

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

Date: Monday 23 May and Tuesday 24 May 2022
(Wednesday 25 May 2022 as an overflow day if required)
Time: 9.30am
Meeting room: Council Chambers
Venue: Ground Floor, Auckland Town Hall
301-303 Queen Street, Auckland

PRIVATE PLAN CHANGE 64

HEARING REPORT

**PC64 - 953 NEW NORTH ROAD, MOUNT
ALBERT**

TRAM LEASE LIMITED

COMMISSIONERS

Chairperson Dr Lee Beattie
Commissioners Lisa Mein
Mark Farnsworth

Bevan Donovan
KAITOHUTOHU WHAKAWĀTANGA
HEARINGS ADVISOR
Telephone: 09 890 8056 or 021 325 837
Email: bevan.donovan@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

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 submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions. 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 **reporting officer** may provide a brief overview of the plan change.
- **Submitters** (for and against the plan change) 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 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 CHANGE TO THE AUCKLAND UNITARY PLAN

TABLE OF CONTENTS		PAGE NO.
Reporting officer's report		5 - 40
Appendix 1	Application documents This attachment has not been re-produced in this agenda. The information is available on the council web-site at the following link https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=112	
Appendix 2	Summary of Submissions and Further Submissions	41 - 72
Appendix 3	Clause 23 Request and Responses	73 - 80
Appendix 4	Specialist Assessments	81 - 122
Appendix 5	National Policy Statement on Urban Development 2020	123 - 156
Appendix 6	Eden-Epsom Residential Protection Society Incorporated v Auckland Council 2021 NZEnvC 082	157 - 166
Appendix 7	Council Decision to accept Private Plan Change 64 under Clause 25 to the First Schedule of the RMA	167 - 184

Reporting officer, Clare Wall Shaw, Planner

PC64 - To rezone land at 953 New North Road, Mount Albert from Business - Town Centre to Business - Mixed Use and remove the Building Frontage Control-General Commercial Frontage from the site.

SUBMITTERS:	
Page 45	Ronald Tapply
Page 47	Sanaia Thompson
Page 49	David Ryan
Page 51	Vincent and Sarah Heeringa
Page 53	Auckland Transport
Page 61	Kāinga Ora

FURTHER SUBMITTERS:	
Page 65	Auckland Transport
Page 69	Kāinga Ora



Hearing Report for Proposed Private Plan Change 64: (953 New North Road) to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to: Hearing Commissioners

Hearing Date/s: 23 and 24 May 2022

File No:

File Reference

Report Author Clare Wall Shaw

Report Approvers Fiona Sprott

Report produced 27 April 2021

Summary of Proposed Plan Change 64: (953 New North Road, Mount Albert)

Plan subject to change	Auckland Unitary Plan (Operative in part), 2016
Number and name of change	Proposed Plan Change 64 - (953 New North Road) to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Private Plan Change
Clause 25 decision outcome	Accept
Parts of the Auckland Unitary Plan affected by the proposed plan change	Planning maps only
Was clause 4A complete	Yes
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	Publicly notified on 22 July 2021
Submissions received (excluding withdrawals)	6
Date summary of submissions notified	23 September 2021
Number of further submissions received	2
Legal Effect at Notification	No legal effect at notification
Main issues or topics emerging from all submissions	Loss of town centre floorspace, viewshaft intrusion, housing provision, transport effects

Contents

Hearing Report for Proposed Private Plan Change 64: (953 New North Road) to the Auckland Unitary Plan (Operative in part)	0
Executive Summary	5
1. Purpose of the proposed private plan change	6
2. Site description and background	6
3. Existing Plan Provisions	6
4. Proposed Plan Change Provisions	8
5. Analysis of the section 32 report and any other information provided by the requestor	8
6. Hearings and decision-making considerations	11
7. Statutory and policy framework	12
7.1. Resource Management Act 1991 - Regional and district plans.....	12
7.2. Resource Management Act 1991 - regional matters.....	14
7.3. Resource Management Act 1991 - district matters	14
7.4. National Policy Statements	14
7.5. National environmental standards or regulations.....	17
7.6. Auckland Unitary Plan	17
7.7. Other relevant legislation	21
7.8. The Auckland Plan 2050	21
7.9. Any relevant management plans and strategies prepared under any other Act	23
8. Assessment of effects on the environment	23
8.1. Effects on the quality built environment.....	24
8.2. Economic effects	24
8.3. Transport effects	26
8.4. Effects on open space and community facilities	27
8.5. Effects on servicing.....	28
9. Consultation	28
9.1. Mana Whenua	28
9.2. Local Board	28
10. Notification and Submissions	29
10.1. Notification details	29
11. Analysis of submission and further submissions.....	29
11.1. Submissions supporting PPC 64 in its entirety.....	30
11.2. Submissions opposing PPC 64 in its entirety	31
11.3. Submissions on transport matters.....	32
12. Conclusions.....	33

13. Recommendations	34
14. Signatories	34
Appendix 1 - Plan Change 64 (953 New North Road), as notified with appendices.....	35
Appendix 2 - Summary of Submissions and Further Submissions.....	36
Appendix 3 - Clause 23 Request and Response	37
Appendix 4 - Specialist Assessments	38
Appendix 5 - National Policy Statement Urban Development 2020.....	39
Appendix 6 - Eden-Epsom Residential Protection Society Incorporated v Auckland Council [2021] NZEnvC 082	40
Appendix 7 - Council Decision to accept PPC 64 under Clause 25 to the First Schedule of the RMA	

41

Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC 64	Proposed Private Plan Change 64
RMA	Resource Management Act 1991
AUP (OP)	Auckland Unitary Plan (Operative in Part)
RPS	Regional Policy Statement
BMU	Business - Mixed Use
BTC	Business - Town Centre
TLL	Tram Lease Limited

Attachments

Attachments	
Appendix 1	Plan Change 64 (953 New North Road), as notified with appendices
Appendix 2	Summary of Submissions and Further Submissions
Appendix 3	Clause 23 Request and Response
Appendix 4	Specialist Assessments
Appendix 5	National Policy Statement Urban Development 2020
Appendix 6	Eden-Epsom Residential Protection Society Incorporated v Auckland Council [2021] NZEnvC 082
Appendix 7	Council Decision to accept PPC 64 under Clause 25 to the First Schedule of the RMA

Executive Summary

1. Proposed Private Plan Change 64 (PPC 64) to the Auckland Unitary Plan (Operative in Part (AUP (OP))) seeks to rezone land at 953 New North Road, Mount Albert from Business - Town Centre Zone (BTC) to Business - Mixed Use Zone (BMU) and remove the Building Frontage Control - General Commercial Frontage from the site in the AUP (OP).
2. The private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 ('RMA') was adhered to in developing PPC 64.
3. Following receipt of all further information PPC 64 was accepted for processing under Clause 25 of Schedule 1 on 12 July 2021.
4. PPC 64 was publicly notified on 22 July 2021 and closed for submissions 18 August 2021. The summary of submissions was notified on 23 September 2021 and closed for further submissions on 7 October 2021.
5. Six submissions were received. Two further submissions were received.
6. In preparing for hearings on PPC 64, this hearing report has been prepared in accordance with section 42A of the RMA.
7. This report considers the private plan change request and the issues raised by submissions and further submissions on PPC 64. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC 64. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
8. This report also forms part of council's ongoing obligations to consider the appropriateness of the proposed provisions, the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised by submissions on PPC 64.
9. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the applicant in support of PPC 64 (including the s32 report and an Assessment of Environmental Effects) is attached in Appendix 1.
10. In accordance with the evaluation in this report, I consider that the provisions proposed by PPC 64 are the most appropriate way of achieving the objectives of the AUP (OP) and the purpose of the RMA.
11. It is recommended that PPC 64 be approved for the reasons set out in section 12 of this report.

[Te reo headline here]

1. Purpose of the proposed private plan change

12. PPC 64 was lodged with the council on 6 April 2021 by Tram Lease Limited (TLL). The purpose of PPC 64 as outlined on page 10 in the s32 assessment report¹ is to:

“to apply a Business - Mixed Use zoning to the 2,387m² site to optimise the efficient use of the existing urban area while also enhancing the quality of life for individuals and communities.”

2. Site description and background

13. The subject site (the property at 953 New North Road in Mount Albert) comprises approximately 2,387m², and is bounded by the railway line to the north-west and New North Road to the south-east. The site contains a large commercial building, with single and two-storey elements. The balance of the site is at grade car parking and vehicle circulation space. The site is owned by TLL and occupied by commercial and retail leases. A site visit was undertaken on 3 May 2021. Figure 1 below shows an aerial image of the plan change site.



Figure 1 - Aerial of plan change area

14. In accordance with s42A (1A) I do not propose to repeat information included in the requestor’s application and under s42(1B)(b) I adopt the description of the site and surrounds set out in the requestors site context report².

3. Existing Plan Provisions

¹ Page 10 of the report entitled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 14 May 2021 (see Appendix 1).

² . Pages 6-9 of the report entitled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 14 May 2021 (see Appendix 1).

[Te reo headline here]

15. The site is currently zoned as Business - Town Centre (see Figure 2) and the requestor is seeking a change in zoning to Business - Mixed Use. The land is subject to the Height Variation Control allowing development of buildings up to 18m in height.
16. The plan change area is subject to the following controls:
 - Building Frontage Control - General Commercial Frontage
 - Height Variation Control - Mount Albert, 18m
 - Macroinvertebrate Community Index - Urban
17. The following designation is of relevance:
 - The plan change area is adjacent to the KiwiRail designation 6300 (North Auckland Railway Line from Portage Road, Otahuhu to Ross Road, Topuni). This designation covers the length of the railway line and rail corridor. The purpose of this designation is to develop, operate and maintain railways, railway lines, railway infrastructure, and railway premises as defined in the Railways Act 2005.
18. In addition, there are two overlays that apply to the plan change area:
 - Natural Resources: Quality Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic
 - Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts. The height of this viewshaft is approximately 26m-27.5m above ground level over the plan change site.

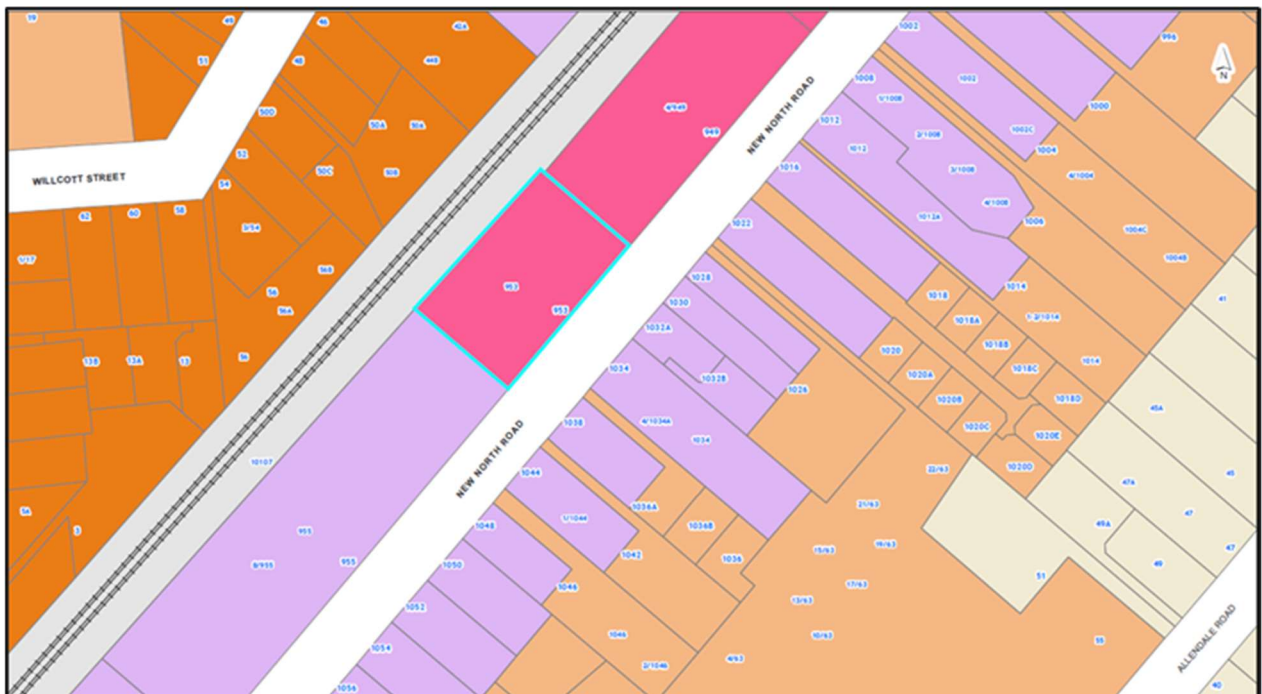


Figure 2 - Zoning

19. The AUP (OP) identifies New North Road as an arterial road. As such, a Vehicle Access Restriction applies to the site in accordance with E27.6.4.1(3)(c).

[Te reo headline here]

20. The rail corridor to the north-west of the plan change area is zoned Strategic Transport Corridor Zone.

4. Proposed Plan Change Provisions

21. The proposed plan change seeks to amend the AUP GIS Maps to apply the Business - Mixed Use zone to the property at 953 New North Road and remove the Building Frontage Control - General Commercial Frontage from the site. There are no changes to any other spatial layers or text in the AUP (OP).
22. This proposal would serve to reduce the amount of Business - Town Centre zoning in the Mount Albert town centre from 31,496m² to 29,109m² and increase the amount of Business - Mixed Use zoning from 41,664mm² to 44,031m².
23. Much of the land in the Mount Albert town centre and surrounds is owned by Tram Lease Limited, and this private plan change site lies within the area covered by another request for a private plan change from Tram Lease Limited which seeks to increase the standard height control within the north-western blocks of the Mount Albert town centre (911-975 New North Road) to enable buildings of up to 24m in height. This height change will apply to the site at 953 New North Road, if approved, in addition to the change in zone and removal of the Building Frontage Control sought by this plan change. PPC 64 is following the same timeframes as PPC 63 and will be heard at the same hearing. The height being sought by PPC 63 relates to the sites within the plan change area, rather than the zoning. Should both plan changes be approved as notified, a Height Variation Control would apply to 953 New North Road to enable buildings up to 24m.
24. TLL has provided the following specialists' documents to support their private plan change application.

Table 1: Information provided by the requestor for the private plan change

Document title	Specialist	Date
Section 32 Assessment Report	Barker & Associates	14 May 2021
Mt Albert Town Centre Zone Plan Change Economic Analysis	Property Economics	May 2021

5. Analysis of the section 32 report and any other information provided by the requestor

25. In accordance with s42A(1) of the RMA this report is prepared based on information provided on any matter by the requestor. In accordance with s42A(1A) this report does not need to repeat information included in the request, and instead under s42A(1B) may—
- adopt all of the information; or
 - adopt any part of the information by referring to the part adopted
26. Having carefully reviewed the requestor's section 32 report I now set out those parts which I adopt and the parts which I disagree with.
27. The requestor's s32 assessment is contained within section 10 of their report³. The assessment starts with an investigation of whether the objectives of the plan change are the most appropriate

³ Pages 19 -27 of the report entitled 'Section 32 Assessment Report' by Shannon Fallon of Barker & Associates Limited dated 14 May 2021 (see Appendix 1).

[Te reo headline here]

way to achieve the purpose of the RMA. I acknowledge section 10.1 which makes conclusions regarding sections 5-8 of the RMA, however in my view it is difficult to determine the most appropriate way to achieve the RMA's purpose without a comparison between the objective of the plan change with the status quo objectives. It is my view that the operative zone objectives give effect to the provisions of the Regional Policy Statement (RPS) and all higher documents, so the question becomes which objectives (PPC 64 objective or the operative zone objectives) give better effect.

28. In my view the current operative zoning of BTC is appropriate for this location and the site characteristics. The BTC zoning provides for a wide range of activities including commercial, leisure, residential, tourist, cultural, community and civic services, providing a focus for commercial activities and growth. The extent of the BTC zoning in Mount Albert indicates the town centre has been identified for future growth and intensification. In assessing PPC 64 it is important to understand whether there is sufficient capacity for this expected growth in the existing BTC zoning, and the consequences of the change in zoning to BMU.
29. I rely on the assessment of Mr Akehurst of Market Economics who identifies the challenges faced by the Mount Albert town centre, in particular the physical layout of the centre and its dispersed nature of activity along the arterial road, as well as the strengths of the town centre, including the presence of the train station and the recent streetscape/infrastructure upgrade⁴. Mr Akehurst identifies a previous study undertaken by Market Economics in respect of the Kāinga Ora Mount Roskill Precinct in May 2019, that found the Mount Albert town centre could grow by 7,600m² GFA by 2043 to reach a total floorspace requirement of 19,300m², the equivalent of 65 per cent growth.
30. While the requestor's assessment by Property Economics estimates the demand for town centre floorspace to be lower at 15,120m², there is broad agreement that the Mount Albert town centre will still be able to accommodate the expected growth in floorspace demand over the next 30 years, without the subject site being zoned for town centre activity⁵. It should be noted that these conclusions rely on the assumptions that it is, for the most part, only the ground floor that is developed and available for retail or town centre use, while any upper levels can be used flexibly for residential, office, and some suitable commercial activities. I agree with the findings of Mr Akehurst that with the loss of the estimated ground floor retail floorspace at 953 New North Road of 1,760m², the Mount Albert town centre still has more retail capacity at ground level (21,940m²) than required in the future (19,300m²).
31. PPC 64 seeks to remove the BTC zoning and replace it with BMU zoning. The BMU zone is typically located around centres and along corridors served by public transport. It acts as a transition area, in terms of scale and activity, between residential areas and the business centre areas. The zone provides for residential activity as well as predominantly smaller scale commercial activity that does not cumulatively affect the function, role and amenity of centres. The zone does not specifically require a mix of uses on individual sites or within areas.
32. The subject site is currently the last parcel of land zoned BTC at the southern end of the Mount Albert town centre, with PPC 64 seeking to shift the boundary between the zones to the north and shorten the total length of BTC zoning on the north-western side of New North Road. In my opinion, supported by the conclusions of Mr Akehurst, the shift of this boundary to the north may serve to consolidate commercial and retail activities around the core node. This would result in a slightly more compact centre form and reduce the walking distance from one end of the town centre zoned land to the other by approximately 60m, or 8 per cent. I consider this to be a positive benefit.
33. In facilitating more intensive redevelopment of the site by replacing the existing low intensity commercial development, with a residential development, Mr Akehurst also finds the wider centre

⁴ Page 5 of the report titled 'Economic Assessment' by Greg Akehurst of Market Economics, dated 18 March 2022

⁵ Page 9 of the report titled 'Economic Assessment' by Greg Akehurst of Market Economics, dated 18 March 2022

[Te reo headline here]

redevelopment would be assisted by consolidating greater amounts of residential activity within walking distance [of the town centre], creating an additional market to support the centre. I agree with this conclusion, considering this to be a positive potential benefit of PPC 64.

34. I therefore conclude the objective of the plan change, to apply a Business - Mixed Use zoning to the 2,387m² site to optimise efficient use of the existing urban area while also enhancing the quality of life for individuals and communities, to be the better way to achieve the purpose of the RMA.
35. I have read the requestor's assessment of s32(1)(b) and in particular the alternative options set out in section 10.3.1 of their report. Considering the potential options for zoning the subject site, the requestor has presented:
 - Option 1: Status quo (Business - Town Centre Land)
 - Option 2: Rezone the Plan Change area Business - Mixed Use
 - Option 3: Rezone the Plan Change area Residential - Terraced Housing & Apartment Building (THAB)
36. The requestor considers the operative BTC zone to be inefficient, stating that the current zoning discourages residential development at ground floor level, and this does not promote the most efficient use of the subject site. In Table 10.3.1.1 Option 1 the requestor concludes that the current zoning is not in keeping with objectives B2.2.1(10)(c), B2.2.1(1)(d) or B2.4.1(3) which seek to utilise existing infrastructure efficiently and intensify areas of the city that are within close proximity to centres and public transport.
37. I have considered the analysis of whether the Residential - Terrace Housing and Apartment Building (THAB) zoning may also enable the intensive residential development sought by the requestor. I agree with the findings of the requestor that this would represent a spot zoning, between two business zones, albeit the requestor intends to enable a fully residential development. It is my opinion that while a THAB zoning would deliver better amenity for residents, a lower density residential scheme would enable fewer dwellings in a location identified in the AUP (OP) as being suitable for intensive development, being well-located in close proximity to the town centre, public transport, and community facilities.
38. I therefore agree with the conclusion that Option 2 is the most efficient and effective in achieving the objective of PPC 64 and promotes the most efficient use of the site by enabling more intensive residential use of this land resource that is highly accessible to the town centre, regular public transport, and other community facilities, and is consistent with objectives B2.4.1(3), B2.4.1(4) and H13.2(6) of the RPS. The subject site is contiguous with BMU zoned land to the south-west, and I am satisfied that the BMU zone has appropriate controls and standards for the development and activities anticipated on the site. I have set out my further analysis of the proposed BMU zone against the AUP hierarchy of objectives and policies in section 7.6 of this report.
39. Considering the potential options for the frontage control applying to the subject site, the requestor considered the following options:
 - Option 4: Status Quo (Building Frontage Control - General Commercial Frontage)
 - Option 5: Remove the Building Frontage Control - General Commercial Frontage
 - Option 6: Retain the Building Frontage Control - General Commercial Frontage in part
40. The requestor considers the removal of the building frontage control from the whole of the site frontage to be the preferred option (Option 5) and most appropriate in terms of allowing for flexibility in design for the ground floor of any future buildings, thereby enabling a greater degree of intensification on the site. The requestor also states that the Vehicle Access Restriction (VAR) that applies to the entire site frontage to New North Road as an arterial road, would serve to unnecessarily duplicate these controls, and therefore they can be removed.

[Te reo headline here]

41. I consider the existing Building Frontage Control - General Commercial Frontage to allow for the consideration of both pedestrian amenity and safety, when compared with relying only on the VAR which allows for consideration of pedestrian safety only. Mr Collins, the council's transport expert, supports this interpretation, concluding that Standards E27.6.4.1 and E27.6.4.2.1 (T144) provide sufficient scope to ensure any future vehicle crossing will not adversely affect pedestrian safety and can be assessed during future resource consent processes. In relation to ensuring pedestrian amenity, I consider the matters of discretion at H13.3.8.1(3) in the Business - Mixed Use zone allow sufficient scope for the consideration of the design of the wider development and its relationship to the street, to ensure positive outcomes for pedestrians, both in terms of safety and amenity.
42. The requestor also considers, in Option 6, the application (or removal in this case) of the General Commercial Frontage control to part of the site frontage only. They then dismiss this as being potentially confusing and inconsistent with the general approach by the AUP (OP) to applying such controls to the entire frontage of a property. I agree, and a scan of the AUP (OP) planning maps shows very few cases across Auckland where Building Frontage Controls are applied to only part of a site frontage.
43. A final option is presented as a further pathway to achieve both the flexibility of activity and ground floor design and access through the use of a precinct:
 - Option 7: Apply a Precinct including Alternative Provision for Activities and Standards
44. I agree with the requestor's findings that the introduction of a precinct for the site would add unnecessary complexity and is inconsistent with the general approach of the AUP (OP) where precincts are applied in situations with a more complex development future.
45. Turning to whether Option 4 or Option 5 best meets the objectives of PPC 64, I consider there to be little difference between the options, given the status of New North Road as an arterial and the broad scope across the plan to consider both pedestrian safety as well as pedestrian amenity. However, it is my view that to ensure a consistent approach across the plan, the Building Frontage Control could be removed from the subject site through PPC 64. I note that no other sites zoned for Business - Mixed Use within the Mount Albert location are subject to a Building Frontage Control, with very few in other locations. Therefore, it is my opinion that Option 5 meets the objective of PPC 64.
46. Therefore, while I conclude that the operative zoning of the subject site gives effect to the objectives and policies contained in B2.2-B2.4 of the RPS, as discussed in section 7.6 of this report I consider that the more flexible BMU zoning would better meet the RPS residential growth objectives as set out in Option 2 of the requestor's analysis, and combined with Option 5 (the removal in full of the Building Frontage Control - General Commercial Frontage), would better meet the objective of PPC 64 to optimise the efficient use of the existing urban area while also enhancing the quality of life for individuals and communities.

6. Hearings and decision-making considerations

47. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on private plan changes.
48. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. Hearing Commissioners will not be recommending a decision to the council, but will be issuing the decision.

[Te reo headline here]

49. In accordance with s42A(1), this report considers the information provided by the applicant and summarises and discusses submissions received on PPC 64. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC 64. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
50. The Hearing Commissioners will consider all the information submitted in support of the proposed plan change, information in this report, and the information in submissions, together with evidence presented at the hearing.
51. This report has been prepared by the following author and draws on technical advice provided by the following technical experts:

Table 2: Specialist input into s42A report

Area of expertise	Author/Technical experts
Planning	Clare Wall Shaw, Senior Policy Planner, Central South Unit, Plans and Places, Chief Planning Office, Auckland Council
Economic Analysis	Greg Akehurst, Director, Market Economics Limited
Transport	Mat Collins, Associate, Flow Transportation Specialists Limited

52. The technical reports provided by the above experts are attached in Appendix 4 of this report.

7. Statutory and policy framework

53. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
54. Clause 29(1) of Schedule 1 of the RMA provides “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.
55. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
56. PPC 64 covers matters that are related to both the regional and district plan parts of the Auckland Unitary Plan.
57. The following sections summarises the statutory and policy framework, relevant to PPC 64.

7.1. Resource Management Act 1991 - Regional and district plans

Plan change matters - regional and district plans

58. In the development of a proposed plan change to a regional and/ or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. Table 3 below summarises matters for plan changes to regional and district plan matters.

Table 3: Plan change matters relevant to regional and district plans

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991	Section 80	Enables a ‘combined’ regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991	Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

59. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include sections 31-32 and 72-76 of the RMA.
60. The tests are the extent to which the objective of PPC 64 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:
- accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
 - accord with Part 2 of the RMA (s 74(1)(b));
 - give effect to the AUP regional policy statement (s 75(3)(c));
 - give effect to any national policy statement (s 75(3)(a));
 - have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i));
 - have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));
 - are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:
- identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - i. economic growth that are anticipated to be provided or reduced (s 32(2)(a)(i)); and
 - ii. employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
 - if practicable, quantifying the benefits and costs (s 32(2)(b)); and
 - assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s 32(2)(c)).
61. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s 32 (s 74(1)(e)).

[Te reo headline here]

7.2. Resource Management Act 1991 - regional matters

62. There are mandatory considerations in the development of a proposed plan change to regional matters. PPC 64 is not proposing any changes to regional provisions of the AUP (OP). While the development of the site may require consideration under some regional rules, there are no changes proposed to those rules. An assessment of the operative regional provisions relevant to PPC 64 are discussed in section 7.6 below.

7.3. Resource Management Act 1991 - district matters

63. There are mandatory considerations in the development of a proposed plan change to district plans and rules. Table 4 below summarises district plan matters under the RMA, relevant to PPC 64.

Table 4: Plan change - district plan matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

7.4. National Policy Statements

64. The relevant national policy statements (NPS) must be considered in the preparation, and in considering submissions on PPC 64.

65. Table 5 below summarises the NPS that applies to PPC 64.

Table 5: National Policy Statements relevant to PPC 64

Relevant Act/Policy/Plan	Section	Matters
National Policy Statement - Urban Development 2020	Objective 1	Well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural

[Te reo headline here]

		wellbeing, and for their health and safety, now and into the future
National Policy Statement - Urban Development 2020	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
National Policy Statement - Urban Development 2020	Policy 1	Planning decisions contribute to well-functioning urban environments
National Policy Statement - Urban Development 2020	Policy 3	In relation to tier 1 urban environments, plans enable increased building height and density
National Policy Statement - Urban Development 2020	Policy 6	Matters for decision-makers to have particular regard to when making planning decisions that affect urban environments

66. The National Policy Statement on Urban Development 2020 (NPS UD) seeks to ensure that New Zealand’s towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth ‘up’ and ‘out’ in locations that have good access to existing services, public transport networks and infrastructure.
67. The requestor provides a brief assessment against the NPS UD in section 6.1.2 of their report. They state that the NPS UD requires councils to carry out long term planning to accommodate growth and ensure well-functioning cities. There is an emphasis on allowing for growth ‘up’ and ‘out’ in a way that contributes to a quality urban environment, and to ensure rules do not unnecessarily constrain growth. Councils must also enable higher density development in areas close to employment, amenity, infrastructure and demand.
68. The requestor states⁶ that the plan change is completely in keeping with the direction of the NPS UD as:
- “The Plan Change enables more intensive residential redevelopment of this Site providing for an increase in housing supply in close proximity to an existing rapid transit network.”
- and
- “The Plan Change area is located within walking distance of the Mount Albert train station (5-minute walk) and is also well serviced by the bus network.”
- and
- “The Plan Change provides for increased residential development capacity therefore ensuring the efficient use of this highly accessible land and promoting development that encourages the use of public transport.”
69. The NPS UD (Objective 3) expects that Regional Policy Statements and district plans will be amended to enable more people to live in, and more businesses and community services to be located in or near a centre zone or other area with many employment opportunities that is well-served by existing or planned public transport and there is high demand for housing or for business land in the area, relative to other areas within the urban environment, subject to

⁶ Pages 11-12 of the report entitled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 14 May 2021 (see Appendix 1).

[Te reo headline here]

assessment of various 'qualifying matters'. Council has begun work on how it will take forward the outcomes set out in Objective 3 and Policy 3.

70. In the Environment Court decision *Eden Epsom Residents Protection Society Inc v Auckland Council* [2021] NZ EnvC 082, Judge Newhook held that the court is not required to give effect to NPS UD objectives and policies in assessing private plan changes until Council had implemented its (Schedule 1) plan changes to respond to implement it. While that decision relates to the court, I consider these objectives and policies, in particular Objective 3 and Policies 1 and 6 to be of relevance and believe it is appropriate for them to be considered when assessing PPC 64. An extract of all of the NPS UD objectives and policies are provided in Appendix 6; and a copy of the Environment Court's decision is provided as Appendix 7.
71. The Council is taking a comprehensive approach to giving effect to the NPS UD intensification requirements, in accordance with the timeframes specified for this by the Government (i.e., by August 2022, being two years after the commencement date of the NPS UD) and is currently investigating whether there is further scope for urban intensification. As a result, PPC 64 is being considered before the implementation of the NPS UD and any intensification plan changes are notified.
72. Having turned my mind to the Court identified relevant objectives of the NPS UD, I consider that PPC 64 is of direct relevance to Objective 3 and Policies 1 and 6, seeking only a zone change and not necessarily a significant increase in development capacity. With respect to the removal of the Building Frontage Control, I consider this does not sufficiently impact on the level of development capacity of one kind or another in such a way to trigger these objectives or policies.
73. With regard to the Court identified relevant policies of the NPS UD, I consider that PPC 64 will give effect to Policy 1 as the future development the plan change seeks to enable will:
 - contribute to a well-functioning urban environment enabling of a variety of homes that meet the needs of different households as sought by Policy 1(a)(i) and (ii); and
 - have good accessibility for all people between housing, jobs community services, natural spaces, and open spaces, including by way of public and active transport as sought by Policy 1(c);
 - encourage multiple activities and reduced car dependence which would likely support reductions in greenhouse gas emissions as sought by Policy 1(e); and
 - likely be resilient to the current and future effects of climate change as sought by Policy 1(f).
74. I consider that it is difficult for PPC 64 to give effect to the requirement of Policy 6(a) and (b) with regard to development capacity and the planned urban built form anticipated by those RMA planning documents that have given effect to the NPS UD because those planning documents have not yet been notified.
75. I consider that PPC 64 gives effect to Policy 6(c) in so far as it gives effect to Objective 1 and gives effect to Policy 6(d) and 6(e) by realising development capacity in an area with existing high levels of public transport accessibility and good access to active modes. This will contribute to a more efficient land use system that results in fewer emissions per capita compared with urban development not served by public transport.
76. I consider that PPC 64 will contribute to a well-functioning urban environment in the short-medium term and long term.

[Te reo headline here]

77. In my view PPC 64 will support the overall direction set out by the NPS UD and give effect to the policies as described above as required by s75(3)(a) of the RMA within the parameters established by the Environment Court decision - *Eden Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082.

7.5. National environmental standards or regulations

78. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may be duplicated or in conflict with a national environmental standard or regulation.

79. There are no relevant national environmental standards or regulations relevant to this plan change.

7.6. Auckland Unitary Plan

80. For a plan change, the relevant policy statement and plans must be considered in the preparation of the plan change and in the consideration of submissions. Table 6 contains the relevant sections of the RPS and DP applicable to PPC 64.

Table 6: Relevant regional policy statements and district provisions of Auckland Unitary Plan

Relevant Act/Policy/Plan	Section	Matters
Auckland Unitary Plan - Regional Policy Statement	B2.2	Urban growth and form
Auckland Unitary Plan - Regional Policy Statement	B2.3	A quality built environment
Auckland Unitary Plan - Regional Policy Statement	B2.4	Residential Growth
Auckland Unitary Plan - Regional Policy Statement	B2.5	Commercial and industrial growth
Auckland Unitary Plan - Regional Policy Statement	B3.3	Transport
Auckland Unitary Plan - Regional Policy Statement	B4.2	Outstanding natural features and landscapes
Auckland Unitary Plan - Regional Policy Statement	B4.3	Viewshafts
Auckland Unitary Plan - district provisions	D14	Volcanic Viewshafts and Height Sensitive Areas Overlay
Auckland Unitary Plan - district provisions	E27	Transport
Auckland Unitary Plan - district provisions	H10	Business - Town Centre Zone
Auckland Unitary Plan - district provisions	H13	Business - Mixed Use Zone

81. The requestor provided an assessment against the objectives and policies of the AUP (OP) RPS in Appendix 3 to their report. Specifically, they identify with the following key issues of relevance to PPC 64:

- B2.2 Urban growth and form
- B2.3 A quality built environment

[Te reo headline here]

82. The requestor states that the plan change is consistent with the policy direction of the RPS, with the assessment contained in Appendix 3 to the Section 32 Assessment Report, demonstrating that the plan change will give effect to the RPS. Specifically, the requestor concludes that:
- a) The Plan Change will provide for a quality, compact urban form as it provides for a mixed use development. The proposed zoning will enable more intensive residential development of the Site while a sufficient amount of Town Centre zoned land will remain to accommodate growth of supporting commercial and social activities. The Plan Change area is within walking distance to Unitec, Gladstone Primary School, Elim Christian College, Marist Primary School and College, Mount Albert Grammar and Mount Albert School and Owairaka/Mount Albert Domain. This provides for a significant increase in the efficient utilisation of a land resource and existing infrastructure. Additionally, enabling greater opportunity for the co-location of commercial and residential uses reduces the pressure on transport infrastructure.
 - b) The Plan Change area consists of development with poor street frontage which doesn't contribute to the pedestrian amenity outcomes sought in town centres. While the suite of provisions in the respective zones that would apply to any redevelopment of the site both ensure a quality built environment, the redevelopment of this Site enabled by the Plan Change presents an opportunity to achieve quality built environment objectives and contribute to an increased level of amenity within the Mount Albert town centre.
83. PPC 64 is, in my opinion, not inconsistent with the relevant RPS and Regional/and or District Plan provisions for the following reasons:
- a) While the BTC zone and the BMU do vary in terms of the activity table and standards, I consider the difference between the zones to be minor. The main differences between activities relate to commercial and community activities, which on the whole are the same or more restrictive in the BMU zone (with the exception of drive-through restaurants and care centres within 30m of a residential zone), a comparison is made in Table 7 below. In terms of the standards, the main difference is that the BMU zone does not restrict residential activities at ground floor level, where the BTC zone does at Standard H10.6.5, this is a key difference between the zones and the reason for PPC 64.

Table 7: Comparison of the Business - Town Centre zone and the Business - Mixed Use zones

Activity/Use	Business - Town Centre zone	Business - Mixed Use zone	Difference
Accommodation	Dwellings (P) Conversion of a building or part of a building to dwellings, residential development, visitor accommodation or boarding houses (RD) Integrated residential development (P) Supported residential care (P) Visitor accommodation and boarding houses (P)	Dwellings (P) Conversion of a building or part of a building to dwellings, residential development, visitor accommodation or boarding houses (RD) Integrated residential development (P) Supported residential care (P) Visitor accommodation and boarding houses (P)	No difference
Commerce	Drive-through restaurants (RD) Entertainment facilities (P) Entertainment facilities within 30m of a residential zone (RD) Cinemas (P)	Department stores (D) Drive-through restaurants (P) Entertainment facilities (P) Cinemas (NC) Food and beverage (P)	The BMU zone is the same or more restrictive, (with the exception of

[Te reo headline here]

	<p>Offices (P)</p> <p>Retail (P)</p>	<p>Garden centres (D) Marine retail (D) Motor vehicle sales (D) Offices within the Centre Fringe Office Control (P) Offices up to 500m² GFA per site (P) Office greater than 500m² GFA per site (P) Retail up to 200m² GFA per tenancy (P) Retail greater than 200m² GFA per tenancy (D) Supermarkets up to 450m² GFA per tenancy (P) Supermarkets exceeding 450m² and up to 2000m² GFA per tenancy (RD) Supermarkets greater than 2000m² GFA per tenancy (D) Trade suppliers (D)</p>	<p>drive-through restaurants)</p>
Community	<p>Artworks (P) Care centres (P) Care centres within 30m of a residential zone (RD) Community facilities (P) Education facilities (P) Emergency services (RD) Healthcare facilities (P) Hospitals (D) Justice centres (P) Recreation facilities (P) Tertiary facilities (P)</p>	<p>Artworks (P) Care centres (P)</p> <p>Community facilities (P) Education facilities (P) Emergency services (RD) Healthcare facilities (P) Hospitals (D) Justice centres (D) Recreation facilities (P) Tertiary facilities (P)</p>	<p>The BMU zone is less restrictive of care centres, but more restrictive of justice centres.</p>
Industry	<p>Industrial activities (NC) Industrial laboratories (P) Light manufacturing and servicing (P) Repair and maintenance services (P) Storage and lock-up facilities (D) Waste management facilities (NC) Warehousing and storage (P)</p>	<p>Industrial activities (NC) Industrial laboratories (P) Light manufacturing and servicing (P) Repair and maintenance services (P) Storage and lock-up facilities (D) Waste management facilities (NC) Warehousing and storage (P)</p>	<p>No difference</p>
Mana whenua	<p>Marae complex (P)</p>	<p>Marae complex (P)</p>	<p>No difference</p>
Development	<p>New buildings (RD)</p>	<p>New buildings (RD)</p>	<p>No difference</p>

b) The requestor has indicated that the ability to deliver residential activity at the ground floor level offered by the BMU zone, will allow for a fully residential development to be realised. This will allow for additional residential development capacity on the site, to complement the expected redevelopment of BTC zones to the north, located within the Mount Albert town centre. I have discussed the consideration of THAB zoning for the site in paragraph 37 of this report, and confirm that while THAB zoning would support a fully residential development on the site, in my view, a business zone is preferable. The reasons for this include the existing business zoning on either side, the additional development potential provided by the BMU zone, allowing for additional height and corresponding density, and

[Te reo headline here]

the location close to regular public transport and amenities means it is well suited for intensive residential development.

- c) It is my view that PPC 64 will give effect to the RPS by contributing to a quality compact urban form and a quality built environment in a location that supports high-quality redevelopment opportunities for residential intensification and makes efficient use of existing infrastructure. After considering the objectives and policies of the business zones, and the rules and standards of the BMU zone, it is my opinion that the BMU is best suited to enable redevelopment of the subject site. The BMU zone provides for moderate to high intensity residential activities in close proximity to the BTC zone and the public transport network. I rely on the advice from Mr Akehurst who confirms the Mount Albert town centre has sufficient capacity within the remaining town centre zoned parcels to accommodate projected retail and services floorspace demand growth. Mr Akehurst also finds that the with increased residential activity around the Mount Albert town centre, the catchment demand for retail and service floorspace will increase, supporting the vitality and vibrancy of the town centre environment.
- d) When considering the objectives and policies in B2.4 (Residential growth) and B2.5 (Commercial and industrial growth) I consider that PPC 64 supports quality compact residential intensification adjacent to centres and corridors, while still ensuring that future employment and commercial demand is met. In reliance on the advice from Mr Akehurst, I conclude that the proposed change in zoning will not compromise the hierarchy of centres approach set out in the AUP (OP).
- e) It is my view that the plan change has the potential to enable responsive development that supports the hierarchy of the town centre, while allowing good access to public transport and active modes. Future development resulting from the plan change also has the potential to contribute to higher levels of amenity and safety for town centre users, through good design and consideration of vehicle crossings, in particular for pedestrians and cyclists.
- f) When considering Objective B3.3.1, Policy B3.3.2(4) and Policy B3.3.2(7) relating to transport, these provisions seek to integrate transport infrastructure with adjacent land uses and support a quality compact urban form, which avoid, remedy or mitigate adverse effects on the quality and amenity values and on the health and safety of people and communities. In terms of the transport network and access and demand on the network from the subject site, it is my opinion that the removal of the Building Frontage Control is acceptable, given the impacts on pedestrian amenity and safety can be adequately addressed through future resource consent processes. I rely on the advice from Mr Collins that pedestrian safety effects can be considered during future resource consent process, and my review of existing plan provisions that conclude that the BMU zone provisions allow for sufficient consideration of design outcomes to support a high standard of pedestrian amenity and streetscape through the resource consent process.
- g) In relation to the objectives and policies in sections B4.2 and B4.3 relating to the recognition and protection of outstanding natural features and landscapes and viewshafts, the Ōwairaka (Mount Albert) volcanic cone is identified in the AUP (OP) as an Outstanding Natural Feature (ONF). While the plan change may result in a greater degree of built form and mass within the landscape, there is unlikely to be disturbance to the visual integrity of the maunga, and the plan change will not affect the physical integrity of the maunga. The presence and retention of the Regionally Significant Volcanic Viewshafts Overlay - A13 will mean the views to and between the maunga will continue to be protected from inappropriate development, and the visual character, identity and form of the maunga will be retained.

[Te reo headline here]

84. I conclude that PPC 64 does give better effect to the overall outcomes sought by Chapters B2, B3 and B4 than the operative BTC zone. It is also my view that PPC 64 will follow the cascade through the AUP (OP) to give better effect to the lower level objectives and policies. This finding supports my views in section 5 of this report where I conclude that the purpose of the plan change (to apply a Business - Mixed Use zoning to the 2,387m² site to optimise efficient use of the existing urban area while also enhancing the quality of life for individuals and communities) is the better way to meet the purpose of the RMA.

7.7. Other relevant legislation

85. In considering a plan change, a territorial authority must have considered any regulation that is relevant to a regional or district plan change. I have considered the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and found that it does not directly affect PPC 64.

7.8. The Auckland Plan 2050

86. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts.

87. The Auckland Plan, prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document that council should have regard to in the preparation of PPC 64.

88. Table 8 summarises the relevant sections of the Auckland Plan to PPC 64.

Table 8: Relevant sections of the Auckland Plan

Relevant Act/Policy/Plan	Section	Matters
Auckland Plan	Homes and Places	Direction 1: Develop a quality compact urban form to accommodate Auckland’s growth Direction 2: Accelerate the construction of homes that meet Aucklanders’ changing needs and preferences Direction 4: Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living Focus Area 1: Accelerate quality development at scale that improves housing choices Focus Area 5: Create urban places for the future
Auckland Plan	Transport and Access	Direction 2: Increase genuine travel choices for a healthy, vibrant and equitable Auckland Direction 3: Maximise safety and environmental protection Focus area 1: Make better use of existing transport networks Focus area 4: Make walking, cycling and public transport preferred choices for many more Aucklanders

[Te reo headline here]

		Focus area 5: Better integrate land-use and transport decisions
Auckland Plan	Our Development Strategy	Building strong urban centres and neighbourhoods

89. I consider that PPC 64 is consistent with the outcomes set in the Auckland Plan, because:

a) In relation to Homes and Places:

- The plan change supports a compact urban form as expressed in the Development Strategy, which includes opportunities for more intensive living and working environments, and for more housing to be built around areas of activity and close to good transport options.
- The form of housing enabled by the plan change is likely to be apartment stock and will complement the existing housing choices available in the local area.

b) In relation to Transport and Access:

- The plan change request seeks to enable an increased intensity of development in a location with good access to public and active transport options. This would allow for more travel choices for future residents and workers.
- Recent and ongoing investment in the New North Road corridor and surrounding area has focused on delivering safety benefits and encouraging mode shift to limit greenhouse gas emissions.
- Further enabled development capacity would take advantage of and integrate with recent and current investment in transport infrastructure, including rail, pedestrian and cycling infrastructure.

c) In relation to Opportunity and Prosperity:

- The plan change retains the supply of business land in close proximity to supporting infrastructure, as a potential means of enabling innovative businesses to set up and benefit from co-location. While immediate development proposals relate to residential activities, the underlying zoning remains flexible over the longer term.

Our Development Strategy

90. The Development Strategy promotes a quality compact approach to growth and development in Auckland. Broadly speaking, this means that most growth will occur in existing areas rather than rural areas; and in places accessible to public transport and active transport, within walking distance to centres, employment and other amenities, and in a manner that maximises the efficient use and is supported by necessary infrastructure at the right place and time.

91. The Development Strategy primarily seeks to achieve this by:

- a) Sequencing what gets delivered, including directing planning and investment to areas where the greatest development capacity is taken up;
- b) Aligning the timing of infrastructure provision with development, particularly by identifying the timing and location of expansions to infrastructure networks in future urban areas; and

[Te reo headline here]

- c) Ensuring there is an ongoing supply of development capacity to meet demand as defined by the National Policy Statement on Urban Development Capacity⁷, including in the short, medium and long term.
92. The plan change site is located in an identified Development Area (Mount Albert) with development growth anticipated in Years 4 to 10 (2022 to 2028). This is supported by the development strategy identifying the area as becoming more market attractive after the completion of the City Rail Link, which will improve accessibility to and from Mount Albert.
93. The change in zoning sought by PPC 64 will allow for redevelopment of the site and is expected to support both the quality compact urban form, and contribute to the expected level of growth (either in housing or business floorspace) in the Mount Albert Development Area. Mr Akehurst concludes PPC 64 will likely stimulate redevelopment of other parts of the BMU zone in this location, with the likely residential development increasing the catchment demand for retail and service floorspace in the town centre, thereby contributing to increasing vitality and vibrancy of the town centre environment.

7.9. Any relevant management plans and strategies prepared under any other Act

94. There are no other plans and strategies considered to be directly relevant to PPC 64.

8. Assessment of effects on the environment

95. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clause 6 and 7 of the Fourth Schedule of the RMA.
96. An assessment of actual and potential effects on the environment (“AEE”) is included in the report titled ‘Section 32 Assessment Report’ by Shannon Fallon of Barker & Associates Limited dated 14 May 2021 lodged with PPC 64.
97. The submitted AEE identifies and evaluates the following actual and potential effects:
- Effects on the quality built environment
 - Effects on the economy
 - Effects on transport
 - Effects on open space and community facilities
 - Effects on servicing
98. In my view, the requestor’s AEE covers many of the positive and adverse effects. Where I agree with the AEE, I will state so and not repeat the assessment. There are effects where I disagree with the conclusions of the AEE and I will give reasons why. There are also additional effects which, in my opinion, need consideration. In this section I first set out the requestor’s assessment, then the council’s expert views, and finally my own conclusions on each effect. In my view, the above headings adequately cover the environmental effects relevant to the proposed private plan change.
99. I agree with the assessment and conclusions in section 9.2 (Economic Effects) of the requestor’s AEE and the supporting expert report by Property Economics (Appendix 1). In forming my opinion, I also adopt and rely on the technical advice of the Council technical experts listed in Table 2 and whose reports are provided in Appendix 4 to this report.

⁷ Brought forward into the NPS UD

[Te reo headline here]

8.1. Effects on the quality built environment

100. The effects of PPC 64 on the built environment are considered in section 9.1 of the requestor's AEE. The requestor states that the BMU zone provisions will effectively manage building height and scale to integrate future development in a positive manner to the surrounding environment, with the provisions achieving high quality built form outcomes.
101. The requestor states that the subject site is currently occupied by a utilitarian retail/commercial complex with at grade parking around the perimeter. They conclude that while the existing buildings on the site and in the wider town centre collectively contribute to the existing character of the Mount Albert town centre, this character is expected to change over time, in line with the outcomes sought under the AUP (OP). They go on to state that the existing street trees (both mature and juvenile) make a significant contribution to the intrinsic qualities of the area, including those immediately adjacent to the site.
102. With regard to amenity effects on neighbours, the requestor states that the BMU zone standards will manage visual dominance, shading and privacy effects on adjacent sites, with the railway line to the north-west, and New North Road to the south-east further assisting in minimising effects on neighbouring properties.
103. Further conclusions focus on the BMU zone ensuring that future development contributes to the safety of the site, street and neighbourhood through the requirement for resource consent for all new buildings and assessment against matters that require development to be of a quality and design that positively address the street and provides for passive surveillance.
104. As discussed earlier, given the differences between the two zones is only minor, it is my view that the operative BTC zone would also support future development being of a high quality and contribute to positive outcomes for the wider Mount Albert town centre. However, Mr Akehurst finds that PPC 64 would be likely to stimulate redevelopment of other parts of the BMU zone and I rely on his advice to find that this outcome would be positive.
105. Given my findings in paragraph 83, and the conclusions drawn by Mr Akehurst, I agree with the requestor that PPC 64 is likely to have positive effects on the quality of the built environment, by stimulating redevelopment and delivering improved outcomes for the built environment through the BMU provisions.

8.2. Economic effects

106. As stated in section 6 of the report titled Mt Albert Town Centre Zone Plan Change - Economic Analysis by Tim Heath and Phil Osborne of Property Economics dated May 2021, the requestor finds that the rezoning of the subject site as proposed by PPC 64 would not come at a short or long term economic cost to the Mount Albert town centre, whilst its current and envisaged role and function is maintained for the local community.
107. Property Economics draw several conclusions in their report, including the following:
 - Mount Albert town centre has an indicative local catchment (refer to page 10 of the Property Economics report) and will predominantly service those residing within this localised catchment.
 - Although considerable population growth is projected beyond this local catchment, including development by Kāinga Ora at the Unitec site and Mount Roskill area, and the redevelopment of the St Lukes Mall, these developments are expected to retain much of the projected retail spend either within the developments themselves, or direct spend to the

[Te reo headline here]

existing centres of Point Chevalier, Stoddard Road and St Lukes. The flow-on benefits to Mount Albert town centre are expected to be small.

- The estimated future retail requirement of around 13,200sqm GFA (comprised of 8,000sqm existing provision, plus 5,200sqm or 65 per cent retail and service growth) can comfortably be accommodated within the existing 23,700sqm ground floor potential of the Mount Albert BTC zoning.
- This high-level analysis shows the rezoning of the subject site (2,387sqm or at 0.74 FAR 1,760sqm ground floor GFA potential) to Mixed Use will have no consequential impacts on the ability of the Mt Albert Town Centre to accommodate its foreseeable retail and commercial requirements over the long term.
- The total BTC zone capacity (at all floor levels) of around 118,000sqm GFA shows there is more than sufficient capacity to accommodate all the future retail and commercial requirements of the Mount Albert Town Centre over the long term.

108. They conclude by stating that the potential economic benefits of PPC 64 are considered to outweigh any potential costs of the rezoning by some margin and will improve the economic wellbeing and social amenity of local residents, indicating a key benefit in the improved local residential spend generation. In addition, the report sets out the strong alignment with the National Policy Statement Urban Development, which supports significant intensification around centres and major transport nodes such as train stations, stating that PPC 64 will assist the better utilisation of the existing zone capacity within the Mount Albert town centre.

109. Mr Akehurst, the economics expert on behalf of council has considered the above report and concludes that even assuming a generous floorspace demand estimate of 19,300m², the Mount Albert town centre would still be able to accommodate growth in floorspace demand for the next 30 year, without the subject site being zoned BTC⁸.

110. Mr Akehurst sets out the following positive impacts of PPC 64:

- There is already BMU zone located to the south of the subject site, and PPC 64 will increase the quantity of Mixed Use zone and would be likely to stimulate redevelopment of other parts of the Mixed Use zone.
- Residential activity around the town centre will increase, increasing catchment demand for retail and service floorspace in the centre and vitality and vibrancy of the town centre environment.
- In our opinion the BTC zoning is too long to provide a core retail offer with good amenity, and reducing the (north-south) length of the centre would be a good outcome.
- The subject site is well located from a public transport perspective, with access to both bus routes on the Frequent Transit Network and the train station.

111. Mr Akehurst provides commentary on the urban form and physical arrangement of the Mount Albert town centre, describing the current layout as an elongated centre stretched along a busy road. He continues by considering the likelihood of consumers walking between the subject site and the main intersection of New North Road with Carrington and Mount Albert Roads, and finds that, due to the distance (approximately 440m), and the current poor amenity and little connectivity along the busy road, walking this far to access goods and services is unlikely. He concludes that

⁸ Section 3.2.3 of the report entitled '953 New North Road, Mt Albert, Private Plan Change 64 - Economic Assessment by Greg Akehurst of Market Economics dated 18 March 2022 (see Appendix 4).

[The reo headline here]

the BTC zoning on the north-west side of New North Road is too long to provide a core retail offer with good amenity and reducing the length of the centre would be a good outcome.

112. From a planning perspective these conclusions on urban form and the physical arrangement of the town centre arise from understanding how town centres operate in terms of catchment demand and consumer behaviour characteristics. In my opinion, while I agree with the overall conclusion, (that a core retail offer with good amenity is desirable), there is no clear evidence to support the assertion that the distance, combined with the poor amenity, would mean it is unlikely consumers would walk that far.
113. Mr Akehurst acknowledges the negative impacts likely to arise from PPC 64 including limiting the ability to expand the centre to the south in the future, and the site being lost for potential employment uses for the life of the expected residential development. These are balanced against the positive impacts outlined above as well as the clear locational advantages of proximity to the train station, and the creation of new demand from the residential development itself that could further strengthen the remaining BTC zoned land.
114. Given the above, and the broad agreement of both experts, it is my view that PPC 64 will not contribute to detrimental or long term adverse economic effects with respect to the Mount Albert town centre.

8.3. Transport effects

115. As stated in section 9.3 of the report titled Section 32 Assessment Report by Shannon Fallon of Barker and Associates dated 14 May 2021, the requestor finds that the site is very well served by public transport, being walking distance from the Mount Albert train station, with a number of bus stops along New North Road serviced regularly, with services to western Auckland, the CBD and the inner suburbs by the Outer Link. Ms Fallon continues by considering that the effects on the demand of the public transport network and surrounding road network arising from the proposed rezoning to be negligible, given the activities provided for under the BMU zoning are not widely dissimilar to those provided for under the BTC zoning.
116. No analysis is provided relating to the removal of the Building Frontage Control - General Commercial Frontage, and the requestor concludes by stating that the effects on the public transport network would be appropriately addressed through the future resource consent process, including vehicle access restrictions, maximum parking limits for office developments, no minimum parking requirements for office developments, requirements for trip generation assessments and provision of bicycle storage and end of trip facilities to encourage alternative modes of transport.
117. I note Ms Fallon does evaluate the option of removing or retaining the Building Frontage Control - General Commercial Frontage in Table 10.3.1.1 on pages 26 and 27 of her report, finding the removal of the control to provide for greater flexibility of design for the ground floor of any future building. The report continues by discussing the existing Vehicle Access Restriction, due to New North Road being an arterial road, which applies to the entire site frontage, stating that retaining the Building Frontage Control - General Commercial Frontage would unnecessarily duplicate these controls.
118. Mr Collins, the council's transport expert, finds that PPC 64 is unlikely to generate a noticeable difference in traffic effects beyond what is anticipated by the current BTC zone. If a significant traffic generator was enabled through PPC 64, Standard E27.6.1 enables traffic effects to be considered, noting that Standard E27.6.1 Trip Generation does not apply to the BTC zone, but does apply to the BMU zone.
119. Mr Collins concludes that any traffic effects resulting from PPC 64 can be assessed during the future resource consent process.

[Te reo headline here]

120. In considering whether PPC 64 affects the consideration of pedestrian safety and/or amenity, Mr Collins confirms that as New North Road is an arterial road, a vehicle access restriction applies to the site regardless of whether PPC 64 is approved or not. Mr Collins notes however, that the existing General Commercial Frontage Control does place a higher expectation that the site will provide for pedestrian amenity and safety, in addition to the assessment criterion E27.8.2(11)(a)(ii) which only requires consideration of the effects on the continuity of activities and pedestrian movement for the BTC zone and not BMU zone.
121. Mr Collins considers that Standard E27.6.4.1 and E27.6.4.2.1 (T144) provide sufficient scope to ensure that any future vehicle crossing will not adversely affect pedestrian safety. He does not comment further on effects on pedestrian amenity, noting these relate more to urban design rather than transport matters.
122. Mr Collins again concludes that pedestrian safety effects resulting from PPC 64 can be assessed during the future resource consent process.
123. After considering the various options, it is my opinion that the removal or retention (including in part) of the Building Frontage Control - General Commercial Frontage appears to be of minimal consequence to the physical arrangement of any future vehicle crossings on the subject site, given the site dimensions and likely development pattern.
124. Table E27.6.4.2.1 (T144) indicates the maximum number of vehicle crossings and separation distance between crossings, applying to sites subject to General Commercial Frontage Controls and/or sites fronting arterial roads. Due to the length of the site frontage to New North Road, at approximately 61m, redevelopment of the site would likely see two vehicle crossings being sought, thereby replacing the existing two vehicle crossings at the northern and southern ends of the site.
125. I consider there to be only some difference in whether the Building Frontage Control - General Commercial Frontage is removed or retained, given the presence of the Vehicle Access Restriction applying to the arterial road status of New North Road. Mr Collins points to the main difference being the assessment criteria between the zones, with the Business - Town Centre zone allowing for greater consideration of pedestrian amenity, concluding that Standard E27.6.4.1 and E27.6.4.2.1 (T144) provide sufficient scope to ensure that any future vehicle crossing will not adversely affect pedestrian safety.
126. I rely on Mr Collins' advice that pedestrian safety effects can be considered during future resource consent process. In respect of pedestrian amenity, I note that both the BTC zone and the BMU zone provisions have a mix of objectives, policies and assessment criteria that will assist in ensuring quality design outcomes that support a high standard of pedestrian amenity and streetscape. In particular, I consider the matters of discretion at H13.3.8.1(3) in the BMU zone allow sufficient scope for the consideration of the design of the wider development and its relationship to the street, to ensure positive outcomes for pedestrians, both in terms of safety and amenity.

8.4. Effects on open space and community facilities

127. As stated in section 9.4 of the report titled Section 32 Assessment Report by Shannon Fallon of Barker and Associates dated 14 May 2021, the requestor finds the plan change site is highly accessible to open space and community facilities, with a range of parks and reserves, including those with sports facilities, located within an 800m walking catchment. In terms of community facilities, the requestor lists Unitec and Gladstone Primary School as being located within an 800m walking catchment, along Carrington Road, with the Elim Christian College opposite the subject site, and Mount Albert Grammar, Marist College and the Mount Albert Aquatic Centre within 2km of the site. Ms Fallon also states that the Mount Albert town centre offers a range of amenities and services, being a retail and employment area, concluding that the surrounding open space,

[The headline here]

amenities and social facilities are accessible by active and public modes of transport, and are of a sufficient size to cater for the social and cultural needs and well-being of future residents of the plan change area.

128. I am in general agreement with the above findings and conclusions about the provision of open space and community facilities in the immediate area, and the good levels of accessibility for existing and future residents.

8.5. Effects on servicing

129. As stated in section 9.5 of the report titled Section 32 Assessment Report by Shannon Fallon of Barker and Associates dated 14 May 2021, the requestor finds the plan change site can be serviced by reticulated services within the immediate area with no known capacity issues, concluding that the effects on the demand for services arising from the proposed rezoning will be negligible. Ms Fallon notes that the plan change area is wholly within the 1% AEP floodplain and is subject to overland flows, with any development under the proposed provisions to be subject to the same controls with regards to natural hazards, and specific design to be required to support any future development application.
130. Again, I am in general agreement with the findings above, and conclusions that the subject site will be able to be adequately serviced, with further details to be confirmed through the resource consent process. I note my conclusion for PPC 63 (to be heard at the same time as PPC 64) for the wider area that further capacity assessments would likely be required for future development applications, and the likelihood of upgrades to be required for both water supply and wastewater networks.

9. Consultation

131. No specific consultation was undertaken by the requestor for PPC 64. The requestor has referred to the comprehensive consultation undertaken for PPC 63 in 2020.

9.1. Mana Whenua

132. All 19 iwi authorities were specifically notified of PPC 64 in accordance with clause 5(4)(f) of Schedule 1 of the RMA on 23 September 2021. No submission was received from any mana whenua group. No iwi resource management groups recommended needing a decision maker in accordance with clause 4A of Schedule 1 of the RMA.

9.2. Local Board

133. TLL met and provided information of the proposed private plan change request for 911-975 New North Road, Mount Albert to the Albert-Eden Local Board on 11 August 2020. The potential to rezone 953 New North Road was also discussed briefly. The local board raised some matters including consideration of a town plaza for Mount Albert, the effects of an increase in height, including dominance and shading effects, and how the viewshaft to Ōwairaka would continue to be protected.
134. I presented to the Albert-Eden Local Board workshop on 2 November 2021 following the close of further submissions. At that workshop I outlined the nature of submissions and the main themes in contention.
135. At the 30 November 2021 business meeting of the Albert-Eden Local Board the following resolutions were passed:

That the Albert-Eden Local Board:

[The headline here]

- a) *support private plan change 64 (953 New North Road).*
- b) *prefer to have the Mt Albert town centre relatively concentrated rather than spread out over a considerable distance.*
- c) *consider the most appropriate zoning for this particular site would be "Mixed Use" rather than "Town Centre".*
- d) *appoint Member G Easte to speak to the local board's views at a hearing on private plan change 64.*
- e) *delegate authority to the Chairperson of Albert-Eden Local Board to make a replacement appointment in the event the local board member appointed in resolution d) is unable to attend the private plan change hearing.*

10. Notification and Submissions

10.1. Notification details

136. Details of the notification timeframes and number of submissions received is outlined below:

Date of public notification for submissions	22 July 2021
Closing date for submissions	19 August 2021
Number of submissions received	6
Date of public notification for further submissions	23 September 2021
Closing date for further submissions	7 October 2021
Number of further submissions received	2

137. All submissions were received on time. There were no late submissions. Copies of the submissions are attached as Appendix 2 to this report.

11. Analysis of submission and further submissions

138. The following sections address the submissions received on PPC 64. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners.

139. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:

- Submissions supporting PPC 64 in its entirety
- Submissions opposing PPC 64 in its entirety
- Submissions on transport matters

[Te reo headline here]

11.1. Submissions supporting PPC 64 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendations
4.1	Vincent & Sarah Heeringa	Support smart intensification of the New North Road corridor	Supported by FS02 Kāinga Ora	Accept
6.1	Kāinga Ora	Rezone 953 New North Road, Mount Albert from TCZ [Town Centre zone] to MUZ [Mixed Use zone]	Opposed by FS01 Auckland Transport	Accept
6.2	Kāinga Ora	Remove the Building Frontage Control - General Commercial Frontage	Opposed by FS01 Auckland Transport	Accept

Discussion

140. Submission 4.1 (Vincent and Sarah Heeringa) supports the plan change and smart intensification of the New North Road corridor, through well designed and planned development of the shopping centre and main traffic routes. As owners of a historic home (1 Mount Albert Road) the submitters believe this development will add vibrancy to the neighbourhood and help address Auckland's chronic housing shortage, as well as providing greater rationale for retaining buildings of historic importance. Kāinga Ora supports submission 4.1 in their further submission (FS02).
141. Mr Akehurst, the council's economics expert, agrees with these sentiments, stating that PPC 64 has the potential to stimulate additional redevelopment of the nearby BTC and BMU zoned properties. In my view PPC 64 will support high-quality redevelopment opportunities for residential intensification and make efficient use of existing infrastructure, and supports the intent of the NPS UD.
142. Kāinga Ora made a submission in support (submission points 6.1, 6.2) of re-zoning 953 New North Road, from BTC zone to BMU zone and the removal of the Building Frontage Control - General Commercial Frontage, supporting residential intensification within the centre in close proximity to the train station by enabling additional housing, in particular at the ground level. Kāinga Ora explains their role in urban development through coordination and leadership, and their interest in all issues that may affect the supply and affordability of housing. These submission points were opposed by Auckland Transport (FS01) due to the issues and concerns with PPC 64 outlined in their primary submission.

Recommendations on submissions

143. That submission 4.1 be **accepted**.
144. That submissions 6.1 and 6.2 be **accepted**.
145. That further submission FS02 be **accepted**.
146. That further submission FS01 be **rejected**.
147. There are no amendments associated with these recommendations.

[Te reo headline here]

11.2. Submissions opposing PPC 64 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner's Recommendations
1.1	Ronald Tapply	Retain Mount Albert primarily as a shopping centre	No	Reject
1.2	Ronald Tapply	No other specific decision sought [concerned at impingement on the significant volcanic viewshaft to Mount Albert]	No	Reject
2	Sanaia Thompson	Seeks unspecified protection over any planned changes to 'mixed use'	No	Reject
3	David Ryan	No other specific decision sought [concerned at lack of parking and shading of 1042 New North Road]	No	Reject in part

Discussion

148. Submissions 1.1 and 1.2 (Ronald Tapply) seek for PPC 64 to be declined based on concerns about the change in land use from shopping to full residential use, stating that Mount Albert needs to remain a shopping centre primarily.
149. It is my view that while there may be a loss of floorspace for commercial activities on the subject site, there remains enough floorspace and choice of location and type within the town centre as discussed in section 8.2 of this report. I rely on the conclusions arrived at by Mr Akehurst that there is sufficient capacity within the remaining town centre zoned parcels across the town centre to accommodate the projected retail and services floorspace demand growth.
150. The submitter also comments on intrusion into the Regionally Significant Volcanic Viewshaft: these comments have been addressed in the s42a report on PPC 63 (911-975 New North Road, Mount Albert).
151. As a result, it is recommended that submissions 1.1 and 1.2 be **rejected**.
152. Submission 2 (Sanaia Thompson) seeks PPC 64 to be declined due to concerns over the level of protection relating to mixed use development. They raise the recent roading changes to New North Road near the Mount Albert shops as being detrimental to the centre and local community, seeking any change to be of benefit to the existing community.
153. It is my view, based on the advice from Mr Akehurst, that PPC 64 will serve to consolidate the commercial core of the Mount Albert town centre and enable redevelopment, thereby resulting in better outcomes for both the existing and future community than allowing a very dispersed, low intensity centre such as currently exists. I also note that while redevelopment over the short term may be disruptive to the local community, both residents and businesses, there are potential long-

[Te reo headline here]

term benefits, including a larger consumer catchment, that accompany the substantial redevelopment of Mount Albert town centre and surrounding area.

- 154. As a result, it is recommended that submission 2 be **rejected**.
- 155. Submission 3 (David Ryan) raises concerns relating to both PPC 64 and PPC 63, including parking effects and shading. In this report I focus only on the concerns relating to the subject site. The submission seeks PPC 64 to be declined due to the lack of parking provided for potential residents, workers and customers.
- 156. I rely on the comments from Mr Collins, the council’s transport expert, that indicate PPC 64 is unlikely to generate a noticeable difference in traffic effects beyond what is anticipated by the current BTC zoning, and that in terms of parking requirements, Chapter E27 of the AUP (OP) treats the BTC zone and the BMU zone equally. I also note that minimum parking requirements were removed from the AUP (OP) in February 2022, as directed by the NPS UD 2020.
- 157. As a result, it is recommended that submission 3 be **rejected in part**, and that **Submission 3 also be considered as part of the Hearing for PPC 63**.
- 158. There are no amendments associated with these recommendations.

11.3. Submissions on transport matters

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planner’s Recommendations
5.1	Auckland Transport	Retain the Business - Town Centre zone along this part of New North Road [inferred 953 New North Road, Mount Albert]	Opposed by FS02 Kāinga Ora	Reject
5.2	Auckland Transport	Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanisms	Opposed by FS02 Kāinga Ora	Reject
5.3	Auckland Transport	Retain the Building Frontage Control - General Commercial Frontage	Opposed by FS02 Kāinga Ora	Reject

Discussion

- 159. Submissions 5.1, 5.2 and 5.3 (Auckland Transport) raise a number of issues relating to the need for further assessment to gain a greater understanding of potential transport effects and identify mechanisms to address these.
- 160. Mr Collins finds that any traffic effects resulting from PPC 64 can be assessed during future resource consent processes, and that PPC 64 is unlikely to generate a noticeable difference in

[The reo headline here]

traffic effects beyond what is anticipated by the current BTC zone. I agree with Mr Collins' assessment and set out my reasoning in section 8.3 above.

161. As a result, it is recommended that submission point 5.1 be **rejected**.
162. Concerns are also raised in Auckland Transport's submission point 5.2 relating to how cumulative effects from PPC 64 and PPC 63 are addressed. I consider this to be a reasonable request and rely on the advice above from Mr Collins that PPC 64 is unlikely to generate a noticeable difference in traffic effects beyond what is anticipated by the current BTC zone, noting that if a significant traffic generator was enabled through PPC 64, Standard E27.6.1 enables traffic effects to be considered at the time of resource consent.
163. As a result, it is recommended that submission point 5.2 be **rejected**.
164. Auckland Transport (submission point 5.3) also seeks to retain the Building Frontage Control - General Commercial Frontage in order to support pedestrian safety and amenity and provide for continuity of building frontage and associated activities at street level. The submission sets out the difference for the BMU zone between the role of the Building Frontage Control - General Commercial Frontage, (to provide for pedestrian safety and amenity, and building frontage continuity); and the Vehicle Access Restriction, (to manage the effects of the vehicle crossing).
165. I rely on Mr Collins' advice that pedestrian safety effects can be considered during future resource consent process. In respect of pedestrian amenity, I note that both the BTC zone and the BMU zone provisions have a mix of objectives, policies and assessment criteria that will assist in ensuring quality design outcomes that support a high standard of pedestrian amenity and streetscape. In particular, I consider the matters of discretion at H13.3.8.1(3) in the Business - Mixed Use zone allow sufficient scope for the consideration of the design of the wider development and its relationship to the street, to ensure positive outcomes for pedestrians, both in terms of safety and amenity.
166. As a result, it is recommended that submission point 5.3 be **rejected**.
167. That further submission FS02 be **accepted**.
168. There are no amendments associated with these recommendations.

12. Conclusions

169. PPC 64 seeks to rezone land at 953 New North Road from Business - Town Centre zone, to Business - Mixed Use zone, and remove the Building Frontage Control - General Commercial Frontage from the site in the in the AUP (OP).
170. Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions, I recommend that PPC 64: 953 New North Road, Mount Albert should be approved as notified.
171. PPC 64 will:
 - assist the council in achieving the purpose of the Resource Management Act 1991
 - give effect to the relevant National Policy Statements
 - be consistent with Auckland Unitary Plan Regional Policy Statement, and
 - be consistent with the Auckland Plan.

[Te reo headline here]

13. Recommendations

- 172. That, the Hearing Commissioners accept or reject submissions (and associated further submissions) as outlined in this report.
- 173. That, as a result of the recommendations on the submissions, the Auckland Unitary Plan be amended by:
 - the changes proposed by PPC 64, to the Auckland Unitary Plan.

14. Signatories

Name and title of signatories	
Author	 27 April 2022 Clare Wall Shaw, Senior Policy Planner, Central and South Planning
Reviewer / Approved for release	 28 April 2022 Fiona Sprott, Team Leader, Central and South Planning

APPENDIX TWO

SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS

Plan Change 64 (Private): 953 New North Road, Mount Albert

Summary of Decisions Requested

Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
1	1.1	Ronald Tapply	tapron@xtra.co.nz	Decline the plan change	Retain Mount Albert primarily as a shopping centre.
1	1.2	Ronald Tapply	tapron@xtra.co.nz	Decline the plan change	No other specific decision sought [concerned at impingement on the significant volcanic viewshaft to Mount Albert].
2	2.1	Sanaia Thompson	sanaia74@hotmail.com	Decline the plan change	Seeks unspecified protection over any planned changes to 'mixed use'.
3	3.1	David Ryan	67goliath@gmail.com	Decline the plan change	No other specific decision sought [concerned at lack of parking and shading of 1042 New North Road].
4	4.1	Vincent & Sarah Heeringa	vincent.heeringa@gmail.com	Accept the plan change	Support smart intensification of the New North Road corridor.
5	5.1	Auckland Transport Attn: Kevin Wong-Toi	kevin.wong-toi@at.govt.nz	Decline the plan change, unless concerns are resolved	Retain the Business - Town Centre zone along this part of New North Road [inferred 953 New North Road, Mount Albert].
5	5.2	Auckland Transport Attn: Kevin Wong-Toi	kevin.wong-toi@at.govt.nz	Decline the plan change, unless concerns are resolved	Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanisms.
5	5.3	Auckland Transport Attn: Kevin Wong-Toi	kevin.wong-toi@at.govt.nz	Decline the plan change, unless concerns are resolved	Retain the Building Frontage Control - General Commercial Frontage.
6	6.1	Kāinga Ora Attn: Brendon Liggett	developmentplanning@kaingaora.govt.nz	Accept the plan change	Rezone 953 New North Road, Mount Albert from TCZ [Town Centre zone] to MUZ [Mixed Use zone].
6	6.2	Kāinga Ora Attn: Brendon Liggett	developmentplanning@kaingaora.govt.nz	Accept the plan change	Remove the Building Frontage Control - General Commercial Frontage.

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 64 - ronald tapply
Date: Saturday, 24 July 2021 2:15:15 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: ronald tapply

Organisation name:

Agent's full name: ron

Email address: tapron@xtra.co.nz

Contact phone number:

Postal address:

23 willcott street mt albert

mt albert

auckland 1025

Submission details

This is a submission to:

Plan change number: Plan Change 64

Plan change name: PC 64 (Private): 953 New North Road, Mount Albert

My submission relates to

Rule or rules:

Property address: PC 64 (Private): 953 New North Road, Mount Albert

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 proposed change allows for full residential use, but Mt Albert needs to remain a shopping centre primarily. Also, impingement on the significant volcanic viewshaft Mt Albert will occur, as in another submission made by the same people.

I or we seek the following decision by council: Decline the plan change

Submission date: 24 July 2021

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.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 64 - Sanaia Thompson
Date: Monday, 26 July 2021 3:00:30 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Sanaia Thompson

Organisation name:

Agent's full name:

Email address: sanaia74@hotmail.com

Contact phone number:

Postal address:
1004c New North Road
Mt Albert
Auckland 1025

Submission details

This is a submission to:

Plan change number: Plan Change 64

Plan change name: PC 64 (Private): 953 New North Road, Mount Albert

My submission relates to

Rule or rules:

Property address: 953 New North Road

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:

There needs to be some protection over any planned changes to "mix use". The recent roading changes to new north road near the Mt Albert shops have not helped. Provided "mixed used" benefits the existing community as well

I or we seek the following decision by council: Decline the plan change

Submission date: 26 July 2021

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.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

From: [Unitary Plan](#)
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 64 - David Ryan
Date: Monday, 26 July 2021 6:15:32 pm

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: David Ryan

Organisation name:

Agent's full name:

Email address: 67goliath@gmail.com

Contact phone number: 0275655121

Postal address:
1042 New North Rd
Mt.Albert
Mt.Albert 1025

Submission details

This is a submission to:

Plan change number: Plan Change 64

Plan change name: PC 64 (Private): 953 New North Road, Mount Albert

My submission relates to

Rule or rules:
Plan change 64

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:
The lack of parking provided for potential residents, workers and customers. Also shadow cast from buildings on my property.

I or we seek the following decision by council: Decline the plan change

Submission date: 26 July 2021

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.

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

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



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) _____

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

Address for service of Submitter

Telephone: Fax/Email:

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

Plan Change/Variation Name

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) _____

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: _____

(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

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.

19 August 2021

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attn: Sarah El Karamany

Email: unitaryplan@aucklandcouncil.govt.nz

PROPOSED PLAN CHANGE 64 (PRIVATE): 953 NEW NORTH ROAD, MOUNT ALBERT

Please find attached Auckland Transport's submission on Proposed Private Plan Change 64 to the Auckland Unitary Plan (Operative in Part).

Should you have any queries in relation to this submission, please contact me on (09) 447 4200 or at kevin.wong-toi@at.govt.nz.

Yours sincerely



Kevin Wong-Toi
Principal Planner, Land Use Policy and Planning Central

Cc:
Barker & Associates Ltd
PO Box 1986
Shortland Street
Auckland 1140
Attention: Karl Cook/Shannon Fallon

SUBMISSION BY AUCKLAND TRANSPORT ON PROPOSED PRIVATE PLAN CHANGE 64 - 953 NEW NORTH ROAD, MOUNT ALBERT

To: Auckland Council
Private Bag 92300
Auckland 1142

Submission on: Proposed Private Plan Change 64 from Tram Lease Limited to re-zone 953 New North Road from Business – Town Centre to Business – Mixed Use zone and remove the Building Frontage Control – General Commercial Frontage

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

- 1.1 Tram Lease Ltd ('the applicant') has lodged a Private Plan Change ('PC 64' or 'the Plan Change') to the Auckland Unitary Plan: Operative in Part ('AUP(OP)'). The Plan Change seeks to re-zone 953 New North Road from Business – Town Centre to Business – Mixed Use zone and remove the Building Frontage Control – General Commercial Frontage.
- 1.2 Auckland Transport is a Council-Controlled Organisation of Auckland Council ('the Council') and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.¹ Auckland Transport is responsible for the planning and funding of most public transport; promoting alternative modes of transport (i.e. alternatives to the private motor vehicle); operating the local roading network; and developing and enhancing the local road, public transport, walking and cycling network for the Auckland Region.
- 1.3 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

2. Assessment of Private Plan Change 63 and Private Plan Change 64

- 2.1 Private Plan Change 64 was notified contemporaneously with Private Plan Change 63 for the same applicant (Tram Lease Ltd). Private Plan Change 63 proposes additional changes that would apply to 953 New North Road which is also subject to the changes proposed as part of Private Plan Change 64. Although these plan changes have been notified separately, the potential transport effects of the two plan changes should ideally be considered as a whole. A separate submission has been

¹ Local Government (Auckland Council) Act 2009, section 39.

made on Private Plan Change 63, and Auckland Transport's submission points on both plan changes should be considered together.

3. Specific parts of the Plan Change that this submission relates to:

3.1 The specific parts of the Plan Change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to potential effects on the transport network and how the development enabled by the Plan Change will integrate with the local transport infrastructure and facilities.

3.2 Auckland Transport opposes the Plan Change unless:

- The potential transport effects of the Plan Change are appropriately assessed and mitigated;
- Auckland Transport's concerns as outlined in this submission, including in **Attachment 1**, are resolved.

3.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

4. The decisions sought by Auckland Transport are:

4.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport, and include:

- Transport assessment of the effects of the Plan Change
- Enabling a diversity and range of land use activities
- Removal of the Building Frontage Control – General Commercial Frontage

4.2 In all cases where amendments to the Plan Change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

5. Appearance at the hearing:

5.1 Auckland Transport wishes to be heard in support of this submission at a hearing.

5.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature:



Christina Robertson
Group Manager, Strategic Land Use and Spatial Management

Date: 19 August 2021

Contact person: Kevin Wong-Toi
Principal Planner, Land Use Policy and Planning Central

Address for service: Auckland Transport
Private Bag 92250
Auckland 1142

Telephone: (09) 447 4200

Email: kevin.wong-toi@at.govt.nz

Attachment 1

Topic	Support / Oppose	Reason for submission	Decision requested
Entire plan change	Oppose	<p>The Plan Change does not include any expert transport assessment of the potential effects of the development proposed to be enabled. Transport effects are discussed in broad terms in the applicant's Section 32 Assessment Report.² Auckland Transport is concerned that the potential adverse transport effects have not been adequately assessed. This includes understanding how the proposed reduction in potential Town Centre related activities will affect the corresponding transport patterns and movements, in particular, effects associated with the proposed rezoning where there is a reduction in employment related activities affecting the opportunities to travel to local work destinations.</p> <p>The Business – Mixed Use zone does not require non-residential activities at ground level, and is less likely to achieve a mix of uses if not required by the zone provisions. This in turn will impact on the extent that the Plan Change will support overall transport and land use integration outcomes including the positive effects of enabling intensification which is accessible to good quality public transport and is supported by integrated planning that optimises the scale, type and form of development to bring about mutually reinforcing benefits with the existing or planned transport facilities and services. The applicant has indicated the intention of a fully-residential development on the site. Land use and transport integration benefits are more likely to be derived from and enabled by non-residential activities at ground level in conjunction with good quality public connections and access to the rapid transit network.</p> <p>The applicant's assessment defers the consideration of transport related matters to any future resource consent applications. This approach does not provide any certainty that the overall transport effects of the Plan Change will be assessed or whether relevant transport effects will be appropriately assessed and mitigated as a whole.</p>	<p>Decline the plan change, unless Auckland Transport's concerns, as outlined in this submission, are resolved.</p> <p>Auckland Transport requests that the applicant assess the cumulative transport effects of the Plan Change's proposed rezoning and intensification (enabled by Plan Change 63) as a whole.</p> <p>Auckland Transport seeks a diversity and range of land use activities along this part of New North Road. Auckland Transport considers that the Business-Town Centre zone would achieve that better than the proposed Business – Mixed use zone, which does not require non-residential uses at ground level.</p> <p>Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.</p>

² Private Plan Change Request, 935 New North Road, Section 32 Assessment Report, 14 May 2021, section 9.3

Topic	Support / Oppose	Reason for submission	Decision requested
Assessment of transport effects and mitigation requirements – scope of assessment	Oppose	<p>Private Plan Change 64 was notified at the same time as Private Plan Change 63 for the same applicant (Tram Lease Ltd). Private Plan Change 63 proposes additional changes that would apply to 953 New North Road which is also subject to the changes proposed as part of Private Plan Change 64. Although these Plan Changes have been notified separately, the potential transport effects of the two Plan Changes should be considered as a whole to understand the potential combined cumulative effects.</p> <p>A separate submission has been made on Private Plan Change 63, and Auckland Transport’s submission points on both plan changes should be considered together.</p>	<p>Auckland Transport requests that the applicant assess the cumulative transport effects of Private Plan Change 63 and Private Plan Change 64 together as a whole.</p> <p>Depending on the outcome of that assessment, to identify any mitigation required and the mechanism to give effect to the delivery of the mitigation measures.</p>
Assessment of transport effects and mitigation requirements – general commercial frontage control	Oppose	<p>The Plan Change proposes to remove the Building Frontage Control – General Commercial Frontage (GCF) from 953 New North Road. The purpose of this control is to support pedestrian safety and amenity and provide for continuity of building frontage and associated activities at street level.³ The applicant’s assessment suggests that this control is not required as it unnecessarily duplicates the Auckland-wide vehicle access restriction (VAR).⁴</p> <p>The intent of the GCF and VAR controls would appear to overlap in terms of supporting pedestrian safety and the continuity of activities and pedestrian movements at street level. The VAR standard is focussed around the potential effects of the vehicle crossing while the GCF control has an emphasis on pedestrian safety and amenity and building frontage continuity.</p> <p>It is noted that that the assessment criteria of the VAR addresses the effects of the location and design of the access including consideration of pedestrian numbers and “the effects on the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone,</p>	Auckland Transport requests that the Building Frontage Control – General Commercial Frontage be retained to support the anticipated increase in use of public transport.

³ AUP(OP), E27.3 Policy 26.

⁴ Private Plan Change Request, 935 New North Road, Section 32 Assessment Report, 14 May 2021, Table 10.3.1.1: Summary of Options Analysis Addressing S32(2) Matters

Topic	Support / Oppose	Reason for submission	Decision requested
		<p>Business –Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone”.⁵ The Business – Mixed Use Zone is not included as part of the VAR assessment criteria in relation to considering the continuity of activities and pedestrian movements at street level. In this regard, the GCF control is not a duplication of the VAR control based on the proposed rezoning to Business - Mixed Use Zone.</p> <p>Given the emphasis in Plan Change 63 and Plan Change 64 in regard to increasing the use of public transport, retaining a control which supports pedestrian safety and amenity and the continuity of building frontage is a desirable outcome. Auckland Transport supports the retention of the GCF control.</p>	

⁵ E27.8.2. Assessment criteria (11)(ii)

19 August 2021

Attn: Planning Technician

Auckland Council
Level 24, 135 Albert Street
Private Bag 92300
Auckland 1142

Submission sent via email: unitaryplan@aucklandcouncil.govt.nz

SUBMISSION ON PROPOSED PLAN CHANGE 64 (PRIVATE): 953 NEW NORTH ROAD, MOUNT ALBERT

AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

Introduction

Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) at the address for service set out below, provides the following feedback on the Proposed Plan Change 64 (Private): 953 New North Road (“**PC64**”), Mount Albert. PC64 seeks changes to the Auckland Unitary Plan (Operative in Part) (“**AUP(OP)**”) maps to re-zone the property at 953 New North Road in Mount Albert from Business – Town Centre Zone (“**TCZ**”) to Business – Mixed Use Zone (“**MUZ**”) and remove the Building Frontage Control – General Commercial Frontage. The plan change seeks to enable residential activities to be established as of right at ground floor, effectively requiring a mixed-use development. This proposed re-zoning will allow greater residential intensification at the applicant’s individual site.

Background

1. Kāinga Ora was established in 2019 as a statutory entity under the Kāinga Ora-Homes and Communities Act 2019 (“**KOHC Act**”). Kāinga Ora merged together the Housing New Zealand Corporation (“**Housing NZ**”), HLC (2017) Ltd and parts of the KiwiBuild Unit in October 2019. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown agent and is required to give effect to Government policies.
2. Kāinga Ora is now the Government’s delivery entity for housing and urban development as mandated under the KOHC Act. Kāinga Ora therefore work across the entire housing

spectrum in New Zealand to create complete, diverse communities that enable New Zealanders from all backgrounds to have similar opportunities in life. As a result, Kāinga Ora has two core roles:

- a) Being a world class public housing landlord; and
 - b) Leading and co-ordinating urban development projects
3. Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
- a) Provide people with good quality, affordable housing choices that meet diverse needs; and
 - b) Support good access to jobs, amenities and services; and
 - c) Otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
4. Kāinga Ora is focused on delivering quality urban developments by accelerating the availability of build-ready land, and building a mix of housing including public housing, affordable housing, homes for first home buyers, and market housing of different types, sizes and tenures.
5. In the Auckland region, the public housing portfolio managed by Kāinga Ora comprises approximately 29,514 dwellings^[1]. Auckland is a continued priority to reconfigure and grow Kāinga Ora's housing stock to provide efficient and effective public and affordable housing that is aligned with current and future residential demand in the area, and the country as a whole.
6. Kāinga Ora has a shared interest in the community as a key stakeholder, alongside local authorities. Kāinga Ora's interests lie in the provision of public housing to persons who are unable to be sustainably housed in private sector accommodation, and in leading and co-ordinating residential and urban development projects. Kāinga Ora works with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.

¹ Sourced from: *Managed Kāinga Ora Rental Properties by Territorial Local Authority as at 31 March 2021*
<https://kainqora.govt.nz/assets/Publications/Managed-stock/Managed-Stock-ALB-March-2021.pdf>

7. In addition to its role as a public housing provider, Kāinga Ora also has a significant role as a landowner, landlord, rate payer and developer of residential housing. Strong relationships between local authorities and central government are key to delivering government's priorities on increasing housing supply.
8. Policy decisions made at both central and local government level have impacts on housing affordability. The challenge of providing affordable housing will require close collaboration between central and local government to address planning and governance issues to reduce the cost of construction, land supply constraints, infrastructure provisions and capacity as well as an improved urban environment.
9. Kāinga Ora is interested in all issues that may affect the supply and affordability of housing. These include the provision of services and infrastructure and how this may impact on Kāinga Ora existing and planned housing, community development and Community Group Housing suppliers.
10. In addition to the above, Kāinga Ora will play a greater role in urban development in New Zealand. The legislative functions of Kāinga Ora illustrate this broadened mandate and outlines two key roles of Kāinga Ora in that regard:
 - a. Initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and
 - b. Providing a leadership or coordination role more generally.

Scope of Submission

11. The submission relates to Plan Change 64 as a whole.
12. It should be noted that Kāinga Ora does not own any property within the area subject to PC64. However, it has an interest in the proposed plan change for the reasons listed above.

The submission is:

13. Kāinga Ora **supports** PC64 the proposed re-zoning of 953 New North Road in Mount Albert from TCZ to MUZ and the removal of the Building Frontage Control – General Commercial Frontage for the reasons that are outlined addressed in the application.

Relief Sought

14. Kāinga Ora seek the following decisions from Auckland Council on PC64:
 - a. rezone the site to MUZ and remove the Building Frontage Control – General Commercial Frontage control.
15. Kāinga Ora does not consider it can gain an advantage in trade competition through this submission.
16. Kāinga Ora does wish to be heard in support of this submission.



Brendon Liggett
Development Planning Manager
Kāinga Ora – Homes and Communities

ADDRESS FOR SERVICE:

Kāinga Ora – Homes and Communities

PO Box 74598, Greenlane, Auckland

Email: developmentplanning@kaingaora.govt.nz

7 October 2021

Plans and Places
Auckland Council
Private Bag 92300
Auckland 1142

Attn: Sarah El Karamany

Email: unitaryplan@aucklandcouncil.govt.nz

**RE: FURTHER SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 64 – 953 NEW
NORTH ROAD, MOUNT ALBERT**

Please find attached Auckland Transport's further submission to the submissions lodged on Proposed Private Plan Change 64 from Tram Lease Limited.

If you have any queries in relation to this further submission, please contact Kevin Wong-Toi on 09 447 4200 or email Kevin.Wong-Toi@at.govt.nz

Yours sincerely



Kevin Wong-Toi
Principal Planner, Land Use Policy and Planning Central

cc:

Barker & Associates Ltd, PO Box 1986, Shortland Street, Auckland 1140

Attention: Karl Cook / Shannon Fallon

Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland 1051

Attention: Brendon Liggett

Encl: Auckland Transport's Further Submission on Proposed Private Plan Change 64 – 953 New North Road, Mount Albert

FORM 6: FURTHER SUBMISSION BY AUCKLAND TRANSPORT ON PROPOSED PRIVATE PLAN CHANGE 64 – 953 NEW NORTH ROAD, MOUNT ALBERT

To: Auckland Council
Private Bag 92300
Auckland 1142

Further Submission on: Proposed Private Plan Change 64 from Tram Lease Limited to re-zone the land at 953 New North Road from Business – Town Centre to Business – Mixed Use zone, and remove the Building Frontage Control – General Commercial Frontage

From: Auckland Transport
Private Bag 92250
Auckland 1142

1. Introduction

- 1.1 Auckland Transport represents a relevant aspect of the public interest and also has an interest in the proposal that is greater than the interest that the general public has. Auckland Transport's grounds for specifying this are that it is a Council-Controlled Organisation of Auckland Council ('the Council') and Road Controlling Authority for the Auckland region.
- 1.2 Auckland Transport's legislated purpose is "to contribute to an effective, efficient and safe Auckland land transport system in the public interest."

2. Scope of Further Submission

- 2.1 The specific parts of the submissions supported, opposed or where Auckland Transport has a neutral position, provided any transport implications arising from accepting a submission are addressed, and the reasons for Auckland Transport's position, are set out in **Attachment 1**.
- 2.2 The decisions which Auckland Transport seeks from the Council in terms of allowing or disallowing submissions are also set out in **Attachment 1**.

3. Appearance at the Hearing

- 3.1 Auckland Transport wishes to be heard in support of this further submission.
- 3.2 If others make a similar further submission, Auckland Transport will consider presenting a joint case with them at the hearing.



Signed for and on behalf of Auckland Transport

Christina Robertson

Group Manager: Strategic Land Use and Spatial Management

7 October 2021

Address for service:

Kevin Wong-Toi, Principal Planner
Planning and Investment
Auckland Transport
20 Viaduct Harbour Avenue
Auckland Central
Auckland 1010

Email: Kevin.Wong-Toi@at.govt.nz

Attachment 1:

Submitter	Submission Point	Summary of Submission	Support or Oppose	Reason for Auckland Transport's Further Submission	Decision Sought
Kainga Ora – Homes and Communities	6.1	Rezone 953 New North Road, Mount Albert from Business – Town Centre Zone to Business – Mixed Use Zone without amendments	Oppose	The submitter supports approving the plan change without any amendments. As outlined in Auckland Transport's primary submission, Auckland Transport has identified issues and concerns with the proposed plan change that need to be addressed.	Decline the submitter's relief
	6.2	Remove the Building Frontage Control – General Commercial Frontage without amendments	Oppose	The submitter supports removing the Building Frontage Control - General Commercial Frontage. As outlined in Auckland Transport's primary submission, Auckland Transport has identified issues and concerns with the proposed plan change that need to be addressed.	Decline the submitter's relief

7th October 2021

Attn: Planning Technician

Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

Submission sent via email: unitaryplan@aucklandcouncil.govt.nz

**FURTHER SUBMISSION ON PROPOSED PLAN CHANGES 64 (PRIVATE): 953
NEW NORTH ROAD, MOUNT ALBERT**

AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

1. Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) at the address for service makes this further submission on the Proposed Plan Change 64 (Private): 953 New North Road, Mount Albert (“**the proposed plan change**”) in support of/in opposition to original submissions to the proposed plan change.
2. Kāinga Ora is a person who has an interest in the proposed plan change that is greater than the interest the general public has, being an original submitter on the proposed plan change with respect to its interests as a Crown agency responsible for the provision of state housing, and its housing portfolio in Auckland.
3. Kāinga Ora makes this further submission in respect of submissions by third parties to the proposed plan change provisions to the extent that they directly affect the relief sought in its own submission, which seeks to rezone the proposed plan change area to Mixed Use Zone and remove the Building Frontage Control – General Commercial Frontage control. Kāinga Ora believes the proposed plan change encourages the delivery of quality urban developments and building a mix of housing of different types, sizes and tenures.
4. The reasons for this further submission are:
 - (a) The reasons set out in Kāinga Ora’s primary submission on the proposed plan change.

(b) In the case of the Primary Submissions that are opposed:

- (i) The Primary Submissions do not promote sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 (“**RMA**”);
- (ii) The Primary Submissions do not encourage sufficient development capacity to meet expected demand for housing and for business land and are otherwise inconsistent with the policy and implementation of the National Policy Statement on Urban Development 2020 (“**NPS-UD**”);
- (iii) The relief sought in the Primary Submissions is not the most appropriate in term of section 32 of the RMA, Objective 3 and Policy 3 of the NPS-UD;
- (iv) The primary submissions opposed are introducing additional provisions to the plan that are inefficient and ineffective. The Auckland Unitary Plan already includes sufficient provisions that will address transport effects from development occurring within the town centre or the mixed use zones;
- (v) Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
- (vi) The Primary Submissions are inconsistent with the policy intent of Kāinga Ora’s submissions.

(c) In the case of Primary Submissions that are supported:

- (i) The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
- (ii) The Primary Submissions encourage sufficient development capacity to meet expected demand for housing and for business land and are consistent with the policy and implementation of the NPS-UD, and with Objective 3 and Policy 3 of the NPS-UD;
- (iii) The reasons set out in the Primary Submissions to the extent that they are consistent with Kāinga Ora’s submission; and
- (iv) Allow the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.

(d) Such additional reasons (if any) in respect of each of the Primary Submissions supported or opposed as are set out in the **attached** Schedule.

5. The specific relief in respect of each Primary Submission that is supported or opposed is set out in the **attached** Schedule.
6. Kāinga Ora wishes to be heard in support of its further submission.
7. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

Dated this 7th day of October 2021

Brendon Liggett
Manager Development Planning
Urban Planning and Design
Kāinga Ora – Homes and Communities

ADDRESS FOR SERVICE:

Kāinga Ora – Homes and Communities

PO Box 74598, Greenlane, Auckland

Email: developmentplanning@kaingaora.govt.nz

Plan Change 64 (Private): 953 New North Road, Mount Albert Summary of Decisions Requested						
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary	Kāinga Ora Further Submission
4	4.1	Vincent & Sarah Heeringa	vincent.heeringa@gmail.com	Accept the plan change	Support smart intensification of the New North Road corridor.	Kāinga Ora supports this submission point for the reasons stated in the primary submission.
5	5.1	Auckland Transport Attn: Kevin Wong-Toi	kevin.wong-toi@at.govt.nz	Decline the plan change, unless concerns are resolved	Retain the Business - Town Centre zone along this part of New North Road [inferred 953 New North Road, Mount Albert].	Kāinga Ora opposes this submission point for the reasons stated in the primary submission.
5	5.2	Auckland Transport Attn: Kevin Wong-Toi	kevin.wong-toi@at.govt.nz	Decline the plan change, unless concerns are resolved	Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanisms.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission.
5	5.3	Auckland Transport Attn: Kevin Wong-Toi	kevin.wong-toi@at.govt.nz	Decline the plan change, unless concerns are resolved	Retain the Building Frontage Control - General Commercial Frontage.	Kāinga Ora opposes this submission point for the reasons stated in the primary submission.

APPENDIX THREE
CLAUSE 23 REQUEST AND RESPONSES

4 May 2021

Shannon Fallon
Barker and Associates
PO Box 1986
Shortland Street
AUCKLAND 1140

Issued via email: shannonf@barker.co.nz

Tēnā koe Shannon,

Request for further information in accordance with Clause 23 of Schedule 1 of the Resource Management Act 1991

Private Plan Change Request to re-zone the property at 953 New North Road, Mt Albert from Business - Town Centre Zone to Business - Mixed Use Zone

After completing a preliminary assessment of the documents provided for the above private plan change request, and seeking advice from Flow Transportation Specialists, Market Economics, and the Urban Design Unit, it is considered that further information is required to enable us to better understand the nature of the request and the effects on the environment.

Accordingly, under clause 23 of the Resource Management Act 1991, the following further information is requested:

1. Effects (Clause 23 (1))

a) Effects on pedestrian amenity and safety

Section 7.1 of the Assessment of Environmental Effects acknowledges the existing poor street frontage of the subject site, with a limited contribution to pedestrian amenity. Under the assessment of the plan change against Regional Policy Statement objectives in B2.3 (Quality built environment) the report states that:

“The redevelopment of this Site enabled by the Plan Change presents an opportunity to achieve quality built environment objectives and contribute to an increased level of amenity within the Mount Albert town centre.”

No comparison between the operative provisions and the proposed provisions has been provided to substantiate this increased level of amenity, or the costs and benefits of the maintenance and enhancement of the amenity for pedestrians using the public street.

Please provide further information on the effect the plan change, in particular the removal of the Building Frontage Control - General Commercial Frontage, will have on the pedestrian environment. Specifically, the effects on the continuity of activities and pedestrian movement, as well as the expectation of a reasonable level of pedestrian amenity and safety.

Other matters

The purpose of the plan change is set out in section 5.2 of the Section 32 Assessment Report. It states:

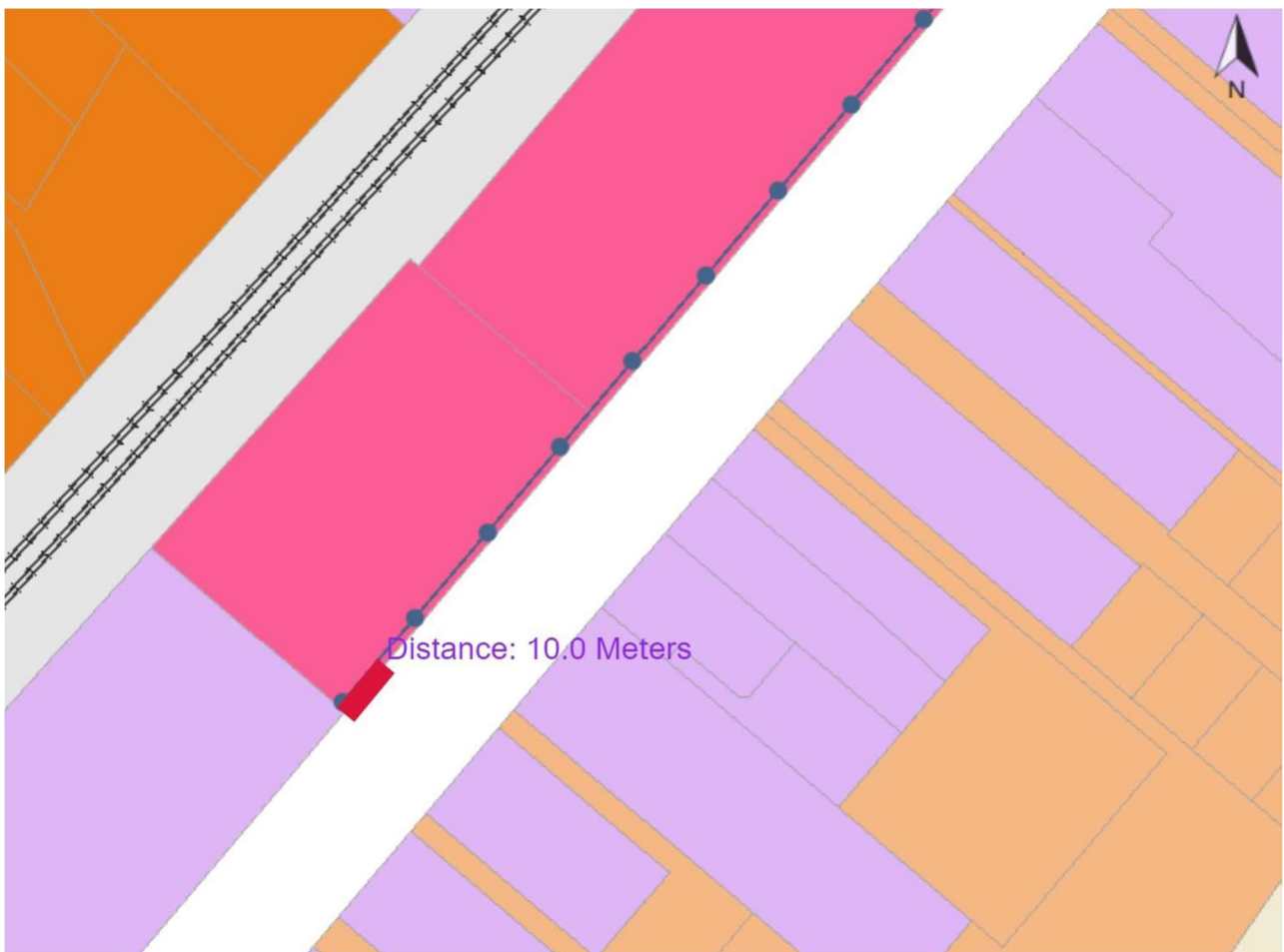
'The purpose of the Plan Change, or the objective of the Plan Change in terms of the RMA, is to apply a Business - Mixed Use zoning to the 2,387m² site.'

It is important that the purpose of the plan change is aligned with AUP(OP) RPS direction which seeks to optimise the efficient use of the existing urban area while also enhancing the quality of life for individuals and communities. Please review the purpose statement to include reference to both aspects.

Please consider the revision of the figures in the report by Property Economics to correct the inconsistency relating to floorspace growth estimates. The correct anticipated growth estimates for Mt Albert Town Centre should be 65 per cent, rather than 89 per cent.

Appendix 1 should include all changes requested to the Auckland Unitary Plan (Operative in Part), including those changes requested to the management layers of the planning maps.

Please consider amending the plan change to reduce the removal of the Building Frontage Control - General Commercial Frontage to 6-10m as shown on the diagram below, and suggested by Flow Transportation Specialists Ltd. This suggestion seeks to achieve a positive outcome in terms of transport effects, as it directs any future vehicle crossing to the location that will minimise interruption to the pedestrian environment.



If you have any questions, please contact me.

Nāku iti noa, nā

A handwritten signature in black ink, appearing to read "Clare Wall Shaw". The signature is fluid and cursive, with the first name "Clare" being more prominent.

Clare Wall Shaw
Senior Policy Planner
Plans and Places

Hi Clare

Please find attached updated versions of the Section 32/Planning Report, Appendix 1 to that report and the Market Economic report addressing the information request and other matters raised in the letter dated 4 May 2021. I have included tracked change copies of Section 32/Planning Report and Appendix 1 so the revisions can be easily followed.

By way of background to changes made in response to the request and other matters in the letter, we note the following points (corresponding to the five matters raised in the letter, as identified in the attachment):

1. As clarified in section 7.1 of the attached revision Section 32/Planning Report, the reference to an increased level of amenity was drawing a comparison between the existing situation and that following redevelopment rather than a comparison between the respective zones.

In terms of effects of removing the Building Frontage Control - General Commercial Frontage from 953 New North Road, pedestrian amenity and safety are matters that future development would be required to appropriately respond to under the provisions of the Business – Mixed Use zone. This includes the following AUP matters of discretion in H13.8.1.(3) applying to new buildings:

(a) the design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people. This includes:

- (i) the contribution that such buildings make to the attractiveness pleasantness and enclosure of the public space;*
- (ii) the maintenance or enhancement of amenity for pedestrians using the public space or street;*
- (iii) the provision of convenient and direct access between the street and building for people of all ages and abilities;*
- (iv) measures adopted for limiting the adverse visual effects of any blank walls along the frontage of the public space; and*
- (v) the effectiveness of screening of car parking and service areas from the view of people using the public space;*

(b) the provision of floor to floor heights that will provide the flexibility of the space to be adaptable to a wide variety of use over time.

(c) the extent of glazing provided on walls fronting public streets and public spaces and the benefits it provides in terms of:

(i) the attractiveness and pleasantness of the public space and the amenity for people using or passing through that space;

(ii) the degree of visibility that it provides between the public space and the building interior; and

(iii) the opportunities for passive surveillance of the street from the ground floor of buildings;

(d) the provision of verandahs to provide weather protection in areas used, or likely to be used, by significant numbers of pedestrians;

(e) the application of Crime Prevention through Environmental Design principles to the design and layout of buildings adjoining public spaces;

(f) the effects of creation of new roads and/or service lanes on the matters listed above;

(g) the positive effects that landscaping, including required landscaping, on sites adjoining public spaces is able to contribute to the amenity values of the people using or passing through the public space;

While there would not be a requirement for future development to address policy H13.3.(19), the matters of discretion listed above and associated assessment criteria/policies will appropriately provide for pedestrian amenity and safety.

It is also noted that the planning framework applying to the site at 953 New North Road under the plan change proposal is the same planning framework that currently applies to properties zoned Business – Mixed Use located to the south of the subject site and on the eastern side of New North Road.

Further comment on this matter from a traffic perspective is made in the response below to Point 5.

2. Refer to changes made to section 5.2 of the Section 32/Planning Report as attached.
3. Refer to the revised version of the Market Economics report as attached.
4. Refer to changes made to Appendix 1 to the Section 32/Planning Report as attached.
5. Further consideration has been given to the suggestion however for, among other reasons, other controls in the AUP(OP) – refer to the restricted discretionary activity status in section E27 of the AUP(OP) of vehicle crossings on arterial roads - appropriately address the transportation effects aspect of vehicle crossings.

Refer also to changes made in terms of additional options analysis in section 10.3.1 of the Section 32/Planning Report as attached.

Ngā Mihi | Kind Regards

Karl Cook

Director

.....

B&A

Urban & Environmental

M +6429 638 7970 T + 649 375 0900

APPENDIX FOUR
SPECIALIST ASSESSMENTS



**PPC64 - 953 New North
Road, Mount Albert**

Transportation Hearing
Report



March 2022

flow

TRANSPORTATION SPECIALISTS

Project: PPC64 - 953 New North Road, Mount Albert
Title: Transportation Hearing Report
Document Reference: P:\ACXX\422 PPC64 953 New North Road, Mt Albert\Reporting\R1B220314 - PPC64 Hearing report.docx
Prepared by: Mat Collins/Harry Shepherd
Reviewed by: Bronwyn Coomer-Smit

Revisions:

Date	Status	Reference	Approved by	Initials
29 November 2021	Draft report for Council review	R1A211126	B Coomer-Smit	
14 March 2022	Updated with Council comments	R1B220314	M Collins	

The drawings, information and data recorded in this document (the information) are the property of Flow Transportation Specialists Ltd. This document and the information are solely for the use of the authorised recipient and this document may not be used, copied or reproduced in whole or part for any purpose other than that for which it was supplied by Flow Transportation Specialists Ltd. Flow Transportation Specialists Ltd makes no representation, undertakes no duty and accepts no responsibility to any third party who may use or rely upon this document or the information.

SUMMARY OF OUR PEER REVIEW

Auckland Council (Council) has requested Flow Transportation Specialists (Flow) undertake a peer review of the transportation matters associated with Private Plan Change 64 (PPC64), which seeks to re-zone 953 New North Road, Mount Albert from Business – Town Centre zone to Business – Mixed Use zone and remove the Building Frontage Control – General Commercial Frontage.

I have reviewed the application documents and submissions on PPC64 as they relate to transport matters. During my review of PPC64, I considered the following matters

- ◆ What level of assessment of traffic effects is required?
- ◆ Will the proposed rezoning and/or removal of the general frontage control affect consideration of pedestrian safety and/or amenity?

In conclusion

- ◆ I consider that any traffic effects resulting from PPC64 can be assessed during the future resource consent process. Refer to my discussion in Section 3.1
- ◆ I consider that any pedestrian safety effects resulting from PPC64 can be assessed during the future resource consent process. Refer to my discussion in Section 3.2

From a transportation perspective, I consider that PPC64 can be approved without modification.

CONTENTS

1	INTRODUCTION	1
2	A SUMMARY OF PPC64	2
3	PEER REVIEW OF TRANSPORT MATTERS	3
3.1	What level of assessment of traffic effects is required?.....	3
3.2	Does the PPC64 affect consideration of pedestrian safety and/or amenity?	3
4	SUBMISSION REVIEW	5
5	SUMMARY AND CONCLUSION	6

APPENDICES

- APPENDIX A SUBMISSION REVIEW
- APPENDIX B CLAUSE 23 REVIEW

1 INTRODUCTION

Auckland Council (Council) has requested Flow Transportation Specialists (Flow) undertake a peer review of the transportation matters associated with Private Plan Change 64 (PPC64), which has been lodged by Tram Lease Ltd (applicant).

PPC64 seeks to re-zone 953 New North Road, Mount Albert from Business – Town Centre Zone (TCZ) to Business – Mixed Use Zone (MUZ) and remove the Building Frontage Control – General Commercial Frontage.

The scope of this specialist transport report is to assist Council in determining the transport outcomes of the proposed plan change and includes the following

- ◆ A summary of proposed PPC64 focusing on transport matters
- ◆ A review of the relevant transportation material provided to support the application
- ◆ Summary of public submissions relating to transport matters only
- ◆ My recommendations.

My review includes the following documents.

- ◆ Section 32 Assessment of Environmental Effects Report, prepared by Barker & Associates Ltd, dated April 2021
- ◆ Submissions as outlined in Appendix A of this report.

Parallel to PPC64, a private plan change has also been lodged for 911 - 975 New North Road (PPC63). My review is cognisant of PPC63, however I do not comment on transport matters relevant to PPC63 in this report.

2 A SUMMARY OF PPC64

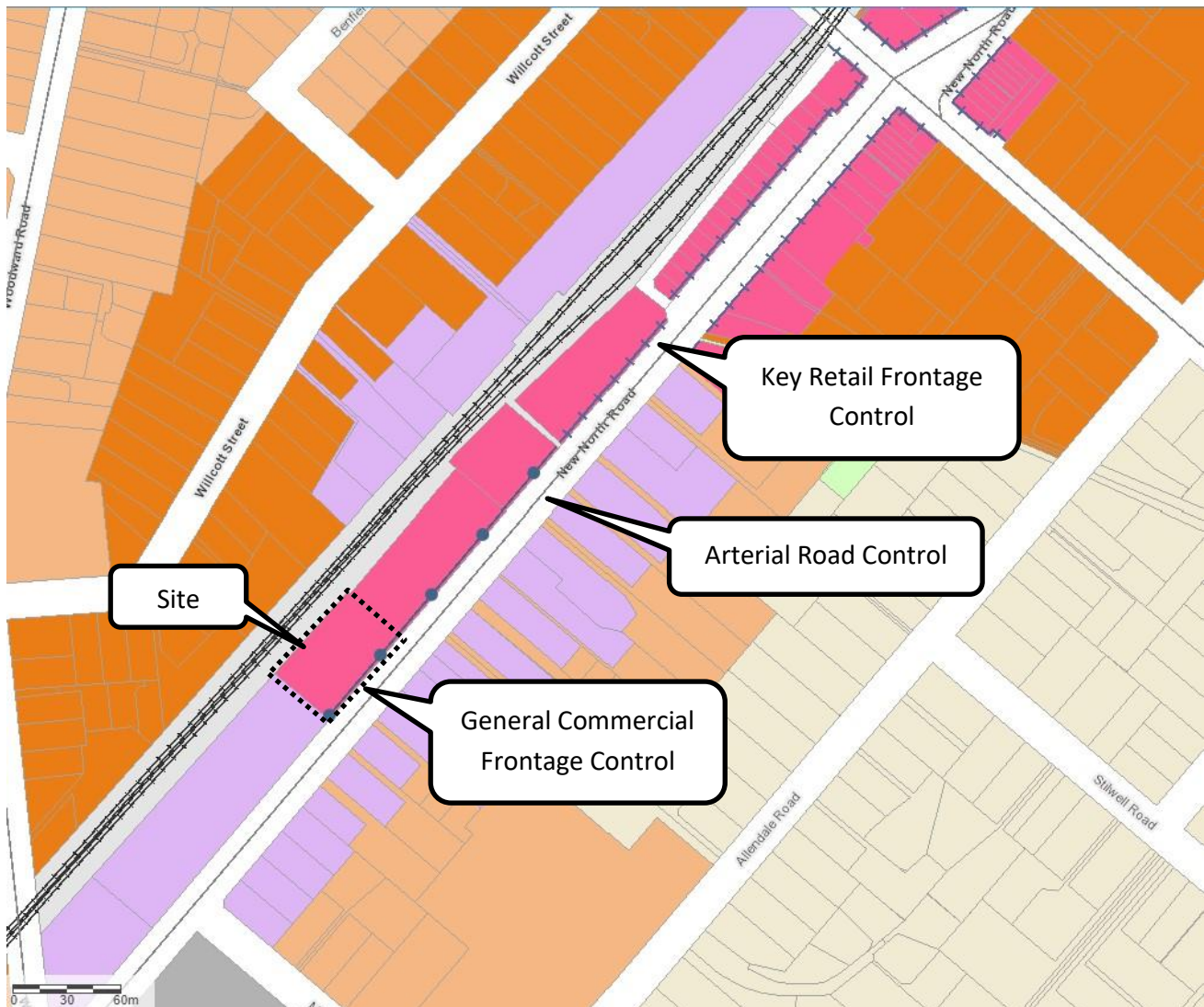
A summary of the site location, planning zones and proposed height controls as given in the Auckland Unitary Plan (Unitary Plan) are provided in Table 1 and shown in Figure 1.

The Site is zoned TCZ in the Unitary Plan and has frontage to New North Road which is subject to a General Commercial Frontage Control. New North Road is classified as an arterial road in the Unitary Plan.

Table 1: Site summary

Site Location	953 New North Road, Mount Albert
Planning Zone	Business – Town Centre
Activity Proposed	Rezone from TCZ to MUZ and remove the Building Frontage Control – General Commercial Frontage

Figure 1: Site, land use zoning and controls



3 PEER REVIEW OF TRANSPORT MATTERS

During my review of the transport aspects of PPC64, I considered the following matters.

- ◆ What level of assessment of traffic effects is required?
- ◆ Will the proposed rezoning and/or removal of the general frontage control affect consideration of pedestrian safety and/or amenity?

I discuss these topics in the following sections of my report.

3.1 What level of assessment of traffic effects is required?

Plan changes that seek land use rezoning typically are accompanied by an Integrated Transport Assessment (ITA) report which may include traffic modelling assessment (depending on the scale of the plan change) to quantify the potential traffic effects on the transport network. However, PPC64 does not include an ITA, with the Section 32 report concluding that transport related effects can be considered through the future resource consent process to enable development on the plan change site.

In terms of Chapter E27 Transport of the Unitary Plan

- ◆ Standard E27.6.1 Trip Generation does not apply to TCZ but does apply to MUZ
- ◆ Standards E27.6.2 to E27.6.5 treat TCZ and MUZ equally.

In terms of Chapters H10 Business – Town Centre Zone and H13 Business – Mixed Use Zone

- ◆ In terms of activity status, there will be little difference in permitted activities (from a traffic generation perspective) should PPC64 be enabled, other than drive-through restaurants being permitted within the MUZ and a restricted discretionary activity within the TCZ
- ◆ MUZ permits residential activity on the ground floor, which may generate a higher number of peak hour traffic movements compared with ground floor uses that are expected in TCZ.

PPC64 is unlikely to generate a noticeable difference in traffic effects beyond what is anticipated by the current TCZ. If a significant traffic generator was enabled through PPC64, Standard E27.6.1 enables traffic effects to be considered.

Further, any redevelopment of the site that includes vehicle access would trigger E27.6.4.1.(3) as New North Road is classified as an arterial road in the Unitary Plan. Matters of discretion include effects on pedestrian and streetscape amenity, and effects on the transport network.

Outcome: I consider that any traffic effects resulting from PPC64 can be assessed during the future resource consent process.

3.2 Does PPC64 affect consideration of pedestrian safety and/or amenity?

As part of my Clause 23 review, I recommend that, should the General Commercial Frontage Control be altered, that it is removed only for approximately 6 – 10 m of the Site's frontage from the south western boundary. My rationale for this was to direct any future vehicle crossing to a location that will minimise interruption to the pedestrian environment for the adjacent TCZ.

Following discussion with Council's Planner, I understand that applying a frontage control to part of a site frontage along one road is difficult, and that if the frontage control was removed it would need to be from the entire frontage to that road.

Regarding the potential transport implications of PPC64 on pedestrian amenity and safety

- ◆ Policy E27.3.(26) seeks to limit new vehicle access across General Commercial Frontage Controls to support pedestrian safety and amenity, and to provide for continuity of building frontage
- ◆ Standard E27.6.4.1 identifies sites subject to Vehicle Access Restrictions. This standard applies to sites with frontage to arterial roads but does not specify any restrictions to sites that are subject to General Commercial Frontage Controls
- ◆ Table E27.6.4.2.1 (T144) specifies the maximum number of vehicle crossings and separation distance between crossings, and applies to sites subject to General Commercial Frontage Controls and/or sites fronting arterial roads.
- ◆ Assessment criterion E27.8.2(11)(ii) only requires consideration of the effects on the continuity of activities and pedestrian movement for TCZ and not MUZ.

As New North Road is an arterial road, a vehicle access restriction applies to the Site regardless of whether PPC64 is approved or not. However, the existing General Commercial Frontage Control does place a higher expectation that the Site will provide for pedestrian amenity and safety.

Clearly the Unitary Plan anticipates that vehicle crossings within General Commercial Frontage Control will occur, however it seeks to balance this with pedestrian safety and amenity. I consider that Standard E27.6.4.1 and E27.6.4.2.1 (T144) provide sufficient scope to ensure that any future vehicle crossing will not adversely affect pedestrian safety. In terms of any affects on pedestrian amenity, this speaks more to urban design rather than transport matters, therefore I do not comment on this further.

Outcome: I consider that any pedestrian safety effects resulting from PPC64 can be assessed during the future resource consent process.

4 SUBMISSION REVIEW

Four submissions related to transport matters were received

- ◆ Submitter 3: David Ryan
- ◆ Submitter 5: Auckland Transport, Kevin Wong-Toi.

The submissions generally relate to parking, traffic effects, pedestrian safety and amenity, which I have addressed in Section 3 of this report as well as in Appendix A. Appendix A includes details of the submissions and my comments on each matter raised.

5 SUMMARY AND CONCLUSION

I have reviewed the application documents and submissions on the PPC64 as they relate to transport matters.

In conclusion

- ◆ I consider that any traffic effects resulting from PPC64 can be assessed during the future resource consent process. Refer to my discussion in Section 3.1
- ◆ I consider that any pedestrian safety effects resulting from PPC64 can be assessed during the future resource consent process. Refer to my discussion in Section 3

From a transportation perspective, I consider that PPC64 can be approved without modification.

APPENDIX A

Submission review

Our review of submissions related to transport matters is provided below.

Table 2: Submission summary and commentary

Submitter	Summary of submission point	Flow comment
Submitter 3: David Ryan	Concerned at lack of parking for potential residents, workers and customers.	<p>In terms of parking requirements, Chapter E27 treats Town Centre Zone and Mixed Use Zone equally. Further, on 10 February 2022 Council updated the Unitary Plan to remove all car parking minimum standards, to give effect to Policy 11 of the National Policy Statement – Urban Development 2020. No minimum car parking requirements apply to either the Town Centre Zone or Mixed Use Zone.</p> <p>Council is currently considering several consequential amendments to the Unitary Plan, to ensure that the plan continues to function as intended following the removal of car parking minimums (Plan Change 71). This includes consideration of the effects of parking¹.</p>
Submitter 5.1: Auckland Transport, Kevin Wong-Toi	<p>Retain the Business - Town Centre zone along this part of New North Road [inferred 953 New North Road, Mount Albert].</p> <ul style="list-style-type: none"> • The Business – Mixed Use zone does not require non-residential activities at ground level, and is less likely to achieve a mix of uses if not required by the zone provisions. This will impact on the extent that the Plan Change will support overall transport and land use integration outcomes • The applicant has indicated the intention of a fully-residential development on the site. Land use and transport integration benefits are more likely to be derived from and enabled by non-residential activities at ground level in conjunction with good quality public connections and access to the rapid transit network. • The applicant’s assessment defers the consideration of transport related matters to any future resource consent applications. This approach does not provide any certainty that the overall transport effects of the Plan Change will be assessed or whether relevant transport effects will be appropriately assessed and mitigated as a whole. <p>Decline the plan change, unless concerns are resolved.</p>	<p>I rely on the economics assessment provided by the applicant, which states there is sufficient capacity in the balance of the TCZ within the Mt Albert town centre to accommodate the future anticipated demand for office and retail activity.</p> <p>In terms of the transport effects of a fully residential development on the site, and the timing of any assessment, refer to my discussion in Section 3.1.</p>
Submitter 5.2: Auckland Transport, Kevin Wong-Toi	<p>Assess cumulative transport effects of plan change 63 and plan change 64 together. Identify any mitigation required and the delivery mechanisms.</p> <p>Decline the plan change, unless concerns are resolved.</p>	<p>In terms of the cumulative transport effects of PPC63 and PPC64, I consider that this does not affect the conclusions of my review of PPC63, which I have copied below</p> <ul style="list-style-type: none"> ♦ <i>I consider that traffic modelling is not required to support PPC63. Development enabled by the operative zoning for the sites will likely worsen congestion on the adjacent transport network, and further development enabled by PPC63 may add further to this congestion. However, additional traffic congestion is not necessarily a critical flaw for PPC63. The long term intent for the New North Road corridor is to focus on enabling walking, cycling and public transport, and this focus will be supported by, and in turn support PPC63. Further, the relevant objectives and policies of the Unitary Plan point to PPC63 enabling the “right” type of intensification in the “right” location.</i> ♦ <i>Based on “Scenario 2” identified in the ITA, I consider that site specific provisions to enable and encourage the use of active and public transport modes should be considered</i>

¹ Proposed Plan Change 71 (PPC 17) and Plan Modification 14 (PM 14): NPS-UD Removal of Car Parking Minimums – Consequential Technical Amendments. Section 32 Evaluation Report, para 30.

PROJECT 953 NEW NORTH ROAD PROPOSED PRIVATE PLAN CHANGE
SUBJECT PEER REVIEW AND CLAUSE 23 INFORMATION REQUESTS
TO CLARE WALL SHAW (AUCKLAND COUNCIL)
FROM MAT COLLINS
REVIEWED BY BRONWYN COOMER-SMIT
DATE 3 MAY 2021

1 SUMMARY OF MY REVIEW

Auckland Council (Council) has requested Flow Transportation Specialists (Flow) to review the transportation matters associated with the proposed Private Plan Change (PPC) 953 New North Road (Site), which has been lodged by Tram Lease Ltd (applicant).

The PPC seeks to re-zone the property at 953 New North Road from Business – Town Centre to Business – Mixed Use zone and remove the Building Frontage Control – General Commercial Frontage.

My review includes the following documents

- ◆ Section 32 Assessment of Environmental Effects Report, prepared by Barker & Associates Ltd, dated April 2021.

Having reviewed the relevant documents provided, I consider that no additional information is required under Clause 23 to understand the transport effects of the PPC, and the management and/or mitigation required of those transport effects.

I will provide further commentary in my report to support Council's S42A report, however in the interim I am of the view that

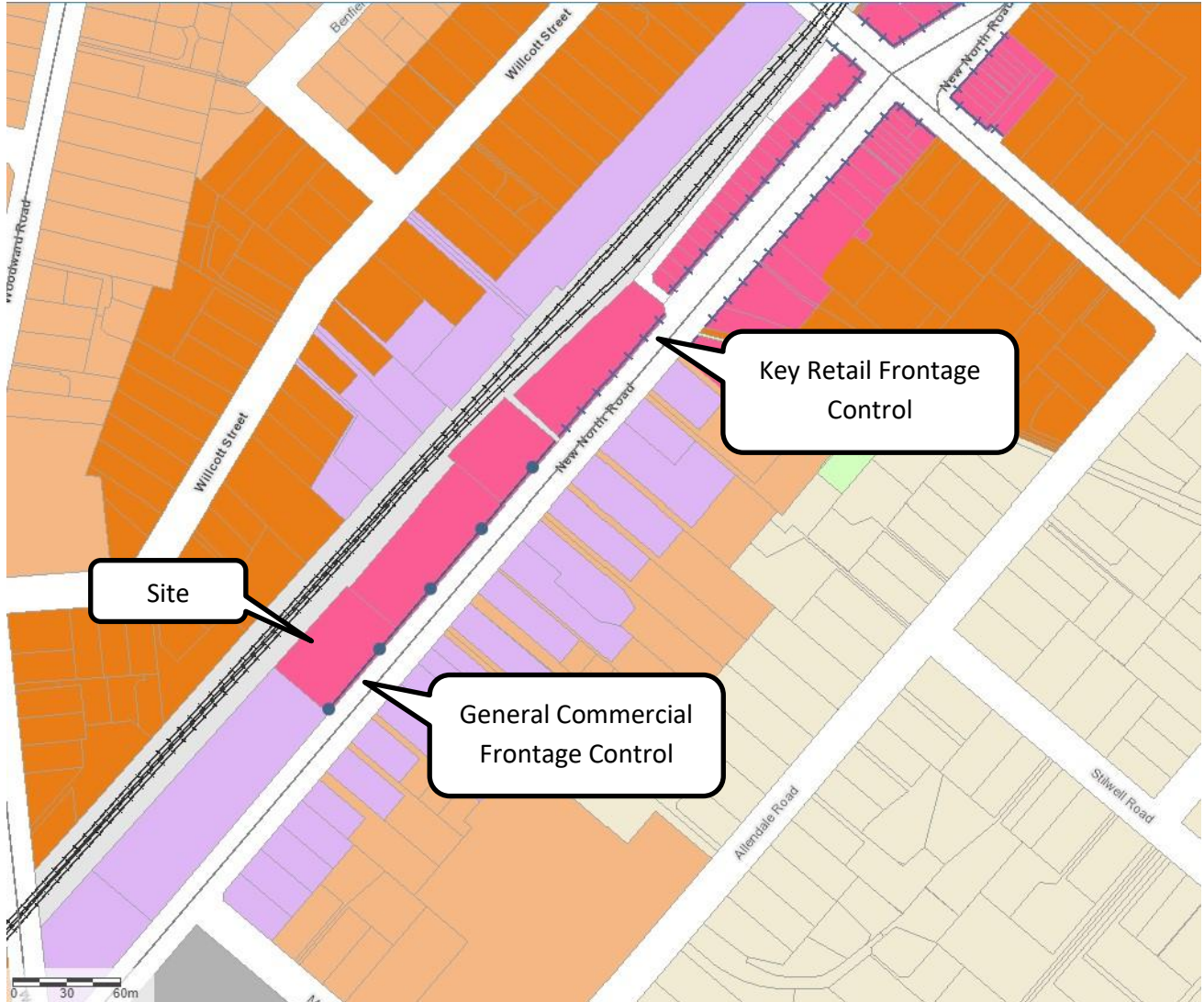
- ◆ Chapter E27 of the Auckland Unitary Plan (AUP) provides sufficient scope to assess/address any transport effects as a result of rezoning the site from Business – Town Centre (TC) to Business – Mixed Use zone (MUZ)
- ◆ Removal of the Building Frontage Control – General Commercial Frontage may result in a negative effect on pedestrian amenity due to built form outcomes, however any effects on pedestrian safety and/or amenity as a result of any future vehicle crossing to the site would be captured by E27.6.4.1. I recommend that, should the General Commercial Frontage Control be altered, that it is removed only from approximately 6 – 10m of frontage from the south western boundary. This encourages any future vehicle crossing to avoid interrupting the street environment within the existing Town Centre zoning.

I note that I have not engaged with Auckland Transport (AT) or with Waka Kotahi New Zealand Transport Agency as part of my review.

2 SITE SUMMARY

The Site is zoned Business – Town Centre in the AUP, and has frontage to New North Road which is subject to a General Commercial Frontage Control, as shown in Figure 1. New North Road is classified as an arterial road in the AUP.

Figure 1: Site, land use zoning and frontage controls



3 MY REVIEW OF TRANSPORT MATTERS

I consider that the location of the Site has good accessibility by walking, cycling and private transport, and has excellent accessibility by public transport accessibility, being located near to the Mt Albert train station. Further the Site is well located to a variety of supporting land uses, thereby encouraging pedestrian trips.

I consider that New North Road in this location has a high value in terms of providing for and prioritising walking, cycling and public transport (bus) movements, as

- ◆ it is part of the Mt Albert town centre in terms of zoning, albeit the existing land use is not consistent with a town centre environment
- ◆ the General Commercial and Key Retail Frontage controls along this section of the corridor
- ◆ New North Road is part of the Frequent Transit Network
- ◆ New North Road, approx. 230 m to the north east of the site, has recently been upgraded by Auckland Transport to provide higher amenity and provision for pedestrians, cyclists, and public transport users, as shown in Figure 2

Figure 2: Auckland Transport's Mt Albert town centre upgrade project¹



3.1 Consideration of proposed land-use zoning change

The PPC seeks to re-zone the site from Business – Town Centre (TC) zone to Business – Mixed Use (MU) zone). I have considered the potential transport implications of the change in zoning

¹ Mt Albert town centre upgrade, available online at <https://at.govt.nz/projects-roadworks/mt-albert-town-centre-upgrade/#details>

- ◆ Objective H10.2(9) relating to landuse activities in the TC zone, directs General Commercial Frontage streets to support a focus on pedestrian activity within Key Retail Frontage streets, however such an objective is absent from the MU zone objectives
- ◆ Policies within both the TC and MU zones require buildings with frontages subject to the General Commercial Frontage Control to achieve a reasonable level of street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality
- ◆ While there is some difference in permitted activities within MU versus TC zone, Standard E27.6.4.1. Vehicle Access Restrictions apply to the site as New North Road is an arterial road. Therefore, any new or repurposed existing vehicle access will need to be assessed against restricted discretionary assessment criterion E27.8.2(11), which requires an assessment of the transport effects of the *“location and design of the access on the safe and efficient operation of the adjacent transport network”*. However, assessment criterion E27.8.2(11)(ii) only requires consideration of the effects on the continuity of activities and pedestrian movement for TC zoning and not MU zoning.
- ◆ Chapter E27 Objectives, Policies, Activities, and Standards tend to treat TC and MU zones similarly.

I consider that both TC and MU zones anticipate high amenity and safe street environments for pedestrians, that Chapter E27 treats TC and MU zones in a similar manner, and that any potential transport effects on the adjacent transport network that may occur as a result of development enabled by the rezoning will be captured by Chapter E27. Therefore, from a transport perspective, I consider that the rezoning will not result in transport effects on the adjacent transport network that would not otherwise be assessed/mitigated as part of future resource consent applications for the site.

3.2 Consideration of the removal of the Building Frontage Control – General Commercial Frontage

The PPC seeks to remove the Building Frontage Control – General Commercial Frontage from the Site’s frontage. I have considered the potential transport implications

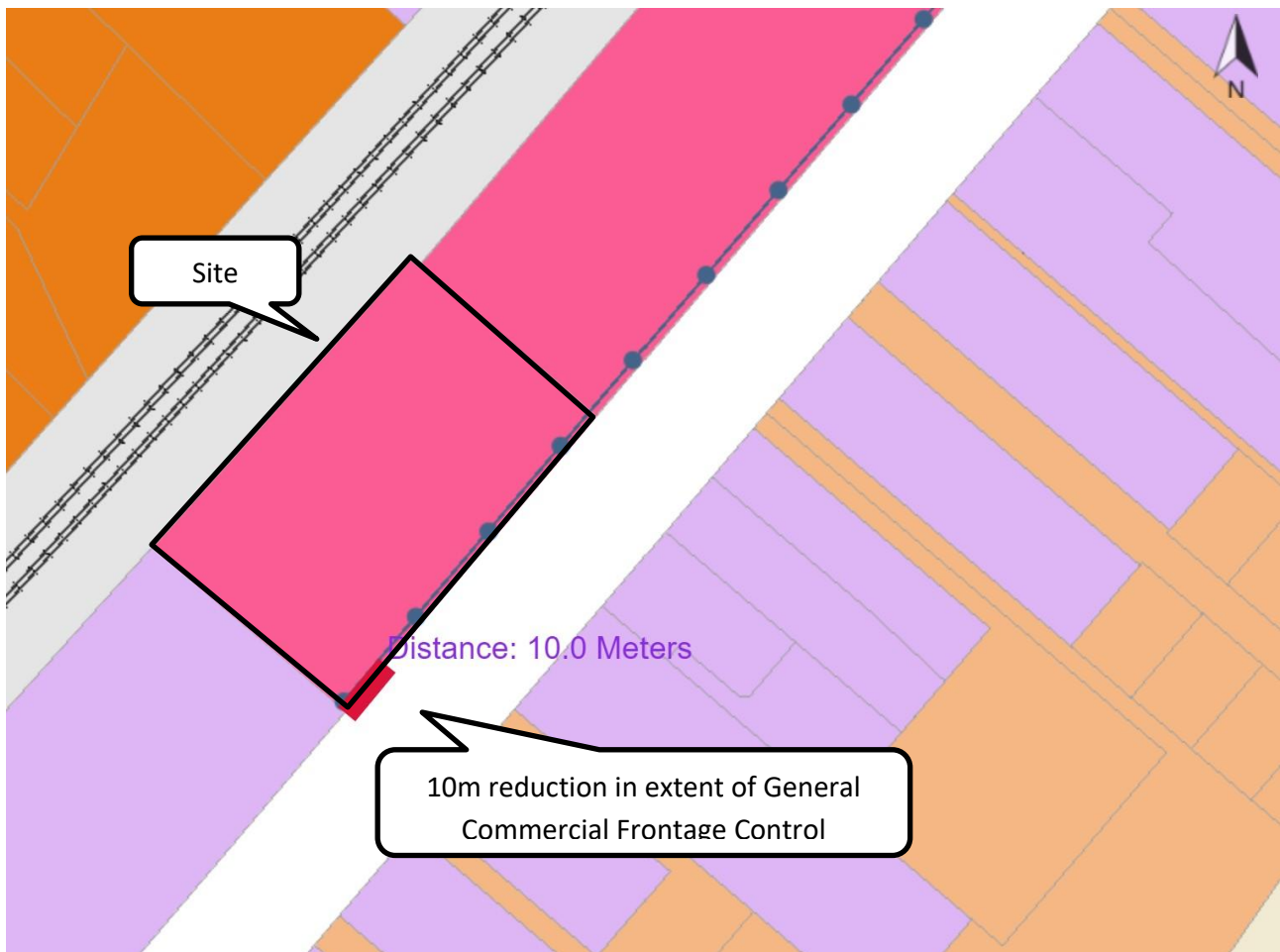
- ◆ Policy E27.3.(26) seeks to limit new vehicle access across General Commercial Frontage Controls to support pedestrian safety and amenity, and to provide for continuity of building frontage
- ◆ Standard E27.6.4.1 identifies sites subject to Vehicle Access Restrictions. This standard includes sites with frontage to arterial roads but does not include sites subject to General Commercial Frontage Controls
- ◆ Table E27.6.4.2.1 (T144) specifies the maximum number of vehicle crossings and separation distance between crossings, and applies to sites subject to General Commercial Frontage Controls and/or sites fronting arterial roads.

As New North Road is an arterial road, a vehicle access restriction applies to the Site, regardless of whether a General Commercial Frontage Control applies. However, the General Commercial Frontage Control does place a higher expectation that the Site will provide for pedestrian amenity and safety. As shown in Figure 1, the Site is at the threshold of the Mt Albert town centre, in terms of zoning a General Commercial Frontage Control.

Clearly the AUP anticipates that vehicle crossings within General Commercial Frontage Control will occur, however this needs to be balanced with pedestrian safety and amenity. In my view it would be appropriate for any new vehicle crossing to be located at the south western extent of the site, as this provides for higher pedestrian amenity along the north eastern portion of the Site, which supports a contiguous pedestrian environment with the Mt Albert town centre.

I recommend that, should the General Commercial Frontage Control be altered, that it is removed only for approximately 6 – 10 m of the Site’s frontage from the south western boundary, as shown in Figure 3. This would result in a positive outcome in terms of transport effects, as it directs any future vehicle crossing to the location that will minimise interruption to the pedestrian environment.

Figure 3: Potential reduction in extent of General Commercial Frontage Control



4 INFORMATION REQUESTS

Having reviewed the relevant documents provided, I consider that no additional information is required to understand the transport effects of the proposed PPC.

Reference: P:\ACXX\000 953 New North Road, Mt Albert\Reporting\T1A210503 953 New North Road Clause 23.docx - Mat Collins

Submitter	Summary of submission point	Flow comment
<p>Submitter 5.3: Auckland Transport, Kevin Wong-Toi</p>	<p>Retain the Building Frontage Control - General Commercial Frontage (GCF).</p> <ul style="list-style-type: none"> • The purpose of this control is to support pedestrian safety and amenity and provide for continuity of building frontage and associated activities at street level. The applicant’s assessment suggests that this control is not required as it unnecessarily duplicates the Auckland-wide vehicle access restriction (VAR) • The intent of the GCF and VAR controls would appear to overlap in terms of supporting pedestrian safety and the continuity of activities and pedestrian movements at street level. The VAR standard is focussed around the potential effects of the vehicle crossing while the GCF control has an emphasis on pedestrian safety and amenity and building frontage continuity. • It is noted that that the assessment criteria of the VAR addresses the effects of the location and design of the access including consideration of pedestrian numbers and “the effects on the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business –Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone”. The Business – Mixed Use Zone is not included as part of the VAR assessment criteria in relation to considering the continuity of activities and pedestrian movements at street level. In this regard, the GCF control is not a duplication of the VAR control based on the proposed rezoning to Business - Mixed Use Zone. • Given the emphasis in Plan Change 63 and Plan Change 64 in regard to increasing the use of public transport, retaining a control which supports pedestrian safety and amenity and the continuity of building frontage is a desirable outcome. Auckland Transport supports the retention of the GCF control. <p>Decline the plan change, unless concerns are resolved</p>	<p>Regarding pedestrian safety, I consider that any effects can be considered during future resource consent process.</p> <p>Regarding pedestrian amenity, this is an urban design matter not a transport matter, therefore I do not comment further.</p> <p>Refer to my discussion in Section 3.2.</p>

APPENDIX B

Clause 23 review



953 New North Road, Mt Albert
Private Plan Change 64
Economic Assessment

18 March 2022
FINAL



953 New North Road, Mt Albert Private Plan Change 64

Economic Assessment

Prepared for

Auckland Council

Document reference: ACL169.22

Date of this version: 18 March 2022

Report author(s): Rebecca Foy, Derek Foy, Greg Akehurst and Hannah Ashby

Director approval: Greg Akehurst

Disclaimer: Although every effort has been made to ensure accuracy and reliability of the information contained in this report, neither Market Economics Limited nor any of its employees shall be held liable for the information, opinions and forecasts expressed in this report.



Contents

1	INTRODUCTION	2
1.1	BACKGROUND	2
1.2	OBJECTIVE	3
1.3	INFORMATION REVIEWED	3
2	MT ALBERT TOWN CENTRE HEALTH ASSESSMENT	4
2.1	BACKGROUND	4
2.2	ASSESSMENT FINDINGS	4
3	ECONOMIC ASSESSMENT PEER REVIEW.....	6
3.1	KEY ISSUES	6
3.2	PE REPORT SUMMARY.....	6
3.3	SUMMARY.....	13
4	SUBMISSIONS REVIEW.....	14
4.1	KEY ISSUES.....	14
5	CONCLUSION.....	16

Figures

FIGURE 1.1: PROPOSED PLAN CHANGE SUBJECT SITE AT 953 NEW NORTH ROAD	2
FIGURE 2.1: MT ALBERT ORIGIN OF SALES, 2015.....	5
FIGURE 3.1: POPULATION PROJECTIONS AND ESTIMATES FOR MT ALBERT TOWN CENTRE LOCAL CATCHMENT	8
FIGURE 3.2: MT ALBERT TOWN CENTRE EMPLOYMENT BY INDUSTRY AND LAND USE TYPE, 2016-2021 (MECs). 10	
FIGURE 3.3: MT ALBERT TOWN CENTRE ZONING AND PROXIMITY	11

1 Introduction

1.1 Background

Tram Lease Ltd (“TLL”) has applied for a plan change to re-zone the property at 953 New North Road, Mt Albert (“the Site”) from Business Town Centre to Business Mixed Use. The subject property is 2,387m² in area and is described as Lot 4 Deposited Plan 77409 (Figure 1.1).


The objective underlying the private plan change request (“PPCR”) is to enable the landowner to develop high density residential activity on the Site by permitting residential uses on the ground floor, which are currently not permitted under the Business Town Centre zone. The PPCR’s main contention is that making provision for retail and services activity on the ground floor of a high-density residential complex would not be attractive to the market in that location. A preferable option would be to provide a development that can be landscaped and have access routes at street level.

TLL own a significant share of the land currently zoned for Business Town Centre on the western side of New North Road (64%) and 27% of total Mt Albert Town Centre. They have already lodged a separate plan change which is seeking to raise the height limits for the properties located at 911-975 New North Road from 18m to 24m, which would enable development to five storeys. TLL also owns other properties within the Town Centre zone.

Figure 1.1: Proposed Plan Change Subject Site at 953 New North Road



Source: B&A Urban and Environmental, 2021



1.2 Objective

The objective of this report is to:

- Review the economic report prepared by Property Economics and the section 32 assessment report prepared by B&A to assess the adequacy of the assessment of likely economic effects of the PPCR, and
- Provide commentary on the merits of the submissions for PPC 64 that relate to economic matters and including commentary on the alignment with relevant statutory and policy documents and/or reference within the reporting planner's s42A report.
- Respond to submissions on the proposed plan change that relate to economic and retail trade effects.

Alongside this PPCR, a private plan change has also been lodged for 911 - 975 New North Road (PPC 63). This report is cognisant of PPC 63, however no comments are made on economic matters relevant to PPC 63 in this report.

1.3 Information Reviewed

This assessment has reviewed the following application documents:

- "Mt Albert Town Centre Zone Plan Change Economic Analysis", Property Economics, March 2021
- "Private Plan Change Request 953 New North Road Mt Albert Section 32 Assessment Report", B&A Urban and Environmental, April 2021.
- "Proposed Plan Change 64 (Private) 953 New North Road, Mount Albert Summary of Decisions Requested", Auckland Council, September 2021.



2 Mt Albert Town Centre Health Assessment

2.1 Background

In 2019 Market Economics completed a comprehensive assessment of the size, composition and health of the centres located within the wider Mt Roskill area for Kainga Ora as part of their review of the commercial development potential for centres within the large urban transformation area. Auckland Council was a part funder of this project and is a co-owner of the assessment and findings undertaken for the project.

Parts of Mt Albert Town Centre are located on the north-western boundary of the study area for the Mt Roskill project, and while there is likely to be significant household redevelopment and intensification in the wider area, much of that transformation will benefit other centres within the catchment, rather than the Mt Albert Town Centre directly.

Findings of that 2019 assessment have been discussed in the application, and are relevant in assessing the merits of the PPCR. Where appropriate, we have drawn on models that were developed for that assessment, and updated them to reflect the most recent population and household data to inform our recommendations.

2.2 Assessment Findings

Mt Albert is a well-established centre that has developed surrounding the intersection of Mt Albert, Carrington and New North Roads and has expanded in a linear form along New North Road. The centre predominantly functions as a hospitality hub and retail and services centre, and is adjacent to a train station on the western train line.

The retail and services offer located in the Mt Albert centre is not diverse, instead there are a range of specialist stores co-located that supply a similar customer base, predominantly Asian communities. The centre acts as a hospitality hub with ethnic cafes, restaurants and takeaway outlets that draw customers from a wide catchment. A wide range of personal and household services businesses exist which serve both the needs of the general market (e.g. real estate, banks, accountants, lawyers and medical) and more specialised needs (e.g. acupuncture and massage). The Kainga Ora study identified a number of vacancies within the centre.

For the Kainga Ora study we examined the origin of spending in the Mt Albert Town Centre, as recorded by BNZ Marketview for 2015 (Figure 2.1). The decision was made not to update the dataset, due to the cost, and because the established consumption patterns were unlikely to have changed significantly over the timeframe. It is possible that customer origin-destination patterns have changed significantly since that dataset due to the impacts of Covid business failures and higher shares of the population working remotely from home more often or losing their means of earning an income.

The majority of food and grocery spending in the centre came from the local boards of Mt Roskill, Albert-Eden, and Whau, with other reasonable sized shares coming from western (7.0%) and other central (6.6%) local boards. The origin of shoppers for core retail comes from a much wider catchment, with only 44.5% of sales being made to the three closest local boards (Mt Roskill, Albert-Eden, and Whau). Sales to western local boards were significant with 14.9% of total core sales. Sales for other services came from a much wider catchment also, with 61.5% originating from the three closest catchments. The catchment for sales in trade stores was relatively small with 78.2% of sales coming from the three closest local boards.

Overall, the Mt Albert centre struggles to perform well as a cohesive centre due to the divisiveness of the busy New North Road arterial route. The centre has a number of strengths and weaknesses that are well known by Auckland planners, and there is a recognised need to improve pedestrian access, and connections and amenity to the train station which is located to the rear of the town centre. There are also urban form layout issues due to the dispersed nature of activity along the arterial road. There has recently been significant public investment in the centre to try to make it a more user-friendly centre. As highlighted in the B&A Report, a major streetscape/infrastructure upgrade that included the implementation of a raised cycleway, wider pedestrian footpaths, and general upgrades to trees, lighting and stormwater was initiated in 2017-2018. The presence of the train station is another benefit that could be leveraged to attract increased foot traffic to the centre.

Figure 2.1: Mt Albert Origin of Sales, 2015

Origin Location	Food and Grocery	Core	Other Services	Trade	Total
Mt Roskill	21.6%	17.0%	18.5%	24.7%	21.7%
Albert-Eden	27.1%	17.3%	29.4%	38.3%	28.4%
Puketapapa	3.9%	8.5%	3.1%	2.7%	3.8%
Whau	28.8%	10.2%	13.6%	15.2%	25.7%
Central	6.6%	7.1%	10.2%	6.1%	6.8%
North	1.1%	3.6%	4.0%	2.3%	1.5%
West	7.0%	14.9%	13.1%	5.0%	7.3%
East	0.3%	5.9%	1.7%	0.6%	0.6%
South	0.5%	2.0%	1.2%	1.0%	0.7%
Papakura and Franklin	0.3%	1.1%	0.6%	0.8%	0.4%
Islands	0.0%	0.4%	0.1%	0.0%	0.0%
Not recorded	2.7%	12.0%	4.5%	3.4%	3.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

Source: BNZ Marketview, 2015



3 Economic Assessment Peer Review

The applicants have commissioned Property Economics to prepare an Economic Analysis in support of their Plan Change. This was submitted as Appendix 4 with the application. In this section, we assess the approaches used by P.E, their findings and recommendations drawn.

3.1 Key Issues

The key issues that need to be considered in relation to the PPCR are:

- How much retail and office floorspace is required in the Mt Albert Town Centre both now and in the future to meet the needs of the surrounding community?
- How will the proposed rezoning of the Site impact the market's ability to provide adequate retail and commercial floorspace in the centre?
- What will the likely urban form impacts be of approving the PPCR?

These key questions are the focus of this peer review.

3.2 PE Report Summary

This section summarises the key findings of the Property Economics Report ("PE Report"), explores the key issues relating to this proposal and assesses the adequacy of the PE assessment in terms of addressing those issues.

3.2.1 PE Report Key Findings

The PE Report identifies that the key outcomes from the proposed changes to land use zoning include:

- The theoretical ground floor retail capacity in the Mt Albert Town Centre will be reduced by 1,200m². That floorspace may be replaced by other uses, such as residential - which ME understand is the most likely outcome.
- The office activity that is theoretically permitted will be replaced by residential and possibly visitor accommodation. For their assessment, it has been assumed that this will not represent a loss of capacity as those activities are already permitted above the ground floor.
- There will be more than adequate supply of theoretical retail and services and office floorspace in the remaining parcels zoned for Business Town Centre. Due to slow rates of population and household growth and competition from other centres, the Mt Albert Town Centre is unlikely to grow materially beyond its current physical extent, role and function.

3.2.2 Mt Albert Town Centre Retail and Office Floorspace Demand and Supply

The retail and services demand estimates that we previously provided for the KO Report suggested that the Mt Albert Town Centre could grow by 7,600m² GFA by 2043 to reach total retail and services floorspace of 19,300m², up from the estimated 11,700m² in 2018 (equivalent to 65% growth)¹. There are many options for improving the diversity of the retail and service structure within the centre to consolidate activity, such as providing for more comparison retail, cafes and restaurants, takeaways, beauty services and gyms.

We agree with Property Economics' position that most of the retail and services demand that will arise from the urban regeneration of the Unitec site will be directed towards Pt Chevalier and new local centres. Based on our advice and involvement with the KO development of Mt Roskill, we can also confirm that there is likely to be major transformation of some centres to accommodate retail demand growth within the Mt Roskill area, although being located on the fringe of that area means that Mt Albert is unlikely to benefit significantly. We agree that the St Lukes Mall extension is likely to constrain retail provision in many centres surrounding it due to its scale and breadth of comparison goods offering.

We conducted a literature review to understand whether improved train service times associated with the Central Rail Link are likely to generate significant levels of additional spending at the Mt Albert train station and the review found that most research²³ does not provide any conclusive link to show that sales levels increase due to increased passenger numbers. This is consistent with the assertions made in the PE Report.

Property Economics has defined a local catchment for Mt Albert Town Centre that reflects the presence of other centres within the central Auckland location. Our approach for the KO work was that the centre would continue to attract spending from customer origins as was revealed in the customer origin-destination (Marketview) data assessed. This approach allowed did not require the definition of a single catchment, but rather allowed for spend from all over Auckland to be attracted to the Mt Albert centre (and others in the KO study) in the future in the same proportions as are observed now.

As an alternative to that approach, we replicated the PE Report's population and household growth assessment for the local catchment as described in Figure 3 of the PE Report (Figure 2.1). Our assessment of growth from that catchment is broadly in alignment with the population and household projections used in their assessment.

There is likely to be growth in the catchment of between 1,100 (medium) and 1,600 (high) households by 2048. This growth would broadly equate to locally supported retail and services floorspace demand of 1,100-1,700m², with additional space supported in other locations such as St Lukes. This is because in broad terms households support just over 1m² of Retail and Service space in their nearest Town Centre.

However, as discussed in section 2.2, Mt Albert Town Centre draws custom from a much wider catchment for some of the hospitality, other retail categories and personal services, and we would expect that it would leverage off this type of activity in the future to try to create a point of difference for customers. For this

¹ The growth estimates contained in the tables in the KO report are correct. Some of the changes to modelling numbers appear to have not been picked up when adjustments were made, so the anticipated growth is 65% rather than 89% that PE read in the text.

² Schuetz, J (2015). Do rail transit stations encourage neighbourhood retail activity? In *Urban Studies* Vol 52(14) 2699-2723.

³ Tinessa, F, Pagliara, F, Biggerio, L, and Delli Veneri, G (2020). Walkability, accessibility to metro stations and retail location choice: Some evidence from the case study of Naples in *Research in Transportation Business & Management*.



reason, our retail and services demand floorspace has shown that demand for increased floorspace in the Mt Albert Town Centre will be larger than the requirements generated by population and household growth in the immediate catchment, explaining why the projections we presented in the KO report are higher than those PE have presented in their report.

Figure 3.1: Population Projections and Estimates for Mt Albert Town Centre Local Catchment⁴

Year	Population			Households		
	Estimate	Medium	High	Estimate	Medium	High
2001	9,730			3,300		
2006	10,280			3,480		
2013	10,380			3,510		
2018	10,940			3,510		
2020	11,410	11,260	11,510		3,900	3,900
2023		11,630	11,970		4,070	4,190
2028		12,060	12,590		4,280	4,460
2033		12,460	13,200		4,460	4,730
2038		12,830	13,790		4,640	4,980
2043		13,160	14,360		4,810	5,250
2048		13,517	14,943		4,987	5,510

3.2.3 Impact of PPCR on Centre Floorspace Supply

Property Economics has estimated that the ground floor retail potential of the Site is 1,760m², that total ground floorspace potential in the Town Centre is 23,700m². In our opinion those estimates are reasonable. The loss of potential retail supply from the Site will result in a slightly reduced total ground floor capacity of 21,940m², which is still larger than the 19,300m² estimated in our KO report as being required in the centre in the future. Some of that 19,300m² could locate above ground floor with no real need to occupy ground floor premises to gain access to street appeal (for services such as doctors, lawyers, real estate offices), and other space could be developed on properties not currently used for commercial purposes.

The PE Report contains a land use survey that was completed in 2021, which estimated that there is 8,000m² of retail and services floorspace in the centre. This is lower than the estimated 11,700m² for 2018 contained in our report, due to different data collection methodologies, changes in the market and possibly more vacancies due to the effects of Covid on some businesses' profitability. PE's land use audit showed that there were eight vacant properties and two vacant properties that were under construction (Table 1), representing a vacancy rate of 13.5% for the centre.

Property Economics identified that there was a significant decrease in employment in the Mt Albert centre immediately prior to Covid. We have examined Statistics NZ's Business Demography data which shows a loss of 59 retail and hospitality jobs between 2019 and 2020, with the main losses in takeaway food services (-17 MECs⁵), fruit and vegetable retailing (-13 MECs), cafes and restaurants (-11 MECs) and grocery stores (-9 MECs). However, between 2020 and 2021, the data shows an increase of 7 retail and hospitality jobs

⁴ Sourced from - Figure 3, Property Economics Report

⁵ Modified Employee Count is a measure of employment that estimates both paid employees and working proprietors.



suggesting the sector has remained relatively stable over the last year with early signs of recovery. Overall, there has been a decline in the level of employment in the Town Centre between 2016 and 2021 of 29% (Figure 3.2).

Whether we use our higher floorspace demand estimates of 19,300m² or Property Economics' estimate of 15,120m² GFA, we agree with PE's assessment that the Mt Albert Town Centre would still be able to accommodate growth in floorspace demand for the next 30 years, without the Site being zoned for Town Centre activity.

The PE Report also highlights that there is significant capacity for multi-level commercial development, up to five storeys, throughout the Town Centre zoning (up to 118,000m² including the Site). Without the Site's supply, there would be theoretical capacity for 110,000m². The B&A Report states that there are no heritage protected buildings within the existing Town Centre zoned area, so we agree that this theoretical development potential does exist. However, there are many factors which may affect the ability or willingness of land-owners to intensify floorspace on their sites through redevelopment. The process of redevelopment will take time and cause disruption while demolition and construction occurs. Nevertheless, we agree with the application's claims that there is enough capacity to accommodate growth with the Town Centre, particularly given the applicant's significant land holdings within the centre and apparent desire to initiate redevelopment.

Figure 3.2: Mt Albert Town Centre Employment by Industry and Land Use Type, 2016-2021 (MECs)

Land Use/Industry Type	2016	2017	2018	2019	2020	2021	Change 2016-2021	
							n	%
Retail and Hospitality								
Bakery product manufacturing (non-factory based)	8	4	4	5	7	4	-3	-44%
Supermarket and grocery stores	8	11	14	14	5	7	-1	-12%
Fresh meat, fish and poultry retailing	16	16	13	11	11	14	-2	-13%
Fruit and vegetable retailing	31	26	16	23	10	12	-18	-59%
Liquor retailing	6	9	3	6	0	7	0	6%
Other specialised food retailing	4	3	1	1	1	10	6	166%
Manchester and other textile goods retailing	0	0	0	0	0	0	-	0%
Electrical, electronic and gas appliance retailing	4	4	4	3	3	3	-0	-6%
Computer and computer peripheral retailing	1	0	-	-	-	-	-1	-100%
Hardware and building supplies retailing	0	3	3	3	0	0	-	0%
Toy and game retailing	3	3	4	4	4	3	-0	-6%
Newspaper and book retailing	-	-	-	-	-	-	-	0%
Clothing retailing	1	1	1	-	-	-	-1	-100%
Pharmaceutical, cosmetic and toiletry goods retailing	9	12	6	16	12	9	-0	-1%
Stationery goods retailing	1	-	-	-	-	-	-1	-100%
Antique and used goods retailing	-	-	-	-	-	-	-	0%
Flower retailing	1	1	-	-	-	-	-1	-100%
Other store-based retailing n.e.c.	11	15	14	19	20	14	3	28%
Non-store retailing	1	5	2	5	5	1	-1	-64%
Cafes and restaurants	45	33	34	31	20	20	-25	-55%
Takeaway food services	51	72	49	53	36	33	-18	-36%
Catering services	-	-	-	-	-	4	4	0%
Pubs, taverns and bars	9	9	7	7	7	6	-3	-32%
Retail and Hospitality Total	210	229	173	200	141	148	-62	-29%
Other Land Uses								
Other Retail and Hospitality								
Office	144	82	120	102	90	60	-84	-58%
Public admin	33	33	22	26	28	28	-5	-16%
Household services	86	84	97	90	91	82	-4	-4%
Industrial	13	22	26	17	44	28	16	123%
Construction	6	14	12	20	18	22	16	242%
Automotive	26	26	23	17	23	17	-9	-34%
Education	34	6	16	16	10	16	-18	-54%
Recreation	4	3	4	3	7	8	5	125%
Total	556	499	493	492	451	409	-146	-26%

3.2.4 Urban Form Impacts of PPC


The Mt Albert Town Centre is an elongated centre stretched along a busy road. The zoning that has been applied to the activity there has potentially been prescribed to match the current activity uses, rather than having consideration for what the best shape and uses of that space might be. From an urban form perspective, there is little connectivity between the activity that is present at the intersection of Mt Albert, Carrington, and New North Roads and that which is currently occupying the subject site. It is unlikely that consumers accessing stores around that intersection would walk between them and the Site due to the long distance and poor amenity along the busy road. The distance between the intersection and the subject site is approximately 440m (Figure 3.3).

Figure 3.3: Mt Albert Town Centre Zoning and Proximity



While Auckland Council has made a significant investment to improve the amenity of the centre, Property Economics states that the investment has not stimulated change, and the overall amenity of the centre has probably declined due to the loss of employment activity and now due to Covid impacts also. We believe that there should be a caveat on this comment. The work Auckland Transport and Auckland Council made at the centre began in April 2017 and was finished in 2018. That means that the centre has only had approximately 1.5 years to re-establish itself ahead of the COVID lockdowns in 2020. It is unlikely that the full benefits of the changes would manifest within that timeframe, as the centre re-connects with its catchment.

PE's position is that there would have to be significant changes to the transport networks which are busy and divide the centre into two sides, with four lanes moving between them, to make significant improvements to the amenity of the street and centre. We do agree with that, and with PE's position that transforming the Site into a high-density residential land use could help to improve the amenity of the centre.



We note that in the report prepared by Flow⁶ it is noted that in terms of activity status, there will be little difference in permitted activities (from a traffic generation perspective) should PPC64 be enabled, other than drive through activities. It goes on to state in section 3.1, that *“PPC64 is unlikely to generate a noticeable difference in traffic effects beyond what is anticipated by the current TCZ.”*

The Site has many merits for redeveloping it for high density residential uses, including creating a permanent ending to the centre on the western side of New North Road, and shortening the overall north-south spatial extent of the centre zone. Centre redevelopment would be assisted by consolidating more residential activity within walking distance, creating an additional market and creating a new building that could stimulate further redevelopment of nearby properties. It is possible that the development may create a catalyst for the wider redevelopment of the Mount Albert Town Centre as proposed by the B&A Report, though we would expect this to play out over the medium to long term.

In our opinion the PPCR will have more positive impacts on urban form than negative impacts, including:

- There is already a mixed use zone located to the south of the subject site, and the PPCR will increase the quantity of Mixed Use zone and would be likely to stimulate redevelopment of other parts of the Mixed Use zone, consistent with the Unitary Plan’s objectives for the zone.⁷
- Residential activity around the town centre will increase, increasing catchment demand for retail and service floorspace in the centre and vitality and vibrancy of the town centre environment.
- In our opinion the Town Centre zoning is too long to provide a core retail offer with good amenity, and reducing the (north-south) length of the centre would be a good outcome. The PE Report has demonstrated that there is sufficient capacity within the remaining zoned area to cater for growth. There are other residential properties located on the opposite side of New North Road much closer to the heart of the centre that could be re-zoned to provide a more compact centre in the future if required. In our opinion it is more appropriate that those are redeveloped to become part of the town centre that it is for the Site to remain part of the town centre, given the Site’s distance from the core of the centre.
- The subject site is well located from a public transport perspective, with access to both bus routes on the Frequent Transit Network and the train station.

The negative impacts likely to arise from the PPCR include:

- Limiting the ability to expand the centre to the south in the future.
- The Site will be lost for employment uses for the life of the residential development.

On balance, in our opinion the positive impacts from the proposed plan change will outweigh the negative impacts.

⁶ “PPC64 – 953 New North Road, Mount Albert – Transportation Hearing Report”, November 2021, Flow Transportation Specialists

⁷ Unitary Plan, H13.1: “The Business – Mixed Use Zone is typically located around centres and along corridors served by public transport. It acts as a transition area, in terms of scale and activity, between residential areas and [centres]”.



3.2.5 Precedent Effect of PPCR

There is some risk that the PPCR may give rise to a precedent that induces neighbouring land owners to seek similar zone changes. In our opinion the risk of that occurring is low, and the consequences arising from any such successful application would likely share similar positive net benefits to the current PPCR. Future applications could be distinguished based on proximity to the core of the town centre, with town centre zoned properties closer to the core less suitable for rezoning than the Site.

3.3 Summary

In summary, our findings and assessment are in agreement with the PE Report which supports the PPCR to re-zone the subject site from Business Town Centre to Business Mixed Use. There is sufficient capacity within the remaining town centre zoned parcels to accommodate projected retail and services floorspace demand growth. Because TLL is a significant land-owner in other parts of the centre, they have the ability to initiate intensification of commercial and retail floorspace in places that are more centrally located within the centre, such as around the intersection of New North, Mt Albert and Carrington Roads.

From an urban form perspective, shortening the distance it takes to walk the length of the centre and enabling activity to consolidate around a core node would result in better outcomes than allowing a very dispersed, low intensity centre such as currently exists. The PPCR would enable an efficient use of land on the Site, as well as helping to provide more residential housing stock which is currently in short supply in Auckland. The Site is well located for high-density residential, with good access to public transport and being relatively central and close to employment areas.

4 Submissions Review

The plan change was publicly notified in July 2021 and submissions closed on the 19 August 2021. In total six submissions for PPC 64 were received, four submissions declined the plan change while two supported it. Submissions are summarised in the report titled “Proposed Plan Change 64 (Private) 953 New North Road, Mount Albert Summary of Decisions Requested”, prepared by Auckland Council. There are, however, only a few submissions relating to economics and town centre capacity matters. The relevant submissions to this economic report are:

- Submitter 1: Ronald Tapply,
- Submitter 4: Vincent and Sarah Heeringa, and
- Submitter 5: Auckland Transport, Kevin Wong-Toi.

4.1 Key issues

Three key issues have been identified which relate to economics and town centre capacity matters. These are:

- Retaining Town Centre zoning/capacity,
- Retaining Town Centre zoning as the best use of land, and
- Rezoning to Mixed Use will support smart intensification of New North Corridor.

These issues are addressed in the section below.

4.1.1 Retaining Town Centre zoning/capacity

Submitter 1

Submission point 1.1 relates to retaining town centre capacity in Mount Albert Town Centre. The submitter opposes PPC 64 on the basis that Mount Albert should remain as a shopping centre primarily, rather than the proposed full-residential use which the Mixed Used zoning allows.

Rezoning the site to Mixed Use and developing it for higher density residential use has many merits. These include shortening the spatial extent of the centre (which is spread out along New North road resulting in poor connectivity) and consolidation of residential activity in walking distance to the centre. The Property Economics report has demonstrated, and we agree, that there is sufficient capacity within the remaining Town Centre zoning to cater for growth – including residential based growth that this PPC facilitates. Additionally, we believe the town centre zoning is too spread out to provide a core retail offer with good amenity. Reducing the (north-south) length of the town centre would be a good outcome.

Additionally, there is already a Mixed Use zone located to the south of the Site which acts as a transition area between residential areas and centres.⁸ PPC 64 will increase the quantity of Mixed Use zone and

⁸ Unitary Plan, H13.1:



would be likely to stimulate redevelopment of other parts of the Mixed Use zone and Town Centre zone, consistent with the Unitary Plan's objectives for the zones.

There is some risk that PPC 64 may give rise to a precedent that induces neighbouring landowners to seek similar zone changes. In our opinion the risk of that occurring is low, and the consequences arising from any such successful application would likely share similar positive net benefits of PPC 64. We suggest any future applications could be accepted or declined based on proximity to the core of the town centre, with town centre zoned properties closer to the core less suitable for rezoning than properties further away. The merits of such applications would be determined at the time.

4.1.2 Retaining Town Centre zoning as the best use of land

Submitter 5

Auckland Transport opposes PPC 64 stating that Town Centre zoning achieves better diversity and range of land uses compared to Mixed Use zoning and seeks to retain Town Centre zoning along this part of New North Road (submission point 5.1).

Both zones cater to a range of land uses, however, given the site location and the layout of the town centre zoning, it is our opinion that mixed use zoning provides the best use of land. A full-residential development, as proposed by the landowner, will also create a permanent ending to the otherwise spread-out centre on the western side of New North Road.

4.1.3 Rezoning to Mixed Use will support smart intensification of New North Corridor

Submitter 4

Submission point 4.1 supports the plan change on the basis that the proposed residential development encourages smart intensification of the New North Corridor.

We agree that this is the best use of land for this particular site and that the proposed development has the potential to stimulate additional redevelopment of nearby Town Centre and Mixed Use zoned properties. It is possible that the development may create a catalyst for the wider redevelopment of the Mount Albert Town Centre as proposed by the B&A Report, though we would expect this to play out over the medium to long term.

The higher density residential development is the basis for regeneration and intensification activities as consistent with the Unitary Plan's objectives.⁹

⁹ Unitary Plan H10.2(5(c))



5 Conclusion

Following our assessment of the PPCR, peer review of the application and review of submissions, we can support the application on economics grounds. We agree that the residential development that would be enabled by the PPCR would be unlikely to have significant effects on the Mt Albert Town Centre in terms of the loss of retail capacity, and that the Site is a good central location for residential development with access to public transport and on the edge of the centre. Overall, the Site is suitable for higher intensity residential development and land use opportunities and the proposed residential development reflects an efficient use of land.

APPENDIX FIVE

NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020

New Zealand Government

National Policy Statement on Urban Development 2020

July 2020

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 20 July 2020, and is published by the Minister for the Environment under section 54 of that Act.

This National Policy Statement replaces the National Policy Statement on Urban Development Capacity 2016.

Contents

Part 1: Preliminary provisions	5
1.1 Title	5
1.2 Commencement	5
1.3 Application	5
1.4 Definitions	5
1.5 Implementation by tier 3 local authorities	9
1.6 Incorporation by reference	9
Part 2: Objectives and policies	10
2.1 Objectives	10
2.2 Policies	10
Part 3: Implementation	14
3.1 Outline of part	14
Subpart 1 – Providing development capacity	14
3.2 Sufficient development capacity for housing	14
3.3 Sufficient development capacity for business land	14
3.4 Meaning of plan-enabled and infrastructure-ready	15
3.5 Availability of additional infrastructure	15
3.6 Housing bottom lines for tier 1 and 2 urban environments	15
3.7 When there is insufficient development capacity	16
Subpart 2 – Responsive planning	16
3.8 Unanticipated or out-of-sequence developments	16
Subpart 3 – Evidence-based decision-making	17
3.9 Monitoring requirements	17
3.10 Assessing demand and development capacity	17
3.11 Using evidence and analysis	18
Subpart 4 – Future Development Strategy (FDS)	18
3.12 Preparation of FDS	18
3.13 Purpose and content of FDS	18
3.14 What FDSs are informed by	19
3.15 Consultation and engagement	19
3.16 Review of FDS	20
3.17 Effect of FDS	20
3.18 FDS implementation plan	20

Subpart 5 – Housing and Business Development Capacity Assessment (HBA)	21
3.19 Obligation to prepare HBA	21
3.20 Purpose of HBA	21
3.21 Involving development sector and others	21
3.22 Competitiveness margin	22
3.23 Analysis of housing market and impact of planning	22
3.24 Housing demand assessment	22
3.25 Housing development capacity assessment	23
3.26 Estimating what is feasible and reasonably expected to be realised	23
3.27 Assessment of sufficient development capacity for housing	24
3.28 Business land demand assessment	24
3.29 Business land development capacity assessment	25
3.30 Assessment of sufficient development capacity for business land	25
Subpart 6 – Intensification in tier 1 urban environments	26
3.31 Tier 1 territorial authorities implementing intensification policies	26
3.32 Qualifying matters	26
3.33 Requirements if qualifying matter applies	27
3.34 Effects on consideration of resource consents	27
Subpart 7 – Development outcomes for zones	27
3.35 Development outcomes for zones	27
3.36 Development outcomes consistent with intensification policies	28
3.37 Monitoring development outcomes	28
Subpart 8 – Car parking	28
3.38 Car parking	28
Part 4: Timing	30
4.1 Timeframes for implementation	30
Appendix: Tier 1 and tier 2 urban environments and local authorities	31

Part 1: Preliminary provisions

1.1 Title

- (1) This is the National Policy Statement on Urban Development 2020.

1.2 Commencement

- (1) This National Policy Statement comes into force on 20 August 2020.
- (2) See Part 4, which sets out timeframes for complying with different parts of this National Policy Statement.

1.3 Application

- (1) This National Policy Statement applies to:
 - (a) all local authorities that have all or part of an urban environment within their district or region (ie, tier 1, 2 and 3 local authorities); and
 - (b) planning decisions by any local authority that affect an urban environment.
- (2) However, some objectives, policies, and provisions in Parts 3 and 4 apply only to tier 1, 2, or 3 local authorities.

1.4 Interpretation

- (1) In this National Policy Statement:

accessible car park means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility

Act means the Resource Management Act 1991

active transport means forms of transport that involve physical exercise, such as walking or cycling, and includes transport that may use a mobility aid such as a wheelchair

additional infrastructure means:

- (a) public open space
- (b) community infrastructure as defined in section 197 of the Local Government Act 2002
- (c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
- (d) social infrastructure, such as schools and healthcare facilities
- (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
- (f) a network operated for the purpose of transmitting or distributing electricity or gas

business land means land that is zoned, or identified in an FDS or similar strategy or plan, for business uses in urban environments, including but not limited to land in the following:

- (a) any industrial zone
- (b) the commercial zone
- (c) the large format retail zone
- (d) any centre zone, to the extent it allows business uses
- (e) the mixed use zone, to the extent it allows business uses
- (f) any special purpose zone, to the extent it allows business uses

centre zone means any of the following zones:

- (a) city centre zone
- (b) metropolitan centre zone
- (c) town centre zone
- (d) local centre zone
- (e) neighbourhood centre zone

commencement date means the date on which this National Policy Statement comes into force (see clause 1.2)

community services means the following:

- (a) community facilities
- (b) educational facilities
- (c) those commercial activities that serve the needs of the community

competitiveness margin means the margin referred to in clause 3.22

decision-maker means any person exercising functions or powers under the Act

development capacity means the capacity of land to be developed for housing or for business use, based on:

- (a) the zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) the provision of adequate development infrastructure to support the development of land for housing or business use

development infrastructure means the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):

- (a) network infrastructure for water supply, wastewater, or stormwater
- (b) land transport (as defined in section 5 of the Land Transport Management Act 2003)

FDS means the Future Development Strategy required by subpart 4 of Part 3

feasible means:

- (a) for the short term or medium term, commercially viable to a developer based on the current relationship between costs and revenue

- (b) for the long term, commercially viable to a developer based on the current relationship between costs and revenue, or on any reasonable adjustment to that relationship

HBA means the Housing and Business Development Capacity Assessment required by subpart 5 of Part 3

infrastructure-ready has the meaning in clause 3.4(3)

long term means between 10 and 30 years

long-term plan means a long-term plan (including the infrastructure strategy required to be included in it) adopted by a local authority under section 93 of the Local Government Act 2002

medium term means between 3 and 10 years

nationally significant infrastructure means all of the following:

- (a) State highways
- (b) the national grid electricity transmission network
- (c) renewable electricity generation facilities that connect with the national grid
- (d) the high-pressure gas transmission pipeline network operating in the North Island
- (e) the refinery pipeline between Marsden Point and Wiri
- (f) the New Zealand rail network (including light rail)
- (g) rapid transit services (as defined in this clause)
- (h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers
- (i) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002

planned in relation to forms or features of transport, means planned in a regional land transport plan prepared and approved under the Land Transport Management Act 2003

plan-enabled has the meaning in clause 3.4(1)

planning decision means a decision on any of the following:

- (a) a regional policy statement or proposed regional policy statement
- (b) a regional plan or proposed regional plan
- (c) a district plan or proposed district plan
- (d) a resource consent
- (e) a designation
- (f) a heritage order
- (g) a water conservation order

public transport means any existing or planned service for the carriage of passengers (other than an aeroplane) that is available to the public generally by means of:

- (a) a vehicle designed or adapted to carry more than 12 persons (including the driver); or
- (b) a rail vehicle; or
- (c) a ferry

qualifying matter has the meaning in clause 3.32

rapid transit service means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic

rapid transit stop means a place where people can enter or exit a rapid transit service, whether existing or planned

RMA planning document means all or any of the following:

- (a) a regional policy statement
- (b) a regional plan
- (c) a district plan

short-medium term means within the next 10 years

short term means within the next 3 years

tier 1 local authority means each local authority listed in column 2 of table 1 in the Appendix, and **tier 1 regional council** and **tier 1 territorial authority** have corresponding meanings

tier 2 local authority means each local authority listed in column 2 of table 2 in the Appendix, and **tier 2 regional council** and **tier 2 territorial authority** have corresponding meanings

tier 3 local authority means a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority, and **tier 3 regional council** and **tier 3 territorial authority** have corresponding meanings

tier 1 urban environment means an urban environment listed in column 1 of table 1 in the Appendix

tier 2 urban environment means an urban environment listed in column 1 of table 2 in the Appendix

tier 3 urban environment means an urban environment that is not listed in the Appendix

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

well-functioning urban environment has the meaning in Policy 1.

- (2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, unless otherwise specified.
- (3) Terms defined in the National Planning Standard issued under section 58E of the Act and used in this National Policy Statement have the meanings in that Standard, unless otherwise specified.
- (4) A reference in this National Policy Statement to a **zone** is:
 - (a) a reference to that zone as described in Standard 8 (Zone Framework Standard) of the National Planning Standard; or
 - (b) a reference to the nearest equivalent zone, in relation to local authorities that have not yet implemented the Zone Framework in the National Planning Standard.

1.5 Implementation by tier 3 local authorities

- (1) Tier 3 local authorities are strongly encouraged to do the things that tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of this National Policy Statement, adopting whatever modifications to the National Policy Statement are necessary or helpful to enable them to do so.

1.6 Incorporation by reference

- (1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy Statement.

Part 2: Objectives and policies

2.1 Objectives

Objective 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 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

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.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and
- (b) strategic over the medium term and long term; and
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments:

- (a) support reductions in greenhouse gas emissions; and
- (b) are resilient to the current and future effects of climate change.

2.2 Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and

- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (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
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) support reductions in greenhouse gas emissions; and
- (f) are resilient to the likely current and future effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business use in that location.

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- (a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- (b) relative demand for housing and business use in that location.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- (e) the likely current and future effects of climate change.

Policy 7: Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or
- (b) out-of-sequence with planned land release.

Policy 9: 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.

Policy 10: Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and
- (c) engage with the development sector to identify significant opportunities for urban development.

Policy 11: In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and
- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

Part 3: Implementation

3.1 Outline of part

- (1) This part sets out a non-exhaustive list of things that local authorities must do to give effect to the objectives and policies of this National Policy Statement, but nothing in this part limits the general obligation under the Act to give effect to those objectives and policies.

Subpart 1 – Providing development capacity

3.2 Sufficient development capacity for housing

- (1) Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for housing:
 - (a) in existing and new urban areas; and
 - (b) for both standalone dwellings and attached dwellings; and
 - (c) in the short term, medium term, and long term.
- (2) In order to be **sufficient** to meet expected demand for housing, the development capacity must be:
 - (a) plan-enabled (*see* clause 3.4(1)); and
 - (b) infrastructure-ready (*see* clause 3.4(3)); and
 - (c) feasible and reasonably expected to be realised (*see* clause 3.26); and
 - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (*see* clause 3.22).

3.3 Sufficient development capacity for business land

- (1) Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:
 - (a) from different business sectors; and
 - (b) in the short term, medium term, and long term.
- (2) In order to be **sufficient** to meet expected demand for business land, the development capacity provided must be:
 - (a) plan-enabled (*see* clause 3.4(1)); and
 - (b) infrastructure-ready (*see* clause 3.4(3)); and
 - (c) suitable (as described in clause 3.29(2)) to meet the demands of different business sectors (as described in clause 3.28(3)); and
 - (d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (*see* clause 3.22).

3.4 Meaning of plan-enabled and infrastructure-ready

- (1) Development capacity is **plan-enabled** for housing or for business land if:
 - (a) in relation to the short term, it is on land that is zoned for housing or for business use (as applicable) in an operative district plan
 - (b) in relation to the medium term, either paragraph (a) applies, or it is on land that is zoned for housing or for business use (as applicable) in a proposed district plan
 - (c) in relation to the long term, either paragraph (b) applies, or it is on land identified by the local authority for future urban use or urban intensification in an FDS or, if the local authority is not required to have an FDS, any other relevant plan or strategy.
- (2) For the purpose of subclause (1), land is **zoned** for housing or for business use (as applicable) only if the housing or business use is a permitted, controlled, or restricted discretionary activity on that land.
- (3) Development capacity is **infrastructure-ready** if:
 - (a) in relation to the short term, there is adequate existing development infrastructure to support the development of the land
 - (b) in relation to the medium term, either paragraph (a) applies, or funding for adequate infrastructure to support development of the land is identified in a long-term plan
 - (c) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

3.5 Availability of additional infrastructure

- (1) Local authorities must be satisfied that the additional infrastructure to service the development capacity is likely to be available.

3.6 Housing bottom lines for tier 1 and 2 urban environments

- (1) The purpose of the housing bottom lines required by this clause is to clearly state the amount of development capacity that is sufficient to meet expected housing demand plus the appropriate competitiveness margin in the region and each constituent district of a tier 1 or tier 2 urban environment.
- (2) For each tier 1 or tier 2 urban environment, as soon as practicable after an HBA is made publicly available (see clause 3.19(1)):
 - (a) the relevant regional council must insert into its regional policy statement:
 - (i) a housing bottom line for the short-medium term; and
 - (ii) a housing bottom line for the long term; and
 - (b) every relevant territorial authority must insert into its district plan:
 - (i) a housing bottom line for the short-medium term that is the proportion of the housing bottom line for the short-medium term (as set out in the relevant regional policy statement) that is attributable to the district of the territorial authority; and

- (ii) a housing bottom line for the long term that is the proportion of the housing bottom line for the long term (as set out in the relevant regional policy statement) that is attributable to the district of the territorial authority.
- (3) The housing bottom lines must be based on information in the most recent publicly available HBA for the urban environment and are:
 - (a) for the short-medium term, the sum of:
 - (i) the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the short term; and
 - (ii) the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the medium term; and
 - (b) for the long term, the amount of feasible, reasonably expected to be realised development capacity that must be enabled to meet demand, along with the competitiveness margin, for the long term.
- (4) The insertion of bottom lines must be done without using a process in Schedule 1 of the Act, but any changes to RMA planning documents required to give effect to the bottom lines must be made using a Schedule 1 process.

3.7 When there is insufficient development capacity

- (1) If a local authority determines that there is insufficient development capacity (as described in clauses 3.2 and 3.3) over the short term, medium term, or long term, it must:
 - (a) immediately notify the Minister for the Environment; and
 - (b) if the insufficiency is wholly or partly a result of RMA planning documents, change those documents to increase development capacity for housing or business land (as applicable) as soon as practicable, and update any other relevant plan or strategy (including any FDS, as required by subpart 4); and
 - (c) consider other options for:
 - (i) increasing development capacity; and
 - (ii) otherwise enabling development.

Subpart 2 – Responsive planning

3.8 Unanticipated or out-of-sequence developments

- (1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.
- (2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:
 - (a) would contribute to a well-functioning urban environment; and
 - (b) is well-connected along transport corridors; and
 - (c) meets the criteria set under subclause (3); and

- (3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

Subpart 3 – Evidence-based decision-making

3.9 Monitoring requirements

- (1) Every tier 1, 2, and 3 local authority must monitor, quarterly, the following in relation to each urban environment in their region or district:
 - (a) the demand for dwellings
 - (b) the supply of dwellings
 - (c) prices of, and rents for, dwellings
 - (d) housing affordability
 - (e) the proportion of housing development capacity that has been realised:
 - (i) in previously urbanised areas (such as through infill housing or redevelopment); and
 - (ii) in previously undeveloped (ie, greenfield) areas
 - (f) available data on business land.
- (2) In relation to tier 1 urban environments, tier 1 local authorities must monitor the proportion of development capacity that has been realised in each zone identified in clause 3.37(1) (ie, each zone with development outcomes that are monitored).
- (3) Every tier 1, 2, and 3 local authority must publish the results of its monitoring at least annually.
- (4) The monitoring required by this clause must relate to the relevant urban environments, but may apply more widely (such as, for example, where the relevant data is available only on a region or district-wide basis).
- (5) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for doing the monitoring required by this subpart.

3.10 Assessing demand and development capacity

- (1) Every local authority must assess the demand for housing and for business land in urban environments, and the development capacity that is sufficient (as described in clauses 3.2 and 3.3) to meet that demand in its region or district in the short term, medium term, and long term.
- (2) Tier 1 and tier 2 local authorities comply with subclause (1) in relation to tier 1 and tier 2 urban environments by preparing and publishing an HBA as required by subpart 5.

3.11 Using evidence and analysis

- (1) When making plans, or when changing plans in ways that affect the development of urban environments, local authorities must:
 - (a) clearly identify the resource management issues being managed; and
 - (b) use evidence, particularly any relevant HBAs, about land and development markets, and the results of the monitoring required by this National Policy Statement, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:
 - (i) achieving well-functioning urban environments; and
 - (ii) meeting the requirements to provide at least sufficient development capacity.
- (2) Local authorities must include the matters referred to in subclause (1)(a) and (b) in relevant evaluation reports and further evaluation reports prepared under sections 32 and 32AA of the Act.

Subpart 4 – Future Development Strategy (FDS)

3.12 Preparation of FDS

- (1) Every tier 1 and tier 2 local authority must prepare, and must make publicly available as required under the Local Government Act 2002, an FDS for the tier 1 or 2 urban environment:
 - (a) every 6 years; and
 - (b) in time to inform, or at the same time as, preparation of the next long-term plan of each relevant local authority.
- (2) The FDS must apply, at a minimum, to the relevant tier 1 and 2 urban environments of the local authority, but may apply to any wider area.
- (3) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing an FDS as required by this subpart.
- (4) If a local authority that is not a tier 1 or 2 local authority chooses to prepare an FDS, either alone or with any other local authority, this subpart applies as if it were a tier 1 or 2 local authority, except that any reference to an HBA may be read as a reference to any other document that contains broadly equivalent information.
- (5) An FDS may be prepared and published as a stand-alone document, or be treated as part of any other document (such as a spatial plan).

3.13 Purpose and content of FDS

- (1) The purpose of an FDS is:
 - (a) to promote long-term strategic planning by setting out how a local authority intends to:

- (i) achieve well-functioning urban environments in its existing and future urban areas; and
 - (ii) provide at least sufficient development capacity, as required by clauses 3.2 and 3.3, over the next 30 years to meet expected demand; and
 - (b) assist the integration of planning decisions under the Act with infrastructure planning and funding decisions.
- (2) Every FDS must spatially identify:
- (a) the broad locations in which development capacity will be provided over the long term, in both existing and future urban areas, to meet the requirements of clauses 3.2 and 3.3; and
 - (b) the development infrastructure and additional infrastructure required to support or service that development capacity, along with the general location of the corridors and other sites required to provide it; and
 - (c) any constraints on development.
- (3) Every FDS must include a clear statement of hapū and iwi values and aspirations for urban development.

3.14 What FDSs are informed by

- (1) Every FDS must be informed by the following:
- (a) the most recent applicable HBA
 - (b) a consideration of the advantages and disadvantages of different spatial scenarios for achieving the purpose of the FDS
 - (c) the relevant long-term plan and its infrastructure strategy, and any other relevant strategies and plans
 - (d) Māori, and in particular tangata whenua, values and aspirations for urban development
 - (e) feedback received through the consultation and engagement required by clause 3.15
 - (f) every other National Policy Statement under the Act, including the New Zealand Coastal Policy Statement
 - (g) any other relevant national policy required by, or issued under, legislation.

3.15 Consultation and engagement

- (1) When preparing or updating an FDS local authorities must use the special consultative procedure in section 83 of the Local Government Act 2002.
- (2) In order to prepare the draft required by that procedure, local authorities must engage with the following:
- (a) other local authorities with whom there are significant connections relating to infrastructure or community
 - (b) relevant central government agencies

- (c) relevant hapū and iwi
- (d) providers of additional infrastructure
- (e) relevant providers of nationally significant infrastructure
- (f) the development sector (to identify significant future development opportunities and infrastructure requirements).

3.16 Review of FDS

- (1) Every tier 1 and tier 2 local authority must regularly review its FDS to determine whether it needs updating, and the review must be done in time to inform the next long-term plan (ie, every 3 years).
- (2) The review must:
 - (a) engage with the development sector and landowners to identify significant future development opportunities and associated infrastructure requirements; and
 - (b) consider the most recent HBA.
- (3) If, following the review, the local authority decides that the FDS does not need updating, that decision and the reasons for it must be publicly notified.
- (4) If, following the review, the local authority decides that the FDS is to be updated, the local authority must follow the same processes for consultation as apply to the preparation of an FDS, but only in relation to the aspects proposed to be updated.

3.17 Effect of FDS

- (1) Every tier 1 and tier 2 local authority:
 - (a) must have regard to the relevant FDS when preparing or changing RMA planning documents; and
 - (b) is strongly encouraged to use the relevant FDS to inform:
 - (i) long-term plans, and particularly infrastructure strategies; and
 - (ii) regional land transport plans prepared by a local authority under Part 2 of the Land Transport Management Act 2003; and
 - (iii) any other relevant strategies and plans.

3.18 FDS implementation plan

- (1) Every tier 1 and tier 2 local authority must prepare and implement an implementation plan for its FDS.
- (2) If a tier 1 or tier 2 local authority consists of more than one local authority, the implementation plan must be prepared as a single document by all the local authorities that jointly prepared the FDS.
- (3) Every implementation plan, or part of an implementation plan, must be updated annually.

- (4) An implementation plan or part of an implementation plan:
 - (a) is not part of the FDS to which it relates; and
 - (b) does not need to be prepared using the consultation and engagement requirements set out in clause 3.15; and
 - (c) does not have the effect of an FDS as described in clause 3.17.

Subpart 5 – Housing and Business Development Capacity Assessment (HBA)

3.19 Obligation to prepare HBA

- (1) Every tier 1 and tier 2 local authority must prepare, and must make publicly available as required under the Local Government Act 2002, an HBA for its tier 1 or tier 2 urban environments every 3 years, in time to inform the relevant authority's next long-term plan.
- (2) The HBA must apply, at a minimum, to the relevant tier 1 or tier 2 urban environments of the local authority (ie, must assess demand and capacity within the boundaries of those urban environments), but may apply to any wider area.
- (3) If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, those local authorities are jointly responsible for preparing an HBA as required by this subpart.

3.20 Purpose of HBA

- (1) The purpose of an HBA is to:
 - (a) provide information on the demand and supply of housing and of business land in the relevant tier 1 or tier 2 urban environment, and the impact of planning and infrastructure decisions of the relevant local authorities on that demand and supply; and
 - (b) inform RMA planning documents, FDSs, and long-term plans; and
 - (c) quantify the development capacity that is sufficient to meet expected demand for housing and for business land in the short term, medium term, and long term.

3.21 Involving development sector and others

- (1) In preparing an HBA, every tier 1 and tier 2 local authority must seek information and comment from:
 - (a) expert or experienced people in the development sector; and
 - (b) providers of development infrastructure and additional infrastructure; and
 - (c) anyone else who has information that may materially affect the calculation of the development capacity.

3.22 Competitiveness margin

- (1) A competitiveness margin is a margin of development capacity, over and above the expected demand that tier 1 and tier 2 local authorities are required to provide, that is required in order to support choice and competitiveness in housing and business land markets.
- (2) The competitiveness margins for both housing and business land are:
 - (a) for the short term, 20%
 - (b) for the medium term, 20%
 - (c) for the long term, 15%.

Housing

3.23 Analysis of housing market and impact of planning

- (1) Every HBA must include analysis of how the relevant local authority's planning decisions and provision of infrastructure affects the affordability and competitiveness of the local housing market.
- (2) The analysis must include an assessment of how well the current and likely future demands for housing by Māori and different groups in the community (such as older people, renters, homeowners, low-income households, visitors, and seasonal workers) are met, including the demand for different types and forms of housing (such as for lower-cost housing, papakāinga, and seasonal worker or student accommodation).
- (3) The analysis must be informed by:
 - (a) market indicators, including:
 - (i) indicators of housing affordability, housing demand, and housing supply; and
 - (ii) information about household incomes, housing prices, and rents; and
 - (b) price efficiency indicators.

3.24 Housing demand assessment

- (1) Every HBA must estimate, for the short term, medium term, and long term, the demand for additional housing in the region and each constituent district of the tier 1 or tier 2 urban environment:
 - (a) in different locations; and
 - (b) in terms of dwelling types.
- (2) Local authorities may identify locations in any way they choose.
- (3) Local authorities may identify the types of dwellings in any way they chose but must, at a minimum, distinguish between standalone dwellings and attached dwellings.
- (4) The demand for housing must be expressed in terms of numbers of dwellings.

- (5) Every HBA must:
 - (a) set out a range of projections of demand for housing in the short term, medium term, and long term; and
 - (b) identify which of the projections are the most likely in each of the short term, medium term, and long term; and
 - (c) set out the assumptions underpinning the different projections and the reason for selecting the most likely; and
 - (d) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

3.25 Housing development capacity assessment

- (1) Every HBA must quantify, for the short term, medium term, and long term, the housing development capacity for housing in the region and each constituent district of the tier 1 or tier 2 urban environment that is:
 - (a) plan-enabled; and
 - (b) plan-enabled and infrastructure-ready; and
 - (c) plan-enabled, infrastructure-ready, and feasible and reasonably expected to be realised.
- (2) The development capacity must be quantified as numbers of dwellings:
 - (a) in different locations, including in existing and new urban areas; and
 - (b) of different types, including standalone dwellings and attached dwellings.

3.26 Estimating what is feasible and reasonably expected to be realised

- (1) For the purpose of estimating the amount of development capacity that is reasonably expected to be realised, or that is both feasible and reasonably expected to be realised, local authorities:
 - (a) may use any appropriate method; but
 - (b) must outline and justify the methods, inputs, and assumptions used to arrive at the estimates.
- (2) The following are examples of the kind of methods that a tier 1 local authority could use to assess the amount of development capacity that is feasible and reasonably expected to be realised:
 - (a) separately estimate the number of feasible dwellings (using a feasibility model) and the number of dwellings that can reasonably be expected to be realised (using building consents data on the number of sites and extent of allowed capacity that has been previously developed), for the short, medium and long term; compare the numbers of dwellings estimated by each method; then pick the lower of the numbers in each time period, to represent the amount of development capacity that is feasible and reasonably expected to be realised

- (b) estimate the number of feasible dwellings or sites, and then assess the proportion of these that can reasonably be expected to be developed in the short, medium and long term, using information about landowner and developer intentions
 - (c) integrate information about past development trends and future landowner and developer intentions into the feasibility model, which could mean modifying assumptions about densities, heights, and timing of development.
- (3) The following is an example of the kind of methods that a tier 2 local authority could use to assess the amount of development capacity that is feasible and reasonably expected to be realised:
- (a) assess the number of dwellings that can reasonably be expected to be developed (using building consents data on the number of sites and extent of allowed capacity that has been developed previously), for the short, medium and long term; and
 - (b) then seek advice from the development sector about what factors affect the feasibility of development.
- (4) Different methods may be appropriate when assessing the development capacity that is reasonably expected to be realised in different circumstances, such as:
- (a) in existing, as opposed to new, urban areas; and
 - (b) for stand-alone, as opposed to attached, dwellings.

3.27 Assessment of sufficient development capacity for housing

- (1) Every HBA must clearly identify, for the short term, medium term, and long term, where there is sufficient development capacity to meet demand for housing in the region and each constituent district of the tier 1 or tier 2 urban environment.
- (2) The requirements of subclause (1) must be based on a comparison of:
 - (a) the demand for housing referred to in clause 3.24 plus the appropriate competitiveness margin; and
 - (b) the development capacity identified under clause 3.25.
- (3) If there is any insufficiency, the HBA must identify where and when this will occur and analyse the extent to which RMA planning documents, a lack of development infrastructure, or both, cause or contribute to the insufficiency.

Business land

3.28 Business land demand assessment

- (1) Every HBA must estimate, for the short term, medium term, and long term, the demand from each business sector for additional business land in the region and each constituent district of the tier 1 or tier 2 urban environment.
- (2) The demand must be expressed in hectares or floor areas.

- (3) For the purpose of this clause, a local authority may identify business sectors in any way it chooses but must, as a minimum, distinguish between sectors that would use land zoned for commercial, retail, or industrial uses.
- (4) The HBA for a tier 1 urban environment must:
 - (a) set out a range of projections of demand for business land by business sector, for the short term, medium term, and long term; and
 - (b) identify which of the projections is the most likely in each of the short term, medium term, and long term; and
 - (c) set out the assumptions underpinning the different projections and the reason for selecting which is the most likely; and
 - (d) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.
- (5) The HBA for a tier 2 urban environment must:
 - (a) set out the most likely projection of demand for business land by business sector in the short term, medium term, and long term; and
 - (b) set out the assumptions underpinning that projection; and
 - (c) if those assumptions involve a high level of uncertainty, the nature and potential effects of that uncertainty.

3.29 Business land development capacity assessment

- (1) Every HBA must estimate the following, for the short term, medium term, and long term, for the region and each constituent district of the tier 1 or tier 2 urban environment:
 - (a) the development capacity (in terms of hectares or floor areas) to meet expected demand for business land for each business sector, plus the appropriate competitiveness margin; and
 - (b) of that development capacity, the development capacity that is:
 - (i) plan-enabled; and
 - (ii) plan-enabled and infrastructure-ready; and
 - (iii) plan-enabled, infrastructure-ready, and suitable for each business sector.
- (2) A local authority may define what it means for development capacity to be “suitable” in any way it chooses, but suitability must, at a minimum, include suitability in terms of location and site size.

3.30 Assessment of sufficient development capacity for business land

- (1) Every HBA must clearly identify, for the short term, medium term, and long term, whether there is sufficient development capacity to meet demand for business land in the region and each constituent district of the tier 1 or tier 2 urban environment.

- (2) The requirements of subclause (1) must be based on a comparison of:
 - (a) the demand for business land referred to in clause 3.28 plus the appropriate competitiveness margin; and
 - (b) the development capacity identified under clause 3.29.
- (3) If there is any insufficiency, the HBA must identify where and when this will occur and analyse the extent to which RMA planning documents, a lack of development infrastructure, or both, cause or contribute to the insufficiency.

Subpart 6 – Intensification in tier 1 urban environments

3.31 Tier 1 territorial authorities implementing intensification policies

- (1) Every tier 1 territorial authority must identify, by location, the building heights and densities required by Policy 3.
- (2) If the territorial authority considers that it is necessary to modify the building height or densities in order to provide for a qualifying matter (as permitted under Policy 4), it must:
 - (a) identify, by location, where the qualifying matter applies; and
 - (b) specify the alternate building heights and densities proposed for those areas.
- (3) The territorial authority must make the information required by subclauses (1) and (2) publicly available at the same time as it notifies any plan change or proposed plan change to give effect to Policy 3.

3.32 Qualifying matters

- (1) In this National Policy Statement, **qualifying matter** means any of the following:
 - (a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act
 - (b) a matter required in order to give effect to any other National Policy Statement
 - (c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure
 - (d) open space provided for public use, but only in relation to the land that is open space
 - (e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order
 - (f) a matter necessary to implement, or ensure consistency with, iwi participation legislation
 - (g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement
 - (h) any other matter that makes high density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.

3.33 Requirements if qualifying matter applies

- (1) This clause applies if a territorial authority is amending its district plan and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area.
- (2) The evaluation report prepared under section 32 of the Act in relation to the proposed amendment must
 - (a) demonstrate why the territorial authority considers that:
 - (i) the area is subject to a qualifying matter; and
 - (ii) the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and
 - (b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and
 - (c) assess the costs and broader impacts of imposing those limits.
- (3) A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:
 - (a) identifies the specific characteristic that makes the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and
 - (b) includes a site-specific analysis that:
 - (i) identifies the site to which the matter relates; and
 - (ii) evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.

3.34 Effects on consideration of resource consents

- (1) Nothing in Policies 3 or 4 or this subpart precludes the consideration (under section 104 of the Act) of any actual or potential effects on the environment associated with building heights.

Subpart 7 – Development outcomes for zones

3.35 Development outcomes for zones

- (1) Every tier 1, 2 or 3 territorial authority must ensure that:
 - (a) the objectives for every zone in an urban environment in its district describe the development outcomes intended for the zone over the life of the plan and beyond; and

- (b) the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone.

3.36 Development outcomes consistent with intensification policies

- (1) Every tier 1 territorial authority must ensure that the development outcomes for zones in its tier 1 urban environments are consistent with the outcomes required by Policy 3.

3.37 Monitoring development outcomes

- (1) Every tier 1 territorial authority must monitor the extent to which development is occurring in each of the following zones as anticipated by the development outcomes included in the objectives for the zone:
 - (a) city centre zones
 - (b) metropolitan centre zones
 - (c) town centre zones
 - (d) mixed use zones
 - (e) high density residential zones
 - (f) medium density residential zones
 - (g) general residential zones.
- (2) If monitoring under this clause indicates that development outcomes are not being realised, the territorial authority must, as soon as practicable:
 - (a) undertake an assessment to identify whether provisions of the district plan (individually and cumulatively), or any other factors (and if so, what factors), or both, are contributing to the failure to realise development outcomes; and
 - (b) give public notice (as defined in the Act) of the results of the assessment.
- (3) If the assessment indicates that provisions of a district plan are contributing to the failure to realise development outcomes, the territorial authority must change its district plan to address the deficiency.
- (4) If the assessment indicates that other factors are contributing to the failure to realise development outcomes, the territorial authority must consider alternative methods to improve the rate of realisation (such as the use of incentives for site amalgamation).
- (5) Any plan change required under subclause (3) must be notified as soon as practicable, and no later than 12 months after the assessment is publicly notified.

Subpart 8 – Car parking

3.38 Car parking

- (1) If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.

- (2) Territorial authorities must make any changes required by subclause (1) without using a process in Schedule 1 of the Act.
- (3) Nothing in this National Policy Statement prevents a district plan including objectives, policies, rules, or assessment criteria:
 - (a) requiring a minimum number of accessible car parks to be provided for any activity; or
 - (b) relating to parking dimensions or manoeuvring standards to apply if:
 - (i) a developer chooses to supply car parks; or
 - (ii) when accessible car parks are required.

Part 4: Timing

4.1 Timeframes for implementation

- (1) Every tier 1, 2, and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of this National Policy Statement as soon as practicable
- (2) In addition, local authorities must comply with specific policies of this National Policy Statement in accordance with the following table:

Local authority	Subject	National Policy Statement provisions	By when
Tier 1 only	Intensification	Policies 3 and 4 (see Part 3 subpart 6)	Not later than 2 years after commencement date
Tier 2 only	Intensification	Policy 5	Not later than 2 years after commencement date
Tiers 1 and 2	First FDS made publicly available after commencement date	Policy 2 (see Part 3 subpart 4)	In time to inform the 2024 long-term plan
Tiers 1 and 2	HBA so far as it relates to housing	Policy 2 (see Part 3 subpart 5)	By 31 July 2021
Tiers 1 and 2	HBA relating to both housing and business land	Policy 2 (see Part 3 subpart 5)	In time to inform the 2024 long-term plan
Tiers 1, 2, and 3	Car parking	Policy 11(a) (see clause 3.38)	Not later than 18 months after commencement date

Appendix: Tier 1 and tier 2 urban environments and local authorities

Table 1

Tier 1 urban environment	Tier 1 local authorities
Auckland	Auckland Council
Hamilton	Waikato Regional Council, Hamilton City Council, Waikato District Council, Waipā District Council
Tauranga	Bay of Plenty Regional Council, Tauranga City Council, Western Bay of Plenty District Council
Wellington	Wellington Regional Council, Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council, Kāpiti Coast District Council
Christchurch	Canterbury Regional Council, Christchurch City Council, Selwyn District Council, Waimakariri District Council

Table 2

Tier 2 urban environment	Tier 2 local authorities
Whangārei	Northland Regional Council, Whangarei District Council
Rotorua	Bay of Plenty Regional Council, Rotorua District Council
New Plymouth	Taranaki Regional Council, New Plymouth District Council
Napier Hastings	Hawke's Bay Regional Council, Napier City Council, Hastings District Council
Palmerston North	Manawatū-Whanganui Regional Council, Palmerston North City Council
Nelson Tasman	Nelson City Council, Tasman District Council
Queenstown	Otago Regional Council, Queenstown Lakes District Council
Dunedin	Otago Regional Council, Dunedin City Council

APPENDIX SIX

EDEN-EPSOM RESIDENTIAL PROTECTION SOCIETY INCORPORATED V AUCKLAND COUNCIL 2021 NZENVC 082

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2021] NZEnvC 082

IN THE MATTER OF

an appeal under clause 14(1) of Schedule
1 of the Resource Management Act
1991 against a decision on Proposed
Plan Change 21 to the Auckland Unitary
Plan

BETWEEN

EDEN-EPSOM RESIDENTIAL
PROTECTION SOCIETY
INCORPORATED

(ENV-2020-AKL-079)

Appellant

AND

AUCKLAND COUNCIL

Respondent

AND

SOUTHERN CROSS HOSPITALS
LIMITED

Requestor

AND

KAINGA ORA – HOMES AND
COMMUNITIES

s274 Party

AND

TUPUNA MAUNGA O TAMAKI
MAKĀURAU AUTHORITY

s274 Party

Court: Alternate Environment Judge L J Newhook
Environment Commissioner R M Bartlett
Environment Commissioner J Baines

Hearing: 8 June 2021

Appearances: M Savage and R Enright for the Society
B Tree, S de Groot and C Woodward for Requestor



Eden Epsom Residential Protection Society Inc v Auckland Council

D Hartley for Auckland Council
C Kirman for Kāinga Ora

Date of Decision: 9 June 2021

Date of Issue: **15 JUN 2021**

**RECORD OF ORAL DECISION OF THE ENVIRONMENT COURT ON
PRELIMINARY QUESTIONS ABOUT RELEVANCE OF NPS-UD TO
THE PROPOSED PLAN CHANGE**

Introduction

[1] The Society had appealed a decision of a majority of independent hearing commissioners approving Proposed Private Plan Change 21 (“PPC21”) to the Auckland Unitary Plan (“AUP”) operative in part. The plan change was to enable expansion and intensification of development of an existing private hospital at 3 Brightside Road Epsom, including onto 3 adjoining residential lots on Gillies Avenue purchased by the requestor.

[2] At the start of the substantive appeal hearing on 8 June 2021, the Court placed 5 questions of law before the parties, the first two of which it advised should be the subject of submissions by the parties at the outset, and perhaps an urgent decision of the Court, against the possibility it could inform the relevance (or not) of some topics in the substantive enquiry.

[3] The two questions orally advised by the Court were:

- a) Does the NPS-UD apply yet? It is operative, but does it drive PPC21; are we required to move ahead of decision-making by the Council on implementation of directive and urgent policies?
- b) If it does drive PPC21 how and in what ways would it drive it?

[4] The NPS-UD was gazetted on 20 July 2020 and became operative on 20 August. It effectively replaced the 2016 NPS on Urban Design Capacity.

[5] It is common ground that Auckland Council is a “Tier 1” local authority, therefore having the greatest obligations of the 3 tiers under the new instrument.

[6] Clause 1.3 is titled “Application” and subclause (b) provides that “[the NPS applies to] planning decisions by any local authority that affect an urban environment”.

[7] The site owned by Southern Cross in Epsom is an urban environment.

[8] The question arises as to whether a decision on the merits of a private plan change on appeal under clause 29(7) of Schedule 1 RMA is a “planning decision”.

[9] The term “planning decision” is defined to the relevant extent in the NPS-UD as meaning a decision on:

...

(c) a district plan or proposed district plan

...

[10] “Proposed district plan” is not defined in the NPS-UD. It is relevant therefore to consider relevant definitions in the RMA, under which the NPS was promulgated.

[11] “District Plan” is defined in s 43AA RMA as (summarised) meaning an operative plan including operative changes.

[12] PPC 21 is not an operative plan change because it is under challenge in this appeal.

[13] “Proposed plan” is however defined in s 43AAC RMA in the following terms:

43AAC Meaning of proposed plan

(1) In this Act, unless the context otherwise requires, *proposed plan*—

- (a) means a proposed plan, a variation to a proposed plan or change, or a change to a plan proposed by a local authority that has been notified under clause 5 of Schedule 1 or given limited notification under clause 5A of that schedule, but has not become operative in terms of

clause 20 of that schedule; and

- (b) includes a proposed plan or a change to a plan proposed by a person under Part 2 of Schedule 1 that has been adopted by the local authority under clause 25(2)(a) of Schedule 1.

(2) Subsection (1) is subject to section 86B and clause 10(5) of Schedule 1.

[14] It is not apparent to us that here are any contexts or policy underpinnings for a proposed change not adopted by a council, not to be regarded in the context of the NPS-UD as being the subject of “planning decisions”.

[15] There is a hint that there is no such contextual difference in literature issued about the NPS-UD by the Ministry for the Environment and Ministry of Housing. Those documents do not however state the law but are limited to providing views from the Executive as to why the National Instrument has been promulgated and to what effect in the view of the Executive.

[16] Perhaps confusingly, there is a definition of “change” in s 43AA RMA as meaning a change proposed by a local authority under clause 2 of Schedule 1 RMA and a change proposed by a person under clause 21 of Schedule 1.

[17] The term “plan change” is found in clause 3.8 in Subpart 2 “Responsive Planning” of the NPS-UD and reads:

3.8 Unanticipated or out-of-sequence developments

(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.

(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:

- (a) would contribute to a well-functioning urban environment; and
- (b) is well-connected along transport corridors;
- (c) and meets the criteria set under subclause (3); and

(3) Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.

[18] From that clause it may be found that some provisions of the national instrument may be considered in a “planning decision” on the merits of a requested plan change including on appeal to the Environment Court.

[19] The question must then be asked “which provisions” [of the instrument]?

[20] It is appropriate to interrogate Part 2 of the NPS (“Objectives and Policies”). The reference to “planning decisions” among the eight Objectives and 11 Policies is quite limited, being found in only Objectives 2, 5, and 7, and Policies 1 and 6.

[21] Objective 3 and Policy 3 of the NPS attain significant focus in evidence called by Southern Cross.¹

[22] Objective 3 provides:

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.

[23] Policy 3 provides:

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

¹ There was a dispute between the appellant and Southern Cross as to whether certain of the latter’s witnesses relied on them. We do not need to do more for present purposes than come to our conclusion in about there being “significant focus” on them.

- (c) building heights of least 6 storeys within at least a walkable catchment of the following:
- (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
- (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - (ii) relative demand for housing and business use in that location.

[24] Neither Objective 3 nor Policy 3 employs the term “planning decision(s)”.

[25] Part 4 of the NPS (“Timing”) is important. Concerning Policies 3 and 4, to the relevant extent it provides as follows:

4.1 Timeframes for implementation

(1) Every tier 1, 2, and 3 local authority must amend its regional policy statement or district plan to give effect to the provisions of this National Policy Statement as soon as practicable

(2) In addition, local authorities must comply with specific policies of this National Policy Statement in accordance with the following table:

Local authority	Subject	National Policy Statement	By when
Tier 1 only	Intensification	Policies 3 and 4 (see Part 3 subpart 6)	Not later than 2 years after commencement date

[26] Evidence and submissions for the council, unchallenged on this aspect, advise that the council is busy with “workstreams” on these (and other) matters that must inform community consultation and the promulgation of plan changes to the AUP

under Schedule 1 RMA. The timing for promulgation under Part 4 is no later than 20 August 2022. That time has of course not yet been reached.

[27] These steps will be logically accomplished under Subpart 6 “Intensification in Tier 1 urban environments”, which requires very precise activity by the local authority (which we were told is happening in these workstreams) of identifying, by location, the building heights and densities required by Policy 3 – with information about these things to be publicly disseminated when notification of the plan changes occurs. Again, these things are yet to occur.

[28] Counsel referred us to two High Court decisions, *Horticulture NZ v Manawatu-Wanganui Regional Council*² and *Hawke’s Bay and Eastern Fish and Game Councils v Hawke’s Bay Regional Council*³, while conceding that the nascent instruments discussed in those cases were not necessarily worded the same as relevant provisions before us. We have not attempted to compare the several instruments and have preferred to undertake a first principles analysis of the NPS-UD and relevant RMA provisions.

Conclusion

[29] The Court holds that it is not required to and will not be giving effect in this case to Objectives and Policies in the NPS-UD that are not requiring “planning decisions” at this time.

[30] We acknowledge the promulgation and operative status of the NPS overall but cannot pre-judge, let alone pre-empt, Schedule 1 processes yet to be undertaken by the Council in implementation of it.

[31] Costs are reserved.

² [2013] NZHC 2492, (2013) 17 ELRNZ 652

³ [2015] NZHC 3191

For the Court:



L J Newhook
Alternate Environment Judge



APPENDIX SEVEN

COUNCIL DECISION TO ACCEPT PRIVATE PLAN CHANGE 64 UNDER CLAUSE 25 TO THE FIRST SCHEDULE OF THE RMA

Private plan change from Tram Lease Limited at 953 New North Road, Mount Albert

Clause 25, Schedule 1, Resource Management Act 1991



Te take mō te pūrongo

Purpose of the report

1. To decide how to process the private plan change request to the Auckland Unitary Plan from Tram Lease Limited for 953 New North Road, Mount Albert.

Whakarāpopototanga matua

Executive summary

2. Auckland Council must decide how a private plan change request is processed. Under the Resource Management Act 1991¹ the council may either:
 - a) adopt the request as if it were a proposed plan change made by the council, or
 - b) accept the private plan change request in whole or in part, or
 - c) reject the private plan change request in whole or in part, if one of the limited grounds for rejection is satisfied, or
 - d) deal with the request as if it were an application for a resource consent, or
 - e) a combination of options a) to c).
3. I recommend that the private plan change request is accepted under clause 25(2)(b) Schedule 1 of the Resource Management Act 1991.
4. Tram Lease Limited seeks to rezone land at 953 New North Road, Mount Albert from Business - Town Centre to Business - Mixed Use and remove the Building Frontage Control-General Commercial Frontage from the site in the Auckland Unitary Plan (Operative in Part) 2016.
5. The private plan change relates to district plan provisions of the Auckland Unitary Plan. A copy of the private plan change is included as **Attachment A**.
6. Tram Lease Limited considers that the proposed private plan change is the most appropriate method to optimise the efficient use of the existing urban area, while also enhancing the quality of life for individuals and communities.

Ngā tūtohunga

Recommendation/s

7. That the Manager Planning - Central South, having had particular regard to the applicant's section 32 evaluation report, accepts the private plan change request by Tram Lease Limited, included as **Attachment A**, pursuant to clause 25(2)(b) Schedule 1 Resource Management Act 1991, for the following reasons:
 - a. The applicant's section 32 evaluation report contains sufficient information for the notification of the plan change to be considered by submitters.
 - b. Accepting the private plan change request enables the matters raised by the applicant to be considered on their merits, during a public participatory planning process.

¹ Clause 25, Schedule 1, Resource Management Act 1991.

- c. It is inappropriate to adopt the private plan change. The private plan change proposal is not a matter under consideration in council's policy work programme. The private plan change does not address a gap in the Auckland Unitary Plan (Operative in Part) 2016, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region. The private plan change seeks to amend the Auckland Unitary Plan (Operative in Part) 2016 only for the subject site. No significant public benefit is gained by the council adopting the private plan change request because:
 - i. The plan change site forms only a small part of the Mount Albert town centre and does not include any council owned assets.
 - ii. Public benefit issues can be raised and considered on their own merits through the public participatory planning process.
 - iii. Administration costs would be borne by the council.
- d. The grounds to reject a private plan change request under clause 25(4) are limited and no ground is met by this private plan change.
 - i. The request is not frivolous. The applicant provided supporting technical information and the private plan change has a resource management purpose, to make efficient use of the existing urban area while also enhancing the quality of life for individuals and communities. The request is not vexatious. The applicant is not acting in bad faith by lodging a private plan change request.
 - ii. The substance of the request has not been considered within the last two years.
 - iii. The coarse-grain assessment of the request does not indicate that the private plan change is not in accordance with sound resource management practice. Whether the private plan change request's objectives are the most appropriate way of achieving the promotion of sustainable management will be tested through the submission and hearing processes.
 - iv. The provisions of the Auckland Unitary Plan (Operative in Part) 2016 subject to the private plan change request have been operative for at least two years.
- e. It is not appropriate to deal with the private plan change as if it were a resource consent application because no detailed development plans have been made available, and the requestor is seeking to provide for flexibility of design for the ground floor of any future building on the subject site and has not indicated plans to develop the land in the near future.

Horopaki

Context

Plan change area and surrounding area

8. The subject site comprises approximately 2,387m², includes the property at 953 New North Road in Mount Albert, and is bounded by the railway line to the north-west and New North Road to the south-east. The site, shown at Figure 1 below, contains a large single building, with single and two-storey elements, and forms part of the Mount Albert town centre and surrounds.
9. The site is currently zoned as Business - Town Centre (see Figure 2) and the requestor is seeking a change in zoning to Business - Mixed Use. The land is subject to the Height Variation Control allowing development of buildings up to 18m in height.
10. In addition, there are two overlays that apply to the plan change area:
 - Natural Resources: Quality Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic

- Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - A13, Mount Albert, Viewshafts

11. Much of the land in the Mount Albert town centre and surrounds is owned by Tram Lease Limited, and this private plan change site lies within the area covered by another request for a private plan change from Tram Lease Limited which seeks to increase the standard height control within the north-western blocks of the Mount Albert town centre (911-975 New North Road) to enable buildings of up to 24m in height. This height change will apply to the site at 953 New North Rd, if approved, in addition to the change in zone and removal of the Building Frontage Control sought by this plan change.



Figure 1 - Aerial of plan change area

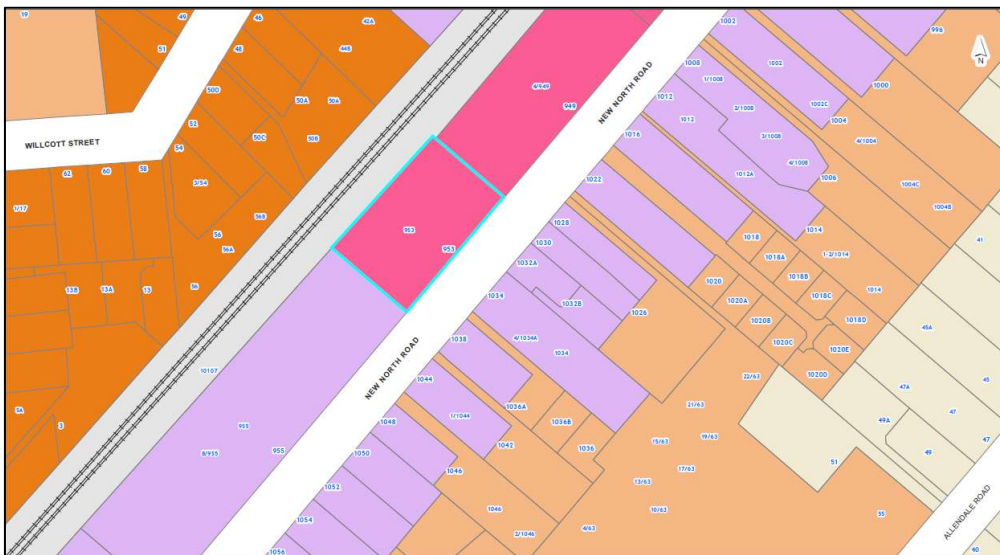


Figure 2 - Zoning

Private plan change content

12. The proposed plan change seeks to amend the AUP GIS Maps to show an amended zone for the property at 953 New North Road and removal of the Building Frontage Control - General Commercial Frontage from the site (copy included as **Attachment A**). There are no changes to any other spatial layers or text in the AUP.
13. The proposed plan change seeks to provide for the efficient use of the existing urban area by changing the zone of the subject site to allow for the greatest flexibility of design for the redevelopment of the site, and in particular the use of the ground floor of any future buildings. As part of their wider development aspirations, the applicant envisages that this plan change will support the redevelopment of the Mount Albert town centre by enabling intensive mixed use development and more efficient use of land within the centre and adjoining the Mount Albert train station.
14. Early consideration of potential effects arising from the plan change request indicate a potential loss of retail and office floorspace at ground floor level, along with an increased flexibility in the location of vehicle crossings along the site frontage that may impact on the pedestrian experience in the locality. While some of these effects may be addressed at the resource consenting stage, other effects will require further attention through the plan change process.
15. All new building development in both the Business - Town Centre and Business - Mixed Use zones in the plan change area will continue to require resource consent as a restricted discretionary activity. The plan change request will not alter the activity status for the development of new buildings however it will alter the objectives, policies and rules that are considered.
16. The applicant provided the following information to support the plan change request:
 - private plan change request, including drafted changes to the Auckland Unitary Plan
 - section 32 evaluation report
 - specialist report:
 - Economic Assessment

Timeframes

17. Tram Lease Limited lodged the private plan change request on 6 April 2021.
18. Further information was provided on 14 May 2021.
19. Council is required to decide how the private plan change request is processed within 30 working days of the latest date specified above. That period ends on 28 June 2021.

Decision-maker

20. Council delegated² to Plans and Places' tier four managers the authority to make decisions how to process private plan change requests. A Unit Manager can decide under clause 25, Schedule 1, RMA, how council will process this private plan change request.

Tātaritanga me ngā tohutohu Analysis and advice

Statutory context: Resource Management Act 1991

21. Any person may request a change to a district plan, a regional plan or a regional coastal plan.³ The procedure for private plan change requests is set out in Part 2 of Schedule 1, RMA. The

² Auckland Council Combined Chief Executive's Delegation Register (updated February 2021). All powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1, are delegated to the relevant Tier 4 Manager

³ Clause 21, Schedule 1, Resource Management Act 1991.

process council follows as a plan-maker is adapted,⁴ and procedural steps added⁵ including the opportunity to request information.

22. Council must decide under clause 25 which is the most appropriate processing option for each private plan change request. In making this decision council must have particular regard to the applicant's section 32 evaluation report when deciding. The clause 25 decision is the subject of this report and clause 25 is set out in full in **Attachment B**.
23. I consider that the applicant has provided sufficient information for the request to be considered. I consider that the insufficient information grounds for rejection in clause 23(6) are not available in this instance.
24. The plan change request has not been modified under clause 24.
25. I evaluate the options available under clause 25 in the next sections of this report. I have had particular regard to the applicant's section 32 evaluation report in undertaking the assessment of clause 25 options.

Options available to the council

Option 1: Adopt the request, or part of the request, as if it were a proposed plan change made by the council itself

26. Council can decide to adopt the request, or part of the request. Council would then process it as though it were a council-initiated plan change.
27. If the plan change
 - a) includes a rule that protects or relates to any natural or historical resource specified in section 86B RMA, or
 - b) provides for or relates to aquaculture activitiesit may be appropriate for the plan change to have legal effect from notification. If there is a proposed rule of this kind, immediate legal effect could be desirable to prevent a "goldrush" of resource (over)use that could occur until the plan change is made operative.
28. Only a council initiated, or an adopted private plan change, could have immediate legal effect.
29. The plan change does not include any proposed rule that would protect, or relate to, any natural or historical resource specified in section 86B. The private plan change is unrelated to aquaculture activities. It is unnecessary to adopt the private plan change request to enable a rule to have immediate legal effect.
30. The request does not address a gap in the Auckland Unitary Plan's planning provisions. The private plan change proposal is not a matter under consideration in council's policy work programme.
31. Council meets all costs of processing the plan change if the request is adopted. Council should not carry these costs if the request is primarily of direct benefit to the applicant, rather than the wider public, or have other public policy benefits. The request is a site-specific proposal. The most immediate or direct benefit, if any, is to the applicant.
32. The applicant did not request that council adopt the private plan change request.
33. I recommend the private plan change request not be adopted.

Option 2: Reject the request, in whole or in part

34. Council has the power to reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4).
35. The grounds for rejection under clause 25(4) are as follows:

⁴ Part 1 Schedule 1 applies, as modified by clause 29 Part 2 Schedule 1, Resource Management Act 1991.

⁵ Part 2 Schedule 1 Resource Management Act 1991.

- a) the request or part of the request is frivolous or vexatious; or
- b) within the last two years, the substance of the request or part of the request;
 - i. has been considered, and given effect to, or rejected by, the local authority or the Environment Court; or
 - ii. has been given effect to by regulations made under section 360A; or
- c) the request or part of the request is not in accordance with sound resource management practice; or
- d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
- e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Is the request frivolous or vexatious?

36. The objective of the plan change is to rezone the land at 953 New North Road, Mount Albert from Business - Town Centre to Business - Mixed Use and remove the Building Frontage Control - General Commercial Frontage from the site. The request includes a section 32 evaluation report which is supported by a specialist assessment on economic analysis. I consider the request is not frivolous as the private plan change:
- a) was considered thoroughly in the application materials
 - b) is supported by expert independent opinion, and a section 32 analysis, and
 - c) cannot be said to have no reasonable chance of succeeding.
37. The applicant is not acting in bad faith by lodging a private plan change request. The applicant is not requiring council to consider matters in this process that have already been decided or the subject of extensive community engagement or investment. Accordingly, I do not consider the private plan change request to be vexatious.
38. I recommend the private plan change request not be rejected on this ground.

Has the substance of the request been considered and been given effect, or rejected by the council within the last two years?

39. The subject site was subject to submissions during the development of the AUP (OP) in relation to the zoning of the site. The provisions applying to this site became operative in November 2016. There have not been any appeals to the zoning or overlays applying to this site. Neither the content of the proposed plan change, nor the operative provisions relating to this site have been considered in the last two years. The concurrent plan change which affects this site is considering different matters which complement but do not overlap this considerations in this plan change.
40. I recommend the private plan change request not be rejected on this ground.

Has the substance of the request been given effect to by regulations made under section 360A?

41. Section 360A relates to regulations amending regional coastal plans pertaining to aquaculture activities. The plan change area is not within the coastal marine area, or involve aquaculture activities, and therefore section 360A regulations are not relevant.
42. I recommend the private plan change request not be rejected on this ground.

Is the request in accordance with sound resource management?

43. The term 'sound resource management practice' is not defined in the RMA.
44. In the recent Environment Court decision **Orakei Point Trustee v Auckland Council** [2019] NZEnvC 117, the Court stated:

"[13] What *not in accordance with sound resource management practice* means has been discussed by both the Environment Court and High Court in cases such as **Malory Corporation Limited v Rodney District Council** (CIV-2009-404-005572, dated 17 May 2010), **Malory Corporation Limited v Rodney District Council (Malory Corporation Ltd v Rodney District Council** [2010] NZRMA 1 (ENC)) and **Kerikeri Falls Investments Limited v Far North District Council (Kerikeri Falls Investments Limited v Far North District Council**, Decision No. A068/2009)

[14] Priestley J said in **Malory Corporation Limited v Rodney District Council** (CIV-2009-404-005572, dated 17 May 2010, at 95) that the words *sound resource management practice* should, if they are to be given any coherent meaning, be tied to the Act's purpose and principles. He agreed with the Environment Court's observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act's purposes and principles will not cross the threshold for acceptance or adoption (CIV-2009-404-005572, dated 17 May 2010, at 95)

[15] Where there is doubt as to whether the threshold has been reached, the cautious approach would suggest that the matter go through to the public and participatory process envisaged by a notified plan change (Malory Corporation Ltd v Rodney District Council [2010] NZRMA 1 (ENC), at para 22)."

45. I understand the consideration of this ground should involve a coarse assessment of the merits of the private plan change request - "at a threshold level" - and take into account the RMA's purpose and principles - noting that if the request is accepted or adopted the full merits assessment will be undertaken when the plan change is determined.
46. The RMA's purpose is set out at section 5 and the principles are set out at sections 6 to 8. In terms of these RMA Part 2 matters, the private plan change proposes to rezone land at 953 New North Road, Mount Albert from Business - Town Centre to Business - Mixed Use and remove the Building Frontage Control-General Commercial Frontage from the site, allowing for more flexibility of design for the ground floor of any future building on the site, and potentially optimising the efficient use of the existing urban area. The proposed plan change may have adverse effects on other parties, particularly through the potential loss of office and commercial floorspace, and the potential for a further vehicle crossing and lower level of pedestrian amenity. These matters will be assessed throughout the process. The proposed plan change does not seek to substantially alter the provisions of the zones, rather it seeks to change the zoning of the site to allow for increased flexibility and opportunity for residential uses at the ground floor level. Sections, 7(b), 7(c), 7(f) and 7(g) are considered to apply because:
 - i. the proposed change to the zone may provide for more efficient use and development of the plan change site
 - ii. the proposed change to the zone may enable more flexible development, accepting this plan change allows a thorough assessment of the effects on amenity values and quality of the environment.
 - iii. the purpose of the plan change⁶ reflects the intention to take a balanced approach to s7(c).
 - iv. the land within the plan change area is a finite natural and physical resource.
47. The applicant supplied technical reports and a section 32 evaluation report in support of the private plan change request. The council has engaged experts to evaluate the lodged information. The plan change area is located within the rural urban boundary, in the Mount Albert town centre area, with current live urban zoning of Business - Town Centre, and is currently occupied by commercial operators and activities.
48. The proposed loss of town centre zoning will reduce the amount of land zoned for commercial and office activities, and may have an effect on the ability of the Mount Albert town centre to fulfil its role and function in the future.
49. The removal of the Building Frontage Control - General Commercial Frontage from the site may result in an adverse effect on pedestrian amenity and safety due to built form outcomes.
50. Having reviewed the applicant's planning and specialist report, undertaken a coarse scale merits assessment of the private plan change request, and taken the purpose and principles of

⁶ The purpose of the plan change is "to apply a Business - Mixed Use zoning to the 2,387m² site to optimise the efficient use of the existing urban area while also enhancing the quality of life for individuals and communities."

RMA into account, the private plan change request is considered to be in accordance with sound resource management practice for the purposes of consideration under Clause 25(4)(c), Schedule 1.

51. I recommend the private plan change request not be rejected on this ground.

Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?

52. Part 5 of the RMA sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA. Regional and district plan provisions must give effect to the regional policy statement and higher order RMA documents, and in addition, not be inconsistent with any (other) regional plan. The relevant sections in Part 5 are determined by the nature of the private plan change.
53. The purpose of the private plan change is to apply a Business - Mixed Use zoning to the 2,387m² site to optimise the efficient use of the existing urban area while also enhancing the quality of life for individuals and communities. The proposed change would allow for additional flexibility in development opportunities, enabling residential activities, in particular at the ground level, and promoting land-use transport integration with the high levels of public transport accessibility of the location.
54. A coarse examination of the private plan change, on balance, is that the intent of the plan change will not make the AUP(OP) inconsistent with Part 5 of the RMA. The plan change seeks to enable quality residential intensification within Mount Albert town centre on land adjoining the Mount Albert train station, promoting public transport use and active transport modes.
55. The most relevant part of the Auckland Unitary Plan in regard to this test is Chapter B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form of the Regional Policy Statement (RPS). With respect to assessing the proposed plan change against the RPS provisions, it is considered the purpose of the private plan change is appropriate for the plan change site and consistent with the intended future role and function of the Mount Albert town centre. The following RPS provisions apply:
56. **B2.2 Urban growth and form** - the plan change seeks to contribute to quality compact urban form by enabling greater flexibility in development opportunities, in particular the use of the ground floor for residential activities. The requestor envisages the plan change will enable a residential-led development of this site, and act as a catalyst for the redevelopment of the wider Mount Albert town centre.
57. **B2.3 Quality built environment** - the plan change provides for more flexible development opportunities that recognise the physical characteristics of the plan change site, including its setting in relation to the Mount Albert town centre and public transport, and may assist in reinforcing the hierarchy of centres and corridors.
58. **B2.4 Residential growth** - the plan change enables the opportunity for greater residential intensification and supports a quality compact urban form. The plan change site is well-located in and adjacent to the Mount Albert town centre with good access to public transport, education and employment opportunities.
59. **B2.5 Commercial and industrial growth** - while the plan change will reduce the amount of commercial floorspace in the Mount Albert town centre, the enabled and increased residential capacity may contribute to reinforcing the role of the town centre. The requestor has provided a supporting economic assessment that indicates there is sufficient town centre zoned land within the balance of the Mount Albert town centre to meet current and future demand.
60. The private plan change uses existing methods for managing resource management issues. The proposed zone is an existing method in the AUP(OP) and has been considered to achieve Part 2 of the Act. The plan change request is supported by a s32 analysis and assessment of

effects including consideration of all relevant plans/strategies as required under s74 of the RMA.

61. My preliminary assessment indicates the private plan change request will not make the Auckland Unitary Plan inconsistent with Part 5 of the RMA. The conclusions in the request documentation would be best evaluated via the submissions and hearing processes so that these matters can be considered in full.
62. I recommend the private plan change request not be rejected on this ground.

Has the plan to which the request relates been operative for less than two years?

63. The plan provisions of the AUP relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years.
64. I recommend the private plan change request not be rejected on this ground.

Option 3: Decide to deal with the request as if it were an application for a resource consent

65. The council may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 would then apply accordingly.
66. I consider that the plan change process is the most appropriate process because no detailed development plans have been made available, and the requestor is seeking to enable a different range of activities to be undertaken on the site than those currently provided for.
67. I recommend the private plan change request not be dealt with as if it were an application for a resource consent.

Option 4: Accept the private plan change request, in whole or in part

68. Council can decide to accept the request in whole, or in part. If accepted, the plan change cannot have legal effect until it is operative. In my opinion the private plan change may be accepted, as there is no demonstrable need for any rule to have immediate legal effect; adoption is not required.
69. The private plan change mechanism is an opportunity for an applicant to have their proposal considered between a council's ten-yearly plan review cycle. The subject matter of this private plan change request is not a priority matter in Plans and Places' work programme, and is not presently being considered. The private plan change process is a means by which this matter can be considered before the next plan review.
70. If the private plan change is accepted the matters raised by the applicant can be considered on their merits, during a public participatory planning process.
71. The applicant did not request that council adopt the private plan change request.

Conclusion: options assessment

72. I have assessed the private plan change request against the options available and the relevant matters. These include clause 25 Schedule 1 matters, having particular regard to the applicant's section 32 evaluation, and case law⁷ that provides guidance on the statutory criteria for rejection of a private plan change request. I recommend the private plan change request is accepted.

Tauākī whakaaweawe āhuarangi **Climate impact statement**

73. Council declared a climate emergency in Auckland, in June 2019. The decision included a commitment for all council decision-makers to consider the climate implications of their decisions. In particular, consideration needs to be given in two key ways:

⁷ Malory Corporation Limited v Rodney District Council [2010] NZRMA 392 (HC)

- a) how the proposed decision will impact on greenhouse gas emissions and the approach to reduce emissions
 - b) what effect climate change could have over the lifetime of a proposed decision and how these effects are being taken into account.
74. The decision whether to adopt, accept, reject or deal with the private plan change request is a decision relative to those procedural options, rather than a substantive decision on the plan change request itself. The clause 25 decision is unrelated to any greenhouse gas emissions. The decision requested is a decision of short duration. Climate impacts can be considered in the future hearing report on the private plan change request, and any submissions received. At that time the potential impacts on Auckland's overall greenhouse gas emissions may be considered (does it encourage car dependency, enhance connections to public transit, walking and cycling, or support quality compact urban form), and whether the request elevates or alleviates climate risks (such as flooding and stress on infrastructure).

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera

Council group impacts and views

75. The request has not been reviewed by other departments across the Council group.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe

Local impacts and local board views

76. Local boards' views are important in Auckland Council's co-governance framework. The views of the Albert-Eden Local Board will be sought on the content of the private plan change request after the submission period closes. All formal local board feedback will be included in the hearing report and the local board will present its views to hearing commissioners, if the local board chooses to do so. These actions support the local board in its responsibility to identify and communicate the interests and preferences of people in its area, in relation to the content of Auckland Council plans.
77. Local board views have not been sought on the options to adopt, accept, reject or deal with the private plan change request as a resource consent application. Although council is required to consider local board views prior to making a regulatory decision, that requirement applies when the decision affects, or may affect, the responsibilities or operation of the local board or the well-being of communities within its local board area. The clause 25 decision does not affect the Albert-Eden local board's responsibilities or operation, nor the well-being of local communities.

Tauākī whakaaweawe Māori

Māori impact statement

Consequence of clause 25 options for future consultation

78. If council accepts a private plan change request, it is not required to complete pre-notification engagement with iwi authorities. If the council accepts the request and subsequently notifies it, iwi authorities have the opportunity to make submissions. No changes can be made to the private plan change prior to notification.
79. If council adopts a private plan change the same consultation requirements apply as though the plan change was initiated by council: consultation with iwi authorities is mandatory prior to notification.⁸ Changes can be made to the plan change prior to notification. Iwi authorities have the opportunity to make submissions after notification.

⁸ Clauses 3, 4A Schedule 1, Resource Management Act 1991.

80. None of the clause 25 options trigger any signed mana whakahono a rohe (iwi participation arrangement).

Substance of private plan change request

81. Many of the resources that can be afforded protection by a rule with immediate legal effect may be of interest to Māori, for example water, air or significant indigenous vegetation. The private plan change request does not include any proposed rules that should have immediate legal effect, utilising section 86B, and should not be adopted as a council plan change.
82. Accepting the plan change does not directly affect Māori land and treaty settlement land or land/resources subject to Treaty legislation.

Record of applicant's consultation

83. An applicant should engage with iwi authorities in preparing a private plan change request, as a matter of best practice. It is also best practice for an applicant to document changes to the private plan change request and/or supporting technical information arising from iwi engagement.
84. Tram Lease Limited advises that it does not consider iwi consultation to be necessary for this plan change, as it is limited to rezoning and is not proposing any changes to AUP (OP) provisions. Notwithstanding the applicants position all iwi authorities will be notified of the plan change in the next stage of the process and are able to make submissions and appear at the hearing.

Ngā ritenga ā-pūtea

Financial implications

85. If the request is adopted, council would pay all costs associated with processing it. Plans and Places department would be required to cover this unbudgeted expenditure; there would be less funding available to progress the department's work programme.
86. If the request is accepted or, if the request is dealt with as a resource consent application, the applicant would pay all reasonable costs associated with processing it on a user-pays basis.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

87. An applicant may appeal to the Environment Court a decision to:
- adopt the private plan change request in part only under clause 25(2)
 - accept the private plan change request in part only under clause 25(2)
 - reject the private plan change in whole or in part under clause 23(6)
 - deal with the private plan change request as if it were an application for a resource consent.⁹
88. I recommend that all of the private plan change request is accepted. The risk of a legal challenge by the applicant utilising the clause 27 appeal rights is negligible. No avenue for appeal would be available.
89. No substantial changes can be made to the private plan change request following the clause 25 decision. I have worked with the applicant on the plan change leading up to this clause 25 report. After obtaining expert advice from council's project team I sought further information from the applicant to ensure there would be sufficient information to evaluate the private plan change.

⁹ Clause 27, Schedule 1 Resource Management Act 1991.

Ngā koringa ā-muri

Next steps

90. If accepted, the private plan change must be notified within four months of its acceptance.
91. A separate evaluation and decision will be required regarding extent of notification.
92. I will seek the views and preferences of Albert-Eden Local Board after submissions close for inclusion in the section 42A hearing report.
93. Council will need to hold a hearing to consider any submissions, and local board views, and a decision would then be made on the private plan change request in accordance with Schedule 1 of the RMA.

Clause 25 recommendation

94. This private plan change request requires decision-making pursuant to clause 25 of Part 2 of Schedule 1 of the Resource Management Act 1991, to determine whether it will be adopted, accepted, rejected or dealt with as if it were a resource consent application.
95. I recommend that the private plan change request from Tram Lease Limited to rezone the land at 953 New North Road, Mount Albert and remove the Building Frontage Control - General Commercial Frontage from the site, be **accepted** under Clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 for the reasons set out in this report.

Ngā kaihaina

Signatories


Author	Clare Wall Shaw Senior Policy Planner Signature:  Date: 9 July 2021
Reviewer	Fiona Sprott Team Leader Signature:  Date: 12 July 2021

Clause 25 authority and decision

96. In accordance with Auckland Council Combined Chief Executives Delegation Register (updated February 2021), all powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan

under clause 17 of Schedule 1, are **delegated** to Plans and Places Department Tier 4 Managers.

97. I have read the planner's report and recommendations on the private plan change request. I am satisfied I have adequate information to consider the matters required by the Resource Management Act 1991 and to make a decision under delegated authority.

Decision	I accept the private plan change request by Tram Lease Limited for 953 New North Road, Mount Albert under Clause 25 of Schedule 1 of the Resource Management Act 1991
Authoriser	Celia Davison Unit Manager, Central South, Plans and Places Signature:  Date: 12 July 2021

Ngā tāpirihanga
Attachments

Attachment A: Private plan change

Attachment B: Clause 25 Schedule 1, Resource Management Act 1991

Attachment A: Private plan change

Attachment B: Clause 25 Schedule 1, Resource Management Act 1991

Clause 25 Local authority to consider request

- (1) A local authority shall, within 30 working days of—
(a) receiving a request under [clause 21](#); or
(b) receiving all required information or any report which was commissioned under [clause 23](#); or
(c) modifying the request under [clause 24](#)—
whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.
- (1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with [clause 22\(1\)](#)—
(a) when making a decision under subclause (1); and
(b) when dealing with the request under subclause (2), (3), or (4).
- (2) The local authority may either—
(a) adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so,—
(i) the request must be notified in accordance with [clause 5](#) or [5A](#) within 4 months of the local authority adopting the request; and
(ii) the provisions of [Part 1](#) or [4](#) must apply; and
(iii) the request has legal effect once publicly notified; or
(b) accept the request, in whole or in part, and proceed to notify the request, or part of the request, under [clause 26](#).
- (2AA) However, if a direction is applied for under [section 80C](#), the period between the date of that application and the date when the application is declined under [clause 77\(1\)](#) must not be included in the calculation of the 4-month period specified by subclause (2) (a) (i).
- (2A) Subclause (2) (a) (iii) is subject to [section 86B](#).
- (3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of [Part 6](#) shall apply accordingly.
- (4) The local authority may reject the request in whole or in part, but only on the grounds that—
(a) the request or part of the request is frivolous or vexatious; or
(b) within the last 2 years, the substance of the request or part of the request—
(i) has been considered and given effect to, or rejected by, the local authority or the Environment Court;
or
(ii) has been given effect to by regulations made under [section 360A](#); or
(c) the request or part of the request is not in accordance with sound resource management practice; or
(d) the request or part of the request would make the policy statement or plan inconsistent with [Part 5](#); or
(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.
- (5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.