

I hereby give notice that a hearing by commissioners will be held on:

Date: **Monday 1 November, Tuesday 2 November & Wednesday 3 November 2021**
(Additional Overflow Day Thursday 4 November 2021 If required)
Time: **9.30am**
Meeting room: **Council Chamber**
Venue: **Ground Floor, Auckland Town Hall**
301 Queen Street, Auckland

PRIVATE PLAN MODIFICATION 59
ADDENDUM HEARING REPORT
ALBANY 10 PRECINCT
BEI GROUP LIMITED

COMMISSIONERS

Chairperson **David Hill**
Commissioners **Trevor Mackie**
Reginald Proffit

Laura Ager
KAITOHUTOHU MATAAMUA WHAKAWĀ
SENIOR HEARINGS ADVISOR

Telephone: 09 890 4027 or 027 247 2794
Email: laura.ager@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **the chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

A NOTIFIED PLAN MODIFICATION TO THE AUCKLAND UNITARY PLAN BY BEI GROUP LIMITED

	TABLE OF CONTENTS	PAGE NO.
	Reporting officer's addendum report	5 – 20
Appendix 1	Specialist Technical Input	21 - 32

Reporting officer, Todd Elder, Planner

Reporting on a proposed private plan modification to rezone approximately 13.72 ha of land from Residential – Mixed Housing Suburban to Residential – Terraced Housing and Apartment Buildings. It also seeks to amend Albany 9 precinct provisions and to introduce a new Albany 10 Precinct within the Auckland Unitary Plan (Operative in Part) 2016 at 473 Albany Highway, Albany.



Hearing Report (Addendum) for Proposed Plan Change 59: Albany 10 Precinct to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report (Addendum) under the Resource Management Act 1991

Report to: Hearing Commissioners

Hearing Date/s: 1, 2, 3 and 4 November 2021

File No: Hearing Report – Proposed Private Plan Change 59

File Reference

Report Author Todd Elder, Policy Planner, Regional, North, West & Islands, Plans and Places

Report Approvers Eryn Shields, Team Leader, Regional, North, West & Islands, Plans and Places

Report produced 18 October 2021

Contents

Hearing Report (Addendum) for Proposed Plan Change 59: Albany 10 Precinct to the Auckland Unitary Plan (Operative in part).....	1
1. PURPOSE OF ADDENDUM	3
2. NATIONAL POLICY STATEMENT AND NATIONAL ENVIRONMENTAL STANDARD - FRESHWATER	3
3. KEY ISSUES OUTSTANDING	5
4. CLAUSE 29(4) OF SCHEDULE 1 OF THE RMA ASSESSMENT AND RECOMMENDATION	14
5. SIGNATORIES.....	14

Attachments	
Appendix 1	Specialists technical input

PURPOSE OF ADDENDUM

The purpose of this S42A Addendum is to provide the Auckland Council Reporting Planner's response to the information provided by the Private Plan Change Applicant as requested by the Hearing Panel's Directions 1 and 2. The responses from the Applicant, can be summarised as:

- a) Applicant's assessment of PC59 against the National Policy Statement on Freshwater ("NPS:FW") and National Environmental Standards for Freshwater Regulations 2020' ("NES:F"); and
- b) Applicant's response to some of the submissions lodged on the Private Plan Change.

A summary table in section 3 below outlines the 'key outstanding issues', which are differences between the S42A report and the Applicant's revised version of the Albany Precinct 10 provisions.

I have provided recommendations on the matters that the Commissioners' Directions required further information about, prior to this Addendum. These matters are set out in the S42A report, along with reasons why there are issues that I consider that additional detail was needed to confirm my recommendation(s) on submissions. In summary, all information has now been provided by the Applicant and the Reporting Team is satisfied with the detail provided.

For the remaining issues, I have provided a provisional position with recommendations where appropriate. It is proposed that the Reporting Team provide their final recommendations following the hearing of evidence in support of submissions, and responses to any questions put to the witnesses by the Hearings Commissioners.

1. NATIONAL POLICY STATEMENT AND NATIONAL ENVIRONMENTAL STANDARD - FRESHWATER

On 8 May 2020, the Council received the formal lodgement of a private plan change application from Bei Group Ltd. The Council requested further information on 1 July 2020 in accordance with Clause 23 Of Schedule 1 on the RMA.

On the 3 September 2020 the National Environmental Standards for Freshwater Regulations 2020 and the National Policy Statement on Freshwater both came into effect. These documents came into effect after the lodgement of the plan change request and the Council's further information request. This means that the Council could not request an assessment to be included in the Proposal against the provisions of the NPS FW and the NES F.

An assessment of the Proposal against the NPS and NES is now a specific requirement under S32(4) of the Resource Management Act 1991 (RMA).

The Applicant did complete an assessment against the previous NPS:FW/NES:FW, but those documents have a different level of restrictions compared to the current NPS FM / NES F.

On 14 June 2021, the Hearing Panel set Direction 1. Paragraph 5 of the Direction set out:

"You are also invited to prepare an addendum addressing the relevant matters now required by the 'Resource Management (National Environmental Standards for

Freshwater) Regulations 2020' (NES:FW) and National Policy Statement on Freshwater (NPS:FW) – which became operative after your request was lodged.”

On the 28 June 2021 the Panel received the response from the Applicant which included a Memorandum of Counsel on behalf of Bei Group Limited – Response to Hearing Panel Direction 1. This response contained the following attachments:

Attachment 1 a marked-up version of PC59 provisions incorporating amendments proposed by the Applicant (Revised Provisions).

Attachment 2 a memorandum, prepared by Boffa Miskell, setting out the relevant matters now required by the NPS FM and NES Fand how those are addressed in PC59.

Attachment 3 a memorandum, prepared by Campbell Brown Planning Limited, in respect of the application of the NPS FM and NES F to PC59.

Attachment 4 a revised set of precinct plans, to reflect amendments made to the precinct provisions and the removal of the proposed stormwater pond as outlined in the memorandum prepared by Campbell Brown Planning Limited.

On 7 September 2021, the Hearing Panel received a Supplementary Memorandum of Counsel on behalf of Bei Group Limited – Response to Hearing Panel Direction #1. The supplementary memorandum was prepared by had been completed after a site visit by the applicant to the PC59 site, and concluded that ‘Wetland A’ is not a natural wetland. The Memorandum states:

“There are no other natural wetlands (as defined under the NPS-FM) on site. In light of this assessment, this memorandum appends a revised assessment of what is required by the NES-FW and NPS-FM as they relate to PC59.”¹

In Mr Tutt’s assessment of the plan change, attached to the S42A report, the following observation is made:

... This wetland, while identified as natural in the ecological values report is in fact constructed for stormwater management as there are also stormwater structures (scruffy dome) within the footprint of this wetland. It appears in 2019 aerial images and not in 2017 indicating that it was constructed sometime within this time period. A pre-application meeting from 3 March 2017 (PRR00009450) was held with Council to discuss the construction of this device. This wetland does not meet the definition of a natural wetland under the National Policy Statement for Freshwater Management (2020) (NPS:FM 2020). The National Environmental Standards for Freshwater Management (NES:FW) legislation does not apply as this wetland was not constructed to offset impacts on, or restore, an existing or former natural wetland.

4.5 The NPS:FM 2020 and Regional Policy Statement (RPS) in Auckland Unitary Plan: Operative in Part (AUP:OP) Chapter B7 contain strong directives requiring any more than minor adverse effects on freshwater, and on any ecosystem associated with freshwater to be avoided and that freshwater systems are maintained or enhanced.”

Following my review of the statement from Mr Tutt and the information provided by the Applicant’s Counsel, I consider that there is now sufficient information to consider the Proposal against the NPS:FW and NES:F as per S32(4) of the RMA. The changes to the

¹ Evidence of F.Lupis paragraph 2.3

SMP initiated by the Applicant are not directly correlated to the NPS:FW or NES:F, however I have included Ms Chuah's assessment below.

Ms Chuah from Council's Healthy Waters Department has provided a memo dated 13 October 2021 (attached as Appendix 1) which considers the updated information. Ms Chuah provides an assessment against the updated stormwater management plan (SMP). In summary, Ms Chuah is satisfied with the SMP provided, which is based upon the updated information from the Applicant. Overall, Ms. Chuah is in agreement with the conclusion reached by Mr Kinnear of Woods Limited with regards to the SMP.

It should be noted, however, that Ms. Chuah does not agree the amended Standards I552.6.8 and I552.6.13.1 proposed by the applicant (please note that both standards have the same wording). Ms Chuah agrees that these standards can remove parts relating to the wetland. However, Ms. Chuah recommends simplifying the standards to remove all parts relating to specific stormwater devices. Please see below the proposed amendments by Ms. Chuah:

~~(2) All stormwater runoff from a new impermeable road, lane or accessway surface (including at grade parking associated with the Central Park) must be managed by a device designed to achieve directed via a piped underground network to communal private or public bioretention devices, stormwater raingardens and/or wetland. The wetland must be located in general accordance with Precinct Plan 1 – Albany features plan and, unless otherwise authorised, the devices must be designed to provide stormwater treatment and stream protections via stormwater detention of for the 90th percentile 24-hour rainfall event as outlined in Guideline Document 2017/001, Version 1, "Stormwater Management Devices in the Auckland Region", by Auckland Council and dated December 2017. Where bioretention devices are not feasible proprietary devices are to be utilised.~~

¶

Ms. Chuah's amendments will allow greater flexibility of design of stormwater devices for the applicants and the future asset owner (being either the Healthy Waters Department or Auckland Transport) at the time of resource consent and engineering approval².

Section 32(4) of the RMA states:

32(4) If the Proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.

From the review of the updated information received on 7 September 2021 from the Applicant, including the revised provisions, I consider PC59 does not conflict with, and is consistent with the NPSFW and NESF.

2. KEY ISSUES OUTSTANDING

On 4 October 2021 the Hearings Panel received evidence from the Applicant. In summary, their evidence addresses:

² Para 4.7 of Memo (technical specialist report to contribute towards Council's section 42A addendum) prepared by Gemma Chuah.

- (a) Responses and amendments to PC59 based on submissions
- (b) Responses to matters raised in the S42A report
- (c) The differences in the provisions between the S42A recommendations and the Applicant's response to submissions.

The Applicant has provided 12 items of evidence supporting their preferred amendments to the private plan change as notified. These are contained in Attachment A of the Planning Evidence. These pieces of evidence can be found here:

<https://onedrive.live.com/?authkey=%21AGlqq5Dd0AYd9iQ&id=943FC6A80B823296%2120883&cid=943FC6A80B823296>

The table below sets out what I consider to be the 'key issues' where there are differences between the amendments recommended in the section 42A report and the applicant's provisions as proposed and those contained in the 28 June 2021 documents. The table below provides a summary of the S42A report recommendation, the outcome sought by the Applicant, and my commentary on the outstanding issues. I have derived these key issues from the Joint Statement of Evidence (planning) of Michael Campbell and Mark Thode from Campbell Brown Planning Limited on behalf of Bei Group Limited ("**Planning Evidence**")

Key Issues	S42A position	Applicant's position (evidence 4 October 2021)	Addendum Recommendation of Council Reporting Planner
Key Issue 1: NPS UD assessment	Limited weight given to the NPS:UD, consistent with Environment Court (Judge L J Newhook) Decision [2021] NZEnvc 082	Give full weight to NPS:UD	Recommendation in section 42A report is maintained
Key Issue 2: NPS UD parking requirement	Retain parking minimums until a Plan wide amendment is completed	Remove the minimum parking standards, as set out in Applicant's provisions	Agree with amendment proposed by the Applicant's
Key Issue 3: Removal of the northern vehicle access to Albany Highway	Reject Auckland Transport's submission on the northern access. No evidence was presented with the submission to determine if the access was or was not required.	To remove the northern access	Agree with amendment proposed by the Applicant's
Key Issue 4: Activity status for non-compliance with Standard I552.6.13 Transport infrastructure and development thresholds.	Recommendation that the activity status to be a Discretionary Activity	Restricted Discretionary Activity	Agree with amendment proposed by the Applicant's on the applicable activity status
Key Issue 5: Reduction in building coverage to 50% and	Ms Skidmore's position and S42A report considered that 65% was	65% is acceptable, further evidence provided.	Agree with amendment proposed by the Applicant's on

Key Issues	S42A position	Applicant's position (evidence 4 October 2021)	Addendum Recommendation of Council Reporting Planner
management of bulk and location effects between dwellings in Standard I552.6.3 in Attachment A of the Planning Evidence	not acceptable. 50% was recommended.		the extent of building coverage
Key Issue 6: Greater clarity for shading analysis	Request in S42A report for greater clarity in assessment criterion (I552.8.1.(1))	Assessment criterion amended by Applicant to address this issue	Agree with amendment proposed by Applicant
Key Issue 7: Infringement of the I552.6.2 Building height standard is listed as a discretionary activity in height management Area 1 only, rather than the blanket non-complying activity as originally notified.	S42A recommendation: non-complying activity to not comply with Height Management Area 1.	Applicant seeks Discretionary activity status	Recommendation in section 42A report is maintained
Key Issue 8: Height distribution in the northern portion of the Site	Sought additional analysis and rationale for the distribution of height control areas in the northern portion of the Site	Addressed in evidence – no amendments proposed	Evidence accepted as providing suitable rationale for distribution of height control areas – no amendments required
Key Issue 9: Landscape buffer	Recommended to reject submission seeking the inclusion of 2 meter landscaping buffer in Standard I552.6.10 in Attachment A of the Planning Evidence	Addressed in evidence – amendments proposed	Agree with amendments proposed by applicant
Key Issue 10: Location of path and planting in riparian areas	Recommended that the shared path is additional to the required 10 meter width of riparian planting	Reject Council's recommendation	Recommendation in section 42A report is maintained
Key Issue 11: Amendments sought to Policy 16 of Albany 10 Precinct	Recommended amendments to Policy (16)	Reject Council's recommendation	Position to be provided at Hearing
Key Issue 12: Activity table formatting	Recommended amendments to Table I552.4.1	Reject Council's recommendation	Position to be provided at Hearing
Key Issue 13: Special information	Recommended amendments to all	Reject amendments to I552.9(3)	Position to be provided at Hearing

Key Issues	S42A position	Applicant's position (evidence 4 October 2021)	Addendum Recommendation of Council Reporting Planner
requirement	Special Information Requirements		
Key Issue 14: Open Space access	Recommended to reject submissions 73.22, 24.1 and 24.2.	Accept submission 73.22 with recommended amendments	Agree with amendments proposed by applicant

Key Issue 1: NPS:UD assessment

Paragraphs 8.26 to 8.33 of the Applicant's Planning Evidence addresses the NPS:UD, and provides an assessment of what they consider to be the relevant objectives and policies of the NPS:UD that apply to PC59.

The NPS:UD was addressed in section 6.2.1 of the S42A Report (pages 19 – 20). This section outlines the Environment Court (Judge L J Newhook) Decision [2021] NZEnvc 082 regarding the timing and implementation of the NPSUD 2020. Based on current case law, I maintain that the Objectives and Policies that reference "planning decisions" apply to PC59. These are Objectives 2, 5 and 7, and Policies 1 and 6.

The remaining Objectives and Policies will be implemented in a 'greater' plan change and must occur before 20 August 2022.

The Planning Evidence provides an assessment against Objective 6 and Policy 3 of the NPS:UD. Refer to paragraphs 8.29 – 8.32 of the Planning Evidence.

I maintain my view that Objective 6 and Policy 3 of the NPS:UD, which do not refer to 'planning decisions' should not be given weight in assessing PC59.

Further to this, I do not agree with parts of the Applicant's Planning Evidence assessment where it seeks to apply objectives and policies from the NPSUD that are not "planning decisions", for example, the walkable distance to Albany Bus station from PC59. Further, in relation to the Albany Metropolitan Centre, the walkable catchment distances indicated in the Applicant's Planning Evidence are measured from the northern section of the PC59 site. I consider that a 'full PC59 site' context assessments needs consideration because large areas of the site are located further than 800m from the Albany Metropolitan Centre edge.

Overall, I consider that the method by which the AUP gives effect to the NPS:UD is more appropriately considered as part of the forthcoming Auckland wide plan change that will be proposed in August 2022.

Key Issue 2: NPS parking requirement

Key Issue 2 relates to removing minimum car parking requirements from the AUP to give effect to the NPS:UD. Paragraphs 10.42 – 10.44 in the Applicant's Planning Evidence addresses the removal of minimum car parking rates in the Precinct, to give effect to the NPS:UD. The Planning Evidence states:

"We do not agree that it is inappropriate for the Panel to take into consideration the directive of the NPS-UD to remove reference to minimum parking spaces within district plans. We have addressed this matter earlier in our evidence and consider the directive of the NPS-UD to be clear. We do not consider there to be any conflict with such an amendment to the proposed standard, in advance of Council's plan change to give effect to the NPS-UD to amend

Chapter E27 parking standards, as the PC59 ratios supersede the E27 requirements through the wording "...unless otherwise stated in Table I552.6.12.1 –Maximum parking provision" (as notified)."

Paragraphs 530 – 537 of the S42A report address car parking. In this section of the S42A report, I set out that I do not consider it appropriate to remove minimum car parking rates from the Precinct provisions as they were proposed.

Since the S42A report was prepared and published, I have spoken with and obtained more advice from the Council's NPS:UD team who are leading the removal of parking requirements. I understand that removing the minimum car parking requirements from the AUP will occur on 11 February 2022, without the use of the Schedule 1 process under the RMA.

Regarding my concerns about removal of the parking standards prior to the Council-wide AUP amendments, I acknowledge a decision on PC59 could occur after the 11 February 2022 date and a consequential plan change may need to occur to rectify any potential issues.

My concerns about the removal of the parking standards have therefore been addressed. I recommend accepting the removal of minimum car parking requirements in the expectation that if they were included, they would need to be removed by way of a further plan change. That is not an efficient process.

Key Issue 3: Removal of the northern vehicle access to Albany Highway

Paragraph 5.11(a) of the Planning Evidence states:

"Amending Precinct plans 1 – 4 to remove the northern vehicle access to Albany Highway and the reference to building coverage, and ensuring that spatial features are consistent and not duplicated across the Precinct plans for ease of interpretation. We acknowledge the recommendation of Mr Elder in the 42A Report to reject Auckland Transport's submission on the northern access. However, following discussions with Auckland Transport we now do not consider it appropriate to provide for a vehicle access on the Precinct plans that would not be approved by the road controlling authority in the future, therefore triggering a non-compliance." [emphasis added]

Submissions 127.40 and 127.63 (Auckland Transport) sought the removal of the northern left-in-left-out access. These submissions are addressed in paragraphs 624 – 627 of the S42A report.

The S42A recommendation is for an assessment to occur to determine if the intersection is required. The removal of the northern access is addressed in the transport evidence of Mr Mat Collins (for the Applicant), who agrees with the deletion of the access. Mr McKenzie (S42A) has reviewed the evidence of Mr Collins, and considers that, from a transportation point of view, the information has been provided and it is acceptable to remove the northern access.

I concur with Mr McKenzie's view. I recommend to provisionally accept the removal of the left-in-left-out intersections, as set out in the applicant's evidence. I will be able to confirm my recommendation following the consideration of any other evidence on this matter.

Key Issue 4: Activity status for non-compliance with Standard I552.6.13 Transport infrastructure and development thresholds.

For Key Issue 4, I consider that it can be broken down in to two parts:

Part 1: Activity status for (A19) being Discretionary vs Restricted Discretionary for non-compliance with Standard I552.6.13.

Part 2: Standard I552.6.13 specific detail.

Paragraphs 8.40 – 8.54, and 10.34 of the Applicant's Planning Evidence sets out the applicants view that a Restricted Discretionary activity status is appropriate. I acknowledge the additional assessment provided by the Applicant.

The activity status for (A19) of Table I552.4.1 activity is addressed in paragraphs 511 to 521 of the S42A report. The recommendation in this section is for (A19) to be a Discretionary Activity.

Mr McKenzie has reviewed the evidence of Mr Leo Hills and Mr Mat Collins's, and has provided his response to those pieces of evidence in a memo dated 14 October 2021 (included in Attachment 1). Mr McKenzie considers that from a transportation efficiency/effectiveness point of view, as long as the updated provisions are both sufficiently detailed and broad enough to address the likely nature and scale of transportation effects, RDA status is generally satisfactory. I agree and adopt Mr McKenzie's view.

In my view, the purpose of Standard I552.6.13 relates to the management of transport-related effects. In consideration of the updated evidence from the Applicant, I consider that the activity status of Restricted Discretionary is appropriate. I agree with the Applicant's Planning Evidence that non-compliance with Standard I552.6.13 relates to transport matters. Therefore a full discretionary activity is not necessary.

I recommend a provisional acceptance for a Restricted Discretionary Activity for activity (A19) of Table I552.4.1. I will be able to confirm my recommendation following the consideration of any other evidence on this matter.

Regarding Part 2, being the specific detail on the wording of Standard I552.6.13, I will provide my recommended amendments to Standard I552.6.13 to the Hearings Panel after considering the evidence of submitters.

Key Issue 5: Reduction in building coverage to 50% and management of bulk and location effects between dwellings in Standard I552.6.3 in Attachment A of the Planning Evidence

Paragraphs 10.6 - 10.10 of the Applicant's Planning Evidence provides further justification for the 65% threshold for the Albany 10 Precinct building coverage controls. These controls apply to both attached and detached dwellings. Further information and assessment in support of this threshold has been provided by Ms. de Lambert's in her evidence, specifically in paragraph 7.11.

Assessment of this threshold is provided in paragraphs 146 to 148 of the S42A hearing report. This is correctly summarized by the Applicant's Planning Evidence as follows:

"Mr Elder supports Ms Skidmore's recommendation to reduce the permitted building coverage for those typologies to 50% as it aligns with the 'MHS and MHU' zones. This is on the basis that that further design testing is needed to demonstrate that suitable amenity outcomes can be achieved."

In summary, the Applicant's Planning Evidence and Ms. de Lambert's evidence set out the framework for managing potential effects in relation to privacy, bulk, shading, dominance, separation, daylight access and outdoor living. The Planning Evidence concludes:

"Overall, we do not consider that reduction in building coverage to 50% for detached and attached dwellings is warranted and do not consider it would achieve the objectives of the Precinct." ³

Ms. Skidmore has reviewed the updated information and having considered the evidence, is satisfied that 65% building coverage is acceptable for the Precinct. I accept Ms. Skidmore's view and recommend that the 65% building coverage sought by the Applicant (as notified) for attached and detached dwellings be accepted.

Key Issue 6: Greater clarity for shading analysis

Paragraph 174(d) of the S42A report states the following:

³ Evidence of Michael Campbell and Mark Thode paragraph 10.10

“174. In summary, after reviewing PC59, considering the submissions and supporting technical documents, Ms. Skidmore has the following recommendations:

...

d. Amend the shading assessment criteria for new buildings and additions to include specific reference to the guidance provided in the Auckland Design Manual for achieving reasonable sunlight access in mid-winter”

Paragraphs 10.12 – 10.13 of the Applicant’s Planning Evidence and paragraph 7.20 of Ms de Lambert’s evidence address this recommendation. In summary, the Applicant has agreed with the recommendation in the section 42A report and consider that it is an appropriate addition. The updated provisions included in the Applicant’s Planning Evidence contain an amended shading criteria under I552.8.2(1)(c)(i).

In Ms. Skidmore’s view (memo dated 13 October 2021, the addition to the assessment criterion has addressed the concern raised. I concur with Ms. Skidmore’s view. I recommend to the Hearing Panel provisional acceptance of the new assessment criterion, subject to any further evidence on this matter presented by other submitters (if any).

Key Issue 7: Infringement of the Standard I552.6.2 Building height as a discretionary activity in Height Management Area 1 only, rather than the blanket non-complying activity as-notified.

Paragraphs 357 to 364 of the S42A report addresses this matter. The notified version of PC59 provides for a non-complying activity status when applications do not meet the requirements of I552.6.2 Building Height. Submission 73.2 (Auckland Council as a submitter) sought that development above this height be included as a discretionary activity.

Ms. Skidmore has considered the Applicant’s evidence, and in para 2.7 of her memo (dated 13/10/21) she states:

“Given this site-specific response to the management of height distribution I consider it is suitable for further exceedance of the height standard to trigger a non-complying activity status.”

This is the same position as the S42A report, and my view remains that a suite of provisions supports the specific height enabled by PC59. I consider a non-complying activity status is still the appropriate activity status for not complying with Standard I552.6.1 Building height as in Attachment A of the Planning Evidence

This recommendation is provisional, and my final recommendation will occur after the hearing of any further evidence on this matter.

Key Issue 8: Height in the northern area of the Precinct

In response to submission 73.1, Ms. Skidmore sought further explanation in the section 42A report for the rationale for the distribution of the Height Control Areas in the northern area of the PC59 site. Ms. Skidmore has confirmed that all three design witnesses have provided further detail, and this is addressed in the following parts of the applicant’s evidence:

- S. Soder at Paragraph 9.3
- R. de Lambert at Paragraph 6.7 and 7.18 – 7.19
- T. Lines at Paragraph 7.10 – 7.12

As identified in Ms. Skidmore’s memo dated 13/10/21, she is satisfied with the rationale provided for the height distribution in the northern area. Therefore, she considers no amendments to Precinct Plan 3 are necessary

I concur with Ms. Skidmore’s position.

Key Issue 9: Landscape buffering

Paragraphs 10.26 to 10.27 in the Applicant's Planning Evidence provides comments for the inclusion of a two meter landscaping requirement. This relates to submission 73.4, which is discussed in paragraphs 389 to 393 of the S42A report.

In the S42A report, it is stated in paragraph 391 *"In Ms Skidmore's view including landscaping is not critical, rather it is the setback requirements that are more important."*

The applicant now proposed to include the landscaping requirement, which is supported by Ms de Lambert⁴.

In paragraph 393 the S42A report, it was stated:

"I consider the current approach to be more efficient and the requested addition does not add any benefit to the amenity values of the precinct. I recommend to reject submission 73.4."

After considering the Applicants evidence, and following consideration of Attachment A of the Planning Evidence, which includes the two meter landscaping requirement, I support including the landscaping requirement.

Key Issue 10: Location of path and planning in riparian areas

Paragraphs 10.14 to 10.18 of the Applicant's Planning Evidence raises the matter of riparian planting width and pedestrian paths, in response to Mr. Tutt's recommendation in the S42A report. In summary, the Applicant's Planning Evidence does not consider that the recommendation is appropriate.

Paragraph 10.17 of the Planning Evidence makes the following statement:

"Mr Boothroyd has addressed in his evidence the potential ecological effects of locating a shared path within a riparian planting area in accordance with Precinct Plan 2 and concludes that there would be no effect on stream health, ecological values or water quality (depending on detailed design). We agree with Mr Boothroyd and consider that on balance and taking into consideration the existing consents held to reclaim streams, the proposed standard is appropriate."

Mr. Tutt has provided his view in a memo dated 13 October 2021 (attached in Attachment 1) In summary, Mr. Tutt sets out that there may be a contradiction between the Sub-standards I552.6.10 (1) and I552.6.10(3).. I do not consider that Mr. Tutt is requesting for the path to be relocated.

Mr. Tutt is requesting for the path to be outside the area of riparian stream planting, as recommended in his memo dated 3 August 2021 (page 315 of the section 42A hearing report). In summary, Mr. Tutt considers the impervious surfaces used to create a path will not meet the riparian planting standard.

I consider that there is a difference in specialists views on this matter, and I support Mr. Tutt's position. I do consider that there might be a misunderstanding of information, and this may be clarified through the process of the hearing.

Key Issue 11: Amendments sought to Policy 16

Paragraphs 10.35 to 10.38 of the Applicant's Planning Evidence addresses my recommendation to amend Policy (16). This is addressed at paragraphs 473 to 480 of the S42A report.

The Applicant's Planning Evidence states:

"We consider the amendments proposed by Mr Elder incorrectly remove any reference to supporting transportation infrastructure. The proposed wording could be interpreted to apply to

⁴ Evidence of Ms de Lambert, para 5.1 (b)

any infrastructure generally, which we do not consider appropriate as the wording is broad in scope which risks a wide interpretation of infrastructure upgrades at future consenting stages.”

In regard to Policy (16), I will consider any amendments to my recommendation once I have considered submitters evidence and heard from submitters at the hearing.

Key Issue 12: Activity table formatting

Paragraphs 10.51 to 10.53 of the Applicant’s Planning Evidence discusses the S42A recommendation that leads to the rearrangement of the Activity Table. The key issue in my view from paragraph 10.53 is as follows:

“As such the applicant has largely adopted the Auckland Council submission and amended the 1552.4.1 Activity table accordingly. As outlined earlier in evidence, this has resulted in a number of consequential changes, as well as consolidation of a number of activities in response to a range of other submission points.”

The recommended rearrangement of Table 1552.4.1 seeks to improve usability of the Table for plan users, not to amend the content of the activity table. The notified version had headings ‘Subdivision and development’ and ‘development’ and I recommend that these activities be compiled all under the heading “subdivision and development”, and the various activities are not separated by table sub-heading ‘community’.

In regard to the final wording of the activity table, I will provide my final recommended version after considering the evidence of submitters.

Key Issue 13: Special information requirement

In summary, the applicant does not agree with S42A recommendation to amend ‘1552.9.(3) Commercial GFA assessment’. This is outlined in paragraph 10.48 of the Applicant’s Planning Evidence.

The Planning Evidence states:

“10.48 We do not support the recommended changes to the ‘Commercial GFA assessment’ as it fundamentally alters the purpose of the requirement, which is to ensure ongoing tracking of the total GFA of ‘commercial activities and healthcare facilities’ within the Precinct, for compliance with the 1552.6.6 Commercial GFA and location control. Our concern with the recommended amendments is the potential inclusion of all ‘non-residential’ activities, which are not controlled by the above standard. This may lead to administrative issues where GFA is incorrectly identified and tracked. We note that Mr Elder shares this view at paragraph 499 of the 42A Report when considering amendments to Policy (19), noting that “reference to ‘non-residential activities’ would provide for activities such as industrial activities, as it has a wider definition under Chapter J Definitions of the AUP”. We agree with this statement.

*10.49 We therefore propose amendments to the information requirement in **Attachment A** which address Auckland Transport’s submission and avoids any potential ambiguity in administration of the standard.”*

The S42A report discusses this matter as follows:

“There may be circumstances where a resource consent application is for non-residential activities not currently provided for. I therefore consider it necessary to capture all non-residential activities and development so that they are able to be assessed.”

Regarding the final wording of the Precinct text relating to special information requests, I will provide my recommended final version after considering the evidence of submitters.

Key Issue 14: Open Space access

Paragraphs 10.45 and 10.46 of the Applicant's Planning Evidence addresses the S42A recommendations for submissions 73.22, 24.1 and 24.2. These submissions were in regard to public accessibility of open space and shared paths, and are addressed in paragraphs 610 to 678 of the S42A report.

The Applicant's Planning Evidence generally agrees with the recommendations in the S42A report with the exception of the recommendation for submission 73.22. This submission, by Auckland Council, seeks a timeframe for implementation of the shared path along the Esplanade Reserve. The Applicant's Planning Evidence has made the following suggested amendments to PC59:

- a) Shared access path will be provided 'upfront' within the amended I552.6.12 Transport assessment and upgrade thresholds (as identified in Attachment A of the Planning Evidence); and
- b) Remove the requirement from the subdivision standard in the precinct.

The shared path should now occur at the initial stages of development as set out by Standard I552.6.12 (As identified in Attachment A of the Planning Evidence). I do not have concerns with introducing a 'time frame' into the Albany 10 Precinct, as requested by submission 73.22.

I consider this approach to be more effective and efficient in comparison to the notified version of PC59, and I consider that it delivers a benefit to the wider community by contributing to a currently unfunded Upper-Harbour Greenways Plan 2019 project.

3. CLAUSE 29(4) OF SCHEDULE 1 OF THE RMA ASSESSMENT AND RECOMMENDATION

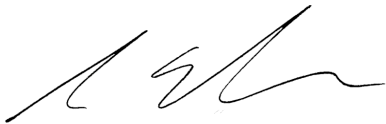
An assessment under Cl29(4) of Part 2 of Schedule 1 of the RMA is required for a plan change that has undertaken a further evaluation. In the further evaluation has been provided by the applicant, in accordance with Section 32AA. Cl29(4) is as follows:


- (4) After considering a plan or change, undertaking a further evaluation of the plan or change in accordance with [section 32AA](#), and having particular regard to that evaluation, the local authority—
 - (a) may decline, approve, or approve with modifications the plan or change; and
 - (b) must give reasons for its decision.

The Applicant has provided a S32AA assessment in the Applicant's Planning Evidence in support of their suggested further amendments to PC59.

At this stage, I have yet to consider these amendments against all other submitters' evidence and any verbal evidence provided by submitters at the hearing. It is my preference to provide my final recommended position after hearing from all submitters.

4. SIGNATORIES

	Name and title of signatories
Authors	 18 October 2021

	Todd Elder, Policy Planner, Regional, North, West and Islands Planning
Reviewer / Approver	 18 October 2021 Eryn Shields Team Leader Regional, North, West and Islands Planning

APPENDIX 1
SPECIALIST TECHNICAL INPUT

To: Todd Elder
Auckland Council

From: Don McKenzie
Stantec

File: 310204148

Date: October 14, 2021

Reference: Plan Change 55 - Albany Highway

At your instruction, I have reviewed the statements of evidence prepared by Leo Hills of Commute (Applicant's transport engineer) and Mat Collins of Flow (transport peer reviewer engaged by the Applicant). Overall and as discussed by phone with you earlier this week, in relation to the substance of the transport issues, I consider that there are no significant differences between our respective positions.

In the following sections, I briefly discuss the current position with respect to the two primary issues that you have asked me to consider, and

Proposed Northern Left In/Left Out Access

In relation to the northern left in/left out access, while I remain of the view that an assessment should be undertaken before the decision is made to retain or drop the access. I consider that there would be some (minor) benefit associated with the provision of the northern Left-in/Left-Out ("**LILLO**") access and should ideally be retained until such time as the Applicant provides assessment of the requirement for the access (or some other alternative decision).

As far as I am able to discern from the Applicant's evidence and associated material submitted for the upcoming hearing, the Applicant proposes the deletion of the northern access point, and this is accepted as appropriate by the Applicant's transportation advisers.

I agree that this change to remove the northern LILLO access from the precinct provisions is acceptable from a transportation point of view. Should there be an identified requirement or request to establish this (or some other form of) access in this location, I consider that there are suitable mechanisms available for the application to apply for consent to establish the access point following the usual transportation assessment and consenting pathways.

Restricted Discretionary Activity Status

We have previously discussed the matter of Discretionary vs Restricted Discretionary Activity Status for different scales of development. The updated precinct provisions (attached to the Applicant's planning evidence of Michael Campbell and Mark Thode) and following detailed consultation by the Applicant with Auckland Transport in particular, now include a proposed structure comprising of Transport Threshold Standards (I552.6.12(1)), Matters of Discretion (I552.8.2.1) and Assessment Criteria (I552.8.2.2). In this regard and in my opinion, there is an appropriate combination of transport mitigation upgrade thresholds and if any of those thresholds are breached, a process of restricted discretionary assessment addressing the matters most relevant to the safe and efficient operation of the transport network including the requirement for integrated transportation assessments.

As reported in the evidence of Leo Hills (paragraphs 6.4 and 6.5) this structure removes the requirement for an overall dwelling density and total dwelling cap that was in my opinion previously unjustifiable on transportation grounds.

I have considered the proposed Matters of Discretion and Assessment Criteria in respect of transport matters, and can confirm that with these (and the threshold standards from I552.6.12), the Restricted Discretionary Activity status for any activity exceeding the transport threshold standards is appropriate.

Stantec New Zealand

Don McKenzie
Private Sector Leader (Transportation) - Auckland
Phone: 021 656 191
Email: don.mckenzie@stantec.com

Memo

To: Todd Elder – Policy Planner, Regional, North, West , Islands Plan and Places

Date: 13 October 2021

Reference: PPC59 – Albany 10 Precinct – Urban Design, Landscape and Visual Effects

1 Introduction

- 1.1 I have now reviewed the Requestor’s expert evidence in relation to PPC59, Albany 10 Precinct. In particular, I have read the evidence of Severin Soder (masterplanning), Rachel de Lambert (urban design) and Thomas Lines (landscape and visual).
- 1.2 While I reserve my final feedback to the conclusion of the hearing following the opportunity to hear questions put to the Requestor’s witnesses and hearing the evidence of submitters, I understand the Chair has issued a minute seeking feedback on the provisions proposed in the Requestor’s evidence.
- 1.3 In my review memo (dated 24th September 2021), I raised a limited number of issues that I suggested either required further analysis or amendments to the provisions. These issues have been addressed by the Requestor’s design witnesses. Following is my response.

2 Response to Issues

Building Coverage

- 2.1 I had noted that further analysis was required to confirm that a departure from the 50% site coverage standard that applies to the THAB zone would be appropriate for attached or detached houses in the Precinct¹. The provisions propose a site coverage standard of 65%.

¹ Para. 5.18 Urban Design, Landscape and Visual Effects Review memo, R Skidmore, 24/09/21

- 2.2 I am satisfied with the response set out in Paragraph 7.11 of Ms de Lambert’s evidence. In particular, I note her advice that a minimum area of 1,200m² will be required to ensure comprehensive development and that the THAB zone includes a suite of other controls to ensure a suitable amenity between dwellings is achieved.

Assessment criteria – shading analysis

- 2.3 In my review I noted that shading within the Precinct is proposed as a matter of discretion for new buildings and additions. The associated assessment criterion referred to achieving a reasonable level of sunlight for residential units and open space. I recommended that greater clarity should be provided around what constituted a ‘reasonable’ level, with reference to the guidance set out in the Council’s Urban Design Manual.²
- 2.4 The revised provisions now being proposed have addressed this matter with an expansion to the Criterion I552.8.2(1)(c)(ii). I consider this amendment addresses the issue I raised.

Building Height Area Distribution

- 2.5 In response to an issue raised by Auckland Council (as submitter), I sought further explanation of the rationale for the distribution of Height Control Areas in the northern area of the Precinct as set out in Precinct Plan 3³. This issue is addressed by all three design witness (S. Soder at Paragraph 9.3, R. de Lambert at Paragraph 6.7 and 7.18 – 7.19, and T. Lines at Paragraph 7.10 – 7.12).
- 2.6 I am satisfied with the reasons provided and the rationale for the height distribution in the northern area of the Site in relation to Albany Highway and the broader surrounding context. I do not consider amendments to Precinct Plan 3 are necessary.
- 2.7 I note that, while I didn’t address in my review the activity status of buildings that exceed the height standard for the various Height Control Areas, Auckland Council (as submitter) has raised this issue. Rather than triggering a non-complying activity status, the submission recommends that it should be a Discretionary Activity, as in other parts of the AUP. For this Precinct, I consider a nuanced approach has been applied to determining a suitable distribution of height across the Precinct. In some locations considerably greater height than the THAB standard is enabled, while in other areas this is reduced. Given this site-specific response to the management of height

² Para. 5.34, Urban Design, Landscape and Visual Effects Review memo, R Skidmore, 24/09/21

³ Para. 6.9, *ibid.*

distribution I consider it is suitable for further exceedance of the height standard to trigger a non-complying activity status.

Albany Highway Interface Controls

- 2.8 In response to issues raised by submitters, the Applicant proposed amendments to the interface controls with Albany Highway (In Table I55.6.10.1), requiring a 2m minimum landscaped yard.
- 2.9 An amendment is also proposed to Rule I552.6.7 including a reference to ‘along Albany Highway’ in the limitation on front yard fencing to 1m height.
- 2.10 Together, I consider these provisions will contribute to the creation of a positive street edge along Albany Highway.



Rebecca Skidmore

Urban Designer/Landscape Architect

13 October 2021

Memo (technical specialist report to contribute towards Council’s section 42A addendum)

13 October 2021

To: Todd Elder – Policy Planner, Auckland Council
From: Gemma Chuah, Principal Resource Management, Healthy Waters Auckland Council

Subject: Private Plan Change – PC59 – ‘Albany Precinct 10’ – Addendum to Stormwater Management Assessment following notification.

1.0 Introduction

- 1.1 I have undertaken a technical review and assessment of the private plan change, on behalf of Auckland Council in relation to stormwater effects.
- 1.2 Additional reports and plans have been submitted by the applicant following notification. This memo is an addendum to my assessment dated 6 August 2021 and considers the applicant’s evidence, revised provisions and additional documents.
- 1.3 In writing this memo, I have reviewed the following additional documents:
 - Albany Estate Stormwater Management Plan (Version 8), Rev A, 473 Albany Highway, prepared by Wood & Partners Consultants Ltd, dated 6/10/2021
 - Applicant’s evidence dated 4 October 2021 – Planning, Stormwater, Infrastructure, Ecology

2.0 Stormwater evidence and revised stormwater management plan

- 2.1 The applicant has submitted a revised Stormwater Management Plan (SMP) (version 8, dated 6/10/2021) to Healthy Waters and requested that the provisional approval be reissued. Healthy Waters have sought and received further clarifications on the content of the SMP and provisional approval will be re issued before the Hearing.
- 2.2 The major change to the stormwater management in the revised SMP is the removal of the proposed stormwater management wetland. This is in order to reduce the vegetation disturbance near to the stream. It is proposed that water quality and hydrology mitigation for the catchment which formerly drained to the wetland will now be provided by either the existing raingarden on the site, a new bioretention device or a proprietary device. Further investigation will need to be done to determine if the existing raingarden can be used.
- 2.3 The revised SMP is referenced in Mr Kinnear’s evidence but a copy is not included.
- 2.4 The proposed stormwater management standards for the sub catchment remain the same as would have been achieved by the previously proposed wetland and are therefore acceptable.
- 2.5 The exact detail and locations of the devices to be used are best determined as part of the resource consent application and the SMP provides preferred options to guide that design. Device selection is appropriately done as part of the Resource Consent

design once the final site layout and engineering details are available as these are a critical part of the consideration of options. Mr Kinnear notes in several places in his evidence that device selection will occur as part of the resource consent.

- 2.6 The updated SMP has included the matters raised by Auckland Transport (AT) and the SMP notes that for any devices in the road corridor or which receive run off from only road catchments, the device selections will need to be determined in conjunction with AT as the devices will be vested to AT. This is recognised in by Mr Kinnear in his evidence section 6.4- 6.7.
- 2.7 Overall I agree with the conclusions reached by Mr Kinnear with regards to stormwater management.

3.0 Updated NPS:FW and NES:FM assessments

- 3.1 The status of the 'wetland' area has been clarified and I agree that the wetland regulations of the NES-FM will not apply to this site. The applicant is also no longer proposing a constructed wetland in that location.
- 3.2 I agree with the conclusions of Mr Boothroyd in relation to stormwater management and the NPS:FW and NES:FM.

4.0 Revisions to precinct provisions that relate to stormwater

Rule (A17)

- 4.1 I agree with the applicant's proposed additional rule (A17) within the activity table.

Standards I552.6.8 and I552.6.13.1

- 4.2 As the applicant are no longer proposing a wetland for stormwater management, standard (2) for stormwater management for development (I552.6.8) and subdivision (I552.6.13.1) are proposed to be amended to remove reference to the wetland. The same wording is proposed for both standards:

(2) All stormwater runoff from a new impermeable road, lane or accessway surface (including at grade parking associated with the Central Park) must be directed via a piped underground network to communal private or public bioretention devices. ~~stormwater raingardens and/or wetland. The wetland must be located in general accordance with Precinct Plan 1 — Albany features plan and, u~~ Unless otherwise authorised, the devices must be designed to provide stormwater treatment and stream protections via stormwater detention for the 90 th percentile 24-hour rainfall event as outlined in Guideline Document 2017/001, Version 1, "Stormwater Management Devices in the Auckland Region", by Auckland Council and dated December 2017. Where bioretention devices are not feasible proprietary devices are to be utilised.

- 4.3 While I agree that a change is necessary, I do not agree that the wording proposed by the applicant is the most appropriate way to achieve the desired outcome. The proposed wording specifies the design objective which is appropriate but is unnecessarily specific with regards to the choice of devices to achieve that outcome.
- 4.4 As discussed above device selection is more appropriately done as part of the Resource Consent design once the final site layout and engineering details are available as these are a critical part of the consideration of options.
- 4.5 Specifying the actual devices in the precinct standard effectively excludes alternative options which may become apparent due to later changes in the development plan. As applicants are usually quick to point out, the layouts provided at the time of plan change are conceptual only and are likely to be refined through the resource consent.
- 4.6 In particular it is not appropriate for a precinct standard to specify that proprietary devices should be used “where bioretention devices are not feasible” as these are unlikely to be accepted by Healthy Waters or Auckland Transport for vesting at the later stage due to the potential cost of ongoing maintenance. Further ‘proprietary devices’ is a very broad term which is not defined in the AUP. There are many proprietary products on the market which provide a wide range of stormwater management functions and efficiencies.
- 4.7 I recommend simplifying the standard as below (suggested edits in green). The details of the proposed methods for achieving the standard are described in the SMP which is required to be complied with through standard (1) anyway. The revisions below will allow greater flexibility of design for the applicant and the future asset owners at the time of the resource consent and engineering plan approvals.

(2) All stormwater runoff from a new impermeable road, lane or accessway surface (including at grade parking associated with the Central Park) must be managed by a device designed to achieve directed via a piped underground network to communal private or public bioretention devices, stormwater raingardens and/or wetland. The wetland must be located in general accordance with Precinct Plan 1—Albany features plan and, u Unless otherwise authorised, the devices must be designed to provide stormwater treatment and stream protections via stormwater detention of for the 90 th percentile 24-hour rainfall event as outlined in Guideline Document 2017/001, Version 1, “Stormwater Management Devices in the Auckland Region”, by Auckland Council and dated December 2017. Where bioretention devices are not feasible proprietary devices are to be utilised.

- 4.8 Alternatively, I recommend that standard (2) be deleted and standard (1) be relied on. The SMP outlines a range of measures in order to appropriately mitigate the stormwater effects of the development of the site and this standard only addresses one of these measures. The presence of this standard and the absence of standards addressing the other measures including water quality, non-contaminant generating building materials, retention, and rainwater reuse could imply that those elements of the SMP are not as important and could undermine the effectiveness of the SMP and the agreed stormwater approach.

4.9 I also note that the wording of the purpose of the two standards is not consistent. I recommend that the wording of the purpose of the standard from I552.6.8 is replicated in I552.6.13.1.

5.0 Conclusions

- The stormwater management as proposed in the SMP will be appropriate to manage the effects of the development of the site.
- The details of how the stormwater management is designed is best done as part of the resource consent of the development
- The precinct standards should be amended to remove the reference to specific stormwater management devices.

Memo (technical specialist report to contribute towards Council's section 42A hearing report)

13 October 2021

To: Todd Elder, Policy Planner, Auckland Council

From: Carl Tutt – Ecologist, Auckland Council

Subject: Private Plan Change – PC59 – Albany 10 Precinct –Ecological Supplementary Evidence

1.0 National Policy Statement for Freshwater Management (NPS:FM) and National Environmental Standards for Freshwater (NES:F)

- 1.1 The proposed plan change is in accordance with the NPS:FM and NES:F do apply to the site in relation to protection of streams, rivers and provisions relating to fish passage.
- 1.2 Mr Boothroyd's statement of evidence has provided further assessment that the proposed objectives and policies of PC58 do give regard and are in consistent with outcomes sought from the NPS:FM.

2.0 Standard I552.6.10(1)

- 2.1 Further to paragraph 4.2 my primary memo, any tracks should be additional to the riparian width. All urban zone riparian yards permit only 10% impervious surface. Open Space zone also has restriction on impervious surfaces. Tracks within the riparian zones would likely contradict these standards. Gravel tracks, which when constructed required compacted earth, will be classified as an impervious layer, as specified in Chapter J definitions.
- 2.2 Walkway's whether maintained or not will have a level of ecological effect. Impervious layers decrease the natural soakage and stream recharge and cause excessive run-off which can exacerbate instream erosion. Furthermore, they provide no habitat or ecosystem services for biodiversity.