

BEFORE THE ENVIRONMENT COURT

Decision No. [2017] NZEnvC 173

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) and the Resource Management Act 1991

AND appeals against the decision on a recommendation of the Auckland Unitary Plan Independent Hearing Panel on the proposed Auckland Unitary Plan (the proposed Plan) pursuant to s 156(1) of the LGATPA

AND proposed plan hearing topic 043/044 Transport – car parking

BETWEEN NATIONAL TRADING COMPANY OF NEW ZEALAND LIMITED  
(ENV-2016-AKL-191)

KIWI PROPERTY GROUP LIMITED AND  
KIWI PROPERTY HOLDINGS LIMITED  
(ENV-2016-AKL-192)

PROGRESSIVE ENTERPRISES LIMITED  
(ENV-2016-AKL-201)

Appellants

AND AUCKLAND COUNCIL  
Respondent



Court: Environment Judge JA Smith  
Environment Commissioner DJ Bunting  
Environment Commissioner IM Buchanan

Hearing: At Auckland on 9, 10 October 2017

Appearances: GC Lanning and WM Bangma for Auckland Council (the Council)  
DA Allan for National Trading Company of NZ Limited, Kiwi Property Limited and Kiwi Property Holdings Limited  
SH Pilkinton and KC McIntosh for Progressive Enterprises Limited, Scentre NZ and Bunnings Limited  
B Tree for Stride Properties, Stride Holdings, AMP Capital and PSPIB Waiheke Limited (collectively referred to as the Property Owners)  
CE Kirman and AK Devine for Housing Corporation of NZ  
JR Brinsdon for Business North Harbour (s 274 party)  
PC Edmond for NZ Institute of Architects (s 274 party)  
JD Mackay for Urban Design Forum

Date of Decision: 20 October 2017  
Date of Issue: 20 October 2017

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**DECISION OF THE ENVIRONMENT COURT**

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- A: The proposed provisions of the Unitary Plan annexed hereto and marked **A** as shown as amended are to be substituted for those in the existing proposed Plan and are confirmed for inclusion within the operative Plan.
- B: This does not appear to be an appropriate case for costs. If any application for costs is to be made it is to be filed within 10 working days; any reply within a further 10 working days. Application is not encouraged.



## REASONS

### Introduction

***What type of planning intervention is most appropriate in relation to the minimum and maximum parking requirements in a range of business and mixed zones within the Auckland Unitary Plan?***

### The appeal

[1] This appeal relates to the Metropolitan, Town and Local Centres, but also includes Mixed-use and Terraced housing areas. At its core, it relates to whether there should be

- (a) limited provisions for certain activities within these zones to require a minimum amount of parking that must be provided;
- (b) limited provisions to restrict the maximum amount of parking that can be provided for certain activities within these zones.

### Background

[2] A particular statutory process has been adopted for the Auckland Unitary Plan, which consists of both Regional Plan and District Plan documents. The special statutory provisions appointed an independent hearings panel (**the IHP**) to consider the various aspects of the Plan, and provide recommendations to the Council.

[3] The IHP did so by breaking up the extremely complex nature of the Plan into various parts, including Topics 43 and 44 relating to transport. The outcome of that process was to identify parts of the Plan E27 – Transport; H22 – Strategic transport corridor zone and in particular a new policy E27.3(2) for integrated transport assessment.

[4] One of the matters considered under this part of the Plan was the issue in relation to parking.

[5] The core approach adopted in the notified Plan was:

There is no requirement or limit for activities or development, excluding office and retail, to provide parking in the following zones and locations:

- (a) Business, Metropolitan Centre zone, Business Town Centre Zone, business Local Centre Zone and Business Mixed-Use Zone with the exception of identified Non-



Urban Town and Local centres;

- (b) [not relevant here]; and
- (c) Residential Terraced Housing and Apartment Building Zone.

[6] In a detailed analysis, the IHP considered issues in relation to the parking issue and noted:

The panel was also persuaded that minimums are likely to continue to be useful where there are risks of spillover parking effects and for managing amenity effects. The panel recommends minimums for retail and commercial services (but not for residential) in most centres and minimums for residential in most of the residential zones. The panel has attempted to calibrate these minimums to balance the need for a minimum level of parking supply to moderate spillover and amenity effects against imposing unnecessary costs and inflexibility on development in these areas.

[7] This recommendation also sought to manage stand-alone parking on accessory facilities, and proposals were to be individually assessed (including Park n Ride and other facilities that support public transport).

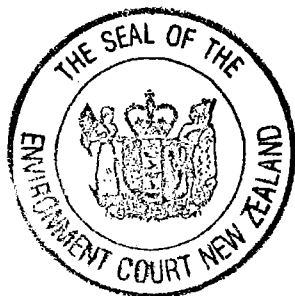
[8] This recommendation was considered by the Auckland Council and in their decisions report they concluded:

- (i) not including minimum parking rates for retail and commercial service activities would result in a more efficient use of land, better urban design outcomes and greater support for the public transport network;
- (ii) including maximum parking rates would result in better management of over-supply of parking and associated adverse effects on the transport network (eg congestion); and
- (iii) including maximum parking rates would result in better urban design and amenity outcomes.

### **The two approaches**

[9] We conclude that both outcomes are a reasoned response to the objectives and policies of the proposed Plan, and this is not disputed by any of the parties. There was no dispute that the Council outcome, or that now proposed under the amended agreement provisions put before us and annexed as **A**, were reasonable approaches (including under Part 2 of the Act). All parties agreed that either outcome is within the jurisdiction of this Court and is supported by the relevant objectives and policies.

[10] A different outcome is simply a matter of emphasis. We conclude the Council



decision saw a modal shift in transport (away from cars) would be encouraged by removing the requirement to provide for car parking in areas identified for growth in or near public transport centres and routes. This supported the general intensification of residential, office and business activities in the centres and near transport corridors (which includes Town Centres, Local Centres, Mixed-Use Centres and Terraced Apartment Residential). The IHP took a more step-wise approach to reducing the parking requirements for developments as part of a broader suite of provisions to encourage intensification. Both these approaches are valid.

[11] In mediation the parties reached a significant measure of agreement on a compromise position. This involves some levels of control in certain situations, and more liberalisation to remove most limits on providing maximum car parking. Mr Lanning described the approach set out in Compromise Agreement A as a more nuanced approach, which is now supported by the Council and all of the appellants. Several s 274 parties, however, retain concerns.

#### **The remaining concerns**

[12] The NZ Institute of Architects' (NZIA) concern relates to one exception that imposes an historical time requirement. All sites under 800m<sup>2</sup> as at 1 January 2017 are exempt from the minimum parking requirements in the Compromise Agreement A. Mr Edmonds, for NZIA, gave evidence that he considered the constraint was unnecessary, and would not be subject to abuse if the date requirement was removed. He did not dispute the area requirements. Otherwise, NZIA too supported the Compromise Agreement A before the Court.

[13] Mr McKay for the Urban Design Forum supported the most enabling provisions possible. He thus supported Auckland Council's decision on the recommendation. He considered that controls constrained important re-development, particularly within the Centres.

[14] However he did agree with the proposed removal of the constraints on the maximum parking permitted in the Compromise Agreement A. Furthermore, he acknowledged the significant improvements in the Compromise Agreement A over the IHP's recommendations. He acknowledged, in answer to questions, that the Compromise Agreement A enabled flexibility in considering particular circumstances. Largely, he agreed with the exceptions that were provided, but considered that the



800m<sup>2</sup> site size to avoid any parking requirements was too low. He was concerned that the objective was to prevent large retail formats competing with supermarkets and building supply companies, and thus considered something closer to a 5,000-8,000m<sup>2</sup> site should be the point at which time the exception did not trigger. We recognised that this largely accords with his suggestion that there should be no controls in relation to minimum parking requirements.

### **A summary of the issue**

[15] This Court must be satisfied that the provisions to be inserted within the Unitary Plan are the most appropriate. Notwithstanding that the Council has changed its position, and now supports the amended position in Compromise Agreement A, we must be satisfied:

- (a) that controls are the appropriate response to the issues identified in terms of the objectives and policies of the plan; and
- (b) that the provisions now proposed represent the minimum intervention necessary to achieve the objectives and policies of the Plan.

[16] We do not derogate from the wider tests in relation to plan changes and in particular section 32, which we will address later in this decision. However, for the purposes of this decision the difference between the parties is extremely narrow.

[17] There is no doubt that the provisions before the Court in Compromise Agreement A represent a significant liberalisation from the legacy plans, and for many sites will mean that there is no minima or maxima parking requirement.

[18] A number of parties suggested that this was about avoiding adverse effects. However, we consider our duty in formulating rules and standards in a Plan is to achieve the objectives and policies of the Plan. It is clear that the Council, in adopting its approach to parking within Centres, already recognises that there could be adverse effects arising from the lack of parking for residential or office activities. Nevertheless, as Mr Lanning noted that the Council has seen this as more desirable than the alternative of increasing congestion and compromise of the amenity of these areas.

[19] We acknowledge that our primary duty is to examine which of these sets of



provisions better or most appropriately meet the objectives and policies of this Plan. Given the narrow issue before the Court, the issue is a finely-nuanced one. We acknowledge that, in practical terms, the impact of either set of controls is likely to be substantially similar.

### **The objectives and policies of the Plan**

[20] There was no dispute before us that the Plan saw as a key theme the desirability of intensifying and revitalising Metropolitan, Town and Local Centres. It also identifies the desirability of intensification of office and residential activities, both in these Centres and also along arterial corridors providing public transport. The clear objective of this is to support a modal shift in transport towards public transport, walking, cycling and the like, and avoid the continuing intensification of the use of cars in Auckland. There are a number of growth corridor overlays, which retail activity could be focussed around, supporting the compact urban form and maintaining the safety and efficiency of the road network (see D22).

[21] Objectives that apply to all centres, the Mixed-Use Zone and other business zones are located in H9.2 of the Plan:

- (1) A strong network of centres that are attractive environments that attract ongoing investment, promote commercial activity and provide employment, housing and goods and services, all at a variety of scales.
- (2) Development is of a form, scale design quality so that centres are reinforced as focal points for the community.
- ...
- (4) Business activity is distributed in locations, and is of a scale and form, that:
  - (a) provides for the community's social and economic needs;
  - (b) improves community access to goods, services, community facilities and opportunities for social interaction; and
  - (c) manages adverse effects in the environment, including effects on infrastructure and residential amenity.
- (5) A network of centres that provides:
  - (a) A framework and context to the functioning of the urban areas and its transport network, recognising
  - ...
  - (b) A clear framework within which public and private investment can be prioritised



and made; and

(c) A basis for regeneration and intensification initiatives.

[22] For metropolitan centres in particular, H9.2 seeks:

- (6) Metropolitan centres are reinforced and developed for commercial, community and civic activities, and provide for residential intensification.
- (7) Metropolitan centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas.
- (8) Key Retail Frontage streets are a focus for pedestrian activity, with identified General Commercial Frontage streets supporting this role.

[23] Policy H9.3 includes:

- (1) Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.
- ...
- (3) Require development to be of a quality and design that positively contributes to:
  - (a) the planning and design outcomes identified in this Plan for the relevant zone;
  - (b) the visual quality and interest of streets and other public open spaces; and
  - (c) pedestrian amenity, movement, safety and convenience for people of all ages and abilities.
- (4) Encourage universal access for all development, particularly medium to large scale development.

[24] In relation to Metropolitan Centre Zone policies H9.3 also includes:

- (20) Encourage developments to support a range of transport modes serving metropolitan centres and the ability to change transport modes.
- (21) Encourage the location of supermarkets and department stores within metropolitan centres by recognising:
  - (a) the positive contribution these activities make to centre viability and function;
  - (b) the functional and operational requirements of these activities; and
  - (c) where preferred built form outcomes are not achieved, the development needs to achieve a quality built environment by positively contributing to public open space, including the activation of streets.





[25] Other provisions are reflected in:

- H10. Town Centre Zone
- H.11. Local Centre Zone and
- H.13 Business – Mixed Use Zone

### Methods

[26] When it comes to how the objectives and policies are achieved, one particular mechanism is in relation to parking rates. Parking rates are contained in Table E27.6.2.3, which refers to zones and locations specified in standard E27.6.2(4). We note that this standard, at sub-paragraph (d) refers to “Standards E27.6.2.4(b) and (c) above”. For reasons that are not clear, there seems to have been an error in the Compromise Agreement A given to the Court which identifies these as (d) and (e). This needs to be changed to correctly reflect the existing provisions of the Plan as (b) and (c).

[27] It can then be said that Table E27.6.2.3 represents the minimum rate and maximum parking rate in relation to a range of activities. The practical effect of the changes agreed between the parties is essentially set out in this table. It can be seen that in respect of some activities, including within the retail area and commercial services area, there has been a change to the no minimum rate. For most retail services this minimum rate is 1:30m<sup>2</sup> of gross floor area (GFA). In relation to trade suppliers it is 1:45m<sup>2</sup> GFA, but the no minimum has been retained in respect of marine retail and motor vehicle sales.

[28] In relation to that same range of services, some had a maximum rate, including food and beverage and all other retail; but those have now been removed. Consequentially, there have been a number of other changes to the maximum figures throughout the tables from T20 to T36 to move to a no maximum requirement. Maximum rates for education facilities and hospitals have been retained at the previous decision rates. These were not the subject of appeal and are not within the jurisdiction of this Court.

[29] In almost all situations the Plan now allows the market to decide on the maximum number of car parks provided. In many cases there is no minimum requirement. On its face, a number of areas including all other retail has a control of



1:30m<sup>2</sup>. However, it is important to read this table in light of the exemptions contained in 4A below.

[30] New standard E26.6.2.3.4A (a) and (b) exempts historic heritage overlay sites and special character overlay area sites.

[31] Importantly, 4A(c) provides an exemption where the activity involves a change of use from one retail activity to another, or one commercial service to another, or one retail activity to a commercial service or vice versa. As we will discuss later, this encourages the location of high traffic generators into the re-use of existing buildings within centres and other zones where they are otherwise permitted.

[32] 4A(d) and (e) provide exemptions for construction of a new building of less than 100m<sup>2</sup>, or an addition to an existing building of less than 100m<sup>2</sup>, or where there is a restriction on access due to a key retail frontage control or a vehicle access restriction control

[33] 4A(f) and (g) provide two further exemptions of some importance where the activity is located on a site which, as at 1 January 2017 was less than 800m<sup>2</sup> in area, or where the activity is located on a front site, which is unable to contain a circle with a diameter of 13m.

[34] Note 1 to the standard makes it clear that where there is an amalgamation of sites the exemptions apply to the combined site, not the individual sites.

#### **The methods in context**

[35] Metropolitan Centres include a number of long established centres such as Newmarket and Takapuna, a number of single developer sites such as Botany Downs, Sylvia Park, and new developments such as Westgate and Albany.

[36] The Plan uses a combination of structure plans and precinct overlays to address the development of new areas, including Metropolitan Centres. The witnesses before us seemed to be relatively satisfied that the combination of controls for new areas would achieve the appropriate vitality and viability as part of that process. The parking requirements in those cases are likely to have less impact because issues such as total parking requirements would be addressed as part of the overall assessment.



[37] In Metropolitan Centres such as Newmarket and Takapuna and a number of the local centres the landholding is diverse. Here the outcomes under various plans over a long period of time have led to mixed frontages and differential provision for parking, with differing activation between the public domain and the various retail areas. In those areas, we are satisfied that the utilisation of the Compromise Agreement A provisions will mean that most of the smaller sites (particularly those under 800m<sup>2</sup>) are likely to be positively impacted. Under the Council's decision provisions, all sites within the zone would have a similar prospect of re-development. This would tend to favour new sites over the removal of existing buildings or consolidation of existing retail areas.

[38] Under the provisions in A, high traffic activities would be encouraged to set up in existing buildings where the change of retail use would not trigger any parking requirement. This would represent an advantage over setting up or re-developing a new site where the parking requirements may apply.

[39] We acknowledge the point made by Mr Mackay that this would only apply to smaller activities, with demand for no more than 800m<sup>2</sup> GFA. Thus it is unlikely to be attractive to format retailers over 2,000m<sup>2</sup>. Given, however, that the Plan defines large format retail (LFR) as anything over 450m<sup>2</sup>, there is at least the prospect of a number of these retailers setting up in existing buildings and avoiding any minimum parking requirements. This, in our view, gives the benefit of introducing a low-cost revitalisation for Metropolitan, Town and Local Centres, while at the same time still providing some provision for parking for other developments or re-developments either on larger sites or where there is amalgamation.

[40] We relate this also to the fact that the Plan itself requires no minimum parking for either residences or offices. Accordingly, integrated solutions for retail, residences and offices present as very real possibilities within existing buildings and centres such as Panmure, Newmarket and Takapuna. Moreover, it provides for some creativity in adaptation of existing structures.

### **Integrated solutions**

[41] One particular provision now inserted by the parties is Policy 6A, enabling consideration of suitable public off-site parking solutions. This gives the potential to look at integrated solutions for parking for residential, office and retail, which may seek to increase the occupancy of individual parking spaces over 24-hour periods. There



are certainly overseas examples where such integrated solutions provide spaces for various activities at different times of the day. In these cases offices, residential and retail areas rely on the same parking for a 'one stop' solution. Under-crofting and underground solutions may still represent potential solutions within Auckland. We see this flexibility as a key benefit. Quite simply put, the explicit provision to examine such creative solutions may encourage developers to look at multiple use and multiple site solutions rather than simply the requirements for their individual development.

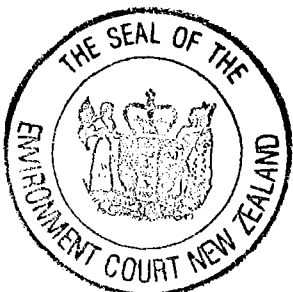
[42] In considering these provisions, we also note that the status of any non-compliance with these provisions simply makes the activity restricted discretionary. As was accepted by the expert witnesses, almost all applications for re-development or development within these areas would, in any event, trigger the requirement for some form of consent. This activity would simply have the same status as others within the group and would give more scope for the applicant and Council to look at integrated solutions.

#### **Efficiency and fairness**

[43] Mr Nunn gave economic evidence supporting the efficiency of two options. Essentially, with the general exceptions and the flexibility introduced by Policies 6 and 6A, he was satisfied that the better option, in term of efficiency, was that of the promoted changes in Compromise Agreement A.

[44] The reasoning of the traffic engineers in concluding that this was appropriate was that it avoided adverse effects of spillover. As we have already identified, our task is to ensure the most appropriate provisions to achieve the objectives and policies are adopted. One of the issues that we do recognise, however, is that for an investor within these areas, certainty is particularly important. In relation to the provision of an integrated development, including parking, it is particularly important for them to understand the way in which another developer is also obliged to commit to parking for other projects. This might be regarded as an issue of fairness, or an issue of a level playing field.

[45] The real concern here, by a number of parties, is that if they provide parking, then others may save considerable sums by avoiding providing their own parking and utilise (free ride) on the others. We conclude that this not an issue of adverse effect but one of equity and certainty.



[46] We conclude a primary objective of the Plan is to encourage investment within the existing Metropolitan Town and Local Centres to increase their vitality and viability. Permitting high-generation activities to locate on sites of less than 800m<sup>2</sup> without parking requirements will in turn offer potential for residential, retail and offices to locate in these areas. This then supports retail and all the other elements within the centre, creating a virtuous circle. In those circumstances, an investor has greater confidence that their investment will be sound, particularly if that investor is aware of the obligations of other parties in relation to the type of developments that will be achieved.

#### **AUP Parking site size threshold**

[47] The traffic experts noted that there had been lengthy debate as to what the site area threshold should be below which the no minimum parking requirement should apply. They said that the selection of any threshold was somewhat arbitrary.

[48] The rationale for choosing 800m<sup>2</sup> was that for a typical requirement of about one parking space per 30m<sup>2</sup>, a site with a ground floor shop or commercial building would require between 13 to 15 spaces. This would result in about half of the site being for parking and the other half for the building.

[49] Any shortfall beyond 13 to 15 carparks could start to generate significant adverse overspill effects. With most sites in the older parts of existing centres being less than 800 m<sup>2</sup>, all of these "below 800 m<sup>2</sup>" sites would be covered by the exemption.

[50] In the absence of any other expert evidence to the contrary, we find that 800m<sup>2</sup> should be the site area threshold below which the no parking requirement should apply.

#### **Most appropriate under s 32**

[51] In the end, we consider (by a small margin) the proposed provisions create greater certainty and therefore confidence for investors in relation to investment within the Centres. More particularly, they also act as an incentive for high traffic generators to locate within these areas on sites smaller than 800m<sup>2</sup>. In our view, the consequent effect of that will be to encourage other, larger operators to re-develop in this area, relying on the residential, office and retail components in the balance of the Centre. The option for an integrated approach under 6A also gives us some encouragement that there may be an openness to greater flexibility and a more nuanced approach to



the integration of not only the various activities in these zones, but the various modal transport requirements of its occupants.

[52] We conclude the provisions in Compromise Agreement A allow a greater range of choice, enabling the market largely to decide on an outcome, but giving sufficient certainty to investors that others will act fairly. We note, in particular, the objective we have already cited (Metropolitan Centre Zone at [21]) to encourage the location of supermarkets and department stores. We, too, recognise that these are high traffic generators and have the potential to generate greater vitality and viability throughout an entire centre. The way in which Supermarkets, in particular, are integrated into the surrounding activities is a matter of some importance. To achieve that, we agree with the appellant companies that they need some confidence that other developers would have a similar responsibility towards parking, albeit at a lesser rate than would probably be provided by the supermarkets. We do not understand any witness to disagree with the prospect that co-location of activities is beneficial. This includes not only retail activities, but of course office and residential development also.

[53] There also seemed to be common agreement that one potential response to increasing congestion was to reduce the need to travel the distances between destinations, particularly retail destinations, and to minimise the number of trips. Although we recognise that the current circumstances in Auckland involve an increasing number of vehicles,<sup>1</sup> we agree with both the Council and the IHP that we must create an environment that encourages a move to other transportation modes and reducing both the length and number of motor vehicle trips.

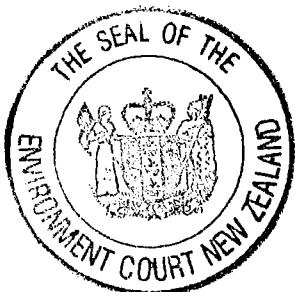
[54] In the end, we have concluded that the proposed provisions meet a more nuanced balance between its objectives, and are the most enabling in terms of all of the various considerations we have discussed.

#### **Overall evaluation**

[55] In terms of the most appropriate provisions and those that are both most efficient and effective, we have concluded that Compromise Agreement A represents a more nuanced approach. Both approaches are valid, but two aspects in particular

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<sup>1</sup> Median distance retail road trips in 2012 was 5km. Vehicle numbers in Auckland are increasing at around 800pw (around 43,000 per annum).



satisfy us that this would better achieve the objectives and policies. These are:

- (a) the encouragement of sites under 800m<sup>2</sup> for high traffic generators; and
- (b) the addition of policy 6A encouraging broader parking solutions.

[56] In passing, we note that no party suggested that these provisions were in any way disjunctive from or not in accord with Part 2 of the Act. Given the high level of agreement of parties it is not necessary for us to consider that aspect of the matter any further. We are satisfied that the fulfilment of these objectives and policies meets the purpose of the Act and accordingly that Compromise Agreement A should be adopted in the circumstances of this case.

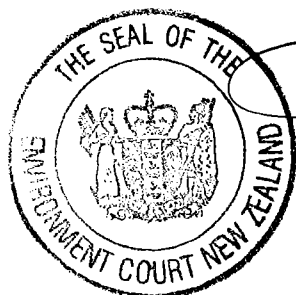
#### Directions and costs

[57] For these reasons, we accept the proposed amendment and therefore allow the appeal to the extent that Compromise Agreement A is adopted, with the very minor changes to E27.6.2(4)(d) we have identified.

[58] This does not appear to be a case for costs. As we have noted, the matter has been finely balanced and the position of the Council has changed in light of the significant amendments to the provisions now represented in Compromise Agreement A.

[59] In the event that the parties, notwithstanding, wish to apply for costs they are to do so within **ten working days**, with any reply filed within a further **ten working days**. An application is not encouraged.

For the Court:



  
JA Smith  
Environment Judge

SCHEDULE **A**

**E27. Transport**

**E27.1. Background**

...

Requiring on-site parking through minimums has generally been used to manage the effects of parking (e.g. spill-over effects) associated with development. Accommodating growth in areas where land is scarce and a highly valued resource requires reconsideration of the use, and benefits and costs of requiring parking. The planning framework to facilitate this growth includes managing parking minimums and recognising situations where removing the requirement to provide parking will have direct land use benefits in regard to reducing development costs, improving housing affordability, optimising investment in parking facilities and supporting the use of public transport.

The approach to parking provided with an activity or development is outlined below:

- there is no requirement for activities or development to provide parking in the following zones and locations:
  - the Business – City Centre Zone; and
  - Centre Fringe Office Control as shown on the planning maps for office activities; and
  - ~~Business – Metropolitan Centre Zone; Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of identified non-urban town and local centres~~

instead, a maximum limit has been set on the amount of parking that can be provided on a site in these areas;

- there is generally no requirement or limit for activities or development, excluding office, education facilities, hospitals, retail and commercial services, to provide parking in the following zones and locations:
  - Business – Metropolitan Centre Zone; Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of identified non-urban town and local centres);
  - Centre Fringe Office Control as shown on the planning maps;
  - Residential – Terrace Housing and Apartment Buildings Zone; and
  - Residential – Mixed Housing Urban Zone (for studio and one-bedroom dwellings)

this approach supports intensification and public transport and recognises that for most of these areas, access to the public transport network will provide an alternative means of travel to private vehicles;

- in all other areas, a minimum level of parking is required to accompany





any activity or development. A maximum limit is set on the amount of parking that can be provided for offices.

....

**E27.2. Objectives**

...

**E27.3. Policies**

...

*Parking*

- (3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:
  - (a) the safe, efficient and effective operation of the transport network;
  - (b) the use of more sustainable transport options including public transport, cycling and walking;
  - (c) the functional and operational requirements of activities;
  - (d) the efficient use of land;
  - (e) the recognition of different activities having different trip characteristics; and
  - (f) the efficient use of on-street parking.
- (4) Limit the supply of on-site parking in the Business – City Centre Zone to support the planned growth and intensification and recognise the existing and future accessibility of this location to public transport, and support walking and cycling.
- (5) Limit the supply of on-site parking for office development in all locations to:
  - (a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and
  - (b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.

~~(6) Limiting the supply of on-site parking for subdivision, use and development in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of non-urban town and local centres).~~

Provide for flexible on-site parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of specified non-urban town and local centres and the Mixed Use zone adjacent to those specified centres) by:



- (a) not limiting parking for subdivision, use and development other than for office activities, education facilities and hospitals.
- (b) not requiring parking for subdivision, use and development other than for retail (excluding marine retail and motor vehicle sales) and commercial service activities.

(6A) Enable the reduction of on-site parking for retail and commercial services activities in the Business-Metropolitan Centre Zone, Business-Town Centre Zone, Business-Local Centre Zone and Business-Mixed Use Zone where a suitable public off-site parking solution is available and providing for no or reduced on-site parking will better enable the built form outcomes anticipated in these zones.

- (7) Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development (excluding office) in the Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).
- (8) Require all other subdivision, use and development to provide a minimum level of on-site parking in recognition of the more limited alternatives to private vehicle travel unless it can be demonstrated that a lesser amount of on-site parking is needed for a particular site or proposal or the provision of on-site parking would be inconsistent with the protection of Historic Heritage or Special Character overlays.
- (9) Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.

...

**E27.6. Standards**

All activities in Table E27.4.1 must comply with the following standards.

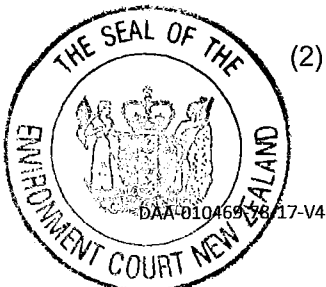
...

**E27.6.2. Number of parking and loading spaces**

- (1) The number of parking spaces:
  - (a) must not exceed the maximum rates specified;
  - (b) must meet the minimum rates specified; or
  - (c) must meet the minimum rates and not exceed the maximum rates specified

which apply to the zone or location specified in Table E27.6.2.1, Table E27.6.2.2, Table E27.6.2.3 and Table E27.6.2.4.

- (2) Where a minimum rate applies and a site supports more than one activity, the parking requirement of each activity must be separately determined then combined to determine the overall minimum site rate. Provided that where the parking demands of the two activities allow for the sharing of parking



resources, the total parking requirement for the site shall be based on the higher of the parking requirements of the two activities.

- (3) For the purposes of meeting the requirements of the vehicle parking rules, a parking space includes those provided for in a garage or car port or any paved area provided for the sole purpose of parking a motor vehicle.

...

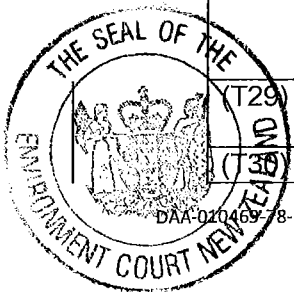
- (4) Table E27.6.2.3 sets out the parking rates which apply in the following zones and locations:
  - (a) Business – Metropolitan Centre Zone;
  - (b) Business – Town Centre Zone – excluding the following town centres where Table E27.6.2.4 applies: Helensville, Kumeu-Huapai, Pukekohe, Warkworth and Wellsford;
  - (c) Business – Local Centre Zone – excluding the following local centres where Table E27.6.2.4 applies: Karaka, Kaukapakapa, Leigh, Matakana, Riverhead, Snells Beach, Te Hana, Waimauku and Waiuku;
  - (d) Business – Mixed Use Zone (excluding where the Business – Mixed Use Zone is adjacent to the town centres or local centres identified in Standards E27.6.2(4)<sup>b</sup>(d) and E27.6.2(4)<sup>c</sup>(e) above); and
  - (e) Residential – Terrace Housing and Apartment Buildings Zone.

**Table E27.6.2.3 Parking rates - area 1**

Activity		Applies to zones and locations specified in Standard E27.6.2(4)	
		Minimum rate	Maximum rate
(T18)	Offices	No minimum	1 per 30 m <sup>2</sup> GFA
(T19)	Retail	<del>No minimum</del> 1 per 30m <sup>2</sup> GFA and outdoor seating area	<del>1 per 10m<sup>2</sup> GFA and outdoor seating area</del> No maximum
		<del>No minimum</del> 1 per 45m <sup>2</sup> GFA	No maximum
		<u>Marine retail, motor vehicle sales</u>	No minimum



Activity			Applies to zones and locations specified in Standard E27.6.2(4)	
			Minimum rate	Maximum rate
(T20)	All other retail (including supermarkets, department stores and taverns)		No minimum <u>1 per 30m<sup>2</sup> GFA</u>	1 per 20m <sup>2</sup> GFA No maximum
(T20 A)	Commercial services		1 per 30m <sup>2</sup> GFA	No maximum
(T21)	Entertainment facilities and community facilities Provided that, for places of worship, the "facility" shall be the primary place of assembly (ancillary spaces such as prayer rooms, meeting rooms and lobby spaces may be disregarded)		No minimum	0.2 per person- the facility is designed to accommodate No maximum
(T22)	Emergency services		No minimum	1 car parking- space per employee on site- plus one per emergency service appliance based at the facility No maximum
(T23)	Care centres		No minimum	0.10 per child or other person- (other than employees) plus 0.5 per FTE (full time equivalent) employee No maximum
(T24)	Education facilities	Primary and secondary	No minimum	0.5 per FTE employee plus 1 visitor space per classroom
(T25)		Tertiary	No minimum	0.5 per FTE employee plus 0.25 per EFT (equivalent full time) student the facility is designed to accommodate
(T26)	Medical facilities	Hospital	No minimum	1 per 40 m <sup>2</sup> GFA
(T27)		Healthcare facilities	No minimum	1 per 20 m <sup>2</sup> GFA No maximum
(T28)	Residential	All dwellings in the Terrace Housing & Apartment Buildings zone	No minimum	No maximum
(T29)		Dwellings – studio or 1 bedroom	No minimum	No maximum 1 per dwelling
(T30)		Dwellings – two or	No minimum	No maximum 2 per



Activity		Applies to zones and locations specified in Standard E27.6.2(4)	
		Minimum rate	Maximum rate
(T31)	more bedrooms		dwelling
	Visitor spaces	No minimum	No maximum 0.2-per dwelling
(T32)	Retirement villages	No minimum	No maximum 1-per unit /- apartment plus visitor space per unit / apartment plus per bed for rest-home beds
(T33)	Supported residential care	No minimum	No maximum 0.3 per bed
(T34)	Visitor accommodation	No minimum	No maximum 1-per unit. or, where accommodation is not provided in the form of units, 0.3 per bedroom
(T35)	Boarding houses	No minimum	No maximum 0.5 per bedroom
(T36)	All other activities	No minimum	No maximum 1 per 20 m <sup>2</sup> GFA

(4A) The minimum parking requirements in Table E27.6.2.3 do not apply in any of the following circumstances:

- (a) where the activity is located within the D17 Historic Heritage Overlay; or
- (b) where the activity is located within the D18 Special Character Areas Overlay – Residential and Business; or
- (c) where the activity involves a change in use from:
  - i) one retail activity to another; or
  - ii) one commercial service to another; or
  - iii) one retail activity to a commercial service or vice versa; or
- (d) where the activity does not involve either:
  - i) the construction of a new building not exceeding 100m<sup>2</sup> GFA; or
  - ii) an addition not exceeding 100m<sup>2</sup> GFA to an existing building.
- (e) where the activity is located on a site to which vehicular access can only be gained across a frontage subject to:
  - i. the Key Retail Frontage Control; or
  - ii. Vehicle Access Restriction Control under Rule E27.6.4.1(3)(a), (b) or (d)
- (f) where the activity is located on a site which, as at 1 January 2017 was less than 800m<sup>2</sup> in area; or
- (g) where the activity is located on a front site which is unable to contain a circle with a diameter of 13m.

Note 1 - Where multiple sites are amalgamated, or otherwise held together to form a development site, the applicability of the exemptions in (4A)(e), (4A)(f) and (4A)(g) shall be determined with reference to the combined development site.



...

**E27.7. Assessment – controlled activities**

There are no controlled activities in this section.

**E27.8. Assessment – restricted discretionary activities**

**E27.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

...

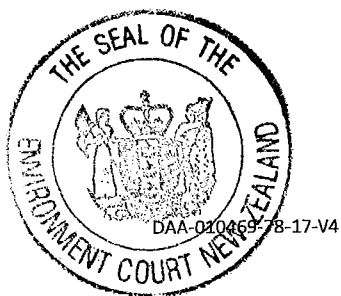
- (6) any activity or development which provides fewer than the required minimum number of parking spaces under Standard E27.6.2(1):
- a. adequacy for the site and the proposal;
  - b. effects on adjacent activities, on urban form outcomes as identified in the relevant Business Zone and on the adjoining transport network; and
  - c. availability and suitability of alternative parking supply and management arrangements.
- ...

**E27.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

...

- (5) any activity or development which provides fewer than the required minimum number of parking spaces under Standard E27.6.2(1):
- a. the amount of parking proposed is sufficient for the proposal having regard to:
    - the nature of the operation including the interaction between activities on the site;
    - the availability and accessibility of the site by public transport serving the site;
    - the measures and commitments outlined in a travel plan for the site which will reduce the need for vehicle use to a level where parking demands can be satisfactorily addressed through efficient use of the proposed parking; or
    - the extent to which activities on the site have complementary parking demands.
  - b. the effects of parking overspill from the reduction in parking on adjacent activities and on the transport network;
  - c. the extent to which there is public parking on-street or off-street in the immediate vicinity with capacity and availability at the times required to serve the proposal;



- d. the extent to which the parking requirements of the proposal will be met by entering into a shared parking arrangement with another site in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity;
- e. the extent to which it is physically practicable to provide the required parking on the site including in terms of the existing location of buildings and the availability of access to the road; or
- f. if a character overlay applies to the site, the extent to which the provision of a minimum car parking requirement would detrimentally affect the character and features of the area or site identified by the overlay.

g. applications for fewer than the required minimum number of parking spaces for retail and commercial service activities governed by Table E27.6.2.3 – Parking Rates – Area 1 must also be assessed in terms of the following additional criteria:

(i) the extent to which it is physically practicable to provide the required parking on the site having regard to the size, shape and width of the site, the location and use of existing and proposed buildings, the accessibility for all users of the site from the street and the ability to safely access and egress the site; and

(ii) for matter 6, for applications in the Business- Metropolitan Centre Zone, Business-Town Centre Zone, Business- Local Centre Zone and Business- Mixed Use Zone refer to policies H9.3(3c),(7),(18) and (19).

