

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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**Report to Auckland Council  
Hearing topics 043 and 044  
Transport  
July 2016**

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# Report to Auckland Council Hearing topics 043 and 044 Transport

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# 1. Hearing topic overview

## 1.1. Topic description

Topic 043 and 044 addresses the district plan provisions of the proposed Auckland Unitary Plan relating to:

<b>Topic</b>	<b>Proposed Auckland Unitary Plan reference</b>	<b>Independent hearing panel reference</b>
Hearing topics 043 – 044 Transport	C1.2 Transport Auckland-wide objectives and policies  H1.2 Transport	E27 Transport
	D7 Strategic Transport Corridor zone objectives and policies  I14 Strategic Transport Corridor zone	H22 Strategic Transport Corridor Zone
	E1.5 High Land Transport Noise overlay objectives and policies  J1.5 High Land Transport Noise overlay	Recommended for deletion
	G2.7.9 Integrated transport assessment	New Policy E27.3(2)

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

## 1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

The following is a summary of the key changes, other than those already accepted by the parties at mediation, that are recommended by the Panel.

### 1.2.1. Parking

The approach to parking provided with an activity or development (i.e. accessory parking) is:

- i. there is no requirement for activities or development to provide parking in the Business – City Centre Zone, however a maximum limit has been set on the amount of parking that can be provided on a site in these areas, related to either the number of dwellings or the gross floor area.
- ii. there is no requirement or limit for activities or development, excluding office and retail, to provide parking in the following zones and locations:
  - a. Business – Metropolitan Centre Zone; Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of identified non-urban town and local centres);
  - b. Centre Fringe Office Control;
  - c. Residential – Terraced Housing and Apartment Buildings Zone;
- iii. in most of these areas there are maximums for office activities and minimums for retail and commercial services;
- iv. in all other areas, a minimum level of parking is required to accompany any activity or development, and no maximum limit, except for a maximum limit on the amount of parking that can be provided for offices;
- v. the minimum car park requirements do not apply where the activity is located within a Historic Heritage Overlay or Special Character Overlay, where the activity is a change of use between or within retail and commercial services, and where the construction of or addition to a building does not exceed 100m<sup>2</sup> gross floor area.

The provisions seek to manage standalone parking (non-accessory) facilities and proposals are to be individually assessed. This includes park-and-ride and other facilities that support public transport.

### 1.2.2. Cycle parking and end-of-trip facilities

- i. To support cycling, new buildings and developments are required to provide a minimum level of cycle parking. Where the activity is office, education or a hospital, end-of-trip facilities are required for new buildings and developments.

### 1.2.3. Trip generation thresholds

- i. The trip-generation threshold for a transport assessment (as part of a resource consent) has in general been increased from 60 to 100 vehicles per hour.

#### **1.2.4. High Land Transport Noise Overlay**

- i. The High Land Transport Noise Overlay proposed in the proposed Auckland Unitary Plan is deleted.

#### **1.2.5. KiwiRail Electrical Safety Separation Overlay**

- i. The building setback from the rail corridor provisions has not been accepted.

### **1.3. Overview**

The Panel's recommended approach to transport issues is to employ provisions in the Plan to improve the efficiency and effectiveness of the transport system, and to manage amenity, where evidence was provided to justify that approach. The Panel is also sensitive to the costs that some of these provisions give rise to and has aimed to calibrate them accordingly. The Panel's reasons for the main changes to the proposed Auckland Unitary Plan are set out below.

### **1.4. Scope**

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

### **1.5. Documents relied on**

Documents relied on by the Panel in making its recommendations are listed below in section 7 Reference documents.

## 2. Parking

### 2.1. Statement of issue

- i. The extent to which the quantum of accessory parking should be determined by minimum or maximum amounts in the Plan.
- ii. The manner in which non-accessory parking is to be assessed.

### 2.2. Panel recommendation and reasons

The Panel heard evidence from the Council's expert economist Stuart Donovan on the potential high costs of over regulating the supply of accessory parking in the Plan relative to allowing market processes to determine the level and location of supply. Mr Donovan recommended reducing or removing minimum parking requirements as he concluded the benefits of doing so are likely to be significant and the costs minor. He considered parking maximums in the city centre could continue to provide a useful role in reducing transport congestion, albeit it as a 'second best' policy relative to more directly targeting congestion through time of use road pricing.

The Key Retailers Group submitted the need for the Plan to continue to require a minimum level of parking to address potential spill-over effects from retail developments under-supplying car parking, and particularly so outside the city centre and its fringes. The Key Retailers Group accepted these minimums could be reduced relative to those in the proposed Auckland Unitary Plan.

Evidence from Ms Mairi Joyce for the Council supported the use of parking maximums to moderate transport congestion and encourage a modal shift from private vehicles to public transport.

Auckland Transport presented its parking strategy that covers its plan and practices to manage roadside parking through a range of measures including defined parking periods, pricing and enforcement. The management of this parking resource is a key component to any relaxation of parking minimums.

The Panel was persuaded that maximums for accessory car parking in the city centre and its fringes, and for offices more widely continue to be useful to moderate transport congestion and has recommended maximums continue to apply in these areas. The Panel was also persuaded by the expert evidence of Mr Don McKenzie for Les Mills to provide a graduated maximum rate from the inner core of the city centre out to the fringe.

It is important to note that the Panel does not consider there is a sufficient case for parking maximums elsewhere and has recommended deletion of maximum rates for most activities outside the city centre with the exception of offices.

The Panel was also persuaded that minimums are likely to continue to be useful where there are risks of spill-over parking effects and for managing amenity effects. The Panel recommends minimums for retail and commercial services (but not for residential) in most Centres, and minimums for residential in most of the residential zones. The Panel has attempted to calibrate these minimums to balance the need for a minimum level of parking

supply to moderate spill-over and amenity effects against imposing unnecessary costs and inflexibility on development in these areas.

The provisions seek to manage standalone parking (non-accessory) facilities and proposals are to be individually assessed. This includes park-and-ride and other facilities that support public transport. The assessment ranges from restricted discretionary in most Centres, to discretionary or non-complying (for long-term accessory parking) in the City Centre and Centre Fringe Office Control area.

### **3. Cycle parking and end-of-trip facilities**

#### **3.1. Statement of issue**

The extent to which the Plan should require the provision of cycle parking and end-of-trip facilities.

#### **3.2. Panel recommendation and reasons**

The proposed Auckland Unitary Plan proposed detailed requirements relative to defined activities for short-stay and long-stay cycle parking and end-of trip facilities (i.e. shower and changing facilities).

The Key Retailers Group and other submitters accepted the need for cycle parking but considered the proposed Auckland Unitary Plan requirements to be overly prescriptive and numerous. The Group requested deletion of the requirement for end-of-trip facilities as it considered the mix and location in a building of such facilities for the use of cyclists and others to be best left to developers, landlords and their tenants to determine. They were also concerned that it was not clear whether the requirements were to apply to existing as well as new buildings and developments.

The Council in its closing comments simplified and in some cases reduced the cycle parking requirements, removed the prescription as to how those parks are to be provided, simplified the requirements related to end-of-trip facilities, and clarified that in all cases these requirements would apply to new buildings and developments only.

The Panel considers the Council's modified requirements are reasonable and would be useful in promoting the uptake of cycling, and particularly in the context of the Council's recent and planned investment to upgrade and extend cycleways. The Panel therefore recommends adoption of the provisions as proposed by Council in its closing comments.

### **4. Trip generation threshold**

#### **4.1. Statement of issue**

The level of the trip generation threshold to trigger the requirement for a resource consent.

## **4.2. Panel recommendation and reasons**

The proposed Auckland Unitary Plan proposed a threshold of 60 vehicles per hour (any hour) as the general trigger for a resource consent for transport related matters, along with a table of activities and amounts that are derived from the 60 vehicle per hour threshold.

Traffic experts John Burgess, Brett Harries, Don McKenzie and John Parlane, in a joint statement of evidence for a number of submitters, recommended this threshold be set at 100 vehicles per hour and that the amounts in the table be increased accordingly. The Panel preferred their evidence relative to that supporting the Council's position and therefore recommends this threshold be set at 100 vehicles per hour and that the table of activities and amounts from the joint statement of experts be adopted.

## **5. High Land Transport Noise Overlay**

### **5.1. Statement of issue**

Whether to retain the High Land Transport Noise Overlay.

### **5.2. Panel recommendation and reasons**

The proposed Auckland Unitary Plan proposed this overlay, to apply to the borders of high volume road and rail corridors, to protect the transport corridor from reverse sensitivity effects that can arise from new or altered activities that are sensitive to noise locating near these corridors. The overlay would also protect from unreasonable noise levels sensitive activities within the overlay (e.g. habitable rooms) by requiring such activities to comply with minimum noise insulation standards.

In his evidence Mr Leigh Auton pointed out that this overlay would affect a very large group of property owners (Council estimated at least 76,000) and that a cost benefit assessment had not been undertaken of the implications of the overlay, and in particular on the costs that it would impose on affected property owners. Mr Auton considered the overlay would have the effect of shifting all costs associated with it on to property owners, with no obligation on the transport corridor operator to mitigate noise effects or to share costs incurred by property owners to mitigate those effects on-site. He drew parallels with the arrangements in place between Auckland International Airport Limited and noise-affected property owners where the Airport shares in the costs of noise mitigation and considered that approach more balanced.

The Panel was concerned with proceeding with the extensive application of this overlay in the absence of a rigorous cost benefit assessment, including no assessment of who should appropriately bear the costs involved. In the absence of that assessment the Panel recommends this overlay be deleted.

### **5.3. Building setback from the rail corridor statement of issue**

Whether to include the proposed building setback from the rail corridor.

## 5.4. Panel recommendation and reasons

These provisions were proposed by the Council with the support of Kiwirail late in the hearings process. It was designed to introduce a 2.25 metre buffer on either side of the rail corridor and within that buffer to control development such that safe distances are maintained around the electrified rail infrastructure.

Vaughan Smith, an expert planner for a number of parties raised the issue that this proposed setback rule would be a blunt and inefficient way to address the perceived problem. He provided evidence to show situations where the buffer outside the existing designation is not required to meet KiwiRail's safety concerns but nevertheless the setback rule would restrict the affected property owners' rights to develop their property. He recommended KiwiRail address this issue by reaching commercial arrangements with relevant property owners or by using its designation powers. Mr Vijay Lala, an expert planner for Ngati Whatua Orakei Whai Rawa Limited, raised similar issues with respect to the implications on their property at Quay Park.

The Panel was concerned that these provisions would apply in a blanket fashion along the rail corridor whether needed or not, that it is an issue that could be addressed through the application of KiwiRail's designation powers if needed, and that the costs of the Overlay would fall entirely on property owners with insufficient evidence that such an approach would lead to an efficient outcome. In this context the Panel recommends that the building setback from the rail corridor provisions not be included in the plan.

## 6. Consequential changes

### 6.1. Changes to other parts of the plan

There are no consequential changes to other parts of the Plan as a result of the Panel's recommendations on this topic.

### 6.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

## 7. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website ([www.aupihp.govt.nz](http://www.aupihp.govt.nz)) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

## 7.1. General topic documents

### Panel documents

[043-Submission Point Pathway Report – 19 March 2015](#) (20 April 2015)

[044-Submission Point Pathway Report – 13 August 2015](#) (13 August 2015)

[043 & 044-Parties and Issues Report -5 November 2015](#) (5 November 2015)

### Mediation statements

[043 & 044- Mediation Joint Statement - Session 1, 2 and 3 \(22, 23 April and 6 May 2015\)](#)  
(25 May 2015)

[043&044 - Mediation Joint Statement - Session 4, 5, 6, 7 and 8 \(14, 15, 20, 21, and 22 May 2015\)](#) (3 June 2015)

[043 & 044- Mediation Joint Statement - Session 9 \(18 September 2015\)](#) (21 September 2015)

### Auckland Council marked-up version

[043&044 - Hrg - ADDITIONAL CLOSING STATEMENT - 4 September 2015 – Revised Markedup version- H1 2 Rules – Corrected](#) (17 May 2016)

[043&044 - Hrg - ADDITIONAL CLOSING STATEMENT - 31 July – Revised Markedup version- C1 2 Objectives and Policies](#) (31 July 2015)

[043&044 - Hrg - Auckland Council - ADDITIONAL CLOSING STATEMENT - 31 July – Revised Markedup version- E1.5 and J1.5 High Land Transport Noise](#) (13 May 2016)

### Auckland Council closing statements

[043&044 - Hrg – CLOSING STATEMENT](#) (22 July 2015)

[043&044 - Hrg - ADDITIONAL CLOSING STATEMENT - 28 August 2015 – Technical Memorandum - Parking Rates](#) (30 August 2015)

[043&044 - Hrg – ADDITIONAL CLOSING STATEMENT – 31 July](#) (31 July 2015)

[043&044 - Hrg - ADDITIONAL CLOSING STATEMENT - 28 August 2015 – Aerial Photos](#) (30 August 2015)

## 7.2. Specific evidence

### Auckland Council

[043&044 – Hrg - \(Stuart Donovan\) – Economics](#) (2 June 2015)

[043&044 - Hrg - \(Mairi Joyce\) – Transport Planning - Parking](#) (2 June 2015)

**Leigh A Auton**

043&044 - Hrg - (Leigh Alexander Auton) – Planning (15 June 2015)

**Les Mills Holdings Limited**

043&044 - Hrg - (Don McKenzie) – Traffic Engineer (17 June 2015)

**Ngati Whatua Orakei Whai Rawa Ltd**

043&044 - Reconvened Hrg - (Vijay Lala) – Planning - Building setback rail (6 November 2015)

043&044 - Reconvened Hrg - (Vijay Lala) – Planning - Building setback rail – Attachment 1 Quay Park Aerial Map (6 November 2015)

043&044 - Reconvened Hrg - (Vijay Lala) – Planning - Building setback rail – Attachment 1 Quay Park Proposed Setback (6 November 2015)

**The National Trading Company of New Zealand Limited and others**

043&044 - Reconvened Hrg - (Vaughan Smith) – Planning - Building setback from rail corridor provisions - JOINT STATEMENT (6 November 2015)