet the reasonably foreseeable needs of future generations
    e. Will satisfy the requirements of section 32 of the RMA; and
    f. Is consistent with sound resource management practice.

Appearance at hearing

17. The Submitter wishes to be heard in support of its submission.

18. The Submitter will consider presenting a joint case with others making a similar submission.

DATED at this day of 29th September 2022

For and on behalf of Templeton Group as duly authorised agent.

Electronic address for service of Submitter:

Templeton Group
c/- Mark Vinall
Tattico Limited
PO Box 91562, Victoria Street, Auckland 1142
Mobile: 027 280 8281
Email address: mark.vinall@tattico.co.nz

Attachment 1 – Plan Change 78 submission table

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**
Whole of Plan Change 78				
Whole of Plan Change 78	PC78 (Intensification) seeks to: a. Change the allocation of residential zoning, and provisions within residential zones to enable: ▪ More development in the City Centre and at least 6-storey buildings within walkable distance of the city centre, metropolitan centres and Rapid Transit Stops. ▪ More intensive development in and around neighbourhood, local and town centres. ▪ Incorporate MDRS that enable three storey housing in most residential areas b. Changes to the City Centre Zone and other centre zones to give effect to the NPS-UD and MDRS. c. Implement qualifying matters that restrict development potential where there is a feature or value that should be protected or avoided. Additional changes are proposed by Council that do not directly implement MDRS and which are as follows: a. Implement Council proposed qualifying matters (special character, ridgeline protection, viewshafts, infrastructure constraints, specific matters in precincts) that restrict	Oppose	▪ The proposed changes are contrary to the NPS-UD and RM Enabling Act which seeks to enable greater intensification in Tier 1 districts. ▪ The provisions are overly complicated and restrictive and the additional non NPS-UD and RMA Enabling Act provisions reduce yield and increase costs of compliance while not meeting the outcomes envisaged by these documents. These provisions have not been justified under section 32 of the RMA.	Amend PC78 provisions so that they give effect to the NPS-UD and RM Enabling Act and remove all provisions relating to unjustified qualifying matters and other provisions that will not achieve the purpose of NPS-UD or RM Enabling Act.

2303. 1

2303. 2

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	development potential where there is a feature or value that should be protected or avoided. b. New Low Density Residential Zone applied across areas subject to specific qualifying matters. c. Implementation of a raft of additional changes to objectives, policies, rules and standards unrelated to MDRS throughout residential and business zones, numerous overlays and Auckland-wide chapters.				
Mapping	Application of zones, overlays, spatially represented qualifying matters	Oppose	▪ The proposed zoning / application of overlays and / or qualifying matters undermine the national direction afforded the NPS-UD and RM Enabling Act	▪ Apply zoning appropriate to give effect to the NPS-UD and RM Enabling Act ▪ Remove overlays / qualifying matters that inappropriately restrict the implementation of the NPS-UD and RM Enabling Act	2303. 3 2303. 4
Chapter C: General rules					
New Rule C1.6A	1. Where an activity is subject to a rule in an overlay, the overlay may specific whether the overlay rule replaces a zone rule, a precinct rule or an Auckland-wide rule. 2. Where an activity is subject to a rule in a precinct, the precinct may specify whether the precinct rule replaces an overlay rule or a zone rule, or an Auckland-wide rule.	Support	▪ The proposed rule clarifies the relationship overlays / precincts and other parts of the Unitary Plan	Retain proposed rule C1.6A	2303. 5
Chapter E – Auckland-wide					
Chapter E12: Land Disturbance – District	▪ Amendments to Table E12.4.2 Activity table – overlays (except Outstanding Natural Features Overlay): - New column for 'Residential Zones within Height and Building Sensitive Areas.	Neutral	▪	▪	2303.184

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	- (A32) and (A33), new addition of RD activity status for activities within 'Residential Zones within Height and Building Sensitive Areas.				
	▪ Amendments to E12.8.1. Matters of discretion: - New addition of (f) Residential Zones within Height and Building sensitive Areas under E12.8.1(2): (f) Residential Zones within Height and Building Sensitive Areas: (i) mana whenua values associated with the maunga; (ii) the visual character, identity, physical integrity, and form of the maunga.	Neutral	▪	▪	2303.185
	▪ Amendments to E12.8.2. Assessment criteria: - New addition under E12.8.2(2): (f) Residential Zones within Height and Building Sensitive Areas: (i) Policies listed in Chapter D14.8.2(2).	Neutral	▪	▪	2303.186
Chapter E26: Infrastructure	▪ Amendment to wording throughout chapter – from '*D14 Volcanic Viewshafts and Height Sensitive Areas Overlay*' to '*D14 Maunga Viewshafts and Heights and Building Sensitive Areas Overlay*'. Replacement of '*Volcanic*' with '*Maunga*'.	Neutral	▪	▪	2303.187
Chapter E29: Emergency Management Areas	▪ Amendment to E29.1. Background: Emergency management areas have been identified as a qualifying matter in accordance with sections 77I(e) and 77O(e) of the RMA. Where more restrictive, the emergency management areas provisions replace any provisions of the underlying zone that deal with the same matter.	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	2303. 6
	▪ (A1), (A3) and (A4), identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.	Oppose	▪	▪ Delete proposed provisions	2303. 7
	▪ New statement inserted under heading E38. Natural hazards and flooding: *'The management of significant risks from*	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	2303. 8

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
Chapter E36: Natural Hazards and Flooding	*natural hazards is a qualifying matter in accordance with sections 77I(a) and 77O(a) of the RMA.'* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.				
	▪ Amendment to E36.1. Background: The Plan has defined criteria to identify land which may be subject to natural hazards and in some cases has applied the Residential - Low Density Residential Zone to this land. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:	Oppose	▪ Oppose identification of this is a Qualifying Matter and all associated changes	▪ Delete proposed provisions	2303. 9
Chapter E38: Subdivision – Urban	▪ Amendment to E38.1. Introduction: This chapter incorporates Medium Density Residential Standards (MDRS). The subdivision outcomes anticipated by the RMA are provided for in this chapter except to the extent necessary to accommodate one or more qualifying matters.	Oppose	▪ Delete reference to Qualifying Matters. These are dealt with through out Plan mechanisms and do not need to be brought into the E38 Subdivision. This just creates duplication and unnecessary complexity ▪	▪ Remove reference to Qualifying Matters	2303. 10
	▪ Amendments to E38.2. Objectives: - New addition of E38.2(10)(d) that subdivision is '*provided for where the sites can be serviced by the water supply, wastewater and stormwater networks*'; - and E38.2(10)(e) that subdivision '*avoids the creation of vacant sites not complying with the minimum site size in areas where transport qualifying matters apply*'. - New addition of '*Medium Density Residential Standards Objectives*': (11) '*Provide for subdivision which enables the level of development anticipated by the RMA, except*	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	2303. 11 2303. 12 2303. 13

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	in circumstances where one or more qualifying matters are relevant'.				
	▪ Amendments to E38.3. Policies: (13) Require subdivision (except for subdivision around MDRS compliant development) to deliver sites that are of an appropriate size and shape for development intended by the zone by: *Subdivision in areas subject to the Infrastructure – Combined Wastewater Network Control, Infrastructure – Water and/or Wastewater Constraints Control, Infrastructure – Stormwater Disposal Constraints Control as identified in the planning maps* (31) Avoid subdivision in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints unless proposed subdivisions can be serviced by infrastructure and there is sufficient capacity. *Subdivision in areas subject to the Infrastructure – Beachlands Transport Constraints Control as identified in the planning maps* (32) Avoid vacant site subdivision that does not comply with the minimum site size in areas identified on the planning maps as subject to transport infrastructure constraints. *Medium Density Residential Standards Policies* (33) Provide for subdivision as a controlled activity in zones where the Medium Density Residential Standards apply except where: (a) there is significant risk from natural hazards; (b) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision; (c) where a qualifying matter is relevant; or (d) where the proposed subdivision does not comply with any relevant subdivision standards. (34) Subdivision is enabled as required by the RMA except to the extent necessary to accommodate one or more qualifying matters. (35) Require subdivision around MDRS development to not compromise any qualifying matters located on the site.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed	▪ Delete proposed provisions	2303. 14
	▪ Amendments to Table E38.4.2 Activity table - Subdivision in residential zones:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced.	▪ Delete proposed provisions	2303. 15

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Activity / **Activity status** **Subdivision for the purpose of the construction or use of dwellings, which are provided for as either permitted or restricted discretionary activities in the Residential - Low Density Residential Zone, Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone** Note 1 All applications for subdivision consent, including controlled activities A13A and A13B below, are subject to section 106 of the RMA (A13A) Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1 — C (A13B) Subdivision around existing buildings and development complying with Standard E38.8.1A.2. — C (A13C) Subdivision around buildings and development with existing use rights where sites created results in non-compliance with the relevant overlay, Auckland-wide and zone rules and is not accompanied by a land use consent. — RD (A13D) Subdivision in accordance with an approved land use resource consent not meeting Standard E38.8.1A.1 — RD (A13E) Subdivision around existing buildings and development not meeting the standards in E38.8.1A.2 — RD (A13F) Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2. — D (A13G) Any subdivision listed above not meeting General Standards E38.6.2 - E38.6.6 — D **All other types of subdivision in residential zones** (A29A) Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control. — RD (A29B) Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control and/or the Infrastructure – Water and Wastewater Constraints Control. — RD (A29C) Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control complying with Standard 38.8.2.9. — D (A29D) Vacant site subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control not complying with Standard 38.8.2.9. — NC		Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ New addition of E38.8.1A. Standards – residential controlled activities: **E38.8.1A. Standards – residential controlled activities** Subdivision listed as a controlled activity in Table E38.4.2 Subdivision in residential zones must comply with standards E38.6.2 - E38.6.6 listed in E38.6 General standards for subdivisions, standard E38.8.1.1(1) and standard E38.8.1.2 in E38.8.1 General standards in residential zones and standards listed in E38.8.1A Standards – residential controlled activities as relevant. **E38.8.1A.1. Subdivision in accordance with an approved land use resource consent** (1) Any subdivision relating to an approved land use consent must comply with that land use consent. (2) No vacant sites are created. **E38.8.1A.2. Subdivision around existing buildings and development** (1) Prior to subdivision occurring, all development must meet one of the following: (a) comply with the relevant overlay, Auckland-wide and zone rules; or (b) be in accordance with an approved land use resource consent. (2) No vacant sites are created.	Support	▪ Appropriate provision that streamlines subdivision around consented development ▪ Specify that for subdivision around approved land use resource consent or around existing building and development, Standard E38.8.1.2(1) "A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites" does not apply. ▪ Apply to restricted discretionary activity resource consent around approved land use resource consent or around existing building and development also.	▪ Retain proposed provisions except that E38.8.1.2(1) does not apply ▪ Expand to apply to restricted discretionary activity applications around approved land use resource consent or around existing building and development also.	2303. 16 2303. 17
	▪ Amendments to E38.8.2. Standards – residential restricted discretionary activities: **E38.8.2.7. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control.** (1) An application must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that sufficient stormwater disposal capacity exists.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	2303. 18

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	E38.8.2.8. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control. (1) Applications must be accompanied by a technical report prepared by a suitably qualified and experienced person. (2) The technical report must demonstrate that infrastructure and servicing can be achieved. **E38.8.2.9. Subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Beachlands Transport Constraints Control.** (1) Proposed vacant sites identified in the Infrastructure – Beachlands Transport Constraints Control Overlay must comply with a minimum net site area of 600m².				
	▪ Amendments to E38.11.1. Matters of control: The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application: (1) all controlled activities in Table E38.4.1: (a) compliance with an approved resource consent except for boundary adjustment subdivision; (b) the effect of the site design, ~~size, shape~~, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces; (c) the effects of infrastructure provision; and (d) the effects on historic heritage and cultural heritage items. (2) all controlled activities in Table E38.4.2: (a) compliance with an approved land use consent; (b) compliance with the relevant overlay, Auckland-wide and zone rules; and (c) the effects of infrastructure provision.	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	2303. 19
	▪ Amendments to E38.11.2. Assessment criteria for controlled activities:	Oppose	▪ Compliance with an approved land use consent should not require any broader assessment that consistency with the approved land use consent.	▪ Delete proposed provisions	2303. 20

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(2) All controlled activities in Table E38.4.2: (a) compliance with an approved resource consent: (i) refer to Policy E38.3(6); (b) compliance with the relevant overlay, Auckland-wide and zone rules; (i) refer to Policy E38.3(1) and (6); (c) whether there is appropriate provision made for infrastructure including; (ii) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and (iii) Whether appropriate management of effects of stormwater has been provided; (iv) refer to Policies E38.3(1), (6), (19) to (23).				
	▪ Amendments to E38.12.1. Matters of discretion: (10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) the ability to provide for stormwater disposal. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) the effect on the capacity of the existing public reticulated water supply and wastewater network; (b) the provision of access to water supplies for firefighting purposes; (c) the ability to provide for a connection between any dwelling(s) and a reticulated water supply and wastewater network in the future; and (d) the ability to provide for a connection to a separated stormwater pipe that is part of the public network, including in the future if separation is in progress.	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints ▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	▪ Delete proposed provisions	2303. 21
	▪ Amendments to E38.12.2. Assessment criteria:	Oppose	▪ Remove reference to Qualifying Matters, particularly the mapped Infrastructure Constraints	▪ Delete proposed provisions	2303. 22

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(10) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: (a) Whether there is the ability to adequately dispose of stormwater via a connection to the public stormwater network to service the proposed subdivision. (b) Whether stormwater can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice to service the proposed subdivision. (11) subdivision of sites in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and/or Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and wastewater network to service the proposed subdivision. (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and/or wastewater network in the future. (d) If the site is an area subject to the Infrastructure – Combined Wastewater Network Control whether separation is in progress and whether the new site can connect to a separated stormwater pipe that is part of the public stormwater network.		▪ Other mechanisms exist to ensure that proposed sites are able to be serviced. Infrastructure does not need to permeate the Plan to the extent proposed ▪ Plan provisions (and maps) could become out of date very quickly in the event infrastructure upgrades are undertaken	
Chapter H – Zones				
Chapter H3: Single House Zone	▪ Mapping changes reflecting a reduced role across the region as the zone does not incorporate the MDRS as it is not a relevant residential zone ▪ Zone description and mapping amended such that it applies to 'existing residential neighbourhoods in wastewater serviced rural and coastal towns and settlements with a residential population of less than 5,000 (as determined in the 2018 census).	Support	▪ The Single House zone does not incorporate MDRS requirements and is an appropriate zone to be applied to small rural communities / the periphery of the Auckland region	Retain application of zone to periphery of the region

2303. 23

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	▪ Some consequential deletions throughout the zone provisions			
Chapter H3A: Residential – Low Density Residential Zone	▪ This is a new zone proposed to be inserted into the AUP. ▪ This new zone ensures the existing amenity of a low-density built environment is maintained where the Council has decided it would not be appropriate to provide more intensive residential development. ▪ This new zone is proposed to be applied to residential sites where a lower density of residential development is required to provide for the qualifying matters that applies to the site. ▪ Objectives and policies of the LDRZ (H3A.2 and H3A.3) seek the provision of lower intensity residential development limited to predominantly one to two storeys buildings that is in keeping with the identified qualifying matters' values within the area. ▪ Objectives and policies reference development that maintains the amenity value of established residential neighbourhoods and is in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood. ▪ Objectives and policies of the LDRZ place stronger restrictions on subdivision and development in order to manage effects on existing character and amenity. ▪ The protection and management of SEAs, natural hazards, and sites of significance to mana whenua is highlighted.	Oppose the zone in full	▪ The LDR zone is unnecessary. Its stated description acknowledges its application to areas impacted by certain Qualifying Matters that result in a lower intensity of development. Some qualifying matters are subject to overlay provisions which act to limit development potential, accordingly, meaning the underlying zoning could be higher intensity and still limited by the overlay. In such situations, the LDR zone is redundant. ▪ As an example to the above, the proposed Special Character Overlay rules explicitly states they replace the underlying zone in full. Therefore, LDR is redundant for sites subject to a Special Character QM. ▪ Other noted Qualifying Matters such as Infrastructure Constraints are self-policing. If there is not capacity to support intensive development, a developer will either need to provide upgrades to infrastructure, wait for it to be provided by Council / others. ▪ The limitation on development potential imposed should reflect the nature of the constraint, however that does not appear to	▪ Delete LDR zone in its entirety

2303. 24

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	▪ References are made to the provision of high-quality amenity and a well-functioning urban environment. ▪ More intensive residential development including medium density residential development is enabled only to the extent necessary, ensuring development does not detract from qualifying matters' values accommodated by the purpose of the LDRZ.		be reflected in the LDR zone. If the constraint is infrastructural capacity, flooding, SEA, cultural values, etc then the zone provisions prescribing design outcomes are not actually related to the constraint and are therefore unnecessary. Rules prescribing activities that might be appropriate, standards limiting height, HiRB, yards, building coverage, etc, and assessment matters / criteria all fall into this category. It is difficult to see a justification for the LDR zone when the limitations on development prescribed do not relate to the qualifying matters that have led to the distribution of the zone.	
Chapter H4: Residential – Mixed Housing Suburban Zone	▪ Mapping changes reflecting a reduced role across the region as the zone does not incorporate the MDRS as it is not a relevant residential zone ▪ Zone description and mapping amended such that it applies to 'existing residential neighbourhoods in areas with a suburban built character' and is 'applied in discrete areas in wastewater serviced rural and coastal towns and settlements with a residential population of less than 5,000 (as determined in the 2018 census). ▪ Small number of consequential deletions throughout the zone provisions	Support	▪ MHS is an appropriate zoning for those small peripheral settlements around the region	▪ Retain mapped extent of the MHS zone ▪ Retain the provisions of the MHS zone

2303. 25
2303. 26

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
Chapter H5: Residential – Mixed Housing Urban Zone	▪ Mapping changes reflecting that the MHU zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply. ▪ The most widespread residential zone covering most of urban Auckland	Support Oppose	▪ General support for changes proposed to include additional sites within the zone outside walkable catchments. ▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	▪ Extend the mapped extent of the MHU zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	2303. 27 2303.195 2303.196 2303. 28
	▪ Additional objectives inserted at H5.2: *(5) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not increase the impact from natural hazard risks* *(6) Development contributes to a high-quality built environment that is resilient to the effects of climate change* *(7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects* *(8) Enable a safe street environment for pedestrians* *(9) Development is enabled on sites within SEAs where it provides for the protection and management of the significant ecological values*	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions	▪ Delete proposed provisions	2303. 29

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(10) Intensification is avoided in areas with significant transport infrastructure constraints.			
	▪ Additional policies inserted at H5.3: *(6A) Require development to achieve a built form that contributes to high-quality built environment outcomes by:* *(a) Maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site* *(b) Providing for residents' safety and privacy while enabling passive surveillance on the street* *(c) Minimising visual dominance effects to adjoining sites* *(d) Maintaining a level of privacy, and sunlight and daylight access for adjoining sites* *(e) Minimising visual dominance effects of carparking and garage doors to streets and private accessways* *(f) Minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated*	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (6A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone. ▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job.	▪ Delete proposed provisions

2303. 30

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(g) Requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees *(h) Designing practical, sufficient space for residential waste management; and* *(i) Designing practical, sufficient space for internal storage and living areas.* *(7) [deleted]* *(11) Require buildings to be setback from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards* *(12) Require dwellings to be provided with access to safe and reliable drinking water, wastewater and stormwater disposal services* *(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, are provided with appropriate infrastructure* *(14) Require development of four or more dwellings per site to contribute to a safe urban road environment for pedestrians through improvements to the adjacent road network*		▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas *(16) Avoid developments of more than one dwelling per site in areas identified on the planning maps as subject to significant transport infrastructure constraints* *(17) Building height is restricted to respond to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites wāhi tapu, and other taonga, where located adjacent to Pukekiwiriki Pā Historic Reserve, Red Hill.*			
	H5.4.1 Activity Table ▪ New clarifying statement: *'Applications for Activity (A2B) will be considered against objectives and policies in E15 Vegetation management and biodiversity in addition to the standards listed below and any other infringements.* ▪ New rules introduced: - *(A2A), One dwelling per site subject to a SEA overlay which complies with Standards E15.4.2(A29) and E15.6.5* - *(A2B), Two or more dwellings per site subject to a SEA overlay (refer to Vegetation management and biodiversity E15.4.2(A43) and E15.6.5* - *(A14A), Two or more per site dwellings within the Infrastructure – Beachlands Constraints Control is a non-complying activity*	Oppose	▪ Duplicates requirements of Chapter D9 (SEA Overlay) ▪ If they are retained, the rules should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions

2303. 31

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	- *(A14B), One dwelling per site in the Infrastructure – Water and Wastewater Constraints Control is a permitted activity* - *(A14C), Two or more dwellings per site in the Infrastructure – Water and Wastewater Constraints Control is a restricted discretionary activity* - *(A30A), Internal and external alterations to buildings for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A31A), Accessory buildings associated with development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32A), Additions to an existing dwelling for a development of four or more dwellings is a permitted activity where it complies with the listed standards* - *(A32B), New buildings and additions and alterations to buildings in a SEA which do not comply with H5.6.10(2) Building coverage is a discretionary activity* ▪ A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA ▪ Introduction of extensive new 'standard to be complied with' against new and existing rules			
	▪ Deletion of existing notification provisions at H5.5(1) as they are inconsistent with the MDRS requirements. New H5.5(4) introduced to align with those requirements:	Support	▪ Appropriate change	▪ Retain proposed provisions

2303. 32

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(1) Unless the Council decides that special circumstances existing under section 95A(9) of the RMA, public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2 or 3 dwellings that do not comply with 1 or more of the following: *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards* *(iv) Standard H5.6.10 Building coverage* *(v) Standard H5.6.11(3) and (4) Landscape area* *(vi) Standard H5.6.12(A1) outlook space* *(vii) Standard H5.6.14(A1)-(B1) Outdoor living space; and* *(viii) Standard H5.6.18(1) Windows to street and private vehicle and pedestrian accessways* *(2) Unless the Council decides that special circumstances exist under section 95A(9) of the RMA, public and limited notification of an application for resource consent is precluded if the application is for the construction and use of four or more dwellings that comply with the following standards:* *(i) Standard H5.6.4 Building height* *(ii) Standard H5.6.5 HiRB* *(iii) Standard H5.6.8(1) Yards*			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(iv) Standard H5.6.9 Maximum impervious area *(v) Standard H5.6.10 Building coverage* *(vi) Standard H5.6.11(5), (6) and (7) Landscape area* *(vii) Standard H5.6.12(1)-(9) outlook space* *(viii) Standard H5.6.13 Daylight* *(ix) Standard H5.6.14(1)-(4) Outdoor living space;* *(x) Standard H5.6.15 Front, side and rear fences and walls* *(xi) Standard H5.6.16 Minimum dwelling size* *(xii) Standard H5.6.18(2) Windows to street and private vehicle and pedestrian accessways* *(xiii) Standard H5.6.19 Deep soil area and canopy tree* *(xiv) Standard H5.6.20 Safety and privacy buffer from private vehicle and pedestrian accessways; and* *(xv) Standard H5.6.21 Residential waste management* *(3) Any application for resource consent which is listed in H5.5(4) or H5.5(5) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the RMA.*			
	▪ New standard H5.6.3A 'Number of dwellings per site'	Support	▪ MDRS requirement	▪ Retain proposed provision

2303. 33

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(1) There must be no more than three dwellings per site.				
	▪ New standard H5.6.3B 'Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps' *Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network* *(1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	2303. 34
	▪ New standard H5.6.3C 'Dwellings within the Infrastructure – Stormwater Disposal Constraints Control' *Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site.* ▪ *A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage must either be able to connect to the public*	Oppose	▪ Unnecessary to bring this requirement into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	2303. 35

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	stormwater network or provide sufficient stormwater disposal by capacity on-site				
	▪ H5.6.5 HiRB amended to accord with MDRS ▪ Consequential amendments including deletion of AHiRB standard and HiRB adjoining lower intensity zone standard	Support	▪ MDRS requirement	▪ Retain MDRS provisions	2303. 36
	▪ Amendments to H5.6.8 Yards to accord with MDRS requirements ▪ Table H5.6.8.2 (riparian / lakeside / coastal protection yard) identified as a qualifying matter under section 77I(b) of the RMA	Support	▪ MDRS requirement ▪ Oppose identification of QM	▪ Retain MDRS provisions ▪ Delete QM	2303. 37 2303. 38
	▪ Amendments to H5.6.10 Building coverage to incorporate MDRS requirement ▪ Additional requirements identified as qualifying matter under s77I(a) relating to management of development within SEAs: *Purpose: …and to provide for the protection and management of SEAs* *(2) On a site subject to a SEA overlay:* *(a) The maximum building coverage must not exceed 50% of the net site area* *(b) Building coverage must not be located in any areas within 3m of vegetation within a SEA including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3(A29) and E15.6.5; and*	Support	▪ MDRS requirement ▪ Oppose identification of QM. SEAs are dealt with elsewhere in the Plan, don't duplicate provisions within residential zones	▪ Retain MDRS provisions ▪ Delete QM / SEA requirements from the zone	2303. 39 2303. 40

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(c) Other than provided for in H5.6.10(2)(b), building coverage must not be located within a SEA.			
	▪ Amendments to H5.6.11 Landscaped area to incorporate MDRS requirements *Developments containing up to three dwellings must comply with the following:* *(3) A dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them* *(4) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling* ▪ Additional amendments: *Development containing four or more dwellings and any other developments must comply with the following:* *(5) The minimum landscaped area must be at least 20% of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch.* *(6) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m2 as shown below in Figure H5.6.19.1…*	Oppose	▪ Accept MDRS requirements ▪ Landscape provisions relating to four + dwellings are space hungry and reduce development potential	▪ Delete proposed provisions other than those required by MDRS

2303. 41

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(7) A minimum of 50% of the front yard must be landscaped				
	▪ Standard H5.6.12 Outlook space amended to accord with MDRS requirements for up to three dwellings per site -	Support	▪ MDRS requirement	▪ Retain MDRS provision	2303. 42
	▪ Existing H5.6.12 Outlook space standard otherwise amended to apply to four or more dwellings, with key amendments being: - Where the principal living room outlook is on the ground floor and defined by a boundary fence, outlook depth may be reduced to 5m - Outlook space is measured from the centreline of the façade with the largest window OR balcony edge, whichever is closest to the boundary or opposing building - Outlook space must align with private outdoor space except where of a public space or street	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge ▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site	▪ Delete proposed provisions or otherwise amend to address reasons identified	2303. 43
	▪ Standard H5.6.14 Outdoor living space amended to give effect to MDRS requirements for up to three dwellings	Support	▪ MDRS requirement	▪ Retain MDRS provision	2303. 44
	▪ Standard H5.6.14 Outdoor living space otherwise amended to achieve:	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	2303. 45

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	- Purpose statement expanded to specify IRDs and that living space must be separated from vehicle access and manoeuvring areas - That private outdoor living spaces are directly accessible from main dwelling areas - Communal outdoor living spaces are conveniently accessible for all occupants ▪ Standard H5.6.14 amended to apply to four or more dwellings and specify that it applies to IRDs ▪ Standard H5.6.14 further expanded to include specific outdoor living requirement for 20+ dwellings including IRDs: (4) In addition to H5.6.14(1) and H5.6.14(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more dwellings, must provide a communal outdoor living space that: (a) is located in a communally accessible location; (b) is at least 10m^2 for every five dwellings it serves; (c) is a minimum dimension of 4m; (d) free of buildings, parking spaces and servicing and manoeuvring areas; (e) for at least 20m^2 of the communal living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; (f) has a gradient not exceeding 1 in 20; and (g) may be split into no more than two outdoor communal living spaces per development.		throughout the zone (and through Plan Change 79)	
	▪ New Standard H5.6.18 'Windows to street and private vehicle and pedestrian accessways *Purpose: To provide for passive surveillance while maintaining privacy for residents and users*	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

2303. 46

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Development containing up to three dwellings must comply with the following: *(1) Any dwelling facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.* [MDRS] *Development containing four or more dwellings and any other development must comply with the following:* *(2) Any dwelling, IRD, supported residential care, boarding house and visitor accommodation facing the street or private vehicle accessway or private pedestrian accessway, must have a minimum of 20% of the relevant façade in glazing. This can be in the form of windows or doors.*			
	▪ New standard H5.6.19 'Deep soil area and canopy tree' *Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater* *(1) Any site greater than 200m2 must provide a deep soil area that must comply with the following:* *(a) 10% of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions* *(b) Expect that sites 1,200m2 or greater may have more than 1 deep soil area provided that:*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed	▪ Delete proposed provisions

2303. 47

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>
(i) each deep soil area is a minimum of 60,2 with 3m dimension; and
(ii) the combined total deep soil area is a minimum 10% of the site area
(c) Deep soil areas must not be provided in private outdoor living spaces but can be provided as part of communal outdoor living spaces and landscaped areas as shown in Figure H5.6.19.1; and
(d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements set out in Table H5.6.19.1; and
(2) Trees required by H5.69.19(1) can be existing canopy trees or new canopy trees in accordance with Table H5.6.19(3)
Table H5.6.19.1 Minimum requirements for canopy trees
<table>
<tr><th>Site Area (prior to development or re-development)</th><th>Minimum canopy tree requirements</th></tr>
<tr><td>200m² – 600m²</td><td>1 small canopy tree per 200m² of site</td></tr>
<tr><td>601m² – 1,500m²</td><td>1 medium canopy tree per 300m² of site</td></tr>
<tr><td>1,501m² or more</td><td>1 large canopy tree or 2 medium canopy trees per 500m² of site</td></tr>
</table>
</td><td></td><td></td><td></td></tr>
<tr><td></td><td>▪ New standard H5.6.20 ‘Safety and privacy buffer from private pedestrian and vehicle accessways’</td><td>Oppose</td><td>▪ Overly prescriptive, and onerous when combined with other proposed requirements</td><td>▪ Delete proposed provisions</td></tr>
</table>

2303. 48

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways *(1) A minimum 1m buffer area must be provided between a dwelling and private pedestrian and / or vehicle accessways as shown in Figure H5.6.19.1* *(2) The buffer area must be:* *(a) Free of buildings, parking spaces, servicing and manoeuvring areas* *(b) Planted with shrubs or ground cover*		throughout the zone (and through Plan Change 79)	
	▪ New standard H5.6.21 'Residential waste management' *Purpose: to provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings*	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions

2303. 49

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m² per dwelling.) Change 78 Intensification 38 H5 Residential – Mixed Housing Urban Zone (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H5.6.21(3) and either H5.6.21(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m² per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.			
	▪ New matters of control H5.7.1 relating to one dwelling per site in a SEA	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course	▪ Delete proposed provisions

2303. 50

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: *(1) For one dwelling per site subject to a Significant Ecological Area Overlay:* *(a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area;* *(b) The location, bulk and scale of built development relative to the surrounding ecological values.* ▪ Associated assessment criteria introduced at H5.7.2(1) *(1) For one or more dwellings in a Significant Ecological Area Overlay:* *(a) Refer to Policy H5.3(15)*		▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	
	▪ Addition to matters of discretion for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.1(1) *(c) the effects of the development on the safe access for pedestrians on the adjacent road network.* ▪ Amendments to criteria for supported residential care up to 10 people, boarding houses accommodating more than 10 people, visitor accommodation, etc at H5.8.2(1)	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied	▪ Delete proposed provisions

2303. 51

2303. 52

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(b) building ~~intensity,~~ scale, location, form and appearance: (i) whether the intensity and scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area. (c) traffic: (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads. (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and accessways are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or landscaping (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development. (e) noise, lighting and hours of operation:				
	▪ Substantial amendments to matters of discretion H5.8.1(2) relating to four or more dwellings per site: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and	Oppose	▪ Far too broad. ▪ Will be administered as a standard, where no standard exists. Assessment becomes subjective / uncertain. ▪ Criterion H5.8.2(2)(ad) – implies that development potential / built form may be impacted by the presence of a Special Character building across the street. Completely unreasonable. ▪ Support the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i)	▪ Retain the proposed the deletion of 'intensity' from matter of discretion H5.8.1(1)(b)(i) and H5.8.1(2)((a)(i) ▪ Delete 'intensity' from matter of discretion H5.8.1(3)(a)(i) relating to Integrated Residential Developments ▪ Retain the proposed the deletion of 'intensity' from criterion H5.8.2(1)(b) ▪ Delete 'intensity and' from criterion H5.8.2(1)(b)(i) ▪ Delete matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment	2303. 53 2303. 54 2303. 55 2303. 56 2303. 57

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area. (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between resident's privacy and opportunities for passive surveillance; D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management (ii) traffic; and (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided).		▪ Oppose matters of discretion at H5.8.1(1)(c), H5.8.1(2)(c) and H5.8.1(3)(d) and assessment criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) relating to the extent to which the adjacent road network provides for safe pedestrian movements	criteria at H5.8.2(1)(c), H5.8.2(d) and H5.8.2(3)(d) 2303. 58 ▪ Delete other proposed provisions 2303. 59

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size~~ (c) ~~I~~the effects on infrastructure and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria for four or more dwellings at H5.8.2(2):			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(2) for four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards identified in Table 5.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted]~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted]~~Standard H5.6.10 Building coverage;~~ (iii) [deleted]~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted]~~Standard H5.6.12 Outlook space;~~ (v) [deleted]~~Standard H5.6.13 Daylight;~~ (vi) [deleted]~~Standard H5.6.14 Outdoor living space;~~ (vii) [deleted]~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted]~~Standard H5.6.16 Minimum dwelling size.~~ (aa) the extent to which the scale of the activity, the building location, form and appearance is of a high-quality and compatible with the planned urban built character and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportions and arrangement of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii) locating deep soil areas and/or communal outdoor spaces around and between buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontage contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies . (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings on the site that directly front, align and orientate to public streets . (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance. (v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible attractive, safe and well-lit connections between dwellings and the street. (b) [deleted]~~The extent to which the development contributes to a variety of housing types at higher densities in the zone and is in keeping with the neighbourhood's planned urban built character of predominantly three storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.~~ (c) [deleted]~~The extent to which development achieves attractive and safe streets and public open space by:~~ (i) ~~providing doors, windows and/or balconies facing the street and public open spaces~~ (ii) ~~minimising tall, visually impermeable fences~~ (iii) ~~designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.~~ (iv) ~~optimising front yard landscaping~~ (v) ~~providing safe pedestrian access to buildings from the street~~			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(vi) ~~minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings a viewed from streets or public open spaces~~ (d) [deleted]~~The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites;~~ (e) [deleted]~~The extent to which dwellings:~~ (i) ~~Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling~~ (ii) ~~Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space~~ (iii) ~~Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.~~ (iv) ~~Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screens from streets and public open spaces.~~ (f) [deleted]~~The extent to which outdoor living space:~~ (i) ~~Provides for access to sunlight~~ (ii) ~~Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.~~ (iii) ~~When provided at ground level, is located on generally flat land or otherwise functional~~ (fa) refer to Policy H5.3(A1); (fb) refer to Policy H5.3(C1); (fc) refer to Policy H5.3(D1); (fd) refer to Policy H5.3(E1); (fe) refer to Policy H5.3(6A) (g) [deleted]~~refer to Policy H5.3(7); and~~ (ga) refer to Policy H5.3(10); (gb) refer to Policy H5.3(11); (gc) refer to Policy H5.3(12); (gd) refer to Policy H5.3(14); and			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(h) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (i) The extent to which the adjacent road network enables safe pedestrian movements.				
	▪ Changes to matters of discretion H5.8.1(3) relating to Integrated Residential Developments:	Oppose	▪ Matter (a)(i) – buildings to be designed to 'minimise visual dominance effects'. Potentially problematic depending on how this is administered. ▪ Prescriptive transport items at criterion (l) written like a standard	▪ Delete proposed provisions	2303. 60

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building intensity, scale, location, form and appearance including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. (b) [deleted] ~~all of the following standards:~~ ~~(i) Standard H5.6.9 Maximum impervious areas;~~ ~~(ii) Standard H5.6.10 Building coverage;~~ ~~(iii) Standard H5.6.11 Landscaped area;~~ ~~(iv) Standard H5.6.12 Outlook space;~~ ~~(v) Standard H5.6.13 Daylight;~~ ~~(vi) Standard H5.6.14 Outdoor living space;~~ ~~(vii) Standard H5.6.15 Front, side and rear fences and walls; and~~ ~~(viii) Standard H5.6.16 Minimum dwelling size.~~ (c) Infrastructure and servicing (d) the effects of the development on the safe access for pedestrians on the adjacent road network. ▪ Amendments to criteria at H5.8.2(3) for IRDs:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(3) for integrated residential development: (a) the extent to which or whether the development achieves the purpose outlined in the ~~following~~ relevant standards and identified in Table H5.4.1 or what alternatives are provided that result in the same or a better outcome: (i) [deleted] ~~Standard H5.6.9 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H5.6.10 Building coverage;~~ (iii) [deleted] ~~Standard H5.6.11 Landscaped area;~~ (iv) [deleted] ~~Standard H5.6.12 Outlook space;~~ (v) [deleted] ~~Standard H5.6.13 Daylight;~~ (vi) [deleted] ~~Standard H5.6.14 Outdoor living space;~~ (vii)[deleted] ~~Standard H5.6.15 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H5.6.16 Minimum dwelling size (excluding retirement villages).~~ (aa) refer to Policy H5.3(C1) (ab) refer to Policy H5.3(D1) (ac) refer to Policy H5.3(E1) (b) [deleted] ~~refer to Policy H5.3(1);~~ (c) [deleted] ~~refer to Policy H5.3(2);~~ (d) [deleted] ~~refer to Policy H5.3(3);~~ (e) [deleted] ~~refer to Policy H5.3(4);~~ (f) [deleted] ~~refer to Policy H5.3(5);~~ (g) refer to Policy H5.3(6A); (h) [deleted] ~~refer to Policy H5.3(7);~~			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(i) refer to Policy H5.3(8); (j) refer to Policy H5.3(9): ~~and~~ (ja) refer to Policy H5.3(11); (jb) refer to Policy H5.3(12); (jc) refer to Policy H5.3(14); and (k) infrastructure and servicing: (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed. (l) The extent to which the adjacent road network enable safe pedestrian movements, including: i. Footpaths of at east 1.8m in width ii. Facilities to safely and conveniently cross the road including pram crossings, and tactile paving. iii. Narrowed pedestrian crossing distances of vehicle carriageways iv. Front berms to separate pedestrians from traffic.			
	▪ New matters of discretion at H5.8.1 relating to applications for more than one dwelling on sites subject to identified infrastructure constraints: *(6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control:* *(a) Infrastructure and servicing.*	Oppose	▪ Remove from zone, this is managed through other processes (i.e. securing permission to connect to reticulated infrastructure at detailed design phase)	▪ Delete proposed provisions from zone

2303. 61

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control: *(a) Stormwater disposal.*			
	▪ Amendments / significant additions to H5.8.2(4) 'for building height': (4) for building height: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1); (ca) refer to Policy H5.3(E1); (da) refer to Policy H5.3(6A); (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4);~~ and **Visual dominance** (c) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account: (i) the planned urban built character of the zone; and	Oppose	▪ Language too negative. Why is additional height viewed as a negative outcome? ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions

2303. 62

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(ii) the location, orientation and design of development. (iii) the effect of the proposed height on the surrounding and neighbouring development. **Character and Visual Amenity** (d) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast (e) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Relationship of Maori and their culture and traditions** (f) The extent to which proposed building heights as viewed both from and to Pukekiwiriki Pā Historic Reserve maintain the culture and traditions of Māori on this site, taking into account: (i) The site's historic function as an observation and defensive site. (ii) The site's contemporary function as an educational site and site of cultural importance.			
	▪ Amendments / significant additions to criteria at H5.8.(6) 'for HiRB':	Support	▪ Generally considered appropriate for infringements to HiRB, and note the precedent in the Plan already relating to reliance on the Alternative HiRB standard.	▪ Retain proposed provisions

2303. 63

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(6) for height in relation to boundary: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(E1); (ba) refer to Policy H5.3(6A) and (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~ **Sunlight access** (d) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September): (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H5.6.4; or (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H5.6.14. (e) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a): (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Overlooking and privacy** (g) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.			
	▪ Amendments to criteria at H5.8.2(9) 'for yards:	Oppose	▪ Very broad assessment opened up for what might be a small infringement.	▪ Delete proposed provisions

2303. 64

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(9) for yards: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(B1) (ca) refer to Policy H5.3(C1); (dc) refer to Policy H5.3(6A); and (ec) refer to Policy H5.3(11). (a) ~~refer to Policy H5.3(2);~~ (b) ~~refer to Policy H5.3(4); and~~ (c) ~~refer to Policy H5.3(5).~~		▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope		
	▪ Amendments to criteria at H5.8.2(10) 'for maximum impervious areas: (10) for maximum impervious areas: (aa) refer to Policy H5.3.(6A); (a) [deleted]~~refer to Policy H5.3(7);~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 65
	▪ Amendments to criteria at H5.8.2(11) 'for building coverage': (11) for building coverage: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); and (a) ~~refer to Policy H5.3(2); and~~ (b) ~~refer to Policy H5.3(4);~~ (c) whether the non-compliance is appropriate to the context taking into account:	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 66

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(i) Whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site.				
	▪ Amendments to criteria at H5.8.2(12) 'for landscaped area': (12) for landscaped area: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(6A); (da) refer to Policy H5.3(10); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which existing trees are retained.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 67
	▪ Amendments to criteria at H5.8.2(13) 'for outlook space':	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 68

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(13) for outlook space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(C1); (ca) refer to Policy H5.3(D1); (da) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~ (d) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.				
	▪ Amendments to criteria at H5.8.2(14) 'for daylight: (14) for daylight: (aa) refer to Policy H5.3(D1); (ab) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4); and~~ (c) [deleted] ~~refer to Policy H5.3(5).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 69
	▪ Amendments to criteria at H5.8.2(15) 'for outdoor living space':	Support	▪ Appropriate level of detail and targeted assessment required	▪ Retain proposed provisions	2303. 70

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(15) for outdoor living space: (aa) refer to Policy H5.3(A1); (ba) refer to Policy H5.3(D1); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(4);~~ (c) [deleted] ~~refer to Policy H5.3(5); and~~ (d) [deleted] ~~refer to Policy H5.3(6). and;~~ (e) The extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.				
	▪ New criteria at H5.8.2(15A) 'for windows to street and pedestrian accessways': (15A) For windows to street and private vehicle and pedestrian accessways (a) refer to Policy H5.3(C1) (b) refer to Policy H5.3(6A); and (c) The extent to which the glazing: (i) allows views to the street and/or accessways to ensure passive surveillance; and (ii) provides a good standard of privacy for occupants.	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ (c) seems an appropriate assessment matter ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 71
	▪ Amendments to criteria at H5.8.2(16) 'for front, side and rear walls': (16) for front, side and rear fences and walls: (aa) refer to Policy H5.3(C1); (ba) refer to Policy H5.3(6A); and (a) [deleted] ~~refer to Policy H5.3(2);~~ (b) [deleted] ~~refer to Policy H5.3(3); and~~ (c) [deleted] ~~refer to Policy H5.3(4).~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope	▪ Delete proposed provisions	2303. 72

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Amendments to criteria at H5.8.2(17) 'for minimum dwelling size': (17) For minimum dwelling size: (aa) refer to Policy H5.3(A1) (ba) refer to Policy H5.3(D1) (ca) refer to Policy H5.3(6A); and (da) The extent to which each dwelling is designed to: (i) Provide simple and convenient internal access and circulation (ii) Include adequate storage; and (iii) Be large enough to allow the use of typical furnishings that meet the needs of the intended occupants. (a) ~~Policy H5.3(5)~~	Oppose	▪ Very broad assessment opened up for what might be a small infringement. ▪ Standard matters at C1.9(3) are appropriate to retain and provide sufficient scope ▪	▪ Delete proposed provisions	2303. 73
	▪ New criteria at H5.8.2(18) 'for deep soil area and canopy': (18) for deep soil area and canopy tree (a) refer to Policy H5.3(6A); (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	2303. 74
	▪ New criteria at H5.8.2(19) 'for safety and privacy buffer from private pedestrian and vehicle accessways': (19) for safety and privacy buffer from private pedestrian and vehicle accessways: (a) refer to Policy H5.3(6A); and (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; (ii) planted with suitable and low level plants.	Oppose	▪ Oppose standard in full, therefore specific criteria redundant	▪ Delete proposed provisions	2303. 75
	▪ New criteria at H5.8.2(20) 'for residential waste':	Oppose	▪ Oppose standard in full, therefore specific criteria redundant ▪ Council's Solid Waste Calculator is overly conservative and overstates the space	▪ Delete proposed provisions	2303. 76

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(20) For residential waste management: (a) refer to Policy H5.3(D1) (b) refer to Policy H5.3(6A); (c) refer to Policy H5.3(10); (d) The extent to which sufficient space is provided for residential waste management that is suitably located for ease of movement to collection points; (e) The extent to which the waste management area is designed to minimise visibility; (f) How the development intends to ensure the on-going management and maintenance of any communal residential waste management area; (g) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (h) Whether waste management vehicle can safely undertake collection.		needed to provide for waste storage and collection		
	▪ New criteria at H5.8.2(21) 'for more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control': (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control: (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability to connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future.	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	2303. 77
	▪ New criteria at H5.8.2(22) 'for more than one dwelling per site … subject to the Infrastructure – Stormwater Disposal Constraints Control':	Oppose	▪ Remove from residential zones and deal with infrastructure constraints via other processes	▪ Delete proposed provisions	2303. 78

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Stormwater Disposal Constraints Control. (a) Whether stormwater can be disposed via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.				
	▪ New special information requirements at H5.9: **Landscape Plans as required by H5.6.11. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and	Oppose	▪ Far too prescriptive and treats all applications the same, regardless of scale ▪ Adds cost up front to proposals even before resource consent is secure ▪ In combination with other Council proposed changes, adds cost and impacts development yield	▪ Delete proposed provisions	2303. 79

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Chapter</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>
<u>Deep Soil Area and Canopy Tree</u>
(2) <u>The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following:</u>
(a) <u>plant and tree species, number of each species to be planted and planting grades;</u>
(b) <u>location of existing trees to be retained;</u>
(c) <u>dimensions of individual mature tree canopy;</u>
(d) <u>any areas of grass; and</u>
(e) <u>Minimum tree canopy dimensions are specified in Table H5.9(3) below.</u>
<u>Table H5.9(3) Minimum tree canopy dimensions</u>
<table>
<tr><th></th><th>Minimum mature tree height</th><th>Minimum mature canopy diameter</th><th>Minimum tree height above ground when planted</th><th>Indicative tree planting grade</th></tr>
<tr><td>Small</td><td>8m</td><td>6m</td><td>2m</td><td>120L</td></tr>
<tr><td>Medium</td><td>10m</td><td>8m</td><td>2.5m</td><td>160L</td></tr>
<tr><td>Large</td><td>15m</td><td>12m</td><td>3m</td><td>200L</td></tr>
</table>
<u>Residential waste management</u>
(3) <u>Applications for where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H5.6.21(1)(b)).</u>
(4) <u>When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided at a minimum:</u>
a) <u>the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of;</u>
b) <u>the frequency, location, access and on-site route of waste collection or transportation; and</u>
c) <u>the method of waste collection, transportation or disposal.</u>
</td><td></td><td></td><td></td></tr>
<tr><td>Chapter H6 – THAB zone</td><td>▪ Mapping changes reflecting that the THAB zone incorporates the MDRS. It is a relevant residential zone. The development outcomes anticipated under the RMA and enabled in the zone are restricted where one or more qualifying matters apply. The most widespread residential zone inside Walkable Catchments</td><td>Oppose</td><td>▪ General support for changes proposed to include additional sites within the zone inside walkable catchments.
▪ Oppose the qualifying matters and other limitations that the Council has identified to limit the further application of the zone to</td><td>▪ Extend the mapped extent of the THAB zone to take in the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs</td></tr>
</table>

2303. 80
2303.197
2303.198

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
			include sites within the Light Rail Corridor, Special Character Areas overlay, sites subject to flooding, sites within SEAs, those subject to cultural values, or any other identified QMs.	where otherwise appropriately located close to centres, transport options, etc. ▪ Any constraints identified are dealt with through other mechanisms, and 'down-zoning' the underlying zone is not necessary to appropriately manage those constraints.	2303. 81
	▪ Amendments to H6.1 Zone description: ... The zone provides for the greatest density, height and scale of development of all the residential zones. Within walkable catchments, as identified on the planning maps, development of at least six storeys is enabled unless qualifying matters apply. Outside the walkable catchments, Bbuildings are enabled up to at least five storeys ~~six or seven storeys in~~. In identified Height Variation Control areas buildings of seven or more storeys are enabled. Permitted height standards vary depending on the scale of the adjoining centre, to achieve a transition in height from the centre to adjoining ~~lower scale~~ residential zones. ~~This form of development will, o~~The zone anticipates the greater intensity of development will transition neighbourhoods ~~and over time~~, ~~result in a change~~ from a suburban character to urban built character with a corresponding ~~a high~~ degree of visual change. The zone enables a mix of housing types including three-storey attached and detached dwellings, terraced housing and apartment buildings and integrated residential developments such as retirement villages and papakāinga. The Residential – Terrace Housing and Apartment Buildings Zone is a relevant residential zone as defined in the RMA. The zone incorporates Medium Density Residential Standards (MDRS). The development outcomes anticipated by the RMA are enabled in the zone and are less enabling of development where one or more qualifying matters apply. ▪	Support	▪ Changes directly related to implementation of MDRS ▪ Enable at least six-storey development across the zone	▪ Retain MDRS provisions	2303. 82
	▪ New / amendments to objectives at H6.2: (1A) Development of at least six storeys is enabled within walkable catchments, with seven or more storey buildings in identified areas, while also achieving a high-quality built environment. (2) Development outside walkable catchments is in keeping with the areas' changing planned urban built character of predominantly five storeys or six or seven storey buildings where specified in identified areas, in a variety of forms. (3) Development provides high-quality amenity: (a) on-site ~~residential amenity~~ for residents; (b) to adjoining sites; and (c) to the street.	Oppose	▪ These objectives open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This is simply duplication and completely unnecessary.	▪ Delete proposed provisions	2303. 83

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(5) Development contributes to a high-quality built environment that is resilient to the effects of climate change. (6) Development does not adversely affect the environmental values of adjoining water bodies including riparian, lakeside and coastal protection areas and does not ~~nor~~ increase the impact from their potential natural hazard risks. (7) Development is enabled where it can be serviced by the water supply, wastewater and stormwater networks to manage adverse effects. (8) Enable safer pedestrian movement within the immediate locality of higher density developments to ensure ease of pedestrian movement to ~~the~~ rapid transport stops. (9) Development is enabled on sites subject to significant ecological areas where it provides for the protection and management of the significant ecological values.		▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions ▪ Enable at least six-storey development across the zone	
	▪ New / amendments to policies at H6.3: (1) Enable a variety of housing types at high densities including terrace housing and low to mid-rise and higher rise apartments within walkable catchments and integrated residential development such as retirement villages. (2) Require the height, bulk, form and appearance of multi-unit development ~~and the provision of setbacks and landscaped areas~~ to achieve a high-quality built environment: (a) with a high-density urban built character of predominantly five, six or seven storey buildings in identified areas; and (b) through building and site design which locates bulk and mass towards the street and provides for setbacks, outlook spaces, private and communal outdoor spaces and landscaped areas. ~~, in a variety of forms.~~	Oppose	▪ These policies open the door for the standards Council has proposed later in the chapter. These all seek to address matters that are dealt with elsewhere in the Plan (SEAs, infrastructure, transport, natural hazards and water quality). This duplication is unnecessary. ▪ Keep the zone clean and related to activities, built form, and keep the management of broader constraints within overlays and Auckland-wide provisions. ▪ Policy (4A)(e) – development should not need to 'minimise' visual and dominance effects of carparking and garage doors to streets and private accessways ▪ Policy (12) – the requirement for infrastructure provisions should not fall to the zone.	▪ Delete proposed provisions

2303. 84

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(A4) Require development to achieve a built form that contributes to high-quality built environment outcomes by: (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site; (b) providing for resident's' safety and privacy while enabling passive surveillance on the street; (c) minimising visual dominance effects on adjoining sites; (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites; (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways; (f) minimising the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated; (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees; and (h) designing practical, sufficient space for residential waste management; and (i) designing practical, sufficient space for internal storage and living areas. (4) In identified locations adjacent to centres, enable greater building height ~~through the~~ of five storey's outside walkable catchments, at least six storeys within walkable catchments and the application of the Height Variation Control where additional development potential is enabled and which: (7) ~~Encourage~~ Require accommodation to have useable and accessible outdoor living space (8) [Deleted]~~Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.~~ (11) Require buildings to be set back from water bodies to maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and to provide protection from natural hazards. (12) Require dwellings to be provided with access to safe and reliable drinking water and wastewater services.		▪ Policy (14) - a development should not need to 'improve' the adjacent road network. That is the Council's job. ▪ Enable at least six-storey development across the zone	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(13) Require development of new dwellings in areas identified on the planning maps as subject to water, wastewater or stormwater infrastructure constraints, to be provided with appropriate infrastructure. (14) Require development to contribute to safety improvements of the immediate urban road environment to achieve pedestrian connectivity to public transport. (15) Require buildings on sites subject to significant ecological areas to be of a scale that protects and maintains the significant ecological values of those areas.				
	▪ Significant additions to Activity Table H6.4.1 regarding standards to be complied with across the zone, within and outside walkable catchments. Changes include but are not limited to: - (A7) Integrated Residential Development - (A31) and (A31A) Internal and external alterations to buildings (up to three dwellings, and four + dwellings)	Oppose	▪ Unnecessarily restrictive given these sites will be comprehensively developed. ▪ Remove reference to infrastructure constraints ▪ Remove requirement to comply with numerous standards given the comprehensive nature of the design and development	▪ Delete proposed provisions	2303. 85
	▪ New rules in Activity table H6.4.1: - H6.4.1(A2A), one dwelling per site subject to SEA which complied with standards E15.4.2(A29) an E15.6.5 – Controlled activity - H6.4.1(A2B), two or three dwellings per site where located in a SEA E15.4.2(A49) and E15.6.5 -	Oppose	▪ Remove all reference to SEA from the residential zones, Overlay D9 already addresses that constraint in a more efficient manner ▪ If retained, remove reference to limiting development on 'sites' subject to an SEA, and focus on managing works 'within' the SEA.	▪ Delete proposed provisions	2303. 86 2303. 97
	▪ New rules in Activity table H6.4.1: - Duplication of rules / standards throughout A31/A31A/A32/A32A/A33/A33A	Oppose	▪ Way too complicated / too much duplication ▪ Don't make rules just for the sake of it. Look to streamline the Plan, not add complexity and volume to it.	▪ Delete proposed provisions	2303. 87

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
			▪ Way too many standards listed as relevant to A31/ A31A relating to internal and external alterations		
	▪ New notification exclusion at H6.5(5) Public and limited notification for 4+ dwellings precluded if standards met	Support	▪ Appropriate change	▪ Retain proposed provisions	2303. 88
	▪ New standards at H6.6 **H6.6.4B Dwellings within the Infrastructure – Combined Wastewater Network Control as identified on the planning maps** Purpose: to restrict development in any area served by a combined sewer network where public sewer separation has not occurred while enabling new dwellings where separation is in progress and the new dwelling can connect to a separated local stormwater pipe that is part of the public stormwater network. (1) A new dwelling in an area served by the combined sewer network must be able to connect to an existing separated local stormwater pipe that is part of the public stormwater network. **H6.6.4C Dwellings within the Infrastructure - Stormwater Disposal Constraints Control** Purpose: to manage development in any area where stormwater disposal is constrained by the lack of any connection or ability to connect to a public stormwater network and where on-site soakage capacity is insufficient to ensure adequate provision for stormwater disposal from the site. (1) A new dwelling in an area identified as having no current connection to the public stormwater network and poor on-site soakage capacity must either be able to connect to the public stormwater network or provide sufficient stormwater disposal capacity on-site.	Oppose	▪ Unnecessary to bring these infrastructure constraints into the zone to the extent it has been. This could be dealt with via a simple criterion ▪ What if infrastructure capacity in an area is upgraded? The Unitary Plan maps will be immediately out of date. Will the Council undertake a plan change process to update the plan in real time? This could unduly impact land values, development application, add time and cost to applications.	▪ Delete proposed provisions	2303. 89
	▪ Amendment to standard H6.6.5 Height (1) Buildings must not exceed the height in metres specified in clauses H6.6.5.1(a) – H6.6.5.1(c) ~~16m in height~~ unless otherwise specified in the Height Variation Control on the planning maps: **Developments containing up to three dwellings must comply with the following standard:** (a) Buildings must not exceed 11m (3 storeys) in height, except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H6.6.5.1 below: ...	Oppose	▪ It is overly complex to have three different height limits apply in the zone (plus Height Variation Control, and any actual Qualifying Matters), particularly a separate lower limit for 'up to three dwellings' and where the achievable height is dependant on the activity status of an application. This undermines the integrity of the zone.	▪ Delete the MDRS standard for 'up to three dwellings' and replace it with the standard zone height limits proposed inside / outside walkable catchments ▪ Enable at least six-storey development across the zone	2303. 90 2303. 91

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Any other development: (b) Buildings outside a walkable catchment must not exceed 16m (5 storeys) in height unless otherwise specified in the Height Variaton Control on the planning maps. (c) Buildings in a walkable catchment must not exceed 21m (6 storeys) in height unless otherwise specified in the Height Variation Control on the planning maps (2) [deleted] ~~If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for the site on the planning maps.~~ (3) ~~Standard H5.6.4 Building height applies to the site at 16 Spring Street, Freemans Bay (Lot 1 DP 85829) within a 10m setback area along Spring Street, England Street and adjoining the reserve at 10 England Street (Lot 1 DP 85953) as indicated on the planning maps. Outside of the setback area Buildings must not exceed 16m in height.~~ [deleted]		▪ Enable at least six-storey development across the zone ▪ Support increased height inside walkable catchments ▪ There will be numerous examples of where applications for three dwellings exceed 11m height limit and trigger assessment, when an application for 4+ dwellings may be able to build 10m+ taller as of right (subject to a consent around design)	
	▪ Amendments to standard H6.6.6 Height in relation to boundary **H6.6.6. Height in relation to boundary** Purpose: • For buildings containing no more than three dwellings, to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels. • For buildings outside a walkable catchment, to enable 5 storeys, achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and managing the overall visual dominance of buildings on the rear parts of adjoining sites. • For buildings in a walkable catchment, to enable 6 storeys that locate bulk and mass towards the street and achieving a high-quality built environment whilst limiting the adverse effects of building height on neighbouring sites (i.e. dominance and shading) to acceptable levels and reducing the overall visual dominance of buildings on the rear parts of adjoining sites. **Developments containing up to three dwellings must comply with the following:** (1) Buildings must not project beyond a ~~45~~60-degree recession plane measured from a point ~~34~~m vertically above ground level along the side and rear boundaries, as shown below in Figure H6.6.6.1 Height in relation to boundary for up to three dwellings.	Support	▪ These generous provisions will significantly aid the maximisation of development potential of appropriately located land	▪ Retain proposed provisions

2303. 92

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Developments containing four or more dwellings and any other development outside a walkable catchment must comply with the following: (1A) Buildings must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side and rear boundaries, as shown in Figure H6.6.6.2 below. **Developments containing four or more dwellings and any other development in a walkable catchment must comply with the following:** (1B) Buildings within 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below; and (1C) Buildings 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries as shown in Figure H6.6.6.3 Height in relation to boundary for four or more dwellings and any other development within walkable catchments below. H6.6.6.(2b) – DELETED. H6.6.6.(5)-(6) – DELETED.				
	▪ Standard H6.6.7 Alternative height in relation to boundary – DELETED.	Support	▪ Support as long as proposed amendments to the HiRB standard H6.6.6 are retained	▪ Retain proposed provisions	2303. 93
	▪ H6.6.8. Height in relation to boundary adjoining lower intensity zones. - Standard applies to development located outside walkable catchments.	Support	▪ Appropriate to attend to the amenity of lower intensity zoned land outside walkable catchments	▪ Retain proposed provisions	2303. 94
	▪ Amendments to standard H6.6.11 Building coverage	Oppose	▪ Delete provisions relating to SEAs, these constraints are dealt with in Chapter D9 – SEA Overlay	▪ Delete proposed provisions	2303. 95

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space and to provide for the protection and management of significant ecological areas. (1) The maximum building coverage must not exceed 50 per cent of the net site area. (2) On a site subject to a Significant Ecological Areas Overlay: (a) the maximum building coverage must not exceed 50 per cent of the net site area; and (b) building coverage must not be located in any area within 3m of vegetation within a significant ecological area, including following the alteration or removal of up to 300m2 of vegetation for a dwelling per site provided for under E15.3.2(A29) and E15.6.5; and (c) other than provided for in H6.6.11(2)(b), building coverage must not be located within a significant ecological area.				
	▪ Amendments to standard H6.6.12 Landscaped area Purpose: • to provide for quality living environments consistent with the planned built character of buildings surrounded by ~~open space~~ vegetation; and • to create a ~~landscaped~~ vegetated urban streetscape character within the zone; **Developments containing four or more dwellings and any other development must comply with the following:** (1) The minimum landscaped area must be at least ~~30~~20 per cent of the net site area and comprise natural grass, plants or trees and can include the canopy of existing trees regardless of the surface underneath provided the surface of the protected root zone is in natural grass, plants or natural mulch. (2) Any part of the landscaped area must have a minimum dimension of 1m and minimum area of 4m² as shown below in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (3) A minimum 50 per cent of the front yard must be a landscaped area.	Oppose	▪ Reference to Deep Soil area and Safety and privacy buffer standards is concerning. The relationship between those provisions is not clear across the zone ▪ Benefits of Deep Soil standard not proven	▪ Delete proposed provisions	2303. 96
	▪ Amendments to standard H6.6.13 Outlook space	Oppose	▪ Support reduction of outlook requirement to 5m ▪ Oppose measurement from balcony edge	▪ Delete proposed provisions	2303. 98

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Development containing four or more dwellings and any other development must comply with the following: (1) An outlook space must be provided from the face of a building containing windows or balconies to a habitable room. Where the room has two or more external faces with windows or balconies the outlook space must be provided from, in order of priority, the face with the largest balcony or area of glazing. (2) The minimum dimensions for a required outlook space are as follows: (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space as shown in Figure H6.6.13.1 Required outlook space for four or more dwellings and any other development, with a minimum dimension of: i 6m in depth and 4m in width; ~~and~~ ii Except for buildings greater than 3 storeys where the minimum dimension is 8m depth and 4m in width and, or iii Where the principal living room outlook is on the ground floor and is defined by a boundary fence, outlook depth may be reduced to 5m. (4) The width of the outlook space is measured from: (a) the centre point of the largest window on the building face to which it applies where outlook depth is reduced to 5m as provided for under H5.6.13(2)(a)(iii) above; or (b) the centre line of the façade of the largest window or balcony edge whichever is closer to the boundary or opposing building. (9) Outlook spaces must: (a) be clear and unobstructed by buildings and servicing area; (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(6) above; ~~and~~ (c) not extend over an outlook spaces or outdoor living space required by another dwelling; and (d) must align with private outdoor living space, except for where the outlook space is over a public street or public open space as required in H6.6.13(6) above.		▪ Oppose requirement for outlook from 4+ dwellings to align with outdoor living space. The proposed provision applies to all outlook, not just principle living areas. Entirely unachievable for terrace housing and apartment typologies. Would only work for detached housing. Ridiculous rule. Ignores the purpose of the standard, which is to achieve a sense of space, not the quality space of the space. ▪ Inconsistent with MDRS requirement for up to three dwellings which allows outlook over driveways and footpaths within the site	
	▪ Amendments to standard H6.6.15 Outdoor living space	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions

2303. 99

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Purpose: to provide dwellings, integrated residential development, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure: • private outdoor living spaces are ~~is~~ directly accessible from the principal living room, dining room or kitchen ~~and is separated from vehicle access and manoeuvring areas.~~; • communal outdoor living spaces are conveniently accessible for all occupants. **Developments containing four or more dwellings and any other development must comply with the following:** (1) A dwelling, integrated residential development, supported residential care or boarding house at ground floor level, must have ~~an~~ private outdoor living space that is at least 20m² that comprises ground floor, patio ~~and~~/or balcony/roof terrace space that: (2) A dwelling, integrated residential development, supported residential care or boarding house located above ground floor level must have ~~an~~ private outdoor living space in the form of a balcony, patio or roof terrace that: (4) In addition to H6.6.6.15 (1) and H6.6.6.15(2) above, developments of 20 or more dwellings, including integrated residential development of 20 or more, must provide a communal outdoor living space that: a) is located in a communally accessible location; b) is at least 10m² for every five dwellings it serves; c) has a minimum dimension of 4m; d) is free of buildings, parking spaces, and servicing and manoeuvring areas; e) for an area of at least 20m² of the total communal outdoor living space must receive a minimum of 3 hours of sunlight per day between the hours of 9am – 4pm on 21 June; and f) has a gradient not exceeding 1 in 20; and g) may be split into no more than two outdoor communal living spaces per development.		throughout the zone (and through Plan Change 79)	
	▪ Amendments to standard H6.6.19 Windows to street and private vehicle and pedestrian accessways	Oppose	▪ Support the intention, but too prescriptive. What about south-facing façades? What about privacy to occupants? Likely to simply lead to blinds being closed a lot of the time.	▪ Delete proposed provisions

2303.100

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: To provide for passive surveillance while maintaining privacy for dwellings. **Development containing up to three dwellings must comply with the following:** (1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors. **Developments containing four or more dwellings and any other development must comply with the following:** (2) Any dwelling, integrated residential development, supported residential care, boarding house, and visitor accommodation facing the street or private vehicle or private pedestrian accessway, must have a minimum of 20 per cent of the relevant façade in glazing. This can be in the form of windows or doors.				
	▪ Amendments to standard H6.6.20 Deep soil area and canopy tree Purpose: To build resilience to climate change effects through provision of deep soil areas that support canopy trees, which assist in removing carbon, reducing urban heat island effects and enabling the infiltration of stormwater. (1) Any sites greater than 200m² must provide a deep soil area that must comply with the following: (a) 10 per cent of the site area must be provided as 1 contiguous deep soil area with minimum 3m dimensions; (b) Except that sites 1,200m² or greater may have more than 1 deep soil area provided that: (i) each deep soil area is a minimum of 60m² with 3m dimensions; and (ii) the combined total deep soil area is a minimum 10 per cent of the site area; (c) Deep soil areas must not be provided in private outdoor living spaces but can be provided in communal outdoor living spaces and landscaped areas as shown in Figure H6.6.20.1 Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer below; and (d) The deep soil area(s) must contain a canopy tree(s) that meets the minimum requirements as set out in Table H6.6.20.1 below; and (2) Trees required by H6.6.20(1) can be existing canopy trees or new canopy trees in accordance with Table H6.9(3).	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Limits development potential of sites – huge 'land' cost imposed	▪ Delete proposed provisions	2303.101
	▪ Amendments to standard H6.6.21 Safety and privacy buffer to private pedestrian and vehicle accessways	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements	▪ Delete proposed provisions	2303.102

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Purpose: to provide a reasonable standard of safety and privacy for ground floor dwellings located adjacent to pedestrian and vehicle accessways. (1) A minimum 1m buffer must be provided between a dwelling and private pedestrian and/or vehicle accessways as shown above in Figure H6.6.20.1 Example of Deep soil area requirements and the relationship with Landscaped area and the Safety and privacy buffer. (2) The buffer area must be: (a) free of buildings, parking spaces, servicing and manoeuvring areas. (b) planted with shrubs or ground cover plants.		throughout the zone (and through Plan Change 79) ▪		
	▪ Amendments to standard H6.6.22 Residential waste management Purpose: To provide accessible on-site storage space for waste bins and safe vehicle access for the collection of waste (refuse, recyclables and food scraps) for dwellings.	Oppose	▪ Overly prescriptive, and onerous when combined with other proposed requirements throughout the zone (and through Plan Change 79) ▪ Council's Solid Waste Calculator is overly conservative and should not be relied upon to direct adequate space to serve development	▪ Delete proposed provisions	2303.103

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(1) On-site waste storage using individual or communal waste bins must be provided as follows: (a) Where individual bins are used, a total storage space of 1.4m² per dwelling (b) Where communal bins are used, the total storage space provided must be calculated in accordance with the Auckland Council's Solid Waste Calculator. (c) The location of bins must: (i) be visually screened from within the site, from the street and/or adjacent sites. (ii) not require bins to be transported through dwellings, across unpaved surfaces or up and down stairs or steep gradients (refer to Transport E27.6.6.2) (iii) be accessible for collectors and residents with a minimum on-site footpath width of 1.35m; and (v) provide lighting (refer to Lighting E24.6.2) between storage locations and collection points. (2) Where kerbside collection is used, there must be kerbside space of at least 1m per dwelling, contained within the road frontage of the site without impeding the public footpath. Developments that cannot comply with this will instead need to comply with H6.6.22(3) and either H6.6.22(4) or (5). (3) Four or more dwellings using a private collection service must provide a waste management and minimisation plan. (4) Where on-site collection of individual waste bins is used, there must be a space of at least 1m² per dwelling in an accessible location for the collection vehicle for collection of individual bins from shared driveways within the site. (5) Where on-site collection of communal waste bins is used, there must be an accessible location for collection of communal bins by a collection vehicle within the site. (6) A waste management and minimisation plan must be provided and implemented for 10 or more dwellings.				
	▪ Amendments to H6.7.1. Matters of control for controlled activities	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a	▪ Delete proposed provisions	2303.104

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	~~There are no controlled activities in this zone.~~ **H6.7.1 Matters of control** The Council will restrict its control to all of the following matters when assessing a controlled activity resource consent application: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay: (a) The extent to which the built development is designed to minimise or mitigate adverse effects on the ecological values of the relevant significant ecological area; (b) The location, bulk and scale of built development relative to the surrounding ecological values.		SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA. ▪		
	▪ Amendments to H6.7.2. Assessment criteria for controlled activities The Council will consider the assessment criteria below for controlled activities to the extent relevant to the proposal: (1) For one dwelling per site subject to a ~~located within a~~ Significant Ecological Area Overlay (a) refer to Policy H6.3(15)	Oppose	▪ The presence of an SEA on a piece of land is not reason to limit the development density as a matter of course ▪ Duplicates requirements of Chapter D9 (SEA Overlay), no need to include within the residential zone ▪ If they are retained, the rules and assessment matters should not refer to 'sites' subject to a SEA overlay, but 'development proposed within' a SEA. Don't restrict development potential on those parts of a site not impacted by the SEA.	▪ Delete proposed provisions	2303.105 2303.106
	▪ Amendments to H6.8.1. Matters of discretion for restricted discretionary activities	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints	▪ Oppose matters of discretion H6.8.1(6) and (7) relating to mapped infrastructure constraints ▪ Retain assessment criteria relating to infrastructure capacity to serve a development supported if mapped	2303.107 2303.108

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following: (i) ~~building intensity,~~ building scale, location, form and appearance; (ii) traffic; (iii) location and design of ~~parking and~~ access and parking (if provided); and (iv) noise, lighting and hours of operation. (c) the effects of the development on the safe access and walkability of the immediate urban road environment to frequent public transport stops. (2) for four or more dwellings per site:		▪ Assessment criteria relating to infrastructure capacity to serve a development supported if mapped Infrastructure Constraints removed from the Planning Maps and zones ▪ Oppose introduction of criterion H6.8.2(2)(ad) relating to the extent to which a building are designed to respect the prevailing character of an area or key historic heritage design when opposite or adjoining special character or historic heritage items ▪ Support the deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Oppose matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) relating to the effects of development on the safe access and walkability of the immediate urban road environment to frequent public transport stops	Infrastructure Constraints removed from the Planning Maps and zones ▪ Delete criterion H6.8.2(2)(ad) ▪ Retain the proposed deletion of 'intensity' from matter of discretion H6.8.1(1)(b)(i), H6.8.1(2)((a)(i) and H6.8.1(3)(a)(i) and criteria at H6.8.2(1)(b) ▪ Delete matters of discretion at H6.8.1(1)(c), H6.8.1(2)(d) and H6.8.1(3)(d) and assessment criteria at H6.8.2(1)(f), H6.8.2(d) and H5.8.2(3)(d) ▪ Delete other proposed provisions	2303.109 2303.110 2303.111 2303.112 2303.113 2303.114

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale and location, including: A. the way in which buildings are orientated to the street and adjoining sites, and B. the extent to which the height, roof form and design of buildings respond to the local streetscape and the planned urban built character of the surrounding area. (ia) building form and appearance including: A. use of built elements such as materials, surface and architectural detailing and roof design to create visual interest; B. use of deep soil and/or outdoor living areas, modulation, architectural features, windows, doors and breaks in building length to minimise bulk and visual dominance; C. whether design provides for the balance between a reasonable standard of privacy and opportunities for passive surveillance, and D. whether the design provides for privacy, and sunlight and daylight access for adjoining sites; E. the interface with an identified special character area or a scheduled historic heritage place; (ib) the extent to which the functional, day to day needs of residents are provided for in terms of: A. the size and dimensions of living areas relative to the likely occupancy levels of the dwellings; B. internal storage; C. residential waste management, including the kerbside and/or on-site capacity for residential waste management. (i) traffic; and (ii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided). H6.8.1(2b) – DELETED.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(c) the effects on infrastructure, and servicing including: (i) Existing infrastructure capacity. (d) the effects of the development on the safe access and walkability on the immediate urban road environment to frequent public transport stops. (3) for integrated residential development: (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following: (i) building ~~intensity,~~ scale, location, form and appearance; including the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects taking into account: A. the planned urban built character of the zone; B. the location, orientation and design of development; and C. the effect of the proposed height on the surrounding and neighbouring development. (ii) traffic; (iii) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided); and (iv) noise, lighting and hours of operation. H6.8.1(3b) – DELETED. H6.8.1(5) – DELETED. (6) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control. (a) Infrastructure and servicing. (7) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure – Residential Single Dwelling and Subdivision Stormwater Disposal Constraints Control. (a) Stormwater disposal.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	▪ Amendments to H6.8.2. Assessment criteria for restricted discretionary activities (b) building ~~intensity,~~ scale, location, building form and appearance: (i) whether the ~~intensity and~~ scale of the activity, the building location, form and appearance is of a high-quality and compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area; (d) location and design of ~~parking and~~ access (including pedestrian access) and parking (if provided): (i) whether adequate ~~parking and~~ access is provided or required. (ii) whether car parking and parking areas are integrated into the overall design of the development (iii) whether parking is located away from street frontages and screened from the street by buildings or vegetation. (iv) Whether safe, well-lit pedestrian access is provided and integrated into the design of the development.	Oppose	▪ Unnecessarily prescriptive, removes flexibility in design, too broadly applied ▪ Infrastructure matter supported if Infrastructure Constraints mapping removed from the Planning Maps and zones ▪ Inappropriate to covertly include footpath upgrades within criteria – some of these are written like standards and come across as public infrastructure upgrade requirement. In many cases, including for smaller developments, this is what development contributions are for. Likely to lead to appalling piecemeal outcomes if incremental and uncoordinated upgrades are coerced through resource consents. ▪ The criteria relating to the above point are so broad that a small developer could have to upgrade hundred of meters of footpath, provide pram crossings, etc, only because they're the first cab off the rank. Council needs to use its Development Contributions for what they're intended. This smacks of double-dipping at developers' (and ultimately purchasers') expense	▪ Delete proposed provisions

2303.115

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) Safe access and walkability of routes to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development to the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (2) For four or more dwellings on a site: (a) the extent to which ~~or whether~~ the development achieves the purpose outlined in the ~~following~~ relevant standards specified and identified in Table H6.4.1 or what alternatives are provided that result in the same or a better outcome.~~:~~ (i) [deleted] ~~Standard H6.6.10 Maximum impervious areas;~~ (ii) [deleted] ~~Standard H6.6.11 Building coverage;~~ (iii) [deleted] ~~Standard H6.6.12 Landscaped area;~~ (iv) [deleted] ~~Standard H6.6.13 Outlook space;~~ (v) [deleted] ~~Standard H6.6.14 Daylight;~~ (vi) [deleted] ~~Standard H6.6.15 Outdoor living space; and~~ (vii)[deleted] ~~Standard H6.6.16 Front, side and rear fences and walls; and~~ (viii) [deleted] ~~Standard H6.6.17 Minimum dwelling size~~ (aa) the extent to which the building location, scale, form and appearance is of a high-quality and compatible with the planned urban built character		▪ Criterion (2)(ad) - Inappropriate to limit the development potential of a site across the road from a Special Character building.	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	and residential amenity of the surrounding residential area provided for within the zone. (ab) the extent to which buildings are designed to manage building length and bulk and visual dominance by: (i) placing taller buildings on the street front (ii) varying roof form and building height (iii) using modulation and architectural features to break up the mass of buildings into visually distinct elements (iv) using the proportion and arrangements of windows and doors to provide relief to building length and bulk (v) using other building elements including materials, surface detailing, balconies, architectural detail and roof design to provide visual interest along building facades including blank side/party walls (vi) providing adequate breaks in long continuous buildings to minimise the appearance of length (vii)locating deep soil areas and/or communal outdoor spaces between the breaks in buildings to provide space and soften the built form (viii) designing balconies as an integral part of the building (ac) the extent to which buildings use quality, durable and easily maintainable materials. (ad) the extent to which buildings adjoining or across the street from an identified special character area or a scheduled historic heritage place are designed to respect the prevailing character of the area or key historic heritage design and location elements of that place. New and contemporary interpretations in form and detail may be used. (ae) the extent to which building frontages contribute positively to the visual amenity and safety of public streets, public open spaces, and private vehicle and pedestrian accessways by: (i) having clearly defined fronts that provide passive surveillance from windows and balconies. (ii) maximising doors, windows and balconies over all levels on the front façades whilst not impacting on privacy. (iii) maximising the number of dwellings that directly front, align and orientate to public streets. (iv) ground level dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single building entrance.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(v) where a site adjoins public open space, buildings include entrances, windows of habitable rooms and balconies facing the open space. (af) the extent to which site layout creates legible, visible, attractive, safe and well-lit connections between dwellings and the street. (m) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop (refer to the Regional Public Transport Plan) by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. (l) Safe walkability and accessibility of route to frequent public transport: (i) the extent to which the immediate urban road environment allows for safe pedestrian movement from the development the nearest frequent public transport stop by a combination of the following: • Footpaths of at least 1.8m in width; • Facilities to safely and conveniently cross the road including pram crossings, and tactile paving; • Narrowed pedestrian crossing distances of vehicle carriageways; • Front berms to separate pedestrians from traffic; and • Other traffic management measures as relevant to improve the safety of pedestrians. **Visual dominance** (f) The extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, ~~infringements~~ taking into account: (i) the planned urban built character of the zone; and			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Character and Visual Amenity (g) The extent to which the form and design of the building and any additional height ~~infringement~~ responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast. (h) The way in which buildings as viewed from the street or public places are designed to appear against the skyline, taking into account: (i) whether roof plant, services and equipment are hidden from views; and (ii) whether the expression of the top of the building provides visual interest and variation. **Visual dominance** (f) The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account: (i) the planned urban built character of the zone; (ii) the location, orientation and design of development; and (iii) the physical characteristics of the site and the neighbouring site. (iv) the design of side and rear walls, including appearance and dominance; and (v) providing adequate visual and/or physical break up of long continuous building forms. **Attractiveness and safety of the street** (g) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by: (i) providing doors, windows and balconies facing the street; (ii) optimising front yard landscaping; (iii) providing safe pedestrian access to buildings from the street; and (iv) minimising the visual dominance of garage doors as viewed from the street. **Overlooking and privacy** (h) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(11) for building coverage: (f) whether the non-compliance is appropriate to the context taking into account: (i) Whether the balance of private open space and buildings is high-quality and consistent with the planned urban character anticipated for the zone; (ii) The degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas; (iii) The proportion of the building scale in relation to the proportion of the site. (12) for landscaped area: (e) the extent to which existing trees are retained; and (13) for outlook space: (f) the extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be reasonably minimised through the placement and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design. (15) for outdoor living space:			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(f) The extent to which residential units provide private open space and communal open space that is useable, accessible and attractive for occupants. (15A) For windows to street and private ways (a) refer to Policy H6.3(C1) (a) refer to Policy H6.3(A4); and (b) The extent to which the glazing: i. allows views to the street and/or accessways to ensure passive surveillance; and ii. provides a good standard of privacy for occupants. (17) For minimum dwelling size (d) The extent to which each residential unit is designed to: (i) provide simple and convenient access and circulation; (ii) include adequate storage; and (iii) be large enough to allow the use of typical furnishings that meet the needs of the intended number of occupants. (18) For deep soil area and canopy tree (b) The extent to which the proposed deep soil area uses or adds to existing deep soil areas to support canopy trees; and (19) For safety and privacy buffer from private pedestrian and vehicle accessways: (b) the extent to which the buffer is: (i) free of buildings, parking spaces, structures, servicing facilities and manoeuvring areas; and (ii) planted with suitable and low level plants. (20) For residential waste management			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(e) The extent to which the development provides sufficient space for residential waste management that is suitably located for ease of movement to collection points; (f) The extent to which the waste management area is designed to minimise visibility; (g) How the development intends to ensure the on-going management and maintenance of any communal waste management area; (h) Whether waste storage areas are located outside windows or doors to bedrooms, living areas and outdoor living areas to avoid effects of odour and noise; and (i) Whether waste management vehicle can safely undertake collection. (21) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Combined Wastewater Network Control or the Infrastructure – Water and Wastewater Constraints Control (a) Whether there is adequate capacity in the existing public reticulated water supply and / or wastewater network to service the proposed dwelling(s). (b) Whether sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 is available. (c) Whether there is the ability connect the dwelling(s) to a reticulated water supply and / or wastewater network in the future. (22) For more than one dwelling per site in areas identified on the planning maps as being subject to the Infrastructure –Stormwater Disposal Constraints Control (a) Whether there is the ability to adequately dispose of stormwater from the site via a connection to the public stormwater network. (b) Whether stormwater from the site can be disposed of in accordance with the current version of Guideline Document 007 Stormwater Soakage and Groundwater Recharge in the Auckland Region, and the Auckland Stormwater Code of Practice.				
	▪ Additions to H6.9. Special information requirements	Oppose	▪ Far too prescriptive and treats all applications the same, regardless of scale ▪ Adds cost up front to proposals even before resource consent is secure	▪ Delete proposed provisions	2303.116

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	~~There are no special information requirements in this zone.~~ **Landscape Plans for all other developments as required by H6.6.12. Landscape area** (1) A scaled landscape plan must be provided that contains landscaped areas and includes: (a) Plant and tree species, number of each species to be planted and planting grades; (b) Canopy of existing trees to be retained; (c) Any area of grass; and (d) Any paths included in landscaped area. **Deep Soil Area and Canopy Tree** (2) The deep soil area provided must be demonstrated on a scaled landscape plan that at a minimum identifies the following: (a) plant and tree species, number of each species to be planted and planting grades; (b) location of existing trees to be retained; (c) dimensions of individual mature tree canopy; (d) any areas of grass; (e) Minimum tree canopy dimensions are specified in Table H6.9(3) below. **Residential waste management** (3) Applications where communal bins are proposed, must include calculations for required storage space as determined using the Auckland Council's Solid Waste Calculator (Standard H6.6.22(1)(b)). (4) When preparing the waste management and minimisation plan, applicants should refer to the Waste Management and Minimisation Bylaw 2019. The following information must be provided as a minimum: a) the estimate of the volume of waste by the type of waste created, collected, received, stored or disposed of; b) the frequency, location, access and on-site route of waste collection or transportation; and c) the method of waste collection, transportation or disposal.		▪ In combination with other Council proposed changes, adds cost and impacts development yield	
Chapter H: Business zones				
	▪ Amendments to H8.1. Zone description:	Oppose	▪ Support changes giving direct effect to the NPS:UD	▪ Retain provisions that directly support implementation of the NPS:UD

2303.117

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
Chapter H8: Business – City Centre Zone	The city centre is the ~~top of the centres hierarchy~~ and plays a pivotal role in Auckland's present and future success. The Business – City Centre Zone seeks to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living. The provisions in this zone give effect to Policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD) in accordance with sections 77N and 77O of the Resource Management Act 1991. ~~The Plan enables the greatest intensity of development in terms of height and floor area to occur in the city centre. Within the city centre itself, development potential is concentrated in the core central business district. Development potential reduces towards the ridgelines and transitions to lower heights on the waterfront and landward periphery whilst allowing for variation and interest in built form outcomes.~~ The Business – City Centre zone enables building heights and forms which maximise the benefits of intensification and reflect that the city centre sits at the top of the centres' hierarchy in the Auckland Unitary Plan. The zone also manages the scale of development in order to protect ~~important special character areas~~ sunlight admission to parks and public spaces, the relationship to the Waitematā Harbour, historic heritage, significant views to the ~~volcanic cones~~ maunga and other landmarks including identified views to historic heritage places; and to maintain and enhance the distinctiveness of particular areas including special character areas. The city centre makes an important contribution to our sense of place and identity. The significant height and scale of buildings in the city centre increases their visibility from many places, affecting the quality of both public and private views at local and city-wide scales. The zone seeks to maintain Auckland's balanced landscape identity as both a city of harbours and maunga. In addition to managing the scale of development, the zone manages the quality of building design to ensure new buildings successfully integrate with the city centre's existing and planned built form and public realm to create an attractive and recognisable skyline.		▪ Oppose introduction of Qualifying Matters into the zone. These can (and in many cases are) be dealt with through other Plan mechanisms such as Overlays.	▪ Delete proposed provisions relating to qualifying matters	2303.118
	▪ New / amendments to objectives at H8.2: (3) Development positively contributes towards planned future form and quality, creating a well-functioning urban environment and a sense of place. (4) Business activity is distributed in locations, and is of a scale and form, that: (a) provides for the community's social and economic needs; (b) improves community access to goods, services, community facilities and opportunities for social interaction; ~~and~~ (c) manages adverse effects on the environment, including effects on infrastructure and residential amenity.; and (d) accommodates qualifying matters.	Support	▪ Support changes broadly, however the reference to 'existing and planned built form and character' should be amended to delete reference to 'existing and'. A city centre where development potential is maximised should not be constrained by any existing built form and character outcomes ▪ Oppose introduction of Qualifying Matters into the zone. These can (and in many cases	▪ Delete proposed provisions relating to qualifying matters ▪ Delete reference to 'existing' built form and character and retain reference to 'planned' built form character ▪ Retain all other proposed changes	2303.119 2303.120 2303.121

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(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 existing and planned built form and character ~~valley and ridgeline form~~ and waterfront setting. (12) Development maintains and enhances the city's physical, cultural and visual connections with the waterfront as a public space and with the Waitematā Harbour and maunga. (13) Building heights are enabled to realise as much development capacity as possible, unless qualifying matters apply which modify the relevant building height and/or density of urban form.		are) be dealt with through other Plan mechanisms such as Overlays.		
	▪ New / amendments to policies at H8.3: (12A) Enable building height of at least six storeys (21m) within walkable catchments unless a qualifying matter applies that reduces height. (13) Enable greater building height than the standard height ~~i~~in ~~identified~~ locations identified within the Height Variation Control ~~centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height~~, having regard to whether the greater height: (za) is commensurate with the level of commercial activities and community services; (a) is an efficient use of land; (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy; (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre~~.~~; and (e) support the role of centres. (14) Reduce building height below the standard zone height ~~i~~in ~~identified~~ locations identified within the Height Variation Control ~~centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height~~, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, ~~or~~ amenity or other qualifying matters. (17) Enable the most significant concentration of office activity in Auckland to locate in the city centre by providing an environment attractive to office workers, with a focus on the core ~~central business district~~ of the city centre.	Oppose	▪ Support additional height and the deletion of floor area ratio / bonus floor area provisions as a means of maximising development capacity ▪ Oppose introduction of Qualifying Matters into the zone, or any amendment to zone provisions relating to a Qualifying Matter. These can (and in many cases are) be dealt with through other Plan mechanisms such as Overlays. ▪ Oppose amendments to standards that are overly prescriptive in terms of built form outcomes, and policies that support those prescriptive outcomes ▪ Support the inclusion of mana whenua identity within the city centre, however the implementation of that may need to be tempered a little as it is very broadly worded at present	▪ Delete proposed provisions relating to qualifying matters ▪ Amend references to 'human scale' to better define / describe the outcomes sought ▪ Amend prescriptive nature of policies relating to built form and massing standards ▪ Retain all other proposed changes	2303.122 2303.123 2303.124 2303.125

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Historic heritage and special character (27) Encourage the retention and conservation of the city centre's historic heritage through scheduling ~~and through development incentives~~. Policy H8.3.28(a) – DELETED. *City form* (29) Enable the tallest buildings and the greatest density of development to occur in the core of the city centre~~central business district~~. (29A) Ensure high quality building design which recognises the city centre's role in reinforcing Auckland's sense of place and identity, including a thriving and authentic mana whenua identity that is genuinely visible throughout the city centre. Amendments to H8.3.30(c)-(d): (c) requiring the height, ~~and~~ form, and design of new buildings ~~to respect the valley and ridgeline form of the city centre and building design~~ to be complementary to existing ~~or~~and planned built form and character of the zone and 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, human scale podiums with slender towers above with adequate separation between towers; or on sites where towers are not possible, encourage well-designed buildings which complement the streetscape and skyline ~~on sites identified within the special height area on Map H8.11.3~~. (30A) In identified locations, modify building height and/or density of urban form to provide for qualifying matters. (31) ~~Maximise~~ Ensure adequate sunlight, daylight, and outlook around buildings. (31A) Ensure adequate separation between buildings to avoid adverse effects on the physical, cultural and visual connections between the city centre and the Waitematā Harbour and maunga. (32) Encourage public amenities to be provided within developments, including publicly accessible open space, artworks ~~of art~~ and through site links. (32A) Require that existing public amenities within developments be retained, including publicly accessible open space, artworks and through site links. (34) Require building frontages along identified public open spaces and streets to be designed in a way that provides a sense of intimacy, character, interest and variation, human scale and enclosure at street level.		▪ Multiple references to 'human scale', however this is undefined and subjective. May be better off describing the scale of development in a more meaningful way.	

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(36) Protect identified sightlines along streets and public open spaces from the city centre to the Waitematā ~~h~~Harbour, Rangitoto Island, the North Shore and identified sightlines along roads and public open spaces within the city centre to natural features and landmarks. (38) Ensure adequate sunlight and daylight to public open spaces and streets.				
	▪ Amendments to H8.4.1 Activity table: - Activity status of (A42) changed from D to RD. - Deletion of (A44) and (A45). - A number of rules identified as qualifying matters under sections 77I(a) and 77I(j) of the RMA.	Oppose	▪ Support change to RD status for Rule A42 as it is possible to appropriately define the relevant assessment matters for an infringement of the Harbour Edge Height Control standard ▪ Oppose identification of qualifying matters into the zone	▪ Delete identification of qualifying matters ▪ Retain other proposed changes to the activity table	2303.126 2303.127
	▪ Amendments to Standard H8.6.2. General building height: Purpose: manage the height of buildings within the city centre to: • enable the tallest buildings within the core ~~central business district~~ of the city centre; ~~and~~ • transition heights down to neighbourhoods adjoining the city centre and to the harbour edge; • consolidate the city centre as the top of the centres hierarchy in Auckland; • respect the ~~valley and ridgeline form of the city centre and the~~ existing ~~or~~ and planned built form and character of the zone and precincts; and • avoid adverse dominance, shading and/or visual amenity effects of building height on streets and public open spaces. • provide for variations to building height to recognise the character and amenity of particular areas, including heritage places.	Support	▪ Appropriate provisions with adequate height enabled	▪ Retain proposed provisions	2303.128
	▪ Amendments to purpose of Standard H8.6.5. Harbour edge height control plane: Purpose: manage the scale of buildings at the western end of Quay Street to: • provide a city form which transitions in building height from the ~~core central business district~~ core of the city centre down towards ~~to~~ the waterfront; • maximise ~~views~~ visual connections and visual permeability between the harbour and the city centre; and	Support	▪ Appropriate provisions	▪ Retain proposed provisions	2303.129

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Deletion of H8.6.6. Exception to the harbour edge height control plane.	Oppose	▪ The exception, which provides for an additional 20m height where particular outcomes are achieved, is a proven standard. ▪ While general infringement of H8.6.5 is proposed to become a restricted discretionary activity rather than a discretionary activity as it is at present, this amendment will undermine the maximisation of development capacity prescribed through the NPS:UD	▪ Retain operative standard H8.6.6	2303.130
	▪ Amendments to Standard H8.6.8 Measuring building height - Deletion of H8.6.8(1)(b) which provides a choice between rolling height and average street level height definitions for the western part of the city centre	Oppose	▪ This valuable distinction enables developers the flexibility to choose between height definitions on land that has steep slope. Deleting the choice will simply lead to a proliferation of height infringements on sloping land that may otherwise have been avoided.	▪ Retain the operative provision H8.6.8(1)(b)	2303.131
	▪ Amendments to Standard H8.6.9. Rooftops: - Deletion of H8.6.9(2) and H8.6.9(4)(a)	Support	▪	▪ Retain provisions as proposed	2303.132
	▪ Deletion of Standard H8.6.10. Basic floor area ratio.	Support	▪	▪ Retain provisions as proposed	2303.133
	▪ Deletion of Standard H8.6.11. Bonus floor area ratio.	Support	▪	▪ Retain provisions as proposed	2303.199
	▪ Deletion of Standard H8.6.12. Bonus floor area ratio – light and outlook.	Support	▪	▪ Retain provisions as proposed	2303.200

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ Deletion of Standard H8.6.13. Bonus floor area – use or transfer of historic heritage and special character floor space bonus.	Support	▪	▪ Retain provisions as proposed	2303.201
	▪ Deletion of Standard H8.6.14. Bonus floor area – securing historic heritage and special character floor space bonus.	Support	▪	▪ Retain provisions as proposed	2303.202
	▪ Deletion of Standard H8.6.15. Bonus floor area – bonus floor space calculation for scheduled heritage buildings.	Support	▪	▪ Retain provisions as proposed	2303.203
	▪ Deletion of Standard H8.6.16. Bonus floor area - bonus floor space calculation for identified special character buildings.	Support	▪	▪ Retain provisions as proposed	2303.204
	▪ Deletion of Standard H8.6.17. Bonus floor area - public open space.	Support	▪	▪ Retain provisions as proposed	2303.205
	▪ Deletion of Standard H8.6.18. Bonus floor area - through-site link.	Support	▪	▪ Retain provisions as proposed	2303.206
	▪ Deletion of Standard H8.6.19. Bonus floor area - through-site links through identified blocks.	Support	▪	▪ Retain provisions as proposed	2303.207
	▪ Deletion of Standard H8.6.20. Bonus floor area - works of art.	Support	▪	▪ Retain provisions as proposed	2303.208
	▪ Deletion of Standard H8.6.21. Maximum total floor area ratio.	Support	▪	▪ Retain provisions as proposed	2303.209
	▪ Amendments to Standard H8.6.23. Streetscape improvement and landscaping: - Deletion of H8.6.23(5)	Neutral	▪	▪ Retain provisions as proposed	2303.134
	▪ Amendments to Standard H8.6.24. Maximum tower dimension, setback from the street and tower separation in special height area (shown on Map H8.11.3):	Oppose	▪ The proposed changes to this standard have the potential to seriously undermine the actual ability for developments to achieve the enabled height and to maximise development capacity within the city centre. Associated	▪ Delete proposed provisions	2303.135

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Purpose: ensure that high-rise buildings: • are not overly bulky and are slender in appearance; • provide adequate sunlight and daylight access to streets and public spaces; • provide a consistent human-scaled edge to the street; • provide adequate sunlight, daylight and outlook around buildings; • enable ~~views~~visual connections through the city centre; and • mitigate adverse wind effects. (1) On every site identified as special height area on Map H8.11.3 a new building or addition to an existing building must comply with the following: (a) the maximum plan dimension of that part of the building above 28m (above mean street level) must not exceed 50m; and (b) the part of a building above 28m must be ~~located~~ set back ~~at least 6m~~ from all boundaries of the site by at least: (i) 6m; or (ii) 6 per cent of the total building height whichever is the greater (refer Figure H8.6.24.2) (2) The maximum plan dimension is the horizontal dimension between exterior faces of the two most separate points of the building (refer Figure H8.6.24.1). (3) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 28m.		with this is the potential to undermine the prescribed NPS:UD outcomes ▪ The excessive setback requirements have the potential to render the city centre's small site stock redundant and undevelopable. There is a risk here that despite the additional height provision and removal of the floor area ratio controls, many sites may actually have less development potential that at present under the operative provisions.	
	▪ New addition of Standard H8.6.24A Maximum east-west tower dimension: **H8.6.24A Maximum east-west tower dimension** Purpose: ensure that high-rise buildings provide adequate physical, cultural and visual connections with, and visual permeability to, the Waitematā Harbour. (1) On every site identified as subject to the east-west tower dimension standard on Map 8.11.10 a new building or addition to an existing building must comply with the following: (a) the maximum plan dimension of any part of a building in the east-west direction must not exceed 30m for that part of the building above: (i) 28m, for sites identified as special height area on Map H8.11.3. (ii) 32.5m for all other sites. (2) This standard applies in addition to the maximum plan dimension stated in H8.6.24 and H8.6.25A.	Oppose	▪ While the purpose of this new standard is supported, it is unclear the extent to which it has been tested on the basis of existing city centre sites. ▪ The east-west dimension may render many city centre sites undevelopable, or unsuitable for particular activities (office towers for example) ▪ Very limiting for sites that run at an east-west orientation	▪ Delete proposed provisions

2303.136

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
			▪ In conjunction with the other standards relating to setbacks, tower dimensions, frontage / podium heights, etc, some sites will be highly constrained		
	▪ Amendments to Standard H8.6.25. Building frontage alignment and height: Purpose: ensure streets are well defined by human-scaled buildings and provide a sense of enclosure to enhance pedestrian amenity, while still providing adequate sunlight and daylight access to streets. (2) On every frontage identified on Map H8.11.5A, a new building or addition to an existing building must comply with the following: (a) for frontages identified as "28m", the maximum frontage height must not exceed 28m for a minimum depth of 6m from the frontage; (b) for frontages identified as "1:1 to street width" the maximum frontage height must not exceed the lesser of: (i) a 1:1 ratio to the width of the street which that frontage is on, for a minimum depth of 6m from the frontage, or (ii) 32.5m, for a minimum depth of 6m from the frontage. (c) where the street width referenced in H8.6.25(2)(b)(i) is less than the minimum frontage height requirement on Map H8.11.5, then the maximum frontage height is equal to the minimum frontage height.	Oppose	▪ Unnecessarily complex provision ▪ In conjunction with the other standards relating to setbacks, tower dimensions, frontage / podium heights, etc, some sites will be highly constrained	▪ Delete proposed provisions	2303.137
	▪ New addition of Standard H8.6.25A Building setback from boundaries: Purpose: ensure that buildings: • provide adequate sunlight and daylight access to streets and public open spaces; • provide a consistent human-scaled edge to the street; • provide adequate sunlight, daylight and outlook around buildings; • enable visual connections through the city centre; and • mitigate adverse wind effects. (1) On every site identified as subject to this standard on Map H8.11.11) a new building or addition to an existing building must comply with the following:	Oppose	▪ This new standard cuts across other existing and proposed standards. This duplication seems unnecessary and adds complexity to the Plan.	▪ Delete proposed provisions	2303.138

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(a) For boundaries which have a maximum frontage height (refer H8.6.25(2)), the set back is as stated in H8.6.25(2). (b) For all other boundaries, the part of the building above 32.5m must be set back from the boundary by at least 6m. (c) The maximum plan dimension, as defined in H8.6.24(2), of that part of the building above 32.5m must not exceed 50m. (d) If there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 32.5m.			
	▪ New addition of Standard H8.6.34. Through-site links: **H8.6.34. Through-site links** Purpose: Ensure that through-site links enhance pedestrian access, amenity and safety, and contribute to an improved city centre environment. (1) Map H8.11.9 sets out where through-site links are most needed in the city centre. This standard applies to any through-site link, even if not identified on Map H8.11.9. (2) All forms of through site link must: (a) be a separately defined, continuous and clearly identifiable public walkway taking the most direct route, which is designed specifically to traverse a site to connect roads or other public places or other through-site links and provides a shorter and more convenient route than the existing alternative; and (b) have an access easement registered on the title to which the link applies to ensure preservation of the link and its ongoing maintenance by the owner of the title. (3) A through-site link may be a combination of lanes, arcades and covered links along its length. *Lanes* (4) Lanes must: (a) be fully pedestrian or have only limited vehicular access and be kept clear and unobstructed from the ground or floor level upwards. (b) be publicly accessible 24 hours a day, seven days a week. (c) maintain a minimum unobstructed width of 3.5m. The unobstructed width of the lane must be free of any buildings and fixtures that disrupt the passage of pedestrians. *Arcades* (5) Arcades must: (a) be pedestrian-only and covered.	Support	▪ Through site links are not required by the standard, but reasonable to establish clear performance standards where they are to be provided	▪ Retain proposed provisions

2303.139

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(b) be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose. (c) maintain a minimum unobstructed width of 3.5m. The unobstructed width of the arcade must be free of any buildings and fixtures that disrupt the passage of pedestrians. *Covered links* (6) Covered links must: (a) be pedestrian only and covered. (b) be publicly accessible, the minimum hours of operation being 7.30am to 6pm Monday to Friday, excluding public holidays, and such other times when the site is open for business or for its principal purpose. (c) have a minimum unobstructed width of 3.5m. The unobstructed width of the covered link must be free of any buildings and fixtures that disrupt the passage of pedestrians.			
	▪ Amendments to H8.8.1. Matters of discretion: (6) infringement of general building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards: (a) effects of additional building bulk and scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character); (b) consistency with the existing and planned built ~~future~~ form and character of the ~~area~~/zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook, or where towers are not possible, buildings should be well-designed and complement the streetscape and skyline; and Deletion of H8.8.1(8). New addition of H8.8.1(8A): (8A) Infringement of the harbour edge height control plane standard (a) The effects of height, form, and scale on: (i) A city form which transitions in building height down towards the harbour edge (ii) Maximising visual connections and visual permeability between the city centre and the Waitematā Harbour; (b) Amenity effects on the streetscape, and adjacent waterfront public open spaces	Oppose	▪ Delete any reference to 'existing' built form and character as that may undermine NPS:UD outcomes around maximising development capacity. In areas with significant change in height for example, the existing height of development is irrelevant going forward. The planned built form and character is the bar against which applications should be considered. ▪ Delete reference to 'human scale' as this is meaningless. Replace with more meaningful wording ▪ The submitter has requested that a number of new / amended standards by deleted. Corresponding deletions to matters of discretion should follow.	▪ Delete proposed provisions or otherwise amend as requested

2303.140
2303.141

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	New addition of H8.8.1(8B): (8B) infringement of maximum east-west tower dimension standard: (a) The effects of building form, scale and bulk on providing adequate visual permeability between the city centre and the Waitematā Harbour. Amendments to H8.8.1(9): (d) for infringements of maximum frontage height (H8.6.25(2)): (i) building bulk and scale; (ii) consistency with the existing and planned built form and character of the zone; including enabling well-designed buildings which have a human scale podium and slender towers above to maximise sunlight, daylight and outlook; (e) site specific characteristics. Amendment to H8.8.1(11): (11) infringement of wind standard: (a) pedestrian and public amenity; New addition of H8.8.1(16): (16) infringement of through site links standard: (a) pedestrian access, safety and amenity.		▪ Support matters at H8.8.1(16) – Through Site Links	
	▪ Amendments to H8.8.2. Assessment criteria:	Oppose	▪ Delete any reference to 'existing' built form and character as that may undermine NPS:UD outcomes around maximising development capacity. In areas with significant change in height for example, the existing height of development is irrelevant going forward. The planned built form and character is the bar against which applications should be considered.	▪ Delete proposed provisions or otherwise amend as requested

2303.142
2303.143

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(1) new buildings and external alterations and additions to buildings not otherwise provided for: (a) building design and external appearance: *Contributing to a sense of place* (i) the extent to which the design of buildings contribute to the local streetscape and sense of place by responding positively to the existing and planned built form and character of the zone and surrounding area and significant natural landforms and landscape features including the Waitematā Harbour; (ii) the extent to which the silhouette of the building as viewed from areas surrounding the city centre positively contributes to the city centre's skyline while reinforcing the existing and planned built form and character of the city centre; (iia) the extent to which buildings are designed to create human scale podiums at street level and slender towers above which allow daylight and sunlight into buildings and daylight and sky views to filter down to streets and public places, while respecting the relationship of the city centre with the Waitematā Harbour. (iib) the extent to which buildings are designed to ensure adequate sunlight and daylight access to streets, public places and nearby sites. (iic) The extent to which sunlight, daylight and outlook is provided around buildings at all levels above the podium, to enable light to filter to streets and complimenting the relationship between the city centre and its surrounds including the Waitematā Harbour by through site views. New addition of H8.8.2(1)(xixb) under Variation in building form/visual interest: (xixb) the extent to which adequate separation between buildings is provided: • to ensure sunlight and/or daylight reaches the street • to ensure streetscape amenity • to avoid a sense of dominance to the street and neighbouring sites • to ensure gaps are created between buildings which allow physical, cultural and visual connections to the Waitematā Harbour and maunga. Amendments to H8.8.2(6):		▪ Delete reference to 'human scale' as this is meaningless. Replace with more meaningful wording ▪ The submitter has requested that a number of new / amended standards by deleted. Corresponding deletions to criteria should follow.	

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(6) infringement of general building height, building in relation to boundary, streetscape improvement and landscaping, maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards: (a) effects of additional building bulk and scale on neighbouring sites and streets and public open spaces (sunlight and daylight access, dominance, streetscape amenity, visual amenity and landscape character): (i) whether minor height infringements may be appropriate where it would provide an attractive and integrated roof form that also meets the purpose of the standard; (ii) whether height or setback infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; and (iii) whether ~~minor~~ infringements to the building in relation to boundary standard or the streetscape improvement and landscaping standard may be appropriate where the spacious landscaped character of the area is retained. (b) consistency with the existing and planned ~~future~~built form and character of the zone/area: (i) where building height or maximum tower dimension, setback from the street and tower separation in special height area, and building setback from boundaries standards is infringed whether the proposal demonstrates that Policies H8.3(29), H8.3(29A), H8.3(30), ~~and~~ H8.3(31) and H8.3(38) of the Business – City Centre Zone are met. (c) site specific characteristics: (i) whether there are particular site specific characteristics in terms of narrow site size, unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed; (ii) where towers are not possible, the extent to which buildings are well-designed and complement the streetscape and skyline; Deletion of H8.8.2(8). New addition of H8.8.2(8A): (8A) infringement of the harbour edge height control plane standard: (a) Height, form, and scale: (i) The extent to which the building (including roof structures) are designed to reinforce the planned built form of the city centre and the waterfront when viewed from: • within the city centre and main approaches to the city centre by land and water; and • public spaces which offer comprehensive views.			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(ii) The extent to which the part of the building which protrudes through the harbour edge height control plane: • Avoids abrupt or arbitrary truncation of the upper parts of the building or structure. • Is visually compatible with its proximity to the Waitematā Harbour, taking into account: ○ Whether the expression of the building provides visual interest and variation; ○ Whether the design visually reinforces the building's sense of place on the waterfront; and ○ The clustering of building heights to reinforce transitioning to a lower density waterfront setting. • Maintains visual and physical connections and visual permeability to the Waitematā Harbour through the city centre by providing adequate airspace, sunlight, daylight and amenity around towers. (b) Amenity effects on the streetscape and adjacent public open spaces along the waterfront: (i) The extent to which building bulk above the harbour edge height control plane results in loss of amenity to adjacent public open spaces along the waterfront, including: • Sunlight admission. • Shading and dominance at street level and public spaces, in particular Quay St, Queen St, and Customs St. (c) Particular constraints: (i) Whether there are particular site development characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development. New addition of H8.8.2(8B): (8B) infringement of maximum east-west tower dimension standard: (a) The effects of building form, scale and bulk on providing adequate physical, cultural and visual connections, and visual permeability between the city centre and the Waitematā Harbour: (i) The extent to which towers have spaces between and around them providing north-south views of the harbour. (ii) the extent to which towers have a square or north-south alignment. (iii) the extent to which buildings avoid creation of a wall of built form which reduces views to the harbour from the city centre. New addition (d) to H8.8.2(9):			

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	(d) for infringement of maximum frontage height (H8.6.25(2)): (i) effects of additional building scale on neighbouring sites, streets and public open spaces (sunlight and daylight access, dominance, visual amenity, and landscape character): • the extent to which buildings have clearly defined human scale frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety; • the extent to which buildings are designed to provide adequate sunlight, daylight and sky view access to streets, public places and nearby sites. • whether maximum frontage height infringements may be appropriate on corner sites to reinforce the prominence of the corner where it meets the relevant standard infringement criteria and makes a positive contribution to the streetscape; (ii) whether the proposal demonstrates that Policies H8.3(30), H8.3(31), H8.3(34) and H8.3(38) of the Business – City Centre Zone are met. (iii) whether there are particular site specific characteristics in terms of unusual site size, shape or orientation, or the location and nature of existing buildings which have constrained the form of the development proposed. New addition of H8.8.2(16): (16) infringement of through-site link standard: (a) pedestrian access, safety and amenity: (i) whether pedestrians including mobility-aid users can safely and easily navigate the through-site link; (ii) whether through-site links provide a connection between two streets or other public areas to create interest in the city and have a clearly visible origin and destination; (iii) the extent to which the design of the through-site link takes the pedestrian's desired routes into consideration when determining location; (iv) the extent to which through-site links are of a width proportionate to the scale of development to create a sense of enclosure, with a ratio of 1:5 being encouraged; (v) the extent to which through-site links have active uses along at least one side; and (vi) the extent of the hours of public accessibility. Deletion of H8.9. Assessment – bonus floor area.			

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	▪ New additions of special information requirements under H8.10: **H8.10.1. Alterations and additions to buildings identified as historic heritage and special character** (1) For scheduled historic heritage buildings, the applicant must prepare a conservation plan (or update an existing conservation plan where one already exists) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning. This information shall be provided where the application is for: (a) substantial demolition or destruction; (b) relocation within the scheduled extent of place; or (c) significant restoration or modification works. (2) For any application for works affecting identified special character buildings, the applicant must prepare a character plan that details how the significant features of the building that contribute to streetscape amenity will be retained and enhanced. The plan must demonstrate that a programme of works will be undertaken, including a maintenance plan to guide ongoing regular maintenance and cleaning. The plan shall be commensurate with the effects of the proposed works on special character values. For the purpose of this information requirement, 'identified special character buildings' are all pre-1940s buildings within the Queen Street Valley precinct and those identified on Map H8.11.1.	Neutral	▪	▪	2303.144
Chapter H13: Business – Mixed Use Zone	▪ Amendments to H13.1. Zone description: The Business – Mixed Use Zone is typically located around centres and along corridors served by public transport and may be located in walkable catchments. It acts as a transition area, in terms of scale and activity, between residential areas and the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone. It also applies to areas where there is a need for a compatible mix of residential and employment activities. There is a range of possible building heights depending on the context. Provisions typically enable heights up to four storeys. Greater height may be enabled in areas close to the city centre, metropolitan centres and larger town centres. Within walkable catchments, as identified on the planning maps, building heights of at least six storeys are enabled, unless qualifying matters apply that reduce height. Some street frontages within the zone are subject to a General Commercial Frontage Control.	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms ▪ Enable development of at least six-storeys across the zone	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	2303.145 2303.146
	▪ New / amendments to objectives at H13.2: (3) Development positively contributes towards planned future form and quality, creating a well-functioning urban environment and a sense of place. (4) Business activity is distributed in locations, and is of a scale and form, that:	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	2303.147 2303.148

PLAN CHANGE 78 – INTENSIFICATION					
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(c) manages adverse effects on the environment, including effects on infrastructure and residential amenity~~.~~; and (d) accommodates qualifying matters. (10) Building height of at least six storeys is enabled within walkable catchments unless qualifying matters apply that modifies height.				
	▪ New / amendments to policies at H13.3 (12A) Enable building height of at least six storeys (21m) within walkable catchments unless a qualifying matter applies that modifies height. (13) Enable greater building height than the standard height ~~.~~in locations identified ~~locations~~ within the Height Variation Control~~. Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height~~, having regard to whether the greater height: (za) is commensurate with the level of commercial activities and community services; (a) is an efficient use of land; (b) supports public transport, community infrastructure and contributes to centre vitality and vibrancy; (c) considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; ~~and~~ (d) is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre~~.~~; and (e) supports the role of centres. (14) ~~I~~ Reduce building height below the standard zone height ~~.~~in locations identified ~~locations~~ within the Height Variation Control~~. Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height~~, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, ~~or~~ amenity, or other qualifying matters.	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments	2303.149 2303.150
	▪ Amendment to purpose of Standard H13.6.1. Building height • enable greater height in areas identified for intensification including within walkable catchments, unless a qualifying matter applies; and	Oppose	▪ Remove any reference to Qualifying Matters from the zone as those can be (and are) dealt with via other Plan mechanisms	▪ Remove any reference to Qualifying Matters ▪ Enable six-storey development across the zone, regardless of position inside or outside walkable catchments ▪	2303.151 2303.152

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
Chapter J1 - Definitions				
	▪ Amended definition: Landscaped area **Landscaped area** In relation to any site, means an area that is in natural grass, plants or trees. The canopy of trees that are existing at the time of consent lodgement can be included in the landscaped area provided the trunks are surrounded by an area of grass, plants or mulch that extends to the diameter of the critical root zone. The critical root zone being a circular area extending from the base of the canopy tree with a diameter equal to twelve times the trunk diameter measured at 1.4m above ground level. Landscaped area can include pervious paths with a maximum width of 1.5m provided they do not make up more than 10 per cent of the landscaped area. Buildings, artificial grass, and structures including pools, paving (except for pervious paths), pergolas, decks and servicing area is excluded from the landscaped area. This definition does not apply to any development of up to 3 dwellings in accordance with the MDRS.	Oppose	▪ The proposed changes to this definition erode the existing exclusions provided, and further limit the development potential of land	▪ Delete the proposed definition

2303.153

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	~~any part of that site not less than 5m² in area which is grassed and planted in trees, shrubs, or ground cover plants and may include:~~ (1) ~~One or more of the features in (a) (b) or (c) where the total land area occupied does not collectively cover more than 25 per cent of the landscaped area:~~ ~~(a) ornamental pools;~~ ~~(b) areas paved with open jointed slabs, bricks or gobi or similar blocks where the maximum dimension of any one paver does not exceed 650mm;~~ ~~(c) terraces or uncovered timber decks where no part of such terrace or deck exceeds more than 1m in height above the ground immediately below;~~ (2) ~~non permeable pathways not exceeding 1.5m in width;~~ (3) ~~permeable artificial lawn in the residential zones, except:~~ ~~(a) that permeable artificial lawn must not cover more than 50 per cent of the landscaped area of the front yard;~~ ~~(b) Permeable artificial lawn must:~~ • ~~be permeable;~~ • ~~resembles grass in colour including a mix of natural looking green tones;~~ • ~~have piles that are a minimum 30mm pile height, straight cut (not looped pile), and of a density and form that resembles grass;~~ • ~~is resistant to ultra violet degradation, weathering and ageing during its normal service life; and~~ • ~~is recyclable.~~ (4) ~~Any part of a landscaped area may be situated over an underground structure with adequate soil depth and drainage.~~ ~~Excludes any area which:~~ • ~~falls within the definition of building coverage;~~ • ~~is part of a non permeable pathway that is greater than 1.5m in width;~~ • ~~is used for the parking, manoeuvring or loading of motor vehicles.~~			
	▪ New definition: Service Area Relevant to outlook space requirements in MHU and THAB zones	Oppose	▪ In conjunction with how this definition is being used within the MHU and THAB zones, it has the potential to severely limit the development potential of land.	▪ Delete the proposed definition

2303.154

PLAN CHANGE 78 – INTENSIFICATION				
Chapter	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought
	Servicing area The area used to accommodate facilities necessary for the day to day needs of residential occupants, including: • Storage sheds • External hot water cylinders • Waste storage areas • Bicycle parking and storage • Heat pump or air conditioning external units • Washing lines (excludes where these can be fully retracted or folded down) • Rainwater tanks (excludes where the tank is entirely underground or otherwise permitted by the Plan) Servicing facilities excludes: • Letterboxes • Water meters • Freestanding lights • Solar Panel Batteries			
	▪ New definition: Urban Heat Island **Urban heat island** Heat islands are urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. In these areas where these structures are highly concentrated and greenery is limited, these become "islands" of higher temperatures relative to outlying areas.	Oppose	▪ In conjunction with how this definition is being used within the MHU and THAB zones, it has the potential to severely limit the development potential of land. ▪ There should be more science around this definition, as it is simply being broadly applied to development within residential areas.	▪ Delete the proposed definition

2303.155

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Provision</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td colspan="5">Chapter I: Precincts – South</td></tr>
<tr><td>I412 Flat Bush Precinct</td><td>▪ Amendments to I412.1. Precinct description:

Flat Bush Sub-precinct H (Mixed Housing <s>Suburban</s> Urban)
This Sub-precinct relates to land in the upper McQuoids Road / Flat Bush School Road area that transitions to the upper catchment area. It therefore anticipates a medium density residential environment with <s>development</s> subdivision controls to encourage <s>ensure</s> a degree of spaciousness.
Flat Bush Sub-precinct K (<s>Single House</s> Mixed Housing Urban Zone)</td><td>Support</td><td>▪</td><td>Retain</td></tr>
<tr><td></td><td>▪ Amendments to Table I412.1.1 – Zoning of land within this precinct:

Table I412.1.1 - Zoning of land within this precinct
<table><tr><th>Zones</th><th>Sub-precincts</th></tr><tr><td>Residential - Mixed Housing Urban <s>and Residential - Mixed Housing Suburban</s></td><td>Flat Bush Sub-precinct A (General)</td></tr><tr><td>Residential - Terrace Housing and Apartment Buildings</td><td>Flat Bush Sub-precinct B (Central)</td></tr><tr><td>Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing <s>Suburban</s> Urban</td><td>Flat Bush Sub-precinct D (Arterial)</td></tr><tr><td>Residential - Terrace Housing and Apartment Buildings and Residential - Mixed Housing Urban</td><td>Flat Bush Sub-precinct E (Barry Curtis Edge)</td></tr><tr><td>Residential - Terrace Housing and Apartment Buildings</td><td>Flat Bush Sub-precinct F (Local Centre)</td></tr><tr><td>Residential - Mixed Housing <s>Suburban</s> Urban</td><td>Flat Bush Sub-precinct G (Open Space)</td></tr><tr><td>Residential - Mixed Housing <s>Suburban</s> Urban</td><td>Flat Bush Sub-precinct H (Mixed Housing <s>suburban</s> Urban)</td></tr><tr><td>Residential - <s>Single House</s> Mixed Housing Urban Zone</td><td>Flat Bush Sub-precinct K (<s>Single House</s> Low Density Residential Zone)</td></tr><tr><td>Residential - Large Lot</td><td>Flat Bush Sub-precinct I (Countryside Transition)</td></tr><tr><td>Rural - Countryside Living</td><td>Flat Bush Sub-precinct I (Countryside Transition)</td></tr><tr><td>Rural - Countryside Living</td><td>Flat Bush Sub-precinct J (Conservation and Stormwater Management)</td></tr><tr><td colspan="2">As noted above areas of the Flat Bush Precinct that lie outside the boundaries of any of the sub-precincts listed above are subject to the provisions of the zone.</td></tr></table></td><td>Support</td><td>▪</td><td>Retain</td></tr>
<tr><td></td><td>▪ Amendment to I412.6. Standards:</td><td></td><td>▪ Amend reference to activity status to ensure all rules listed in the activity table can rely on the Precinct Standards (even if referred to the</td><td>▪ Amend reference to activity status to ensure all rules listed in the activity table can rely on the</td></tr>
</table>

2303.156

2303.157

2303.158

<table>
<tr><th colspan="5">PLAN CHANGE 78 – INTENSIFICATION</th></tr>
<tr><th>Provision</th><th>Outline of Proposed Change</th><th>Support / Oppose</th><th>Reasons</th><th>Relief Sought</th></tr>
<tr><td></td><td>The overlay, zone and Auckland-wide standards apply in this precinct except the following:
(1) H5 Residential - Mixed Housing Urban Zone – Standard H5.6.12. Outlook space
The standards in I412.6 in I412 Flat Bush Precinct as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying Residential - Terraced Housing and Apartment Buildings and Residential – Mixed Housing Urban Zones for the construction and use of up to 3 dwellings per site.
All activities listed as permitted, controlled and restricted discretionary in table I414.4.1 Activity table must comply with the following standards:</td><td></td><td>underlying zone) can rely on the Precinct Standards.</td><td></td></tr>
<tr><td></td><td>▪ Amendment to Table I412.6.1.2.1 Building height:
<table><tr><th></th><th colspan="10">Sub-Precinct</th></tr><tr><th></th><th>A</th><th>B</th><th>D</th><th>E</th><th>F</th><th>G</th><th>H</th><th>I</th><th>J</th><th>K</th></tr><tr><td>Maximum height in meters</td><td>~~9~~</td><td>~~9~~</td><td>12</td><td>16</td><td>~~9~~</td><td>~~8~~</td><td>~~8~~</td><td>8</td><td>8</td><td>8</td></tr></table></td><td>Oppose</td><td>▪ Building Height of 8m for Sub-Precinct K should be deleted to reflect the change to the underlying zone (Mixed Housing Urban) in the same manner that is proposed for Sub-Precinct H. As a result of this change, the corresponding maximum building height of 11m for the Mixed Housing Urban Zone takes precedence.</td><td>▪ Delete 8m Building Height Limit for Sub-Precinct K.</td></tr>
<tr><td></td><td>▪ Amendment to Table I412.6.1.4.1 Yards:
Table I412.6.1.4.1 Yards
<table><tr><th></th><th colspan="10">Sub-Precinct</th></tr><tr><th></th><th>A</th><th>B</th><th>D</th><th>E</th><th>F</th><th>G</th><th>H</th><th>I</th><th>J</th><th>K</th></tr><tr><td>Front Yard in meters</td><td>~~3~~</td><td>NA</td><td>0</td><td>0</td><td>~~3~~</td><td>0</td><td>~~4~~</td><td>6</td><td>6</td><td>4</td></tr><tr><td>Side Yard in meters</td><td>~~1.2~~</td><td>~~1.2~~</td><td>~~1.2~~</td><td>~~1.2~~</td><td>~~1.2~~</td><td>0</td><td>~~1.2~~</td><td>6</td><td>0</td><td>3</td></tr><tr><td>Rear yard[4] in meters</td><td>~~8~~</td><td>~~8~~</td><td>~~8~~</td><td>~~8~~</td><td>~~8~~</td><td>0</td><td>~~8~~</td><td>6</td><td>0</td><td>8</td></tr></table>(2) Provided that:
(a) ~~rear yards on all sites must be a minimum of 8m (except 6m in Sub-precinct I), except that a single storey building (or part of a building) up to a maximum height of 5m is permitted within the rear yard provided that it is no closer than 3m from the rear boundary; [deleted]~~</td><td>Oppose</td><td>▪ The Standard ensures an appropriate transition is able to be achieved for built form across properties and centres building form within the site, enables visual corridors between properties, and reduces potential visual dominance related effects.
▪ The deletion of this standard also impacts on the multi-generational building typology adopted in Flat Bush which benefits from this standard, where residents may find it difficult</td><td>Seek that clause (2)(a) is reinstated
Rear yards on all sites must be a minimum of 8m (except 6m in Sub precinct I), except that a single storey building (or part of a building) up to a maximum height of 5m is permitted within the rear yard provided that it is no closer than 3m from the rear boundary;</td></tr>
</table>

2303.159

2303.160

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
			to navigate a two storey dwelling which will be encouraged through this proposed amendment.		
	▪ Table 1412.6.1.4.1 Yards (b) the rear yard required above does not apply where the site adjoins a rear lane or access lot.; and (c) for rear sites (except in Sub-precinct A, B, C, D, E, F, H and I), all yards must be a minimum of 3m.- ▪	Oppose	▪	Insert Sub-Precinct K, as follows: (b) For rear sites (except in Sub-Precinct A, B, C, D, E, F, H, ~~and~~ I, and K) all yards must be a minimum of 3m.	2303.161
Chapter I: Precincts – North Part 2					
I519 Long Bay Precinct	▪ Amendment to I519.1. Precinct description: The Long Bay Precinct is located at the northern end of the East Coast Bays on the North Shore. The precinct covers approximately 360 ha of land and is held in multiple ownership. It incorporates the following significant natural and physical resources (which are Qualifying Matters in terms of section 77I of the RMA): •The outstanding landscapes and natural character of the coastline north of Vaughan Stream; •The high ecological and amenity values of the Vaughan Stream catchment and coastal receiving waters of the Long Bay-Okura Marine Reserve; •The Long Bay Regional Park, a regionally important area of high recreational and landscape value within a largely natural coastal environment	Oppose	▪ Cross reference is not required in the Precinct as the qualifying matters are addressed in other parts of the Unitary Plan.	Remove all references to qualifying matters from the precinct, including	2303.162
	▪ I519.2 Objective and I519.3 Policies relating to the sub-precinct		▪ The Objectives and policies for the sub-precincts have not been updated to reflect the MDRS or NPS-UD.	Reword the sub-precinct objectives and policies to give effect to the MDRS and NSP-UD.	2303.163
	▪ Amendment to Table I519.1.1 Long Bay Sub-precinct descriptions and zoning to delete H3 Residential – Single House Zone and add H5 Residential – Mixed Housing Urban Zone:	Oppose	▪ There is no reason to introduce a Low Density Residential Zone justified on the basis of those Qualifying Matters identified by Council under section 77I(j) of the RMA. ▪ The zoning is contrary to the MDRS and NPS-UD which seeks to enable greater intensification in Tier 1 districts.	Delete reference to H3A Residential – Low Density Residential zone and replace with Residential – Mixed Housing Urban Zone	2303.164

PLAN CHANGE 78 – INTENSIFICATION				
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**
	<table><tr><th>Long Bay Sub-precinct</th><th>Description</th><th>Zone</th></tr><tr><td>A</td><td>Large lot residential</td><td>H1 Residential - Large Lot Zone</td></tr><tr><td>B</td><td>Rural residential</td><td>H1 Residential - Large Lot Zone</td></tr><tr><td>C</td><td>Piripiri Point protection area</td><td>H1 Residential - Large Lot Zone</td></tr><tr><td>D</td><td>Suburban neighbourhood – east of Ashley Avenue (Stream Protection A Area)</td><td>~~H3 Residential - Single House Zone~~ H3A Residential – Low Density Residential zone</td></tr><tr><td>E</td><td>Suburban neighbourhood – north of Vaughans Stream (Stream Protection A and B Area)</td><td>~~H3 Residential - Single House Zone~~ H3A Residential – Low Density Residential zone</td></tr><tr><td>F</td><td>Suburban neighbourhood – south of Vaughans Stream</td><td>~~H3 Residential - Single House Zone~~ H3A Residential – Low Density Residential zone</td></tr><tr><td>G</td><td>Mixed neighbourhood – north of Vaughans Stream</td><td>~~H4 Residential – Mixed Housing Suburban Zone~~ H5 Residential - Mixed Housing Urban Zone</td></tr></table>			
	▪ Amendment to I519.2. Objectives [rcp/dp]: **Sub-precinct G** (13) A mixture of one to two storey stand-alone houses on smaller lots and attached housing types are provided in the North Vaughans area, generally to the south and west of the northern Beach Road extension.	Oppose	▪ The land in Sub-precinct G has been rezoned MHU to give effect to the MDRS and NPS-UD. ▪ There is no justification to impose lower height limits within Sub-precinct G and doing so is contrary to the MDRS and NPS-UD which seeks to enable greater intensification in areas that can accommodate it.	Delete the reference to 'one and two storey' and reword the objective to give effect to the MDRS and NPS-UD.
	▪ Amendment to I519.3. Policies [rcp/dp]:	Oppose	▪ The land in Sub-precinct G has been rezoned MHU to give effect to the MDRS and NPS-UD. ▪ There is no justification to impose lower height limits within Sub-precinct G and doing so is contrary to the MDRS and NPS-UD which seeks to enable greater intensification in areas that can accommodate it.	Under the heading Sub-precinct G delete the wording of Policies 56 and 57 and reword to give effect to the MDRS and NPS-UD.

2303.165

2303.166

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	Sub-precinct G (56) Enable a mix of single and two storey detached and attached dwellings on smaller sections. (57) Apply the Mixed Housing ~~Suburban~~ Urban Zone standards, except for those associated with building height, yards, coverage and impervious areas and fencing which are to be compatible with the adjacent Sub-precinct E. **Sub-precinct H** (58) Provide for terraced housing and low rise apartments up to three storeys in height and some single houses on small sites. ~~with an average density of housing across the sub-precinct of approximately one unit per 250m²~~.				
	▪ Amendment to I519.4. Activity table: The rules in Activity Table I519.4.1 as they relate to the construction and use of up to 3 dwellings per site replace the rules in the underlying zones for the construction and use of up to 3 dwellings per site.	Oppose	▪ The land in the Long Bay Precinct has been rezoned MHU to give effect to the MDRS and NPS-UD. ▪ There is no justification to impose density standards and doing so is contrary to the MDRS and NPS-UD which seeks to enable greater intensification in areas that can accommodate it.	Delete the amendment.	2303.167
	▪ Amendment to Table I519.4.1: Activity table for Sub-precincts (A5), (A6), (A7), (A8), (A9), (AA8), (AA9)	Oppose	▪ The land in sub-precincts has been rezoned MHU to give effect to the MDRS and NPS-UD. ▪ There is no justification to impose density standards within the sub-precincts and doing so is contrary to the MDRS and NPS-UD which seeks to enable greater intensification in areas that can accommodate it.	Delete the qualifying matter references and the density standard in all sub-precincts and enable up to three dwellings per site as a permitted activity and more than three dwellings per site as a restricted discretionary activity	2303.168
	▪ Amendment to Table I519.4.6 Activity table for subdivision: (A59) Subdivision in the Stream Protection B Area creating a vacant site in Sub-precincts D to I, and all subdivision | NA | RD | NA | NC	Oppose	▪ It is unclear why these amendments have been made.	Delete.	2303.169

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	<table><tr><th></th><th>Activity</th><th>Sub-precincts A and B</th><th>Sub-precincts D to K</th><th>Sub-precinct C: Piripiri Point Protection Area</th><th>Sub-precinct L</th></tr><tr><td></td><td>in Sub-precincts J and K</td><td></td><td></td><td></td><td></td></tr><tr><td>A59a</td><td>Subdivision in the stream protection B area in Sub-precincts D to I to create an allotment with an existing dwelling, provided that either the subdivision does not increase the degree of any non-compliance with the standards in I519.6 or land use consent for the dwelling has been granted</td><td>NA</td><td>C</td><td>NA</td><td>NA</td></tr></table>				
	▪ Amendment to I519.6. Standards: The standards in I519.6 as they relate to the construction and use of up to 3 dwellings per site replace the corresponding standards in the underlying Residential – Low Density Residential Zones, Residential Mixed Housing Urban and Residential Terraced Housing and Apartment Buildings Zones for the construction and use of up to 3 dwellings per site.	Oppose	▪ The land in the Long Bay Precinct has been rezoned MHU to give effect to the MDRS and NPS-UD. ▪ There is no justification to impose more restrictive standards and doing so is contrary to the MDRS and NPS-UD which seeks to enable greater intensification in areas that can accommodate it.	Delete the amendment and all references to qualifying matters and amend all standards in I519.6 Standards (I519.6.1 – I519.6.23) to reflect the MDRS standards and make consequential changes to matters of discretion and assessment criteria.	2303.170 2303.171
	▪ Amendment to matters of control I519.7.1.2. Subdivision: Sub-precinct C: (1) The effects of subdivision on the Piripiri Point Protection Area. Sub-precincts G, H and I: (2) Compliance with an approved land use consent; (3) Whether the sites created are able to accommodate development in accordance with the relevant overlay, Auckland-wide and zone rules.	Oppose	▪ It is unclear why these amendments have been made.	Delete.	2303.172
	▪ Amendment to assessment criteria I519.7.2.2. Subdivision:	Oppose	▪ It is unclear why these amendments have been made.	Delete.	2303.173

PLAN CHANGE 78 – INTENSIFICATION					
Provision	**Outline of Proposed Change**	**Support / Oppose**	**Reasons**	**Relief Sought**	
	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 overlay, zone or Auckland-wide provisions: Sub-precinct C:				
Maps	▪ Zoning of all sites in the Long Bay Precinct zoned Low Density Residential zone	Oppose	▪ Rezone	Delete the Low-Density Residential zone from all properties in the Long Bay Precinct and rezone Residential Mixed Housing Urban.	2303.174 2303.175
Maps	▪ Sub-precinct boundaries	Oppose	▪ The sub-precincts do not reflect the change in underlying zoned to give effect to the MDRS and NPS-UD	Realign sub-precinct boundaries to reflect the change in underlying zone.	2303.176
Chapter I: Precincts – North Part 3					
I552 Warkworth Clayden Road Precinct	▪ Amendment to I552.1. Precinct Description: The zoning of land within this Warkworth Clayden Road Precinct is Rural – Countryside Living, Residential - Large Lot, ~~Residential - Single House, Residential - Mixed Housing Suburban,~~ Residential – Low Density Residential zone, Residential - Mixed Housing Urban, Business - Neighbourhood Centre and Open Space – Conservation zones. The Residential - Mixed Housing Urban zone applies to the more intensive residential opportunity created around the Matakana Link Road and the future public transport options this offers with direct access to and views across the Warkworth Showgrounds. ~~Residential - Mixed Housing Suburban zone medium density housing is provided in the northern area of the Precinct.~~ Low Density Residential ~~Residential - Single House~~ zoning is provided on the Rural Urban Boundary fringe with particular controls applying along the interface between the Countryside Living zone and the ~~Residential - Single House~~ Low Density Residential zone and the Rural – Countryside Living zone, where rural character is to be maintained and lower levels of residential intensification enabled. A small area of land is zoned Residential - Large Lot and Rural - Countryside Living. These zones and controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.		▪ References to the Low-Density Residential Zone are included in the Precinct Description. However, there is no Low Density Residential zoned land included in the Precinct.	Delete.	2303.177
	▪ Amendment to Table I552.4.1. All zones: **Subdivision** (A10) Subdivision involving parent sites of 1ha or greater complying with Standard E38.8.2.1 or E38.8.3.1, and Standards I552.6.5 Special Subdivision Control Area — RD		▪ Activity Table I552.4.1 (A10), (A11), (A12) reference Special Subdivision Control Area in the Low Density Residential Zone. ▪ Given that there is no Low Density Residential zoned land within the Precinct, the submitter requests that the Standard be deleted and	Delete references to "I55.6.5 Special Subdivision Control Area in *Single House* Low Density Residential Zone" for Activity Table I552.4.1 (A10), (A11) and (A12).	2303.178

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change		Support / Oppose	Reasons	Relief Sought
		in ~~Single House~~ Low Density Residential Zone, I552.6.3 Special Yard: West, I552.6.6 Noise Management Area, Noise Measurement Line and Covenants, and generally in accordance with Precinct Plans I552.9.1, I552.9.2 and I552.9.3.		hence the reference to the Standard in these rules also needs to be deleted.	
	(A11)	Subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.1 or E38.8.2.3 and Standards I552.6.5 Special Subdivision Control Area in ~~Single House~~ Low Density Residential Zone, I552.6.3 Special Yard: West, I552.6.6 Noise Management Area, Noise Measurement Line and Covenants and generally in accordance with Precinct Plans I552.9.1, I552.9.2 and I552.9.3.	RD		
	(A12)	Subdivision that does not comply with either Standards I552.6.5 Special Subdivision Control Area in ~~Single House~~ Low Density Residential Zone, I552.6.3 Special Yard: West, or I552.6.6 Noise Management Area, Noise Measurement Line and Covenants.	NC		
	▪ Amendment to Table I552.4.4 'Residential – Single House' to Table I552.4.4 'Residential – Low Density Residential Zone'			▪ References to the Low-Density Residential Zone are included in the Standard. However, there is no Low Density Residential zoned land included in the Precinct. Rules (A1)-(A4) are no longer of relevance.	Delete rules (A1)-(A4).
	▪ Amendment to I552.6. Standards: (2) The following Auckland-wide and zone standards do not apply to the activities listed in activity tables below: (a) Activity table 1552.4.1 All zones : • Activity (A11): E38.8.2.3 does not apply to subdivision in ~~Single House~~ Low Density Zone where land is subject to special subdivision control area shown on I552.9.1 Precinct Plan 1 and Standard I552.6. 5 applies • Activity (A10): E38.8.3.1(3)-(5) does not apply to subdivision in ~~Single House~~ Low Density Zone where land is subject to special subdivision control area shown on I552.9.1 Precinct Plan 1 and Standard I552.6. 5 applies (b) Activity Table I552.4.4 Residential – ~~Single House~~ Low Density Residential Zone:			▪ References to the Low-Density Residential Zone are included in the Standard. However, there is no Low Density Residential zoned land included in the Precinct. Rules (A1)-(A4) are no longer of relevance.	Delete Standard.
	▪ Amendment to Standard I552.6.1. Special Height Limit:			▪ References to the Low-Density Residential Zone are included in the Standard. However,	Delete Standard.

2303.179

2303.180

2303.181

PLAN CHANGE 78 – INTENSIFICATION					
Provision	Outline of Proposed Change	Support / Oppose	Reasons	Relief Sought	
	(1) The maximum height limit in the ~~Single House zone~~ Low-Density Zone in the area shown as "special height limit" on Precinct Plan 1 (I552.9.1) shall be 5m for any part of a building that is within 22m but further than 12m from the Rural Urban Boundary.		there is no Low Density Residential zoned land included in the Precinct. Standard is no longer of relevance.		
	▪ Amendment to Standard I552.6.5 'Special Subdivision Control Area in Single House Zone' to I552.6.5 'Special Subdivision Control Area in Low Density Residential Zone'.		▪ References to the Low-Density Residential Zone are included in the Standard. However, there is no Low Density Residential zoned land included in the Precinct. Standard is no longer of relevance.	Delete Standard.	2303.182
Maps	▪ Rezoning of land in the Warkworth/Claydon Road Precinct	Support	▪ The proposed rezoning of land in the precinct gives effect to the MDRS and NPS-UD.	Retain the proposed zoning included on the PC78 zoning maps.	2303.183

Planning Technician

Auckland Council

Private Bag 92300

Auckland 1142

unitaryplan@aucklandcouncil.govt.nz

Submission on notified plan changes

Submitter: Keith Vernon

Email: kvernon@xtra.co.nz

Plan Change 78 Intensification

General

1.	I support adopting Special Character as a qualifying matter.	2305.1
2.	I support adopting infrastructure constraints as qualifying matter.	2305.2
3.	I support retention of areas shown on the plan change maps as Special Character (overlay) and also areas shown as zoned Low Density Residential (LDRZ).	2305.3 2305.4
4.	I oppose any further reduction in the Special Character overlay or LDRZ.	2305.5 2305.6
5.	I would support retaining more of the existing Special Character areas and low density (single house) zones.	2305.7 2305.8
6.	I oppose any further spread of higher density zoning into lower density zones throughout the unitary plan area.	2305.9

Special Character Area Residential (SCA)

7.	The Special Character statements are focused on streetscape but Special Character actually arises more generally from the form, setting and relationship of properties in neighbourhoods, not just streetscape. The character statements and wording within section D18 (purposes statements etc) require amendment to reflect this.	2305.10 2305.11

8. The Special Character Overlay has a Height in Relation to Boundary (HIRB) of 3m and 45 degrees. However, the current underlying zone is Single House with a HIRB of 2.5m and 45 degrees which would apply within Special Character areas based on the principle that the most restrictive provision takes precedence, and the Court's decision that the overlay provisions do not act as a replacement package (see PC26 withdrawn).

9. In the proposed Plan Change however new clause D18.4(3) states that the rules and standards in the overlay "replace" the rules and standards in any relevant residential zone. The effect of this is to apply the 3m and 45 degrees HIRB provisions which changes the current situation.

2305.12

10. To maintain the status quo the Special Character HIRB rule should be changed to 2.5m and 45 degrees.

11. To protect the character of the lower density and Special Character areas the District Plan currently requires higher density zones adjoining these areas to adopt the lower density HIRB provisions on the adjoining boundary.

12. The provisions proposed by the Plan Change however do not allow for the more restrictive HIRB provisions that apply in the Special Character areas. They appear to be based on the 4m and 60 degrees HIRB that applies in the new Low Density Residential zone and the modified Mixed Housing Urban zone.

13. The provisions in all zones therefore must be amendment to require a 3m and 45 degrees HIRB *(or 2.5m and 45 degrees if changed as outlined above)* on any boundary that adjoins a Special Character area. This should apply whether outside or within walkable catchments. Zones affected include, but are not limited to, Mixed Housing Urban (MHU), Terrace housing and apartment building (THAB), Low Density Residential (LDRZ) and Mixed-Use business.

2305.13

14. Wording along the following lines is required in each zone - "Where sites in any zone adjoin a Special Character area then buildings must not project beyond a 45degree recession plane measured from a point 3m *(or 2.5m*) vertically above ground level along the adjoining boundary".

15. Similarly, a setback yard should apply where zones adjoin Special Character areas.

16. The Mixed-Use Business zone has a setback of 3m where it adjoins residential zones and it would be appropriate to adopt the same for the Terrace Housing and Apartment Building zone given the potential size of buildings involved.

17. For the Mixed Housing Urban and for the Low-Density Residential Zones the Special Character area yard applying on the adjoining boundary should be adopted - 1.2m on side boundaries and 3m on the rear.

2305.14
2305.15
2305.16

18. Where possible intensification adjacent to Special Character areas should be avoided. For example, the properties at 11, 9, 7, 5 and 1-3 Claude Road Epsom, which are adjacent to an identified high quality Special Character area, and have been rezoned from MHU to THAB. This will result in an inappropriate step in height and bulk adjacent to the Special Character area. These properties should continue to be zoned MHU to allow for a graduated change round and away from the Special Character area.

2305.17
2305.18
2305.19

19. I also note that the properties at 514A and 514B Manukau Road Epsom are incorrectly zoned Mixed-Use business. The properties are set back some distance from the main road frontage and are more closely related to nearby residential properties which are zoned MHU. The properties at 514A and 514B should be zoned MHU also.

2305.20

SCA - Purpose Statements (Special Character Standards)

20. The purpose statements for Height, Height In Relation to Boundary and Yards do not adequately address the amenity of adjacent sites within Special Character areas.

21. To improve the Purpose Statements a new bullet point should be added to each of the standards mentioned above to read as follows - *"Maintain a reasonable standard of residential amenity for adjoining sites"*

22. This is necessary to ensure *"residential amenity for adjoining sites"* continues to be treated as an important priority consideration within Special Character areas.

23. This recognises that Special Character arises out of a combination of factors including the interrelationship of adjacent properties. If this is not clear in the Special Character statements they should be amended accordingly.

2305.21

SCA - Gable End, Dormer and Roof exceptions

24. The gable end, dormer or roof projection provisions in D18.6.1.2.(4) and (5) are unclear. What does *"cumulatively"* mean in (4)(b). Is it the sum of all projections or the total length of any one projection as per figure D18.6.1.2.1. In my view it should be *the total sum length of all projections on any elevation*.

25. Also, (5) allows up to two projections per 6m of site boundary. Is that the total boundary length? For instance for a rectangular site with dimension 16m by 30m or total boundary length of 92m this calculation gives a figure of 30.6 projections. That can't be what is intended. It would be clearer to state the maximum number of projections allowed per site. I proposed not more than 4 projections per site (note "dormer" is misspelt as "former").

26. Replace (5) with *"No more than four gable end or dormer or roof projections are permitted on any site."*

2305.22

2305.23

SCA - Building Coverage (D18.6.1.4)

2305.24

27. The proposed Purpose statement is acceptable.

28. In Table D18.6.1.4.1 the break point for larger sites is set too low. In the suburban Special Character areas larger sites of up to 1500 m^2 are relatively common and this would be a more logical control point.

2305.25

29. I propose that the last two lines of the table are amended to read;

    500m^2 to 1500m^2 – coverage 35% of net site area

    Greater than 1500m^2 – coverage 25% of net site area

SCA - Objectives

30. The Polices and Activity table provide for new building development. The Objective D18.2 (4) however refers to existing buildings only. This Objective requires amendment to achieve consistency by adding "and new" after "existing" to read;

2305.26

    D18.2 (4) "Existing ***and new*** residential buildings provide for and respond to housing needs and demand in a way that maintains and enhances the special character values of the area".

SCA - Conversion of existing building to provide up to two dwellings, and other activities

2305.27

31. Special Character areas are primarily single house one dwelling per site.

32. Conversion of a building into two dwellings is essentially a multi-unit development. It is an activity that is out of character with the values that the qualify matters seeks to preserve. It is a form of development that should not be encouraged in Special Character areas.

33. The related Policy D18.3.7A and Standard D18.6.1A.1 should be deleted and the activity should be listed as discretionary in Table D18.4.1 Activities.

34. Similarly boarding houses of any size should be discretionary along with visitor accommodation. Amend the provisions accordingly.

Terrace Housing and Apartment Buildings zone (THAB)

2305.28

35. For four or more dwellings within walkable catchments there is no HIRB standard on the rear boundary.

36. A standard of 4m and 60 degrees on the rear boundary should be included.

Definitions – Height and Building

37. The intensification provisions involve significant increase in height allowances across the city. It would therefore be appropriate and within scope to tighten up and correct errors in the exemptions to the definitions of Building and Height which allow further breach of these standards as follows:

Building definition

Table J1.4.1

Flagpoles, masts or lighting poles;

38. A cross section threshold of 1.2m is excessive (that is the size of a major tower). Reduce this figure to *150mm*. 2305.29

39. The point of attachment should be specified as at ground level for a 7m height. Installation within any Yard should be not permitted for structures of this type and height. Amend accordingly. 2305.30

40. The number of structures that are permitted to exceed normal controls on buildings should be restricted to "..*not more than 2 per site".* Amend accordingly. 2305.31

Table J1.4.1

Exclusions

"aerials and water overflow pipes;" 2305.32

41. This requires a control on the degree of projection through the Height and HIRB control and the number of projections permitted per site as follows – add *"…that do not exceed the Height and HIRB standard of the site by more than 1m. Not more than 2 such projections are permitted per site."*

Height definition

42. In item (2)(c) change the word "or" to "and" after sub-clauses (i) and (ii). The intent of this provision is to put a set of restrictions round the activity that establish thresholds for height, width and location that apply concurrently. Using the word "or" changes the interpretation adversely. 2305.33

43. In (2)(c)(i) after height add "…*and height in relation to boundary standard* for the site *(whichever is the lesser height)…"* 2305.34

44. There is also no control on the number of projections. To address this add *"and…(iv) more than 2 projections per site"* (does not exceed). 2305.35

45. Similarly the word "or" must be changed to "and" in (2)(a) and (2)(b). 2305.36

46. In item (2)(e) there is no threshold restrictions stated at all. To correct this add *"..that do not project more than 1m above the maximum permitted activity height and height in relation to boundary standard for the site (whichever is the lesser height), and provided that the cumulative horizontal length of all projections on any elevation does not exceed 3m."* 2305.37

47. Similarly, the terminology *"..<u>cumulative</u>* width *<u>of all projections</u>"* should be used in (1)(a), (2)(a), (2)(b) to limit the extent of projections allowed. 2305.38

48. For item (2)(f) "guy wire" there is also no restrictions. Guy wires can be obtrusive and out of character particularly in residential areas. To correct this add *".. provided that not more than 3 guy wires may exceed the maximum permitted activity height and height in relation to boundary standard for the site (whichever is the lesser height), and the cross section of any guy wire does not exceed 4mm".* 2305.39

49. In (2), (3) and (4) where the term "height" is used it must be ".. *height and height in relation to boundary standard (whichever is the lesser height)..."* to ensure the HIRB standard also applies. (HIRB is a method of calculating height at particular locations of the site). 2305.40

Subdivision

50. Amendments proposed to Chapter E are supported. No further amendments to be made. 2305.41

PC79 Transport

51. Amendments proposed by PC79 are supported. No further amendments to be made.

PC80 RPS Policy Urban

52. Amendments proposed by PC80 are supported. No further amendments to be made.

PC81 Additions to Schedule 14 Historic Heritage Schedule

53. Amendments proposed by PC81 are supported. No further amendments to be made.

PC82 Amendments to Schedule 14 Historic Heritage Schedule

54. Amendments proposed by PC82 are supported. No further amendments to be made.

PC83 Notable Trees

55. Proposed amendments to the provisions are supported in particular the requirement that the addition of new trees or groups of trees to the schedule requires a plan change under Schedule 1 of the RMA.

56. The evaluation methodology used however looks somewhat flawed. For instance, it seems that exotics and indigenous trees are treated the same notwithstanding the emphasis on indigenous biodiversity in the RMA.

57. At item ID 3000 a group of avocado trees has been added – exotic fruit trees. They score 10 for size alone (that is half way to the 20 required) but the normal practice with avocado trees is to prune heavily each year because they fruit on the new growth only. If left the new growth and therefore fruit is high and hard to reach. These trees are probably large for their species in the local area because they have not been pruned.

58. In my view the threshold for exotics should be much higher than that for indigenous trees. It should require something particularly special.

PC78 to 83 - All other amendments proposed by Auckland Council

59. All amendments not covered by the above submissions are supported. No further changes are to be made.

Decision sought from Auckland Council

60. The following decisions are sought from Auckland City Council:

    (a) Make changes and amendments to Plan Changes 79 to 83 as required to fully address the above submission points as a condition of acceptance; and

    (b) Make such other amendments to the Auckland Unitary Plan as are necessary or appropriate as a consequence of the primary relief sought.

Administrative

61. My Submission relates to all of the proposals.

62. I could not gain an advantage in trade competition through this submission.

63. I wish to be heard in support of my submission.

Keith Vernon

Signed by typing name above

29 September 2022

Email: kvernon@xtra.co.nz

Submitted 29.09.22

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mrs ALISON JOY MACE

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

11 Queens Parade, Devonport, AUCKLAND 0624

Telephone: 0272553095 Fax/Email: admirals@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	Character D18 Special character Overlay Residential as it relates to Devonport
Or Property Address	
Or Map	

Or
Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

Plan Change 78 - Intensification (continued)

1: Scope of Submission:
The specific provisions that my submission relates to are:

Chapter D18 Special Character Overlay Residential as it relates to Devonport.

2: I wish to have the provisions identified above amended.

3: The reasons for my views:

A: Devonport is a unique marine suburb and in non-C0VID times it is a significant attraction for tourists. The popularity of the area with visitors and its role as a significant part of the Auckland Volcanic Field. See map 6.1 page 69 of the tentative list of New zealand's cultural and natural heritage sites (enclosed).
Intensive development could impact on the volcanic view shafts and the low scale coherence of Devonport's character.
Takurunga / Mt Victoria offers one of the best and most accessible natural viewpoints in Auckland.

The Special Character Overlay should continue to include all of Devonport 2319.1 2319.2

(B) The special character of the Devonport area is a part of a whole and the streetscape of the wider special character area should not be disrupted.

(C) The council should delete the Mixed Housing Urban zone of 3 storeys / and 3 blocks on one site in Devonport altogether. A resource consent is not required in such a zone so there is little control over what is built and the impact on infrastructure. 2319.3

(D) It is important to keep the integrity of the Special Character Area - it is part of a whole.

(E) The Victoria Road shopping area should be made into an Historic Heritage Area. It is nationally significant. 2319.4

(F) Policy 3d which would allow 5 storey buildings should be removed from the residential areas of Devonport as this would erode the cohesive streetscape. 2319.5

(G) Under Auckland's 30 year plan 900,000 new homes were enabled. The ANZ bank has stated that Auckland has enough homes. We have only 21,000 heritage houses in Auckland.

(H) I have observed the impact of careful planning in relation to streetscapes internationally such as in Barcelona, Spain. Berlin also has examples of multi-storey developments on large sites which were originally on the outskirts of the city. These provide generous open shared space and I have lived in such a development in Greater London. In Sydney, Australia, owners cannot change the front or the height of buildings in heritage areas.

I seek the following decision by council:

Decline the plan change, but if approved, make the amendments I requested.

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☑ No ☐

The reasons for my views are: Separate sheet attached.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☑

As outlined in Parts (C) and (F) of attached sheet plus others among my reasons for my views

I wish to be heard in support of my submission ☑

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☑

A J Mace

Signature of Submitter
(or person authorised to sign on behalf of submitter)

29.09.22.

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☑ gain an advantage in trade competition through this submission.

If you <u>could</u> gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Note page 7, 69, 70, 71, 74, 76, 77, 78, 79

Attached to submission by Alison Joy MACE

Our World Heritage

A Tentative List of New Zealand Cultural and Natural Heritage Sites

A Report to the Department of Conservation by the Cultural and Natural Heritage Advisory Groups

Wellington, New Zealand
November 2006

Cultural Heritage Advisory Group membership:

John Acland (Chair), Chris Cochran, Professor Charlotte Macdonald, Emeritus Professor Erik Olssen, Dr Charles Royal, Dame Cheryll Sotheran, Lynda Walter.

John Daniels (Group Administrator).

Project Manager: Paul Mahoney, Department of Conservation.

Natural Heritage Advisory Group membership:

Dr Les Molloy (Chair), Lindsay Chadderton, Dr Alan Mark, Dr Wendy Nelson, Dr David Towns, Dr Murray Williams.

Raewyn Hutchings (Group Administrator, Department of Conservation).

Project Manager: Elaine Wright, Department of Conservation.

Cover photos: left to right from top:
Fluted marble, Garibaldi Ridge, Kahurangi National Park. *Craig Potton*
Napier streetscape. *Art Deco Trust*
Pohutu Geyser at sunset, Whakarewarewa. *Destination Rotorua*
Carvings and tukutuku, Waitangi Treaty Grounds Historic Precinct. *Andris Apse*
Tuatara, Hen & Chicken Islands. *John Gardiner, DOC*
Maungawhau/Mount Eden. *Alastair Jamieson, Auckland Regional Council*
Lake Heron in winter, reflecting Sugarloaf and the Taylor Range. *Donald Geddes*
Stone Store, Kemp House and wharf. *Olwyn Crutchley*
Red Coral, and blue maomao, Kermadec Islands Marine Reserve. *Roger Grace*

© Crown copyright
Department of Conservation
PO Box 10 420
Wellington
New Zealand

ISBN: 0-478-14113-0

3

1.0 Introduction

The World Heritage Convention, to which New Zealand is a signatory, provides for the protection of properties or places of outstanding universal value. The Convention requires that each country prepare a 'tentative list' of sites which it believes could meet the criteria for nomination as World Heritage sites. Preparation of this listing assists the World Heritage Committee in assessing the wide-ranging nominations received internationally.

The World Heritage List, established in accordance with the Convention, consists of those cultural and natural heritage properties considered by the World Heritage Committee of UNESCO to be of outstanding universal value. As of July 2006, there were 830 listed World Heritage Sites: 644 cultural, 162 natural and 24 mixed natural / cultural.

In December 2004, the New Zealand public were invited to comment on the illustrative list of sites published in a discussion document entitled 'Our World Heritage. Discussion Document: Towards a New Zealand Tentative List' (Department of Conservation, 2004), and to suggest other sites that may be suitable for World Heritage nomination. In order to assess sites for tentative listing under the **Cultural Heritage** and **Natural Heritage** criteria, two Advisory Groups of suitably qualified persons (listed in Appendix 1) were convened to recommend the best cultural and natural heritage candidates, especially those identified through the public response to the discussion document (which resulted in a response of 304 submissions).

Cultural Heritage: refers to monuments, groups of buildings and sites with historical, aesthetic, archaeological, scientific, ethnological or anthropological value. Well known listed cultural properties include: the Acropolis (Greece), the Great Wall of China, the Historic Centre of Florence (Italy), the Taj Mahal (India) and Angkor Wat (Cambodia).

Natural Heritage: refers to outstanding physical, biological and geological formations, habitats of threatened species of animals and plants and areas with outstanding scientific conservation or aesthetic values. Natural heritage can be either terrestrial or marine. Existing natural World Heritage sites include; Yellowstone National Park (USA), Sagarmatha National Park (Nepal), the Great Barrier Reef (Australia), the Three Parallel Rivers of Yunnan (China), and Te Wahipounamu (South West New Zealand).

Mixed Cultural and Natural Heritage: refers to sites satisfying part or whole of the definitions of both Cultural and Natural Heritage.

1.1 EVALUATION PROCESS

To be included on the World Heritage List a site must be assessed as being of '**outstanding universal value**' in terms of one or more of the following criteria, as set out in the UNESCO 'Operational Guidelines for the Implementation of the World Heritage Convention'. The latest guidelines (February 2005) are available to view at: http://www.unesco.org/en/guidelines and the relevant text (sections 77–78) is reproduced below.

77. The Committee considers a property as having outstanding universal value...if the property meets one or more of the following criteria. Nominated properties shall therefore:

(i) represent a masterpiece of human creative genius;

(ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;

(iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;

(iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;

(v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. The Committee considers that this criterion should preferably be used in conjunction with other criteria;

(vii) contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;

(viii) be outstanding examples representing major stages of the earth's history, including the record of life, significant ongoing geological processes in the development of landforms, or significant geomorphic or physiographic features;

(ix) be outstanding examples representing significant ongoing ecological and biological processes in the evolution of terrestrial, freshwater, coastal and marine ecosystems and communities of plants and animals; and

(x) contain the most important and significant natural habitats for conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

78. To be deemed of outstanding universal value, a property must also meet conditions of integrity, authenticity, adequate management and legal protection.

After considering the comments made in each submission, the two New Zealand Advisory Groups assessed the outstanding universal value of each candidate site against the criteria, appraised its integrity, legal protection, conservation management, and whether listing posed risks or added value to the site. This systematic assessment of the values of each site is presented in a framework for cultural sites in Appendix 2 and natural sites in Appendix 3. On the basis of this comprehensive evaluation, the Advisory Groups make the following recommendations for tentative listing of sites within the Cultural Heritage, Natural Heritage or Mixed Cultural and Natural Heritage categories.

If accepted, these sites would replace the one site on the existing New Zealand tentative list, Cape Reinga and the Three Kings Islands/Manawatawhi, which would be subsumed in the larger Whakarua Moutere (or North-East Islands) proposal (see section 4.3).

A seventh site meets all four natural criteria and is proposed for listing as an addition to the existing Te Wahipounamu (South West New Zealand) World Heritage Area as a matter of high priority, namely:

- **The waters and seabed of the fiords of Fiordland (Te Moana o Atawhenua)**

Two other sites are likely to meet one or more criteria but are not of immediate priority because the first requires much more work to define the site and confer legal protection and the second site would require the full agreement and support of its private owners. However, the Natural Heritage Advisory Group considers that both sites are definite candidates for future listing. They should be kept under active review and considered again at the next revision of the tentative list. They are:

- **Kaikoura underwater canyon and mountains**
- **Lake Taupo**

Some of the above Natural Heritage sites may also meet the cultural criteria, but this analysis would need to be done closer to the process of nomination.

Mixed Cultural and Natural Heritage Site

One site is proposed as a mixed cultural/natural serial site, having primarily cultural values but also outstanding geological values. It is:

- **Auckland Volcanic Field**

1.3 FUTURE REVISION OF THE TENTATIVE LIST

The New Zealand tentative list should be revised at intervals, as provided for in the UNESCO guidelines. The revision process would enable further sites which might qualify for World Heritage status to be identified and fully researched to the required standard.

1.4 DESCRIPTION OF CANDIDATE SITES

Sections 2, 4, and 6 provide detailed descriptions and discussion of the values, integrity, risk and management issues for each of the cultural, natural, and mixed cultural/natural candidate sites. Sites rejected for inclusion in the tentative list, or deferred at this stage, are discussed in less detail in sections 3 and 5.

1.2 SUMMARY OF RECOMMENDATIONS

A total of eleven sites are recommended for inclusion on New Zealand's tentative list for World Heritage status. These are made up of: three cultural sites, seven natural sites (one of which is an addition to an existing listed natural site), and one mixed cultural/natural site.

Cultural Heritage Sites

Three sites are considered to meet all or most cultural criteria for outstanding universal value and to satisfy integrity, legal and management requirements to such a high level that they should be an immediate priority for placement on the New Zealand tentative list.They are:

- **Kerikeri Basin historic precinct**
- **Napier Art Deco historic precinct**
- **Waitangi Treaty Grounds historic precinct**

Nine further sites put forward in public submissions were considered as Cultural Heritage Site candidates. Some of these are likely to have the potential to meet the criteria to some degree. However, they would require further work to reach the stage where they could be considered for tentative list status. In some cases integrity, management and community and stakeholder issues would need to be further addressed before placing them on the tentative list.These sites included:

- **Central Otago goldfields**
- **Christchurch cultural precinct**
- **Denniston**
- **First Church of Otago, Dunedin**
- **Historic Oamaru**
- **Kaikoura**
- **Papamoa pa complex**
- **Totaranui/outer Queen Charlotte Sound**
- **West Coast mining landscape and remnants**

Natural Heritage Sites

A total of seven natural sites are recommended for placement on the New Zealand tentative list.Three sites are considered to meet all four natural criteria for outstanding universal value and satisfy integrity, legal and management requirements to such a high level that they should be an immediate priority for placement on the New Zealand tentative list.They are:

- **Kahurangi National Park, Farewell Spit**, and the **Canaan karst system**
- **Kermadec Islands** and **Kermadec Islands Marine Reserve** (and volcanic landforms along the Kermadec Ridge)
- **'Whakarua Moutere'**, or the **'North-East Islands'**

Three further sites are considered likely to meet two or more natural criteria and should be placed on the tentative list. However, they are of less immediate priority because certain integrity, legal, management or site ownership issues need to be clarified before advancing them to site nomination.They are:

- **Canterbury high country braided rivers and lakes**
- **Rotorua geyser fields and geothermal sites**
- **Stewart Island / Rakiura archipelago**

APPENDIX 1

Cultural Heritage Advisory Group membership:

John Acland (Chair) – Deputy Chair, New Zealand Historic Places Trust

Chris Cochran – Conservation architecture

Professor Charlotte Macdonald – History

Emeritus Professor Erik Olssen – History

Dr Charles Royal – Matauranga Maori

Dame Cheryll Sotheran – Cultural heritage & tourism policy

Lynda Walter – Archaeology

John Daniels – Group Administrator

Natural Heritage Advisory Group membership:

Dr Les Molloy (Chair) – Geomorphology

Lindsay Chadderton – Freshwater ecology

Dr Wendy Nelson – Marine ecology

Dr Alan Mark – Plant ecology

Dr Murray Williams – Species management

Dr David Towns – Island management

Raewyn Hutchings – Group Administrator, DOC

APPENDIX 2

Framework Summarising Assessment of Sites for their Cultural World Heritage Values

	Outstanding Universal Value Criteria					
Site name	Masterpiece of creative genius *(i)*	Interchange of human values *(ii)*	Cultural tradition/ civilisation *(iii)*	Significant stage in human history *(iv)*	Traditional human settlement *(v)*	Associated values *(vi)*
Kerikeri Basin historic precinct	No	Yes	Yes	Yes	Yes	Yes
Napier Art Deco historic precinct	No	Yes	No	Yes	No	Yes
Waitangi Treaty Grounds historic precinct	Yes - for Wharenui	Yes	Yes	Yes	No	Yes
Auckland Volcanic Field (mixed cultural/natural serial site)	No	Yes	Yes	Yes	Yes	No

	Integrity			Protection		
Site name	Wholeness/ intactness	Adequate size	Neglect	Protection status	Boundary	Buffer zones
Kerikeri Basin historic precinct	Yes	Yes	No	High	Determined	Yes
Napier Art Deco historic precinct	Yes	Yes	No	Medium	Determined	Yes
Waitangi Treaty Grounds historic precinct	Yes	Yes	No	High	Determined	Yes
Auckland Volcanic Field (mixed cultural/natural serial site)	Losses do not detract	Yes	Some	High	Satisfactory	Mixed

	Management			Other Factors		
Site name	Management systems	Sustainable uses	Ownership (private)	Does World Heritage listing pose risk?	Natural significance	Does World Heritage listing add value?
Kerikeri Basin historic precinct	High standard	Yes	No	No	Some	Yes
Napier Art Deco historic precinct	District Plan	Yes	Mostly	No	No	Yes
Waitangi Treaty Grounds historic precinct	High standard	Yes	No	No	Some	Yes
Auckland Volcanic Field (mixed cultural/natural serial site)	Mixed but satisfactory	Satisfactory	No	No	Yes	Yes

APPENDIX 3

Framework Summarising Assessment of Sites for their Natural World Heritage Values

	Outstanding Universal Value Criteria				Integrity		
Site name	Outstanding natural phenomena *(vii)*	Geological processes/ landforms *(viii)*	Ongoing evolutionary/ biological processes *(ix)*	Habitats for biodiversity conservation *(x)*	Wholeness/ intactness	Adequate size	Neglect
Sites considered to meet one or more criteria							
Kahurangi NP, Farewell Spit and Canaan Karst	Yes	Yes	Yes	Yes	Yes	Yes	No
Kermadec Island & Marine Reserve	Yes	Yes	Yes	Yes	High	Yes	No
Whakarua Moutere – North East Islands	Yes	Yes	Yes	Yes	Yes – serial site	Yes	No
Canterbury High Country Braided Rivers and Lakes	Yes	Yes	Yes	Yes	To be determined, but achievable	Yes	Benign
Stewart Island/Rakiura	Yes	No	Yes	No	High	Yes	Some
Rotorua Geothermal	Yes	Yes	No	No	Site dependant	Yes	Some
Waters and Seabed Fiords of Fiordland	Yes	Yes	Yes	Yes	Yes	Yes	No
Kaikoura (Mountains and Canyon)	Yes	No	Yes	Yes	Low	Potential	Benign
Lake Taupo	No	Yes	No	No	Yes	Yes	No
Puketi, Omahuta, Waipoua kauri forests	Yes	No	No	No			
Rest of Southern Alps – add to Te Wahipounamu	No	Yes	No	No			
Auckland Volcanic Field	No	Yes	No	No	Medium	Yes	Some
Sites that did not meet any criteria							
Egmont National Park	No	No	No	No			
Banks Peninsula	No	No	No	No			
Moehau	No	No	No	No			
Tiritiri Matangi Is	No	No	No	No			

Priority Class

- High priority, immediate
- High priority, less immediate
- High priority, addition to existing site
- Not immediate priority, high future potential
- Priority mixed cultural/natural

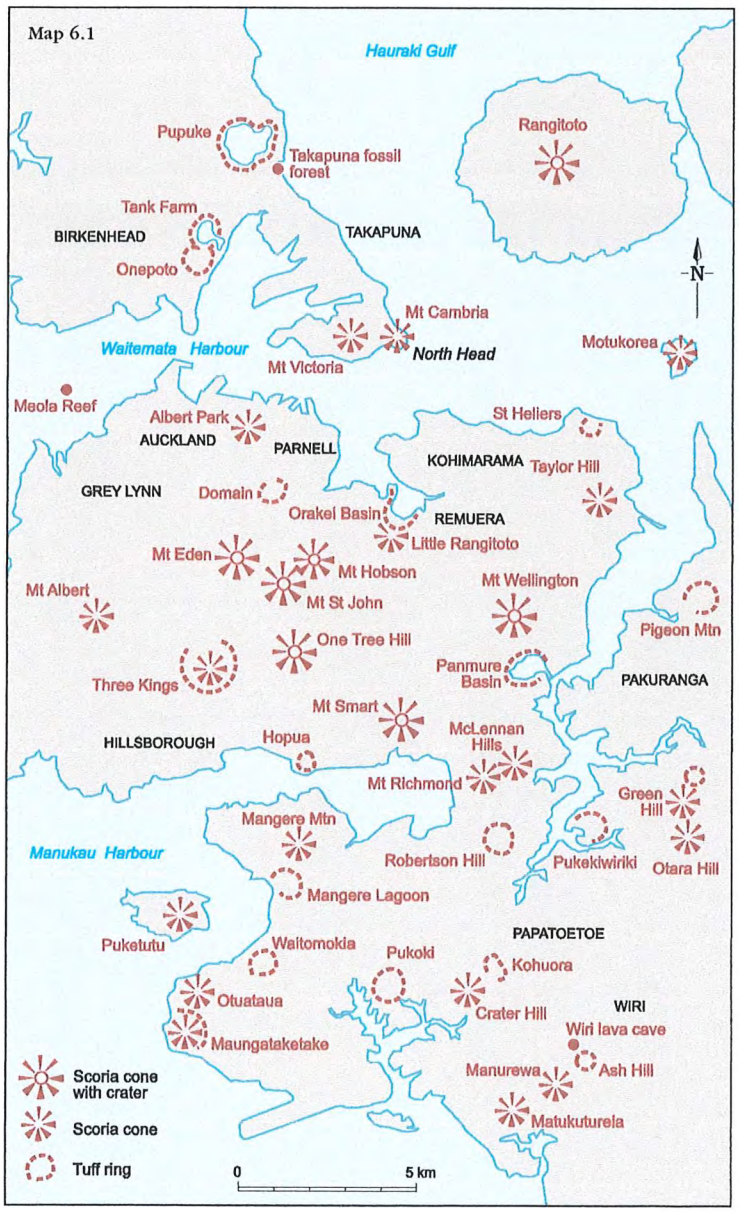
Protection			Management			Other Factors		
Protection Status	Boundary	Buffer Zones	Management systems	Sustainable uses	Ownership (private)	Does listing pose risk?	Cultural Significance	Does World Heritage listing add value?
Yes (High)	Some resolution required	Yes	Good systems in place	No	No	Yes	Unknown	Adds some value to co-ordination & integration
Yes (High) – White Island privately owned	Additions need to be determined – serial site	Potential	Mixed – high to non-existent	OK	No	Perhaps to fishing industry	Yes	Yes
High	Some issues	Marine Areas	CMS's & restoration plans	Diving, fishing, tourism	Treaty Claims exist	Treaty Claim	Yes	Yes
Mixed	Needs resolution	Yes	In need of co-ordination – land & freshwater	Vulnerable	Mostly no	Yes	Unknown	Yes
National park; mataitai; marine & nature reserves	Some issues	Yes	National park management plan being developed	Yes	Titi islands & Big South Cape – not included	Some	Yes	Yes – to marine zone
Mixed-scenic reserve and private land	To be determined	Issue of geothermal extraction	No co-ordinated management system	Toursim & extractive uses	Mixed – public & private	From extraction – tourism	Yes	Yes
Yes	Yes	Yes	Management Plam	Marine mammal watching, diving, tourism	No	Tourism	Yes	Yes
Fragmented and incomplete	Not defined – needs determining	Yes	Fragmented	Problematic	Needs further consideration	Yes	Yes	Yes
Some, fragmented	OK	Some	Evolving	Trout Fishery	Major issue	Yes	Yes	Yes
Yes – Most representative sites protected	OK	OK	No-limited co-ordination currently but willingness to co-operate	OK	Not a significant issue	No – potential community support	Yes – iconic cultural landscape	Yes

6.0 Mixed Cultural/Natural site of high priority for immediate World Heritage listing

6.1 Auckland Volcanic Field

SITE LOCATION

The proposed site consists of cones and other geological features of volcanic origin in urban Auckland and rural south Auckland.



SITE DESCRIPTION

This serial site is proposed as a Mixed Cultural and Natural Heritage Site.

The Operational Guidelines for the Implementation of the World Heritage Convention state that 'Serial properties will include component parts related because they belong to:

a) the same historico-cultural group;

b) the same type of property which is characteristic of the geographical zone;

c) the same geographical, geomorphological formation, the same biogeographical province, or the same ecosystem type;

and provided it is the series **as a whole** - and not necessarily the individual parts of it - which are of outstanding universal value.

The sites proposed for nomination are shown in Tables 1 and 2 and Map 6.1.

Table 1: Sites of cultural value.

Site	Location	Administrative status
Maungauika/ North Head	North Shore City	Historic Reserve
Takarunga/ Mount Victoria	North Shore City	Recreation Reserve
Remuwera/ Mount Hobson	Auckland City	Recreation Reserve
Maungawhau/ Mount Eden	Auckland City	Historic/ Recreation Reserve
Maungakiekie/ One Tree Hill	Auckland City	Recreation Reserve Co-administered by Auckland City Council and Cornwall Park Trust
Owairaka/ Mount Albert	Auckland City	Recreation Reserve
Puketapapa/ Mount Roskill	Auckland City	Recreation Reserve
Te Tatua a Riukiuta/ Big King	Auckland City	Recreation Reserve
Te Kopuke/ Mount St John	Auckland City	Recreation Reserve
Taurere/ Taylor's Hill	Auckland City	Recreation Reserve
Maungarei/ Mount Wellington	Auckland City	Recreation Reserve
Otahuhu/ Mount Richmond	Auckland City	Recreation Reserve
Motukorea/ Brown's Island	Auckland City	Recreation Reserve
Te Pane o Mataaho/ Mangere Mountain	Manukau City	Historic Reserve
Otuataua stonefield	Manukau City	Historic Reserve
Matukutureia stonefield	Manukau City	Proposed reserve (LINZ control)

Table 2: Sites of natural value.

Site	Location	Administrative status
Rangitoto shield and scoria caves	Auckland City	Scenic Reserve
Orakei Basin maar	Auckland City	Crown Foreshore
Tuff Crater (Tank Farm) maar	North Shore City	Recreation Reserve, Crown Foreshore
Panmure Basin maar	Auckland City	Recreation Reserve, Crown Foreshore
Mangere Lagoon maar	Manukau City	Regional Park, Crown Foreshore
Lake Pupuke maar	North Shore City	Crown, Recreation Reserve
Takapuna Reef fossil forest	North Shore City	Crown Foreshore
Ihumatao fossil forest	Manukau City	Crown Foreshore
Meola Reef lava flow	Auckland City	Crown Foreshore
Wiri lava cave	Manukau City	Scientific Reserve
Mangere lava flow field	Manukau City	Regional Park, Crown Foreshore
Auckland Domain maar	Auckland City	Recreation Reserve

Mangere Lagoon maar.
Bruce Hayward

under the impact of irreversible change, due to development and modification of the land for commercial and industrial use. (criteria (*iv*) and (*v*)).

Sites within the field continue to be of great significance to Maori. This is illustrated by the role of Maungakiekie / One Tree Hill in the recently announced Treaty of Waitangi settlement with the Ngati Whatua iwi (tribe). Almost all features of the field have associations with deities, or named ancestors and historical events. These traditions have been passed down orally and many were recorded in writing during and since the 19th century.

There is no other complex of volcanic cones in New Zealand with a similar range of site types, span of ages, and such a wide-ranging set of multiple iwi and community associations. Particularly notable for its cultural values is Maungakiekie / One Tree Hill. It is one of the most extensively terraced and heavily fortified of Auckland's cones and one of the most extensive pre-European archaeological site complexes in New Zealand.

The only other comparable New Zealand archaeological volcanic field site, in the inland Bay of Islands, has impressive cone pa, but lacks the range of features of the Auckland field. It is on privately owned land so lacks the protected status of the Auckland cones. There are other sites on volcanic cones in the Bay of Plenty and south Waikato, and stonefield gardens on volcanic landforms in the eastern Bay of Plenty, but they are not as extensive and do not constitute such impressive field monuments as the overall Auckland complex.

VALUES THAT MAY JUSTIFY NATURAL WORLD HERITAGE LISTING

Criterion (viii)

The natural properties exhibited by this site are such that it should fulfil criterion (*viii*).

Around the world there are a dozen or so relatively young basalt volcanic fields similar to the Auckland one. Some in Europe are modified and built over like the Auckland field. Others have been less modified by humans and have a different combination of features. Some are in more arid areas and are less weathered, and also less visited than the Auckland field (e.g. Harrat Shaam Field in Jordan and Saudi Arabia; Zuni and Craters of the Moon Fields in the western USA). None has the combination of young volcanic landforms and extensive archaeological remains of a civilisation that depended on the rich volcanic soils and scoria cones for defence. It is this integrated combination of pre-European Maori occupation relying on the natural resources of a young and still active volcanic field that is outstanding on the world stage.

The Auckland Volcanic Field is an outstanding example of a young (still periodically active) and well-preserved group of small basalt volcanoes displaying a wide diversity of landforms and other features that clearly document the various processes that formed them.

Maungawhau/
Mount Eden
Alastair Jamieson, Auckland Regional Council

The Auckland Isthmus and region have been the scene of a series of basaltic volcanic eruptions over the past 250 000 years resulting in a field covering approximately 100 km^2, including approximately 50 eruption centres with scoria cones and maar craters and 8000 ha of lava flow fields. The wider Auckland landscape is dominated by the volcanic cones.

All of the eruptions were short-lived, and each volcano, or cluster of vents, was the product of a single eruptive episode. The last eruption, of Rangitoto, occurred about 600 years ago. Over time the Auckland volcanic field has produced a total volume of about 3 km^3 of lava, scoria, ash, and tuff covering the rolling pre-volcanic landscape.

The resources afforded by the cones supported a long period of Maori settlement, use and occupation. Each cone was surrounded by large areas of rich volcanic soils providing extensive gardens. Most were modified by Maori and have had their slopes and summits modified by digging, to form terraces, ditches, banks, and pits, for living, gardening and defence, forming a significant cultural landscape.

Some cones in the Auckland region have been modified in recent times or destroyed for extraction of scoria for construction. The cones included in this nomination are relatively intact, and have survived due to their iconic status and their protection as public reserves.

The two stonefield sites, Otuataua and Matukutureia, are both remnants of the former extensive stone-walled garden and settlement sites located within the volcanic landscape.

Although not unique as a collection of small basaltic scoria cones and maar craters, the Auckland field has an unusual diversity of features. Represented are a full range of vents and explosion craters, right up to evolved cones and lava shields.

Background: Mount Eden.
Kevin Jones, DOC

VALUES THAT MAY JUSTIFY CULTURAL WORLD HERITAGE LISTING

Criteria (ii), (iii), (iv) and (v)

The outstanding universal value of this serial site rests in part on its geology and natural landforms, but principally on the physical evidence of a succession of Maori tribal occupations surviving in the modern city which has been built on this young and periodically active volcanic field. There has been a continuity of large-scale settlement across both cultures, which has resulted in human modification of the natural heritage. However, it is the outstanding formations of the Maori occupation-in particular the fortified cones-that confer such unique value on the serial site.

Motukorea/
Brown's Island.
Alastair Jamieson, Auckland Regional Council

Maungakiekie/ One Tree Hill
Alastair Jamieson, Auckland Regional Council

The serial site is considered to meet cultural criteria (*ii*), (*iii*), (*iv*) and (*v*), and to be particularly strong for criterion (*v*). The geological features of the site would also meet criterion viii because of their outstanding universal value as diverse volcanic landforms representing a wide range of eruptive processes throughout the Auckland Volcanic Field.

Auckland's volcanic field contains many cones which still hold commanding positions across Auckland's contemporary urban landscape. Collectively they are a defining feature of the modern city, giving them iconic status. The recent origins of the field, the last eruption being only 600 years ago, reinforces its outstanding natural value. The fact that many cones were highly modified by Maori with terraces, pits, defences and other structures, also gives them high archaeological and landscape values. The association between sites in the field and Maori are ongoing and cultural practices continue today.

In terms of the criteria, the building of large pa on the cones shows a response to growing population and the wealth of the Tamaki area. These large earthworks also demonstrate the evolution of the internal planning of these defended settlements and the relationship of the pa to each other over time. The cones and fields bear exceptional testimony to the past cultural traditions of a people who still live in the region today. There is cultural continuity in the spiritual and physical relationships to the sites. The field includes several large complex defended sites with a high degree of physical integrity. The full range of Maori cultural heritage sites is represented within the field, including defended and undefended settlements, garden areas, the independent Maori invention of storage pits, and burial sites (criteria (*ii*) and (*iii*)).

Many of the cones in the field have large, highly developed, and well preserved archaeological sites relating to pre-European Maori occupation. Maori developed pa, or fortified settlements, unique to New Zealand and the world. These pa demonstrate a range of adaptations of defensive styles to individual landforms and landscape features. Around these pa, spread over the lava flow fields were extensive gardens where Maori adapted and used volcanic features to create intensified horticulture. The Otuatuau stonefields are a surviving example of this kind of landscape. The pa on the cones and the gardens are an outstanding example of a traditional human settlement or land-use which are representative of the Maori culture, and are superb examples of the culmination of the development of Maori culture prior to European occupation of New Zealand. The Maori culture and the landscape expression of it have become vulnerable

The geological jewel in the crown of the Auckland Volcanic Field is the internationally-acclaimed and largely unmodified Rangitoto Island volcano, which sits in the entrance to Auckland city's Waitemata Harbour and is often used as the symbol of the city. It is uninhabited and a major tourist attraction for visitors. Rangitoto is the youngest (600 yrs old) and largest volcano in the field, and its still-fresh lava flow fields provide a classic example of forest succession on sites lacking true soil. Ground conditions at the site are unusual in supporting many species of plants (predominantly epiphytic).

Auckland's volcanoes were produced by varying combinations of three eruptive processes: explosive (phreatic, phreatomagmatic), lava-fountaining, and quiet effusion of lava flows. These built volcanic landforms over a pre-existing forested landscape of gentle hills, small valleys and flatlands. Most volcanic centres began activity with explosive eruptions resulting in the construction of low tuff rings surrounding broad maar craters. Some volcanoes ceased activity at this stage and their craters filled with freshwater to become maar lakes. All except two have subsequently filled with sediment through natural processes. Many were breached by rising sea level in the early Holocene (c. 8,000 years ago) and were transformed into intertidal, unvegetated basins (Panmure Basin, Orakei Basin, Mangere Lagoon) or high tidal mangrove and salt marsh-filled basins (Tuff Crater).

As groundwater was exhausted, the explosive phase of eruption was usually followed by a drier phase of lava-fountaining that resulted in the construction of steep-sided scoria cones capped with a central crater. The Auckland Domain volcano provides the best example of a 'castle and moat complex' with its large explosion crater having a small central scoria cone in the middle. Te Kopuke/Mount St John provides the best example of a simple scoria cone and crater, whereas many of the other scoria cones are more complex.

Pohutukawa forest on Rangitoto Island.
Les Molloy

In many of the volcanoes, lava rose up inside the vent during the lava-fountaining phase and spilled out over the surrounding land from around the base of the scoria cones. The longest lava flow in the field is 10 km as it flowed down an existing valley from Te Tatua a Riukiuta/ Three Kings volcano and into what is now the Waitemata Harbour.

The Auckland Volcanic Field is the only place in New Zealand where lava caves occur, having formed inside the cooling crusts of lava flows. On an international scale they are not large, but the range of features they possess (Gothic arch cross-section, lava stalactites and stalagmites, wall dribbles, wall rolls, pahoehoe flow floors, surge benches etc.) is comparable to the best international examples. The Wiri lava cave is the best example in New Zealand and the only cave that preserves the thin basalt-lined conduit through the scoria cone before passing down into the lava flow proper.

Only a few of Auckland's volcanoes contain landforms produced by all three styles of eruption, with one of these (Motukorea) still in pristine form.

Relics of the pre-eruption vegetation are preserved beneath and within the volcanic deposits in a number of places. The two best examples of buried fossil forests are both of international standard. At Ihumatao in-situ trees have been tilted by eruptive surges with their trunks broken off and their branches and leaves preserved in the lower layers of volcanic ash that bury the former forest. At Takapuna Reef, two lava flow surges have passed through a forest. The lava has cooled and solidified around the lower trunks (one metre deep) to form tree moulds, while the remaining molten lava flowed away. This intertidal basalt reef contains over 200 tree moulds as well as the moulds of trunks and branches that collapsed into the lava flow. Nearby are several 3 m-deep, hollow moulds of 1 to 1.5 m diameter kauri trees preserved in a thicker part of the flow.

Background: Pohutukawa forest interior on Rangitoto Island.
Les Molloy

Rangitoto Island.
DOC

INTEGRITY, MANAGEMENT AND RISK ISSUES

As natural features, many of the Auckland Volcanic Field sites proposed for nomination have been modified by human activity over time. The majority of the modifications stem from pre-European Maori occupation. As explained above, this has left an exceptional testimony on the cones. Modern urban development has also impacted on the scoria cones, through quarrying for roading and other construction, and as sites for infrastructure facilities. In some cases cones and tuff rings have been obliterated altogether. Urban Auckland has been built over the majority of the original lava flow fields and some of the explosion craters and tuff rings. However, the cones, lava flow fields, maars and other geological features included in this proposal all possess a high degree of integrity.

World Heritage criteria and guidelines recognise that no site can be pristine if it has been occupied and modified by people. This very modification, reflecting human interaction with the landscape, is of the essence of the qualities which make up outstanding universal heritage value. Collectively, the volcanic cones and stonefields have high integrity and authenticity as a serial Cultural and Natural Heritage site.

Despite the damage wrought by the growth of a large metropolitan city, there are numerous significant natural landforms and geological features within the confined area of the Auckland Volcanic Field that beautifully illustrate the wide diversity of natural processes that occur in these small intra-plate basalt fields worldwide. These include scoria cones, tuff rings, maar craters and freshwater lakes, maars breached and flooded by rising sea-level, lava lake remnants, lava flow fields, shield volcanoes, hornitos, lava caves and surge chambers, and fossil forests preserved by lava flows or buried by volcanic ash.

Legal protection for the nominated sites is of a satisfactory level, as all are publicly owned and most are Crown Land. The majority are managed by local authorities subject to the provisions of the Reserves Act 1977, which requires that significant heritage features be conserved. Relevant protective provisions for all sites are also contained in the Auckland Regional Policy Statement, the Auckland Conservation Management Strategy, district plans of the Auckland, Manukau and North Shore cities, and the Auckland City Volcanic Landscapes and Features Management Strategy. Management plans are in preparation for particular sites.

Future threats to the proposed sites are minimised by their status and management. However, there are still problems in safeguarding earthworks and other features from impacts of human visitors, infrastructure (water reservoirs, telecommunications) demands, and stock grazing. The management of such large and complex sites will continue to present challenges to managing authorities. World Heritage status would help greatly in acknowledging the value of these places and meeting the challenges of ongoing protection.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) PETER MCNEE

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

39/106 BERCROFT DRIVE, FORREST HILL AK 0620

Telephone: (09) 4491957 Fax/Email: pmcnee@xtra.co.nz

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Sunnynook intensification 800 Metres from Bus stop NPS-UD

Or
Property Address

Or
Map

Or
Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☑

I wish to have the provisions identified above amended Yes ☐ No ☐

The reasons for my views are:

See separate sheet - my notes

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☑

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☐

Peter Make

Signature of Submitter
(or person authorised to sign on behalf of submitter)

24-9-2022

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☐ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

NOTES TO MY SUBMISSION ON PC78

I strongly oppose the unplanned imposition the NPS-UD by the Government on Councils especially after all of the careful planning work of the Auckland Council to produce the Auckland Unitary plan. 2321.1

That is my general statement my specific concern relates to Sunnynook and the intensification of apartments, up to 6 storeys, within 800 metres from the Sunnynook busway stop. There are two issues in this, one I support the other not. It is an excellent idea to develop safe and adequate facilities for walking to and from the Sunnynook bus stop. At present the footpaths are not wide enough especially crossing the motorway, lighting is inadequate and pedestrian crossing in some places need upgrading and in other places need to be installed. 2321.2

The intensification of housing is another matter and needs some very carefully planning to cope with the infrastructure needs. It is common knowledge that Sunnynook is in a flood plain and is prone to flooding in very heavy prolonged rain. (see map). 2321.3 2321.4

The Auckland Unitary plan, Development Area – Sunnynook, set out the following. (see sheet)

1. Anticipated household growth 990
2. Anticipated population growth 2018 -2048 1,970
3. Average employment growth 2018 -2048 410

The 2018 stats stated that there were 1815 dwellings in Sunnynook. The unitary plan was for an extra 990 dwellings by 2048. In the past 2 or 3 years, 79 sections in Sunnynook have been cleared of the single dwelling and 380 apartments, and terraced houses have either been built, bring built or are planned to be built. (see map). How much intensification is need and what infrastructure will be required to cope with the growth. I have visited all of the sites and am very aware of two issues that will have impact on climate change, flooding and the health of people.

90+% of the permeable surface on these building sites is now covered in concrete and all of the beautiful trees have been removed and replaced, in some cases, with a few, if any, very small shrubs. This is all happening under the Medium Density Residential Standards. (MDRS)

There are 300 sections on the Sunnynook side of the 800 metres from the bus stop, all of them now can have 3 by 3 storey apartments and terraced hoses built on them without resource consent, not to mention the possibility of 6 storey buildings. There is no need for such medium rise 6 storey buildings in Sunnynook as the intensification is already in progress under the MDRS. 2321.3

Finally housing is only one issue that needs to be considered in the development of a community. It is important to avoid creating structures that isolate people, when what a vibrant community needs are structures that encourage the interaction between people. The suggested intensification under the NPS-UD is the opposite to what is needed in Sunnynook for the well-being of people and community. The increasing demand for housing the reduction of car use and the increase in the use of public transport will develop from the MDRS programme without creating a ghetto out of Sunnynook 2321.5

Peter McNee LTh, MA OBE

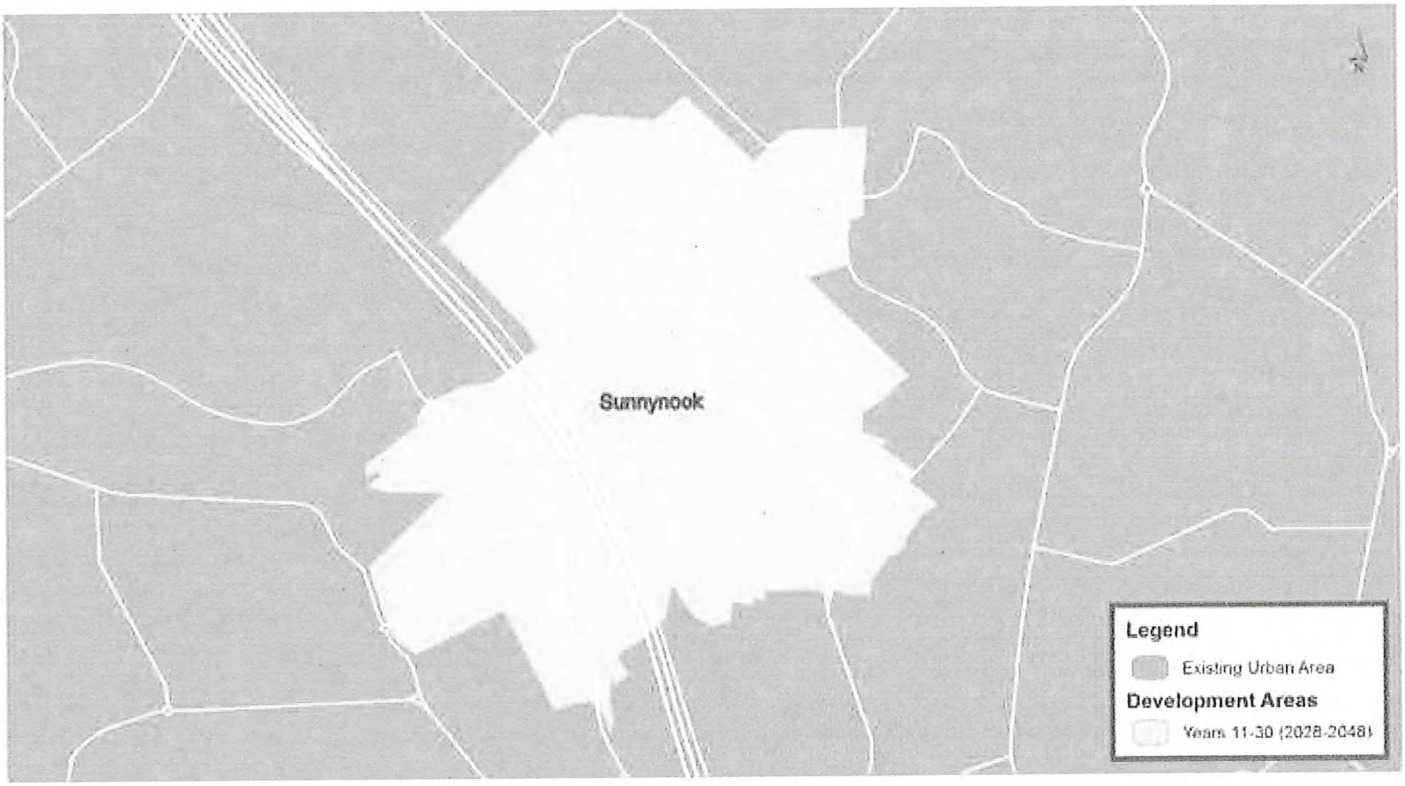
MEMBER OF SUNNYNOOK COMMUNITY ASSOCIATION

Development Area - Sunnynook

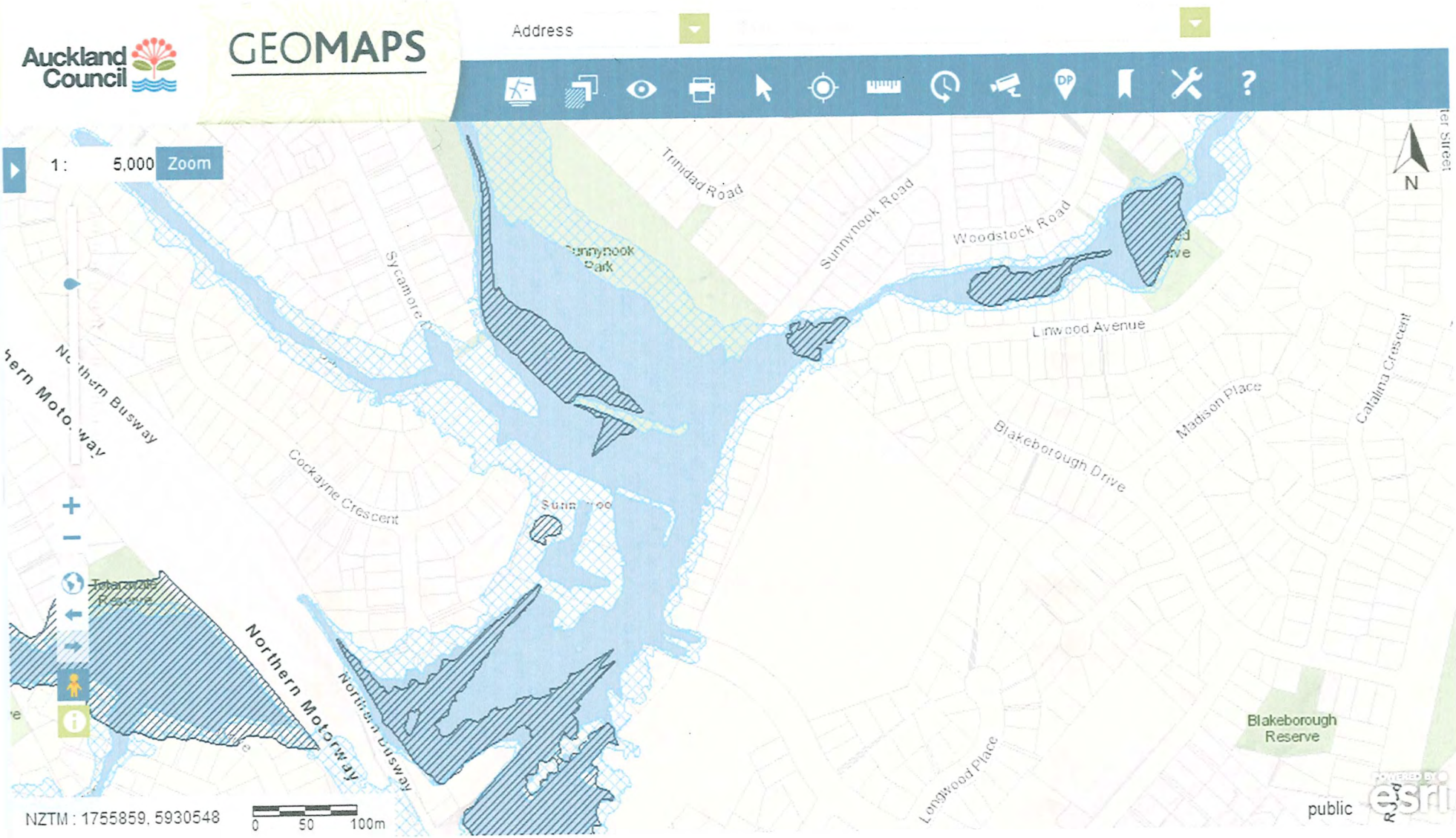
Sunnynook, including Totara Vale, on the west of State Highway 1, has good access through its station on the Northern Busway.

It has significant potential for redevelopment with the majority of the area zoned Mixed Use, Terraced Housing and Apartment Building (THAB) or Mixed Housing Urban in the Auckland Unitary Plan.

The area has feasible capacity of approximately 990 dwellings.



Anticipated household growth 2018-2048	990
Anticipated population growth 2018-2048	1,970
Anticipated employment growth 2018-2048	410
Average no. jobs accessible within 45min morning peak public transport by 2026	200,000-300,000
Enabled housing capacity *does not include centre and mixed use zones	9,810
Feasible development capacity 2017	990
Phasing / Sequencing	11-30 years



SUNNYNOOK FLOOD PLAIN

SUNNYNOOK FORREST HILL INTENSIFICATION

Sarah El Karamany

From: Unitary Plan
Sent: Thursday, 29 September 2022 12:16 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Clarke McKinney
Attachments: Appendix A -Email correspondence with Auckland Council - PC78 submission from Clarke McKinney.pdf

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Clarke McKinney

Organisation name:

Agent's full name:

Email address: clarkemckinney@hotmail.com

Contact phone number: 0274 886 742

Postal address:
1 Claret Place
Henderson
Auckland 0612

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
- Chapter E36 Natural hazards and flooding
- Chapter H3A Residential - Low Density Residential Zone
- Chapter H5 - Residential - Mixed Housing Urban Zone

Property address: 1 Claret Place, Henderson. Also 3, 5, 7 and 9 Claret Place Henderson. And 60 and 69 Spence Road, Henderson

Map or maps: Spatially Identified Qualifying Matter: Flood plains; Low Density Residential Zone; Mixed Housing Urban Zone

Other provisions:
- Spatially Identified Qualifying Matter: Flood plains are incorrectly mapped over 1, 3, 5, 7 & 9 Claret Place, Henderson
- Low Density Residential Zone has been proposed in error for 1 Claret Pl, 5 Claret Pl, 60 Spence Rd and 69 Spence Road properties based on incorrectly identified Qualifying Matter: Flood plains
- Mixed Housing Urban Zone should be applied to 1 Claret Pl, 5 Claret Pl, 60 Spence Rd and 69 Spence Road properties, consistent with surrounding neighbourhood zoning

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
- Incorrectly flood plain mapping over 1, 3, 5, 7 & 9 Claret Place, Henderson properties has been confirmed by Auckland Council Healthy Waters Catchment Manager
- Low Density Residential Zone has been proposed in error for 1 Claret Pl, 5 Claret Pl, 60 Spence Rd and 69 Spence Road properties based on incorrectly identified Qualifying Matter: Flood plains

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: 1) PC78 Map: removal of Spatially Identified Qualifying Matter: Flood plains from 1, 3, 5, 7 & 9 Claret Place, Henderson properties; 2) Mixed Housing Urban Zoning applied to 1 Claret Pl, 5 Claret Pl, 60 Spence Rd and 69 Spence Road, Henderson properties

2327.1
2327.2

Submission date: 29 September 2022

Supporting documents
Appendix A -Email correspondence with Auckland Council - PC78 submission from Clarke McKinney.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

Clarke McKinney <clarkemckinney@hotmail.com>
Thu 29/09/2022 10:57 AM
To: Clarke McKinney <clarkemckinney@hotmail.com>

From: Kevin Fan <Kevin.Fan@aucklandcouncil.govt.nz>
Sent: Friday, 16 September 2022 11:34 am
To: clarkemckinney@hotmail.com <clarkemckinney@hotmail.com>
Cc: HWDevelopment <HWDevelopment@aucklandcouncil.govt.nz>; nikolamckinney@hotmail.com <nikolamckinney@hotmail.com>; Allan Leahy <allan.leahy@aucklandcouncil.govt.nz>; Kieren Daji <Kieren.Daji@aucklandcouncil.govt.nz>; Hansol Lee <hansol.lee@aucklandcouncil.govt.nz>
Subject: RE: Urgent query regarding flood plain information for 1 Claret Place, Henderson

Dear Clarke

Thank you for your enquiry regarding the floodplain information for 1 Claret Place, Henderson. The modelling for the published floodplain (currently shown on Council's GeoMaps and in Plan Change 78) was carried out at a catchment level based on the old Lidar datasets available at the time of model build.

Healthy Water's catchment planning has reviewed the situation, it is recommended that a localised flood plain update will be prioritised at this location for removal of the flood plain shown on 1-9 claret Place. This update is likely to be implemented within the next couple of months in conjunction with any other updates required following feedback as a result of Plan Change 78.

Healthy Waters will notify the Plan Change 78 team that the flood hazard criteria is no longer applied on 1- 9 Claret Place, Henderson.

Please contact me directly if you would like to discuss your query further.

Kind regards

Kevin Fan | Senior Healthy Waters Specialist
Healthy Waters Department | Infrastructure and Environmental Services
DDI: 09 890 7921 | 09 836 8000 Extn (46) 7921 | MOB 021 872 643
Auckland Council, Level 17, Auckland House, 135 Albert Street, Auckland

Visit our website: www.aucklandcouncil.govt.nz

From: Rani Sharma <rani.sharma@aucklandcouncil.govt.nz> **On Behalf Of** HWDevelopment
Sent: Monday, 12 September 2022 3:29 PM
To: Kevin Fan <Kevin.Fan@aucklandcouncil.govt.nz>
Subject: FW: Urgent query regarding flood plain information for 1 Claret Place, Henderson

Afternoon Kevin,

I have assigned tis to you on SAP.
Request Information: 8703008760, Urgent query regarding flood plain infor
Please respond to the customer in 5 business days.

Ngā mihi | Kind Regards,

Rani Sharma
Customer Specialist
Healthy Waters Infrastructure and Environmental Services
Auckland Council, Level 17, Auckland House.
Visit our website: www.aucklandcouncil.govt.nz
Please consider the environment before printing this

From: Clarke McKinney <clarkemckinney@hotmail.com>
Sent: Monday, 12 September, 2022 1:28 PM
To: HWDevelopment <HWDevelopment@aucklandcouncil.govt.nz>
Cc: Nikola McKinney <nikolamckinney@hotmail.com>
Subject: Urgent query regarding flood plain information for 1 Claret Place, Henderson

Hi

This email is an urgent query regarding flood plain information affecting our property at 1 Claret Place, Henderson

1. Please provide more detailed flood plain modelling information specific to our property, 1 Claret Place, in particular 100yr flows, and how this might affect an additional dwelling and vehicle egress?

2. Please make correction or provide explanation as why flood modelling is shown over 1 Claret Place? and why does not recognise local contours and kerbside surface water flows which diverts all stormwater on Spence Road down Claret Place carriageway without entering our property? The GIS model appears to try to connect an area of Spence road with an ephemeral stream identified on 7 & 9 Claret place only? It is noted that the underlying Opanuku Catchment model report does not recognise any minor, potential or significant flooding hazard at 1 Claret Place. It is also noted that we have lived at 1 Claret Place for 14 years and we can confirm we have not experienced any flooding.

3. Please provide explanation why Healthy Waters has sought that four properties are zoned “Low Density Residential” (1 Claret Pl, 5 Claret Pl, 60 Spence Rd, 69 Spence Rd) in Unitary Plan change #78 rather than rezoned as “Mixed Housing Urban” like every other property in this neighbourhood including three affected by same flood plain model data (3 Claret Pl, 7 Claret Pl, 9 Claret Pl)?

This query is urgent so that we have sufficient information whether or not to prepare a submission to unitary plan change 78 (intensification), submission period closes in two weeks.

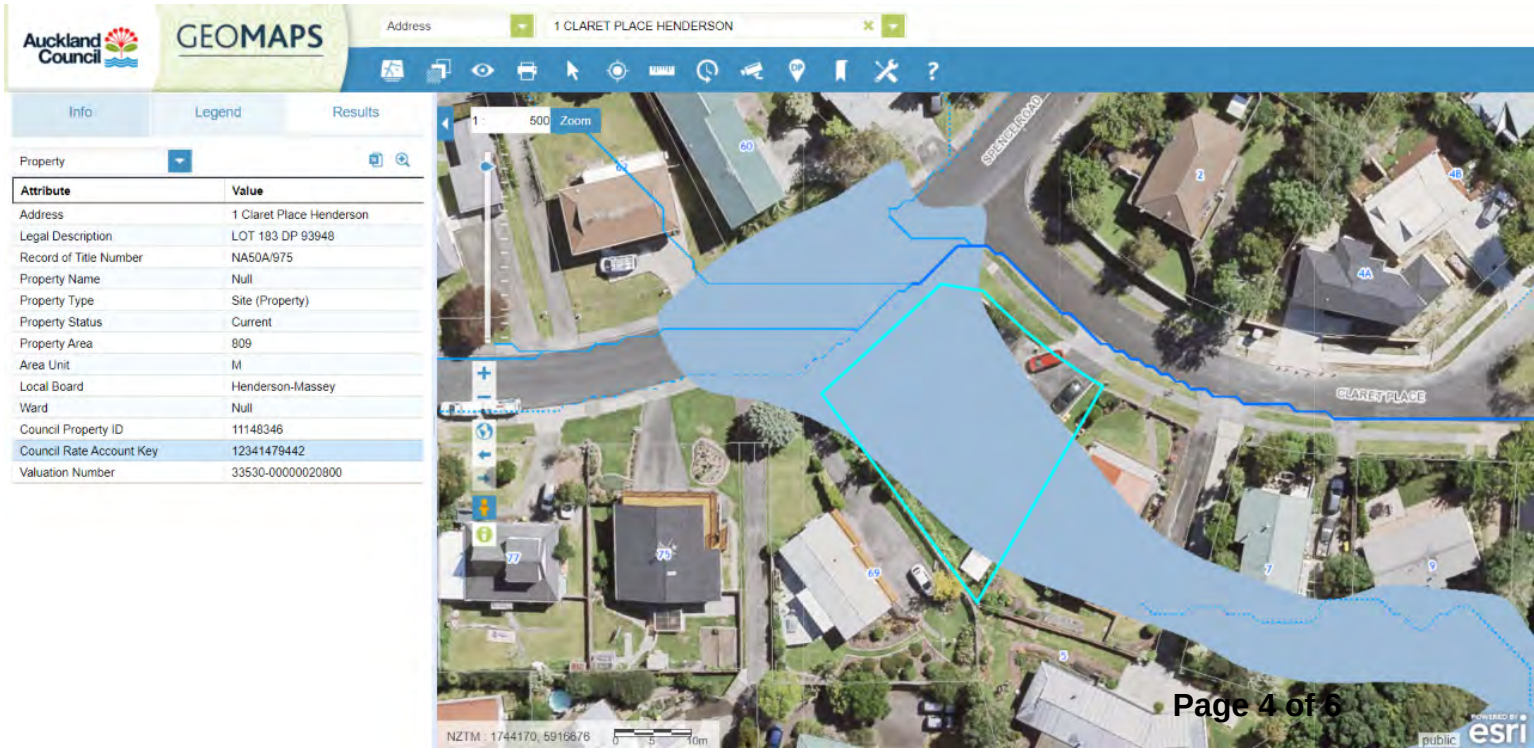
I understand the catchment manager for Opanuku catchment is Kevin Fan

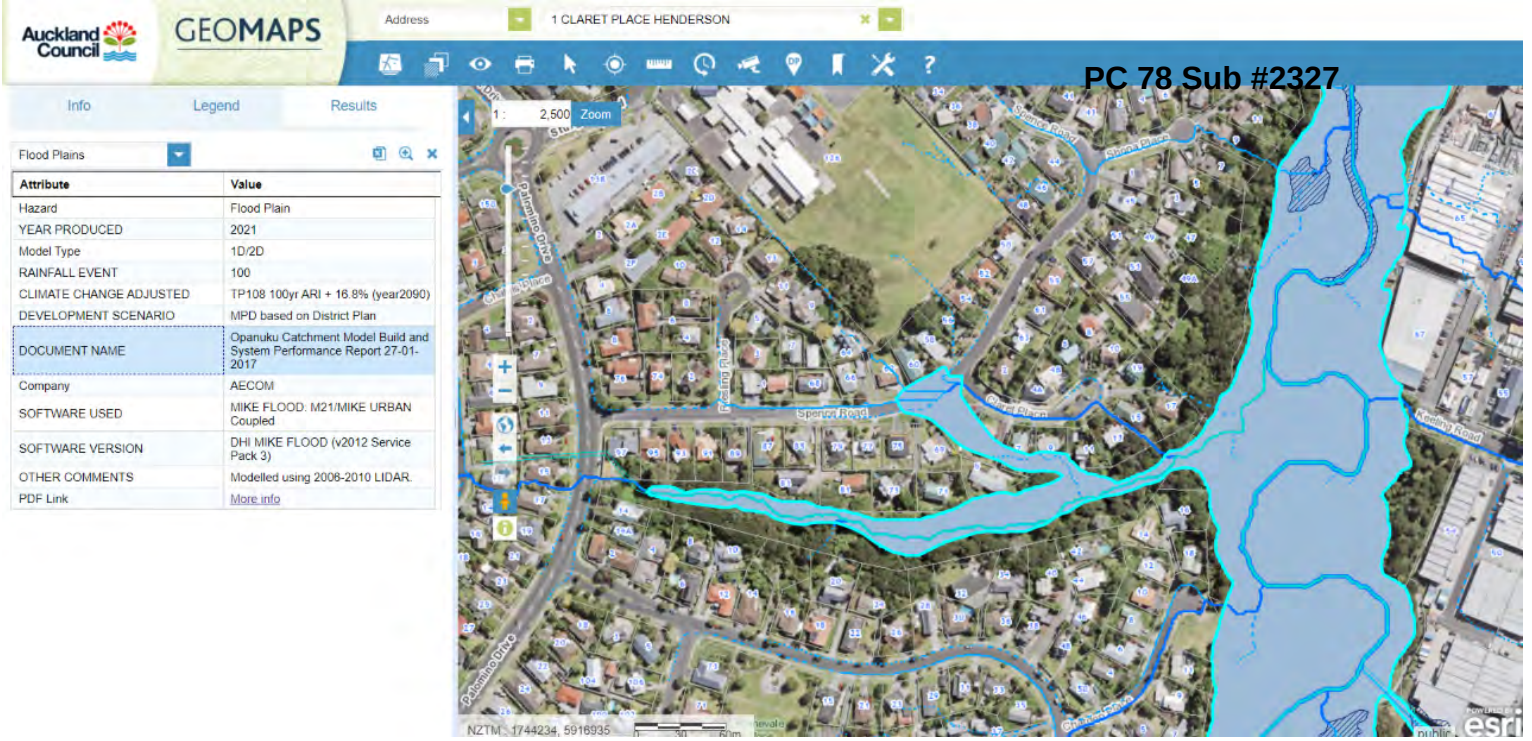
Please advise us urgently

Kind Regards

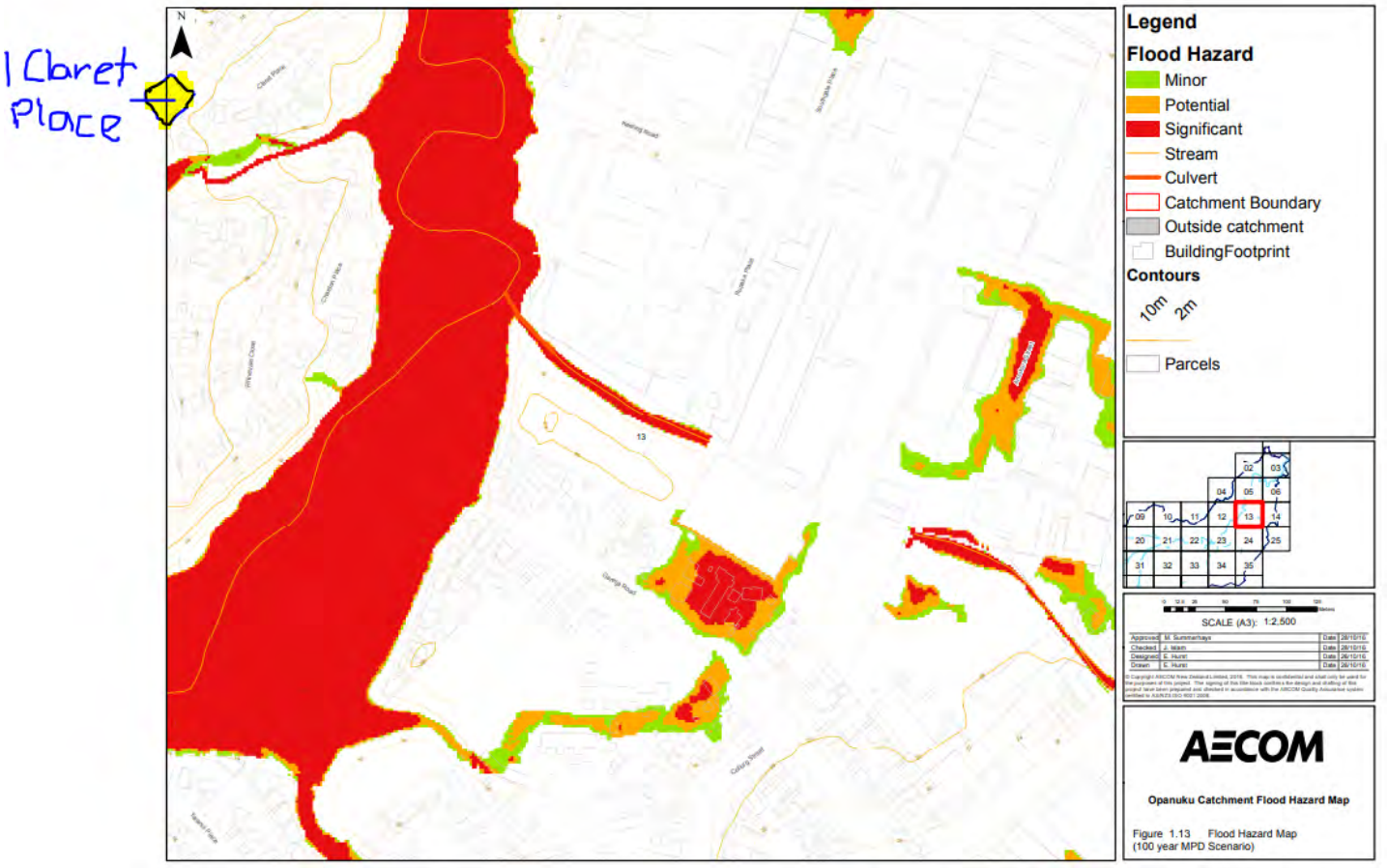
Clarke (& Nikki) McKinney
Home owners, 1 Claret Place, Henderson

Geomaps:





Opanuku Catchment Model report:



Plan Change 78:

Street view:

Kind Regards

Clarke (& Nikki) McKinney

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

George Bramer

From: Unitary Plan
Sent: Tuesday, 27 September 2022 8:30 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Esther Joy Glass and Kenneth John Tunnicliffe
Attachments: NPS-UD Submission - 7 Belvedere Street - 27-9-2022.pdf

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Esther Joy Glass and Kenneth John Tunnicliffe

Organisation name:

Agent's full name:

Email address: tunglass@gmail.com

Contact phone number: 021344525

Postal address:
7 Belvedere Street
Epsom
Auckland 1051

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Intensification

Property address: 7 belvedere Street, Epsom, Auckland 1051

Map or maps:

Other provisions:
Special Character Housing Overlay
Height Restrictions
Low Density Housing
See details in attached submission

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Adjustment extension to the current proposed low density zoning abutting Te Kōpuke (see details in attached submission)

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: See attached submission

Submission date: 27 September 2022

Supporting documents
NPS-UD Submission - 7 Belvedere Street - 27-9-2022.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

E J Glass & K J Tunnicliffe
7 Belvedere Street
Epsom
Auckland 1051

Response to Proposed Plan Change 78 –
Intensification and proposed plan changes 79 – 83
Follow NPS-UD 2020 Response

1. We strongly support the special character housing overlay for Belvedere Street as a qualifying matter in the response to the National policy Standard on Urban development 2020. We additionally support the broader character overlay as in Auckland Council's current Plan 78 — 2345.1 2345.2

2. We strongly support the continuation of building height restrictions around Te Kōpuke (Mt St John) via overlay as set out in the existing Auckland Unitary Plan. The regional Te Kōpuke view shafts and height and building sensitive area overlay should be retained on a qualifying matter basis under the new plan (NPS-UD). — 2345.3

3. We strongly support the protection of Low-density housing in Margot Street between Mt St John Road and Warborough Avenue. This provides view shaft protection to the apron of the Maunga. — 2345.4

4. We request an adjustment extension to the current proposed low density zoning abutting Te Kōpuke. Margot Street "outliers" at 68 Margot Street, 7, 13, 13a, 11 and 11a Mt St John Road, to be included in the low-density zone and removed from the currently proposed residential terrace/apartment zone. A contiguous and clear low-density zone is needed around the Te Kōpuke to protect against "piecemeal development" and future destruction to Te Kōpuke's integrity. It is also noted that the outlier addresses listed above are contained within the Regional Maunga view shafts and height and building sensitive area overlay. They are an anomaly and inconsistent with the overall intent of the Te Kōpuke area plan. — 2345.5

George Bramer

From: Unitary Plan
Sent: Tuesday, 27 September 2022 9:00 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Jian Chen

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jian Chen

Organisation name: EPS Consulting Group Ltd

Agent's full name:

Email address: admin@epsconsulting.co.nz

Contact phone number: 0211661274

Postal address:
PO Box 11024
Ellerslie
Auckland 1542

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
a. Table E38.4.2 (A13F)
b. Table H3A4.1(A34), (A35) and (A38)
c. H5.6.11 (3)
d. H5.6.14 (4)
e. H5.6.19
f. H5.6.20 (2)
g. H6.6.12 (3)
h. H6.6.12 (4)
i. H6.6.20
j. H5.6.21 (2)
k. Landscape area definition
l. qualifying matter - flood plains

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

a. Table E38.4.2 (A13F)- It requires any subdivision in accordance with the approved land use consent (A13A and A13D), around the existing buildings (A13B and A13E) or with existing use right (A13C) to comply with E38.8.1.1 (1) and E38.8.1.2. E38.8.1.2 is relating to the access width and pedestrian access for rear sites. The access standards specifying in E38.8.1.2 is different to access standards listed in E27. A13F will requires these subdivisions to comply with an additional access width standard that does not align with its transport section in E27. It suggests that A13F shall be amended to delete the reference to E38.8.1.2. 2347.1

b. Table H3A4.1(A34), (A35) and (A38) are a duplication with E36.4.1(A2), (A4), (A7), (A9), (A37) and (A39). New buildings, structure or addition on a site that is subject to natural hazards and flooding has already required a consent under E36. These rules shall be deleted to avoid duplication. 2347.2

c. H5.6.11 (3) – 20% of a developed site to be landscaped. Is a developed site = net site area of the application site. It is unclear how to calculate a developed site. A new definition is required to avoid confusion. 2347.3

d. H5.6.14 (4) – Communal outdoor living space for 20 or more dwellings. The communal outdoor living space is in addition to the individual outdoor space required for each unit. The communal outdoor living space requirement is logical and practical for apartment type development but not for terraced housing, duplex or standalone typologies where an individual outdoor living space is anticipated to be provided for each dwelling. This standard shall be amended to apply for apartment type development. 2347.4

e. H5.6.19 – contiguous deep soil area- it is unclear how to define “contiguous deep soil area”. If an area will be separated by proposed legal boundaries, would it meet “contiguous deep soil area”. A clear definition shall be provided. 2347.5

f. H5.6.20 (2) – 1m safety and privacy buffer from pedestrian and vehicle access requires to be free of the manoevring area and to be planted with shrubs. This is not practical if a development is to provide internal garages for proposed dwellings. The 1m buffer will have to be at the other side of the driveway to enable to meet H5.6.20(2) requirement of free of manouevring. This will contradict to the purpose of the standard. 2347.6

g. H6.6.12 (3) - refer to the above comment c. 2347.7

h. H6.6.15 (4) - refer to comment d above 2347.8

i. H6.6.20 - refer to comment e. 2347.9

j. H6.6.21 (2) - refer to comment f above. 2347.10

k. Landscape area definition will exclude artificial grass to be counted as landscape area. This is not practical for intensive residential development as regular maintenance of the natural lawn is challenging for most of the residents. 2347.11

l. Flood plain is one of the qualifying matter introduced under PC78. Natural hazard including flooding and overland flow path has been regulated under Chapter E36. A new qualifying matter for flood plain only is not necessary. 2347.12

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Suggested amendment has been incorporated into the above section.

Submission date: 27 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

George Bramer

From: Unitary Plan
Sent: Tuesday, 27 September 2022 6:15 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Lisa Klyn

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Lisa Klyn

Organisation name:

Agent's full name:

Email address: lisa_klyn@yahoo.com

Contact phone number: 02102788240

Postal address:
3/15A Kerr Street
Devonport
Auckland 0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special Character Overlay as it relates to Devonport

Property address: 3/15A Kerr Street, Devonport

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Devonport is an important historic area. Intensive developments will seriously impact its heritage value and destroy the cohesiveness of it's amazing look and feel. People travel to this suburb to admire it's beautiful buildings and surroundings. Intensification without maintaining heritage areas will destroy the feel of our community

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Delete the Mixed Housing Urban zone altogether or in particular areas. Retain the Special Character Overlay over Devonport. My big concern is the height change to be applied to the Victoria Road shopping area.

2349.1
2349.2
2349.3

Submission date: 27 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

George Bramer

From: Unitary Plan
Sent: Tuesday, 27 September 2022 8:45 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Matthew Olsen
Attachments: Gmail - Thank you for completing Tell us what you think of our preliminary response.pdf

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Matthew Olsen

Organisation name:

Agent's full name:

Email address: matthew.r.olsen@gmail.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
This feedback relates to the entire proposal.

I have attached the feedback provided in my "preliminary response". It is understood there have been no departures or changes from the proposal and the views expressed in this feedback can be reapplied. 2356.1

Auckland Council needs to stand up much like other councils (e.g. Hamilton and Christchurch) have and decline to enact the mandates from central government. The proposed changes are poorly thought through and there is even poorer implementation/application of them.

Furthermore, the way this submission process has been set up is absolutely appalling. This a horrific process and way to capture general ratepayer feedback, it requires a person to read 634 megabytes of content spread across 83 documents totalling 7,579 pages. To review ALL 7,579 pages starting on the very first day of the submission period (42 days total), would require reading, understanding and providing feedback on 180 pages EVERY day of the feedback period, and then making sure the overall structure and thinking is coherent. This is not at all realistic.

The submission process should not require legal representation to provide feedback and should walk a ratepayer through the changes to solicit feedback that can be meaningfully collated and used by council.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
This overall looks like a rush job (don't even have a suitable form to collate feedback on 7,579 pages) that is going to have historic and nation-impacting ramifications if implemented in any way.

I or we seek the following decision by council: Decline the plan change

Submission date: 27 September 2022

Supporting documents
Gmail - Thank you for completing Tell us what you think of our preliminary response.pdf

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

PC 78 Sub #2356

Gmail

Matthew Olsen <matthew.r.olsen@gmail.com>

Thank you for completing Tell us what you think of our preliminary response

Auckland Council Engagement Team <notifications@engagementhq.com> 8 May 2022 at 20:41
Reply-To: consultation@aucklandcouncil.govt.nz
To: matthew.r.olsen@gmail.com

Hi,

Thanks for completing the survey.

Your responses are listed below.

What do you think of our proposed walkable catchment of 1200 metres from the edge of the city centre? 2356.2

Other

Tell us why

The areas close to the city centre, including Ponsonby, Eden Terrace and Parnell should be used for apartment buildings, and not protected where there

What do you think of our proposed walkable catchment of 800 metres from the edge of the metropolitan centres? 2356.3

Other

Tell us why

DO NOT SUPPORT AT ALL. Areas that are further from the city centre are not suitable locations and the socio-economic characteristics of the area should also be considered to prevent the building of apartments that are going to be come undesirable places to live e.g. “slum” style. The amenities of the area are often not suitable for the proposed population increases, and would require significant master planning and co-ordination to make sure town centres are created and supported to cater to the increased demand.

What do you think of our proposed walkable catchment of 800 metres around rapid transit stops? 2356.4

Other

Tell us why

DO NO SUPPORT. The current and proposed so called “rapid” transport networks are not well defined or suited, there should be also a time of travel considered as well, e.g. rapid transport that takes 40+ minutes is not an area to build apartments. The transport network is also not designed to move the volume of people. The roading network around these areas are also not designed to cater to this population change. The idea that cars will not be used does not match any current situation with streets have far more cars than in prior decades. While council is encouraging people to use public transport, behaviours are not changing - more people in more apartments (often with no car parking included) will mean more cars parked on streets. The amenities of the areas withing 800m of rapid transit stops are often not suitable for the proposed population, and would require significant master planning and co-ordination to make sure town centres are created and supported to cater to the increased.

What do you think of our proposal to apply the Terrace Housing and Apartment Buildings Zone to residential areas up to around 400 metres from large town centres with high accessibility? 2356.5

Do not support - I think it should be closer

Tell us why

They should be small and concentrated areas, with high levels of amenities very close to the town centre (including public transport options, recreation and green space). The existing feel and surrounding houses in these suburbs should also not be affected. Access to light and view tunnels of existing properties should also not be impacted. 2356.5

What do you think of our proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility? 2356.6

Other

Tell us why

DO NOT SUPPORT AT ALL. Small town centres are designed to cater to the wider community, not a few apartments in close proximity. The overall feel of nearly every suburb in Auckland will be significantly negatively impacted by this proposal. The exiting zoning should remain.

What do you think of our proposal to include identified special character areas as a qualifying matter? 2356.7

Do not support – I do not think special character areas should be a qualifying matter

---

Tell us why

The 'Special character' designation is often applied to the lowest quality build our city has, with houses that have no modern features to improve their quality of living and that would fail many modern tests of suitable/safe/healthy or sustainable living. These areas of 'special character' are also where Intensification is most suited as they are often very close to the city centre, close to high levels of ameinity (shops, restaurants, pharmacies, businesses, transport, green spaces and parks). In the next 10-20+ years, if intensification were to happen solely in the proposed 'Special character' areas, this would be the most beneficial and have lowest impact to the wider Auckland area (limit urban sprawl, limit commutes, limit vehicle movements). The 'character values' of all of the existing suburban areas should be retained and not destroyed to benefit a few developers who will build low quality housing for the highest bidder.

What do you think of the proposed residential special character areas that we have identified?

Do not support – I do not think special character areas should be a qualifying matter

---

Tell us why

These are the key areas for intensification - close to amenities (shops, restaurants, businesses, parks, attractions etc), close to the CBD, close to transport (public and roading). The 'character values' of all of the existing suburban areas should be retained and not destroyed to benefit a few developers who will build low quality housing to the highest bidder.

What do you think of the proposed business special character areas that we have identified?

Do not support – I do not think special character areas should be a qualifying matter

---

Tell us why

These are the key areas for intensification. In the next 10-20+ years, the proposed 'Special character' areas if they were the SOLE area of focus for Intensification would be the most beneficial and have lowest impact to the wider Auckland area (limited urban sprawl, or increased commute and vehicle movements. The 'character values' of all of the existing suburban areas should be retained and not destroyed to benefit a few developers who will build low quality housing to the highest bidder.

What do you think of our proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter? 2356.8

Support

Tell us why

This is the most critical area to support. The vast majority of the Auckland region must fall into this category and as such should retain the zoning of 2016 unitary plan. The "isthmus" i.e. the very centre of Auckland should be the ONLY

areas that need to be subject to significant level of intensification (including 6+ stories) for the next 30-40+ years. This area is close to the amenities and work supplied in the city centre (and nearby areas e.g. Ponsonby, Mt Eden, Parnell) and would enable dedicated and focused "master planning" to be leveraged in a way that developers MUST comply with a defined plan, and are not left to build on their own. The Auckland Council would define what the hyper-local areas should contain, and developers would be bound to develop to the exacting definitions. The plan MUST also include suitable volumes of school and green spaces. This would also enable the focused and dedicated upgrades to water supply and wastewater networks, rapid transport options without trying to spread the improvements over the entire Auckland region. The transport should be built to the size and scale in this area to support a large population within the Isthmus, and the current proposed light rail is FAR from what is needed. High speed underground trains must be the consideration here in terms of transport capacity, frequency. 2356.8

Do you have feedback on any other qualifying matters? (please be clear which proposal you are talking about) 2356.9

These all make sense, additional areas must also be considered across entire Auckland region.

Upload any supporting information you have

If you have more files to attach, you can email them to unitaryplan@aucklandcouncil.govt.nz

https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/6a194bdb6f612057987eaf52c74733015df1747b/original/1651999261/721e92436babbd39c68184faa6194e7c_Auckland_Council_2022_-_Feedback_on_rezoning.docx?1651999261

First name

Matthew

Last name

Olsen

Are you giving feedback on behalf of an organisation?

No - these are my own personal views

Email

matthew.r.olsen@gmail.com

Your Local board

If you don't know your local board area, see Find your local board for more details.

Kaipātiki

Thanks again

Auckland Council Planning Team

George Bramer

From: Unitary Plan
Sent: Tuesday, 27 September 2022 6:30 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Gavin Smith

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Gavin Smith

Organisation name:

Agent's full name:

Email address: gavin.smith.nz@gmail.com

Contact phone number: 021654861

Postal address:

Devonport
Auckland 0624

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Chapter D18 Special Character Overlay as it relates to Devonport

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Devonport is an important historic area for both Māori and Pakeha. It is a unique marine suburb, and a popular tourist attraction (much the same as Williamstown is for Melbourne). Many tourists (especially from Cruise ships) take a quick trip across the harbour from downtown for a browse of the shops, a meal, and wander round one of Aucklands most Victorian areas and on occasion even enjoy a swim at some of Aucklands best city beaches. It's also often used

by film companies, for commercials or feature films. To intensify Devonport (especially to more Victorian areas) by allowing adjacent areas to build what is proposed will impact the Victorian feel by the sheer size and visual appearance of what could be allowed under Intensification. It's short sighted, and will be lost forever. When I look at Queen Street for example: look at old photos and now, I see what short sighted intensification and poor planning can do. When you visit Sydney, Melbourne and Adelaide and you see how they have built large cities and maintained not only the heritage areas of the central CBD, but also some of the older inner suburbs with a mixture of terraced houses, workers cottages and Victorian dwellings. They've not lost these areas, they've incorporated them into and part of a the vibrancy, heritage and diversity of there city's. To intensify Devonport will mean the opportunity to keep heritage in the city for generations to come will be lost forever.
Furthermore, the infrastructure as we all know is old, and will need to be updated and improved if there is an significant increase in the population of the area, something plan change 78 is trying to implement. Aside from the cost Bourne most likely by the ratepayer, the disruption to what has increasingly becoming a better more reliable environmentally friendly ferry service is counterintuitive to what AT is spending money on.
I live in Devonport, and am not a NIMBY. I don't see how plan change 78 will help Auckland become a better more livable city when it proposes sweeping changes to some of our most cherished character areas.
I would request

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Retain the Special Character Overlay over Devonport, and Delete the Mixed Housing Urban zone altogether or in particular areas. There should also be better heritage protection for Devonport main shopping precinct

2358.1
2358.2
2358.3

Submission date: 27 September 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

George Bramer

From: Unitary Plan
Sent: Tuesday, 27 September 2022 8:45 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Kenneth John Tunnicliffe
Attachments: NPS-UD Submission - 3-5 Belvedere Street - 27-9-2022.pdf

Follow Up Flag: Follow up
Flag Status: Completed

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kenneth John Tunnicliffe

Organisation name: Tunnicliffe Investments Limited

Agent's full name:

Email address: tunglass@gmail.com

Contact phone number: 021367249

Postal address:
3-5 Belvedere Sreet
Epsom
Auckland 1051

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Special Character Housing Overlay
Continuation of Building height restrictions
Low density housing
Extension of Low density Zoning
(See details in the attached submission)

Property address: 3-5 belvedere Street, Epsom, Auckland 1051

Map or maps:

Other provisions:
See details in the attached submission

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
See details in the attached submission

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: See details in the attached submission

Submission date: 27 September 2022

Supporting documents
NPS-UD Submission - 3-5 Belvedere Street - 27-9-2022.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

Tunnicliffe Investments Ltd
3-5 Belvedere Street
Epsom
Auckland 1051

Response to Proposed Plan Change 78 –
Intensification and proposed plan changes 79 – 83
Follow NPS-UD 2020 Response

1. We strongly support the special character housing overlay for Belvedere Street as a qualifying matter in the response to the National policy Standard on Urban development 2020. We additionally support the broader character overlay as in Auckland Council's current Plan 78 — 2359.1 2359.2

2. We strongly support the continuation of building height restrictions around Te Kōpuke (Mt St John) via overlay as set out in the existing Auckland Unitary Plan. The regional Te Kōpuke view shafts and height and building sensitive area overlay should be retained on a qualifying matter basis under the new plan (NPS-UD). — 2359.3

3. We strongly support the protection of Low-density housing in Margot Street between Mt St John Road and Warborough Avenue. This provides view shaft protection to the apron of the Maunga. — 2359.4

4. We request an adjustment extension to the current proposed low density zoning abutting Te Kōpuke. Margot Street "outliers" at 68 Margot Street, 7, 13, 13a, 11 and 11a Mt St John Road, to be included in the low-density zone and removed from the currently proposed residential terrace/apartment zone. A contiguous and clear low-density zone is needed around the Te Kōpuke to protect against "piecemeal development" and future destruction to Te Kōpuke's integrity. It is also noted that the outlier addresses listed above are contained within the Regional Maunga view shafts and height and building sensitive area overlay. They are an anomaly and inconsistent with the overall intent of the Te Kōpuke area plan. — 2359.5

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Rubin and Peta LEVIN

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

18A King Edward Parade Devonport Auckland 0624

Telephone: 2102451974 Fax/Email: thelevins1@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Chapter D18 Special Character Overlay Residential as the overlay relates to Devonport

Or

Property Address: 18A King Edward Parade Devonport 0624

Or

Map:

Or

Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

This is a unique historical suburb and area. Intensivication will destroy the culture qualities and attributes of a historical area. 2364.1

Greater intensification will put greter pressure on existing infrastrucutre which is already over-whelmed and inadequate. 2364.2 2364.3

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☒

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date 29/9/22

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

George Bramer

From: Mark Donnelly <mark.donnelly@xtra.co.nz>
Sent: Friday, 30 September 2022 12:03 pm
To: Unitary Plan
Subject: PC78 - late submission

Apologies for late submission – had network/internet problems last night.

Submission on PC 78 - Intensification

Submitter: Mark Donnelly
Organisation: Eden Park Neighbours' Assoc Inc.
Email: mark.donnelly@xtra.co.nz

Submission relates to the proposed Qualifying matter's – namely the inclusion of the Special Character Overlay areas as qualifying matters.

We support the proposed plan change to include Special Character Overlay areas as a qualifying matter. 2366.1
We wish to see the proposed areas of the Special Character Overlay be extended to include the current areas covered in the Unitary Plan, if during the hearing site specific evidence warrants this. 2366.2 2366.3

Reasons

While the plan change excludes areas of Mt Eden, due to the Light Rail project, we support the wider city-wide thrust of the proposed plan change to recognize the importance of historic character in the fabric of Auckland. We do so on the basis that we all benefit from the amenity created by these areas.

We submitted during the Unitary Plan process, and have consistently supported Auckland's heritage character for many years.

Hearing
We wish to attend the hearing.

Please see my submission below:

==========
========== Submission
==========

As far as I know a site which has any size of overland flow path going through will be considered as a qualifying matter,therefore the new MDRS housing bill/rules will not apply to that site. According to the A41 and A42 of Table E36.4.1 Activity table on page 11 of PC78 Chapter E Auckland wide environment risk (see attached), this is not correct because the overland flow paths may not be going through the proposed dwellings or structures within that site.

On the unitary plan guidiance provided by the Council (see page 5 of the overland flow path PDF attached), it says all the overland flow paths are only indicative on the GEO/GIS map, they could be very wrong especially after construction/excavation work being involved around or within a site. Under the old unitary plan rules, a small overland flow path which has a catchment area smaller than 4000m2 will not be considered during resource consent application at all. **Therefore, overland flow path within a site SHOULD NOT be considered as a qualifying matter under below conditions:** 2369.1

----- There are no buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path (even if they are within the site)
----- Any overland flow paths which have less than or equal to 4000m2 catchment areas
----- A civil engineer provides a formal assessment report to show that there are no buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path even if overland flow paths are showing on the GEO/GIS map
------ A civil engineer provides a formal assessment report to show that the overland low paths will not impact the proposed the buildings or structures and will not cause any serious impact on the environment.

The above should also apply to the qualifying matters related to flood plan area. Flood plain within a site **SHOULD NOT be considered as a qualifying matter under below conditions:** 2369.2
----- There are no buildings or other structures etc located within the floodplains in a site (even if the floodplains are within the site)
------ A civil engineer provides a formal assessment report to show that there are no flood plan within the site or there are no serious impact with the proposed buildings etc to the environment

Based on above, please correct the qulifying matters identification for the overland flow path and floodplain in PC 78, otherwise it will be monstrously unfair!!

==========
==========
==========

I'm not sure how to do this correctly in an email, please accept my submission above and let me know if the submission is OK or not. If not, please advice what information I need to provide.
Look forward to your quick reply

Regards,

Sam Shi
Solicitor at Bassett Law

A Level 5, 120 Albert Street, Auckland
M 021 961 680 **E** sam@bassettlaw.co.nz

E36. Natural hazards and flooding

The management of significant risks from natural hazards is a qualifying matter in accordance with sections 77I(a) and 77O(a) of the RMA.

E36.1. Background

Auckland is affected by natural hazards including:

- those that occur frequently such as flooding, coastal erosion (including the effects of sea level rise), freshwater erosion and land instability; and
- those that occur less frequently such as wildfires, volcanic activity, tsunami, earthquakes and meteorological hazards such as cyclones, tornados and drought.

All of these hazards can affect people, property and the wider environment.

The risk that these natural hazards pose is made up of factors including:

- the nature, magnitude and extent of the hazard;
- the anticipated frequency or probability of the hazard event occurring; and
- the exposure and vulnerability of the environment to the hazard.

Decisions on how to avoid or mitigate natural hazards can affect not only the subject site but also neighbouring properties and the wider environment, and may unintentionally exacerbate the risk. Risk assessment is a key means to identify and understand risks, and to determine which aspects of risk can be managed through appropriate land use planning tools and development methods. Both current and future risks (including the effects of climate change such as sea level rise) need to be considered.

A flexible risk-based approach has been taken to address the risks associated with natural hazards. A risk management approach applies to existing development and infrastructure while a risk reduction (including avoidance where appropriate) approach applies to development of greenfield land.

The Plan has defined criteria to identify land which may be subject to natural hazards and in some cases has applied the Residential - Low Density Residential Zone to this land. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:

- coastal erosion;
- coastal storm inundation;
- flooding;
- land instability; and

- wildfires.

The Council is working to gather, assess and refine information so that a more comprehensive range of natural hazards can be assessed and, as appropriate, subdivision, use and development can be better managed through provisions in the Plan.

Some risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups such as Civil Defence. These include education, warning systems and emergency preparedness.

E36.2. Objectives

(1) Subdivision, use and development outside urban areas does not occur unless the risk of adverse effects to people, property, infrastructure and the environment from natural hazards has been assessed and significant adverse effects are avoided, taking into account the likely long-term effects of climate change.

(2) Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.

(3) Subdivision, use and development on rural land for rural uses is managed to ensure that the risks of adverse effects from natural hazards are not increased and where practicable are reduced.

(4) Where infrastructure has a functional or operational need to locate in a natural hazard area, the risk of adverse effects to other people, property, and the environment shall be assessed and significant adverse effects are sought first to be avoided or, if avoidance is not able to be totally achieved, the residual effects are otherwise mitigated to the extent practicable.

(5) Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.

(6) Where appropriate, natural features and buffers are used in preference to hard protection structures to manage natural hazards.

E36.3. Policies

General

(1) Identify land that may be subject to natural hazards, taking into account the likely effects of climate change, including all of the following:

(a) coastal hazards (including coastal erosion and coastal storm inundation, excluding tsunami);

(b) flood hazards;

(c) land instability; and

(d) wildfires.

(2) Investigate other natural hazards to assess whether risks to people, property or the environment should be managed through the Plan or otherwise.

(3) Consider all of the following, as part of a risk assessment of proposals to subdivide, use or develop land that is subject to natural hazards:

(a) the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;

(b) the type of activity being undertaken and its vulnerability to natural hazard events;

(c) the consequences of a natural hazard event in relation to the proposed activity;

(d) the potential effects on public safety and other property;

(e) any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;

(f) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;

(g) the ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;

(h) the design and construction of buildings and structures to mitigate the effects of natural hazards;

(i) the effect of structures used to mitigate hazards on landscape values and public access;

(j) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and

(k) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change.

(4) Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:

(a) accelerating or exacerbating the natural hazard and/or its potential impacts;

(b) exposing vulnerable activities to the adverse effects of natural hazards;

(c) creating a risk to human life; and

(d) increasing the natural hazard risk to neighbouring properties or infrastructure.

Coastal hazards (including coastal erosion and coastal storm inundation)

(5) Ensure that subdivision, use and development on rural land for rural uses and in existing urban areas subject to coastal hazards avoids or mitigates adverse effects resulting from coastal storm inundation, coastal erosion and sea level rise of 1m through location, design and management.

(6) Avoid subdivision, use and development in greenfield areas which would result in an increased risk of adverse effects from coastal hazards, taking account of a longer term rise in sea level.

(7) Ensure that buildings in areas subject to coastal hazards are located and designed to minimise the need for hard protection structures.

(8) Ensure that when locating any new infrastructure in areas potentially subject to coastal hazards consider, where appropriate, an adaptive management response taking account of a longer term rise in sea level.

(9) Require habitable areas of new buildings and substantial additions, alterations, modifications or extensions to existing buildings located in coastal storm inundation areas to be above the 1 per cent annual exceedance probability (AEP) coastal storm inundation event including an additional sea level rise of 1m.

Defences against coastal hazards

(10) Avoid the modification, alteration or removal of sand dunes and vegetation on sand dunes which would compromise their function as natural defences for an area subject to coastal hazards and ensure adverse effects on wider coastal processes are avoided or mitigated.

(11) Consider hard protection works to protect development only where existing natural features will not provide protection from the natural hazard and enhancement of natural defences is not practicable.

(12) Require hard protection works involving the placement of any material, objects or structures in or on any area located above mean high water springs to be designed and located to avoid, remedy or mitigate adverse environmental effects including all of the following:

(a) location of structures as far landward as possible to retain as much natural beach buffer as possible;

(b) any likely increase in the coastal hazard, including increased rates of erosion, accretion, subsidence or slippage;

(c) undermining of the foundations at the base of the structure;

(d) erosion in front of, behind or around the ends or down-drift of the structure;

(e) settlement or loss of foundation material;

(f) movement or dislodgement of individual structural elements;

(g) offshore or long-shore loss of sediment from the immediate vicinity;

(h) long-term adverse visual effects on coastal landscape and amenity values; and

(i) effects on public access.

Floodplains in urban areas

(13) In existing urban areas require new buildings designed to accommodate more vulnerable activities to be located:

(a) outside of the 1 per cent annual exceedance probability (AEP) floodplain; or

(b) within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.

(14) Require redevelopment of sites where existing more vulnerable activities are located within the 1 per cent annual exceedance probability (AEP) floodplain to address all of the following:

(a) minimise risks from flood hazards within the site;

(b) minimise the risks from flood hazards to people and property upstream and downstream of the site;

(c) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the 1 per cent annual exceedance probability floodplain;

(d) location of habitable rooms above flood levels; and

(e) provide safe evacuation routes or refuges from buildings and sites.

(15) Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1 per cent annual exceedance probability (AEP) floodplains where that activity avoids, remedies or mitigates effects from flood hazards on other properties.

Floodplains in rural areas

(16) In rural areas, avoid where practicable locating buildings accommodating more vulnerable activities in the 1 per cent annual exceedance probability

(AEP) floodplain and manage other buildings and structures so that flood hazards are not exacerbated.

Floodplains in greenfield areas

(17) On greenfield land outside of existing urban areas, avoid locating buildings in the 1 per cent annual exceedance probability (AEP) floodplain.

(18) Enable flood tolerant activities to locate in the 1 per cent annual exceedance probability (AEP) floodplain where these activities do not involve buildings or structures that exacerbate the flood hazard to other properties upstream or downstream of the site.

(19) Require fences, storage of materials and goods and car parking in the 1 per cent annual exceedance probability (AEP) floodplains to not exacerbate the flood hazard to other properties upstream or downstream of the site.

(20) Require earthworks within the 1 per cent annual exceedance probability (AEP) floodplain to do all of the following:

(a) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the floodplain;

(b) not exacerbate flooding experienced by other sites upstream or downstream of the works; and

(c) not permanently reduce the conveyance function of the floodplain.

Floodplains - general

(21) Ensure all development in the 1 per cent annual exceedance probability (AEP) floodplain does not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.

(22) Required the storage and containment of hazardous substances in floodplains so that the integrity of the storage method will not be compromised in a flood event.

(23) Provide for flood mitigation measures which reduce flood-related effects and provide for the reconstruction of culverts and bridges where those measures do not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.

(24) Enable the planting and retention of vegetation cover to enhance amenity values, green linkages and ecological values in floodplains as long as it does not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.

(25) When considering mitigation of flood hazards where buildings are located in floodplains, promote measures such as use of water resistant materials and flood-proof utility connections to increase resilience to flood damage.

(26) Construct accessways, including private roads, so that flood hazard risks are not increased.

(27) Enable the construction and maintenance of flood mitigation works to reduce flood risks to people, property, infrastructure and the environment.

(28) Take into account any authorised earthworks or drainage infrastructure which avoids, remedies or mitigates flood hazards when assessing proposed subdivision, use or development.

Overland flow paths

(29) Maintain the function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment.

(30) Require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment.

Land instability

(31) Identify land that may be subject to land instability taking into account all of the following features:

(a) proximity to cliffs;

(b) steepness of land;

(c) geological characteristics; and

(d) uncontrolled fill.

(32) Require risk assessment prior to subdivision, use and development of land subject to instability.

(33) Locate and design subdivision, use and development first to avoid potential adverse effects arising from risks due to land instability hazards, and, if avoidance is not practicably able to be totally achieved, otherwise to remedy or mitigate residual risks and effects to people, property and the environment resulting from those hazards.

Wildfire hazards

(34) Ensure that plan provisions for subdivision and vegetation management appropriately take into account wildfire hazards.

Note 1

Areas of high wildfire risk may be determined applying the National Rural Fire Authority New Zealand Wildfire Threat Analysis.

Infrastructure in areas subject to natural hazards

(35) Allow for the operation, maintenance, upgrading and construction of infrastructure, in areas subject to natural hazards when:

(a) infrastructure is functionally or operationally required to locate in hazard areas or it is not reasonably practicable that it be located elsewhere;

(b) in coastal hazard areas the infrastructure does not significantly increase risk to people, property and the environment, and where risks cannot be avoided, adverse effects are mitigated; and

(c) in all flood hazard areas risks to people, property and the environment are mitigated to the extent practicable.

E36.4. Activity table

Table E36.4.1 Activity table specifies the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) E36.4.1 to E36.6.1 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Note 1

Where activities are located in the coastal marine area then see Chapter F Coastal.

Table E36.4.1 Activity table

	Activity		Activity status
	Activities on land in the coastal erosion hazard area		
	(A1)	External alterations to buildings which do not increase the gross floor area of the building, on land in the coastal erosion hazard area	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A2)	External alterations to buildings which increase the gross floor area of the building on land in the coastal erosion hazard area	RD
	(A3)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m^2 on land in the coastal erosion hazard area Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A4)	All other buildings and structures on land in the coastal erosion hazard area	RD
	(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		
	(A6)	External alterations to buildings which do not increase the gross floor area on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A7)	External alterations to buildings which increase the gross floor area of the building on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
	(A8)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m^2 on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A9)	All other buildings and structures on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
	(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
	Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area		
	(A11)	Additions of habitable rooms up to 25m^2 to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area	P
	(A12)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m^2) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that comply with standard E36.6.1.1	P

Qualifying matter as per s77I(a) and s77O(a) of the RMA

(A13)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m^2) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that do not comply with Standard E36.6.1.1	D
Defences against coastal hazards		
(A14)	Beach nourishment	P
(A15)	Dune stabilisation	P
(A16)	Beach nourishment which does not comply with Standard E36.6.1.2	D
(A17)	Dune stabilisation which does not comply with Standard E36.6.1.3	D
(A18)	Modification, alteration or removal of sand dunes and vegetation on sand dunes within 40m of mean high water springs not otherwise provided for	D
(A19)	Repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures landward of mean high water springs that may serve as a defence against coastal erosion or inundation	P
(A20)	Extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures	RD
(A21)	New hard protection structures located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation	RD
(A22)	Hard protection structures not otherwise provided for	D
Activities in the 1 per cent annual exceedance probability (AEP) floodplain		
(A23)	Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A24)	Surface parking and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that comply with Standard E36.6.1.7	P
(A25)	Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that do not comply with Standard E36.6.1.7	C
(A26)	Below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A27)	Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A28)	Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A29)	Storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A30)	On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A31)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A32)	Construction of stormwater management devices or flood mitigation works that are to be vested in the Council or which are identified in a precinct plan incorporated into the Plan or an approved network	P

		discharge consent in the 1 per cent annual exceedance probability (AEP) floodplain	
	(A33)	Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	RD
	(A34)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m^2 within the 1 per cent annual exceedance probability (AEP) floodplain that comply with standard E36.6.1.9	P
	(A35)	New structures and buildings designed to accommodate flood tolerant activities up to 100m^2 gross floor area within the 1 per cent annual exceedance probability (AEP) floodplain	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A36)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m^2 within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9	RD
	(A37)	All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	RD
	(A38)	Use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain	RD
	Activities in overland flow paths		
	(A39)	Fences and walls located within or over an overland flow path that do not obstruct the overland flow path	P
	(A40)	Flood mitigation works within an overland flow path required to reduce the risk to existing buildings from flooding hazards	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path	RD
	(A42)	Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path	RD
	Activities on land which may be subject to land instability		
	(A43)	Buildings and structures on land which may be subject to land instability that comply with Standard E36.6.1.11	P
	(A44)	On-site septic tanks, onsite wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and access ways on land which may be subject to land instability that comply with Standard E36.6.1.12	P
	(A45)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields, on land which may be subject to land instability that do not comply with Standard E36.6.1.12	RD
	(A46)	Storage of hazardous substances on land which may be subject to land instability	RD
	(A47)	External alteration to any building, on land which may be subject to land instability which does not increase the gross floor area	P
	(A48)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area up to 100m^2 on land which may be subject to land instability	P

		Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	
	(A49)	Alterations to existing structures and buildings (excluding dwellings) ancillary to farming activities which do not increase the gross floor area, on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
Qualifying matter as per s77I(a) and s77O(a) of the RMA	(A50)	External additions to buildings and to any structures excluding decks under 1.2m high and 20m^2 gross floor area on land which may be subject to land instability	RD
	(A51)	All other buildings and structures, on land which may be subject to land instability not otherwise provided for	RD
	Infrastructure: • **in the coastal erosion hazard area;** • **in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;** • **in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;** • **in the 1 per cent annual exceedance probability (AEP) floodplain;** • **in overland flow paths** • **on land which may be subject to land instability**		
	(A52)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that complies with Standard E36.6.1.13	P
	(A53)	Construction, operation, maintenance, renewal and repair of road network activities within the legal road or road formation width in areas listed in the heading above	P
	(A54)	Infrastructure within roads or the Strategic Transport Corridor Zone in areas listed in the heading above	P
	(A55)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that do not comply with Standard E36.6.1.13	RD
	(A56)	All other infrastructure in areas listed in the heading above not otherwise provided for	RD

E36.5. Notification

(1) An application for resource consent for a controlled activity listed in Table E36.4.1 Activity table 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 section 95A(4) of the Resource Management Act 1991.

(2) Any application for resource consent for an activity listed in Table E36.4.1 Activity table and which is not listed in E36.5(1) 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).

E36.6. Standards

E36.6.1. Permitted activity standards

Activities listed as a permitted activity in Table E36.4.1 Activity table must comply with the specified permitted activity standards.

Activities in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area

Qualifying matter as per s77I(a) and s77O(a) of the RMA

E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m^2) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area

(1) Finished floor levels of habitable rooms must be above the inundation level of the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area.

Defences against coastal hazards

E36.6.1.2. Beach nourishment

(1) Depositing must be for the purpose of:

(a) erosion management;

(b) beach (including dune system) replenishment or re-contouring;

(c) habitat enhancement; or

(d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.

(2) Written advice must be given to the council at least 10 working days prior to the work starting.

(3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.

(4) The deposited material must have similar physical characteristics to the sediment at the location it will be deposited, and must generally be of slightly coarser grain size.

(5) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.

(6) There must be no release of contaminants from equipment being used for the activity.

(7) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

E36.6.1.3. Dune stabilisation

(1) Dune stabilisation must be for the purpose of:

(a) erosion management;

(b) beach (including dune system) replenishment or re-contouring;

(c) habitat enhancement; or

(d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.

(2) Written advice must be given to the Council at least 10 working days prior to the work starting.

(3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.

(4) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.

(5) There must be no release of contaminants from equipment being used for the activity.

(6) The reshaped dune toe must not extend seaward of the typical extent of the natural dune toe position, and the seaward slope must lie within the slope range of 1:5 (around 11 degrees) to 1:3 (around 18 degrees).

(7) Any foreign material; including clay fill or soil material that has been placed on the dune must be removed and lawfully disposed off-site.

(8) Works must be timed in accordance with favourable weather patterns and, where necessary, carried out in stages to enable planting work to commence immediately to minimise risk of wind erosion.

(9) Planting of native vegetation must be sourced from the same ecological district and must use plants that are appropriate for the location considering dune form and function.

E36.6.1.4. The repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures, landward of mean high water springs that may serve as a defence against coastal erosion or inundation

(1) The work must maintain the structure or building in a good and safe working condition.

(2) The work must not use materials which alter the form or external appearance of the structure in more than a minor way.

(3) The work must not change the area occupied by the structure.

Activities in the 1 per cent annual exceedance probability (AEP) floodplain

E36.6.1.5. Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain

(1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters where those flood waters exceed 300mm in depth.

(2) Standard E36.6.1.5(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 1

The following fence designs would comply with Standard E36.6.1.5(1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain:

- post and wire fences and wire mesh fences;
- railing type fences where at least 70 per cent of the surface area of the fence is not solid; or
- solid fences and walls with an opening of sufficient size at flood level that can convey the 1 per cent annual exceedance probability (AEP) flood flow.

E36.6.1.6. Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain

(1) Goods and materials stored in the 1 per cent annual exceedance probability (AEP) floodplain for longer than 28 consecutive days must:

(a) not impede flood flows; and

(b) where capable of creating a safety hazard by being shifted by floodwaters, be contained and secured in order to minimise movement in times of floods; and

(c) be stored in watertight containers if they are hazardous substances.

E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual exceedance probability (AEP) flood plain

(1) Surface parking areas and vehicle entry and exit points to above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain must be located where the depth of flood waters in a 1 per cent

annual exceedance probability (AEP) event does not exceed 200mm above ground level.

E36.6.1.8. Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain

(1) Where the road or accessway serves more than two lots, the road or accessway is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

Qualifying matter as per s77I(a) and s77O(a) of the RMA

E36.6.1.9. New structures and buildings with a gross floor area of up to 10m^2 within the 1 per cent annual exceedance probability (AEP) floodplain

(1) The structure or building is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 300mm above ground level.

Activities in overland flow paths

E36.6.1.10. Fences and walls located within or over an overland flow path that do not obstruct the overland flow path

(1) Any ponding of floodwater caused by any fence or wall must not extend beyond (upstream of or adjacent to) the site.

(2) Standard E36.6.1.10(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 1

The following fence designs would comply with Standard E36.6.1.10(1) above:

(a) post and wire fences and wire mesh fences;

(b) railing type fences where at least 70 per cent of the surface area of the fence is not solid; or

(c) solid fences and walls with an opening at ground level sufficient to convey the overland flow.

Activities on land which may be subject to land instability

Qualifying matter as per s77I(a) and s77O(a) of the RMA

E36.6.1.11. Buildings and structures on land which may be subject to land instability

(1) Buildings and structures located on land which may be subject to land instability must be constructed in accordance with:

Qualifying matter as per s77I(a) and s77O(a) of the RMA

(a) a geotechnical completion report or similar professional report, approved by Council; and

(b) any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.

E36.6.1.12. On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability

(1) On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability must be constructed in accordance with:

(a) a geotechnical completion report or similar professional report, approved or endorsed by Council; and
(b) any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.

Infrastructure:

- *in the coastal erosion hazard area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;*
- *in the 1 per cent annual exceedance probability (AEP) floodplain;*
- *in overland flow paths and*
- *on land which may be subject to land instability*

E36.6.1.13. Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above

(1) Minor infrastructure upgrading of infrastructure must comply with the following (where relevant):

(a) minor re-alignment, configuration, relocation or replacement of electricity, gas distribution, or telecommunication line, pipe, pole, conductors, cross arms, switches, transformers, cabinets or ancillary structures:

(i) that is within 2m of the existing alignment or location; or

(ii) that is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons.

(b) alterations and additions to overhead electricity and telecommunication lines on existing poles:

(i) do not increase the number of conductors or wires/lines by more than 100 per cent; or

(ii) when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6;

(iii) the provisions in E36.6.1.13(b)(i) and (ii) above exclude service connections and lateral network connections;

(iv) include additional cross arms that do not exceed the length of the existing cross arm by more than 100 per cent, up to a maximum of 4m;

(v) additional or replacement electricity and telecommunication lines that do not exceed 30mm in diameter;

(c) the addition or replacement of:

(i) earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunication lines, and earthpeaks; or

(ii) above-ground insulators on the poles;

(d) any pole which replaces an existing pole provided that:

(i) it must not have a diameter or width that is more than the existing pole’s diameter or width at its largest point plus 50 per cent and in the case of double pole 100 per cent, and

(ii) it must not have a height greater than 25m;

(e) modification of an existing pole:

(i) only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as stay wires, anchor blocks, on overhead electricity and telecommunication lines; or

(ii) when modifications to structures are required to meet mechanical loading requirements provided that the height and profile of any modified support structures remains the same as existed prior to the improvements;

(f) the installation of new mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001;

(g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this uses the existing network utility and meets the requirements of E36.6.1.13(c) to (f) above;

(h) the alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes):

(i) there must be no more than a 10 per cent increase in the width, length and/or height of the structure;

(ii) the structure must be located within the 2m of existing alignment or location;

(iii) must not involve a new or relocated outfall structure that discharges to an area outside the influence of the current outfall structure;

(i) the alterations or replacement of water, wastewater, stormwater, gas pipes provided that:

(i) above ground pipes must not exceed 300mm increase in diameter of the pipe;

(ii) underground pipes must not exceed a 50 per cent increase in the diameter of the pipe;

(j) the replacement of any antennae with a new antenna provided that the new antenna does not exceed the maximum dimension of the antenna, or the diameter where it is a dish antenna, by more than 20 per cent, and the overall height of the facility to which the antenna is attached either does not increase or that any height increase is as a result of the antenna size increase only.

E36.6.2. Controlled activity standards

Activities listed as a controlled activity in Table E36.4.1 Activity table must comply with the specified controlled activity standards.

E36.6.2.1. Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.7

(1) Surface parking areas and above ground parking areas (excluding parking on roads) within the 1 per cent annual exceedance probability (AEP) floodplain:

(a) must be located where depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 500mm above ground level; and

(b) vehicles can be contained within the site during the flood event.

E36.7. Assessment – controlled activities

E36.7.1. Matters of control

The Council will reserve its control to all the following matters when assessing a controlled activity resource consent application:

(1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the effects of the location and design of parking;

(b) actions necessary to protect people in flood events; and

(c) the design of containment structures.

E36.7.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

(1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the adequacy of the site design to contain vehicles displaced by flood waters within the site;

(b) whether actions are necessary to ensure that people will not be placed in danger during a flood event when parking or retrieving vehicles; and

(c) the extent to which the containment structures will not result in increased flood hazards upstream or downstream through blockage or displacement of flood waters.

E36.8. Assessment – restricted discretionary activities

E36.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

Activities in the coastal erosion hazard area

(1) for external alterations to existing buildings which increase the gross floor area of the building in the coastal erosion hazard area; for all other buildings and structures in the coastal erosion hazard area; and for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal erosion hazard area:

(a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;

(b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment taking in to account the likely effects of climate change, including sea level rise;

(c) the effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and land form modifications, to address the hazard by way of mitigation; and

(d) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long term likely effects of climate change.

Activities in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

(2) for external alternations to existing buildings which increase the gross floor area of the building in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for all other buildings and structures in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area:

(a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;

(b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment taking in to account the likely effects of climate change, including sea level rise;

(c) the effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and land form modifications, to address the hazard by way of mitigation; and

(d) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long term likely effects of climate change.

Defences against coastal hazards

(3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:

(a) any relevant management strategy, strategic plan or hazard risk assessment relating to the area where hard protection structures are proposed, including the ability to relocate buildings, structures, infrastructure or land uses which the structure is designed to protect;

(b) effects on coastal processes, ecological values, landscape values and visual amenity;

(c) effects on public access and safety;

(d) effects on existing uses and activities (including other infrastructure);

(e) consent duration and monitoring;

(f) the operational or functional need for the structure;

(g) the design, location and construction including:

(i) the ability to locate the structure as far landward as practicable from mean high water springs;

(ii) the ability to use, retain or enhance natural defences non-structural solutions in place of hard protection structures;

(iii) the ongoing management, maintenance and monitoring of structures;

(iv) construction or works methods, timing and hours of construction, including any associated earthworks; and

(v) location, design and materials.

Activities in the 1 per cent annual exceedance probability (AEP) flood plain

(4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:

(a) the design of the fence or wall;

(b) the effects on flood depth and velocity from the blocking or channelling of water; and

(c) the effects of the flood hazard within the site and on other properties upstream or downstream of the site.

(5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the effects of the location of the structures and building platforms;

(b) the effects of flood hazards on the structural integrity of a building or structure;

(c) the effects of storage of outdoor goods and materials;

(d) the effects of the location and design of roads, accessways and parking areas;

(e) the extent of any associated earthworks;

(f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;

(g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;

(h) the effects of the use of spaces under buildings; and

(i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.

(6) for the storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the location, design and management of facilities where hazardous substances are stored, used or disposed;

(b) the potential risk to public health; and

(c) the potential contamination of water.

(7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain:

(a) the design of the device including flood proofing;

(b) the potential risk to public health; and

(c) the potential contamination of groundwater.

(8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the effects that the flooding may have on the function of the device including the potential mobilisation of accumulated contaminants.

(9) for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to $10m^2$ within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9; and all other new structures and buildings (and external alterations to existing

buildings) within the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the effects of the location of the structures and building platforms;

(b) the effects of flood hazards on the structural integrity of a building or structure;

(c) the effects of storage of outdoor goods and materials;

(d) the effects of the location and design of roads, accessways and parking areas;

(e) the extent of any associated earthworks;

(f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;

(g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;

(h) the effects of the use of spaces under buildings; and

(i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.

(10) for use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability(AEP) floodplain:

(a) the type of activity being undertaken and its vulnerability to flood events;

(b) the likelihood and consequences of a flood event in relation to more vulnerable activities;

(c) the possible effects on public safety and other property resulting from the proposed development or activity;

(d) the effects on landscape values, associated earthworks and land form modifications;

(e) the effects on public access;

(f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures or the site and the management of people and property during a flood event;

(g) any exacerbation of an existing flood hazard or creation of a new flood hazard as a result of the proposed activity or development and possible effects on public safety and other property;

(h) the proposed use of, necessity for and design of hard engineering solutions to mitigate the hazard;

(i) the ability to relocate buildings or structures, including the proposed duration of occupation of the buildings or structures, taking into account the long term likely effects of climate change; and

(j) the ability to design, construct and maintain buildings or structures so that they are resilient to the effects of the hazard.

Activities in overland flow paths

(11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:

(a) the design of the fence or wall;

(b) the potential impacts on the overland flow path including all of the following:

(i) the obstruction of flows;

(ii) any change to location and capacity;

(iii) any changes in depth and velocity of flow; and

(iv) any change to overland flow on the site and on other properties upstream or downstream of the site.

(12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:

(a) the potential impacts on the overland flow path including:

(i) the obstruction of flows; and

(ii) any change to location and capacity; and

(iii) any changes in depth and velocity of flow; and

(iv) any change to overland flow on other properties.

(b) the provision of alternative overland flow paths;

(c) the extent of any associated earthworks; and

(d) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided.

(13) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

(a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;

(b) the effects on the location of habitable rooms;

(c) the design of the building and how it provides for safe access and the potential effects of flood hazards on chosen access routes; and

(d) the effects on people during a flood event and the ability to avoid, remedy or mitigate these.

Activities on land which may be subject to land instability

(14) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:

(a) the likely effect of land instability on the design, location and functioning of the device;

(b) the potential risk to public health; and

(c) the potential for contamination of groundwater.

(15) for the storage of hazardous substances on land which may be subject to land instability:

(a) the likely effect of land instability on the design, location and management of facilities where hazardous substances are stored, used or disposed; and

(b) the potential risk to public health.

(16) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m^2 gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:

(a) the type of activity being undertaken and its vulnerability to the potential effects of land instability;

(b) the consequences of the potential effects of land instability in relation to more vulnerable activities;

(c) the possible effects on public safety and other property resulting from the proposed development or activity;

(d) the likelihood of a hazard arising from unstable land event and the likely extent of any damage;

(e) the effects on landscape values, associated earthworks and land form modifications;

(f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property during a hazard event;

(g) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the proposed activity or development and possible effects on public safety and other property;

(h) the proposed use of, necessity for and design of hard engineering solutions for land instability hazards;

(i) the ability to relocate buildings or structures within a hazard area, including the proposed duration of occupation of the structures or building; and

(j) the ability to design, construct and maintain buildings or structures so that they are resilient to land instability hazards.

(17) for all other infrastructure on land which may be subject to land instability not otherwise provided for:

(a) the functional and/or operational need to locate within the hazard area;

(b) the risk of adverse effects to other people, property and the environment including all of the following:

(i) risk to public health and safety;

(ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from land instability hazards;

(iii) the management or regulation of other people and property required to mitigate land instability hazard risks resulting from the location of the network utility or infrastructure;

(iv) the storage or use of hazardous substances in relation to the activity;

(v) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the structure;

(vi) the use of non-structural solutions instead of hard engineering solutions; and

(vii) the ability to relocate or remove structures.

Infrastructure:

- *in the coastal erosion hazard area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;*
- *in the 1 per cent annual exceedance probability (AEP) floodplain;*
- *in overland flow paths and*

- *on land which may be subject to land instability*

(18) Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that do not comply with Standard E36.6.1.13:

(a) the functional and/or operational need to locate within the hazard area;

(b) the risk of adverse effects to other people, property and the environment including all of the following:

(i) risk to public health and safety;

(ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from the natural hazard;

(iii) the management or regulation of other people and property required to mitigate natural hazard risks resulting from the location of the infrastructure;

(iv) the storage or use of hazardous substances in relation to the activity;

(v) any exacerbation of an existing natural hazard or creation of a new natural hazard as a result of the structure;

(vi) the use of non-structural solutions instead of hard engineering solutions; and

(vii) the ability to relocate or remove structures.

E36.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

Activities in the coastal erosion hazard area

(1) for external alterations to existing buildings which increase the gross floor area of the building in the coastal erosion hazard area; for all other buildings and structures in the coastal erosion hazard area; and for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal erosion hazard area:

(a) the likelihood of a coastal hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;

(b) the extent to which site specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;

(c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and

(d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

Activities in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

(2) for external alternations to existing buildings which increase the gross floor area of the building in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for all other buildings and structures in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area:

(a) the likelihood of a coastal storm inundation hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;

(b) the extent to which site-specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;

(c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and

(d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

Defences against coastal hazards

(3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:

(a) the extent to which the structure or works for the structure are located and designed to avoid, remedy or mitigate adverse effects;

(b) the extent to which the structure avoids, remedies or mitigates effects on public access, including pedestrian access, access to the coastline and access to areas of public open space;

(c) the extent of consent duration sought and whether it is necessary for the functional and operational needs of the activity or whether an adaptive management approach can be achieved;

(d) the extent of monitoring required to avoid, remedy or mitigate adverse environmental effects;

(e) whether the construction works can be undertaken at a time that will avoid or minimise adverse effects on marine mammals, roosting, nesting and feeding areas, and recreational users of the coastal marine area;

(f) whether the construction works or methods avoid, remedy or mitigate adverse effects, particularly on water quality and sedimentation;

(g) whether the structure is located and designed to avoid, remedy or mitigate adverse effects on the environment; and

(h) the extent to which material used are compatible with the surrounding coastal environment and where practicable, with the natural material at the site. This includes texture, colour, composition, grain size, level of contamination and potential for leaching.

Activities in the 1 per cent annual exceedance probability (AEP) flood plain

(4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:

(a) whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;

(b) whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and

(c) the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.

(5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) whether the parking area can be located outside of the 1 per cent annual exceedance probability (AEP) floodplain so as not to block or impede the flood hazard;

(b) where the parking area cannot be practically located outside or above the floodplain, how the parking areas can be designed and managed to minimise any increase in flood related risks to people and property on site and to other properties upstream or downstream of the site;

(c) the extent of potential adverse effects resulting from vehicles being mobilised by a 1 per cent annual exceedance probability (AEP) flood event;

(d) whether the building or structure maintains structural integrity during a flood event; and

(e) whether site layout and management can avoid hazardous and floatable materials, including cars and other stored items, being carried off the site.

(6) for the storage of hazardous substances in the1 per cent annual exceedance probability (AEP) floodplain:

(a) the extent to which the proposal ensures that hazardous substances stored in flood hazard areas are protected from flooding, spillage and leakage should a flood hazard event occur;

(b) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and

(c) whether groundwater contamination in a flood event can be avoided.

(7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain:

(a) whether the design of the devise impedes flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;

(b) whether the design of the device is resilient to damage from a range of flood events;

(c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;

(d) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and

(e) whether groundwater contamination in a flood event can be avoided.

(8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:

(a) whether the design of and works or devices impede flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;

(b) whether the design of the works or any device is resilient to damage from a range of flood events; and

(c) whether access to the works or device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route.

(9) for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m^2 within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9; and all other new structures and buildings and (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain:

(a) whether the building platform can be located outside of the 1 per cent AEP floodplain so as not to block or impede the flood waters;

(b) where the building cannot be practically located outside or above the flood plain, how the building can be designed and managed to minimise increase in flood related risks experienced by other properties, including those upstream or downstream such as, maintaining a clear under croft, allowing for the passage of flood waters;

(c) whether buildings likely to be affected by flood waters should be wet proofed or dry proofed to minimise damage to the building and its contents; and

(d) site layout and management to avoid hazardous and floatable materials including cars and other stored items being carried off site.

(10) for new buildings designed to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain:

(a) the likelihood of a flood hazard event occurring and its magnitude and duration, and the consequences of the event, its possible effects on public health, safety, property and the environment;

(b) the extent to which a flood hazard assessment or mitigation plan addresses methods provided to manage activities or uses within the site;

(c) whether sufficient actions can be undertaken to ensure that people will not be placed in danger during a flood event;

(d) the extent to which the proposal and any subsequent land use is likely to exacerbate the flood hazard or create a new flood on the subject land and/ or on any adjacent land; and

(e) whether the building or structure maintains structural integrity during as flood event.

Activities in overland flow paths

(11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:

(a) whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;

(b) whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and

(c) the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.

(12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:

(a) the extent to which the continuity of the overland flow paths both within the site and upstream and downstream of the site will be maintained;

(b) the extent to which and how the effects on other properties from the diversion or alteration of the overland flow path will be avoided or mitigated;

(c) the extent to which and how scouring and erosion will be managed;

(d) the extent to which and how the proposal will avoid, or mitigate adverse effects on stream ecology;

(e) the extent of long-term maintenance proposed, ensuring that, when appropriate, an easement in favour of Council is created to limit further changes to the overland flow path; and

(f) the extent to which design and management measures are proposed to manage risk to a building, its occupants or contents.

(12A) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:

(a) the extent to which the overland flow path is maintained to convey stormwater runoff safely from a site to the receiving environment;

(b) the location of habitable rooms in relation to the overland flow path;

(c) the extent to which the design of the building provides for safe access and the potential effects of flood hazards on chosen access routes; and

(d) the extent to which people are affected during flood events and the extent to which effects are avoided, remedied or mitigated.

Activities on land which may be subject to land instability

(13) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:

(a) the extent to which the location, design and functioning of the devise would be adversely affected by the land instability hazard and how such effects can be avoided or mitigated;

(b) whether the design of the device is resilient to damage from the land instability hazard;

(c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;

(d) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided; and

(e) whether groundwater contamination from the land instability hazard can be avoided.

(14) for the storage of hazardous substances on land which may be subject to land instability:

(a) the extent to which the proposal ensures that hazardous substances are protected from spillage or leakage should a natural hazard event occur; and

(b) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided.

(15) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m^2 gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:

(a) the likelihood of a land instability hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;

(b) the extent to which site-specific analysis, such as engineering, or stability reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;

(c) the extent to which landscape and other environmental values are affected by any works proposed in association with the building or structure or mitigation of the hazard; and

(d) the extent to which any building or structure can be relocated in the event of a land instability hazard occurring.

(16) for all other infrastructure on land which may be subject to land instability not otherwise provided for:

(a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;

(b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;

(c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;

(d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and

(e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.

(17) for operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in the coastal erosion hazard area; or in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; or in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; or in the 1 per cent annual exceedance probability (AEP) floodplain; or in overland flow paths; or on land which may be subject to land instability:

(a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;

(b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;

(c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;

(d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and

(e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.

E36.9. Special information requirements

(1) A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which may be subject to any one or more of the following:

(a) coastal erosion;

(b) coastal storm inundation 1 per cent annual exceedance probability (AEP);

(c) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise;

(d) the 1 per cent annual exceedance probability (AEP) floodplain;

(e) overland flow paths; or

(f) land instability.

The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the effects of climate change over at least a 100 year timeframe.

(2) A hazard risk assessment report must accompany a resource consent application for the subdivision, use or development referenced in E36.9(1) above and must identify whether the land is or is likely to be subject to coastal erosion; coastal storm inundation 1 per cent annual exceedance probability (AEP); coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise; the 1 per cent annual exceedance probability (AEP) floodplain; overland flow paths; or land instability, over at least the next 100 years and, if found to be subject to one or more of these hazards, should provide an assessment, which does not need to duplicate an assessment of environmental effects, which addresses all of the following:

(a) the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;

(b) the type of activity being undertaken and its vulnerability to natural hazard events;

(c) the consequences of a natural hazard event in relation to the proposed activity and the people likely to be involved in that activity;

(d) the potential effects on public safety and other property;

(e) any exacerbation of an existing natural hazard risks or creation of a new natural hazard risks;

(f) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, coastal storm inundation or shoreline retreat;

(g) the ability to use of non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate the hazard, rather than hard engineering solutions or protection structures;

(h) the design and construction of buildings and structures to mitigate the effects of natural hazards;

(i) the effect of structures used to mitigate hazards on landscape values and public access;

(j) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event;

(k) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the effects of climate change; and

(l) any measures and/ or plans proposed to mitigate the natural hazard or the effects of the natural hazard.

Auckland Unitary Plan

Practice and Guidance Note

E36 Overland Flow Paths

This guidance note describes:

1. What are overland flow paths?
2. Where do I find the overland flow path provisions in the Auckland Unitary Plan (Operative in Part) (AUP(OP))?
3. How do I identify if an overland flow path is on my property?
4. What rule of the AUP(OP) applies?
5. Matters to consider when preparing an application
6. Other matters relating to overland flow paths
7. Other guidance
8. Who at Council is involved in assessing applications concerning overland flow paths?

Disclaimer

The information in this practice and guidance note is, according to the Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the practice and guidance note are advised that:

- *the information provided does not alter the Auckland Unitary Plan, Resource Management Act 1991 or other laws of New Zealand and other official guidelines and requirements*
- *this document sets out general principles which may be used as guidance for matters relating to the interpretation and application of the Auckland Unitary Plan; it is not intended to interfere with, or fetter, the professional views and opinions of council officers when they are performing any function or exercising any power under the RMA. Each consent will be considered on a case by case basis and on its own merits*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this practice and guidance note*
- *Auckland Council does not accept any responsibility or liability whatsoever whether in contract, tort, equity or otherwise for any action taken as a result of reading or reliance placed on Auckland Council because of having read any part, or all, of the information in this practice and guidance note or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.*

1 What are overland flow paths?

Overland flow paths are defined in Chapter J of the Auckland Unitary Plan (operative in part) (AUP(OP)) as:

> *A low point in terrain, excluding a permanent watercourse or intermittent river or stream, where surface runoff will flow, with an upstream contributing catchment exceeding 4000m^2.*
>
> *Excludes the following areas:*
>
> - *Constructed depressions and pits within Special Purpose – Quarry Zone*

Overland flow paths can include ephemeral streams, intermittent wetlands and overland portions of the stormwater network.

Overland flow paths convey stormwater. Overland flow paths can be natural or manmade and may follow natural drainage patterns or constructed routes, such as roads, accessways and formed depressions.

Where there is a piped stormwater network, overland flow paths carry water when network capacity is exceeded or where the flow does not enter the piped stormwater system, for example where the entry point is blocked.

Overland flow of stormwater is the most common source of flooding in the region. The maintenance and protection of overland flow paths is important to avoid and minimise the effects of flooding.

2 Where do I find overland flow path provisions in the AUP(OP)?

Activities that affect overland flow paths are generally managed under section 9(3) of the Resource Management Act 1991 (RMA) – district plan provisions. Generally, these are activities which alter, remove or have the potential to affect the operation of overland flow paths.

The primary chapter for managing the effects of activities on overland flow paths is:

- E36 Natural hazards and flooding

The following chapters also include provisions relating to overland flow paths:

- E3 Lakes, rivers, streams and wetlands
- E9 Stormwater quality – High contaminant generating car parks and high use roads
- E10 Stormwater management area - Flow 1 and Flow 2
- E12 Land disturbance – District
- E26 Infrastructure
- E38 Subdivision - Urban
- E39 Subdivision - Rural

There may also be Precinct specific requirements for overland flow paths.

In all cases, consideration must be had to the provisions of E36 Natural hazards and flooding plus provisions of any additional chapters as they may apply.

3 How do I identify if an overland flow path is on my property?

3.1 Using the Council GeoMaps layer

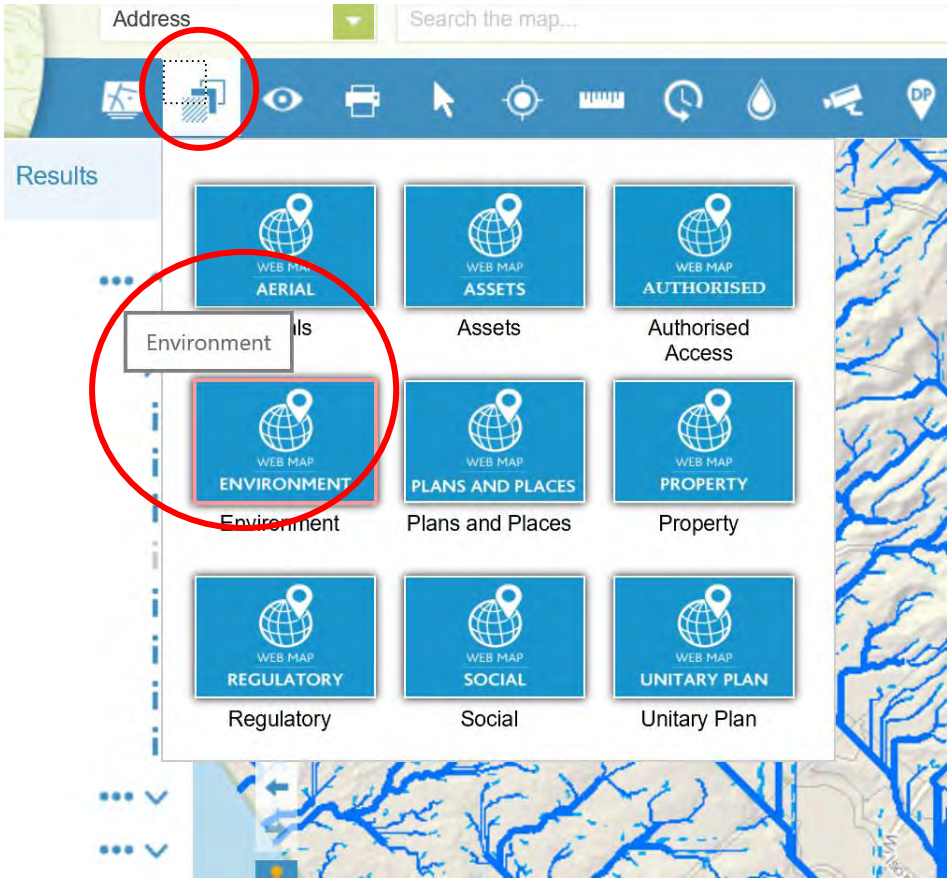
The council website has several guides on how to use the GeoMaps. For example:

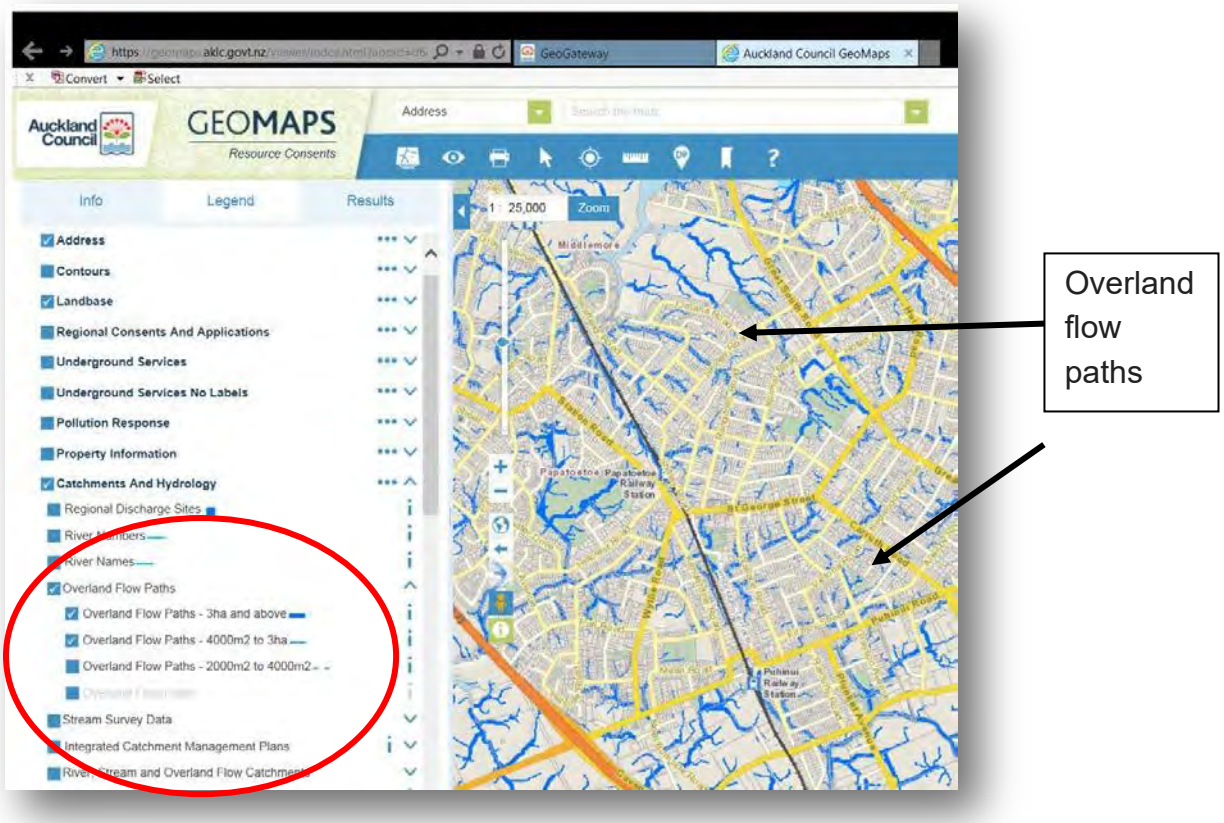
Search layers in GeoMaps

Reorder and display layers in GeoMaps.

The legend to the AUP(OP) maps can be found here.

Council maintains and regularly updates information on the location of overland flow paths in GeoMaps. The relevant map layers can be found under the Switch themes icon/ Environment/ Catchments and Hydrology/ Overland Flow Paths; see below.





The GeoMaps information is indicative only. The AUP(OP) definition of overland flow path includes a note to this effect:

> *Note*
>
> *The Council holds publicly available information showing the modelled Overland Flow Paths in its GIS viewer for specific properties. The Overland Flow Path map is indicative only. A party may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the location, depth or flow characteristics of the Overland Flow Path.*
>
> *Council will continually update the Overland Flow Path map to reflect the best information available.*

GeoMaps does not show all overland flow paths. Some properties will have overland flow paths that are not shown in GeoMaps. Visual inspections may be required to confirm whether an overland flow path exists.

The overland flow path layer in GeoMaps shows water courses in their entirety. Accordingly, the GeoMaps 'overland flow path' layer shows entire watercourses from their commencement as overland flow paths to ephemeral, intermittent and permanent reaches of rivers and streams. These latter components fall outside the definition of overland flow path in the AUP(OP).

GeoMaps shows the indicative centreline for watercourses. GeoMaps cannot be used to determine the width or extent of watercourses. If required, this will necessitate a site inspection.

3.2 Other useful property information

Other publicly available information may be useful to identify the presence of an overland flow path.

3.2.1 Record of title

Legal encumbrances may be noted on the property title e.g. easements, encumbrances or consent notices to maintain and protect overland flow paths, particularly if the Record of Title (previously referred to as computer freehold register) has been issued since 2000.

However, there may have been landform changes since the title was issued or these instruments registered.

3.2.2 Property file

Review the property file. The property file may contain resource consents, LIMs and PIMs that identify and / or modify overland flow paths.

This might include:

- stormwater permits, which require or protect overland flow paths or secondary stormwater flow paths as a condition of resource consent
- subdivision consents (and associated land disturbance) which require provision of overland flow paths. If the s224(c) certificate has been issued, then it is likely that there will also be engineering approvals and / or consent notices
- relevant land use consents.

There may also be site specific technical reports confirming an overland flow path on the site.

4 What rules of the AUP(OP) apply?

Chapter E36 Natural Hazards and Flooding is the primary chapter to address activities within or over overland flow paths.

- Rules E36.4.1 A39 to A42 relate to general activities within or over overland flow paths
- Rules E36.4.1 A52 to A56 relate to infrastructure activities within or over overland flow paths.

Proposed activities within or over an overland flow path as well as another hazard area listed in Table E36.4.1, will need to be assessed against all relevant rules (i.e. the rules for activities in overland flow paths and the rules for activities in coastal erosion hazard areas). The following is a summary of the Chapter E36 rules.

Rule	Activity	Status	Discussion
E36.4.1(A39)	Fences and walls located within or over an overland flow path that do not obstruct the overland flow path.	Permitted	Must comply with standard E36.6.1.10(1) - must not cause ponding beyond the boundaries of the property. Where another chapter of the AUP(OP) requires a specific fence design, e.g., Historic Heritage overlay areas, standard E36.6.1.10(2) states that the non-E36 rule prevails. If a specific fence design is required to address an adverse effect outside a rule or standard e.g., noise, visual, or landscape, E36.6.1.10(2) does not apply, and the specific design must address all adverse effects including those on the overland flow path. If standard E36.6.1.10 cannot be complied with, the fence or wall would be a restricted discretionary activity under C1.9(2). In addition to the matters in C1.9(3), Council will restrict its discretion to the matters found in E36.8.1(11) and relevant assessment criteria.
E36.4.1(A40)	Flood mitigation works within an overland flow path required to reduce the risk to existing buildings from flood hazards.	Permitted	No specific standards apply to these works. However, the works must be required to reduce flood risk to existing buildings. Displacement of risk to other sites is not reduction in risk, and this enabling rule will not apply.

E36.4.1(A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path.	Restricted discretionary	Matters of discretion E36.48.1(12), assessment criteria E36.8.2(12). Modifying the alignment of an overland flow path within a site, but not modifying the entry and exit points or reducing the capacity, will not require a resource consent under this rule. Earthworks that alter the route of an overland flow path within a site must comply with E12.6.2(12). Any pipe that replaces any section of the overland flow path is a restricted discretionary activity. For any pipes that are in addition to an overland flow path, this rule does not apply. For example, where an inlet is installed to take an overland flow path to the piped network in small rainfall events, but the overland flow path route and capacity remain unaltered overall, then this rule does not apply because the overland flow path is technically not 'piped' (i.e. it is still there, the pipe merely increases capacity or improves drainage). However, even if an inlet and pipe are sized and installed to accommodate the overland flow, but the overland flow path route will no longer exist, is reduced in capacity, or will exit the site at a different location, then such piping is a restricted discretionary activity. This is because the pipe entrance may become blocked, or the pipe itself may concentrate the flow at the point of discharge.

E36.4.1 (A42)	Any building or other structure, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path.	Restricted discretionary	Matters of discretion E36.8.1(13). No specific assessment criteria apply. Resource consent is required for any building or structure within an overland flow path, including any building or structure designed to accommodate the passage of 1% AEP flows.
E36.4.1 (A52 - A56)	Infrastructure in overland flow paths - Refer to the AUP(OP) rules	Various	These rules address infrastructure located within or over an overland flow path. No specific standards in E36 apply to permitted activity rules E36.4.1(A53) and (A54). Matters of discretion for E36.4.1 (A55) are found in E36.8.1(18), assessment criteria in E36.8.2(17). E36.4.1(A56) does not list any matters to which council has limited its discretion, nor assessment criteria.
E36.9	Special Information requirement – hazard risk assessment		A hazard risk assessment must be provided with any application for subdivision, use or development requiring resource consent on land subject to an overland flow path, or other hazards. See Rule C1.2(1)(e).

5 Matters to consider when preparing an application

Applicants need to fully assess the natural hazard risks on their site and take the steps necessary to provide safe buildings and sites for owners and occupiers that can meet the outcomes sought by the AUP(OP). Where the requirement for a resource consent is triggered under any rule relating to overland flow paths, the assessment of actual and potential effects should be based on consideration of the likelihood of being exposed to a flood event and the consequences of this, to both the activity being proposed, as well as to activities and sites upstream, downstream and adjacent. An Annual Exceedance Probability (AEP) of 1% should be used as the largest event.

If an overland flow path is identified on a property and activities are proposed that may require resource consent, then the implications of that overland flow path to the proposal need to be considered. You need to confirm:

- the continued existence of the overland flow path, and
- its actual location and extent on the site.

This is to demonstrate whether there is any structure (e.g. children's play structures, garden sheds etc) that can be positioned to change the overland flow path or increase the flow to adjoining neighbours. A civil engineer can assist you with confirming this detail. You should also seek planning advice.

Information requirements typically needed in an assessment would include:

- The size of the contributing catchment, upstream
- The predicted 1% AEP plus climate change and maximum probable development flow rate
- GD01 Stormwater Management Devices Guide graphical flow calculations
- Surveyed ground levels, existing and proposed (note: unimplemented consents can be relevant).

Specifically, E36.9 identifies the special information requirements when subdivision, use or development requiring resource consent is proposed to be undertaken on land which may be subject to overland flow paths.

The level of information required to be provided should be proportionate to the hazard risk and the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. A hazard risk assessment report must accompany any resource consent

application where the land may be subject to overland flow paths. E36.9 (2) describes what should be addressed in the report in detail.

6 Other matters relating to overland flow paths

- An overland flow path protected by a consent notice may need to be varied under section 221 of the RMA to modify the entry or exit point, or for a reduction of its capacity.
- An overland flow path protected by an easement on the Record of Title may require a separate legal process to modify the entry or exit point, or reduction in capacity covered by the easement.
- Auckland Transport must be consulted where a public road or pedestrian access way is proposed to be used as an overland flow path.

7 Other guidance (non-RMA)

7.1 Code of Practice for Land Development and Subdivision

Auckland Council's Code of Practice for Land Development and Subdivision 1 November 2015: Chapter 4 – Stormwater (Stormwater COP) requires detailed design of any modification to a secondary flow path where the catchment exceeds 4000m^2, or for smaller catchments at the Council's discretion.

The Stormwater COP provides the following information that may assist with an engineering assessment:

- Section 4.3.4.2 of the Stormwater COP requires that overland flows in excess of 100 l/s for the 1% AEP event shall be protected by legal easement in favour of the Council or by other encumbrances prohibiting earthworks, fences, and other structures, as appropriate.
- Section 4.3.5.6 of the Stormwater COP specifies the matters to be taken into account when considering a secondary flow path.
- Section 4.3.5.7 of the Stormwater COP specifies freeboard where buildings are proposed to be located in or over overland flow paths.

7.2 The Building Act

The New Zealand Building Code is applicable to overland flow paths. For effects on buildings, the Building Code will take precedence over the Stormwater COP,

however, for instances outside the scope of the Building Code or for the protection of land or effects on others, the Stormwater COP can be applied.

The Building Code applies to all building works, including Building Consent exempted building works in overland flow paths (or secondary flow paths as referred to in the Building Code), irrespective of the size of the contributing catchment, and whether or not the overland flow path is controlled by the AUP(OP).

7.3 Common Law

Common law limitations and restrictions may also apply. Under common law, a property owner is legally required to accept stormwater runoff that would naturally flow onto their property, provided that the flow is not concentrated at the boundary.

7.4 Auckland Council Stormwater Bylaw

In addition to the AUP(OP), persons undertaking works within or over an overland flow path must comply with the Auckland Council Stormwater Bylaw 2015. Bylaw 11 sets out matters in relation to overland flow paths. No person may divert stormwater or obstruct an overland flow path unless they hold an approval under the Bylaw, the activity is a permitted activity under the AUP(OP) or is authorised by a resource consent. Bylaw 11 reads:

11 Obstructions and diversions of stormwater

(1) Unless the council approves otherwise or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent, no person may stop, obstruct, alter, interfere with, or divert any watercourse, flood plain, overland flow path, drain, or wetland on public land, in a manner likely to:

(a) adversely affect the performance of the watercourse, flood plain, overland flow path, drain or wetland;

(b) adversely alter the velocity of stormwater; or

(c) adversely divert the flow of stormwater.

(2) Unless the council approves otherwise or it is permitted in the Auckland Unitary Plan or expressly authorised by an operative resource consent, the owner, occupier, or manager of any premises on private land must ensure that any watercourse, flood plain, overland flow path, drain or wetland on the premises is kept free from obstruction that is likely to:

(a) adversely affect the performance of the watercourse, flood plain, overland flow path, drain or wetland;

(b) adversely alter the velocity of stormwater; or

(c) adversely divert the flow of stormwater.

8 Who at Council is involved in assessing applications concerning overland flow paths?

Council planners are responsible for the processing all resource consent applications. Where works impinge on flood plain, flood prone area, flood sensitive area, or overland flow paths, a Development Engineer will be asked to review the application and assessment of effects on these matters. The planner may also seek input from council's Healthy Waters department.

George Bramer

From: Alvin Jung <alvin@civix.co.nz>
Sent: Friday, 30 September 2022 3:58 pm
To: Unitary Plan
Subject: Unitary Plan Publicly Notified Submission - Plan Change 78 - Sanctum Projects - 35 The Parade St Heliers
Attachments: 35 The Parade - Submission - FINAL.pdf

Hi Unitary Plan team,

Please find attached the submission for 35 The Parade St Heliers on behalf of Sanctum Projects.

Noting that there was an unforseen public holiday during the notification period which redcuced the amount of total working days to submit, please accept this late submission dated 30/09/22.

Contact details

Full name of submitter: Sanctum Projects

Organisation name: Sanctum Projects

Agent's full name: Alvin Jung (Civix)

Email address: alvin@civix.co.nz

Contact phone number: 0277006043

Postal address:
Po Box 5204 Victoria Street West
Auckland
Auckland 1142

Submission details

This is a submission to:

Plan change number: Plan Change 78

Plan change name: PC 78: Intensification

My submission relates to

Rule or rules:
Refer to attached letter

Property address: 35 The Parade, St Heliers

Map or maps: Refer to attached letter

Other provisions:
Refer to attached letter

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Refer to attached letter

I or we seek the following decision by council: Approve the plan change with the amendments I requested

Details of amendments: Refer to attached letter

Submission date: 29 September 2022

Supporting documents
35 The Parade - Submission - FINAL.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? Yes

Declaration

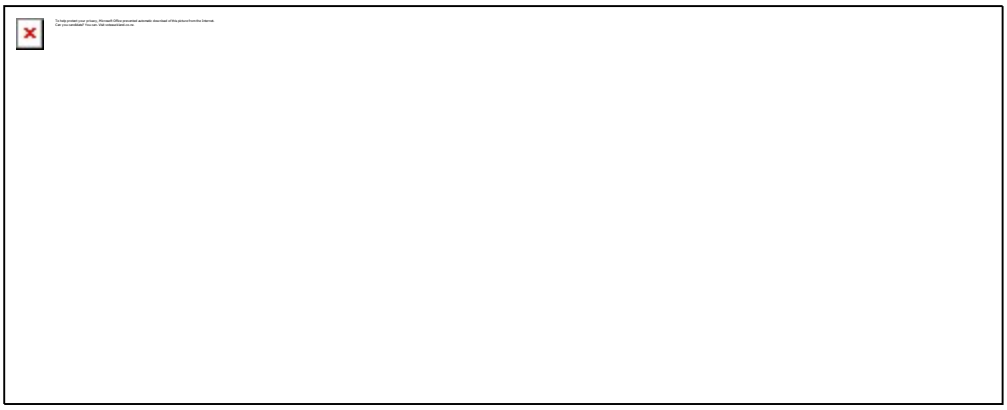
Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



Alvin

Alvin Jung | CIVIX **| Senior Planner | M** +64 27 700 6043 | **W** www.civix.co.nz

+64 9 303 1113
www.civix.co.nz
Level 1, 87 Albert Street, Auckland
PO Box 5204 Wellesley St, Auckland 1141

Auckland Council
Attn: Plans and Policy

30 September 2022

Plan Change 78 Submission – 35 The Parade, St Heliers

To Whom it may concern,

On behalf of Sanctum Projects Limited, we have prepared feedback on Plan Change 78 – Intensification (PC78), which gives effect to requirements of the Medium Density Residential Standards (MDRS). The details of the subject site and any relevant changes are detailed in **Table 1** below.

Table 1: Site details

Site Address & Legal Description	35 The Parade, St Heliers Lot 17 BLK V111 DP 410
Current Zoning	Residential - Mixed Housing Suburban Zone
Proposed Zoning under PC78	Residential - Mixed Housing Urban Zone (MHU)
Qualifying Matters under PC78	• Flood Plains
Summary of Relief Sought	• Support the up-zoning of the site to MHU. • Remove the natural hazards as Qualifying Matters.

An aerial image of the subject site and surrounds is shown below in **Figure 1**.

Figure 1: Aerial image of the site and surrounds from Council Geomaps

Our comments on the relevant provisions of PC78, as they affect the subject site, are detailed below.

Zone Changes

The proposed MHU zoning for the above mentioned sites is appropriate as this enables more intensive development in an area that is under-serviced in terms of variety of housing options, particularly terraced typologies. The intensity of built form the new MDRS standards allow for is also a more efficient use of land.

Qualifying Matter – Natural hazards-Flooding

The Unitary Plan provides for specific natural features or hazards to be mapped in applicable locations, and the associated rules implemented accordingly. Within the mapped extent of the flooding hazard, there are already sufficient protection provisions included in the AUP, but outside of the extent there is no requirement to consider them (ie: there are no rules restricting activities adjacent to an overlay, only within it). The rules within Chapter E36 require hazard assessments to be provided for new structures and dwellings within hazard areas and these rules are applicable regardless of the underlying zoning. This ensures that Council must be satisfied that new development can occur in a manner that is safe and would not increase hazards to surrounding

properties or the wider environment.

Therefore, any further restriction on development via zone controls, as proposed on the subject site, does not address any specific restrictions or respond to a qualifying matter. As such, it would be contrary to the MDRS legislation to not upzone the site to the MHU zone.

Relief sought:

- Remove natural hazards as qualifying matters and instead rely on the existing rules within the AUP to manage intensification in these areas; and 2371.1
- Upzone the site to the 'Mixed Housing Urban' (MHU) zone as required by the MDRS legislation. 2371.2

Kind Regards.

Alvin Jung
Senior Planner
Civix Limited –Planning, Engineering and Surveying
027 700 6043
alvin@civix.co.nz

CIVIX PLANNING | ENGINEERING | SURVEYING

Submission on Auckland Council Plan Change 78

Submitter: Alicia and Chris Bullock

Postal address: 409 Leigh Road, RD5 Warkworth, Auckland
Email: aliciabullock07@gmail.com; chrisbullock07@gmail.com
Phone: 022 034 9553 / 022 378 5463

Avoiding adverse effects of stormwater from development

PC78 requires provisions to recognise and mitigate the adverse effects of stormwater on Auckland's streams. Our streams and their wildlife are already suffering greatly as result of increased stormwater from development. Currently the Council proposes to manage the adverse effects of stormwater via maximum impervious surface standards, eg H4.6.8. This will not achieve the Auckland Council's policies and objectives for water quality, freshwater and marine environments, and for Significant Ecological Areas. Contrary to what is purported in PC78, this will not ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated, and it will not support ecology. Our streams already can't cope with the volume and velocity of stormwater that is discharged into them from impervious surfaces – there will be a major cumulative impact of increased stormwater from developments under PC78. 2372.1

Relevance of Significant Ecological Areas

Council has designated Significant Ecological Areas – see D9: *"Significant Ecological Areas – Terrestrial are identified areas of significant indigenous vegetation or significant habitats of indigenous fauna located either on land or in freshwater environments. In order to maintain indigenous biodiversity these areas are protected from the adverse effects of subdivision, use and development."* Many SEAs have streams, which are used by Auckland Council as part of their Stormwater Network, with major adverse effects resulting in loss of land, habitat and biodiversity. As these streams are on private property, Council takes no responsibility for the impact of this stormwater. SEAs are a qualifying matter for PC78, and the impact of stormwater on SEAs from ***upstream*** development outside the SEAs must not be ignored by Council. 2372.2

Relevance of Hauraki Gulf Marine Park Act

The Hauraki Gulf Marine Park Act (HGMPA) aims to achieve integrated management across land and sea, to ensure the effects of urban and rural land use on the Gulf are given proper attention and the life-supporting capacity of the Gulf is protected. PC78 fails to include the HGMPA as a qualifying matter, one that is extremely relevant given the impact of sediment discharge to Tīkapa Moana / Te Moananui-ā-Toi, as a result of mismanaged stormwater washing the whenua into the sea. 2372.3

Stormwater standards required in PC78

The PC requires addition of standards applying to any development that will ultimately convey its stormwater to a private stream in a Significant Ecological Area. (Likewise, to a public stream, in a reserve for example). In these cases, development upstream must achieve stormwater neutrality - containing and managing its stormwater on site, so that no additional demand is placed on streams from new developments. This is crucial to prevent the adverse impacts of cumulative stormwater (volume, velocity, contamination) on the downstream receiving environment. Such stormwater management must be implemented as a first priority for the development to avoid downstream impacts, including during construction when sediment discharge from earthworks impacts freshwater and marine environments. This approach is vital to protect fragile biodiversity, habitat and taonga species.

2372.4

The PC includes erosion risk to properties through natural hazards as a qualifying matter, but fails to recognise that properties with private streams running through them, relied upon by Auckland Council's Stormwater Network, are facing increasingly damaging erosion and slips as a result of stormwater from development, and exacerbated further by climate change. This should be recognised and provided for in the PC - developments upstream should be responsible for the management of their own stormwater from impervious surfaces (versus natural servitude) and measures should be in place to protect downstream properties from damage.

Evidence of adverse effects

We speak from first-hand experience, which we would like to share as relevant evidence to support our submission. We are members of a community group of neighbours who have been restoring the stream corridor that flows through our properties, and is designated as an SEA. We have all witnessed, and continue to experience, major impacts to the stream and its wildlife, caused by stormwater discharge from development. The stream banks and our land is washing away through major erosion and slips as a result of unmitigated stormwater being discharged into the stream. We have buried our kōkopu and our tuna (eels), all killed as a direct result of upstream development (confirmed by Auckland Council). We grieve their loss.

The ongoing property damage and environmental impact to freshwater and marine ecosystems is completely foreseeable and we have been informing Council since 2018 of the ongoing damage to and loss of stream banks, habitat and ecology as a result of mismanaged stormwater.

Under natural conditions, the stream is of high quality (our group has conducted water testing) with a sustainable flow. As soon as it rains, this changes to a dangerous, dirty, fast flowing torrent that washes land away and impacts the life supporting capacity of the stream. This situation continues to worsen as result of development in the catchment, and will escalate as a result of PC78. Our experience is not unique – Council, developers, engineers and members of other communities all say the same thing – this is happening to streams all over Auckland, and its getting worse.

Our freshwater streams are precious. They are crucial for the life cycles of freshwater wildlife, including taonga species. They hold immense community and cultural value. Auckland Council is failing to recognise Te Mana o Te Wai, failing to ensure that the life supporting capacity of our streams is maintained. Instead our streams are being turned into dangerous stormwater channels, unsafe for both wildlife and humans. Only last week, we had to explain to five year old child why she couldn't play in our stream, and why there are no longer any fish living there. I had to caution her parents to keep her, and themselves well away from the stream if it begins to rain, as it would wash them away. Only 40 years ago, our neighbours' children played safely in the same stream, even in the rain. These losses are a direct result of unmanaged stormwater from development in the catchment – they are not natural.

Sustainable development

To be clear, we do not seek to stop development, we simply seek that development be done sustainably, in a way which puts accountability for stormwater created by such development, on the developments themselves, instead of burdening downstream environments, and the people who live there, with the devastating impacts of mismanaged stormwater.

If nothing is done now, this generation of Aucklanders will see the demise of their streams and the wildlife that relies upon them, and future generations will be completely disconnected from these streams. Auckland Council and developers have the stormwater and planning solutions at their disposal to prevent this from happening, and it is vital that provisions in PC78 are added to protect our precious streams.

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Ms Rosemarie Gough

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

Telephone: Fax/Email: rosegnz@yahoo.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): PC 78; Resource Management Amendment Act

Or

Property Address:

Or

Map: Light Rail Corrider; zoning in Auckland for 3 townhouses per site

Or

Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

Although I agree with the Council's special character qualifying matters in the central suburbs I do not agree with their implementation of such.

Intensification (eg apartment zones) should occur around town centres such as Balmoral (main transport corridor) popular with many residents, many of whom prefer this style of living. Also in town centres such as Kingsland. Outsde of these centres I support qualifying matter.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

1) i support Intensification around town centres in the LR Corridor area such as Balmoral, Kingsland. i also support retaining special character protection qualifying matters for the remainder of those central suburbs further out from these town centres and LRC transport stops. Also some of the non character sites within these protected areas should be able to apply to intensify.

2) I do not support 3 townhouses per most sites in Auckland, revise due to infrastructure, blot on landscape etc.

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☒

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☐

2377.1
2377.2
2377.3
2377.4
2377.5

R. A. Gough
Signature of Submitter
(or person authorised to sign on behalf of submitter)

02/10/2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr William Dunstan Atkinson

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

5 Church Street Devonport

Auckland 0624

Telephone: 272353448 Fax/Email: atkinsonz1@outlook.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Chapter D18 Special Character Overlay Residential as the overlay relates to Devonport

Or

Property Address: 5 Church Street, Devonport

Or

Map:

Or

Other *(specify)*

Submission

My submission is: ***(Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)***

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

Devonport as a whole has many dwellings of villa and early bungalow style design. Many are in excellent condition. Many are in clusters that create an asthetic historic ambience highly valued by the current owners and recognised as an important part of New Zealands Hertiage.

Our end Chuch Street is an historic precinct, buildings from earliest european settlement. All of this can be destroyed by the PC78 Intensification.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Delete the mixed Housing Urban zone altogether. 2378.1

Retain the Special Character Overlay over Devonport . 2378.2

Make Victoria Road shopping area an Historic Heritage Area. 2378.3

Remove Policy 3d from residential areas in Devonport. 2378.4

2378.5

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

N.D. Atkinson

Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/30/2022

Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

NGATI TE ATA WAIOHUA

"Ka whiti te ra ki tua o rehua ka ara a Kaiwhare i te rua"

5th October 2022

PLAN CHANGE 78

Auckland Council NPS(UD) Plan Change
Ngāti Te Ata Waiohua Submission

Tena Koe

Please accept this LATE SUBMISSION

This submission is being made on behalf of Ngāti Te Ata Waiohua (Ngāti Te Ata).

Within the wider landscape of Tāmaki Makaurau (Auckland) lay the settlements of the Te Waiohua people (the original inhabitants). Members of the Tainui waka settled around the isthmus and began to intermarry with the ancestors of Te Waiohua.

It was this intermarriage and the development of other bonds between the people that settlement established.

Ngāti Te Ata Waiohua descend from both groups. As the descendants (current generation) we are kaitiaki and we have inherent responsibilities to ensure that we can protect and preserve our taonga for future generations. All areas in Tāmaki Makaurau that have Waiohua history and traditional association attached to them are of significant importance to Ngāti Te a Waiohua of today.

Whakapapa/Genealogy

Te Huakaiwaka = Rauwhakiwhaki

(Origin of Te Waiohua)

|

Huatau

|

Te Ata i Rehia = **Tapaue**

(Origin of Ngāti Te Ata) (Waikato Tainui)

It is appreciated that the forthcoming NPS (UD) plan change arises from a government mandate and that Council is grappling with what it must do, and within a tight timeframe.

These constraints impact on mana whenua as well. Ngāti Te Ata Waiohua thanks Auckland Council staff for arranging the hui and workshops on this matter, and for arranging for an independent planner to assist us.

In that respect NPSUD Policy 9 is relevant, i.e.:

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***.

Ngāti Te Ata Waiohua cannot be confident that it has had sufficient time for our responses at this stage to be comprehensive and in that respect considers Council's obligations under Policy 9 continue (after the current deadline date of 24 June). Ngāti Te Ata Waiohua seeks further consultation on the issues raised in this feedback prior to Auckland Council reaching its final decisions on the content of the plan change.

General Support

Ngāti Te Ata Waiohua supports Council's current proposals as listed below:

- Precincts that recognise and protect Māori cultural values being treated as Qualifying Matters and those protections to be retained. 2392.1 2392.2
- Retain all volcanic viewshafts at current locations and heights. 2392.3
- Retaining all height sensitive areas in current locations with new density controls (coverage and landscape). 2392.4
- Outstanding Natural Feature Overlay retained as a Qualifying Matter and all mapped areas retained. 2392.5
- No intensification of public open space and no public open space to be affected by intensification. 2392.6
- The Sites and Places of Significance Overlay to remain as a Qualifying Matter. 2392.7
- Require a resource consent process for intensification in residential areas with limited water and wastewater capacity. 2392.8
- Maintain relevant standards like the current maximum impervious area controls. 2392.9 2392.10
- Additional controls to ensure stormwater is discharged. appropriately, including areas where a connection to the public stormwater line is not available and ground soakage is poor 2392.11
- The existing SEA overlay to be retained as a Qualifying Matter and no mapping is proposed to change. 2392.12
- No rezoning of either Future Urban Zone land or other non-residential sites through the NPS-UD. 2392.13
- Three scheduled urupā sites that have been identified in residential zones to be subject to a more stringent activity status of Non-Complying Activity for any new buildings and structures and building alterations and additions where the building footprint is increased. 2392.14

Specific Sites / Areas

<u>Pukekiwiriki (Pukekoiwiriki) Pā Historic Reserve</u>

Pukekiwiriki Pā is located within a Historic Reserve in Red Hill Road, Papakura (see the aerial map below).

The importance of this pā is well-documented. It is a historical stronghold of Papakura and a significant taonga to mana whenua including Ngāti Te Ata Waiohua. Three scheduled urupā sites that have been identified in residential zones to be subject to a more stringent activity status of Non-Complying Activity for any new buildings and structures and building alterations and additions where the building footprint is increased.

.

The pā site and its surroundings is also highly significant geologically and ecologically, as represented by the AUP overlays that currently exist.

The residential area to the west of the pā is currently zoned Residential-Mixed Housing Suburban, i.e. a 2 storey medium density zone. That zoning, while currently existing, is already a concern to Ngāti Te Ata Waiohua given the density of development that could occur right up to the boundary of the Historic Reserve.

The April indicative mapping released by the Council is as shown on the map below.

A Residential-Mixed Housing Urban Zone is proposed along the northern boundary of the Historic Reserve, and land further to the west. This is the standard "MDRS" zone, i.e. containing all the MDRS standards including 3 stories and 6m + 60º height to boundary.

Through the further consultation to date, Ngāti Te Ata Waiohua has been informed that this zoning may also end up applying to the land adjoining the southern part of the Historic Reserve boundary (given application of the SEA-determining thresholds).

Ngāti Te Ata Waiohua opposes the MHU Zone being introduced in the area shown bounded in red on the map below. The development enabled by this zoning will have unacceptable adverse effects on Pukekiwiriki Pā including development height and bulk dominating and being out of character and compromising views of the pā, as well as the significant geological and ecological resources existing within that area.

Auckland Council will be familiar with RMA Section 6(e) being a relevant "qualifying matter". Section 6(e) states that the Council shall recognise and provide for: 2392.15 2392.16

> ***(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga***

Ngāti Te Ata Waiohua considers the area of concern has an important "relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga". Section 6(e) should be included by Council as a qualifying matter in this area.

As to what the replacement should be for a MHU zoning, Ngāti Te Ata Waiohua seeks a Low-Density Residential zoning as best reflecting its concerns. Through consultation to date mention has also been made of a height variation control (to 2 stories) on the MHU zoning. While that would be better than an unmodified MHU zoning this would still not address

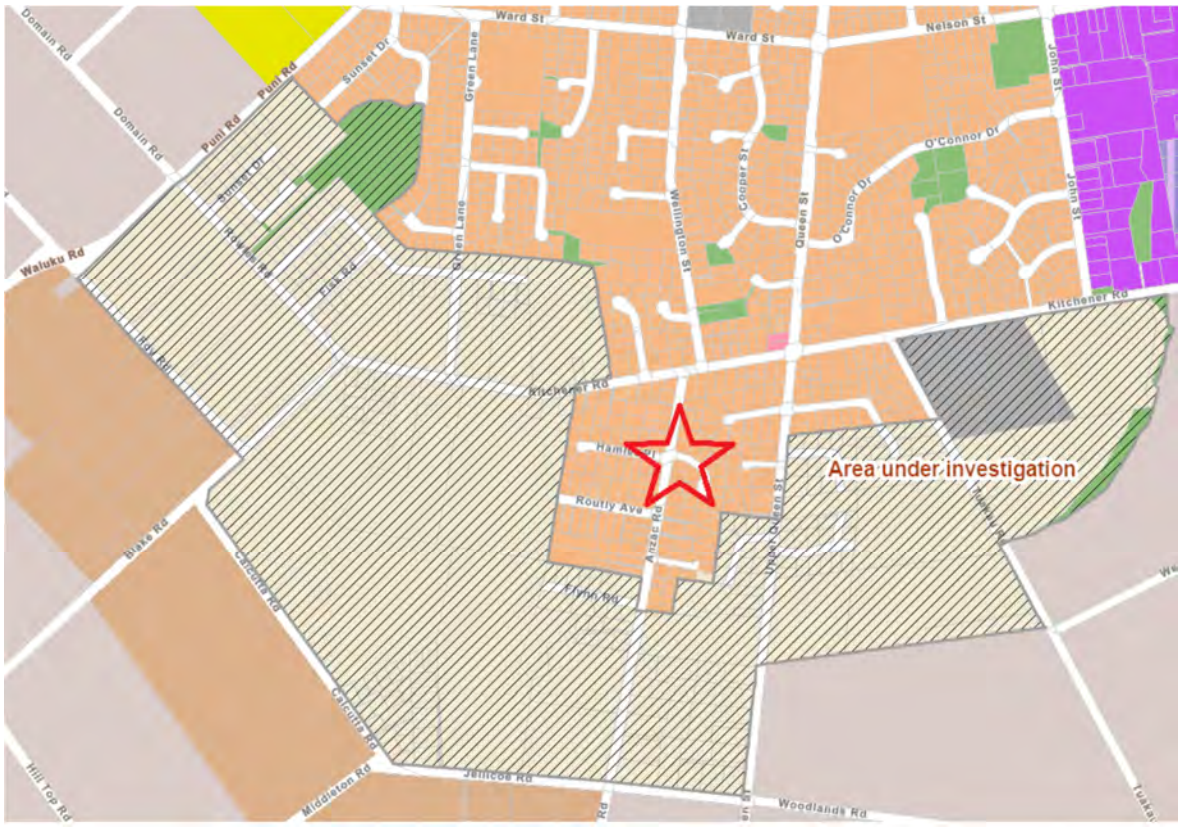
āconcerns Ngāti Te Ata Waiohua has about other parts of the MDRS, including the height in relation to boundary and coverage standards.

Pararekau Island

It is understood that Council proposes a Low-Density zoning for Pararekau Island. Ngāti Te Ata Waiohua supports that zoning, however as a qualifying matter RMA Section 6(e) is relevant, as well as the current basis of coastal erosion. Auckland Council holds documentation already that justifies the relevance of Section 6(e). This can be supplemented as necessary through further consultation with Ngāti Te Ata Waiohua. 2392.17 2392.18

Pukekohe Hill

The upper slopes of Pukekohe Hill are I rural zonings, with the lower slopes in Single House zoning. It appears, from the April indicative mapping, that a Low-Density Zone may still be applied in that area covered by Pukekohe Hill sub-precinct A. However, the area at the bottom end of Anzac Road is proposed to be rezoned MHU (i.e., the MDRS Zone). Ngāti Te Ata Waiohua considers that area – marked with a star on the map below, should be in the new Low-Density Zone. While it may be considered that, being outside the precinct, that area is considered less important than land within the precinct, the change from a single dwelling, 8m height limited one to an 11m terraced housing zone is significant and inappropriate for this location on the lower slopes of the Hill. Ngāti Te Ata Waiohua seeks that Auckland Council give urgent attention to engaging an appropriate review of this area, which will include a landscape / character analysis and further consultation with Ngāti Te Ata Waiohua. 2392.19 2392.20 2392.21



Heoi
Na

Karl Flavell
Manager Te Taiao
Ngaati Te Ata Waiohua
Ph: 027 9328998

Sarah El Karamany

From: Katherine Mason <katherinemason1@gmail.com>
Sent: Friday, 30 September 2022 5:14 am
To: Unitary Plan
Subject: Fwd: Submission on Plan Change 82 and more
Attachments: The Mays' Buildings & other places, K.Mason.pdf; Form 5 Submission by Katherine Mason.pdf; 20220928 Submission by Katherine Mason.pdf

Follow Up Flag: Follow up
Flag Status: Completed

So sorry...it bounced the first time ....

---------- Forwarded message ---------
From: **Katherine Mason** <katherinemason1@gmail.com>
Subject: Submission on Plan Change 82 and more
To: <tounitaryplan@aucklandcouncil.govt.nz>

Dear Sir/Madam,

Please find enclosed my submission mainly in relation to Plan Change 82, but also touching on Plan Changes 78 & 81. In particular I am suggesting additional information / amendments in relation to the Mays' Building (01122), and other related places including:

a. 9 Mays Street (01113)
b. Holy Trinity Church and Hall (01099)
c. Takapuna Grammar School (01111)
d. Execution Site (011161)
e. The Pumphouse (01054)
f. Devonport Post Office (01121)
g. The Windsor Reserve area including the fountains dedicated to John Peard Mays

I've had a frustrating time, with a new pdf viewer... but hopefully have it sorted now! My submission has taken me days, but it's been most interesting and I hope it is beneficial.

Please can you allow appropriate time for me to present at the hearing, as I have additional information, and historical context, that may prove valuable to consider in the reviews. I believe the hearing is an important and significant part of the Plan Change process, and look forward to being involved.

Best Regards,
Katherine Mason

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Katherine Anne Mason

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

Rockcliff, 6A King Edward Parade, Devonport, Auckland

Telephone: 21955204 Fax/Email: katherinemason1@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 82

Plan Change/Variation Name: Amendments to Schedule 14 Historic Heritage Schedule

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): 01122, and more, as per attached Submission

Or

Property Address: 5 -15 and 17-19 Victoria Road, Devonport, and more.

Or

Map:

Or

Other *(specify)*

Submission

My submission is: ***(Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)***

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☒

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

Please refer attachment.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Add additional heritage values, as per my attachment and future presentation

Reconsider the Categories to become A, rather than B, in the places identified

Reinstate the Execution Site Plaque (01161) into the schedule.

I wish to be heard in support of my submission ☒

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Signature of Submitter
(or person authorised to sign on behalf of submitter)

29/9/22
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

SUBMISSION INFORMATION

Regarding Plan Change 82

Amendments to schedule 14 Historic Heritage

– Katherine Mason

1. I currently live in Devonport and my family has a long association with the area. I am concerned that many of our historic places are being changed from A* to B.
2. The Unitary Plan states that Category A* is an interim category *until a comprehensive re-evaluation of these places is undertaken and their category status is addressed through a plan change process*. My research to date shows some omissions and errors in several reviews. I suggest that these be corrected or considered, when re-evaluating the Category on these historic places.
3. One such place is the Mays' Buildings. The review states "There is no evidence of an exact date of construction" as well as "There is no known architect or designer…", however this information is readily available.
4. The NZ Herald (16 September 1882) refers to "Mr Mays large brick store, being erected at a cost of £2000, for which Mr James Mays is the contractor, and Mr E.Bartley is the architect."
5. The Auckland Star (18 January 1883) provides even more detail: "The old wooden stores and dwelling house for many years occupied by Mr O. Mays at North Shore, were recently moved to Wynyard-street, and in their place **a handsome two-storey structure of brick has now been erected at a cost of £2000**. **Mr Edward Bartley** being the architect and **Mr James Mays** the builder. The new building covers a ground space of 67ft x 60 ft. Mr Mays' store now occupies one half of the premises, the ground floor being utilized as a general store and upstairs onr capacious storeroom, while from the back a gateway leads to the livery stables recently leased to Mr Quick, who has also bought the coaches, &c, belonging to it. The other half of the building is subdivided into two shops, one of which is let to Mr Parker, plumber, in view of the introduction of gas in April next. The second shop is not yet occupied. **The whole building is a credit both to the builder, owner and the district."**
6. The reference to the devastating Devonport fire needs to be amended to 1888 (not 1885). Additional information includes the exact location of the fire and the link to Mr Oliver Mays and his brother James Mays. While James lost his buildings next door, Oliver's brick building stopped the fire spreading south, thus saving the Esplanade Hotel. There is also a lovely historical mention of baking bread, for all the volunteers, in Mr Oliver Mays' ovens - which are still visible in the arcade today.
7. The links between this building and other historical places, ideas and events, is considerable, including:
    a. the two fountains, dedicated to Oliver's son, John Peard Mays who died during the Boar War
    b. the Wynyard Street seat displaying Oliver's historical Granite Stone and plaque
    c. numerous initiatives that James (through Mays & Gordon) and Oliver (as Chairman of numerous Boards) instigated or built, including the Pumphouse at Lake Pupuke

which brought water to Devonport, construction of Dominion Road, the Calliope Dock and the Devonport District School on Mt Victoria

d. due to its special location the building has been involved in many events over the last 140 years, with the Arcade providing a linkage through the village. The first world war memorial faces towards this building, and the annual Anzac and Christmas parades are held within the immediate vicinity. There is a lovely photo of Queen Elizabeth walking in front of this building in 1963, with spectators on the second storey enjoying the perfect view.
e. Several ideas were instigated in relation to the Mays' buildings. After it's brick walls prevented the 1888 fire spreading south, the replacement buildings to the North were built of brick. Improvements were also made to fire services and reticulated water was more hotly sought!

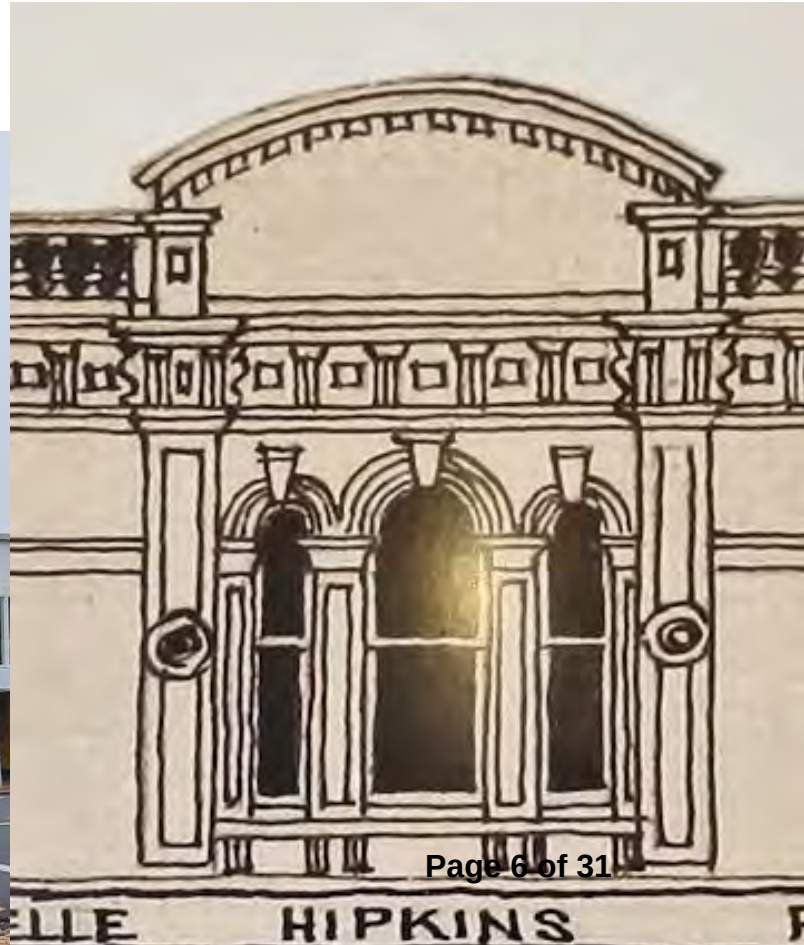
8. This building has particular significance to Devonport, and to the wider region. The articles, photos and links to its history support a conclusion that the Historical, Social, Technology and Knowledge criteria are considerable and that the Mays Buildings should be protected under the Category A status.
9. Similarly I would like to provide additional information supporting the following places to have additional/amended Heritage Values and the Category revisited:
    a. 9 Mays Street (01113)
    b. Holy Trinity Church and Hall (01099)
    c. Takapuna Grammar School (01111)
    d. Execution Site (011161)
    e. The Pumphouse (01054)
    f. Devonport Post Office (01121)
    g. The Windsor Reserve area including the fountains dedicated to John Peard Mays

10. Regarding other plan changes, Devonport is a community that strongly appreciates and values our heritage. I believe our historic commercial buildings, and surrounding residential areas, should be protected and suggest amending the Special Character Areas and ensuring that Victoria Road be identified as an Historic Heritage Area. 2393.1 2393.2 2393.3
11. As the great grand-daughter of James Mays, I look forward to presenting additional information on these heritage places, and suggested amendments, at the hearing. Thank you, in advance, for your time, patience and expertise.

Additional information

submitted
by Katherine Mason

In relation to the Mays' Buildings
and other heritage places in Devonport.



The Mays' Buildings:
5-15 and 17-19 Victoria Road

5-7 VICTORIA ROAD - LOT 29

Prior to 1905 the building on this site constituted a two-storey wooden dwelling with a shop at the front and right hand side of the property. The shop had the following proprietors.

William Willey 1881/82 - 1889
Baker & Confectioner

George Johnston 1889 - 1900
Baker

R. McGarry 1900 - 1902
Baker & confectioner, tearooms
Post Office (Postmaster - George G. Blandford)

C. R. Waddell 1902 - 1903
Baker & confectioner, tearooms
Post Office (Postmaster - George G. Blandford)

Richard S. James 1903 - 1904
Baker & confectioner, tearooms
Post Office (Postmaster - George G. Blandford)

John C. Legge 1904 - 1906
Baker & confectioner, tearooms
Post Office (Postmaster - George G. Blandford)

Benjamin Lane 1907 - 1919
Baker & confectioner, tearooms
Post Office (Postmaster - George G. Blandford)

In 1909 this site was redeveloped with the old building being demolished and a two-storey building constructed in accordance with plans prepared by noted Devonport architect, Edward Bartley. It became an extension to the Oliver Mays building adjacent (9 - 25 Victoria Road). The style of the addition was designed to match that of the Mays building with the stone detailing.

Tudor & Co. 1920
Bakers & confectioners, tearooms

A. Corrlaghan 1921
Baker & confectioner, tearooms

Ernest Frood 1922 - 1928
Baker & confectioner, tearooms

Elsie Gardiner 1929 - 1931
Florist & tearooms

The Modern Home Kitchen 1935 - 1936

9 - 11 VICTORIA ROAD - LOT 28

Oliver Mays bought lots 27 and 28 in 1872 and it is highly probable that he had this building built then.

Oliver Mays 1873 - 1883
General store, bakery & Post Office

T.J. Press 1883
General store, bakery & Post Office

J. Lilewall 1884 - 1888
General store, bakery & Post Office

D.A. Nairn & Co. 1889 - 1897
General store, bakery & Post Office (Postmaster - George.G. Blandford)

Johnston & Noble 1898 - 1905
Grocers

D.E. Woollams 1906 - 1908
Stationer

At this point these premises were divided into two shops.

Robert J. McDonald 1908 - 1913/14
Bootmaker

E.A Gee 1913/14 - 1915
Jewellers

Gee & Beck 1915 - 1925/26
Jewellers

Frank W. Beck 1925/26 - 1935/36
Jewellers

D.E. Woollams 1908 - 1913/14
Stationer

George Toiman 1913/14 - 1917/18
Stationer

Miss M.A. Sinclair 1917/1918 - 1925/26
Stationer

D.H. Ballantyne 1925/26 - 1926/27
Stationer

S.A. Horlock 1927 - 1931
Stationer & gramophone dealer

M. McNicol 1931 - 1935/36
Stationer & gramophone dealer

Then F. Beck took over M. McNicol's premises.

Frank W. Beck 1935/36 - 1941
Jewellers, stationer, gramophone dealer

1941 - 1953
Jewellers

Frank W. Beck 1953 - 1973
Jewellers

Northbridge Six Jewellers 1973 - 1977

Devonport Watchmakers & Jewellers Ltd. 1977 - 1978

Beck's Books & Stationery 1953 - 1959

A.K. Little Booksellers & Stationery 1959 - 1975

Rose's Stationery 1975 - 1978

The two shops were then converted into one shop again.

Rose's Stationery 1978 - 1982

Paul Titchener's Stationers 1982 - 1990

Hayward's Paper Power 1990 - present (2010) Stationers

13 VICTORIA ROAD - PART LOT 28

Prior to 1905 this part of the Oliver Mays building was, at ground level, an arched passageway which led through to stables (owned by Mr. Quick followed by Mr. Patterson) at the rear of the premises. The passageway was then infilled to create premises.

rith & Son Hairdressers

illiam R. Johnson & Son

ar Divan Rothschild 19
acconist/Hairdresser

ah Hipkins 1912 - 1931
cconist

Williams 1935 - 1964/6
er

ngs Trade Centre (Applia

rick Oven 1985 - 1987

rthole Pantry 1991 - 199

t of the Oliver Mays build
ack into a passageway, th
g Victoria Road and Wyn
ed to incorporate some sh

- 2010 they have include

e Café

ans

don

ellery

d Craft Gift Shop

ngerie

15 VICTORIA ROAD - I

Up until 1872 there had been a two-storey house on this site t
William Newman, bakers as a dwelling and a baker's shop.

The northern wall (on the right) of this part of this brick build
owned by Oliver Mays, protected it and the other buildings to
1888 that broke out next door (17 Victoria Road).

William Avenell 1884/1885 - 1896
Butcher

George White 1896 - 1900
Butcher

R & W Hellaby & Co. Ltd 1901 - 1907
Butcher

Samuel Parker & J.C. Spinley 1885/86 - 1889
Plumbers & gasfitters

Oliver Mays 1890 - 1891

J.C. Spinley 1891 - 1900
Plumber

1900 - 1901
Stationer

Fordham's Drapers 1902 - 1907

At this point the two premises were merged to become one shop.

Mrs Matilda Fordham 1908 - 1918
Drapers

The Red Post Furnishing Co. 1918 - 1937

Sterling Stores Ltd 1937 - 1946
Fancy goods

Sterling Stores Ltd 1946 - 1961
Ironmongers

Sterling Stores Ltd 1961 - 1988
Hardware, home appliances, marine supplies

Clive's Decorating 1989 - 1993

Evergreen Books 1994 - present (2010)
Second-hand booksellers

17-19 VICTORIA ROAD -

Alexis Gaeth 1884/85 – 1888
Tobacconist & barber

In the early hours of 19th February 1888 a fire started in this shop and it caused much destruction as it travelled northwards blown by a southwest wind towards Clarence Street.

Mrs McGuiness 1884/85 - 1888
Dressmaker

After the fire a new building was built. John Patterson, a mariner, is recorded as having owned and occupied this property until 1893. Then James Dunning, a builder, from 1893 to 1896.

Alfred Catchpole 1897 - 1900
Fruiterer & greengrocer

William Verran 1897 - 1899
Butcher

Johnson & Winter 1900 - 1901
Fruiterers & greengrocer

A.R. Millar 1899 - 1901
Grocer

M.M. Rowland 1901 - 1902
Fruiterer & greengrocer

Edward Swan 1901 - 1903
Grocer

James Willetts 1902 - 1904
Fruiterer & greengrocer

Alex Campbell 1903 - 1908
Grocer

Joseph Carlyon 1904 - 1906
Fruiterer & greengrocer

Mr. Empson 1908 - 1910
Grocer

Alfred Williams 1906 - 1908
Fruiterer

D.J. Morgan 1910 - 1912
Grocer

Thomas Beamish 1908 - 1909
Fruiterer

Oliver Mays

"1/4 length portrait of Oliver Mays, Devonport's first postmaster and Immigration Officer, and Superintendent of Quarantine for the port of Auckland. Longtime member of the Devonport Borough Council."

Auckland Libraries Heritage Collections 1360-163; **Record ID** 1360-163

Auckland Star, 18 January 1882

The old wooden stores and dwelling-house for many years occupied by Mr O. Mays at North Shore, were recently removed to Wynyard-street, and in their place a handsome two-storey structure of brick has now been erected at a cost of £2,000, Mr Edward Bartley being the architect and Mr James Mays the builder. The new building covers a ground space of 67ft x 60ft. Mr Mays' store now occupies one-half of the premises, the ground floor being utilised as a general store, and upstairs one capacious storeroom, while from the back a gateway leads to the livery stables recently leased to Mr Quick, who has also bought the coaches, &c., belonging to it. The other half of the building is subdivided into two shops, one of which is let to Mr Parker, plumber, in view of the introduction of gas in April next. The second shop is not yet occupied. The whole building is a credit both to the builder, owner, and the district.

NZ Herald
16 Sept 1882

Taking the Beach-road, there are the additions to the Flagstaff Hotel, at a cost of £1500, for which Messrs. Scott and Chambers are the contractors, and Messrs. Mahoney and Son the architects; Mr. Mays' large brick store, being erected at a cost of £2000, for which Mr. James Mays is the contractor, and Mr. E. Bartley is the architect: an eighteen-roomed lodging-house, is being erected by Mr. John Owens, at a cost of £1000, and for which Mr. Bartley is also architect; additions to Mr. Featherstone's residence, costing £1000, Messrs. Leigh Brothers, contractors, and Mr. P. Herapath architect; Messrs. Duder Brothers' large refreshment rooms, costing £1500, and being erected by Messrs. Wilson and Co.; three houses are also going up for letting purposes, at a cost of £1000, for Captain Slattery, and of which Mr. Bartley is

Edward Bartley
Architect

Edward Bartley designed some of Auckland's most impressive buildings, including the:

- Mays' Building in Victoria Road
- Jewish Synagogue on Princess Street, and
- more than 20 churches.

Edward Bartley 1596734464205
pg 26 1970 Devonport Primary School Reunion

PhotoScan by Google Photos

1885 – From Mt Victoria

Image published in an early magazine showing a view of Devonport looking south. Taken from Mount Vitoria.

Looking from Mt. Victoria, over Victoria Road, 1885.

Please acknowledge Auckland Libraries Heritage Collections D_GVDC_0015

THE FIRE FIEND.

DEVONPORT DEVASTATED

NINE SHOPS AND SEVEN DWELLINGS BURNT

NO WATER SUPPLY

EARLY on Sunday morning a most disastrous fire broke out in Victoria Road, Devonport. Owing to the want of an efficient water supply the fire spread until at length nine shops and seven dwelling -

The flames quickly enveloped the house in which the fire started, and then spread to the adjoining block belonging to Mr James Mays. The brick wall of Mr O. Mays's block formed a barrier which precluded the spread of the fire seawards. otherwise the Flagstaff Hotel must also have been destroyed

Auckland Star, 20 Feb 1888

View from Windsor Reserve, Devonport 1890 to 1899.

A view taken from Windsor Reserve, Devonport looking north towards Mt Victoria.

Featured landmarks are the band rotunda (designed by Edward Bartley), the fire bell tower, the Devonport Borough Council Chambers and **businesses on Victoria Road.**

Auckland Libraries Heritage Collections
D_GPW_0006

1894 Women's Suffrage

In this illustration from an 1894 publication, a group of well-dressed women in Devonport, Auckland, gather outside their borough council chambers, preparing to vote in the 1893 general election.

NEW ZEALAND INTRODUCES WOMEN'S SUFFRAGE : "Female suffrage has made much greater headway in New Zealand than at home. Not only did the women exercise their new right at the recent general elections, but a member of the fair sex has been elected Mayor of Onehunga. The women at the Borough Council Chambers exhibited unmistakable signs of triumph during the morning's Poll, for in working hours they were in possession of the whole field"

Alexander Turnbull Library, Making New Zealand Centennial Collection (PAColl-3060)

1899 auction sale by Mr. W. Parsons.

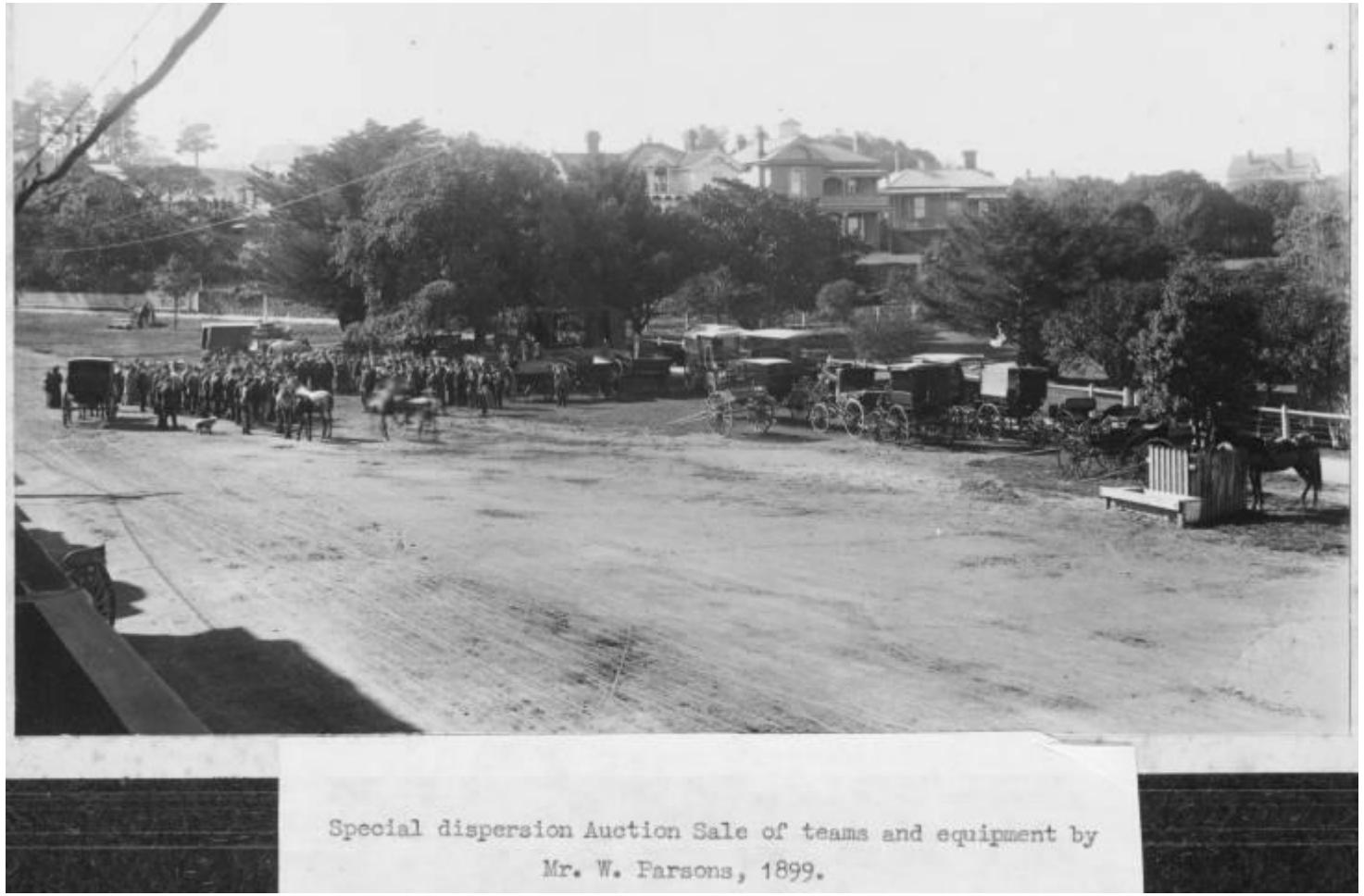
Special dispersion auction sale of teams and equipment by Mr. W. Parsons.

View from the bottom end of Victoria Road with Windsor Road on the right, looking north towards Mt. Victoria (just visible left background).

Hoses and horse-drawn carriages lined up while potential buyers inspect them.

Note overhead cable upper left corner.

Auckland Libraries Heritage Collections D_GSV_0010_0



Children of Oliver Mays

Children of Mary Jane (Clarke) and Oliver Mays.
Full length group portrait showing:

- Selwyn Mays (1875-1954) (standing),
- Arthur Augustus Mays (1880-1945) (left),
- John Peard Mays (1879-1901) (right).

Record ID: 1360-168; Creator: Andrew,Thomas
Date Period: 1880-1889 1890-1899
Classification No. Originals Collection Accessions Sequence 1360 (Original) 920.09 MAY (Photocopy in Public Reference File

1902 John Peard Mays

MEMORIAL TABLET TO THE LATE J. P. MAYS.
To be unveiled to-morrow (Thursday) in Devonport School.

Record ID: NZG-19020215-318-1
Creator: Vaile**. Date** 15 February 1902
Taken from the NZ Graphic, 15 February 1902, p318

Vaile, **photo.**

MEMORIAL TABLET TO THE LATE J. P. MAYS.

To be unveiled to-morrow (Thursday) in Devonport School.

1902: South African War peace celebrations on King Edward Pde.

Devonport South African War peace celebrations along King Edward Parade, August 9, 1902.

Flags strung across street and people gathered.

The Mays' building stands proudly, in the background.

Auckland Libraries Heritage Collecti ons D_PE_0013

1902 Cadets, Oliver Mays Chairman

Showing the children and cadets of the Devonport school being addressed by the headmaster, Mr Armstrong, and the Chairman of the school committee, Mr Oliver Mays, as part of coronations celebrations

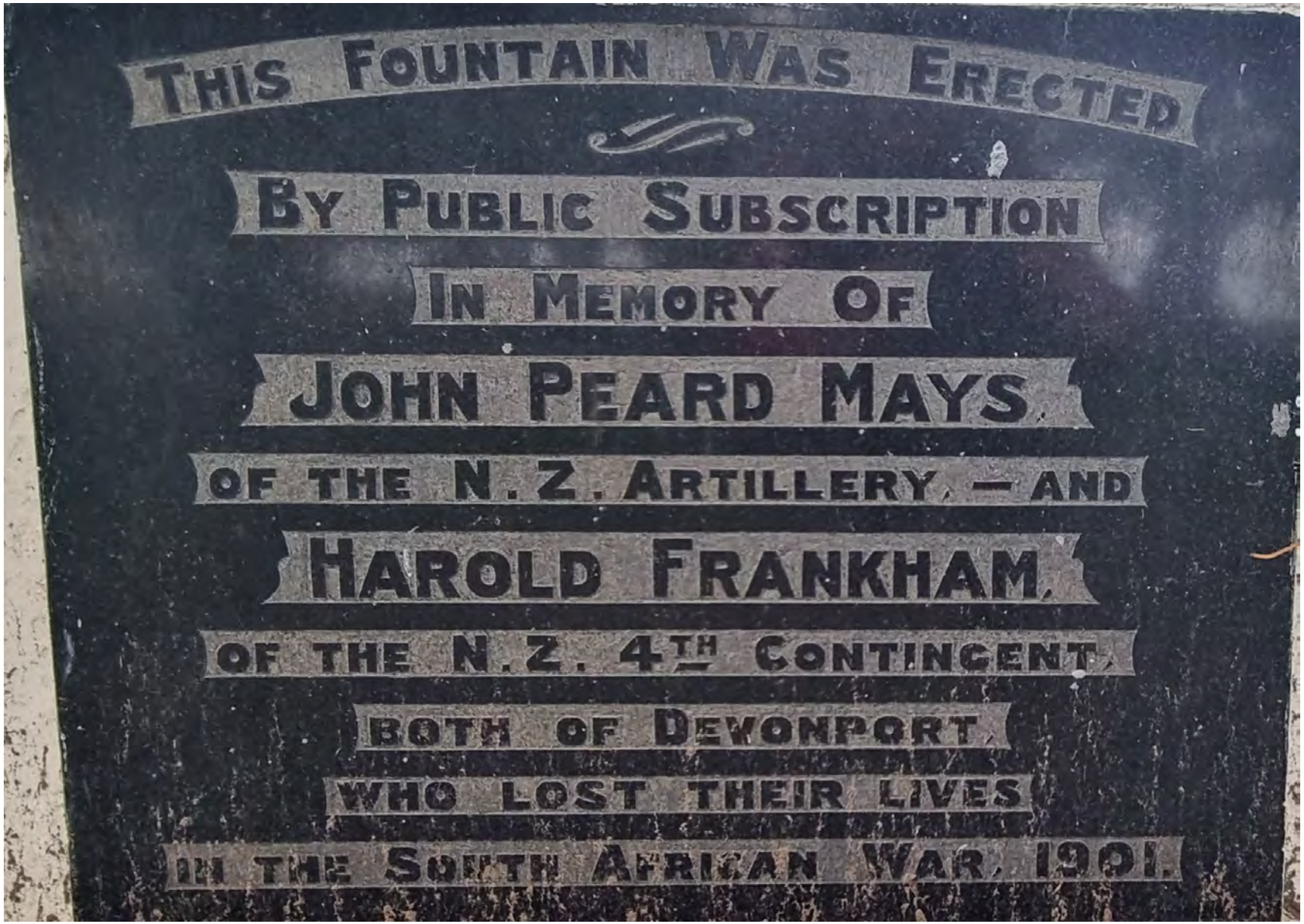
THE CHILDREN AND CADETS OF THE DEVONPORT DISTRICT SCHOOL BEING ADDRESSED BY THE HEADMASTER (MR. ARMSTRONG) AND THE CHAIRMAN OF THE SCHOOL COMMITTEE (MR. OLIVER MAYS).

Record ID: AWNS-19020814-3-1
Creator: Stevenson
Auckland Weekly News
Date: 14 August 1902

Memorial service, Devonport, 1903.

Crowd at the memorial service for *John Peard* Mays and Harold Frankham, who fought in the South African War.

Auckland Libraries Heritage Collections D_PE_0014


THIS FOUNTAIN WAS ERECTED
BY PUBLIC SUBSCRIPTION
IN MEMORY OF
JOHN PEARD MAYS.
OF THE N.Z. ARTILLERY, — AND
HAROLD FRANKHAM.
OF THE N.Z. 4TH CONTINGENT,
BOTH OF DEVONPORT,
WHO LOST THEIR LIVES
IN THE SOUTH AFRICAN WAR. 1901.

Selwyn Mays - 9 Mays Street, built 1908

The villa at 9 Mays St was built 1908 by Selwyn Mays, a Chief Crown Prosecutor and younger brother of Howard Mays. The street was known then as Grey St but was renamed after the Mays brothers who were well-known identities in Devonport The house was owned from 1926 to 1985 by the Mason family who were related by marriage to the Mays family.

Selwyn: (1893 ~ 1954): was a barrister and solicitor and built the magnificent home at what is now 9 Mays Street, Devonport (photographed by Paul Knght). He worked for Tole, the Crown Commissioner of Lands. About 1926, he dived off the Devonport wharf to rescue a drunk and scraped his arm on barnacles under the wharf lavatory. He almost died from the resulting sceptic and, unable to make a full recovery, his career ended.

Source: The Mays Family of Devonport, Paul Knight, unpublished

Opening of the new Post Office & Telegraph Office, 1908

1963 Royal Visit

Queen Elizabeth II and Prince Philip promenade with Devonport Mayor F.C. Stevens along Victoria Road, Devonport towards the wharf.

A large crowd of supporters gather on the street **and lean out of the windows of second storey shops for a view of the royal couple**.

Auckland Libraries Heritage Collections D_PEQ63_0010

PC 78 Sub #2393

The current fountain, for John Peard Mays, with the Mays' Buildings in the background.

On the corner of Wynyard Street…

Interior brickwork and ovens

The Mays Buildings, 2022

The Mays' Building Arcade & Interpretation

"The information in the files is not exhaustive and additional research may yield new information about the place"
(Auckland Council review, ID 01122)

Before you fill out the attached submission form, you should know:

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

By taking part in this public submission process your submission will be made public. The information requested on this form is required by the Resource Management Act 1991 as any further submission supporting or opposing this submission is required to be forwarded to you as well as Auckland Council. Your name, address, telephone number, email address, signature (if applicable) and the content of your submission will be made publicly available in Auckland Council documents and on our website. These details are collected to better inform the public about all consents which have been issued through the Council.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Matt Lowrie

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

5 Russett Grove

Telephone: 21446434 Fax/Email: lowrie.matt@gmail.com

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number	PC 78
Plan Change/Variation Name	Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)	
Or Property Address	5 Russett Grove
Or Map	

Or
Other *(specify)*

Submission

My submission is: (*Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)*

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☒ No ☐

The reasons for my views are:

A number of properties around Hillwell Dr have remained with single house zoning instead of THAB like other sections within walking distance of a rapid transit station	2395.1
This appears to be the result of coarse flood plain modelling which doesn't properly take into acount local geography or structures.	2395.2
Sections on Russett Grove are higher than those on Hillwell and separated by a retaining wall. This was not identified in earier consultation	

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☒

Decline the proposed plan change / variation ☐

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

Where base zoning of THAB should be applied with the overlay zoning only considered at the time of consenting

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☒

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒

Matt Lowrie
Signature of Submitter
(or person authorised to sign on behalf of submitter)

09/29/2022
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☒ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

From: Megan Chee
To: Unitary Plan
Cc:
Subject: Submission: Foreshore yard/ Plan Change 78 - 58 Rawene Road, Birkenhead
Date: Friday, 28 October 2022 4:11:00 PM

To whom it may concern
We act for Patrick John Reddington and Letitia Maude Reddington, the owners for the property at 58 Rawene Road, Birkenhead (**Property**) .
We believe that the Council is familiar with the history of our clients' Property and their past dealings with the Council.
Our clients used to own 2 waterfront sites with separate access, one via the existing driveway of their property which is situated on Rawene Road and the other access is on the right of way via Inskter Street.
The problem with the current proposed plan change 78 (Intensification) is that the existing boundary line between the Property adjoining Lot 5 as shown on the Map 31 – there is already a minimum of 6 metres from the mean high water . The part of the land that is currently adjoining the reserve and McCaul right of way, this is well apart from the mean high water and both was supposed to be our clients' foreshore yard, without any further set back. 2397.1

Consequently, our clients are opposing to the proposed plan change 78 as the setback for their foreshore yard should be 0m, instead of 1.2m. The Council has since 2001 promised our clients to secure their rights for use of the Property. By allowing a 1.2m set back, this is going to further consume a reasonable amount of area on their land, which will in the future prevent them from expanding their dwelling, affecting the value of the Property and restricting their right to use the Property. 2397.2

In light of the sacrifice our clients have undertaken to reduce their two waterfront sites to a single dwelling site for the benefit of the Council, as well as to provide local public access to Chelsea Sugar and legal access to McCaul right of way, it seems fair and reasonable that we ask the council not to impose any further setbacks on our clients' Property.

We look forward to hearing from you.

Kind regards,

Megan Chee I Senior Solicitor
foley hughes
LAWYERS & NOTARY
Level 1, 20 Beaumont Street, Freemans Bay, Auckland 1010
PO Box 6829, Auckland 1142, New Zealand DX CP25003
DD (09) 871 5288 f (09) 379 9560 m 021 208 2993
e megan@foleyhughes.co.nz w www.foleyhughes.co.nz

NOTICE: *This email may contain information which is CONFIDENTIAL and may be privileged. If you are not the intended recipient,*
you must not read use, copy or distribute this email or its attachments (if any). If you have received this email in error, please notify
us immediately by return email, facsimile or telephone (you may call us collect) and delete this email. Thank you.

Auckland Council
03 AUG 2023
GPD - AUP/OIP/LEG

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

For office use only
Submission No:
Receipt Date:

Submitter details

Full Name or Name of Agent (if applicable)

Mr/~~Mrs/Miss/Ms(Full~~ Name) MICHAEL ANTHONY ROSS

Organisation Name (If submission is made on behalf of Organisation)

Address for service of Submitter 4 GARDEN TERRACE
DEVONPORT AUCKLAND

Telephone: 021 742 850 Fax/Email: MAROSS1@XTRA.CO.NZ

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number: PC 78

Plan Change/Variation Name: Intensification

The specific provisions that my submission relates to are:
(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s): Character D18 Special Character Overlay Residential as it relates to Devonport

Or

Property Address:

Or

Map:

Or

Other *(specify)*

Submission

My submission is: ***(Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)***

I **support** the specific provisions identified above ☐

I **oppose** the specific provisions identified above ☐

I wish to have the provisions identified above amended Yes ☑ No ☐

The reasons for my views are:

DEVONPORT HAS A UNIQUENESS WHICH INTENSIVE DEVELOPMENT WILL RUIN.
HERITAGE VALUES WILL BE DESTROYED & PROPERTY VALUES QUICKLY REDUCED. ITS POPULAR WITH TOURISTS, WHICH IS ALSO IMPORTANT TO THE COMMUNITY

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation ☐

Accept the proposed plan change / variation with amendments as outlined below ☐

Decline the proposed plan change / variation ☑

If the proposed plan change / variation is not declined, then amend it as outlined below. ☐

REGAIN DEVONPORTS SPECIAL HERITAGE/CHARACTER. 2399.1
DELETE THE MIXED HOUSING URBAN ZONE OF 3-STOREY BUILDINGS IN DEVONPORT. 2399.2
MAINTAIN THE INTEGRITY OF THE SPECIAL CHARACTER AREA 2399.3

I wish to be heard in support of my submission ☐

I do not wish to be heard in support of my submission ☐

If others make a similar submission, I will consider presenting a joint case with them at a hearing ☑

Signature of Submitter
(or person authorised to sign on behalf of submitter)

19/09/22
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ /could not ☐ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am ☐ / am not ☐ directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.