

## Before the Environment Court

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*In the matter of:* Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**) - Appeal against decision on proposed Auckland combined plan – s 156(1) of the LGATPA – Topics 062, 063 & 081/083 - Rule H6.6.6 Height in relation to boundary – Residential – Terrace Housing and Apartment Building Zone

*And:* **Lynne Butler, Paul Gregory, Gunn Family Trust, Lydia Hewitt, Trevor Lund & Angela Saunders – England & Spring Street Residents (an unincorporated body of persons)**

Appellants

*And:* **Auckland Council**

Local Authority

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**Notice of appeal to Environment Court against decision on proposed Auckland combined plan**

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*Dated:* 16 September 2016

Form 6

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST  
DECISION ON PROPOSED AUCKLAND COMBINED PLAN**

*Section 156(1), Local Government (Auckland Transitional Provisions)  
Act 2010*

- 1 Lynne Butler, Paul Gregory, Gunn Family Trust, Lydia Hewitt, Trevor Lund & Angela Saunders (**England & Spring Street Residents**) appeal against a decision of Auckland Council (**Council**) on the Auckland combined plan (**proposed plan**).
- 2 England & Spring Street Residents is currently an unincorporated body of persons who all made individual submissions on the proposed plan. As an unincorporated body it is entitled to act as the successor to these persons under s 2A of the Resource Management Act 1991 for the purpose of filing and maintaining this appeal, and it may subsequently be succeeded by a corporate body composed of substantially the same members.
- 3 England & Spring Street Residents have the right to appeal Council's decision:
  - 3.1 Under s 156(1) of the LGATPA because Council rejected a recommendation of the Hearings Panel in relation to a provision or matter addressed by England & Spring Street Residents in their submissions on the proposed plan.
- 4 Further details of the reasons for this appeal are provided below.
- 5 England & Spring Street Residents are not a trade competitor for the purposes of s 308D of the RMA.
- 6 England & Spring Street Residents received notice of the decision on 19 August 2016.

- 7 The decision was made by Council.
- 8 The decision that England & Spring Street Residents are appealing is as follows:
  - 8.1 Council's decision to amend Rule H6.6.6 Height in relation to boundary that applies to sites in the Residential – Terrace Housing and Apartment Building Zone by deleting references to adjoining or nearby residential sites in lower intensity zones.
- 9 The reasons for the appeal are as follows:
  - 9.1 The decision will not promote the sustainable management of natural and physical resources:
    - (a) It will not protect historic heritage from inappropriate development.
    - (b) It will not maintain and enhance amenity values.
    - (c) It will not maintain and enhance the quality of the environment.
  - 9.2 The decision is not the most effective or efficient way of achieving either sustainable management or the objectives included in the proposed plan.
  - 9.3 The decision is not consistent with relevant objectives and policies (e.g. Objective H6.2 (3) and Policy H6.3 (5)) regarding the Terrace Housing and Apartment Building Zone.
  - 9.4 The decision is not consistent with the application of height in relation to boundary rules in other zones (e.g. Mixed Use Zone and Business Zones) in terms of mitigating adverse effects on properties across the street in the Single House zone.

9.5 The decision is not supported by any evidence of probative value, or has no rational basis.

9.6 In particular, but without limitation:

- (a) The properties owned or occupied by the England & Spring Street Residents are located in the Residential – Single House Zone.
- (b) The properties are also subject to the limitations of the overlays regarding Built Heritage and Character: Special Character Areas Overlay Residential and Business – Residential Isthmus A.
- (c) Rule H6.6.6 Height in relation to boundary as recommended by the Hearings Panel included specific reference to lower intensity zones located across the road from Terrace Housing and Apartment Building zoned sites (such as the properties owned or occupied by the England & Spring Street Residents). The purpose of the reference being to apply the height in relation to boundary control along the zone boundary.
- (d) The rule as recommended by the Hearings Panel ensured that adverse effects from redevelopment of sites in the Terrace Housing and Apartment Building Zone on the special character of the lower intensity zoned properties across the road in England Street and Spring Street would be mitigated.
- (e) However, the rule as amended by Council’s decision will not avoid, remedy or mitigate any adverse effects from redevelopment of sites in the Terrace Housing and Apartment Building Zone on the special character of the lower intensity zoned properties across the road in England Street or Spring Street.

- (f) The lower intensity zoned properties in England Street and Spring Street have a special character that makes a significant contribution to amenity values and environmental quality in Freemans Bay, and justifies achieving some proportionality between housing intensification and protecting special character – Council’s decision does not achieve this balance. Otherwise, this balance will be lost because of the extent to which the intentions of the special character overlay will be undermined in Freeman’s Bay.

10 England & Spring Street Residents seek the following relief:

**Height in relation to boundary in Freemans Bay**

- 10.1 Amend the Council’s decisions version of Rule H6.6.6 by inserting the following wording at the end of the rule, namely:

In Freemans Bay (see **attached** map), height in relation boundary under this rule shall also be measured along the boundary of the site in the Terrace Housing and Apartment Building Zone that is across the road from lower intensity zoned sites (i.e. Single House Zone) that are subject to built heritage and character overlay limitations.

**Activity status of height in relation to boundary infringements in Freemans Bay**

- 10.2 Amend the Council’s decisions version of Rule H6 Residential – Terrace Housing and Apartment Building Zone activities table by inserting the following wording at the end of the description of the activity, namely:

... , except in Freemans Bay where lower intensity zoned sites (i.e. Single House Zone) either adjoin or are across

the road from the Terrace Housing and Apartment Building Zone

**Notification of height in relation to boundary infringements in Freemans Bay**

10.3 Amend the Council's decisions version of Rule H6.5 by inserting the following wording at the beginning of paragraph (c) regarding notification in the event of non-compliance with Rule H6.6.6, namely:

except where lower intensity zoned sites (i.e. Single House Zone) either adjoin or are across the road from the Terrace Housing and Apartment Building Zone in Freemans Bay when the normal statutory tests for notification shall apply, ...

10.4 Such alternative, consequential or further relief as may be required either to give effect to this appeal, or to promote sustainable management.

10.5 Costs.

11 An electronic copy of this notice is being served today by email on the Auckland Council at [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz). Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

12 The following documents are **attached** to this notice:

12.1 A copy of the relevant decision.

12.2 A list of names and addresses of persons served with a copy of this notice.

12.3 A copy of the England & Spring Street Residents' submissions.

- 13 Copies of the submission and decision may be obtained, on request, from the England & Spring Street Residents.
- 14 The England & Spring Street Residents agree to participate in mediation or other alternative dispute resolution.



**Person authorised to sign on behalf of the England & Spring Street Residents**

16 September 2016

**Address for service:** 13 England Street, Freemans Bay

**Telephone:** 021 649 934

**Email:** paulgunn@xtra.co.nz

**Contact person:** Paul Gunn

**Advice to recipients of copy notice of appeal**

*How to become party to proceedings*

- 1 You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
- 2 To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to [unitaryplan.ecappeals@justice.govt.nz](mailto:unitaryplan.ecappeals@justice.govt.nz)) and serve copies of your

notice by email on the Auckland Council (to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)) and the appellant.

- 3 Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.
- 4 You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

*How to obtain copies of documents relating to appeal*

- 5 Copies of the England & Spring Street Residents' submissions or the decision appealed may be obtained, on request, from the England & Spring Street Residents.

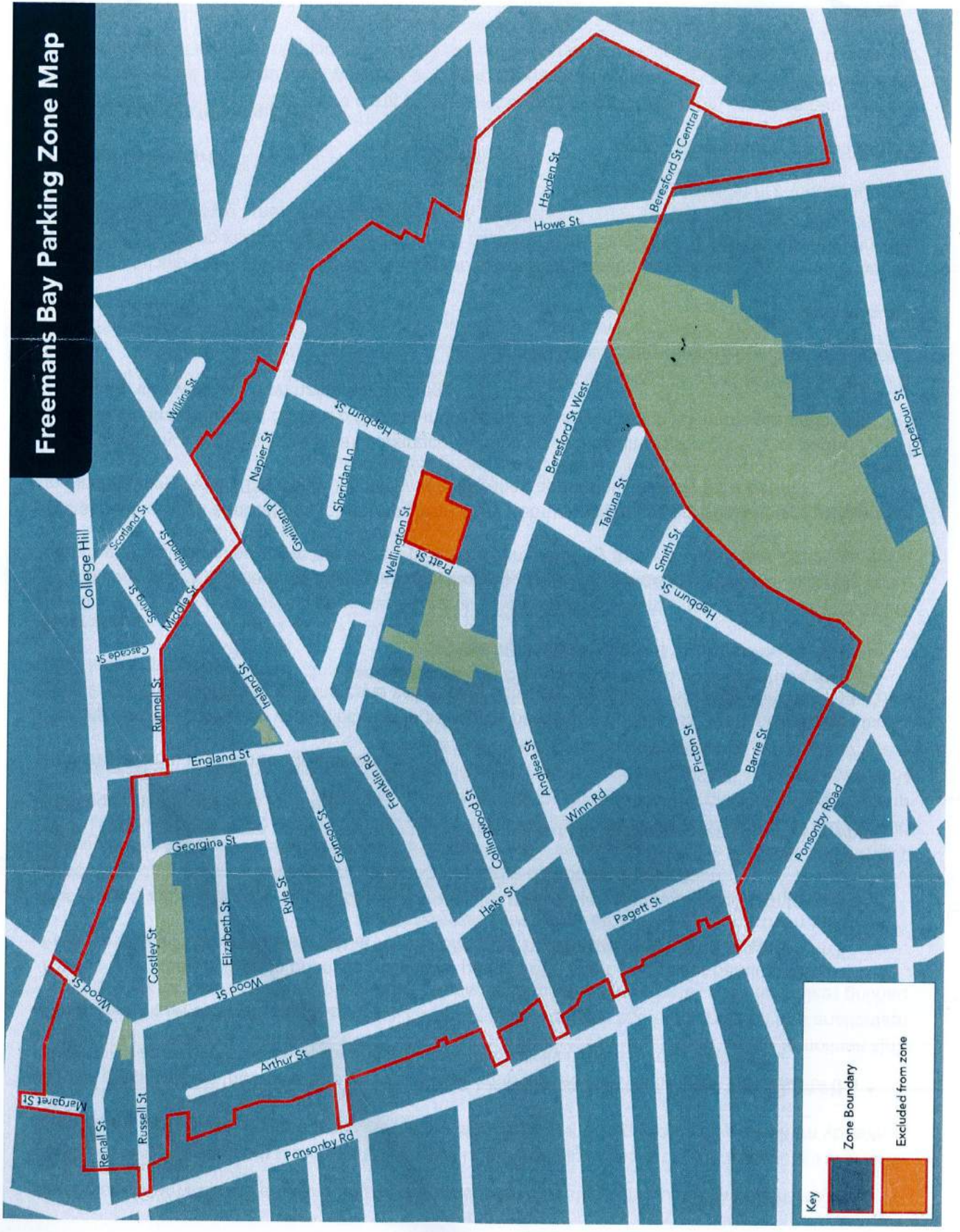
*Advice*

- 6 If you have any questions about this notice, contact the Environment Court in Auckland.



**COPY OF FREEMANS BAY AREA MAP**

# Freemans Bay Parking Zone Map



**COPY OF RELEVANT DECISIONS**

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

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

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**Report to Auckland Council  
Hearing topics 059 - 063**

**Residential zones**

**July 2016**

# Report to Auckland Council Hearing topics 059 - 063 Residential zones

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# 1. Hearing topic overview

## 1.1. Topic description

Topics 059, 060, 061, 062 and 063 address the district plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent hearings Panel reference
Residential - 059, 060, 061, 062 and 063.	D1.1 General objectives and policies for the residential zones D1.2 Large Lot Zone D1.3 Rural and Coastal Settlement Zone D1.4 Single House Zone D1.5 Mixed Housing Suburban Zone D1.6 Mixed Housing Urban Zone D1.7 Terrace Housing and Apartment Buildings Zone I1.1. Activity table I1.2. Notification I1.3. Land use controls I1.4. Development Controls - Large Lot Zone I1.5. Development Controls - Rural and Coastal Settlement Zone I1.6. Development Controls - Single House Zone I1.7. Development Controls - Mixed Housing Suburban Zone I1.8. Development Controls - Mixed Housing Urban zone I1.9. Development Controls -	H1 Residential – Large Lot Zone H2 Residential – Rural and Coastal H3 Residential – Single House Zone H4 Residential – Mixed Housing Suburban Zone H5 Residential – Mixed Housing Urban Zone H6 Residential – Terrace Housing and Apartment Buildings Zone

	Terrace Housing and Apartment Buildings Zone  I1.10. Assessment – Restricted discretionary activities  I1.11. Assessment – Development control infringements  I1.12. Special information requirements  D.8.7 Retirement Village Zone  I.21 Retirement Village Zone  C.7.8 Affordable Housing  H.6.6 Affordable Housing	
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Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

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

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

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

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

Overall the purpose of the Panel’s recommended changes to the residential provisions of the proposed Auckland Unitary Plan is to:

- i. provide greater residential development capacity (linked with the spatial distribution of the residential zones);
- ii. greater development on sites as of right, provided they comply with the development standards;



- iii. a more flexible outcome-led approach to sites developed with five or more dwellings in the Mixed House Suburban Zone and Mixed House Urban Zone and for all development in the Terraced Housing and Apartment Buildings Zone; and
- iv. to provide for 'integrated residential developments', which include retirement villages, recognising that while a range of activities may be provided on site, they are essentially for residential purposes.

This report needs to be read in conjunction with the Panel's Report to Auckland Council – Overview of recommendations July 2016 and Report to Auckland Council – Rural Urban Boundary, rezoning and precincts July 2016 relating to residential zones and precincts, as the combined recommendations provide an integrated approach to residential development – i.e. the various residential zones and the provisions within them and their spatial distribution.

Key changes recommended are set out below.

- i. Overall the residential development capacity has been better enabled by the changes recommended.
- ii. The Panel recommends the retention of the zoning structure of the six residential zones, but has recommended a number of changes to the zone provisions. The zones are:
  - a. Residential - Terrace Housing and Apartment Buildings Zone;
  - b. Residential - Mixed Housing Urban Zone;
  - c. Residential - Mixed Housing Suburban Zone;
  - d. Residential - Single House Zone;
  - e. Residential - Rural and Coastal Settlement Zone; and
  - f. Residential - Large Lot Zone.
- iii. The purpose of the Residential - Single House Zone has been amended and clarified to better reflect its purpose.
- iv. There are no density provisions for the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Buildings Zones, but development standards and resource consents are applied, as addressed below.
- v. Up to four dwellings are permitted as of right on sites zoned Residential - Mixed Housing Urban Zone and Residential - Mixed Housing Suburban Zone which meet all the applicable development standards.
- vi. Five or more dwellings require a restricted discretionary activity consent in the Residential - Mixed Housing Suburban Zone and Residential - Mixed Housing Urban Zone.

- vii. All dwellings require a restricted discretionary activity consent in the Residential - Terrace Housing and Apartment Buildings Zone.
- viii. A new category of activity - integrated residential development - is included and this includes retirement villages.
- ix. Where a restricted discretionary activity for five or more dwellings or for an integrated residential development complies with the core development standards, being height, height in relation to boundary (including the alternative height in relation to boundary standard) and yards, it will not be publicly notified.
- x. For restricted discretionary activities, other than the core development standards, all other development standards are matters of discretion.
- xi. If one or more of the core development standards are not met, then the normal tests for notification apply.
- xii. A range of other (some non-residential) activities are provided for, such as visitor accommodation, care centres (including child care centres), supported residential care, boarding houses, dairies, restaurants, community facilities and healthcare facilities. Some are permitted activities where they are small-scale, and some will require a consent where they are of a larger scale to ensure they are compatible with the surrounding residential environment.
- xiii. The following development standards, particularly in Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings Zones, have been deleted; some recommended by the Council and others by the Panel:
  - a. separation between buildings on the site;
  - b. dwellings fronting the street;
  - c. maximum building length;
  - d. front fence requirements (side and rear retained);
  - e. garages (percentage of front façade and setbacks);
  - f. minimum dwelling size;
  - g. servicing and waste;
  - h. storage;
  - i. universal access;
  - j. minimum dimensions of principal living rooms and principal bedrooms;
  - k. dwelling mix; and
  - l. minimum frontage and site width.

- xiv. Design statements have been deleted (noting that the reasons for this are set out in the Panel's Report to Auckland Council – Hearing topic 077 Sustainable design July 2016).
- xv. Minor dwellings are provided for in the Residential - Large Lot Zone, Residential - Rural and Coastal Settlement Zone and the Residential - Single House Zone.
- xvi. Conversion of dwellings is provided for in all zones except the Residential - Large Lot Zone, and a purpose statement included for this activity/rule.
- xvii. The retained affordable housing provisions are deleted (noting that the reasons for this are set out in the Panel's Report to Auckland Council – Overview of recommendations July 2016 and Report to Auckland Council – Hearing topic 013 Urban Growth July 2016).
- xviii. Restricted discretionary activities and the matters of discretion and the assessment criteria have been redrafted in line with a general restructuring and redrafting across the entire Plan.

### 1.3. Overview

The issues of the capacity for residential growth and the spatial distribution of the various residential (and mixed) zones are addressed in the Overview of recommendations (as referenced above) and the Report to Auckland Council – Rural Urban Boundary, rezoning and precincts July 2016 respectively. This report needs to be read in conjunction with those reports, as the combined recommendations provide an integrated approach to residential development.

There was considerable evidence on this topic, and a significant number of the issues were either agreed at mediation and or through the hearings process and contained in the mediation statements and the Council's opening and closing statements. This report focuses on the key changes recommended by the Panel, and those not otherwise already agreed by the parties.

The Panel accepts the zoning structure of the six residential zones:

- i. Residential - Terrace Housing and Apartment Buildings Zone (THAB);
- ii. Residential - Mixed Housing Urban Zone (MHU);
- iii. Residential - Mixed Housing Suburban Zone (MHS);
- iv. Residential - Single House Zone (SHZ);
- v. Residential - Rural and Coastal Settlement Zone (R&CS); and
- vi. Residential - Large Lot Zone (LLZ).

However a number of changes have been recommended to address matters raised by the Council and submitters. The main thrust of the changes is to:

- i. set out more clearly the purpose of the Residential - Single House Zone;

- ii. be more enabling in the Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings Zones by removing density provisions, allowing more as of right residential development (Residential - Mixed Housing Suburban Zone and Residential - Mixed Housing Urban Zone) and also enable a more flexible consenting regime for multi- dwelling/unit developments and integrated residential developments (Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones);
- iii. delete specific provisions for retirement villages and incorporating that form of development under the category of integrated residential developments;
- iv. remove a number of the development standards;
- v. remove the affordable housing provisions for the reasons set out in the Overview of recommendations and the Report on Urban growth as referenced above;
- vi. remove the need for design statements for the reasons set out in the Panel's Report to Auckland Council – Hearing topic 077 Sustainable Design July 2016; and
- vii. remove many of the prescriptive urban design provisions and those that cross over the jurisdiction of the Building Act 2004, and their replacement with a more outcome-led consenting process, without the need for rigid compliance with development standards which have little or no effect on adjoining or nearby properties.

The Panel is clear that based on much of the evidence from the Council and submitters, the residential provisions needed to be more enabling and to provide for greater residential capacity. At the same time it was acknowledged by all parties that good quality residential and urban design outcomes needed to be achieved. These submitters included Housing New Zealand, Ockham Holdings Limited (Ockham), Todd Property Group Limited (Todd), Fletcher Construction Developments Limited, Fletcher Residential, The New Zealand Institute of Architects, The Urban Design Forum, Generation Zero, Auckland 2040, the Property Council, a number of community and resident and ratepayer groups and others.

While the need for an appropriate set of residential provisions could be agreed at a conceptual level, there was not agreement on how that outcome could be achieved. The Panel's findings on these matters and reasons for its recommendations are set out in the following sections of this report.

#### **1.4. Scope**

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

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

## **1.5. Documents relied on**

Documents relied on by the Panel in making its recommendations are listed in full below. See section 12 Reference documents.

## 2. Enabling capacity

### 2.1. Statement of issue

The Council and many submitters, including those listed earlier, did not consider that sufficient residential capacity had been enabled in the notified proposed Auckland Unitary Plan. Concerns included the spatial distribution of the zones (addressed in the Panel's Overview of recommendations and Report on the Rural Urban Boundary, rezoning and precincts as referenced above) and that the provisions within the zones were too restrictive, prescriptive and costly. In summary the combination of the zonings and zone provisions would not give effect to the regional policy statement's objectives and policies relating to a quality compact urban form, a centres plus strategy and housing affordability. These are also major policy directives in the Auckland Plan to which the proposed Auckland Unitary Plan must have regard.

It is the Panel's view that the proposed Auckland Unitary Plan did not have sufficient regard to the Auckland Plan and would not give effect to the regional policy statement as notified nor as amended through the submission and hearing process.

### 2.2. Panel recommendation and reasons

The Panel recommends enabling greater residential development capacity by changing a number of the provisions in the zones. In doing so the Panel has relied on a number of submissions and the position taken by the Council.

The Council, in opening at the hearing, had changed its position on density provisions, essentially supporting no density in the Residential - Mixed Housing Suburban Zone (on sites greater than 1,000m<sup>2</sup>), Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone. This was supported by many submitters. However in relaxing the density provisions, the Council sought a less enabling position in relation to the number of dwellings that could be built as of right, generally a reduction from three to two, and retention of an extensive list of development standards.

While many submitters supported the relaxation of the density provisions, they sought more enabling development provisions. Housing New Zealand and the submissions made by the Ministry of Business, Innovation and Employment and the Minister for the Environment probably best capture the sentiments of the many submitters seeking more enabling provisions. Housing New Zealand, the Ministry of Business, Innovation and Employment and the Minister for the Environment, while strongly supporting the strategic direction of the Auckland Plan, considered that the proposed Auckland Unitary Plan fell well short of implementing this strategic direction of providing greater residential intensification. Housing New Zealand, in particular, provided extensive legal submissions and evidence on this issue.

As stated in Housing New Zealand's submission:

Overall, Housing New Zealand considers that the provisions of the proposed Auckland Unitary Plan as notified (30 September 2013) do not sufficiently provide for the long term residential development capacity needed to meet the population growth expected in Auckland, as set out in the Auckland Plan. While the objectives and policies of the Regional Policy Statement are, in the main, supported by Housing

New Zealand, it is concerned that they are not adequately reflected in the District Plan provisions. In particular, the additional consenting requirements and the complexity of the District and Regional Plan provisions, particularly the rules, are not the most appropriate policies and methods to achieve the urban and economic growth goals of the Regional Policy Statement. This is particularly the case in respect of provisions relating to use, development and subdivision within the existing 2010 metropolitan area. (Page 4, Housing New Zealand Corporation (submission number 839, 28 February 2014).)

The Ministry of Business, Innovation and Employment in its submission stated:

MBIE's concern with the Unitary Plan as proposed is that it does not follow through on its strategic objectives (which are generally supported) with the appropriately-aligned policies and rules:

By not providing sufficient capacity through appropriate zonings and density provisions to meet Auckland's forecast growth.

By failing to free development from complicated policies and rules that will create high transaction costs, thereby limiting innovation and responsiveness of supply to demand.

In doing so, the proposed Unitary Plan does not provide for the growth that Auckland needs over the next thirty years, and to the extent that it does not, Auckland's housing market will not perform efficiently and house prices will become even more unaffordable. (Paragraphs 8 and 9, Ministry of Business, Innovation and Employment).

A similar submission regarding the need for greater residential development capacity was made by the Minister for the Environment:

The proposed development controls and zoning (including future and urban land) do not provide the needed long-term residential development capacity to meet the projected population growth. (Paragraph 17, Minister for the Environment)

While the Panel acknowledges the many other submissions seeking a similar outcome to Housing New Zealand, the evidence of Housing New Zealand was comprehensive and addressed the many concerns raised by others. The Housing New Zealand position was set out in the joint planning evidence of Ms Linzey and Mr Lindenberg. They stated:

The overarching basis of the Corporation's submission on the PAUP is the need to enable the increased supply of housing choices, particularly within the existing urban area, in order to achieve the intensification and 'quality compact city' aspirations of both the Auckland Plan and the Unitary Plan (para 18). Indeed, the Corporation's position with regard to the PAUP process as a whole, is that Auckland has a unique opportunity through this plan development process to identify a policy framework for the future growth of Auckland which seeks a 'step change' or 'transformational shift' (to use the Auckland Plan language) with regard to how urban growth and intensification should occur in the future. This transformational shift requires an innovative response, and recognition that the planning framework of the past will not achieve the urban growth and 'quality compact city' aspirations which both the

Auckland Plan and Unitary Plan are seeking. We support the need for zone provisions of the PAUP (particularly the Residential, 'Centre' and Mixed Use zone rules and development controls) to be bold in their intentions to enable a form of urban intensification within the Isthmus area in order to achieve the urban intensification outcomes which the Council's Auckland Plan and PAUP RPS provisions describe.

We suggest that such a bold and innovative approach within the key 'urban' zoned locations, which will provide for residential activities and development, would need to include:

- Moderate increases to the permitted height limits in appropriate locations (being in and around centres, and within walking distance of public transport facilities and other recreational, community, commercial and employment opportunities and facilities);
- Significant reductions in, or removal of, land use density controls (particularly in the Residential - Mixed Housing Suburban and the Residential – Mixed Housing Urban zones);
- A reduction in the currently proposed extensive suite of quantitative development controls, such that a limited number of quantitative controls are retained to address the key matters which have the potential to create adverse effects external to a site, most notably in relation to amenity effects (such as retention of building height, height in relation to boundary and yard, building coverage, impermeable surface controls for instance); with the remainder of controls which relate to potential effects internal to a site being addressed in a more flexible way through the use of design-related matters of discretion and assessment criteria; and
- A simplified yet potentially strengthened, suite of matters of discretion and assessment criteria, particularly in relation to development control infringements (in order to address concerns of neighbours in relation to amenity impacts, and provide clear guidance to processing planner to assist in their assessment), as well as design assessment. (Paragraphs 27 to 30.4).

The Panel in general agrees with the evidence presented by Housing New Zealand, as set out above. In response to Housing New Zealand's evidence and other submitters' evidence (addressed below) the Panel has amended the residential provisions to enable greater residential capacity. At the same time the Panel believes the amended provisions will also enable good urban design and planning outcomes. This is necessary to give effect to the regional policy statement and to have due regard to the Auckland Plan.

Other provisions have also been included to enable greater capacity and more flexibility in the supply of housing. These include the provision of minor dwellings in the Residential - Large Lot Zone, Residential - Rural and Coastal Settlement Zone and the Residential - Single House Zone. It is not necessary to have these as a class of activity in the Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones as these zones provided for a number of dwellings as of right. The conversion of dwellings is provided for in all zones except the Residential - Large Lot Zone, and a purpose statement has been included for this activity/rule.



## 3. The purpose of the Residential - Single House Zone

### 3.1. Statement of issue

There was considerable contention with respect to how the Council had proposed to 're-cast' the Residential - Single House Zone, and whether it was in scope of submissions lodged. The issue from submitters' perspective, in particular Auckland 2040, Cockle Bay Residents and Ratepayers Association Incorporated and the Howick Ratepayers and Residents Association Incorporated, appeared to be that the Council was providing a platform to reduce the spatial extent of the Residential - Single House Zone and provide for greater upzoning (Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and the Residential - Terrace Housing and Apartment Buildings Zones) as part of its case at the hearings for topics 080 and 081.

The Council had intended to up zone areas to enable greater residential capacity, and had publicised its maps to demonstrate this and these were to be presented in evidence at the 080/081 hearings. Included as part of those maps was what the Council referred to as its 'out of scope' rezonings. At the hearing for 081, in response to a Council resolution (24 February 2016), Council's counsel advised that the Council no longer supported its 'out of scope' upzonings and that no expert planning evidence would be called.

With respect to the Residential - Single House Zone the question that the Panel addressed was - what the purpose of that zone, and what therefore is the appropriate zone purpose statement. This is important as it describes the characteristics of the zone and helps determine its spatial identification as well as the relevant zone provisions.

The Panel has proposed, and recommends, a revised zone purpose statement. This is to better reflect that the zone does not have a single purpose; but multiple purposes.

### 3.2. Panel recommendation and reasons

The Panel's view is that the purpose statement proposed by the Council (Mr Roberts, Council's expert planner) for the Residential - Single House Zone is not appropriate, as it did not reflect the multiple purposes of the zone. As the proposed Auckland Unitary Plan has restricted the residential zones to six, it was inevitable that the zones would not have a single purpose. This is particularly so for the Residential - Single House Zone. In Council's closing statement version of the provisions it stated:

The purpose of this zone provides for low density suburban housing to:

- provide for development that complements identified natural and built heritage values within identified areas; or
- recognise the limited ability of areas with significant environmental or infrastructure constraints to support more intensive development; and
- recognise the limited ability of areas which are not in close proximity to the City Centre, Metropolitan, Town or Local Centres, the public transport network or large urban facilities, to support more intensive development.

The Panel's view is that the zone does not only provide for “low density suburban housing” and the zone is not only applied to areas “not in close proximity to the City Centre, Metropolitan, Town or Local Centres, the public transport network or large urban facilities” as was set out in the notified Plan. The zone is applied to:

- i. some inner city suburbs, albeit with the special character overlay;
- ii. some coastal settlements (e.g. Kawakawa Bay); and
- iii. other established suburban areas with established neighbourhoods (e.g. parts of Howick, Cockle Bay, Pukekohe and Warkworth).

This view was strongly supported by a number of the residents and ratepayer groups and community groups, who presented to the Panel on a number of occasions on this and related issues. These included the Howick Residents and Ratepayers Association Incorporated, the Cockle Bay Residents and Ratepayers Association Incorporated, Auckland 2040 and the Herne Bay Residents Association Incorporated.

The Panel finds that the Residential - Single House Zone is an important zone and contributes to the range of living options and choices available. It should not be constrained in the way proposed by the Council. The Panel has reworded the purpose statement as a zone description to reflect what it considers, based on the evidence, as the purpose/description of the zone. This has incorporated the issues of maintaining and enhancing the amenity values of established residential neighbourhoods in an array of locations, and that these neighbourhood amenity values may be based on special character informed by the past, spacious sites with large trees, a coastal setting or other factors such as neighbourhood character. Also, to provide choice for future residents, the Residential - Single House Zone may be applied in greenfield developments.

The zone description is set out in the Panel's recommended version of the Plan.

## **4. Retaining the Mixed Housing Urban and Mixed Housing Suburban Zones.**

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

A number of submitters, in particular Ockham Holdings Limited, sought that the Residential - Mixed Housing Urban and Residential - Mixed Housing Suburban Zones should be merged. This was based on the need to provide greater residential capacity, and the submitters' view that there was little distinction between the zones, given the Council's position on removing density. The Council and other submitters such as the Institute of Architects and the Urban Design Forum did not agree and submitted that they should remain as separate zones.

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

Witnesses for Ockham Holdings (Messrs Todd and Kaye) in their presentation at the hearing suggested that any differences between the Residential - Mixed Housing Urban and the Residential - Mixed Housing Suburban zones were indistinct and that the zones ought to form a single zone. Mr Todd, in his evidence, called for a merging of the Residential - Mixed Housing Suburban and the Residential - Mixed Housing Urban zones. Mr Kaye, Ockham

Holdings' expert planner, noted that, having looked at the spread of the residential zones on the Council maps, he was unable to identify any distinguishing characteristics of a Residential - Mixed Housing Suburban Zone versus a Residential - Mixed Housing Urban Zone. In his view, the only distinguishing feature was height control.

It was also Mr Kaye's opinion that a fundamental part of delivering a compact urban form was to be more proactive in recognising a zoning enabling three-storey developments, including a mix of uses. He said this could be more easily achieved if the two zones were rolled together.

It was the Council's position, one that the Panel supports, that the Residential - Mixed Housing Urban and the Residential - Mixed Housing Suburban zones should remain separate for the reasons set out in Mr Roberts' evidence in chief (paragraph 13.18 and section 24) and evidence in rebuttal (at paragraph 4.6 onwards).

In summary Mr Roberts described the key difference between the two zones as being the planned built character (evidence in chief, paragraph 24.2). The objectives and policies for the Residential - Mixed Housing Suburban Zone provide for a planned suburban character of up to two storey buildings within a more spacious setting, whereas in the Residential - Mixed Housing Urban Zone greater intensification is provided through providing for an urban character of up to three storey buildings. In his opinion, the distinction between the Residential - Mixed Housing Suburban Zone and the Residential - Mixed Housing Urban Zone is justified as it provides greater choice in neighbourhood character, and will enable a higher level of intensification to be directed into areas identified as being more appropriate for a greater level of growth (evidence in chief, paragraph 18.13).

The Panel finds that the Residential - Mixed Housing Suburban Zone will facilitate some intensification while retaining a more suburban character, generally defined by buildings of up to two storeys. The Residential - Mixed Housing Urban Zone will provide for a more intensive building form of up to three storeys, facilitating a transition to a more urban built character over time. The Residential - Mixed Housing Urban Zone also provides for a transition in built character between suburban areas (zoned Residential - Mixed Housing Suburban Zone) and areas of higher intensification with buildings of five to seven storeys in areas zoned Residential - Terrace Housing and Apartment Buildings Zone.

The difference in height and height in relation to boundary provisions, as well as the different subdivision site size standard, will assist in the transition in character described above and are important points of distinction. Mr Roberts notes that the difference between two and three storey height will make a fundamental difference in terms of character. The Panel agrees. The Panel also notes that the difference in height between the two zones was supported by more than 100 community groups represented by Auckland 2040.

For all of the above reasons that Panel supports the retention of both zones. However it is noted that this needs to be read in conjunction with the changes made to the zones, including removing the density provisions (including the Panel's recommendation to remove the 200m<sup>2</sup> limit in the Residential - Mixed Housing Suburban Zone) and the other provisions seeking a more flexible approach to multi-unit developments where core standards (those directly affecting adjoining and nearby sites) are met.

## 5. Removal of the density provisions

### 5.1. Statement of issue

The Council, with the support of a number of submitters, including Auckland 2040, sought to remove the density provisions from the Residential - Terrace Housing and Apartment Buildings Zone and the Residential - Mixed Housing Urban Zone, and from the Mixed Housing Suburban Zone on sites over 1,000m<sup>2</sup>, but to include a 200m<sup>2</sup> density requirement for sites less than 1,000m<sup>2</sup>.

Other submitters sought to retain density provisions as a means of limiting development and 'densification' of Auckland.

The Panel recommends that all density provisions in the Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings Zones be removed. The Panel further recommends that the development standards (e.g. height, height in relation to boundary, yards, building coverage etc) and the resource consenting process determine the appropriate level of development on a site. Density limits are retained for the Residential - Single House Zone, the Residential - Large Lot Zone and the Residential - Rural and Coastal Settlement Zone.

### 5.2. Panel recommendation and reasons

The capacity for growth and the need to accommodate more people in Auckland has been fully set out in the Panel's Overview of recommendations (as referenced above). The removal of the density provisions is a key planning tool to enable greater intensity of development. The Council and a number of submitters supported the removal of the density provisions.

The Panel recommends that the density provisions in their entirety be removed; and this includes the density proposed by the Council in the Residential - Mixed Housing Suburban Zone on sites less than 1,000m<sup>2</sup>.

This density 'relaxation' is on the basis that:

- i. the density provisions can lead to an inefficient use of land as only the prescribed number can be placed on the land;
- ii. due to the bullet point above, limiting the number of dwellings encourages the maximisation of the site development by building larger units. This leads to fewer smaller dwellings being built and has an impact on affordability as the larger units tend to be more expensive;
- iii. no density limits would enable considerably greater housing capacity and housing choice as this would likely result in a range of dwelling sizes rather than only larger units being built; and
- iv. along with a number of development standards and consenting processes (generally restricted discretionary activity), these would ensure good living environments and good environmental outcomes.

For the reasons set out above the Panel does not support the density restrictions in the Residential - Mixed Housing Suburban Zone (1:200m<sup>2</sup> up to 1,000m<sup>2</sup> and no density after this). The Panel and a number of submitters did not understand what these restrictions were trying to achieve. The section below sets out the Panel's recommendation on how the combination of permitted activities, development standards, consenting processes (mainly restricted discretionary activities) and notification will achieve good quality outcomes. This, in the Panel's view, negates the need for any density provisions.

## **6. Permitted development and outcome-led development**

### **6.1. Statement of issue**

A number of submitters, in particular those seeking a more enabling policy/rule framework to enable residential development, considered the provisions proposed by the Council were too 'rules' driven, especially the urban design requirements, and would stifle innovative outcomes and add cost with little or no benefit. They sought more enabling plan provisions which could be more outcome-led rather than rule-led.

The Council's position was that all of the development standards were required to ensure development adhered to good urban design principles, and this in turn would lead to good urban design outcomes.

The Panel finds that the combination of a rule-based approach, with a more enabling approach (as set out below) is the most appropriate to help achieve a quality compact city and 'unlock' needed residential development capacity.

### **6.2. Panel recommendation and reasons**

The notified proposed Auckland Unitary Plan provided for up to three dwellings per site in the Residential - Mixed Housing Suburban and Residential - Mixed Housing Urban zones and one dwelling per site in the Residential - Terrace Housing and Apartment Buildings Zone as a permitted activity. The Council in its opening submissions to the hearing provided a tracked change version of the residential provisions. In those provisions, up to two dwellings per site in the Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones was a permitted activity.

It was the Council's position and the expert evidence of Mr Roberts (the Council's planner) that the change in the number of dwellings permitted was due to the removal of the density provisions. Mr Roberts was of the view that this was necessary as a closer scrutiny was needed to ensure that the design outcome was appropriate.

The Panel did not agree and considered that a greater level of development needed to be provided for as of right, given the matters as follows:

- i. that the extensive development standards would ensure appropriate amenity levels where the number of dwellings permitted per site was limited;
- ii. if a development standard was not met, this would trigger a restricted discretionary activity consent requirement, with the potential for notification, and this would ensure an assessment of the effects of the development; and

- iii. limiting the number of dwellings as proposed would potentially create inefficient land use as land owners 'underdeveloped' their sites in order to avoid a consenting process.

Also the Panel agrees with a number of submitters, such as Generation Zero, that more development needs to be enabled (see above, section 2 Enabling capacity).

The Panel recommends the following provisions which will, in its opinion, enable greater and appropriate development, while at the same time providing safeguards to ensure quality outcomes. The provisions are set out in the Panel's recommended version of the Plan and are summarised below.

- i. Up to four dwellings are permitted as of right on sites in the Residential - Mixed Housing Suburban Zone and the Residential - Mixed Housing Urban Zone that meet all the applicable development standards.
- ii. Five or more dwellings require a restricted discretionary activity consent in the Residential - Mixed Housing Suburban Zone and the Residential - Mixed Housing Urban Zone.
- iii. All dwellings require a restricted discretionary activity consent in the Residential - Terrace Housing and Apartment Buildings Zone.
- iv. If the core development standards in the Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones are met (height, height in relation to boundary and yards) any application will, unless special circumstances apply, be non-notified. If one or more of the core standards are not met, the normal tests of notification will apply.
- v. As a restricted discretionary activity for multiple dwellings or all dwellings in the Residential - Terrace Housing and Apartment Buildings Zone, the development standards become matters of discretion rather than actual standards which must be met.

As part of the above provisions there are a number of development standards that the Council (in its closing statement) did not support. The Panel agreed but has recommended the deletion of more of the development standards. The reasons for this are those set out in the Council's evidence, and addressed below. These standards considered by the Panel to be either unnecessary and/or inappropriate in terms of:

- i. achieving quality urban design outcomes;
- ii. providing for a more outcome led approach as opposed to a more prescriptive rule- based approach; and
- iii. imposing costs which have little benefit.

The standards are:

- i. separation between buildings on the site;

- ii. dwellings fronting the street;
- iii. maximum building length;
- iv. front fence requirements (side and rear retained);
- v. garages (percentage of front facade);
- vi. minimum dwelling size;
- vii. servicing and waste;
- viii. storage;
- ix. universal access;
- x. minimum dimensions of principal living rooms and principal bedrooms;
- xi. dwelling mix; and
- xii. minimum frontage and site width.

It is the Panel's finding, largely agreeing with the Council on those it sought to delete and a range of submitters seeking a more enabling regime, that the proposed Auckland Unitary Plan's approach is too prescriptive in urban design terms, will not assist in providing a supply of residential dwellings and the costs (both money and in terms of quality outcomes) outweigh the benefits.

There was considerable debate between the Council and submitters about the need for standards such as dwelling sizes, minimum ceiling heights and minimum dimensions of principal living rooms and principal bedrooms (the latter two being detailed assessment criteria). Considering the arguments for and against, the Panel recommends that these provisions be deleted, noting that the Council recommended that minimum ceiling heights and minimum dimensions of principal living rooms and principal bedrooms standards be deleted as part of the assessment of multi-unit developments.

With respect to the issue of minimum dwelling/apartment sizes, there was clearly support for and opposition to the specification of dwelling/apartment sizes. As set out in the Council's closing statement, the purpose of minimum dwelling size is:

dwellings are functional and of a sufficient size to provide for the day-to-day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

Much of the debate focussed on the need for the rule. The Council and other submitters argued that it was necessary to ensure functional spaces and part of amenity for the residents and the wider community (not having 'shoe box' apartments). Many of the submitters who developed apartments argued that the rule was not needed as the market, in combination with the other development standards, would ensure appropriately-sized dwellings and there was a significant cost imposed with specifying minimum size of dwelling.

It is the Panel's position and recommendation that minimum dwelling sizes be deleted as a standard. There are two main reasons: the relationship between the Building Act 2004 and

the Resource Management Act 1991; and whether a minimum dwelling size is a resource management issue and, if it is, whether it is the most appropriate method to ensure 'amenity' and 'functionally'. This is addressed further below.

The Council's position on the relationship between the Building Act 2004 and the Resource Management Act 1991 was set out in legal submissions, evidence and in the Council's closing statement. The Panel notes that formal submissions concerning the relationship between the Resource Management Act 1991 and the Building Act 2004 were filed in response to the Panel's 8 October 2015 direction on the Resource Management Act 1991 and the Building Act 2004 in the proposed Auckland Unitary Plan. Also the relationship of the Building Act 2004 and the Resource Management Act 1991 is more fully addressed in the Panel's Overview of recommendations (as referenced above).

The primary thrust of those submissions for the Council was that section 18 of the Building Act 2004 does not limit the ability to include rules in the proposed Auckland Unitary Plan that may require buildings to achieve higher performance standards than the Building Code where the rules meet the statutory tests of the Resource Management Act 1991 and have a legitimate resource management purpose. This was also addressed in Part 2C of the Council's opening submissions (para 2.19 to 2.23 onwards), and reiterated the justifications for all the onsite amenity controls set out in the evidence of the Council's witnesses, including Mr MacIndoe, the Council's urban design expert, (see his evidence in rebuttal: section 6 on daylight control; section 8 on minimum dwelling size; and section 9 on floor to ceiling height). Mr Roberts, the Council's expert planner, also supported the provisions.

The Council's position, as set out in legal submissions and the evidence, is that the controls address what it considers are resource management issues. It was further stated that they also achieve the health and social well-being purpose of the Resource Management Act 1991 and support the quality compact city objectives of the proposed Auckland Unitary Plan.

As already addressed in this report, a number of submitters sought a substantial 'freeing up' of the residential development controls. As examples, Mr Kaye, expert planner for Ockham Holdings Limited sought the removal of all development controls in the residential zones other than those relating to yards, height, height to boundary, and landscaped area standards (referred by him as core development controls). It was his opinion that the core development controls should be limited to those that directly constrain the built form and site development outcomes that directly impact on the residential amenity of surrounding land.

Generation Zero, in Mr Christensen's written evidence, supported the lowering of minimum studio apartment sizes to 30m<sup>2</sup> although noting that:

- (a) this still precludes many "tiny house" designs seen overseas; and
- (b) minimum sizes for 1 bedroom apartments also need to be reduced (paragraph 7 of Mr Christensen's evidence).

He also supported simplifying the requirements for interior design, stating that while "interior design is an important part of 'density done well', hard and fast requirements aren't necessarily the best way to achieve good outcomes" (paragraph 8 of Mr Christensen's evidence in chief).



Based on the submissions and evidence, and the Panel's position on the relationship of the Building Act 2004 and the Resource Management Act 1991, the Panel recommends the deletion of the provisions relating to dwelling sizes, minimum ceiling heights and minimum dimensions of principal living rooms and principal bedrooms. The reasons are those already set out but in summary are:

- i. the package of provisions proposed, especially the development standards and the outcome-led consenting process, will:
  - a. enable quality developments and urban design outcomes;
  - b. provide greater choice of housing options;
  - c. assist in improving housing affordability as there is a cost to specifying these development controls, and the costs outweigh the benefits in section 32 terms;
- ii. minimum standards are required pursuant to the Building Act 2004, and these will ensure functionality is considered as well as health and well-being.

The Panel also recommends the deletion of a number of the development standards which have largely been predicated on urban design grounds. While the Panel supports good urban design and quality outcomes, it was the Panel's view that these had been over-prescribed and the costs and benefits had not been sufficiently evaluated. The Panel agrees with those submitters, such as Todd Property Group Limited, Fletcher Construction Developments Limited, Fletcher Residential and Ockham Holdings Limited, that the provisions would not necessarily achieve better quality outcomes, would add to cost, with little benefit, stifle innovation and would generate significant costs and delays as a result of needing to obtain consent to breach any of the standards.

Auckland's typography, site orientation, existing street and subdivision patterns (especially for smaller-scale brownfields redevelopment or infilling) will mean these many potential developments would not be able to comply (and that many of the standards were not appropriate). This will trigger a number of consent applications to justify why particular development standards cannot be met. In this regard the Panel notes the comments of Ms Mackereth of the Howick Ratepayers and Residents Association Incorporated who stated that people need to be able to build houses to orient to the sun and views, and that as sites can be steep (either above or below the road) it is not always possible or desirable to orientate houses to the street.

The Panel accepts that for large-scale developments (five or more dwellings and all development in the Residential - Terrace Housing and Apartment Buildings Zone and integrated residential developments) will require a restricted discretionary consent where an overall design assessment will be undertaken and evaluated. Many of the matters set out above will be relevant in that evaluation, however they do not need to be prescribed for the reasons already set out. It is the Panel's view, based on evidence, that the provisions are not the most appropriate or efficient to achieving a good quality residential outcome. Accordingly the Panel recommends the provisions be deleted.

## **7. Integrated residential development (including retirement villages)**

### **7.1. Statement of issue**

The Panel issued a procedural minute (5 June 2015) in relation to the hearings process for Hearing topic 061 Retirement villages and affordability. It stated:

Following the mediation on Topic 061 Retirement Villages held on 25-26 May 2015, it was agreed by all parties present that the removal or replacement of the Special Purpose Retirement Village Zone as proposed by Auckland Council was appropriate provided specific retirement village provisions are incorporated into the Residential and Business Zones, and/or a Retirement Village Auckland-Wide Precinct.

The issue before the Panel is what specific retirement village provisions should be incorporated into the residential zone provisions. The Panel's recommendations are set out below.

### **7.2. Panel recommendation and reasons**

The Panel has not provided for a particular class of activity called 'retirement village' but has instead provided for 'integrated residential developments', which would include a retirement village.

The Panel notes there was considerable discussion, negotiation and evidence on this topic from the Council (mainly Ms Rogers, the Council's expert planner) and the industry including the Retirement Villages Association and Ryman Healthcare Limited, Bloom St George Limited, Aria Bay Retirement Village Limited and Summerset Group Holdings Limited.

Much of what was presented to the Panel centred on what constituted a retirement village and whether it should be limited to retirement villages pursuant to the Retirement Villages Act 2003. The Retirement Villages Association and Ryman Healthcare Limited considered that it should be so limited and Bloom St George Limited (that offers apartment/ living accommodation that does not constitute a retirement village under that Act) did not.

The Panel notes that it gave leave for the Retirement Villages Association and Ryman Healthcare Limited (in a memorandum dated 23 October 2015) to file reply submissions clarifying their positions on the definition of retirement villages and to respond to the submissions from Bloom St George Limited. The Panel essentially agrees with the Council's closing statement, which in summary are:

The primary purpose of the Retirement Villages Act 2003 is to protect the interests of residents and intending (i.e. future) residents. section 3(c) of that Act sets out the matters of interest and these are primarily around ensuring that residents understand the financial and ownership nature of what they are purchasing (often a licence to occupy as opposed to outright ownership (paragraph 12.2 of the closing statement).

Neither the Retirement Villages Act 2003 nor the Retirement Villages Code of Practice 2008 prescribes detailed design standards for retirement villages relating to onsite/internal amenity. Ms Rogers notes that there appears to be nothing in the Retirement Villages Act

2003 that requires a retirement village operator to provide a wide range of services or even high-quality accommodation or amenity.

It is the Panel's view, and that of the Council, that the focus of the Plan needs to remain on the resource management reasons relating to villages, primarily due to their typical site/building size and scale and the management of effects associated with accessory activities that tend to establish with the village – matters not determined by a particular ownership model.

As discussed at the hearing on 20 October 2015, some of the issues around the definition of retirement villages related to maintaining a broad resource management-based definition which enabled a variety of comprehensive residential development activities (catering to aged people) regardless of the ownership or business model on which the retirement village is based.

It is the Panel's position that using the residential provisions that apply to residential developments which are a restricted discretionary activity in the Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings Zones (i.e. those involving five or more dwellings) is appropriate as the criteria are applicable to assessing a retirement village or other forms of integrated residential development.

These provisions, as amended, are focused on the size and scale of buildings and site development, and how that development responds to its surrounds and the planned character of the zone. The Panel considers that in terms of built form and the likely larger site sizes, a retirement village complex and a larger-scale residential development are likely to have similar effects and should therefore be subject to similar assessment matters. Furthermore, this approach fits with the structure of the residential provisions, which do not include separate lists of criteria applying to different activities.

The activity status for integrated residential developments is restricted discretionary in the Residential - Single House Zone, the Residential - Mixed Housing Suburban Zone, the Residential - Mixed Housing Urban Zone and the Residential - Terrace Housing and Apartment Buildings Zone. The provisions are largely the same as those applying to larger scale residential developments, with a focus on the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

- i. building intensity, scale, location, form and appearance;
- ii. traffic;
- iii. design of parking and access; and
- iv. noise, lighting and hours of operation.

Taking into account all of the above, the Panel does not support a definition of retirement villages being limited to that in the Retirement Villages Act 2003. It is the Panel's view that a retirement village is essentially a residential activity. While a range of other complementary activities (such as recreation, social, community, cultural and health) may be offered in an integrated manner, it is still essentially part of a residential activity. In the Panel's view any residential activity that offers a range of other complementary activities (other than for

retirement purposes) should be treated in the same way as a retirement village and vice versa.

Accordingly a class of activity termed 'integrated residential development' has been defined and could apply to a range of activities such retirement villages, campus-style student accommodation, community and cultural style residential developments.

The Panel notes that the proposed Auckland Unitary Plan already provides for integrated developments in the Auckland-wide precinct (Chapter K.1.1.3), and can apply anywhere providing they meet the following definition (as proposed by the Council):

#### Integrated residential development

Residential development on sites more than 2,000m<sup>2</sup> where elements of the development such as building design, open space, landscaping, vehicle access, roads and subdivision are designed to form an integrated whole. The height in relation to boundary and yards development controls do not apply to internal site boundaries within the integrated residential development.

This definition and activity status of this Auckland-wide precinct has been recommended for deletion, in large part due to the recommended changes made to the residential provisions as has been addressed in this report, i.e. it is no longer necessary.

Mr Brown, expert planner for the Caughey Preston Trust, was concerned that the Caughey Preston Trust development might be defined as a hospital as opposed to a residential activity (and therefore be treated as a non-complying activity in residential zones). The Panel's position is that would not be the case as the Caughey Preston facility does not provide for any medical or surgical treatment of residents other than day-to-day care. The Panel finds that this development and similar forms of development would meet the definition of an integrated residential development.

## 8. Affordable housing

### 8.1. Statement of issue

The issue is the extent to which the residential provisions should require (retained) affordable housing.

### 8.2. Panel recommendation and reasons

The issue of affordable housing has been fully addressed in Panel's Overview of recommendations (as referenced above). For the reasons set out there, there are no provisions of affordable housing in the residential section of the Panel's recommended version of the Plan.

## **9. Matters of discretion and assessment criteria**

### **9.1. Statement of issue**

That the matters of discretion, and in particular the assessment criteria, were written in a way that was prescriptive and read more in the nature of rules.

### **9.2. Panel recommendation and reasons**

The Panel has, across most of the Plan, redrafted the matters of discretion and the assessment criteria. The redrafting has been to make it clearer what the actual matters of discretion are (i.e. more specific) and that the assessment criteria are drafted as matters to consider in assessment as opposed to rules, and better align to and in some cases link to the zone policies. Most of the residential assessment criteria were drafted as 'should' or 'must' statements and read much more like rules, and things that should or must be undertaken rather than matters for assessment.

The Panel has redrafted the assessment criteria to be statements of 'whether' or the 'extent to which'. Mr Donnelly of Todd Property Group Limited was particularly concerned about the assessment criteria 'masquerading' as de facto rules. The Panel requested Mr Donnelly to provide what he considered to be appropriate criteria based on the 'whether' and the 'extent to which' statements. The Panel largely accepted Mr Donnelly's approach. The Panel also notes that Mr Roberts, the Council's expert planner, stated in response to a question from the Panel that he also preferred the 'whether' and 'extent to which' convention rather than that used in the notified version of the Plan.

## **10. Design statements**

### **10.1. Statement of issue**

The issue is whether design statements should be retained as part of application for residential developments, including integrated residential developments.

### **10.2. Panel recommendation and reasons**

The issue of design statements and their recommended deletion has been fully set out in the Panel's Report to Auckland Council – Hearing topic 077 Sustainable design July 2016. In summary the Panel does not support the use of design statements as proposed by the Council. In this respect the Panel accepts the evidence of Mr Donnelly for Todd Property Group Limited and others who consider the design statement simply adds cost for little or no benefit.

While the Panel accepts that a design statement may be prepared as part of an assessment of environmental effects, the Panel does not accept use of a design statement as a procedural tool as set out in Council's closing statement on topic 077.

## 11. Consequential changes

### 11.1.Changes to other parts of the Plan

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

### 11.2.Changes to provisions in this topic

As a result of the Panel's recommendations on other topics, there are consequential changes to the provisions in this part of the Plan as set out below.

- i. Design statements have been deleted (noting that the reasons for this are set out in the Panel's Report to Auckland Council – Hearing topic 077 Sustainable design July 2016).
- ii. The retained affordable housing provisions are deleted (noting that the reasons for this are set out in the Panel's Report to Auckland Council – Overview of recommendations July 2016 and Report to Auckland Council – Hearing topic 013 Urban Growth July 2016).

## 12. Reference documents

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

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

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

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

### 12.1.General topic documents

#### **The Submission Points Pathway report**

[059-Submission Point Pathway Report - 5 October 2015](#) (06 Oct 2015)

[060-Submission Point Pathway Report – 29 April 2015](#) (29 Apr 2015)

[062-Submission Point Pathway Report - 27 August 2015](#) (28 Aug 2015)

[063-Submission Point Pathway Report - 27 August 2015](#) (28 Aug 2015)

#### **The Parties and Issues Report**

[059, 060, 062 and 063-Parties and Issues Report -12 October 2015](#) (12 Oct 2015)

### **Council closing statement**

059, 060, 062 and 063- Hrg - CLOSING STATEMENT (18 Nov 2015)

### **Council closing statement – marked up version**

059, 060, 062 and 063- Hrg - CLOSING STATEMENT - Annexure D -proposed mark ups (18 Nov 2015)

### **Mediation statements**

059, 060, 062 and 063 – Mediation Joint Statement – Session 1 – 11 (27 – 31 July, 4 – 7 August and 10 – 11 August 2015) (12 Aug 2015)

059, 060, 062 and 063 - memorandum - Issues arising in mediation on Single House zone (01 Sep 2015)

059, 060, 062 and 063- Hrg - Point Chevalier Residents Against THABs Incorporated - Terrace Housing and Apartment Buildings Zone Mediation Tracked Changes (12 Aug 2015)

### **Panel direction**

022, 50, 59-63, 64 and 77 - Panel direction on the Resource Management Act 1991 and the Building Act 2004 in the PAUP (8 October 2015)

### **Procedural Minute**

The Panel issued a procedural Minute (5 June 2015) in relation to Hearings Process for Topic 061 Retirement Village and Affordability.

<http://aupihp.govt.nz/documents/docs/aupihproceduralminute13.pdf>

## **12.2. Specific evidence**

### **Aria Bay Retirement Village Limited**

059, 060, 062 and 063 - Hrg - (Craig Moriarty) - Planning - LATE (24 September 2015)

059, 060, 062 and 063 - Hrg - (Craig Moriarty) - Planning – Summary Statement (22 Oct 2015)

### **Auckland Council**

059, 060, 062 and 063 - Hrg - LEGAL SUBMISSIONS (13 October 2015)

059, 060, 062 and 063 - Hrg - (Graeme McIndoe) - Architecture and Urban Design - general - LATE (9 September 2015)

059, 060, 062 and 063 - Hrg - (Graeme McIndoe) - Architecture and Urban Design - general – REBUTTAL (6 October 2015)

059, 060, 062 and 063 - Hrg - (Nick Roberts) - Planning- LATE (10 September 2016)

059, 060, 062 and 063 - Hrg - (Deanne Rogers) – Planning – Retirement Villages (9 September 2015)

059, 060, 062 and 063 - Hrg - (Deanne Rogers) – Planning – Retirement Villages – Attachment A, B and C – VERY LATE (15 September 2015)

#### **Auckland 2040 Incorporated**

059, 060, 062 and 063 - Pre-hrg - additional hearing time (15 May 2015)

059, 060, 062 and 063 - Hrg - Auckland 2040 Incorporated and others – JOINT STATEMENT (21 September 2015)

059, 060, 062 and 063 - Hrg - (Richard Burton) (23 September 2015)

059, 060, 062 and 063 - Hrg - (Brian Putt) - Planning (24 September 2015)

059, 060, 062 and 063 - Hrg - LEGAL SUBMISSIONS (15 October 2015)

059, 060, 062 and 063 - Hrg - (Richard Burton) - Summary statement (16 October 2015)

#### **Bloom St George Limited**

059, 060, 062 and 063 - Hrg - (James Klein) – Architecture (29 September 2015)

#### **Caughey Preston Trust**

059, 060, 062 and 063 - Hrg - (Jeff Brown) - Planning (23 September 2015)

059, 060, 062 and 063 - Hrg - (Jeff Brown) - Planning - Attachments B-E (23 September 2015)

059, 060, 062 and 063 - Hrg - (Jeff Brown) – Planning – Summary Statement (20 October 2015)

#### **Fletcher Construction Developments**

059, 060, 062 and 063 - Hrg - (Vijay Lala) - Planning (23 September 2015)

059, 060, 062 and 063 - Hrg - (Vijay Lala) - Planning - Supplementary Evidence - Presentation (20 October 2015)

#### **Fletcher Residential Limited**

059, 060, 062 and 063 - Hrg - Auckland 2040 Incorporated and others – JOINT STATEMENT (21 September 2015)

059, 060, 062 and 063 - Hrg - (Ian Craig) - Planning (23 September 2015)

059, 060, 062 and 063 - Hrg - Fletcher Residential Ltd - (Ian Craig) - Planning - Appendices 3 and 4 (24 September 2015)

059, 060, 062 and 063 - Hrg - (Ian Craig) – Planning – Summary Statement (19 October 2015)

#### **Generation Zero**

059, 060, 062 and 063 - Hrg - (Luke Christensen) (23 September 2015)



059, 060, 062 and 063 - Hrg - (Luke Christensen) - Appendix A (23 September 2015)

059, 060, 062 and 063 - Hrg - (David Gibbs) - Architecture and Urban Design (24 September 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott and David Gibbs) – Architecture - Good and bad development examples (26 November 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott and David Gibbs) – Architecture - Good and bad development examples - Memorandum (26 November 2015)

### **Housing New Zealand Corporation**

059, 060, 062 and 063 - Hrg - Auckland 2040 Incorporated and others – JOINT STATEMENT (21 September 2015)

059, 060, 062 and 063 - Hrg - Housing New Zealand - (Matthew Lindenberg & Amelia Linzey) - Planning (24 September 2015)

059, 060, 062 and 063 - Hrg - (Tim Heath & Philip Osborne) – Economics – (29 September 2015)

059, 060, 062 and 063 - Hrg - (Matthew Lindenberg & Amelia Linzey) – Planning - REBUTTAL (06 October 2015)

059, 060, 062 and 063 - Hrg - LEGAL SUBMISSIONS (20 October 2015)

059, 060, 062 and 063 - Hrg - Supplementary Evidence – Presentation – Residential Zones Evidence (20 October 2015)

059, 060, 062 and 063 - Hrg - Supplementary Evidence –Comparison of AP / PAUP / HNZN Sub (20 October 2015)

059, 060, 062 and 063 - Hrg - Supplementary Evidence –Photos (20 October 2015)

### **Howick Ratepayers and Residents Association Incorporated**

059, 060, 062 and 063 - Hrg - (Gayleen Mackereth) - Cackle Bay case (25 September 2015)

059, 060, 062 and 063 - Hrg - (Gayleen Mackereth) - Residential controls (25 September 2015)

059, 060, 062 and 063 - Hrg - Howick Ratepayers and Residents Association - (Gayleen Mackereth) - Speaking Notes (22 October 2015)

059, 060, 062 and 063 - Hrg - Howick Ratepayers and Residents Association - (Gayleen Mackereth) - Photo 1 (22 October 2015)

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059, 060, 062 and 063 - Hrg - Howick Ratepayers and Residents Association - (Gayleen Mackereth) - Photo 3 (22 October 2015)

059, 060, 062 and 063 - Hrg - Howick Ratepayers and Residents Association - (Gayleen Mackereth) - Photo 4 (22 October 2015)

059, 060, 062 and 063 - Hrg - Howick Ratepayers and Residents Association - (Gayleen Mackereth) - Photo 5 (22 October 2015)

059, 060, 062 and 063 - Hrg - Howick Ratepayers and Residents Association - (Gayleen Mackereth) - Photo 6 (22 October 2015)

059, 060, 062 and 063 - Hrg - (Gayleen Mackereth) –Good and bad development examples (27 October 2015)

059, 060, 062 and 063 - Hrg - (Gayleen Mackereth) – Supplementary Evidence - Essay: Fire Rated Separation (19 November 2015)

059, 060, 062 and 063 - Hrg - (Gayleen Mackereth) – Supplementary Evidence – Fire Danger (19 November 2015)

### **Ockham Holdings Limited**

059, 060, 062 and 063 - Hrg - (Barry Kaye) - Planning (23 September 2015)

059, 060, 062 and 063 - Hrg - (Mark Todd) - Corporate (23 September 2015)

059, 060, 062 and 063 - Hrg - (Barry Kaye and Mark Todd) - Attachment 1 (23 September 2015)

059, 060, 062 and 063 - Hrg - (Mark Todd) – Corporate – Supplementary Evidence – Presentation (14 October 2015)

059, 060, 062 and 063 - Hrg - (Barry Kaye) – Planning – Summary Statement (19 October 2015)

059, 060, 062 and 063 - Hrg – (Mark Todd) - Corporate– Summary Statement (19 October 2015)

### **Property Council New Zealand**

059, 060, 062 and 063 - Hrg - Auckland 2040 Incorporated and others – JOINT STATEMENT (21 September 2015)

059, 060, 062 and 063 - Hrg - (Adam Thompson) - Economics (22 September 2015)

059, 060, 062 and 063 - Hrg - (Vijay Lala) - Planning (23 September 2015)

059, 060, 062 and 063 - Hrg - Patrick Fontein and Property Council New Zealand – (Patrick Fontein and Adam Thompson) – Supplementary Evidence on Panel direction for additional information on capacity forecasts (09 October 2015)

059, 060, 062 and 063 - Hrg - (Adam Thompson) – Economics – Summary Statement (20 October 2015)

059, 060, 062 and 063 - Hrg - (Vijay Lala) - Planning - Supplementary Evidence - Presentation (20 October 2015)

### **Retirement Villages Association**

059, 060, 062 and 063 - Hrg - LEGAL SUBMISSIONS (20 October 2015)

059, 060, 062 and 063 - Hrg - (John Kyle) – Planning – Summary Statement (20 October 2015)

059, 060, 062 and 063 - Hrg - (Clinton Bird) - Architecture and Urban Design – Summary Statement (20 October 2015)

059, 060, 062 and 063 – Hrg – Reply Submissions (12 November 2015)

### **Ryman Healthcare Limited**

059, 060, 062 and 063 - Hrg - (John Kyle) - Planning (24 Sep 2015)

059, 060, 062 and 063 - Hrg - (Andrew Mitchell) - Corporate (24 September 2015)

059, 060, 062 and 063 - Hrg - (Clinton Bird) - Architecture and Urban Design (24 September 2015)

059, 060, 062 and 063 - Hrg - LEGAL SUBMISSIONS (20 October 2015)

059, 060, 062 and 063 - Hrg - (John Kyle) – Planning – Summary Statement (20 October 2015)

059, 060, 062 and 063 - Hrg - (Clinton Bird) - Architecture and Urban Design – Summary Statement (20 October 2015)

059, 060, 062 and 063 – Hrg – Reply Submissions (12 November 2015)

### **Summerset Group Holdings Limited**

059, 060, 062 and 063 - Hrg - (Craig Moriarty) - Planning - LATE (24 September 2015)

059, 060, 062 and 063 - Hrg - (Craig Moriarty) - Planning – Summary Statement (22 October 2015)

### **The New Zealand Institute of Architects**

059, 060, 062 and 063 - Hrg - (David Gibbs) - Architecture and Urban Design (24 Sept 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott) - Architecture (24 September 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott and David Gibbs) – Architecture - Good and bad development examples (26 November 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott and David Gibbs) – Architecture - Good and bad development examples - Memorandum (26 November 2015)

### **The Urban Design Forum New Zealand**

059, 060, 062 and 063 - Hrg - (David Gibbs) - Architecture and Urban Design (24 September 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott) - Architecture (24 September 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott and David Gibbs) – Architecture - Good and bad development examples (26 November 2015)

059, 060, 062 and 063 - Hrg - (Graeme Scott and David Gibbs) – Architecture - Good and bad development examples - Memorandum (26 November 2015)

### **Todd Property Group Limited**

059, 060, 062 and 063 - Hrg - (Neil Donnelly) - Planning (22 September 2015)

059, 060, 062 and 063 - Hrg - (Neil Donnelly) – Planning - Revised design criteria – Auckland Council marked up version (30 October 2015)

059, 060, 062 and 063 - Hrg - (Neil Donnelly) – Planning - Revised design criteria - Suggestions (30 October 2015)

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

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

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**Report to Auckland Council -  
Changes to the Rural Urban  
Boundary, rezoning and precincts**

**Hearing topics 016, 017 Rural Urban  
Boundary, 080 Rezoning and precincts  
(General) and 081 Rezoning and precincts  
(Geographic areas)**

**July 2016**

# Report to Auckland Council - Changes to the Rural Urban Boundary, rezoning and precincts

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# 1. Hearing topic overview

## 1.1. Topic description

Topics 016, 017, 080 and 081 address the Rural Urban Boundary, precinct and rezoning plan provisions of the proposed Auckland Unitary Plan relating to:

Topic	Proposed Auckland Unitary Plan reference	Independent Hearings Panel reference
016 and 017	Changes to the Rural Urban Boundary (RUB)	G1 Rural Urban Boundary Planning maps in the GIS viewer
080	Special Purpose Zones	Special Purpose Zones Chapter I Precincts Planning maps in the GIS viewer
081	Precincts (Auckland-wide, North, South and West)	Chapter I Precincts Planning maps in the GIS viewer

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

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

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

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

Because the Panel has grouped matters rather than addressed individual submission points, submitters need to read this report to understand the Panel's approach and how this has been applied, then read the relevant sections in the annexures to this report and refer to the maps in the GIS viewer which forms part of the Panel's recommendation and report to Auckland Council.

## 1.2. Overview

The specific changes to the Rural Urban Boundary, zones and precincts are based on the policy approach recommended by the Panel in the regional policy statement and relevant regional and district plan provisions. For convenience the recommendations on specific locations are contained in the separate annexures to this report.

**Section 4** below provides a list of these annexures.



**Appendix 1** below lists all the precincts considered by the Panel as part of the hearing process on topics 080 and 081.

The changes recommended by the Panel can be seen at an individual property level in the planning maps on the GIS viewer which forms part of the Panel's recommendation and report to Auckland Council.

The topics addressed in this report are collectively referred to as the site specific topics and received the largest number of submissions, had the most submitters attending a hearing, the highest rate of submitter participation in the hearings and the most hearing days.

Many submissions relating to a specific site sought changes to the Rural Urban Boundary combined with proposals for rezoning and creation of or change to existing precincts, as these changes are closely interrelated. For this reason the Panel took a flexible approach to these hearings and has combined these topics into a single report so that its recommendations and reasons can address changes to a particular location as an integrated whole.

There was limited mediation on these topics because the nature of the relief sought applied to individual properties, so the matters are mostly between the submitter and the Council rather than involving multiple interests. The Panels focussed on the matters raised in submission points and presented at the hearings.

### **1.3. Interim guidance**

To assist parties in their preparation of submissions and representations for the Rural Urban Boundary, rezoning and precinct hearings scheduled for the first half of 2016, and ensure that the panel was provided with a robust evidence base, the Panel released in July 2015 its interim guidance - Best practice approaches to re-zoning, precincts and changes to the Rural Urban Boundary (RUB).

The overall approach was to ensure that a principled approach was applied to specific locations to achieve as far as appropriate a sensible and consistent pattern of development across the region and to strengthen integration across the plan by ensuring that higher order plan principles were given effect to (see the Panel's Report to Auckland Council – Overview of recommendations July 2016 for a more detailed explanation of the Panel's approach).

The Panel's interim guidance requested that parties should ensure any evidence provided for the hearings on these topics clearly and succinctly addresses the matters identified in the guidance. The Panel's guidance is set out on the following pages.

## **1. BEST PRACTICE APPROACHES FOR RE-ZONING**

- 1.1. The change is consistent with the objectives and policies of the proposed zone. This applies to both the type of zone and the zone boundary.
- 1.2. The overall impact of the rezoning is consistent with the Regional Policy Statement.
- 1.3. Economic costs and benefits are considered.
- 1.4. Changes should take into account the issues debated in recent plan changes.
- 1.5. Changes to zone boundaries are consistent with the maps in the plan that show Auckland-wide rules and overlays or constraints (e.g. hazards).
- 1.6. Changes should take into account features of the site (e.g. where it is, what the land is like, what it is used for and what is already built there).
- 1.7. Zone boundary changes recognise the availability or lack of major infrastructure (e.g. water, wastewater, stormwater, roads).
- 1.8. There is adequate separation between incompatible land uses (e.g. houses should not be next to heavy industry).
- 1.9. Zone boundaries need to be clearly defensible e.g. follow roads where possible or other boundaries consistent with the purpose of the zone.
- 1.10. Zone boundaries should follow property boundaries.
- 1.11. Generally no "spot zoning" (i.e. a single site zoned on its own).
- 1.12. Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.
- 1.13. Roads are not zoned.

### **Supporting information required**

- 1.14. A list of the layers in the Proposed Auckland Unitary Plan (PAUP) that apply to your site.
- 1.15. The proposed change is supported by a pdf map marked up to show:
  - a. address(s);
  - b. zone (current and the changes you seek);
  - c. any property boundaries;

that are the subject of your submission. If you have GIS software, provide this map as both a pdf and shape file.

- 1.16. If the zoning relates to someone else's land, provide details of your consultation with the owner and their position on the proposed change.

## **2. BEST PRACTICE APPROACHES FOR PRECINCTS**

- 2.1. The purpose of the precinct is clearly stated and justified in terms of the purpose of the Resource Management Act 1991 (i.e. sustainable management of natural and physical resources).
- 2.2. Precincts should take into account the issues debated in recent plan changes.

- 2.3. Precincts should not override an overlay.
- 2.4. The purpose of the precinct can't be achieved through the use of the underlying zone and Auckland-wide provisions.
- 2.5. The purpose of the precinct can't be achieved through applying for a resource consent.
- 2.6. When the proposal changes most of the underlying zone, a new zone should be created instead of a precinct.
- 2.7. A precinct is not determined by existing resource consents and existing use rights, but these will be taken into account.
- 2.8. The structure should be simple - ideally no more than one layer.
- 2.9. Precinct boundaries should follow property boundaries.
- 2.10. Precincts must use the definitions in the PAUP.

#### **Supporting information required**

- 2.11. A list of the layers in the proposed PAUP that apply to the site.
- 2.12. Proposals for new precincts should be complete i.e. should include objectives, policies, activity table, development and use controls, notification provisions, matters of discretion, assessment criteria and any special information requirements.
- 2.13. The proposal is supported by the following maps:
  - a. a pdf zoning map, marked up to show the exact sites that are the subject of your submission;
  - b. a precinct plan map. This map needs to be as accurate as possible.

### **3. BEST PRACTICE APPROACHES FOR CHANGES TO THE RURAL URBAN BOUNDARY (Rural Urban Boundary)**

- 3.1. The change enables the efficient provision of development capacity and land supply for residential, commercial and industrial growth.
- 3.2. The change promotes the achievement of a quality compact urban form.
- 3.3. Where moving the Rural Urban Boundary results in rezoning, the provision of infrastructure is feasible.
- 3.4. The change avoids:
  - a. scheduled areas with significant environmental, heritage, Māori , natural character or landscape values;
  - b. the Waitakere Ranges Heritage Protection Area;
  - c. mineral resources that are commercially viable;
  - d. elite soils.
- 3.5. The change avoids, where possible:
  - a. areas prone to natural hazards, including coastal hazards;
  - b. conflicts between residents and infrastructure.

3.6. The Rural Urban Boundary should aim to follow property boundaries.

**Supporting information required**

3.7. A summary of the layers in the Proposed Auckland Unitary Plan (PAUP) that apply to the site.

3.8. The proposed change is supported by a pdf map marked up to show:

- a. address(s);
- b. the Rural Urban Boundary line (current and the changes you seek);
- c. any property boundaries;

that are the subject of your submission. If you have GIS software provide this map as both a pdf and shape file.

3.9. If the Rural Urban Boundary change (and any related zone changes) relates to someone else's land, provide details of your consultation with the owner and their position on the proposed change.

The Panel observes that all parties generally agreed with this overall approach and took careful notice of this interim guidance, indeed many reading it as a prescription (and certainly as an assessment checklist). It was, however, published as 'guidance' and, as observed by Mr Duguid for Council with reference to the precinct/overlay relationship, the circumstances of a particular matter could, and if properly construed and justified, ought to be able to depart from that guidance. While the Panel has not generally accepted those instances where Council has proposed a subordinate relationship between precinct and overlay, it agrees with the principle as stated.

On 1 March 2016 the Panel issued further interim guidance regarding rezonings and precincts sought in greenfield situations proposed to be located within the Rural Urban Boundary. It cautioned that given the extensive submissions made and the time available to it, the Panel might not be able to satisfactorily resolve all outstanding Resource Management Act 1991 matters and be in a position to make a detailed recommendation in support of adopting the precinct at this time. Following receipt of legal submissions on this interim guidance, further clarification was given at the hearing on 7 March 2016.

## 2. Rural Urban Boundary

### 2.1. Summary of recommendations

The Panel recommends the location of the Rural Urban Boundary as notified in the Proposed Auckland Unitary Plan remain except in the following situations:

- i. extended in Warkworth to the east in the direction of Sandspit Road, to the west to the new motorway designation, to the southeast to Thompson Road and to include Valerie Close;
- ii. extended north at Hatfields Beach (reasons in Annexure 4);

- iii. extended to the west of Orewa from the Grand Drive motorway interchange and south to Wainui;
- iv. extended between Wainui and Dairy Flat Highway to include the Pine Valley Road area;
- v. extended at Dairy Flat to include the land bounded by Wilks Road, Postman Road and the Dairy Flat Highway, and including land at the intersection of Kahikatea Flat Road and Dairy Flat Highway;
- vi. extended at Dairy Flat east of the motorway to include an area around and to the north of the Penlink designation;
- vii. extended south at Dairy Flat;
- viii. extended north at Albany Village;
- ix. extended to the northwest at Long Bay to include a portion of Okura (reasons in Annexure 4);
- x. extended to the north of Kumeu-Huapai to align with the Kumeu River (reasons in Annexure 4);
- xi. retracted in the west of Kumeu-Huapai to align with a ridge line;
- xii. extended to the north west at Riverhead to align with the Wautaiti Stream;
- xiii. extended west of Henderson Valley to include three small areas (reasons for the extension at Christian Road are in Topic 075 Waitakere Ranges and otherwise are in Annexure 6);
- xiv. extended at Takanini/Alfriston to the west of Mill Rd, and to the east of Cosgrove Road and north of Old Wairoa Road;
- xv. expanded around Puhinui (reasons in Annexure 3);
- xvi. expanded to include the Pararekau and Kopuahingahinga Islands (reasons in Annexure 3).
- xvii. expanded to include the; wing' near Wesley College, Paerata (reasons in Annexure 3).
- xviii. extended east at Pukekohe and retracted from an area close to Pukekohe Hill.

The Panel's reasons for each of these changes are either in the relevant annexure where the area is discussed in relation to precincts or zoning (marked 'reasons in Annexure' above), or set out below.

The notified Proposed Auckland Unitary Plan included approximately 10,100 hectares of land zoned Future Urban Zone (almost all of which was within the Rural Urban Boundary) and the Council in evidence proposed an increase to that area. The changes to the Rural Urban Boundary recommended above would result in an expansion of those areas to approximately 13,000 hectares (an increase of about 30 per cent relative to the Proposed Auckland Unitary Plan as notified). Within those areas the Panel recommends live zones for

approximately 1,900 hectares (all within the recommended Rural Urban Boundary) and that the remaining 11,100 hectares be zoned Future Urban Zone.

As discussed in the Panel's report to Auckland Council – Overview of recommendations July 2016, the Panel considers the Rural Urban Boundary an appropriate planning tool to define the extent of the large urban areas (including the satellites of Warkworth and Pukekohe). The Panel recommends also placing the Rural Urban Boundary around Kumeu-Huapai because its proximity to the main urban area of Auckland puts it under particular growth pressure. The Panel does not consider it appropriate to place the Rural Urban Boundary around rural and coastal towns and villages because they do not exhibit the same growth pressures. Instead, the Panel considers that structure planning of any proposed change from rural zones to urban zone should adequately address growth issues.

## **2.2. Scope**

The Panel considers that all its recommendations on the location of the Rural Urban Boundary are within scope of submissions.

## **2.3. Criteria for determining Rural Urban Boundary location**

The Panel has included in B2.2.2 (2) of the regional policy statement a policy, with criteria, for determining when it is appropriate to shift the location of the Rural Urban Boundary. During the life of the Plan these criteria would need to be used, along with structure planning, to determine any changes in the location of the Rural Urban Boundary. The Panel used these same criteria when determining its recommended changes to the location of the Rural Urban Boundary.

The Council's expert witnesses, Ms Trenouth and Dr Fairgray, considered the location of the Rural Urban Boundary should be determined with a view to supporting the development of a compact urban form (i.e. intensification) within the existing metropolitan area. This view led to Dr Fairgray recommending that the Rural Urban Boundary should be set to attempt to match the supply of future urban land with the estimated demand for that land over the next thirty years. Dr Fairgray considered the Council's proposed Rural Urban Boundary location would satisfy estimated demand and that significant extensions of the Rural Urban Boundary would undermine the development of a compact urban form in the existing metropolitan areas.

The Panel was not convinced that the location of the Rural Urban Boundary of itself is an appropriate planning tool to support development of a compact urban form in the existing metropolitan area. The Panel considers the planning tool to best achieve that form of development is the appropriate zoning to enable intensification in and around centres and transport corridors (the Centres and Corridors strategy). It appears to the Panel the only meaningful way in which the Rural Urban Boundary could be used to support compact urban development is to signal a tight and firm restriction on the supply of future urban land, with a view to forcing more intensive use of the existing metropolitan areas than otherwise would be the case. Mr Thompson and Mr Norgrove provided evidence that such an approach would drive urban land prices higher than otherwise would be the case and would be

contrary to the objective of promoting more affordable access to appropriately-zoned land for housing, commercial and industrial use. The Panel agrees.

The Panel was also not convinced by the related proposition that the Rural Urban Boundary should be located so as to attempt to match the supply of future urban land with estimated demand (and no more) over the next thirty years. The Panel simply does not have available to it the necessary information or a recognised method to attempt to match with any confidence the supply of urban land with its estimated demand across the Auckland region over the next ten years (let alone for thirty years). The Panel also received evidence, which it accepts, that the costs to people and communities of under-enabling supply are much more severe than those arising from over-enabling supply.

Council staff, assisted by other experts, prepared very useful demand and supply estimates for land use (residential, commercial and industrial) within the Auckland region, focusing on the next ten years but extending for thirty years. These estimates were improved considerably over the course of the hearings and the Panel appreciated the effort and expertise that was invested in them. The Panel has used these estimates to indicate the minimum amount of land that needs to be contained within the Rural Urban Boundary. That is, the Panel has treated these estimates as a floor (and not as a cap). The Panel considers it imprudent to interpret such forecasts as a cap or maximum amount of land that should be within the Rural Urban Boundary. The important thing is to ensure sufficient land for the long term (thirty years) is enabled for urban use (i.e. is within the Rural Urban Boundary).

Thus when assessing requests to change the location of the Rural Urban Boundary the Panel used the criteria from B2.2.2 (2) and considered each request on its merits. The Panel did not consider it needed to, or should restrain the resulting total area within the Rural Urban Boundary to a particular amount.

The estimates on supply and demand for urban land uses for the next thirty years indicate that the Panel's recommended location of the Rural Urban Boundary should provide for sufficient supply, but not with a large margin. This outcome reinforces the Panel's view that proposals to change the location of the Rural Urban Boundary in the future should be open to private plan changes (as well as to Council's) should the quantum of supply prove inadequate or if more efficient land supply is identified. This would be achieved if the Rural Urban Boundary is defined (i.e. mapped) in the district plan, with the objectives and policies related to it in the regional policy statement.

## **2.4. Reasons for specific Rural Urban Boundary changes**

This section provides the Panel's reason for the changes to the Rural Urban Boundary, except for those changes that are associated with a precinct or zoning change. In those cases, the reasons are provided in the relevant annexure with precinct or zoning reasons.

In making these recommendations the Panel records that it has taken into account all the submissions seeking changes to the Rural Urban Boundary, noting that these submissions are many and varied and relate to locations across the Auckland area. In addition, the Panel has taken account of the evidence of the Council. The detailed nature of this material from submitters and the Council means it is not practical in this report to include commentaries on

all the points raised but they have nonetheless been considered in the Panel's recommendations.

In all cases the Panel concluded that the areas recommended to be included within the Rural Urban Boundary satisfy the regional policy statement policy criteria regarding shifts to the Rural Urban Boundary. They also meet the Panel's Best Practice Approaches for Changes to the Rural Urban Boundary. There are three areas west of Henderson Valley that extend into the Wāitakere Ranges Heritage Area and in Puhinui a small area of compromised elite soil is included. These recommendations are explained in the relevant Annexures or reports.

#### **2.4.1. Extensions at Warkworth**

This extension includes land to the west, east and south of the existing urban area in order to provide for the continuation of the growth occurring at Warkworth and that expected from the improved link to the city from the approved State Highway 1 realignment from Puhoi through to Warkworth. That realignment will serve to reinforce the extent of the Rural Urban Boundary by providing a defined western and north-western edge defined by the resultant roading pattern.

The land areas forming the extension are readily developable, provide for substantial growth to meet demand and also provide options at Warkworth regarding where that growth can occur. The areas are contiguous with the existing urban development, thereby supporting the development of a compact urban form, and can be provided with the required infrastructure to support significant extensions to the settlement of Warkworth.

The extensions avoid areas identified as having significant values, those including Māori, natural character and landscape values along with areas affected by natural hazards.

There were submissions seeking additional land to be included within the Rural Urban Boundary but the Panel is of the view that the reasonably foreseeable future needs for urban growth at Warkworth are provided for in the extended areas.

#### **2.4.2. Extensions at Orewa, Wainui, Pine Valley and Dairy Flat**

These areas form the basis of a substantial new urban area which will assist in meeting the demand for continuing growth north of the city. The areas are close to the urban areas of Orewa and Silverdale and are located:

- i. West of Orewa - on the western side of State Highway 1 and opposite Grand Drive motorway interchange, and south to Wainui;
- ii. along Pine Valley Road;
- iii. at Dairy Flat - immediately west of the Dairy Flat airfield, and an area to the south and lying either side of SH17 at Dairy Flat;
- iv. to the eastern side of motorway – adjacent to the Penlink designation route to the Whangaparāoa Peninsula.



The land is typically of easy topography and is situated close to the motorway. It has largely been subdivided in a manner more than would normally be expected in a rural area, that being a function of its proximity to the existing urban areas and also being readily developable. The overall area is contained by the motorway to the east (excepting for that portion east of the motorway) and by steeper hill country to the west.

The respective land units make up an extensive area which can provide for large scale development and the opportunity for it to be planned and developed in a coherent manner, linking with the existing urbanised areas. Infrastructure services are feasible.

Much of this area was included in the Proposed Auckland Unitary Plan as notified and the Council supported significant expansions to these boundaries in its evidence and closing comments. The resulting boundaries established a major new urban area. The main reason the Council did not expand this area further was that it considered there was already sufficient land area within the Rural Urban Boundary for long-term demand. As mentioned above the Panel is not convinced that is the case and furthermore the Panel considers it should err on providing more rather than less land area within the Rural Urban Boundary than is projected to be demanded over the long term. The Panel therefore included within the Rural Urban Boundary those areas that it considered meet the criteria in the regional policy statement for shifting the Rural Urban Boundary and which are consistent with its best practice approaches.

The above extensions to the areas included in the Rural Urban Boundary are consistent with many of the requests from submitters within the wider area.

#### **2.4.3. Extension at Albany**

This is an area at the bottom of the Albany Hill where future development would be an extension of the Albany Village. It is of easy topography and readily developed without impacting on the bush covered slopes to the north which provide a natural boundary for future development. It is easily accessible and infrastructure services can be extended readily to the area given its close proximity to the Village.

The Panel has therefore agreed with submitters in relation to this area.

#### **2.4.4. Retraction at Kumeu-Huapai**

The Council's planning witness Mr Ryan Bradley and its landscape expert Mr Stephen Brown recommended retracting a portion of the western Rural Urban Boundary north of Trigg Road and south of state highway 16 to at least the ridge line. They considered this ridgeline would provide a more defensible visual boundary and would better contain this edge of Kumeu-Huapai. Some other submitters supported this retraction while others requested the Rural Urban Boundary be extended to Foster Road. The Panel preferred the evidence of Messrs Bradley and Brown and recommends retracting the Rural Urban Boundary to the ridge line in this area.

#### **2.4.5. Extension at Riverhead**

The Proposed Auckland Unitary Plan as notified included at Riverhead a Rural Urban Boundary and future urban-zoned area to the west of Cambridge Road. Aberdeen Adventures Limited and others requested this Rural Urban Boundary be extended north-west to the Wautaiti Stream to include an additional area of about eight hectares. Engineering evidence was provided to demonstrate how this additional area could be used to more efficiently develop this and the adjoining areas and improve the amenity of development in this area. The Panel was persuaded by this evidence and recommends an extension of the Rural Urban Boundary to include this area.

#### **2.4.6. Extensions at Takanini/Alfriston**

D E Nakhle Investment Trust and others sought movement of the Rural Urban Boundary west of Mill Road and in the vicinity of Ardmore Airfield. That request was not supported by Council, particularly because stormwater modelling for the area is not yet completed and the Council sees no immediate need for further expansion. At the hearing the submitters and Council recorded their agreement on the issues to be resolved and, on that basis, the submitters accepted Council's proposed Rural Urban Boundary as the interim location.

The Panel generally accepts the position reached except that it sees merit in an expansion of the Rural Urban Boundary in the southern corner adjacent to Takanini Sub-precinct C, east of Cosgrove Road and north of Old Wairoa Road, and also west of Mill Road. Accordingly those areas are recommended to be included within an expanded Rural Urban Boundary.

#### **2.4.7. Retraction and extension at Pukekohe**

The Panel recommends the removal of about 170 hectares of land on Pukekohe Hill (south-east Pukekohe) from within the Rural Urban Boundary and its rezoning from Future Urban Zone to Rural - Rural Production Zone. Horticulture New Zealand and the Pukekohe Vegetable Growers' Association sought this area of land be excluded from the Rural Urban Boundary as notified in the notified Plan. The land contains elite and prime soils. The Council supported this change and the Panel agrees.

The Panel recommends about 230 hectares of land between Grace James Drive and Runciman Road in north-east Pukekohe be included within the Rural Urban Boundary and be rezoned from Rural - Countryside Living Zone to Future Urban Zone.

P L and R M Reidy, A J and P M Kloeten and Ruatotara Limited (the Reidys) sought that this land be included in the Rural Urban Boundary and be rezoned from Rural - Countryside Living Zone to Future Urban Zone. Horticulture New Zealand supported the relief sought by the Reidys. The Grace James Road residents did not support this change. The Council did not support the relief sought by the Reidys on the basis of the lack of need for the development capacity and perceived issues with the future servicing of the land.

Mr Hodgson provided planning evidence for the Reidys as to why the area is suitable for urban development. His reasons included that the area does not contain the same high quality land values as Pukekohe Hill, is currently used for countryside living but not of

sufficient lot sizes to enable urbanisation, is well served by roads and has linkages to arterials, has linkages to the Rural - Countryside Living Zone and a school, contains contours and natural features that would be attractive in an urban setting, and avoids the Pukekohe Tuff Ring. Mr Hodgson also provided an assessment of the proposed Rural Urban Boundary extension against the Panel's interim guidance on best practice approaches to changes to the Rural Urban Boundary.

The Panel was persuaded that the area requested to be included within the Rural Urban Boundary satisfies the regional policy statement criteria regarding shifts to the Rural Urban Boundary and meets the Panel's best practice approaches. The Panel recommends its inclusion within the Rural Urban Boundary.

## **2.5. Reasons for not supporting specific requests to change the Rural Urban Boundary**

There were a number of requests for changes to the Rural Urban Boundary that the Panel does not support. The Council also did not support these changes (for a summary of the Council's views see its closing comments on Topic 016/017 of 19 February 2016). The Panel considered these requests and the supporting evidence and concluded they did not meet the recommended criteria in the regional policy statement for changes to this boundary and the Panel's best practice approaches. On this basis the Panel's view concurs with the Council's position.

The Panel's reasons for not supporting three areas, namely Karaka Peninsula, Bombay and the extensions to Kingseat (that were not part of Plan Change 28 to the Auckland Council District Plan – Operative Franklin section) are in Annexure 6 (for Karaka and Bombay) and Annexure 3 (for Kingseat).

A small number of submitters requested changes to the Rural Urban Boundary on Waiheke Island. As noted above the Panel recommends the Rural Urban Boundary be located in the district plan and the district plan in the recommended Plan does not cover Waiheke Island or the other Hauraki Gulf Islands. Within this context the Panel considers any changes to the Rural Urban Boundary on Waiheke Island are best left to a district plan review for the Hauraki Gulf Islands, at which time such possible changes can be considered in the wider context of other district plan issues. The Panel therefore has not recommended changes to the Rural Urban Boundary on Waiheke Island.

## **3. Rezoning and precincts**

### **3.1. Overview**

Having heard and considered the extensive evidence and representations made on rezoning and precincts, the Panel further refined the approach signalled in its interim guidance. The main elements of the Panel's approach are explained in section 3.3 below

Where Council and all other affected parties were in agreement on a precinct or rezoning matter, other than satisfying itself that the provisions meet the relevant requirements of the

Resource Management Act 1991, the Panel generally saw no need to inquire further. There were however a number of instances with respect to precincts where the Panel upon further enquiry has not recommended that an 'agreed' precinct be supported. Further explanation of the reasons why the Panel has taken this approach are set out below.

Proposed precincts have generally been supported where those contribute in a material way to the overall strategic direction of the regional policy statement (including the facilitation of housing and employment choice). Provisions that generally duplicate overlay, Auckland-wide, or zone provisions (for example relating to stormwater management) have been removed as those general provisions apply unless otherwise specified.

Appendix 1 below provides a full list of precincts considered as part of the hearing process.

### **3.1.1. Precincts that have been supported**

The precincts shaded in green in Appendix 1 are the precincts that the Panel recommends to be included in the Auckland Unitary Plan. The Panel's recommendations and reasons are contained in the annexures to this report.

### **3.1.2. Precincts that have not been supported**

The precincts in Appendix 1 with no coloured shading are the precincts that the Panel does not recommend for inclusion in the proposed Auckland Unitary Plan.

Many of these are precincts that failed the Council gateway test and the Panel agrees with the Council that these precincts not be included in the proposed Auckland Unitary Plan for the reasons set out in the legal submissions and evidence presented on behalf of the Council.

In his evidence 080 General – Precincts evidence (saved to the aupihp website 5 December 2015) Mr Duguid in his Attachment E – provided a list of precincts that failed the Council 'gateway test' together with those precincts that were no longer being pursued by submitters. The Panel agrees with Mr Duguid's evidence and recommends that these precincts not be included in the Unitary Plan, unless individual submitters on that list have subsequently presented evidence to the Panel and the Panel has been persuaded by that evidence to recommend a precinct.

An example of where a precinct failed the Council gateway test, but has been recommended by the Panel is the Redhills Precinct.

Some of the precincts not supported by the Panel were in fact supported by Council. The Panel, in applying the best practice approaches to rezoning and precincts, has been able to take into account additional matters that the Council and submitters were not aware of when they presented evidence to the Panel. In most instances the zonings, the Auckland-wide provisions, or in the case of Akoranga 1 Precinct, the designation being recommended by the Panel for specific sites, will enable the development outcomes that had been sought by precinct provisions. In such cases a precinct is no longer required.

Further, the Panel has in some cases deleted precincts where the development of the area has now occurred or is close to completion and no longer needs to be closely controlled by precinct provisions. Similarly, where resource consent has been granted to provide for the development to occur the precinct has in some cases been deleted. The Panel's recommendations and reasons for are contained in the annexures to this report.

The precincts that were not supported have not been assigned a number as they do not appear in the recommended version of the Plan.

## **3.2. Scope**

The Panel considers that all recommendations made on rezoning and precincts are within scope, other than the matters referenced below.

The Panel's approach to scope has been explained in the Panel's Report to Auckland Council – Overview of recommendations July 2016. In determining this matter for Precincts, the Panel recognises Council's role as a submitter – which has brought many matters in scope. For example, where the Panel agrees with Council's submissions that a precinct should be deleted then, even if no other submitter sought that relief, that is a matter considered to be in scope. Furthermore, where the Panel has made a general finding, for example with respect to deleting a layer or element such as the Green Infrastructure Corridor Zone or indicative roads from the Plan, then that is automatically deleted from the precincts as a consequential amendment and is not considered to be out of scope. Similarly amendments made in the interest of conformity and consistency with the general provisions of the Plan are held to be in scope.

Those precinct matters remaining that the Panel identifies as out of scope are listed in Appendix 4 of the panels' report to Auckland Council – Overview of recommendations July 2016 and also noted in the respective precinct narratives contained in the Annexures 1-5 of this report.

## **3.3. General principles**

### **3.3.1. Caselaw and scope**

With respect to recent Court decisions (primarily but not exclusively relating to plan changes/variations), the Panel has taken careful note of the extent to which the 'ground' remains essentially the same or has changed materially since that decision was issued. Where it has been persuaded that the latter applies, and is also persuaded on the wider effects evidence, it has been prepared to recommend a different outcome. However it has done that cautiously. An example is the Clevedon Waterways Precinct where the Panel has accepted the submitter's legal submissions that the statutory framework is sufficiently different as a gateway to further consideration.

A particular concern of the Panel in deciding whether to recommend rezonings and precincts has been the reasonableness of that to persons who were not active submitters and who might have become active had they appreciated that such was a possible consequence.

Where the matter could reasonably have been foreseen as a direct or otherwise logical consequence of a submission point the Panel has found that to be within scope. Where submitters, such as Generation Zero, have provided very wide scope for change the Panel has been guided by other principles – such as walkability; access to multi-modal transport; proximity to centres; and so forth – in finessing such change.

The Panel's recommended changes from the notified Proposed Auckland Unitary Plan have been mapped onto and use Council's 26 January 2016 zoning data (which represented Council's position prior to the 24 February 2016 decision of the Governing Body). However, the Panel has cross-checked for full consideration those zonings with the post 24 February 2016 position advised by Council and the Panel has either confirmed those zonings or modified them.

As noted in the Overview in section 6.2.1 at page 50, the two submissions that had the greatest potential effect on residential capacity were the Council in-scope submissions and those of Housing New Zealand as they covered large areas of the region and provided specific mapped zoning recommendations.

Recognition has been given to the operative special housing areas that have been completed since the proposed Plan was notified (including contiguous or consequential changes that logically arise from these – such as Drury South). See the Panel's Report to Auckland Council – Overview of recommendations July 2016 for a discussion of special housing areas and the Panel's recommendations.

### **3.3.2. Capacity**

The capacity modelling (both residential and business) has, as discussed in the Panel's Report to Auckland Council – Overview of recommendations July 2016, pointed the Panel in the direction of increased enablement of capacity. The Panel's approach has been in line with the Auckland Plan's promotion of a quality compact urban form by focusing capacity in and around centres, transport nodes and corridors. That has resulted in recommending a more focussed concentration of increased capacity through rezoning around those identified metropolitan and town centres (in particular) so that their function and role is appropriately strengthened, while recognising the multi-modal transportation efficiencies thereby gained through road, rail and ancillary access linkages. This has also resulted in rezoning a number of business areas from Business - Light Industry Zone to Business - Mixed Use Zone (particularly in the isthmus at Ellerslie and Morningside, for instance) and supporting centres with higher residential densities through zoning these Residential - Mixed Housing Urban Zone and Residential - Terrace Housing and Apartment Buildings Zone. In doing so the Panel has generally avoided rezoning the inner city special character areas (such as Westmere and Ponsonby), although it has done so in limited defined areas (such as in Mount Albert) where other strategic imperatives dominate.

### **3.3.3. Constraints**

The Panel's approach to land use controls has been to, as far as practicable, establish a clear and distinct descending hierarchy from overlay to zone to precinct (where applicable) based on relevant regional policy statement provisions. It has not accepted Council's

particular proposition that precincts should, in certain defined circumstances, override overlays.

In a small number of circumstances precincts based on character have been recommended despite the Panel having reservations about the necessary extent of those precincts. It has made those recommendations on the cautionary basis that at least interim protection should be afforded pending a fuller consideration by Council. An example is Rosella Precinct at Middlemore, where its strategic proximity to the rail station would otherwise warrant an upzoning to Residential - Mixed Housing Urban Zone.

As noted above, overlay constraints (for example flooding, height-sensitive areas, and volcanic viewshafts) have generally not been taken into consideration as far as establishing the zoning is concerned. That is, the 'appropriate' land use zoning has generally been adopted regardless of overlays. That approach leaves overlays to perform their proper independent function of providing an important secondary consideration, whereby solutions and potential adverse effects can be assessed on their merits. It also avoids the risk of double-counting the overlay issue both at the zone definition and then at the overlay level. In many instances this has resulted in consequential rezoning changes. In Newmarket, for example, the Panel has upzoned the centre to Business - Metropolitan Centre Zone; removed the particular building height restrictions; and relied upon the Volcanic Viewshaft and Height Sensitive Areas Overlay (along with general development controls) to govern individual site structure heights.

As a consequence of the approach to zoning noted above, typically the setting aside of an overlay from a residential site for the purpose of establishing the zoning, has resulted in upzoning of that site by one order of dwelling typology – commonly from Residential - Single House Zone to Residential - Mixed Housing Suburban Zone for instance (indeed, the Residential - Mixed Housing Suburban Zone has become the new 'normal' across many parts of the city). This residential upzoning has most commonly arisen from the uplifting of the flooding overlay, which in no way diminishes the relevance of that, or any other, overlay because of its importance in the hierarchy of controls.

The Panel has recommended the deletion of the pre-1944 overlay, see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

#### **3.3.4. Residential zoning**

At the interface of zones the Panel recommends a rule that imposes the stricter of the two zones' standards. Accordingly the Panel does not consider it necessary always to step up the zones in sequence (from Residential – Single House Zone to Mixed Housing Suburban Zone, to Residential - Mixed Housing Urban Zone to Residential - Terrace Housing and Apartment Buildings Zone for instance). While the concept of concentric zone patterning has a certain logic, that is neither practical nor efficient in many on-the-ground circumstances.

In terms of applying higher density zones, the Panel has preferred a wider walkability metric than the 200-400m proposed by Council. While accepting that a 400-800m metric as proposed by the Housing New Zealand Corporation is not appropriate in all circumstances, or likely realisable within the current medium-term, ten-year planning horizon, the Panel considers that approach to be more appropriate strategically when taking the longer-term

2041 planning horizon into account. As many submitters noted, rezoning merely provides the opportunity; it does not by itself ensure an outcome. Not to zone appropriately and sufficiently, however, can certainly frustrate wider strategic and longer-term objectives.

The Panel also notes that in some cases, for example in Belmont, it has proceeded with upzoning around the centres despite there being clear infrastructural constraints presently. In Belmont, for instance, this relates to Lake Road and its current congestion. However, in such cases the Panel has proceeded because improvement works are reliably forecast or scheduled within the current 10-year lifespan of the Plan and the rezoning is likely to facilitate a resolution of that existing issue. Furthermore, that particular infrastructural issue is the sole significant constraint to an otherwise strategic location at Belmont – and therefore upzoning a wider area around the centre to Residential – Mixed Housing Urban Zone and Residential – Terrace Housing and Apartment Buildings Zone has been adopted.

The Panel also records that in a number of areas that are characterised by more dense Housing New Zealand Corporation property ownership, such as around Mangere township for example, where Housing New Zealand Corporation has sought to upzone in order to achieve higher densities, the Panel has infilled the upzoning across other properties where that makes a more logical block as consequential changes.

Live zonings have been adopted for land brought within the Rural Urban Boundary where justified by evidence. Where this has not occurred it has usually been for the reason either that insufficient work has been undertaken to satisfactorily answer outstanding questions about, for example, infrastructure provision, or because the Panel has not been able to resolve detailed concerns in the available time. In many instances it anticipates that those matters will be able to be brought forward through plan changes/variations in the near future because of the work undertaken to date.

The Panel has not accepted Council's principle that the Future Urban Zone should only be used within a Rural Urban Boundary. As discussed in the Panel's Report to Auckland Council – Overview of recommendations July 2016, the Panel has adopted a Rural Urban Boundary only around the main urban area, the two satellite towns of Warkworth and Pukekohe, and Kumeu-Huapai and Riverhead. It sees no sensible planning purpose in placing a Rural Urban Boundary around smaller settlements but sees considerable merit in signalling areas that are suitable as land zoned Future Urban Zone.

The Panel notes that, contrary to a number of submitters, it has not assumed that Future Urban Zone areas will necessarily all come into live zoning as residential land. As noted elsewhere, the Panel has specifically assumed that these will encompass both business and residential activities, as well as a mix of recreational, open space and other zones, but has not attempted to predetermine those outcomes.

### **3.3.5. Business zoning**

While the Panel accepts the thrust of Council's evidence from Messrs Wyatt, Akehurst and Ms Fairgray in respect of the geographic shortage of land zoned Business - Light Industry Zone, it has recognised the existing reality of many of those proposed zones. That is, many of these proposed zones are not currently used for or by light industry, and the clear commercial evidence is that they are most unlikely to revert to light industry even if zoned as



such. Accordingly the Panel has rezoned many instances to the underlying zone sought, being either Business - Mixed Use Zone or Business - General Business Zone. This further reduces the amount of land zoned Business – Light Industry Zone in the Plan, making more transparent this issue of shortage raised by Council. However, the Panel does not consider that hiding the reality under what is effectively a false zone would address the shortage. The Panel notes that large areas of land zoned Future Urban Zone will be available as Business – Light Industry Zone if that is deemed appropriate at the time of structure planning for live zoning. That has been taken into account in zoning Future Urban Zone areas.

The Panel notes that the Interim Guidance on ‘spot zoning’ was not intended to apply to small neighbourhood centre zones or larger complex sites such as retirement homes or large-format retail outlets. Those activities by their very nature tend to be ‘spots’ in a pure sense. The Panel has not, therefore, accepted that as a reason for not zoning such activities appropriately.

### 3.3.6. Countryside living

The Panel has further increased the amount and locations of land recommended to be rezoned Residential - Countryside Living Zone seeing this both as a reasonable lifestyle choice option in a maturing city context as well as strategically serving to buffer the edges of future urban expansion. Rezoning has not been recommended where the integrity of the Rural Urban Boundary would be undermined or the expansion of urban areas, including Future Urban zoned land, would be compromised. An example of this is between the western extent of land zones as Future Urban Zone at Brigham Creek and the emerging urban areas of Riverhead and Kumeu-Huapai. The Panel recommends that the Council undertake further strategic work in this locality to determine if in the longer term a buffer is to be retained between urban Auckland and the emerging urban areas to the west, or alternatively that eventually the emerging urban areas would be joined to the western expansion of urban Auckland.

In addition the Panel had particular regard to the matter of land containing elite soils and the clear preference of Council (and others) to prefer rural productive activities. The Panel’s approach is consistent with the regional policy statement provisions at B9 – Rural environment with respect to the provision of new rural lifestyle subdivision. In broad terms the recommended countryside living zones have been concentrated in close proximity to existing urban areas and around some smaller rural and coastal settlements where land zoned as countryside living already exists. An exception to this general approach is that requests to rezone land zoned Rural - Rural Coastal Zone to Rural – Countryside Living Zone have not been recommended, consistent with the regional policy provisions.

Requests for new countryside living zoning not adjacent to existing urban areas, settlements or existing land zoned countryside living have not been recommended. In being persuaded that Rural - Countryside Living Zone was an appropriate zone, the Panel has taken into consideration the substantial volume of evidence indicating that many of these areas are already in comparatively small lot sizes (i.e. less than five hectares) and are not generally used for commercial production purposes. In other words, they already have the functional characteristics of countryside living.

The Panel notes that extending the Rural - Countryside Living Zones will also increase the receiver areas for Transferable Rural Site Subdivision as the Rural - Countryside Living Zones are the only areas that may receive transferred titles. There was some criticism from submitters that there were insufficient receiver areas. Extending the areas zoned Rural - Countryside Living Zone will, to some extent, address this concern. In addition the two hectare average lot size and associated pattern of subdivision and development contemplated for the Rural - Countryside Living Zone, is less likely to be compromised by the transfer in of additional titles by having more extensive receiving areas.

## 4. Annexures to the report

The annexures to this report contain the detail of the Panel's recommendations and reasons in respect of specific sites and locations. The precincts are grouped by geographic location into the annexures as follows:

- i. Annexure 1 Auckland-wide precincts;
- ii. Annexure 2 Precincts – central;
- iii. Annexure 3 Precincts – south;
- iv. Annexure 4 Precincts – north;
- v. Annexure 5 Precincts – west.
- vi. Annexure 6 Changes to the Rural Urban Boundary

Each annexure has a table of contents.

The Panel has provided recommendations and reasons for precincts recommended to be included in the Plan as well as for those it has recommended should not be included in the Plan. Appendix 1 below provides a complete list of precincts, shows whether the Panel has recommended the precinct to be included or not included, and shows which annexure contains the Panel's recommendations and reasons for that location.

The precincts recommended to be included are listed in the first part of the annexure, while the precincts recommended not to be included are listed in the second part of the annexure.

## 5. Reference documents

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

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

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

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

## **5.1. Rural Urban Boundary (Topics 016, 017)**

The Submission Points Pathway report

[016 - Submission Points Pathway Report - 15 September 2015](#) (16 September 2015)

[017 - Submission Points Pathway Report - 3 December 2015](#) (04 December 2015)

The Parties and Issues Report

[016 - Parties and Issues Report - 15 September 2015 \(UPDATED VERSION\)](#) (15 September 2015)

[016 - Parties and Issues Report - 17 November 2014](#) (15 July 2015)

[017 - Parties and Issues Report - 15 September 2015 \(UPDATED VERSION\)](#) (15 September 2015)

[017 - Parties and Issues Report - 17 November 2014](#) (15 July 2015)

[017 - Parties and Issues Report - 5 August 2015 \(UPDATED VERSION\)](#) (05 August 2015)

Panel Interim Guidance

[Interim guidance Urban Growth February 2015](#)

[Best practice approaches to changes to the RUB rezoning and precincts 31 July 2015](#)

Council closing statement

[016&017 Hrg - Auckland Council - CLOSING COMMENTS](#) (20 February 2016)

Expert Conference Statements,

[016 - Expert Conference Joint Statement \(Okura\) - 15 October 2015](#) (16 October 2015)

[017 - Expert Conference Joint Statement \(RUB South Puhunui\) - 5 November 2015](#) (10 November 2015)

### **Other**

[016 - Auckland Council - Memorandum - 8 October 2015](#) (09 October 2015)

[017 - Record of Discussions \(RUB South Puhunui\) - 30 October 2015](#) (12 November 2015)

[016 - RUB Changes v3 25 Sept 2014](#) (15 July 2015)

[016 - RUB mapped Submissions North, West and Waiheke Island](#) (15 July 2015)

[016&017 - Procedural minute 6](#) (15 July 2015)

[016&017 - Procedural minute 7](#) (15 July 2015)

[016&017 - Council response to Procedural minute 6 and 7](#) (15 July 2015)

[017 - RUB Changes v3 25 Sept 2014](#) (15 July 2015)

[017 - RUB Place based Submissions South\\_ps](#) (15 July 2015)

### **Auckland Council**

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Chloe Trenouth) - Strategic Planning Overview (14 October 2015)

016&017 Hrg - Auckland Council - Strategic Overview Evidence - Chloe Trenouth - Planning - REBUTTAL (21 December 2015)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Dr Douglas Fairgray) - Economic (20 October 2015)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Douglas Fairgray) - Economics - REBUTTAL - AMENDED MAPS 11 Jan 2016 (11 January 2016)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Douglas Fairgray) - Economics - REBUTTAL (18 December 2015)

## **5.2. Rezoning and precincts (Topics 080, 081)**

The Submission Points Pathway report

080 - Submission Point Pathway Report - 10 Nov 2015

081 - Submission Point Pathway Report - 12 Nov 2015

The Parties and Issues Report

080 - Parties and Issues Report - 12 October 2015

081 - Parties and Issues Report - 12 October 2015

Council evidence

080 Ak Cncl - Precincts (J Duguid) - General statement (5 December 2015)

080 Ak Cncl - Rezoning (J Duguid) - General statement (5 December 2015)

Council closing statement

080 Ak Cncl - Public Open Space, Tertiary (excl Wairaka), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS (18 March 2016)

080 Ak Cncl - Retirement Villages - CLOSING REMARKS (18 March 2016)

080 Ak Cncl - Special Purpose Landfill Zone (Redvale Landfill) - CLOSING REMARKS (18 March 2016)

080 Ak Cncl - Strategic Overview Matters and Auckland-Wide Zoning - CLOSING REMARKS (18 March 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – General - Updated - 19 May 2016 (19 May 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 and 2 – Guide to changes made – 19 May 2016 (19 May 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Guide to changes made – 26 May 2016 (26 May 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Akoranga 1 Precinct provisions (17 June 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016)

081 Ak Cncl - Rezoning - CLOSING REMARKS – Including Attachments A-F (16 May 2016)

Mediation Statements,

080 - Mediation Joint Statement (Wairaka Precinct - Unitec) (20 November 2015)

081 - Mediation Joint Statement (New Lynn) - 7 December 2015 (8 December 2015)

081 - Mediation Joint Statement (Puhinui New and Mangere-Puhinui) - 8 December 2015 (11 December 2015)

081 - Mediation Joint Statement (Te Arai South and Te Arai North) - 10 December 2015 (14 December 2015)

081 - Mediation Joint Statement (Te Arai South and Te Arai North) – 15 January 2016 (12 February 2016)

081 Mediation Joint Statement (Bayswater Marina) - 2015-12-07 (8 December 2015)

081 Mediation Joint Statement (Newmarket 2) 2015-12-09 (9 December 2015)

Panel Interim Guidance

Interim Guidance - topic 081 - Approach to re-zoning and precincts in greenfield areas proposed to come inside the RUB (1 March 2016)

Direction from IHP Chairperson on Auckland Council's preliminary position on residential rezoning and waivers for late submissions (14 January 2016)

Direction from IHP Chairperson on Auckland Council's preliminary position on residential rezoning and waivers for late submissions - Clarification of directions (18 February 2016)

Direction from IHP to Auckland Council - Topics 080 and 081 - Council response (11 Dec 2015) (22 December 2015)

## Appendix 1 Precinct overview

Appendix 1 lists in alphabetical order all the precincts heard in hearing topics 080 and 081.

### 1. Precincts included in the recommended Auckland Unitary Plan

The precincts shaded in green are the precincts that the Panel recommends to be included in the Auckland Unitary Plan. The Panel's recommendations and reasons are contained in the annexures to this report. These precincts have been assigned a number that matches the number in the table of contents for the Panel's recommended version of the Auckland Unitary Plan (see precinct numbering below).

### 2. Precincts *not* included in the recommended Auckland Unitary Plan

The precincts with no shading are the precincts that the Panel recommends to *not* be included in the Auckland Unitary Plan. As explained in section 3.1.2 above many of these precincts were not supported by Council and the Panel because they did not meet the best practice criteria for inclusion. For some of these precincts, however, the Panel has documented specific recommendations and reasons, either because Council supported the precinct and the Panel did not agree, or where there were matters raised by Council or submitters that the Panel felt warranted further explanation. These specific recommendations are in the annexures to this report.

The precincts that were not supported have not been assigned a number as they do not appear in the recommended version of the Plan.

### 3. Precinct numbering

The precincts heard as part of hearing topics 080 and 081 are not the only precincts in the Plan. Others include the city centre precincts, coastal precincts, Waitākere Ranges precincts airport precincts and major recreation precincts.

The precinct numbering in the Plan includes all of these precincts. This means that the precinct numbering in the following appendix of 080 and 081 precincts is not sequential. Where there appears to be a gap in the numbers, this will be because one of the precincts heard in another topic has been assigned that number in the table of contents for the Plan.

.Refer to the Panel's Overview of recommendations, Appendix 4 for a list of *all* precincts included in the proposed Unitary Plan, their precinct number and the topic in which they were heard.

<b>Precinct Name</b>	<b>Precinct number</b>	<b>Topic #</b>	<b>Area</b>	<b>Annexure</b>	<b>Alternative Names</b>
Akoranga		81	North		
Akoranga 1		80	North	Annexure 4	
Albany 2		81	North		
Albany 3	500	81	North	Annexure 4	
Albany 4		81	North		
Albany 5		81	North	Annexure 4	
Albany 6		81	North	Annexure 4	
Albany 7		81	North		
Albany 8		81	North		
Albany 9	501	80	North	Annexure 4	
Albany Centre	502	81	North	Annexure 4	
Ardmore3	400	80	South	Annexure 3	
Auckland War Memorial Museum	303	80	Central	Annexure 2	Auckland Museum
AUT Millennium Institute of Sport	503	80	North	Annexure 4	
Avondale 1	305	81	Central	Annexure 2	
Avondale 2	306	81	Central	Annexure 2	
Babich	600	81	West	Annexure 5	
Bayswater Marina	504	81	North	Annexure 4	Bayswater
Beachlands 1	403	81	South	Annexure 3	
Beachlands2	404	81	South	Annexure 3	
Belmont North		81	North		
Big Bay	405	81	South	Annexure 3	
Birdwood	602	81	West	Annexure 5	
Birkenhead		81	North		
Boat Building	100	80	Auckland-wide	Annexure 1	
Bombay 1	406	81	South	Annexure 3	
Bombay 2		81	South		
Botany Junction		81	South		

<b>Precinct Name</b>	<b>Precinct number</b>	<b>Topic #</b>	<b>Area</b>	<b>Annexure</b>	<b>Alternative Names</b>
Bremner Road, Drury		81	South		
Brick Bay		81	North		
Browns Bay		81	North		
Carlaw Park		81	Central		
Central Park	308	81	Central	Annexure 2	
Chelsea	505	81	North	Annexure 4	
Churchill Park		80	Central	Annexure 2	
Clarks Beach		81	South		
Clevedon	408	81	South	Annexure 3	
Clevedon 2		81	South		
Clevedon Waterways	409	81	South	Annexure 3	Clevedon 3
Coatesville		81	North		
Cornwall Park	309	80	Central	Annexure 2	
Dairy Flat	506	81	North	Annexure 4	
Devonport Naval Base	507	81	North	Annexure 4	
Devonport Peninsula	508	81	North	Annexure 4	
Drury South Industrial	410	81	South	Annexure 3	Drury South
East Tamaki		81	Central		
Eden Terrace		81	Central		
Ellerslie 1	311	81	Central	Annexure 2	
Ellerslie 2	312	81	Central	Annexure 2	
Ellerslie 3		81	Central		
Epsom	314	80	Central	Annexure 2	
Flat Bush	412	81	South	Annexure 3	



Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Franklin 1		80	South		See 405. Big Bay (405), Matingarahi (426), Patumahoe (430), Wattle Bay (440), Grahams Beach, Karaka South, Te Toro
Franklin 2 (Sub-precinct A)		81	South	Annexure 3	Wesley College
Gabador Place	315	80	Central	Annexure 2	Mount Wellington 1
Glenbrook 2		81	South		
Glenbrook Steel Mill	415	81	South	Annexure 3	Glenbrook 1
Glenbrook Village Railway		81	South		
Grafton	316	80	Central	Annexure 2	
Grahams Beach		81	South	Annexure 3	
Greenfield Urban		81	Auckland-wide		
Greenhithe	509	81	North	Annexure 4	
Grey Lynn		81	Central		
Gulf Harbour		81	North	Annexure 4	
Gulf Harbour Marina	510	81	North	Annexure 4	
Hatfields	511	81	North	Annexure 4	
Hatfields Beach 1		81	North	Annexure 4	
Hatfields Beach 2		81	North	Annexure 4	
Hayman Park		80	South	Annexure 3	
Helensville 1		81	North		
Helensville 2		81	North		
Helensville 3		81	North		
Henderson 2		81	West		
Henderson 3		81	West		
Henderson Corban Estate		81	West	Annexure 5	

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Herne Bay 1		81	Central		
Herne Bay 2		81	Central		
Hillsborough	317	80	Central	Annexure 2	
Hingaia		81	South		
HMNZ Dockyard	512	81	North	Annexure 4	
Hobsonville Corridor	603	81	West	Annexure 5	
Hobsonville Marina	604	81	West	Annexure 5	
Hobsonville Point	605	81	West	Annexure 5	
Huapai 3		81	North		
Huapai 4		81	North		
Huapai 5		81	North		
Huapai North		81	North		
Integrated Development Precinct		80	Auckland-wide		
Kakanui Point	514	81	North	Annexure 4	
Karaka 1	416	81	South	Annexure 3	Hingaia Bloodstock
Karaka North	417	81	South	Annexure 3	
Karaka South		81	South	Annexure 3	See 405 - Big Bay
Kaukapakapa		81	North		
Kawau Island	515	81	North	Annexure 4	
Kelly's Cove		81	South		
Kingseat	418	81	South	Annexure 3	
Kohimarama		80	Central		
Kumeū	516	81	North	Annexure 4	
Kumeū Showgrounds	517	81	North	Annexure 4	
Kumeū-Huapai		81	North		
Leigh Marine Laboratory	518	80	North	Annexure 4	
Lincoln	606	80	West	Annexure 5	
Long Bay	519	81	North	Annexure 4	

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Long Bay 1		81	South		
Mana Whenua Management	419	80	South	Annexure 3	
Māngere 1	420	81	South	Annexure 3	
Māngere 2	421	81	South	Annexure 3	
Māngere Bridge		81	South		
Māngere Gateway	422	81	South	Annexure 3	
Māngere Puhinui	423	81	South	Annexure 3	
Manukau	425	81	South	Annexure 3	
Manukau 2	424	80	South	Annexure 3	
Manukau 3		81	South		
Manukau 4		80	South		
Manukau Harbour		80	South		
Manurewa		81	South		
Maori Purpose		80	North		
Marae and Papakāinga		80	North		
Martins Bay	520	81	North	Annexure 4	
Matakana 1	521	81	North	Annexure 4	
Matakana 2	522	81	North	Annexure 4	
Matakana 3	523	81	North	Annexure 4	
Matingarahi	426	81	South	Annexure 3	See 405 - Big Bay
Matukutūruru		81	South	Annexure 3	Wiri 2
Maunga and Sites		80	Auckland-wide		
Maunga and Sites		81	Auckland-wide		
Milford 1		81	North		
Milford 2		81	North	Annexure 4	
Milford 3		81	North		
Mill Road		81	South	Annexure 3	
Mission Bay 1		81	Central		

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Monte Cecilia	318	80	Central	Annexure 2	
Mount Albert 1		81	Central		
Mount Albert 2	320	80	Central	Annexure 2	
Mount Wellington 5	322	80	Central	Annexure 2	
Mt Eden 1		80	Central		
Mt Eden 2		81	Central		
Mt Roskill 1		81	Central		
Mt Roskill 2		81	Central		
Mt Roskill 3		81	Central		
Mt Wellington 2		81	Central		
Mt Wellington 3		81	Central		
Mt Wellington 4		81	Central		
Muriwai		81	West		
New Lynn	607	81	West	Annexure 5	
New Windsor		81	Central		
Newmarket 1		81	Central		
Newmarket 2		81	Central	Annexure 2	
North-west		81	West		
Observatory	323	80	Central	Annexure 2	
Ōkahu Bay	324	80	Central	Annexure 2	
Ōkahu Marine	325	81	Central	Annexure 2	
Ōkura	527	Pan	North	Annexure 4	
Ōmaha		81	North		
Ōmaha Flats		81	North		
Ōmaha South	528	81	North	Annexure 4	
Ōnehunga 1		81	Central		
Ōnehunga 2		81	Central		
Ōnehunga 3 (Port)		80	South		Ōnehunga 3 (Ports of Auckland)
Ōrākei 1	326	81	Central	Annexure 2	
Ōrākei 2	327	81	Central	Annexure 2	

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Ōrākei 3		81	Central		
Ōrākei Point	328	81	Central	Annexure 2	
Oratia Village Precinct	608	81	West	Annexure 5	
Ōrewa 1	529	81	North	Annexure 4	
Ōrewa 2	530	81	North	Annexure 4	
Ōrewa 3	531	81	North	Annexure 4	
Ōrewa 4		81	North		
Ōrewa 5		81	North		
Ōrewa Countryside		81	North	Annexure 4	
Papakura	428	81	South	Annexure 3	
Papatoetoe		81	South		
Parakai 1		81	North		
Parakai 2		81	North		
Pararēkau and Kopuahingahinga Islands	429	81	South	Annexure 3	
Paremoremo		81	North		
Parnell 1		81	Central		
Parnell 2		81	Central		
Patumahoe	430	81	South		See 405 - Big Bay
Patumahoe 2		81	South		
Penihana North	609	81	West	Annexure 5	
Penrose 2		81	Central		
Penrose1		81	Central		
Pine Harbour	431	81	South	Annexure 3	
Pinewoods	532	81	North	Annexure 4	
Puhinui	432	81	South	Annexure 3	
Puhoi		81	North	Annexure 4	
Puhoi 1		81	North		
Pukekohe Hill	433	81	South	Annexure 3	
Pukewairiki	435	81	South	Annexure 3	Waiouru (Highbrook)

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Ramarama 1		81	South	Annexure 3	
Red Beach	533	81	North	Annexure 4	
Redhills	610	81	West	Annexure 5	
Redvale 1		81	West		
Redvale 2		81	West		
Regional Parks		80	Auckland-wide	Annexure 1	
Remuera		80	Central		
Retirement Village		80	Auckland-wide		
Riverhead 1		81	North	Annexure 4	
Riverhead 2		81	North	Annexure 4	
Riverhead 3	534	81	North	Annexure 4	
Riverhead 4		81	North	Annexure 4	
Riverhead South		81	North	Annexure 4	
Rodney area		81	North		
Rodney Landscape	535	81	North	Annexure 4	
Rodney Thermal Energy Generation		81	North		
Rosedale 1		81	North		
Rosedale 3		81	North		
Rosedale 4		81	North		
Rosella Road	436	81	South	Annexure 3	
Rowing and Paddling	102	80	Auckland-wide	Annexure 1	
Runciman	437	81	South	Annexure 3	
Saint Heliers	329	81	Central	Annexure 2	
Saint Lukes	330	81	Central	Annexure 2	
Sandspit		81	North		
Silverdale 1		81	North	Annexure 4	
Silverdale 2	536	81	North	Annexure 4	
Silverdale 3	537	81	North	Annexure 4	

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Silverdale 4		81	North		
Silverdale 5		81	North		
Silverdale North		81	North	Annexure 4	
Silverdale West		81	North		
Smales 1	538	81	North	Annexure 4	
Smales 2	539	81	North	Annexure 4	
St John's Theological College	331	80	Central	Annexure 2	Saint John's Theological College
Stillwater		81	North		
Stonefields		81	South		
Swanson		81	West		
Swanson North	611	81	West	Annexure 5	
Sylvia Park		81	Central	Annexure 2	
Takanini	438	81	South	Annexure 3	
Takanini 1		81	South		
Takanini 2		81	South		
Takanini 3		81	South		
Takapuna 1	540	81	North	Annexure 4	
Takapuna 2		81	South	Annexure 3	
Takapuna 3		81	South		
Tāmaki	332	80	Central	Annexure 2	Tāmaki 1
Tāmaki Drive		81	Central		
Tāmaki Redevelopment		81	Central	Annexure 2	
Te Arai North	541	81	North	Annexure 4	
Te Arai South	542	81	North	Annexure 4	

Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Te Atatū Peninsula		81	West		
Te Atatū South		81	West		
Te Atatū Town Centre		81	West		
Te Hana		81	North		
Te Toro		81	South	Annexure 3	See 405 - Big Bay
Three Kings	333	81	Central	Annexure 2	
Waiheke		81	Central		
Waikauri Bay		81	North	Annexure 4	
Waimana Point	543	81	North	Annexure 4	
Waimauku		81	North		
Waimauku 1		81	North		
Waimauku 2		81	North		
Wainui	544	81	North	Annexure 4	
Wairaka	334	80	Central	Annexure 2	
Wairau Valley 2		81	North		
Wairau Valley 3		81	North		
Wairau Valley 4		81	North		
Waitakere Quarry		81	West		
Waitemata Gun Club		80	West	Annexure 5	
Waiuku	439	81	South	Annexure 3	
Waiuku 1		81	South		
Waiuku 2		81	South		
Waiuku 3		81	South		
Waiwera	545	81	North	Annexure 4	
Waiwera 1		81	North		



Precinct Name	Precinct number	Topic #	Area	Annexure	Alternative Names
Warkworth 1		81	North		
Warkworth 2		81	North		
Warkworth 3	546	81	North	Annexure 4	
Warkworth 4		81	North		
Waterview 1		81	Central		
Wattle Bay	440	81	South		See 405 - Big Bay
Wēiti	547	81	North	Annexure 4	
Wēiti 2		81	North	Annexure 4	
Wesley College		81	South	Annexure 3	Franklin 2 (Sub-precinct A)
Westgate	615	81	West	Annexure 5	
Whangaparāoa	548	81	North	Annexure 4	
Whenuapai 3		81	West		
Whitford	441	81	South	Annexure 3	
Whitford 1		81	South		
Whitford 2		81	South		
Whitford 3		81	South		
Whitford Village	442	81	South	Annexure 3	
Wiri 1		81	South		
Wiri 3		81	South		
Woodhill		81	North		
Woodhill 1		81	North		

## **H6. Residential – Terrace Housing and Apartment Buildings Zone**

### **H6.1. Zone Description**

The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.

The purpose of the zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.

The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified Height Variation Control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. This form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.

Standards are applied to all buildings and resource consent is required for all dwellings and for other specified buildings and activities in order to:

- achieve the planned urban built character of the zone;
- manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.

The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.

This zone also provides for a range of non-residential activities so that residents have convenient access to these activities and services while maintaining the urban residential character of these areas.

### **H6.2. Objectives**

- (1) Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.
- (2) Development is in keeping with the areas planned urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.
- (3) Development provides quality on-site residential amenity for residents and the street.

- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

### **H6.3. Policies**

- (1) Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages.
- (2) Require the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.
- (3) In identified locations adjacent to centres, enable greater building height through the application of the Height Variation Control where the additional development potential enabled:
  - (a) provides an appropriate transition in building scale from the adjoining higher density business zone to neighbouring lower intensity residential zones, and;
  - (b) supports public transport, social infrastructure and the vitality of the adjoining centre.
- (4) Manage the height and bulk of development to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments.
- (5) Require accommodation to be designed to:
  - (a) provide privacy and outlook; and
  - (b) have access to daylight and sunlight, and provide the amenities necessary to meet the day-to-day needs of residents.
- (6) Encourage accommodation to have useable and accessible outdoor living space.
- (7) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
- (8) Provide for non-residential activities that:
  - (a) support the social and economic well-being of the community;
  - (b) are in keeping with the with the scale and intensity of development anticipated within the zone;
  - (c) avoid, remedy or mitigate adverse effects on residential amenity; and

(d) will not detract from the vitality of the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone.

#### H6.4. Activity table

Table H6.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Terrace Housing and Apartment Buildings Zone pursuant to section 9(3) of the Resource Management Act 1991).

**Table H6.4.1 Activity table**

Activity		Activity status	Standards to be complied with
<b>Use</b>			
(A1)	Activities not provided for	NC	
<b>Residential</b>			
(A2)	Camping grounds	NC	
(A3)	Dwellings	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards
(A4)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H6.6.3 The conversion of a principal dwelling into a maximum of two dwellings
(A5)	Home occupations	P	Standard H6.6.2 Home occupations
(A6)	Home occupations that do not meet Standard H6.6.2	D	
(A7)	Integrated residential development	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards
(A8)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Side and rear fences and walls
(A9)	Supported residential care accommodating	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard

H6 Residential – Terrace Housing and Apartment Buildings Zone

	greater than 10 people per site inclusive of staff and residents		H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards
(A10)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Side and rear fences and walls
(A11)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards
(A12)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.16 Side and rear fences and walls
(A13)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards
<b>Commerce</b>			
(A14)	Dairies up to 100m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; and Standard H6.6.16 Side and rear fences and walls
(A15)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones;

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			Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; and Standard H6.6.16 Side and rear fences and walls
(A16)	Service stations on arterial roads	D	
(A17)	Offices within the Centre Fringe Office Control as identified on the planning maps	P	Standard H6.6.4 Offices within the Centre Fringe Office Control as identified on the planning maps
(A18)	Offices within the Centre Fringe Office Control as identified on the planning maps that do not comply with Standard H6.6.4	D	
<b>Community</b>			
(A19)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.16 Side and rear fences and walls
(A20)	Care centres accommodating greater than 10 people per site excluding staff	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.16 Side and rear fences and walls
(A21)	Community facilities	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.16 Side and rear fences and walls
(A22)	Education facilities	D	
(A23)	Tertiary education facilities	D	
(A24)	Emergency services adjoining an arterial road	D	

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(A25)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.16 Side and rear fences and walls
(A26)	Healthcare facilities greater than 200m <sup>2</sup> gross floor area per site	D	
(A27)	Veterinary clinics	D	
<b>Rural</b>			
(A28)	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area	P	
<b>Mana Whenua</b>			
(A29)	Marae complex	D	
<b>Development</b>			
(A30)	Demolition of buildings	P	
(A31)	Internal and external alterations to buildings	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Side and rear fences and walls
(A32)	Accessory buildings	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage
(A33)	Additions to an existing dwelling	P	Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard H6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard

			H6.6.15 Outdoor living space; Standard H6.6.16 Side and rear fences and walls
(A34)	New buildings and additions to buildings	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate	

### H6.5. Notification

- (1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
  - (a) dwellings that comply with all of the standards listed in Table H6.4.1 Activity table; or
  - (b) an integrated residential development that complies with all of the standards listed in Table H6.4.1 Activity table.
- (2) Any application for resource consent for an activity listed in Table H6.4.1 Activity table and which is not listed in H6.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

### H6.6. Standards

#### H6.6.1. Activities listed in Table H6.4.1 Activity table

- (1) Activities and buildings containing activities listed in Table H6.4.1 Activity table must comply with the standards listed in the column in Table H6.4.1 Activity table called Standards to be complied with.

#### H6.6.2. Home occupations

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

- (1) A home occupation must comply with all the following standards:
  - (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
  - (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
  - (c) no more than four people in total may work in the home occupation;



- (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
- (e) car trips to and from the home occupation activity must not exceed 20 per day;
- (f) heavy vehicle trips must not exceed two per week;
- (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
- (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
- (j) goods sold from the home occupation must be:
  - (i) goods produced on site; or
  - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
  - (iii) goods ancillary and related to a service provided by the home occupation.

**H6.6.3. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings**

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

- (1) Where a principal dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:
  - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
  - (b) at least 1.8m in depth; and
  - (c) directly accessible from the dwelling.

**H6.6.4. Offices within the Centre Fringe Office Control as identified on the planning maps**

Purpose: enable offices in existing buildings in the Centre Fringe Office Control area.

- (1) Offices must be located in existing buildings.

#### **H6.6.5. Building height**

Purpose: to manage the height of buildings to provide for terrace housing and apartments and achieve an urban built character of predominantly five storeys or six or seven storeys in identified locations adjacent to centres.

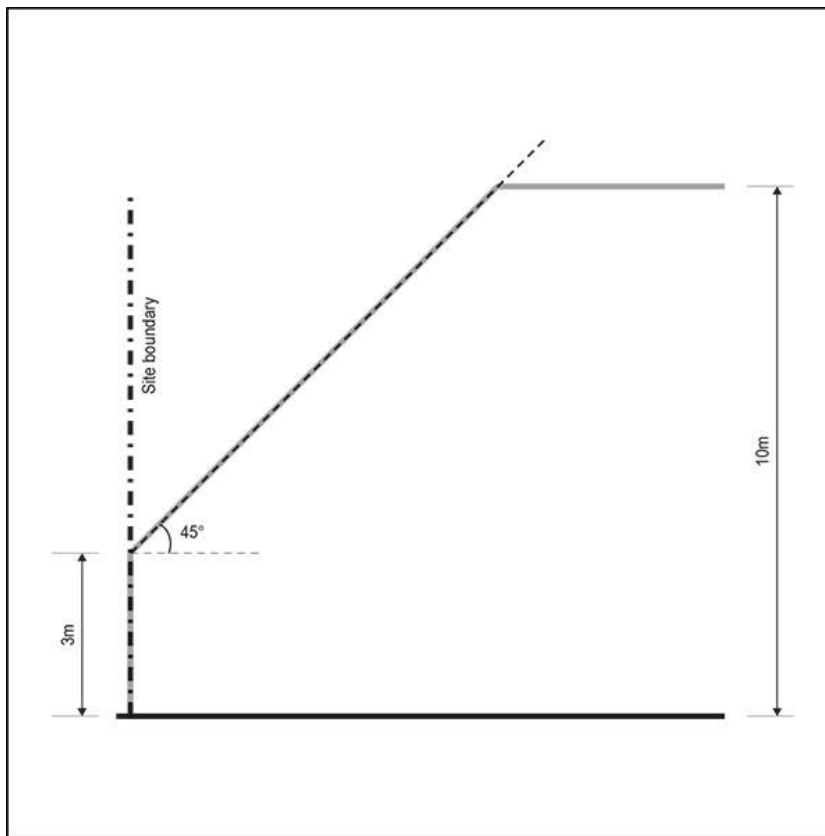
- (1) Buildings must not exceed 16m in height.
- (2) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for the site on the planning maps.

#### **H6.6.6. Height in relation to boundary**

Purpose: to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels.

- (1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin or are across the road from another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the boundary of the site in the Terrace Housing and Apartment Buildings Zone that adjoins or is across the road from another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones as shown in Figure H6.6.6.1 Height in relation to boundary below.

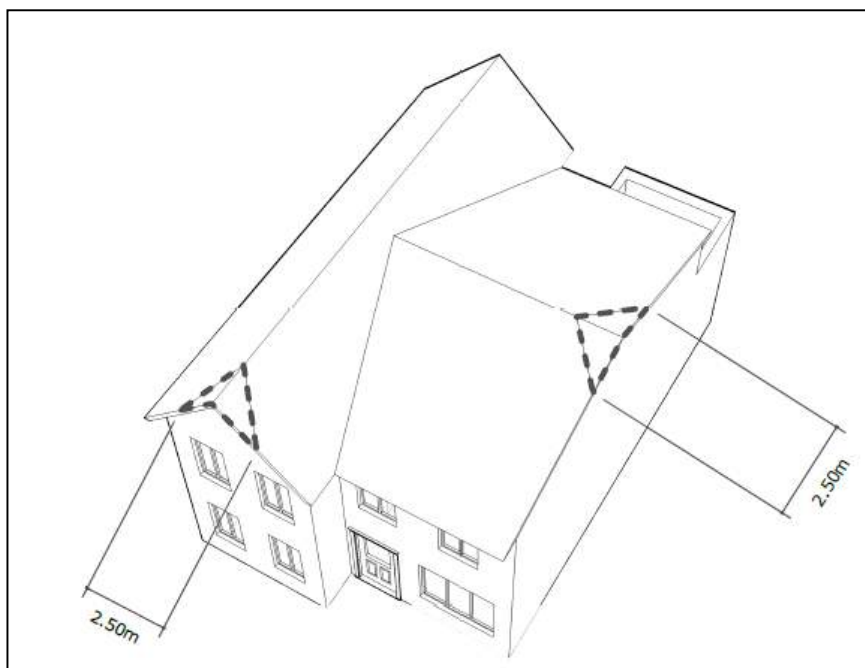
**Figure H6.6.6.1 Height in relation to boundary**



- (2) Standard H6.6.6(1) does not apply to a boundary adjoining any of the following:
- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone exceeding 2000m<sup>2</sup>.
- (3) Standard H6.6.6(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip or access site, the control applies from the farthest boundary of that legal right of way, entrance strip or access site.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and

- (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H6.6.6.2 Exceptions for gable ends and dormers below.

**Figure H6.6.6.2 Exceptions for gable ends and dormers**



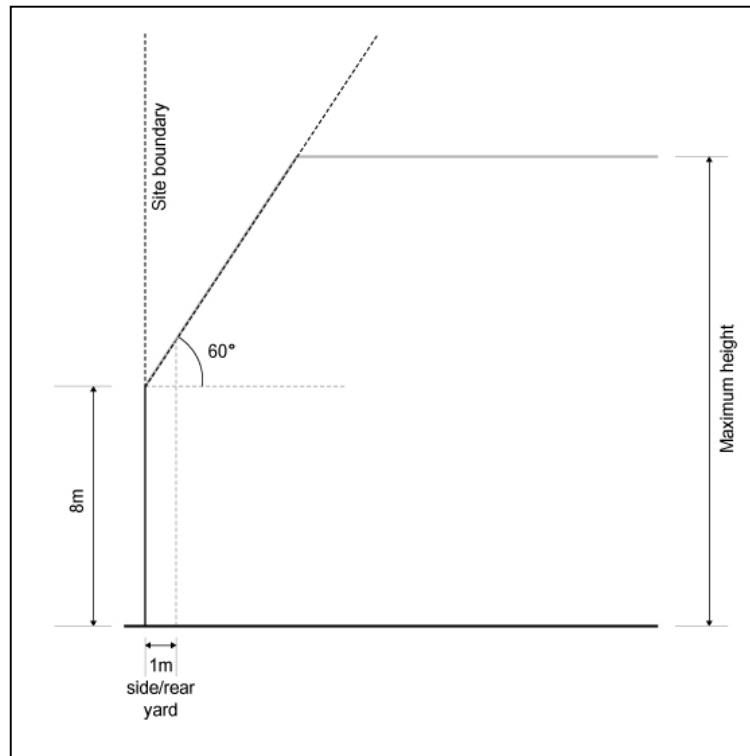
- (6) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (7) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

#### **H6.6.7. Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone**

Purpose: to enable the efficient use of the site by providing design flexibility at the upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access where possible and minimising visual dominance effects to immediate neighbours.

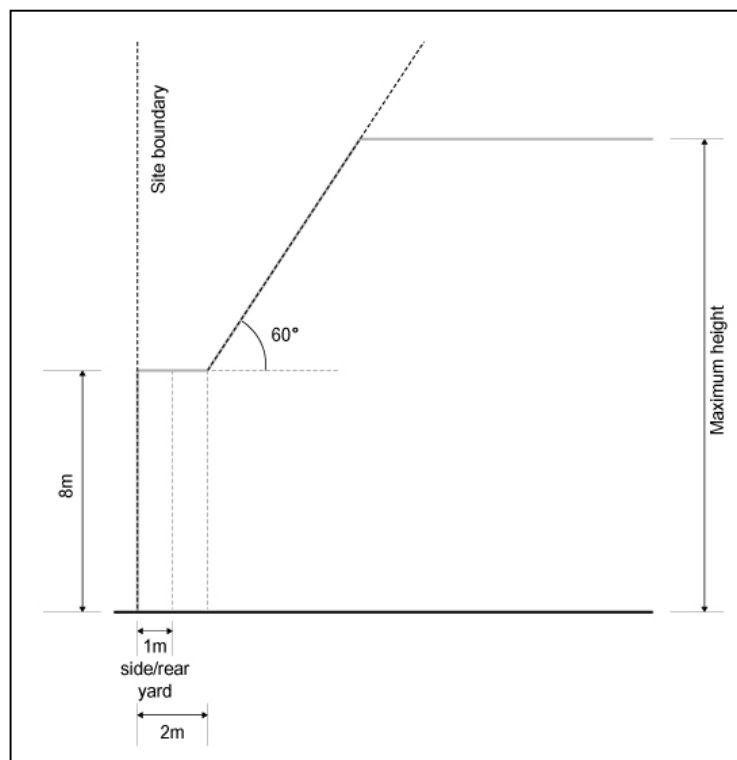
- (1) This standard is an alternative to Standard H6.6.6 Height in relation to boundary and applies to sites in the Terrace Housing and Apartment Buildings Zone that adjoin or are across the road from another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones.
- (2) Buildings or any parts of buildings must not project beyond a 60 degree recession plane measured from a point 8m vertically above ground level along side and rear boundaries within 20m of the site frontage, as shown in Figure H6.6.7.1 Alternative height in relation to boundary within 20m of the site frontage below.

**Figure H6.6.7.1 Alternative height in relation to boundary within 20m of the site frontage**



- (3) Buildings or any parts of buildings further than 20m from the site frontage must not project beyond a 60 degree recession plane measured from a point 8m vertically above ground level, and 2m perpendicular to side and rear boundaries, as shown in Figure H6.6.7.2 Alternative height in relation to boundary further than 20m from the site frontage below.

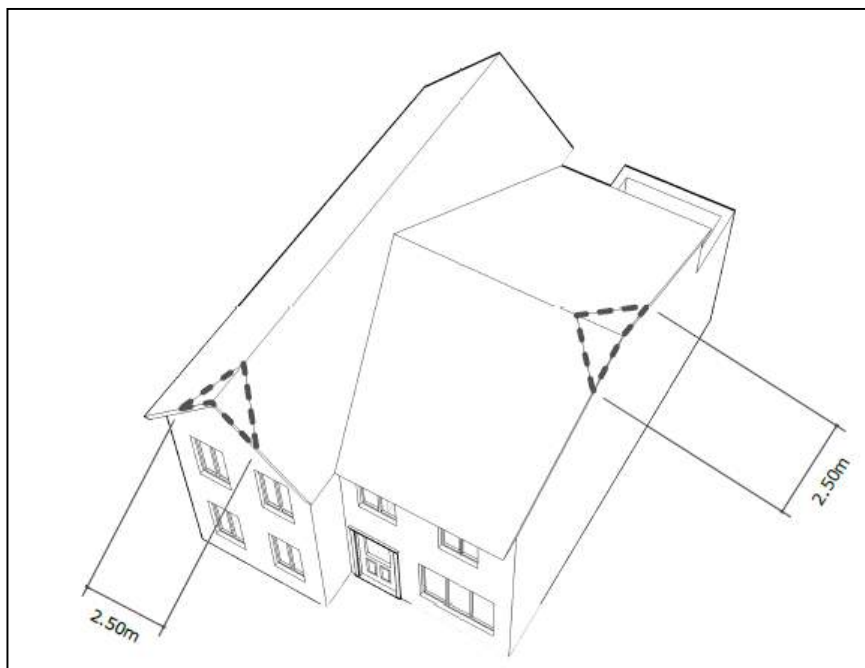
**Figure H6.6.7.2 Alternative height in relation to boundary further than 20m from the site frontage**



- (4) Standard H6.6.7(2) and (3) above do not apply to a boundary adjoining any of the following:
- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone exceeding 2000m<sup>2</sup>.
- (5) Standard H6.6.7(2) and (3) above do not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (6) Where the boundary forms part of a legal right of way, entrance strip or access site, the control applies from the farthest boundary of that legal right of way, entrance strip or access site.
- (7) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and

- (b) no greater than 2.5m cumulatively in length measured along the edge of the roof.

**Figure H6.6.7.3 Exceptions for gable ends and dormers**



- (8) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (9) The building setback must be a stepped profile and must not be a literal regression of the recession plane.
- (10) This alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

**H6.6.8. Height in relation to boundary adjoining lower intensity zones**

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise visual dominance effects to immediate neighbours within lower intensity zones and small public open spaces.

- (1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin or are across the road from:
- (a) a site in the Residential – Single House Zone; or
  - (b) a site in the Residential – Mixed Housing Suburban Zone; or
  - (c) sites less than 2000m<sup>2</sup> in the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone;

then buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along the boundary

of the site in the Residential – Terrace Housing and Apartment Buildings Zone that adjoins or is across the road from the zone listed in Standard H6.6.8(1)(a) – (c) above.

- (2) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone adjoin or are across the road from sites in the Residential – Mixed Housing Urban Zone then Standard H5.6.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone or Standard H5.6.6 Alternative height in relation to boundary in the Residential – Mixed Housing Urban Zone applies to the boundary of the site in the Residential – Terrace Housing and Apartment Buildings Zone that adjoins or is across the road from the Residential – Mixed Housing Urban Zone.
- (3) The building setback must be a stepped profile and must not be a literal regression of the recession plane.

### H6.6.9. Yards

Purpose:

- to create an urban streetscape character and provide sufficient space for landscaping within the front yard;
  - to maintain a reasonable standard of residential amenity for adjoining sites;
  - to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
  - to enable buildings and services on the site or adjoining sites to be adequately maintained.
- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H6.6.9.1 Yards below.

**Table H6.6.9.1 Yards**

Yard	Minimum depth
Front	1.5m
Side	1m
Rear	1m
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in Appendix 6 Coastal protection yard

- (2) Standard H6.6.9(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.



#### **H6.6.10. Maximum impervious area**

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards; and
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.

(1) The maximum impervious area must not exceed 70 per cent of site area.

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

#### **H6.6.11. Building coverage**

Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space.

(1) The maximum building coverage must not exceed 50 per cent of the net site area.

#### **H6.6.12. Landscaped area**

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space; and
- to create a landscaped urban streetscape character within the zone.

(1) The minimum landscaped area must be at least 30 per cent of the net site area.

#### **H6.6.13. Outlook space**

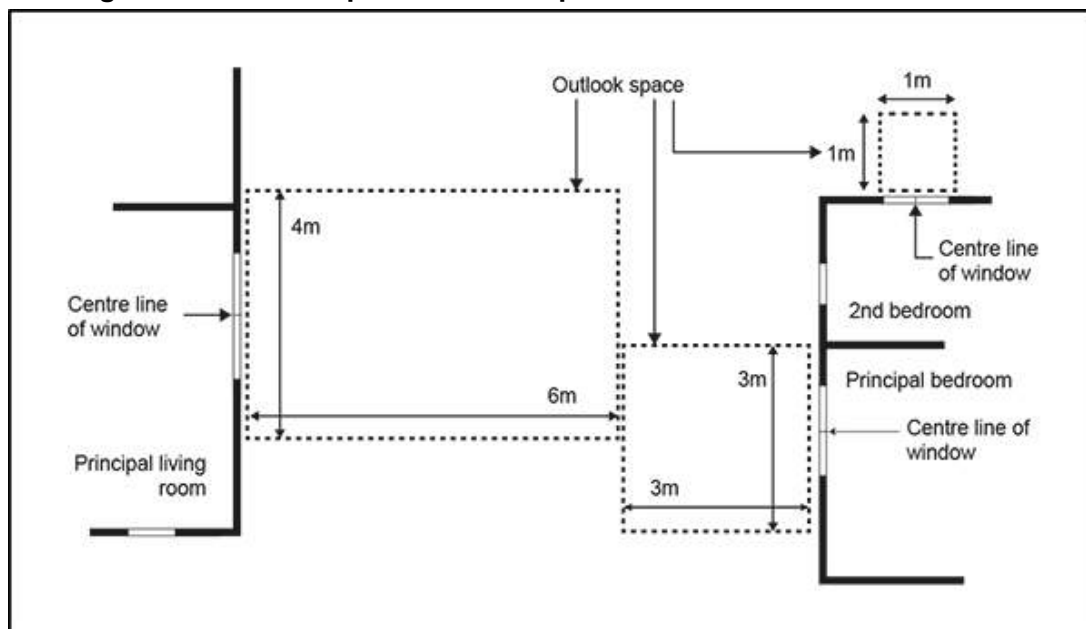
Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites;
- in combination with the daylight control, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

(1) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.

- (2) The minimum dimensions for a required outlook space are as follows:
  - (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width; and
  - (b) a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and
  - (c) all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.
- (3) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.
- (6) Outlook spaces may be within the site, over a public street, or other public open space.
- (7) Outlook spaces required from different rooms within the same building may overlap.
- (8) Outlook spaces may overlap where they are on the same wall plane.
- (9) Outlook spaces must:
  - (a) be clear and unobstructed by buildings;
  - (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in H6.6.13(6) above; and
  - (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

**Figure H6.6.13.1 Required outlook space**



#### H6.6.14. Daylight

Purpose:

- to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and
- in combination with the outlook control, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space, particularly at upper building levels.

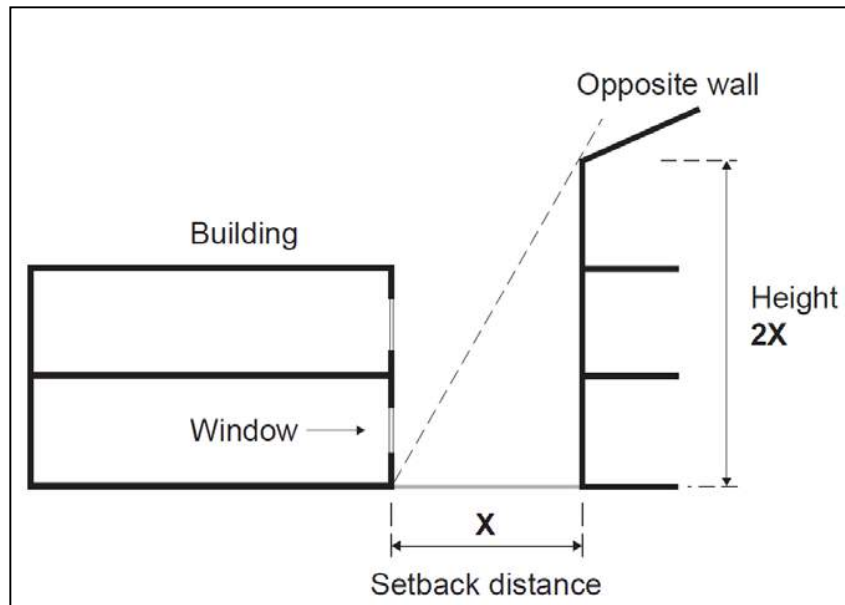
- (1) Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses, that part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window (refer to Table H6.6.14.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H6.6.14.1 Required setbacks for daylight and Figure H6.6.14.2 Required setbacks for daylight below). The arc may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H6.6.14.2 Required setbacks for daylight below.
- (2) Where the principal living room, main living/dining area or bedroom has two or more external faces with windows, Standard H6.6.14(1) above will apply to the largest window.
- (3) Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.

- (4) Standard H6.6.14(1), (2) and (3) do not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

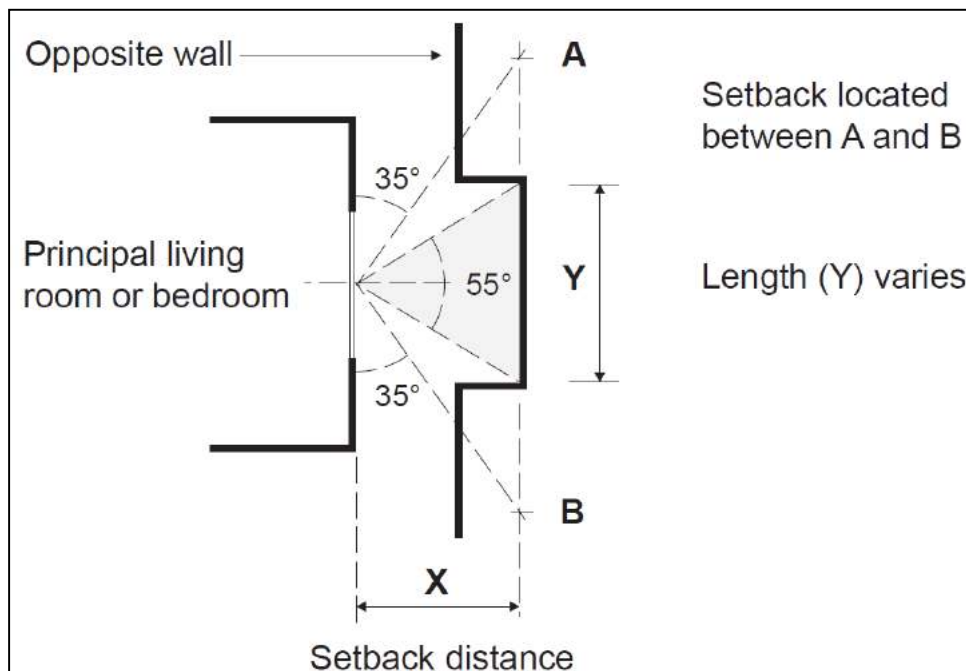
**Table H6.6.14.1 Maximum height of that part of a building within a site facing a principal living room or bedroom window within the same site**

Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)
1.0m	2.0m	1.0m
1.5m	3.0m	1.5m
2.0m	4.0m	2.0m
2.5m	5.0m	2.5m
2.7m	5.4m	2.7m
3.0m	6.0m	3.0m
3.5m	7.0m	3.5m
4.0m	8.0m	4.0m
4.5m	9.0m	4.5m
5.0m	10.0m	5.0m
5.5m	11.0m	5.5m
6.0m	12.0m	6.0m
7.0m	14.0m	7.0m
7.5m	15.0m	7.5m
8.0m	16.0m	8.0m
8.5m	17.0m	8.5m
9.0m	18.0m	9.0m
9.5m	19.0m	9.5m
10.0m	20.0m	10.0m
10.5m	21.0m	10.5m
11.0m	22.0m	11.0m
11.25m	22.5m	11.25m

**Figure H6.6.14.1 Required setbacks for daylight**



**Figure H6.6.14.2 Required setbacks for daylight**



**H6.6.15. Outdoor living space**

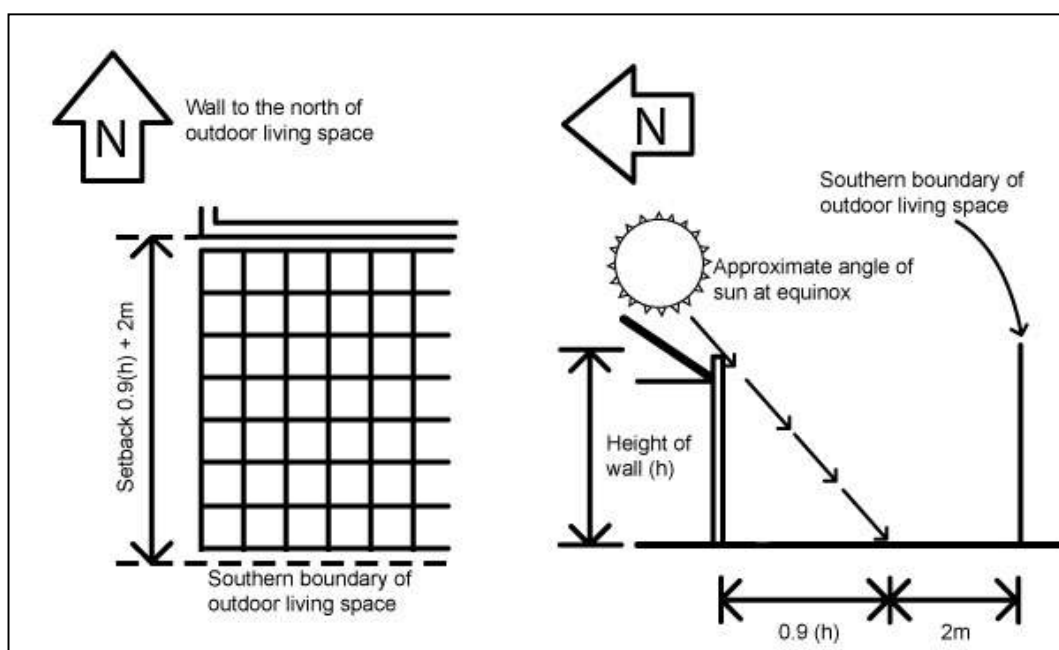
Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor and/or balcony/roof terrace space that:

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- (a) where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and/or
  - (b) where provided in the form of balcony, patio or roof terrace is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m; and
  - (c) is directly accessible from the dwelling, supported residential care unit or boarding house; and
  - (d) is free of buildings, parking spaces, servicing and manoeuvring areas.
- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:
- (a) is at least 5m<sup>2</sup> for studio and one-bedroom dwellings and has a minimum dimension of 1.8m; or
  - (b) is at least 8m<sup>2</sup> for two or more bedroom dwellings and has a minimum dimension of 1.8m; and
  - (c) is directly accessible from the dwelling, supported residential care unit or boarding house; and
  - (d) except that, a balcony or roof terrace is not required where the net internal floor area of a dwelling is at least 35m<sup>2</sup> for a studio and 50m<sup>2</sup> for a dwelling with one or more bedrooms.
- (3) Where outdoor living space required by Standard H6.6.15(1) or Standard H6.6.15(2) above is provided at ground level, and is located south of any building located on the same site, the southern boundary of that space must be separated from any wall or building by at least 2m + 0.9(h), where (h) is the height of the wall or building as shown in the Figure H6.6.15.1 Location of outdoor living space below. For the purpose of this standard south is defined as between 135 and 225 degrees.

**Figure H6.6.15.1 Location of outdoor living space**



**H6.6.16. Side and rear fences and walls**

Purpose: to enable fences and walls to be constructed on a side or rear boundary or within a side or rear yard to a height sufficient to:

- provide privacy; and
- minimise visual dominance effects to immediate neighbours and the street.

(1) Fences or walls or a combination of these structures (whether separate or joined together) on a side or rear boundary or within a side or rear yard must not exceed a height of 2m above ground level.

**H6.7. Assessment – controlled activities**

There are no controlled activities in this zone.

**H6.8. Assessment – restricted discretionary activities**

**H6.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

(1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; restaurants and cafes up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

- (a) the effects on wastewater capacity; and

(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic;
- (iii) design of parking and access; and
- (iv) noise, lighting and hours of operation.

(2) for dwellings:

(a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic; and
- (iii) design of parking and access.

(b) all of the following standards:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;
- (iii) Standard H6.6.12 Landscaped area;
- (iv) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;
- (vi) Standard H6.6.15 Outdoor living space; and
- (vii) Standard H6.6.16 Side and rear fences and walls.

(3) for integrated residential development:

(a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic;
- (iii) design of parking and access; and
- (iv) noise, lighting and hours of operation.

(b) all of the following standards:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;
- (iii) Standard H6.6.12 Landscaped area;
- (iv) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;



- (vi) Standard H6.6.15 Outdoor living space; and
  - (vii) Standard H6.6.16 Side and rear fences and walls.
- (4) for buildings that do not comply with Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard G6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Side and rear fences and walls:
- (a) any policy which is relevant to the standard;
  - (b) the purpose of the standard;
  - (c) the effects of the infringement of the standard;
  - (d) the effects on the rural and coastal character of the zone;
  - (e) the effects on the amenity of neighbouring sites;
  - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
  - (g) the characteristics of the development;
  - (h) any other matters specifically listed for the standard; and
  - (i) where more than one standard will be infringed, the effects of all infringements.

#### **H6.8.2. Assessment criteria**

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

- (1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; restaurants and cafes up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:
  - (a) wastewater capacity:
    - (i) whether adequate wastewater capacity is provided within the on-site wastewater system based on the design occupancy to avoid significant adverse effects on public health, water quality and amenity values and to remedy or mitigate other adverse effects.

(b) building intensity, scale, location, form and appearance:

- (i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(c) traffic:

- (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(d) design of parking and access:

- (i) whether adequate parking and access is provided or required.

(e) noise, lighting and hours of operation:

- (i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:
  - locating noisy activities away from neighbouring residential boundaries; and
  - screening or other design features; and
  - controlling the hours of operation and operational measures.

(2) for dwellings:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;
- (iii) Standard H6.6.12 Landscaped area;
- (iv) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;
- (vi) Standard H6.6.15 Outdoor living space; and
- (vii) Standard H6.6.16 Side and rear fences and walls.

(b) refer to Policy H6.3(1);

(c) refer to Policy H6.3(2);

(d) refer to Policy H6.3(3);

(e) refer to Policy H6.3(4);

(f) refer to Policy H6.3(5);

(g) refer to Policy H6.3(6); and

(h) refer to Policy H6.3(7).

(3) for integrated residential development:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard H6.6.10 Maximum impervious areas;

(ii) Standard H6.6.11 Building coverage;

(iii) Standard H6.6.12 Landscaped area;

(iv) Standard H6.6.13 Outlook space;

(v) Standard H6.6.14 Daylight;

(vi) Standard H6.6.15 Outdoor living space; and

(vii) Standard H6.6.16 Side and rear fences and walls.

(b) refer to Policy H6.3(1);

(c) refer to Policy H6.3(2);

(d) refer to Policy H6.3(3);

(e) refer to Policy H6.3(4);

(f) refer to Policy H6.3(5);

(g) refer to Policy H6.3(6); and

(h) refer to Policy H6.3(7).

(4) for building height:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(3); and

(d) refer to Policy H6.3(4).

(5) for height in relation to boundary:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(3);

(d) refer to Policy H6.3(4); and

- (e) refer to Policy H6.3(5).
- (6) for alternative height in relation to boundary:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);
  - (c) refer to Policy H6.3(3);
  - (d) refer to Policy H6.3(4); and
  - (e) refer to Policy H6.3(5).
- (7) for height in relation to boundary adjoining lower density zones:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);
  - (c) refer to Policy H6.3(3);
  - (d) refer to Policy H6.3(4); and
  - (e) refer to Policy H6.3(5).
- (8) for yards:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);
  - (c) refer to Policy H6.3(3); and
  - (d) refer to Policy H6.3(4).
- (9) for maximum impervious areas:
  - (a) refer to Policy H6.3(7).
- (10) for building coverage:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);
  - (c) refer to Policy H6.3(3);
  - (d) refer to Policy H6.3(4); and
  - (e) refer to Policy H6.3(5).
- (11) for landscaped area:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(3); and

(d) refer to Policy H6.3(4).

(12) for outlook space:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(3);

(d) refer to Policy H6.3(4); and

(e) refer to Policy H6.3(5).

(13) for daylight:

(a) refer to Policy H6.3(2);

(b) refer to Policy H6.3(3);

(c) refer to Policy H6.3(4); and

(d) refer to Policy H6.3(5).

(14) for outdoor living space:

(a) refer to Policy H6.3(1);

(b) refer to Policy H6.3(2);

(c) refer to Policy H6.3(4);

(d) refer to Policy H6.3(5); and

(e) refer to Policy H6.3(6).

(15) for side and rear fences and walls:

(a) refer to Policy H6.3(2);

(b) refer to Policy H6.3(4); and

(c) refer to Policy H6.3(5).

#### **H6.9. Special information requirements**

There are no special information requirements in this zone.



**Decisions of the Auckland Council on  
recommendations by the Auckland Unitary  
Plan Independent Hearings Panel on  
submissions and further submissions to the  
Proposed Auckland Unitary Plan**

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**Decisions Report**

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**19 August 2016**

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# 1. Introduction

- 1.1 This “**Decisions Report**” sets out the decisions made by the Auckland Council (**Council**) on the recommendations for the Proposed Auckland Unitary Plan (**PAUP**) that were provided to the Council on 18 May 2016<sup>1</sup> and 22 July 2016<sup>2</sup> by the Auckland Unitary Plan Independent Hearings Panel (**Panel**).
- 1.2 This Decisions Report has been prepared in accordance with section 148 of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**). Section 148 sets out how the Council is to consider the “**Panel’s Recommendations**” and make and notify its decisions on them. In summary, the Council must decide whether to accept or reject each of the Panel’s Recommendations, and must publicly notify those decisions no later than 20 working days after it is provided with the reports containing the Panel’s Recommendations (or, if there is more than one report, the last of the reports). Where any of the Panel’s Recommendations are proposed for rejection, the Council must provide reasons supporting the rejection and an alternative solution to the Panel’s Recommendation that has been rejected.
- 1.3 The Council made its decisions on the Panel’s Recommendations during a series of Governing Body (**GB**) meetings held between 10 and 15 August 2016, at which the Panel’s Recommendations were considered alongside several reports which set out the proposed staff response to the Panel’s recommendations.
- 1.4 In accordance with section 148(4) of the LGATPA, the Council is required to:
  - a) publicly notify its decisions no later than 20 working days after it is provided with the reports containing the Panel’s Recommendations (or, if there is more than one report, the last of the reports).
  - b) electronically notify its decisions on designations to requiring authorities.

## 2. Statutory Context

- 2.1 The statutory context within which the Panel was required to provide recommendations on the PAUP to the Council, and which then requires the Council to make its decisions on the Panel’s Recommendations, is found in Part 4 of the LGATPA.
- 2.2 As outlined in earlier reports to the Council<sup>3</sup>, Part 4 of the LGATPA was enacted by the Government to provide a streamlined, unique process for the preparation of the PAUP. It is the Part 4 process which requires the Council to make and publicly notify its decisions on the Panel’s Recommendations, and notify requiring authorities of decisions on their designations, by way of this Decisions Report.

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<sup>1</sup> In relation to a majority of designations, except for Auckland International Airport, Kiwirail designations heard on 2 May 2016, and NZ Transport Agency designation 6727 (Newmarket Viaduct) heard on 2 May 2016.

<sup>2</sup> In relation to the remaining designations and the balance of the PAUP.

<sup>3</sup> Reports 1, 2 and 3 dated 10 August 2016. Report 1 provided information about the process used to develop the PAUP and the statutory framework around the PAUP process and the decision-making requirements placed on the Council by the LGATPA.



- 2.3 The Panel was required to provide its recommendation report(s) to the Council by no later than 22 July 2016.
- 2.4 After receiving the Panel's Recommendations the LGATPA requires the Council to make decisions, specifically deciding whether to accept or reject each recommendation made by the Panel<sup>4</sup>. Where the Council decides to reject any recommendation, there are additional requirements for the Council, including preparing an "alternative solution" which, in accordance with section 148(1)(b):
- a) may or may not include elements of both the PAUP as notified and the Panel's Recommendation in respect of that part of the PAUP; but
  - b) must be within the scope of the submissions.
- 2.5 After making its decisions, the Council must, by no later than 19 August 2016, publicly notify its decisions in a way that sets out the following information<sup>5</sup>:
- a) each Panel recommendation that it accepts; and
  - b) each Panel recommendation that it rejects and the reasons for doing so; and
  - c) the alternative solution for each rejected recommendation.
- 2.6 In relation to designations (discussed further below), the Council must, again by no later than 19 August 2016, electronically notify each requiring authority affected by the decisions of the Council of the information referred to in paragraph (2.5) above that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation concerned<sup>6</sup>.

### ***Decision-making by the Council***

- 2.7 In making its decisions the Council must either accept or reject the Panel's Recommendations.
- 2.8 For the Panel's Recommendations that it decides to **accept**, the Council will be able to fulfil its decision-making obligations by considering the Panel's Recommendations and reasons only. This is because the Panel, in making its recommendations, was required to comply with all the requirements of section 145 of the LGATPA, including obligations on the Panel to:
- a) ensure that if the Council accepts each/any/all of the Panel's Recommendations, all relevant requirements (and legal tests) of the RMA,

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<sup>4</sup> See section 148, LGATPA.

<sup>5</sup> See section 148(4), LGATPA.

<sup>6</sup> See section 148(4)b), LGATPA. While this requirement also applies to heritage orders, all heritage orders in the PAUP 'rolled over' without modification or submissions, meaning that section 144(6) of the LGATPA applies (pursuant to that provision, the Panel must not make a recommendation on any existing designation or heritage order that is included in the PAUP without modification and on which no submissions were received).

and other enactments which apply to the Council's preparation of the PAUP, are complied with<sup>7</sup>; and

- b) prepare, and include with its recommendations, a further evaluation in accordance with section 32AA of the RMA<sup>8</sup>.

2.9 Where however, the Council decides to **reject** any of the Panel's Recommendations, there are additional requirements that must be satisfied before that decision can be publicly notified. If the Council decides to **reject** a recommendation, it must provide reasons supporting that rejection and also prepare an **alternative solution** for that rejected Panel recommendation<sup>9</sup> (which, given the way in which the Panel's Recommendations have been formulated, could be any matter or provision recommended by the Panel), together with a **section 32AA assessment** supporting the rejection, where necessary. No new section 32AA assessment has been undertaken by the Council, where section 32 / 32AA assessment relating to all alternative solution has already been prepared as part of development of the PAUP<sup>10</sup> and / or the Council's case team evidence for the hearings before the Panel.

2.10 There are specific requirements relating to the preparation of alternative solutions, which are set out in subsections (1) and (2) of section 148 of the LGATPA. In short, the Council must decide an alternative solution which:

- a) **May or may not** include elements of both the PAUP as notified and the Panel's Recommendations in respect of that part of the PAUP (and which therefore may be a combination of the two); **but**
- b) **Must** be within the scope of the submissions.

### 3. The Panel's Recommendations

3.1 As outlined in the background information report prepared by staff for the GB decision-making meetings<sup>11</sup>, the Panel's Recommendations were provided to the Council in three parts:

- a) **Part 1** - The Panel's Recommendation Reports: these comprise an overview report dated July 2016, which generally addresses all of the Panel's Recommendations, and 58 separate recommendation reports, relevant to the topics that were heard before the Panel (albeit with some of those hearing topics being combined together in one Panel recommendation report). In addition, the Panel provided a series of designation reports, including a similar introductory / overview report on designations;
- b) **Part 2** - The Recommended Plan: which comprises a "clean" version of the Panel's recommended text for the PAUP; and

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<sup>7</sup> See section 145(1)(f), LGATPA.

<sup>8</sup> See section 145(1)(d) and (f)(i) and (ii), LGATPA.

<sup>9</sup> See section 148(1)(b), LGATPA.

<sup>10</sup> E.g. in the Auckland Unitary Plan Evaluation Report prepared by the Council under section 32.

<sup>11</sup> Report 1.

- c) **Part 3** - The Recommended Maps / GIS Viewer: which comprises the Panel's recommended version of the PAUP planning maps, created in the Panel's GIS viewer.

Collectively, the above reports have been referred to by the Council as the "**Panel's Recommendations**".

- 3.2 The Panel's Recommendations (including on designations), Recommended Plan, and Recommended Maps / GIS Viewer can all be viewed on the Council's website: [www.aucklandcouncil.govt.nz/unitaryplan](http://www.aucklandcouncil.govt.nz/unitaryplan).
- 3.3 It is noted that the Panel's Recommendations contain a number of separate hearing topic reports, and that recommendations are often provided throughout the body of each report (including the overview reports referred to at paragraph 3.1(a) above). As a result, where the Council has made a decision which accepts all of the Panel's Recommendations in relation to a specific hearing topic / designation, this Decisions Report will need to be read in conjunction with the related hearing topic report provided to the Council as part of the Panel's Recommendations as well as the decisions (and recommended) version of the PAUP text and maps.

#### 4. 'Out of scope' recommendations / decisions

- 4.1 The Part 4 process for the preparation of the PAUP allowed the Panel to make recommendations that are beyond the scope of submissions made on the PAUP<sup>12</sup> ("out of scope recommendations"). Where the Council accepts any out of scope recommendations made by the Panel in relation to provisions / matters in the PAUP, there is a specific right of appeal to the Environment Court for any person that "is, was, or will be unduly prejudiced by the inclusion of the provision or exclusion of the matter"<sup>13</sup>.
- 4.2 The overview report dated July 2016 included with the Panel's Recommendations contained a detailed section that addressed "scope" and, as required by section 144(8) of the LGATPA, the Panel identified recommendations that the Panel considered to be beyond the scope of submissions on the PAUP.
- 4.3 The identification of the Panel's out of scope recommendations was set out in Appendix 3 to the overview report dated July 2016 – "*Summary of recommendations out of scope*" – which listed the hearing topics where the Panel had provided out of scope recommendations to the Council, and identified the out of scope recommendations in question. The Panel's Appendix 3 is reproduced as **Attachment C** to this Decisions Report.
- 4.4 While the Panel's Appendix 3, as reproduced at Attachment C, should be referred to, in summary, the Panel has identified out of scope recommendations in relation to the following topics: 006 – *Natural Resources*, 027 – *Artworks, signs and temporary activities*, 028 – *Future Urban*, 032 – *Historic heritage schedules*, 080 – *Rezoning and precincts (general)* and 081 – *Rezoning and precincts (geographical areas)*, with numerous individual precincts containing out of scope recommendations.

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<sup>12</sup> Section 144(5), LGATPA.

<sup>13</sup> Section 156(3), LGATPA.

- 4.5 In order to identify out of scope recommendations as they relate to the GIS Viewer (the PAUP spatial component, e.g. zoning) the Panel outlined the properties associated with out of scope recommendations with a bold black line on the GIS Viewer. This outline can be seen on the Panel's recommended version of the GIS Viewer.
- 4.6 In order to identify the Panel's out of scope spatial (zoning) recommendations that have been accepted, the Council has retained the same bold black line on its decisions version of the GIS Viewer.
- 4.7 For ease of reference for users of this Decisions Report the Council has also printed and **attached** ten separate maps showing the accepted Panel out of scope recommendations as they relate to the GIS Viewer. These maps, which are included as **Attachment C**, show out of scope decisions made in the following areas: Albany; Glen Eden, Greenlane, Mangere Bridge, Milford, Newmarket, Otahuhu, Te Atatu South, Warkworth and Whangaparoa. The address details of the properties associated with those decisions have not been provided by the Council.

## 5. Designations

- 5.1 Under the RMA (and the special legislation applying to the PAUP), while designations included as part of a plan review are subject to submissions and a hearing, there is a different process for who makes the decisions on the recommendations from the Panel.
- 5.2 For the Council's own designations, the Council must make a decision on the recommendations provided by the Panel. For designations owned by other requiring authorities however, the Council's decisions are treated as recommendations to those requiring authorities on their designations<sup>14</sup>. The requiring authorities themselves will make the final decisions (subject to appeal) on whether they will accept or reject the Council's recommendations.
- 5.3 In relation to designations included in the PAUP, the Council's GB made decisions on the following aspects:
- a) decisions relating to Chapter G1.3 and Part 7 Designations of the PAUP;
  - b) decisions relating to the Council's own designations included in the PAUP; and
  - c) decisions relating to the recommendations it will make to other requiring authorities in respect of their designations included in the PAUP.
- 5.4 The Council did not oppose any designations included in the PAUP, and did not have an active role in the assessment of third party submissions on designations; other

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<sup>14</sup> See section 151(1), LGATPA. As noted at paragraph 2.3(i) above, the Council is required to electronically notify each requiring authority affected by the decisions of the Council of the information that specifically relates to the decision recommending that the authority confirm, modify, impose conditions on, or withdraw the designation.

than where the Council's own designations were involved, or where the Council was also a submitter. In addition, the LGATPA did not allow the Panel to make recommendations on designations (or heritage orders) that were 'rolled over' without modification that did not attract any submissions and the Council does not have a decision making role in relation to those 'rolled over' designations (and heritage orders<sup>15</sup>). These 'rolled over' designations will be included in the Council's decisions version of the PAUP and are deemed to have been approved by the Council<sup>16</sup>.

- 5.5 Council staff recommended that the GB, in making its decision on the Panel's Recommendations as they relate to designations, accept all the Panel's Recommendations on designations. Those designations were identified in an attachment to a report entitled "Proposed Auckland Unitary Plan Report 3 - Response to Recommendations from the Auckland Unitary Plan Independent Hearings Panel Relating to Designations" which was prepared for committee meetings on 10 August 2016. That same attachment has been included as Attachment E to this Decisions Report as it contains the Council's decisions in relation to designations.

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<sup>15</sup> As noted earlier, all heritage orders rolled over without modification / submissions.

<sup>16</sup> Under clause 17(1) of Schedule 1 to the RMA. See s152(5) of the LGATPA.

## 6. Attachments to Decisions Report

- 6.1 A number of attachments have been included as part of this Decisions Report, as follows:
- a) **Attachment A** - The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).
  - b) **Attachment B** – The section 32AA assessment reports prepared, where necessary, as part of any rejection.
  - c) **Attachment C** – A list of the Panel's out of scope recommendations that have been accepted by the Council, including maps which show the out of scope recommendations within the GIS Viewer.
  - d) **Attachment D** – A list of the Panel's Recommendations that have been rejected by the Council.
  - e) **Attachment E** – Designations (Parts 1, 2 and 3).

**Approved for release:**

John Duguid - General Manager - Plans and Places



Penny Pirrit - Director Regulatory Services



## **7. Decisions of Auckland Council**

- 7.1 The Council's decisions on the Panel's Recommendations are set out below, addressed in relation to each hearing topic report provided by the Panel in numerical order.
- 7.2 The Council's Decisions Report addresses those Panel Recommendations which have been accepted by the Council first, with the Panel Recommendations that have been rejected following.
- 7.3 A full list of the Panel's Recommendations that have been rejected by the Council is attached to this Decisions Report as **Attachment D**.

### **1. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 001 (Auckland-wide), July 2016"**

#### **Panel recommendations accepted:**

- 1.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 001 (Auckland-wide), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

#### **Panel recommendations rejected: none.**

### **2. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 002 (ePlan and miscellaneous), July 2016"**

#### **Panel recommendations accepted:**

- 2.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 002 (ePlan and miscellaneous), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

#### **Panel recommendations rejected: none.**

### **3. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 003 (Chapter A Introduction), July 2016"**

#### **Panel recommendations accepted:**

- 3.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 003 (Chapter A Introduction), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**4. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 004 (General Rules), July 2016”**

**Panel recommendations accepted:**

- 4.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 004 (General Rules), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**5. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 005 (Issues of Regional Significance), July 2016”**

**Panel recommendations accepted:**

- 5.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 005 (Issues of regional significance), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**6. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 006 and 035 (Air quality), July 2016”**

**Panel recommendations accepted:**

- 6.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 006 and 035 (Air quality), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 6.2.

**Panel recommendations rejected:**

- 6.2 The Council has rejected the Panel recommendations in relation to Hearing Topics 006 and 035 (Air quality) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):



(a) **Deletion of the Auckland Ambient Air Quality Standards**

<b>Reasons</b>	
(i) The limits and criteria for a number of pollutants which may adversely affect air quality will not exist.	
(ii) Outcomes outlined in the Regional Policy Statement Objectives B7.5.1(1) and B7.5.1(3) and the Auckland wide objectives E14.2(1) and E14.2(3) will not be achieved.	
(iii) There will be uncertainty and inefficiency in the processing of resource consent applications	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

**7. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topics 006 (Natural resources) and 010 (Biodiversity), July 2016”**

**Panel recommendations accepted:**

- 7.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 006 (Natural resources) and Hearing Topic 010 (Biodiversity), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**8. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 007 (RPS climate change), July 2016”**

**Panel recommendations accepted:**

- 8.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 007 (RPS climate change), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**9. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 008 (Coastal Environment), July 2016”**

**Panel recommendations accepted:**

- 9.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 008 (Coastal environment), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**10. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 009 (Mana Whenua) and Topic 036/037 (Maori land and treaty and Mana Whenua sites), July 2016”**

**Panel recommendations accepted:**

- 10.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 009 (Mana Whenua) and Hearing Topic 036/037 (Maori land and treaty and Mana Whenua sites), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**11. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 010 (Historic Heritage), July 2016”**

**Panel recommendations accepted:**

- 11.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 010 (Historic heritage), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**12. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 010/029/030/079 (Special character and pre 1944), July 2016”**

**Panel recommendations accepted:**

- 12.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 010/029/030/079 (Special character and

pre 1944), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 12.2.

**Panel recommendations rejected:**

12.2 The Council has rejected the Panel's recommendations in relation to Hearing Topic 010/029/030/079 (Special character and pre 1944), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of the objective that provides for management of heritage values in the Regional Policy Statement**

<b>Reasons</b>	
(i) The Special Character Areas overlay – Residential and Business District Plan provisions and character statements recommended by the Panel identify the amenity and heritage values of the areas that are to be addressed in the District Plan provisions. However the cascade down from the RPS to District Plan is not evident, with no corresponding RPS objective, resulting in a disconnect between the RPS and District Plan.	
<b>Alternative solution</b>	See Attachment A

**13. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 011 (Rural environment), July 2016”**

**Panel recommendations accepted:**

13.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 011 (Rural environment), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 13.2.

**Panel recommendations rejected:**

13.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 011 (Rural environment) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of objectives and policies for rural subdivision that:**
  - (i) Prevent inappropriate subdivision
  - (ii) Promote the significant enhancement of indigenous biodiversity

(iii) Facilitate transfer of titles only into the Countryside living zone.

<b>Reasons</b>	
The Panel's recommended approach would:	
(i) Enable inappropriate subdivision of the rural area through a proliferation of rural-residential lots across the production focussed rural zones (resulting in loss of rural production, reverse sensitivity, rural character and amenity and potential additional demands on infrastructure in remote locations).	
(ii) Undermine the Auckland Plan's strategic direction for rural areas.	
(iii) Does not support the concept of the compact city that inherently has as a benefit the retention and protection of rural areas (rather than their subdivision for rural-residential uses).	
(iv) Undermine focus of rural lifestyle living in the Countryside Living zone	
<b>Alternative solution</b>	See Attachment A

**14. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 012 (Infrastructure, energy and transport), July 2016"**

**Panel recommendations accepted:**

14.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 012 (Infrastructure, energy and transport), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 14.2.

**Panel recommendations rejected:**

14.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 012 (Infrastructure, energy and transport) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of policies which encourage land use and transport integration and in particular, the location of higher intensity activities where those activities are served by key public transport services and routes.**

<b>Reasons</b>	
(i) The Panel's recommended policy framework does not adequately address land use and transport integration which is a key consideration in the management of growth and the efficient use of the transport network.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B (under 043-044 Transport)

**15. Council decisions relating to Panel report entitled "Report to Auckland Council Hearing Topic 013 (Urban growth), July 2016"**

**Panel recommendations accepted:**

- 15.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 013 (Urban growth), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 15.2.

**Panel recommendations rejected:**

- 15.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 013 (Urban growth) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of objectives and policies that seek to focus growth within the existing metropolitan area**

<b>Reasons</b>
(i) The lack of a specific objective and policy that indicates the primary location for growth is within the existing metropolitan area means there is little or no guidance for where future growth should be enabled and encouraged

(ii) The Panel’s recommendation does not have sufficient regard to the Auckland Plan’s Development Strategy resulting in a misalignment with the Council’s strategic directions.	
(iii) Focusing intensification within the existing urban area delivers the benefits of a quality compact urban form, which include better public transport, proximity to amenity and services, efficient infrastructure servicing, environmental protection and a reduced carbon footprint.	
<b>Alternative solution</b>	See Attachment A

(b) **Amendments to the policy that guides the location of the Rural Urban Boundary**

<b>Reasons</b>	
(i) To support the Rural Urban Boundary at the District Plan level the policy framework needs to be sufficiently clear and certain of the outcomes to enable inappropriate proposals to be turned down	
(ii) The recommended policy does not include either providing a quality compact urban form or the importance of land use and transport integration	
(iii) Reliance on the structure plan guidelines in Appendix 1 to achieve these outcomes is inadequate because the guideline is not a policy	
(iv) The Panel’s recommended policy does not reflect the Panel’s position in its report that the policy applies to requests to amend the Rural Urban Boundary and must follow the structure plan guidelines in Appendix 1.	
<b>Alternative solution</b>	See Attachment A

(c) **The enablement of commercial activities within centres and corridors**

<b>Reasons</b>	
<p>(i) The 'centres-plus' commercial growth strategy has been removed. The strategy is considered to be an appropriate method to achieve land use, transport and infrastructure integration in centres, and provides a release valve that enables commercial activities in out-of-centre areas where this is appropriate.</p>	
<p>(ii) The District Plan provisions have some objectives and policies that recognise the importance of centres but there is no vertical alignment to any objective or policies in the Regional Policy Statement provisions.</p>	
<p>(iii) The absence of a Regional Policy Statement objective and related policies greatly weakens the ability to assess the effects of dispersed commercial activity (for example, land use and transport integration, effects on centres and community social and economic wellbeing).</p>	
<p>(iv) The Panel has not provided reasons why the centres-plus strategy has been deleted.</p>	
<p>(v) The centres-plus commercial strategy reflects the PAUP mediation, where the commercial and industrial growth provisions were agreed to by all parties present, except for one. The parties agreeing to the mediated position included the 'Key Retail Group' which has been heavily involved in the centres-plus strategy formation since the notification of Change 6 to the legacy Regional Policy Statement in 2005.</p>	
<b>Alternative solution</b>	See Attachment A

**16. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 018 (Monitoring and environmental results anticipated), July 2016”**

**Panel recommendations accepted:**

- 16.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 018 (Monitoring and environmental results anticipated), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**17. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 019 (Natural features, landscapes and character), July 2016”**

**Panel recommendations accepted:**

- 17.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 019 (Natural features, landscapes and character), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**18. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 020 (Viewshafts), July 2016”**

**Panel recommendations accepted:**

- 18.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 020 (Viewshafts), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**19. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 022 (Natural hazards and flooding and 026 – General others), July 2016”**

**Panel recommendations accepted:**

- 19.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 022 (Natural hazards) and flooding and



Hearing Topic 026 (General others), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 19.2.

**Panel recommendations rejected:**

19.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 022 – Natural hazards and flooding and Hearing Topic 026 – General others as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Replacing the 1 per cent annual exceedance probability (AEP) flood hazard with the 2 per cent annual exceedance probability (AEP) flood hazard in urban areas**

<b>Reasons</b>	
(i) The 1 per cent annual exceedance probability (AEP) flood hazard is identified as posing a level of risk warranting management in the Auckland region. This was supported by the majority of relevant experts during the hearing process.	
(ii) Off-site effects - the displacement of flood waters onto adjoining properties from buildings in floodplains, and changes to flood depths and velocities experienced by upstream and downstream properties. These are matters that go beyond the Building Code.	
<b>Alternative solution</b>	See Attachment A

**(b) No controls for buildings within floodplains to prevent the exacerbation of flood hazards**

<b>Reasons</b>	
(i) The Panel's recommended text provides for the management of fences, storage of goods, above ground parking and hazardous substances within the 1 per cent annual exceedance probability (AEP) floodplain area but does not provide a management response for buildings or structures within these areas.	
<b>Alternative solution</b>	See Attachment A

**(c) No controls to manage a change of use to more vulnerable activities in existing buildings within floodplains**

<b>Reasons</b>	
(i) The Panel's recommended rule remains silent on the change of use within existing buildings. It is unclear from the report that this is an intentional omission or otherwise but the result is the creation of a Plan workability issue.	
(ii) Amending these provisions will ensure that the control applies to both new buildings and structures as well as to a change of use in an existing building to accommodate a more vulnerable activity and not be in conflict with the Building Act in respect of controlling specific aspects of building works.	
<b>Alternative solution</b>	See Attachment A

**(d) Amending the definition of coastal storm inundation 1 per cent annual exceedance probability plus 1 metre of sea level rise to not include reference to maps**

<b>Reasons</b>	
(i) The definitions for coastal storm inundation area 1per cent annual exceedance probability (AEP) and Coastal storm inundation area 1per cent annual exceedance probability (AEP) plus 1m sea level rise should be amended to ensure that they align with the Panel's recommended inclusion of the Coastal storm inundation area 1per cent annual exceedance probability (AEP) plus 1m sea level rise maps	
<b>Alternative solution</b>	See Attachment A

**(e) No consent requirements for new buildings in the activity table for the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre of sea level rise area**

<b>Reasons</b>	
(i) The Panel's recommended rule requires Discretionary Activity consent for additions and alterations to existing buildings. However, no consent	

requirements are included for new buildings within the same area (of any size). This is inconsistent with the Policy (9) which refers to both new buildings and substantive alterations to existing buildings.	
(ii) The application of the rule to only additions and alterations to existing buildings and not new buildings will pose problems for implementing the policy and rule framework. No explanation of this is given in the Panel's report. Given the issues that the rule in its current form will cause when applied to development within this area, an amendment is proposed to ensure it applies consistently	
<b>Alternative solution</b>	See Attachment A

**20. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 023 (Significant ecological areas and vegetation management), July 2016”**

**Panel recommendations accepted:**

- 20.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 023 (Significant ecological areas), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**21. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 024 (Genetically Modified organisms), July 2016”**

**Panel recommendations accepted:**

- 21.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 024 (Genetically modified organisms), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**22. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 025 (Trees), July 2016”**

**Panel recommendations accepted:**

22.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topics 025 (Trees), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 22.2.

**Panel recommendations rejected:**

22.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 025 (Trees) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **The deletion of scheduled items from the Schedule of Notable Trees which do not comply with section 76(4A) – (4D) of the Resource Management Act 1991**

<b>Reasons</b>	
(i) 85 of the trees recommended to be deleted have the required information which was inadvertently left out of the PAUP	
<b>Alternative solution</b>	See Attachment A

- (b) **The deletion of 18 scheduled items from the Schedule of Notable Trees with no explanation or reasoning.**

<b>Reasons</b>	
(i) This appears to be an error as the deletion of these trees is not supported by evidence and no reasons have been given by the Panel.	
<b>Alternative solution</b>	See Attachment A

- (c) **The trimming of up to 20 per cent of a notable tree’s live growth as a permitted activity, subject to complying with specific standards.**

<b>Reasons</b>	
(i) Increasing as a permitted activity, the trimming of up to 20 percent of a notable tree’s live growth may have adverse effects on the health and viability of notable trees.	
<b>Alternative solution</b>	See Attachment A

**23. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 027 (Artworks, signs and temporary activities), July 2016”**

**Panel recommendations accepted:**

- 23.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 027 (Artworks, signs and temporary activities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**24. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 028 (Future urban zone), July 2016”**

**Panel recommendations accepted:**

24.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 028 (Future urban zone), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 24.2.

**Panel recommendations rejected:**

24.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 028 (Future urban zone) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Changing the activity status of subdivision in the Future Urban zone from a Prohibited activity to a Discretionary activity.**

<b>Reasons</b>	
(i) It is an important that the PAUP does not facilitate the fragmentation of land within the Future Urban zone, which might prevent or hinder efficient and well planned urbanisation with good urban form and efficient and orderly provision of infrastructure.	
(ii) By allowing discretion, the recommended wording of the subdivision provisions in the Future Urban zone is unclear about the types of subdivision that could be promoted.	
<b>Alternative solution</b>	See Attachment A

- (b) **Changing the activity status of landfills in the Future Urban zone from a Non-complying activity to a Discretionary activity.**

<b>Reasons</b>	
(i) Landfills create significant long term adverse effects over a wide area, potentially irreversible changes and require detailed and careful management and should be assessed as a Non-complying activity.	
(ii) Changing the recommended Discretionary activity status to Non-complying activity status is consistent with the relevant objectives and the consistent management of this activity across the PAUP.	
<b>Alternative solution</b>	See Attachment A

**25. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 031 (Historic heritage), July 2016”**

**Panel recommendations accepted:**

- 25.1 The Council has accepted all the recommendations of the Panel as contained in the Panel report for Hearing Topic 031 (Historic heritage), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**26. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 032 (Schedule of historic heritage), July 2016”**

**Panel recommendations accepted:**

26.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 032 (Schedule of historic heritage), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 26.2.

**Panel recommendations rejected:**

26.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 032 (Schedule of historic heritage) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) The deletion of the Symonds Street flats, 44 Symonds Street, City Centre from the schedule**

<b>Reasons</b>	
(i) Heritage experts agree that the Symonds Street flats have outstanding national value and warrant remaining scheduled as a Category A place.	
(ii) Inclusion of the Symonds Street flats in the Schedule of Historic Heritage as a Category A place will not place undue burden on the ability to use and develop the site, particularly given its national heritage significance.	
(iii) Transferable development rights may be utilised to transfer ‘lost’ development capacity to other landholdings in the CBD, and future development of this site can be appropriately considered through the resource consent process.	
(iv) Structural reports concluded ‘... <i>that much of the concrete was sound and did not display cracking or spalling of sufficient magnitude to compromise the structural integrity or potential longevity of the building.</i> ’	
<b>Alternative solution</b>	See Attachment A



**27. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 033/034 (General coastal marine zone), July 2016”**

**Panel recommendations accepted:**

27.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 033/034 (General coastal marine zone), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 27.2.

**Panel recommendations rejected:**

27.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 033/034 (General coastal marine zone) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Amendments to the activity table for identifying which standards apply to the discharges of hull bio-fouling organisms.**

<b>Reasons</b>	
(i) All of the listed bio-fouling Permitted activities must now meet every standard. This does not recognise that different combinations of controls should be applied to different risk-based scenarios.	
(ii) This creates an unworkable situation that fails to meet the purposes the PAUP is trying to achieve (i.e. “encouraging” low-risk in-water cleaning, but imposing increasingly onerous standards as the level of cleaning risk increases).	
(iii) Overly onerous requirements (i.e. capture all material to 50 microns) are now applied to low risk hull cleaning.	
(iv) The controls are unworkable for higher risk bio-fouling as they are required to use gentle, non-abrasive methods.	
<b>Alternative solution</b>	See Attachment A

(b) **Including in the definition of marine and port facilities the reference to ‘sea walls’**

<b>Reasons</b>	
(i) It creates confusion and uncertainty to include seawalls in two terms which are used in different rows of activities tables.	
(ii) In the Minor Port zone, Port precinct and Gabador Place precinct these have a different activity status (Permitted and Restricted Discretionary).	
(iii) The Panel accepted other proposals to explicitly include hard protection structures in these areas but also included seawalls in the definition of marine and port facilities. They should be only within the definition of hard protection structures.	
<b>Alternative solution</b>	See Attachment A

**28. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 038 (Contaminated land), July 2016”**

**Panel recommendations accepted:**

28.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 038 (Contaminated land), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 28.2.

**Panel recommendations rejected:**

28.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 038 (Contaminated land), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) The inclusion of contaminated land in accidental discovery control provisions**

<b>Reasons</b>	
(i) Contaminated land is not sensitive material that requires inspection from Heritage New Zealand and/or Mana Whenua representatives.	
(ii) Inclusion of contaminated land in the accidental discovery control has created an overlap between responses to the discovery of human remains and kōiwi, archaeological sites, Māori cultural artefacts/taonga, protected New Zealand objects as defined in the Protected Objects Act 1975, and lava caves, and the management of discharges from contaminated land.	
<b>Alternative solution</b>	See Attachment A

**(b) Changes to rules for discharges of contaminants from disturbing soil on land containing elevated levels of contaminants**

<b>Reasons</b>	
(i) The Panel's recommended Permitted activity standard will allow very large amounts of contaminated soil disturbance on large sites with no contaminant discharge controls. This may lead to significant adverse effects from discharges to the environment and ineffective management of contaminated land.	
(ii) It will also mean small amounts of soil disturbance on small sites that are very unlikely to have more than minor adverse effects will require discharge consents.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

**(c) The deletion of the definition of land containing elevated levels of contaminants**

<b>Reasons</b>	
(i) Land containing elevated levels of contaminants is a unique definition that is necessary for the use and interpretation of the rules.	
(ii) The definition recognises that discharges from land with low levels of contamination above background levels do not need to be subject to expert assessment and oversight through regulations in the PAUP.	
<b>Alternative solution</b>	See Attachment A

**29. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 039 (Hazardous substances and industrial and trade activities), July 2016”**

**Panel recommendations accepted:**

29.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 039 (Hazardous substances and industrial and trade activities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 29.2.

**Panel recommendations rejected:**

29.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 039 (Hazardous substances and industrial and trade activities), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Amendments to the definition of clean fill material which removes differentiation between clean fill and managed fills**

<b>Reasons</b>	
(i) The changes recommended by the Panel significantly undermine the effectiveness and differentiation between ‘cleanfill’ and ‘managed fill’ material which may result in issues and ambiguity in the determining human health and environmental risks.	
<b>Alternative solution</b>	See Attachment A

**30. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 040 (Lighting, noise and vibration), July 2016”**

**Panel recommendations accepted:**

30.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 040 (Lightening, noise and vibration), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**31. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing topic 041 (Earthworks and minerals), July 2016”**

**Panel recommendations accepted:**

31.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 041 (Earthworks and minerals), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 31.2.

**Panel recommendations rejected:**

31.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 041 (Earthworks and minerals), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) The deletion of kauri dieback provisions**

<b>Reasons</b>	
(i) It is internationally recognised that pathogens responsible for kauri dieback are spread by movement of soil. It is important that there are clear standards for development and earthworks around kauri trees, and a mechanism for the Council to manage the spread of the disease.	
<b>Alternative solution</b>	See Attachment A

**32. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 042 (Infrastructure), July 2016”**

**Panel recommendations accepted:**

32.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 042 (Infrastructure), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the Plan and the maps, except as listed below at paragraph 32.2.

**Panel recommendations rejected:**

32.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 042 (Infrastructure), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Increase the extent of the National Grid Corridor overlay, as it relates to the area 32m each side of 110kv lines and 37m each side of the centerline of 220kv lines**

<b>Reasons</b>	
(i) The appropriate corridor width to give effect to Policy 11 of the National Policy Statement on Electricity Transmission 2008 (NPSET) is as notified in the PAUP, being 24m (12m either side of the transmission lines centreline), which enables control of activities sensitive to the lines, access to the national grid infrastructure for operation, maintenance and upgrade purposes and compliance with the relevant clearances required under the NZECP 34:2001.	
(ii) There is insufficient evidential basis to identify and assess the potential development implications associated with the broader corridor.	
<b>Alternative solution</b>	See Attachment A

**(b) No objective to manage the adverse effects of infrastructure in the District Plan provisions for infrastructure**

<b>Reasons</b>	
(i) An objective seeking to manage the adverse effects of infrastructure at a District Plan level is necessary to give effect to the Regional Policy Statement.	
<b>Alternative solution</b>	See Attachment A

**(c) The tagging of the infrastructure objectives and policies as regional coastal provisions**

<b>Reasons</b>	
(i) The Auckland-wide infrastructure objectives and policies are not Regional Coastal Plan provisions.	
<b>Alternative solution</b>	See Attachment A

**(d) Electric vehicle charging stations should be Permitted activities in roads**

<b>Reasons</b>	
(i) Allowing electric vehicle charging stations as a Permitted activity on arterial roads would remove the ability to manage their location and ensure the efficient use of arterial roads provision.	
<b>Alternative solution</b>	See Attachment A

**(e) Deletion of the standards for minor infrastructure upgrading in the standards for activities in roads**

<b>Reasons</b>	
(i) There are no recommended standards for minor infrastructure upgrading within roads and unformed roads. This results in an unworkable provision.	
<b>Alternative solution</b>	See Attachment A



- (f) **No default activity status for minor infrastructure upgrading where an upgrade to an existing network utility exceeds the specified standard**

<b>Reasons</b>	
(i) Any upgrade works or activities beyond the specified standards for minor infrastructure upgrading should be treated as equivalent to a new application for the same activity.	
<b>Alternative solution</b>	See Attachment A

- (g) **Increasing the permitted threshold for the trimming and alteration of trees in streets and public open spaces subject to meeting specific standards including an agreed tree management plan**

<b>Reasons</b>	
(i) While the increase in the permitted threshold is accepted, the requirement for an agreed tree management plan introduces an element of discretion and should be deleted.	
<b>Alternative solution</b>	See Attachment A

- (h) **Extending standards on vegetation removal within a Significant Ecological Area to roads**

<b>Reasons</b>	
(i) The Panel recommendations do not sufficiently recognise that roads run through many Significant Ecological Areas and the works required to maintain, repair and renew those roads	
<b>Alternative solution</b>	See Attachment A

- (i) **The inclusion of standards relating to earthworks (filling) within a floodplain associated with road works**

<b>Reasons</b>	
<p>(i) The Panel recommendations do not sufficiently recognise the function roads perform as drainage systems for stormwater management and flood management. Standards for earthworks (including filling) within a 100 year AEP flood plain should exclude road network activities, as roads are also stormwater management systems.</p>	
<b>Alternative solution</b>	See Attachment A

- (j) **The inclusion of standards relating to earthworks (filling) within overland flow paths associated with road work**

<b>Reasons</b>	
<p>(i) The Panel's recommendations do not sufficiently recognise the function roads perform as drainage systems for stormwater management and flood management.</p>	
<p>(ii) Standards for earthworks (including filling) within overland flow paths should exclude road network activities, as roads are also stormwater management systems and overland flow paths. This would not prevent a network discharge consent being required for alternative stormwater discharges.</p>	
<b>Alternative solution</b>	See Attachment A

(k) **Specific limitations on earthworks within overlays for road network activities**

<b>Reasons</b>	
(i) The Panel's recommendations do not sufficiently recognise the overall area that roads cover	
(ii) Earthworks area and volume limits are insufficient for routine road network activities within the road, including maintenance of water tables, renewal of road and resealing.	
<b>Alternative solution</b>	See Attachment A

**33. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 043/044 (Transport), July 2016”**

**Panel recommendations accepted:**

33.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 043/044 (Transport), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 33.2.

**Panel recommendations rejected:**

33.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 043/044 (Transport), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Amendment of the parking rates for the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones to remove maximum and minimum parking rates for all activities within these zones with the exception of retail and commercial service activities.**

<b>Reasons</b>	
(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 oversupply of parking and associated adverse effects on the transport network (e.g. congestion).	
(iii) Including maximum parking rates would result in better urban design and amenity outcomes.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

- (b) **Parking rates for residential and non-residential activities in the City Centre zone of 1:125m<sup>2</sup> for non-residential activities within a proposed ‘Outer core’ parking area while applying a rate of 1:200m<sup>2</sup> within a proposed ‘Inner core’ parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities.**

<b>Reasons</b>	
(i) The Panel’s recommendations will provide more accessory parking and residential parking in the City Centre zone, which is an already congested road network with high levels of public transport accessibility.	
(ii) The Panel’s recommendations are higher than the rates currently applied and are considered to be less efficient and effective in achieving transport objectives around managing travel demand in the City Centre.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

**34. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 045 (Airports), July 2016”**

**Panel recommendations accepted:**

- 34.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 045 (Airports), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**35. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), July 2016”**

**Panel recommendations accepted:**

35.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 35.2.

**Panel recommendations rejected:**

35.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 046/047/048/049 (Water quality and quantity, lakes, rivers and streams, aquifers and ground water and discharges of stormwater and wastewater), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Inserting a permitted activity land use rule for stormwater runoff into the stormwater network and combined sewer network.**

<b>Reasons</b>	
(i)	The recommended rule allows stormwater to be discharged to the combined sewer without control. The policy position that has been recommended by the Panel (consistent with council’s case position) is that land use should be required to avoid increasing discharges to the combined network unless they are minor and there is no practicable alternative.
(ii)	Diverting more stormwater to the combined sewer network will reduce the capacity of the combined sewer network and the Mangere Wastewater Treatment Plant. It may lead to an increase in combined sewer overflows, despite current initiatives undertaken by Watercare Services, with resulting adverse effects on the community and the environment.
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

- (b) **Amending to a Permitted activity status for sites that do not discharge to a stream or discharge below RL 2m in a Stormwater Management Areas Flow (SMAF).**

<b>Reasons</b>	
(i) This blanket reclassification has resulted in a situation where a Restricted Discretionary consent would still need to be obtained, but due to site or discharge circumstances, no stormwater management or mitigation would be required.	
(ii) This situation is not considered to be efficient or effective and will require consents to be obtained when there is no mitigation or environmental benefit.	
<b>Alternative solution</b>	See Attachment A

- (c) **Amending the activity status for roads within a Stormwater Management Areas Flow (SMAF).**

<b>Reasons</b>	
(i) It is not efficient to require a Discretionary Activity resource consent where the required standard of mitigation is met.	
<b>Alternative solution</b>	See Attachment A

- (d) **Deleting the default activity status for roads/motorways within a Stormwater Management Areas Flow (SMAF).**

<b>Reasons</b>	
(i) It is more appropriate to include a default activity status for roads/motorways that is consistent with other activities.	
<b>Alternative solution</b>	See Attachment A

- (e) **Amending the general standards in E10.6.11 and associated rules in E10.6.3.1 to refer to “site” which, as defined, does not include a road.**

<b>Reasons</b>	
(i) A minor change is required to clarify the intention of the rules in respect of a road/motorway to reduce confusion regarding the application of the rules to roads and motorways.	
<b>Alternative solution</b>	See Attachment A

- (f) **Amending the hydrology mitigation requirements for some roading projects.**

<b>Reasons</b>	
(i) To recognise the Panel’s recommendation that certain roading projects may have difficulty in meeting hydrology mitigation requirements, the hydrology mitigation requirement in Rule E8.6.4.1 specifying volume reduction and temporary storage should be removed and replaced with a reference to Table E10.6.3.1.1 Hydrology mitigation requirements.	
<b>Alternative solution</b>	See Attachment A

- (g) **Deleting the definition of “redevelopment of a road”.**

<b>Reasons</b>	
(i) Reinserting the definition of “redevelopment of a road” in line with the amended rules provides for the ongoing routine maintenance, repair and resurfacing of roads.	
<b>Alternative solution</b>	See Attachment A



**36. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 050-054 (City centre and business zones), July 2016”**

**Panel recommendations accepted:**

36.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 050-054 (City centre and business zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 36.2.

**Panel recommendations rejected:**

36.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 050-054 (City centre and business zones) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Wynyard Precinct – the deletion of framework plans has resulted in a consequential amendment to the height and gross floor area controls in the Wynyard Precinct.**

<b>Reasons</b>	
(i) The recommended deletion of the post-framework plan height and site intensity provisions significantly reduces the development potential of Wynyard Precinct expressly enabled in the notified PAUP and may potentially result in the inefficient use of this City Centre land and public infrastructure	
(ii) The recommended deletion of all assessment criteria previously relating to framework plans results in a disconnect between the objectives and policies, and the rules of the Precinct	
(iii) The recommendation will prevent the development of sites fronting Jellicoe Street for non-marine uses (i.e. apartments and retail) contrary to the Wynyard Quarter Urban Design Strategy and the objectives and policies for Wynyard Precinct.	
(iv) The recommended changes to provisions were not sought by any submitter to the Wynyard Precinct.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

(b) **Queen Street Valley Precinct – the deletion of the pre – 1940 building demolition control from the Queen Street Valley Precinct.**

<b>Reasons</b>	
(i) The maintenance and enhancement of the pre-1940 buildings in the Queen Street Valley Precinct is integral to maintaining its special character	
(ii) The retention and protection of special character buildings constructed prior to 1940 maintains the integrity and coherence of the built form and architecture, and the streetscape within this area.	
(iii) The pre-1940 trigger and its application was determined as a result of survey work.	
<b>Alternative solution</b>	See Attachment A

(c) **The deletion of the minimum dwelling size standard in the City Centre and business zones.**

<b>Reasons</b>	
(i) The Building Act does not address social or design quality effects associated with small dwellings. It is therefore necessary to manage these through the District Plan	
(ii) Intensive living environments require internal living spaces which are functional and which provide for amenity to meet the day- to-day needs of residents.	
(iii) This will assist to maintain the social wellbeing of the community, support social cohesion and thereby support further intensification within urban environments as these areas become desirable places to live.	
<b>Alternative solution</b>	See Attachment A

- (d) **The application of a Height in Relation to Boundary control within the Mixed Use Zone and between the Mixed Use Zone and the General Business Zone.**

<b>Reasons</b>	
<p>(i) an internal Height in Relation to Boundary control in the Mixed Use zone is not considered appropriate as:</p> <ul style="list-style-type: none"> <li>• it could unduly constrain development on Mixed Use zone sites;</li> <li>• other controls protect the amenity of adjoining Mixed Use zoned sites; and</li> <li>• no other business zones have an internal height in relation to boundary control.</li> </ul>	
<p>(ii) In addition, it is considered unnecessary to provide a Height in Relation to Boundary control on sites in the Mixed Use zone in favour of adjacent General Business zone sites. The anticipated amenity in the Mixed Use zone is higher than that anticipated in the General Business zone so it is unnecessary to 'protect' General Business zoned sites from the potential effects of sites zoned Mixed Use.</p>	
<b>Alternative solution</b>	See Attachment A

- (e) **A recession plane indicator diagram which is inconsistent with the Height in Relation to Boundary controls in all business zones**

<b>Reasons</b>	
<p>(i) This appears to be a technical error. While the diagrams are similar, the Panel's recommended diagram shows a 55 degree and 35 degree notation shown for the north and south boundaries respectively. These recession planes are not reflected in the Panel's recommended provisions, as shown in Table H.6.2.1 in each business zone. Consequently, the diagram and tables are inconsistent, which will lead to confusion and potential error.</p>	
<p>(ii) In addition, the diagram has been included in the General Business zone, which does not contain an orientation-based rule. It should therefore be deleted from the General Business zone.</p>	
<b>Alternative solution</b>	See Attachment A

- (f) **The deletion of specific standards to manage development within natural hazards areas within the Port Precinct.**

<b>Reasons</b>	
(i) The lack of bespoke port provisions result in them being unworkable in relation to enabling the port activities to take place within natural hazard areas in the Port precinct.	
<b>Alternative solution</b>	See Attachment A

**37. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 055 (Social facilities), July 2016”**

**Panel recommendations accepted:**

- 37.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 055 (Social facilities), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**38. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 056,057 (Rural zones), July 2016”**

**Panel recommendations accepted:**

- 38.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topics 056, 057 (Rural zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**39. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 058 (Open space), July 2016”**

**Panel recommendations accepted:**

39.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 058 (Open space), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 39.2.

**Panel recommendations rejected:**

39.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 058 (Open space) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) Amending the activity status for new buildings and additions, and the height and gross floor area standards for the Open Space zones**

<b>Reasons</b>	
(i) The recommendation does not appropriately balance the need to use public open space effectively (and manage pressure to use open spaces as population increases), with the need to manage impacts on neighbours.	
(ii) The recommendation imposes a single approach across all Open Space zones and does not appropriately recognise the values and purpose of each zone.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

**40. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 059 to 063 ( Residential zones), July 2016”**

**Panel recommendations accepted:**

40.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 059 - 063 (Residential zones), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 40.2.

**Panel recommendations rejected:**

40.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 059 to 063 (Residential zones) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) That Integrated Residential Developments are provided for as a Restricted Discretionary activity within the Single House Zone**

<b>Reasons</b>	
(i) The assessment of this intensity of development in the Single House zone as a Restricted Discretionary activity is contrary to the stated purpose and associated objectives and policies of the zone.	
(ii) A full assessment as a Discretionary Activity is a more appropriate approach for the assessment of Integrated Residential Developments in the Single House zone.	
<b>Alternative solution</b>	See Attachment A

(b) **Amending the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban and Mixed Housing Urban zones**

<b>Reasons</b>	
<p>(i) The Panel’s recommended controls manage the bulk and location of buildings to provide for privacy, daylight access, and ratio of buildings to open space. However, the recommended development controls do not manage quality residential outcomes such as:</p> <ul style="list-style-type: none"> <li>• amenity and safety of the street or public open spaces</li> <li>• the quality of building appearance, including modulation and articulation (e.g. the avoidance of large blank walls facing the street, parks or neighbouring properties)</li> <li>• the interrelationship between a number of amenity attributes including safety, daylight, sunlight, privacy, functionality, and visual amenity associated with multi-unit development</li> </ul>	
<p>(ii) Submitters who presented evidence at the hearing supported the two dwelling permitted threshold (i.e. resource consent required for three or more dwellings). These submitters included a broad cross-section of community groups and developers (Auckland 2040, Housing NZ, Property Council, Fletcher Residential, Herne Bay Residents Association, Todd Property and Ockham developments).</p>	
<p>(iii) No evidence was provided at the hearing stating that requiring a resource consent for three or four dwellings would be a disincentive to development.</p>	
<p>(iv) There is a high risk that permitting four dwellings without resource consent will result in poor design outcomes, particularly at the street interface.</p>	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

(c) **The deletion of the minimum dwelling size standard.**

<b>Reasons</b>	
(i) In the Residential zones it is considered that the minimum dwelling size standard should still be applied to developments of three or more dwelling units	
(ii) The Building Act does not address social or design quality effects associated with small dwellings. It is therefore necessary to manage these through the District Plan	
(iii) Living environments associated with three or more dwelling units require internal living spaces which are functional and which provide for amenity to meet the day- to-day needs of residents	
(iv) This will assist to maintain the social wellbeing of the community, support social cohesion and thereby support further intensification within urban environments as these areas become desirable places to live	
<b>Alternative solution</b>	See Attachment A

(d) **Amending the Height in Relation to Boundary Controls in the Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Building zones.**

<b>Reasons</b>	
(i) The Alternative Height in Relation to Boundary Rule is more enabling than the Height in Relation to Boundary control and should be assessed as a Restricted Discretionary Activity.	
<b>Alternative solution</b>	See Attachment A



- (e) **Amendments to apply the Height in Relation to Boundary Control and the Alternative Height in Relation to Boundary Control to the front boundary within the Terrace Housing and Apartment Building zone. The Height in Relation to Boundary adjoining lower intensity zones is recommended to apply to the front boundary within the Mixed Housing Urban and Terrace Housing and Apartment Building zones.**

<b>Reasons</b>	
(i) Applying the Height in Relation to Boundary Control and the Alternative Height and Relation to Boundary Control to the road boundary will result in the upper floors of buildings being set back from the street, which is the part of the site most able to absorb the effects of additional building bulk and where outlook is available.	
<b>Alternative solution</b>	See Attachment A

- (f) **The deletion of a standard relating to reticulated water supply and wastewater network capacity and moving the matter to assessment criteria.**

<b>Reasons</b>	
(i) The recommended assessment criteria relating to on site wastewater systems appears to be a drafting error, as this is applied to zones that do not rely on on-site wastewater systems.	
(ii) The criteria as drafted could create issues for Watercare as some applicants may think they can build septic tank systems within serviced urban areas, contrary to legislation.	
(iii) It is important to allow for an assessment of wastewater network capacity for multi-unit developments.	
<b>Alternative solution</b>	See Attachment A

(g) **The deletion of the definition of building coverage.**

<b>Reasons</b>	
(i) The definition of building coverage in the PAUP clarified that eaves of buildings are not included in the calculation of building coverage. The deletion of the definition would result in the inclusion of eaves in the coverage calculation which may discourage the provision of eaves.	
<b>Alternative solution</b>	See Attachment A

(h) **The deletion of the front fence rule and deleting policies relating to streetscape from the Single House, Mixed Housing Suburban, Mixed Housing Urban and Terrace House and Apartment Building zones.**

<b>Reasons</b>	
(i) Permitting front fences up to 2.5m will result in poor streetscape outcomes.	
(ii) This matter is not addressed in the Panel report and may be a drafting error given that the amenity of the street is still included in the residential zone objectives.	
<b>Alternative solution</b>	See Attachment A

**41. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 064 (Subdivision – urban), July 2016”**

**Panel recommendations accepted:**

- 41.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 064 (Subdivision - urban), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**42. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 064 (Subdivision – rural), July 2016”**

**Panel recommendations accepted:**

- 42.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 064 (Subdivision - rural), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 42.2.

**Panel recommendations rejected:**

- 42.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 064 (Subdivision – rural) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **The inclusion of objectives, policies and rules that enable sporadic and scattered rural subdivision**

<b>Reasons</b>	
(i) The Panel’s recommended provisions will enable inappropriate subdivision of the rural area through a proliferation of rural-residential lots across the production focussed rural zones (resulting in loss of rural production, reverse sensitivity, rural character and amenity and potential additional demands on infrastructure in remote locations).	
(ii) The provisions undermine the Auckland Plan’s strategic direction for the rural areas.	
(iii) The provisions do not support the concept of the compact city that inherently has as a benefit the retention and protection of rural areas (rather than their subdivision for rural-residential uses).	
(iv) The provisions do not make it clear that the focus of rural lifestyle living is the Countryside Living zone.	
<b>Alternative solution</b>	See Attachment A

(b) **The inclusion of provisions that allow for minimal environmental benefits to be accepted in exchange for rural-residential subdivision**

<b>Reasons</b>	
(i) The provisions would enable potentially inappropriate subdivision of the rural area with the minimal environmental gains.	
(ii) The provisions enable subdivision of sites with Significant Ecological Area (SEA) factors as opposed to identified SEAs. The SEA factors are not suitable to be used for rural subdivision assessment as they: <ul style="list-style-type: none"> <li>• Were made for a different purpose (assessing significance for vegetation protection – not for assessing whether the ecological value of an area would mitigate rural subdivision).</li> <li>• Were designed to be applied in a single, comprehensive manner across the region, not in isolation on a case by case basis. Site by site assessment in isolation will result in over-estimation of the significance of sites.</li> </ul>	

(iii) The provisions will enable a potentially significant increase in the number of rural-residential lots that can be generated (particularly in relation to wetland and revegetation planting subdivision).	
<b>Alternative solution</b>	See Attachment A

(c) **Absence in recommending specific site sizes for Countryside Living subdivision in the Caldwell's Road area in Whitford.**

<b>Reasons</b>	
(i) The minimum site size for the Caldwell's Road area was agreed with the submitter (Camperdown Holdings Limited) during the hearings process as an appropriate alternative mechanism to a Precinct.	
(ii) The Panel's report is silent on this matter and it may be an omission.	
<b>Alternative solution</b>	See Attachment A

**43. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 065 (Definitions), July 2016”**

**Panel recommendations accepted:**

43.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 065 (Definitions), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps, except as listed below at paragraph 43.2.

**Panel recommendations rejected:**

43.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 065 (Definitions), as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Amendment to the definition of ‘Height’ makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.**

<b>Reasons</b>	
(i) The Panel’s recommended amendment to the definition of Height makes the structures exempted from the definition subject to width and height limits that are unworkable for some structures.	
<b>Alternative solution</b>	See Attachment A

**44. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 074 (Designations), July 2016”**

**Panel recommendations accepted:**

44.1 The Council has accepted all the recommendations of the Panel on designations contained in the Panel reports for Hearing Topic 045 – Airports and Hearing Topic 074 – Designations (dated May and July 2016), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

The specific decisions made by the Council on designations are set out below. These must be read in conjunction with Attachment E Part 1, Part 2 and Part 3 to this decisions report. The Council:

- (a) accepts the Panel’s recommendations in the Introductory Designations Report set out in Attachment E Part 1, including the Independent Hearings Panel’s recommended amendments to the explanatory text in the PAUP relating to designations, together with the further amendment to the explanatory text set out in Attachment E Part 1 (to ensure the correct map colours are referred to).
- (b) accepts the Independent Hearings Panel’s recommendations on Auckland Council designations set out in the Specific Designation Reports listed in Attachment E Part 2.
- (c) accepts the Independent Hearings Panel’s recommendations on the designations of other requiring authorities set out in the Specific Designation Reports listed in Attachment E Part 3, with the minor typographical corrections to the Independent Hearings Panel’s recommendation on Counties Power designation R3008 noted in Attachment E Part 3, and adopts them as the Council’s recommendations to those requiring authorities.

**Panel recommendations rejected: none.**

**45. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 075 (Waitakere ranges), July 2016”**

**Panel recommendations accepted:**

45.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 075 (Waitakere Ranges), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 45.2.

**Panel recommendations rejected:**

45.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 075 (Waitakere Ranges) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

- (a) **Double-tagging [rp/dp] the activity tables in the Rural – Waitakere Ranges Foothills zone and the Rural – Waitakere Ranges zone sites.**

<b>Reasons</b>	
(i) As a result of the Panel’s recommendations, the activity tables for both of the recommended new zones is now a Regional Plan rule or an unspecific part of the activity table is a Regional Plan rule, which leads to uncertain interpretation.	
(ii) Activities tagged as “rp” but which do not relate to functions of a regional council are arguably ultra vires	
(iii) Tagging the entire activity table will result in significant consequences for landowners generally and requiring authorities in particular.	
<b>Alternative solution</b>	See Attachment A



**46. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 076 (Major recreation facility zone and precincts), July 2016”**

**Panel recommendations accepted:**

- 46.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 076 (Major recreation facility zone and precincts), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**47. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 077 (Sustainable design), July 2016”**

**Panel recommendations accepted:**

- 47.1 The Council has accepted all the recommendations of the Panel contained in the Panel report for Hearing Topic 077 (Sustainable design), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps.

**Panel recommendations rejected: none.**

**48. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH)”**

**Panel recommendations accepted:**

- 48.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 48.2.

**Panel recommendations rejected:**

- 48.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 (Rezoning and precincts (general) and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the SOUTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Removal of the Rural Urban Boundary at Crater Hill and Pukaki Peninsula, Puhinui**

<b>Reasons</b>	
<p>(i) The Crater Hill area is not suitable for urban development because it lies within the Outstanding Natural Feature (ONF) overlay, it is a significant geological feature and has significant cultural heritage and landscape value to Mana Whenua. It also contains prime soils.</p>	
<p>(ii) The Pukaki Peninsula is not suitable for urban development because it has significant cultural heritage and landscape value to Mana Whenua, lies partly within the ONF overlay for Pukaki Crater, and contains significant areas of elite soils, all of which would be extensively compromised by urban development.</p>	
<p>(iii) Part of the Pukaki Peninsula is under the proposed High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA) for the future northern runway as proposed by Auckland International Airport. These noise areas restrict the establishment of urban activities sensitive to aircraft noise such as dwellings.</p>	
<b>Alternative solution</b>	See Attachment A

**49. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST)”**

**Panel recommendations accepted:**

49.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 49.2.

**Panel recommendations rejected:**

49.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the WEST) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) No mechanisms within the Redhills precinct relating to the provision of transport infrastructure**

<b>Reasons</b>	
(i) While the urban zoning and the creation of a precinct is accepted, the specific provisions relating to transport infrastructure provision need to be revised, and associated text amended to clarify the transport requirements for Redhills, both within the area and in the context of the wider transport networks	
<b>Alternative solution</b>	See Attachment A

**(b) No indicative roading pattern required to achieve an effective transport network in the Westgate Precinct.**

<b>Reasons</b>	
(i) While the Council supports the removal of sub-precinct F, its removal has had the effect of deleting the indicative roading pattern for this part of Westgate.	
(ii) The indicative roading pattern is vital to achieve an efficient and effective transport network, and should therefore be re-included in the precinct.	
(iii) As a consequence, text in the precinct requires amendment to correctly reference the re-instated indicative roads.	
<b>Alternative solution</b>	See Attachment A

**50. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY)”**

**Panel recommendations accepted:**

50.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 50.2.

**Panel recommendations rejected:**

50.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in RODNEY) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) No mechanisms within the new Wainui precinct for the provision of transport infrastructure.**

<b>Reasons</b>	
<p>(i) The specific provisions should be amended to clarify that wider transport network upgrades and staged development may be necessary. The principal reason that these amendments are required is that the evidence presented by the Council to the Panel demonstrates the Wainui precinct has transport infrastructure constraints including the need to connect to an already at or very near capacity transport network. A range of significant projects, including upgrades to State Highway 1 that are currently unplanned and unfunded, may be required to service development within the precinct.</p>	
<b>Alternative solution</b>	See Attachment A

(b) **The rezoning of the Kumeu Showgrounds from Mixed Rural to Countryside Living.**

<b>Reasons</b>	
(i) The resulting change in underlying zoning has resulted in many activities provided for under the Kumeu District Agricultural and Horticultural Society Act, which align with the objectives of the Society, being given a more restrictive activity status. This undermines the objectives of both the precinct and the Society.	
(ii) The Society was the only submitter on the precinct. The Society sought inclusion of the precinct to provide for the activities enabled by the Act.	
<b>Alternative solution</b>	See Attachment A

(c) **The application of the Large Lot zone at 47-61 Dawson Road, Snells Beach**

<b>Reasons</b>	
(i) The land at 47-61 Dawson Road has very recently been rezoned to Medium Intensity Residential in the Operative Auckland Council District Plan (Rodney Section) as part of Private Plan Change 179.	
(ii) The Medium Intensity Residential in the Operative Auckland Council District Plan (Rodney Section) is most directly equivalent to the Single House zone.	
(iii) Any wastewater and stormwater management issues and urban design and landscaping matters can be adequately addressed by the Single House zone and Auckland-wide standards.	
<b>Alternative solution</b>	See Attachment A

**51. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH)”**

**Panel recommendations accepted:**

51.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in the NORTH), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 51.2.

**Panel recommendations rejected:**

51.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 (recommendations in the NORTH) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

**(a) The deletion of the Akoranga precinct and reliance upon the Auckland University of Technology (AUT) designation (Designation 6010)**

<b>Reasons</b>
(i) The removal of the precinct removes important enabling aspects and controls that were important to the ongoing use of the site.
(ii) The inclusion of the precinct will ensure integrated development of the precinct, particularly in the instance that the land is not needed by Auckland University of Technology.
(iii) The precinct provides for a range of activities within the site, including complementary tertiary activities which are not accessory to tertiary education and, therefore, are not provided for by the designation. It also enables additional building height which is important to support the development within the precinct.
(iv) The provisions proposed to be included in the precinct will enable potential adverse effects on the amenity and function of nearby town centres of Northcote and Takapuna and on the local road network to be



considered through more directive assessment enabled by the inclusion of the precinct.	
<b>Alternative solution</b>	See Attachment A
<b>Section 32AA evaluation</b>	See Attachment B

- (b) **The deletion of the Takapuna 2 precinct and reliance upon the provisions of the underlying zones (Terraced House and Apartment Buildings and Business – Metropolitan)**

<b>Reasons</b>	
(i) Deletion of the precinct means that less intensive development is provided for, contrary to the intent of the Panel's recommendation to provide for intensification around the Takapuna metropolitan centre.	
(ii) It is also contrary to the recommended provisions of the RPS, and is inconsistent with the application of Height Variation Controls across the rest of the Terrace Housing and Apartment Building zone surrounding the Takapuna Metropolitan Centre.	
<b>Alternative solution</b>	See Attachment A

(c) **The extension of the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village**

<b>Reasons</b>	
	(i) The Okura catchment drains into the Okura Estuary which forms part of the Long Bay-Okura Marine Reserve. Stormwater contaminants from urbanisation are likely to result in adverse effects on indigenous biological diversity within the Long Bay-Okura Marine Reserve.
	(ii) Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) requires adverse effects of activities on areas set aside for full or partial protection of indigenous biological diversity under other legislation, such as the Long Bay-Okura Marine Reserve, to be avoided. Moving the Rural Urban Boundary from its notified position into the Okura catchment and the proposed urban development will not give effect to the NZCPS.
	(iii) Including the Okura Holdings Limited land within the Rural Urban Boundary and the proposed urban development is likely to result in adverse effects on the water quality, ecology and hydrology of the streams and rivers on the Okura Holdings Limited land. This is unlikely to give effect to the provisions of the National Policy Statement for Freshwater Management 2014.
	(iv) The Vaughans Road ridgeline is a strong landscape feature and is the boundary between two catchments. Retaining the Rural Urban Boundary in this location therefore gives better effect to the PAUP regional policy statement than relocating the Rural Urban Boundary into the Okura catchment as recommended by the Independent Hearings Panel.
	(v) Substantial upgrades to wider transport network would be required to service urban development within the Okura precinct. The recommended Okura Precinct does not include appropriate provisions to address transportation infrastructure requirements, the provisions of open space and the extent of sub-precincts.
<b>Alternative solution</b>	See Attachment A

- (d) **The application of a new precinct to the land north of Vaughans Road, Okura and rezoning of approximately 130ha of land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones for the reasons outlined in c) above.**
- (e) **The rezoning of approximately 30ha of land from Countryside Living to Future Urban zone on land to the north of Vaughans Road/east of Okura Village for the reasons outlined in c) above.**

**Consequential Amendments**

- (f) **As a consequential change amend Table E39.6.5.2.1 Minimum and minimum average net site areas, to include a minimum net site area and average net site area without transferable rural site subdivision, of 4ha to land known as Okura East**

<b>Reasons</b>	
(i) For amending Table E39.6.5.2.1 Minimum and minimum average net site areas, and adding the Control: Subdivision Variation Control - Rural, Okura East Countryside Living – if the Countryside Living zone is to be applied instead of Independent Hearings Panel recommended "live" zoning and Future Urban zoning, the minimum 4ha site control for Okura East needs to be included in the plan to carry over the Operative Auckland Council District Plan: North Shore Section Countryside Living minimum site sizes. This is in line with the approach the Independent Hearings Panel has taken for other Countryside Living zoned areas.	
<b>Alternative solution</b>	See Attachment A

- (g) **As a consequential change add the Control: Subdivision Variation Control - Rural, Okura East Countryside Living to the land know as Okura East for the reason outlined in f) above.**

**52. Council decisions relating to Panel report entitled “Report to Auckland Council Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL)”**

**Panel recommendations accepted:**

- 52.1 The Council has accepted all the recommendations of the Panel contained in the Panel reports for Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 – (recommendations in CENTRAL), as they relate to the content of the PAUP, and also the associated recommendations as they appear in the plan and the maps except as listed below at paragraph 52.2.

**Panel recommendations rejected:**

- 52.2 The Council has rejected the Panel recommendations in relation to Hearing Topic 080 Rezoning and precincts (General), and 081 Rezoning and precincts (Geographic areas) and 016 and 017 - Rural urban boundary and Annexures 1 – 6, July 2016 (recommendations in CENTRAL) as listed below, with accompanying reasons, alternative solutions and section 32AA evaluation (where necessary):

(a) **Deletion of the Sylvia Park precinct and reliance on the underlying Metropolitan Centre zone**

<b>Reasons</b>	
(i) Sylvia Park has undergone a recent plan change which incorporates the most up to date provisions that provide for the ongoing development and operation of the site as well as site-specific development and land-use standards. A number of provisions in the precinct are more enabling and cannot be controlled by overlays.	
(ii) Removing the precinct provisions removes the delivery of three separate height areas that provide a more granular approach to bulk on the site.	
(iii) Removing the precinct provisions also removes specific information requirements.	
(iv) In removing the precinct, Appendix 11.2.2 Sylvia Park is also deleted and this contains statutory provisions that form an interrelated and fundamental part of the precinct.	
(v) Retaining the precinct will ensure a better overall outcome for the long-term development of Sylvia Park.	
<b>Alternative solution</b>	See Attachment A

AS Topic 059-063  
H6 Residential - Terrace  
Housing and Apartment  
Building Zone

## H6. Residential – Terrace Housing and Apartment Buildings Zone

### H6.1. Zone Description

The Residential ...

Standards are applied to all buildings and resource consent is required for all dwellings and for other specified buildings and activities in order to:

- achieve the planned urban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the ...

### H6.3. Policies

(1) Enable a ...

(3) Encourage development to achieve attractive and safe streets and public open spaces including by:

- (a) providing for passive surveillance
- (b) optimising front yard landscaping
- (c) minimising visual dominance of garage doors.

~~(34)~~In identified l...

~~(45)~~Manage the...

~~(56)~~Require accommodation to be designed to:

- (a) provide privacy and outlook; and
- (b) be functional, have access to daylight and sunlight, and provide the amenities necessary to meet the day-to-day needs of residents.

~~(67)~~Encourage accommodation ...

### H6.4. Activity table

Table H6.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Terrace Housing and Apartment Buildings Zone pursuant to section 9(3) of the Resource Management Act 1991).

**Table H6.4.1 Activity table**

Activity	Activity status	Standards to be complied with
<b>Use</b>		
(A1)	...	
<b>Residential</b>		
(A2)	...	

(A8)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A9)	...		
(A10)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A11)	...		
(A12)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A13)	...		
<b>Commerce</b>			
(A14)	Dairies up to 100m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A15)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A16)	...		
<b>Community</b>			
(A19)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A20)	Care centres accommodating greater than 10 people per site excluding staff	RD	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A21)	Community facilities	RD	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A22)	...		
(A25)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front</u> , side and rear fences and walls
(A26)	...		
<b>Development</b>			



(A30)	...		
(A31)	Internal and external alterations to buildings	P	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front, side and rear fences and walls</u> ; <u>H6.6.17 Minimum dwelling size</u>
(A32)	...		
(A33)	Additions to an existing dwelling	P	Standard H6.6.5 Building height; ... Standard H6.6.16 <u>Front, side and rear fences; and walls</u> ; <u>H6.6.17 Minimum dwelling size.</u>
(A34)	<u>Development which does not comply with H6.6.6 Height in relation to boundary</u>	RD	<u>H6.6.7 Alternative height in relation to boundary</u>
(A34) <u>A35</u>	New buildings ...		

### H6.5. Notification

(1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:

(a) dwellings that comply with all of the standards listed in Table H6.4.1 Activity table; ~~or~~

(b) an integrated residential development that complies with all of the standards listed in Table H6.4.1 Activity table; ~~or~~

(c) development which does not comply with H6.6.6 Height in relation to boundary, but complies with Rule 6.6.7 Alternative height in relation to boundary-;

(d) development which does not comply with H6.6.17 Minimum dwelling size-; or

(e) development which does not comply with H6.6.16 (1a) Front, side and rear fences and walls.

(2) Any application ...

### H6.6. Standards

#### H6.6.1. Activities listed in Table H6.4.1 Activity table

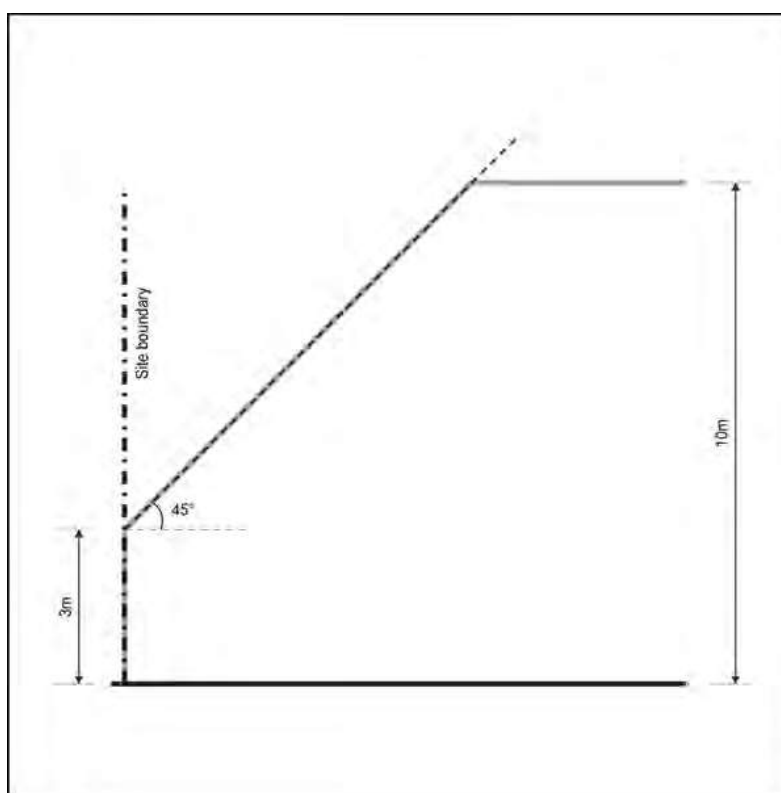
(1) Activities and ...

#### H6.6.6. Height in relation to boundary

Purpose: to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels.

(1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone ~~adjoin or are across the road from~~ another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones below, buildings must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the common ~~boundary of the site in the Terrace Housing and Apartment Buildings Zone that adjoins or is across the road from another site in the same zone or any other zone not specified in Standard H6.6.8~~ Height in relation to boundary adjoining lower intensity zones, as shown in Figure H6.6.6.1 Height in relation to boundary below.

**Figure H6.6.6.1 Height in relation to boundary**



(2) Standard H6.6.6(1) ...

**H6.6.7. Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone**

Purpose: to enable the efficient use of the site by providing design flexibility at the upper floors of a building close to the street frontage, while maintaining a reasonable level of sunlight access where possible and minimising visual dominance effects to immediate neighbours.

(1) This standard is an alternative to the permitted Standard H6.6.6 Height in relation to boundary and applies to sites in the Terrace Housing and Apartment Buildings Zone that ~~adjoin or are across the~~

~~read from~~ another site in the same zone or any other zone not specified in Standard H6.6.8 Height in relation to boundary adjoining lower intensity zones.

(2) Buildings or ...

#### **H6.6.8. Height in relation to boundary adjoining lower intensity zones**

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise visual dominance effects to immediate neighbours within lower intensity zones and small public open spaces.

(1) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone ~~adjoin or are across the road from~~:

- (a) a site in the Residential – Single House Zone; or
- (b) a site in the Residential – Mixed Housing Suburban Zone; or
- (c) sites less than 2000m<sup>2</sup> in the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone;

then buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along the boundary of the site in the Residential – Terrace Housing and Apartment Buildings Zone ~~that adjoins or is across the road from~~ with the zone listed in Standard H6.6.8(1)(a) – (c) above.

(2) Where sites in the Residential – Terrace Housing and Apartment Buildings Zone ~~adjoin or are across the road from~~ sites in the Residential – Mixed Housing Urban Zone then Standard H5.6.5 Height in relation to boundary in the Residential – Mixed Housing Urban Zone or Standard H5.6.6 Alternative height in relation to boundary in the Residential – Mixed Housing Urban Zone applies to the boundary of the site in the Residential – Terrace Housing and Apartment Buildings Zone ~~that adjoins or is across the road from~~ the Residential – Mixed Housing Urban Zone.

(3) The building ...

#### **H6.6.16. Front, side and rear fences and walls**

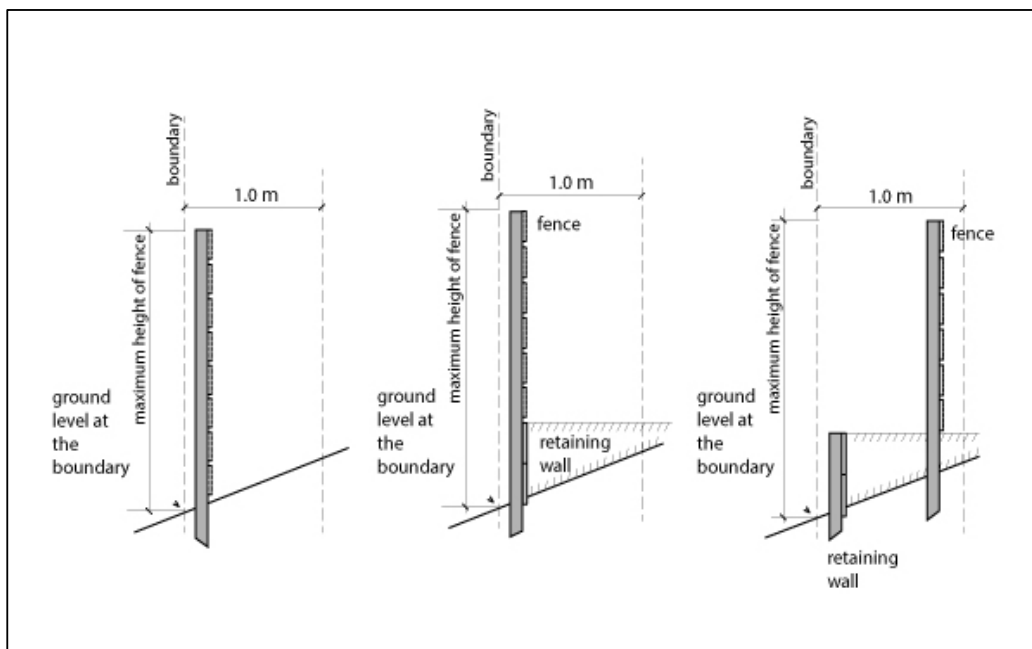
Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side or rear yard to a height sufficient to:

- provide privacy; and for dwellings while enabling opportunities for passive surveillance of the street
- minimise visual dominance effects to immediate neighbours and the street.

(1) Fences or walls or a combination of these structures (whether separate or joined together) ~~on a side or rear boundary or within a side or rear yard~~ must not exceed a height of 2m above ground level, the height specified below, measured from the ground level at the boundary:

- (a) Within the front yard, either:
- (i) 1.2m in height, or
  - (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.2m for the remainder, or
  - (iii) 1.8m in height if the fence is at least 50 per cent visually open.
- (b) Within the side and rear yards: 2m.

**Figure H.6.6.16.1 Measurement of fence height**



### **H6.6.17 Minimum dwelling size**

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

(1) Dwellings must have a minimum net internal floor area as follows:

- (a) 30m<sup>2</sup> for studio dwellings.
- (b) 45m<sup>2</sup> for one or more bedroom dwellings.

### **H6.7. Assessment – controlled activities**

There are no controlled activities in this zone.

### **H6.8. Assessment – restricted discretionary activities**

#### **H6.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

(1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; restaurants and cafes up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

(a) ~~the effects on wastewater capacity; and infrastructure and servicing;~~

(b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic;
- (iii) design of parking and access; and
- (iv) noise, lighting and hours of operation.

(2) for dwellings:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic; and
- (iii) design of parking and access.

(b) all of the following standards:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;
- (iii) Standard H6.6.12 Landscaped area;
- (iv) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;

(vi) Standard H6.6.15 Outdoor living space; ~~and~~

(vii) Standard H6.6.16 Front, side and rear fences and walls; ~~and~~

(viii) Standard H6.6.17 Minimum dwelling size.

(c) Infrastructure and servicing

(3) for integrated residential development:

(a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the

following:

- (i) building intensity, scale, location, form and appearance;
- (ii) traffic;
- (iii) design of parking and access; and
- (vi) noise, lighting and hours of operation.

(b) all of the following standards:

- (i) Standard H6.6.10 Maximum impervious areas;
- (ii) Standard H6.6.11 Building coverage;
- (iii) Standard H6.6.12 Landscaped area;
- (vi) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;

(vi) Standard H6.6.15 Outdoor living space; ~~and~~

(vii) Standard H6.6.16 Front, side and rear fences  
and walls; ~~and~~

(viii) Standard H6.6.17 Minimum dwelling size.

(c) Infrastructure and servicing.

(4) for buildings that do not comply with Standard H6.6.5 Building height; Standard H6.6.6 Height in relation to boundary; Standard H6.6.7 Alternative height in relation to boundary; Standard G6.6.8 Height in relation to boundary adjoining lower density zones; Standard H6.6.9 Yards; Standard H6.6.10 Maximum impervious areas; Standard H6.6.11 Building coverage; Standard H6.6.12 Landscaped area; Standard H6.6.13 Outlook space; Standard H6.6.14 Daylight; Standard H6.6.15 Outdoor living space; Standard H6.6.16 Front, side and rear fences and walls; Standard H6.6.17 Minimum dwelling size:

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (d) the effects on the rural and coastal character of the zone;
- (e) the effects on the amenity of neighbouring sites;
- (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (g) the characteristics of the development;
- (h) any other matters specifically listed for the standard; and

- (i) where more than one standard will be infringed, the effects of all infringements.

(5) For buildings that use the Standard H6.6.6 Alternative height in relation to boundary:

- (a) Daylight and sunlight access and visual dominance effects.  
(b) Attractiveness and safety of the street.

**H6.8.2. Assessment criteria**

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

(1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; restaurants and cafes up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

~~(a) wastewater capacity: infrastructure and servicing~~

~~(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.~~

~~(i) whether adequate wastewater capacity is provided within the on-site wastewater system based on the design occupancy to avoid significant adverse effects on public health, water quality and amenity values and to remedy or mitigate other adverse effects.~~

(b) building intensity, scale, location, form and appearance:

(i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(c) traffic:

(i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(d) design of parking and access:

(i) whether adequate parking and access is provided or required.

(e) noise, lighting and hours of operation:

(i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:

- locating noisy activities away from neighbouring residential

boundaries; and

- screening or other design features; and
- controlling the hours of operation and operational measures.

(2) for dwellings:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard H6.6.10 Maximum impervious areas;

(ii) Standard H6.6.11 Building coverage;

(iii) Standard H6.6.12 Landscaped area;

(iv) Standard H6.6.13 Outlook space;

(v) Standard H6.6.14 Daylight;

(vi) Standard H6.6.15 Outdoor living space; ~~and~~

(vii) Standard H6.6.16 Front, side and rear fences and walls; ~~and~~

(viii) Standard H6.6.17 Minimum dwelling size.

(b) refer to Policy H6.3(1);

(c) refer to Policy H6.3(2);

(d) refer to Policy H6.3(3);

(e) refer to Policy H6.3(4);

(f) refer to Policy H6.3(5);

(g) refer to Policy H6.3(6); ~~and~~

(h) refer to Policy H6.3(7);

(i) refer to Policy H6.3(8); and

(b) infrastructure and servicing:

(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.

(3) for integrated residential development:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard H6.6.10 Maximum impervious areas;

(ii) Standard H6.6.11 Building coverage;



- (iii) Standard H6.6.12 Landscaped area;
- (vi) Standard H6.6.13 Outlook space;
- (v) Standard H6.6.14 Daylight;
- (vi) Standard H6.6.15 Outdoor living space; ~~and~~
- (vii) Standard H6.6.16 Front, side and rear fences and walls; ~~and~~
- (viii) Standard H6.6.17 Minimum dwelling size.

- (b) refer to Policy H6.3(1);
- (c) refer to Policy H6.3(2);
- (d) refer to Policy H6.3(3);
- (e) refer to Policy H6.3(4);
- (f) refer to Policy H6.3(5);
- (g) refer to Policy H6.3(6); ~~and~~
- (h) refer to Policy H6.3(7);
- (i) refer to Policy H6.3(8); and

(i) infrastructure and servicing:

(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.

- (4) for building height:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);
  - (c) refer to Policy H6.3(~~34~~); and
  - (d) refer to Policy H6.3(~~45~~).
- (5) for height in relation to boundary:
  - (a) refer to Policy H6.3(1);
  - (b) refer to Policy H6.3(2);
  - (c) refer to Policy H6.3(~~34~~);
  - (d) refer to Policy H6.3(~~45~~); and
  - (e) refer to Policy H6.3(~~56~~).
- (6) for alternative height in relation to boundary:
  - (a) refer to Policy H6.3(1);

- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~34~~);
- (d) refer to Policy H6.3(~~45~~); and
- (e) refer to Policy H6.3(~~56~~).

(7) for height in relation to boundary adjoining lower density zones:

- (a) refer to Policy H6.3(1);
- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~34~~);
- (d) refer to Policy H6.3(~~45~~); and
- (e) refer to Policy H6.3(~~56~~).

(8) for yards:

- (a) refer to Policy H6.3(1);
- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~34~~); and
- (d) refer to Policy H6.3(~~45~~).

(9) for maximum impervious areas:

- (a) refer to Policy H6.3(7).

(10) for building coverage:

- (a) refer to Policy H6.3(1);
- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~34~~);
- (d) refer to Policy H6.3(~~45~~); and
- (e) refer to Policy H6.3(~~56~~).

(11) for landscaped area:

- (a) refer to Policy H6.3(1);
- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~34~~); and
- (d) refer to Policy H6.3(~~45~~).

(12) for outlook space:

- (a) refer to Policy H6.3(1);

- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~34~~);
- (d) refer to Policy H6.3(~~45~~); and
- (e) refer to Policy H6.3(~~56~~).

(13) for daylight:

- (a) refer to Policy H6.3(2);
- (b) refer to Policy H6.3(~~34~~);
- (c) refer to Policy H6.3(~~45~~); and
- (d) refer to Policy H6.3(~~56~~).

(14) for outdoor living space:

- (a) refer to Policy H6.3(1);
- (b) refer to Policy H6.3(2);
- (c) refer to Policy H6.3(~~45~~);
- (d) refer to Policy H6.3(~~56~~); and
- (e) refer to Policy H6.3(~~67~~).

(15) for front, side and rear fences and walls:

- (a) refer to Policy H6.3(2);
- (b) refer to Policy H6.3(3);
- (c) refer to Policy H6.3(~~45~~); and
- (d) refer to Policy H6.3(~~56~~).

(16) for the use of Standard H6.6.6 Alternative height in relation to boundary as a restricted discretionary activity:

- (a) Policy H6.3(3).
- (b) Policy H6.3(5).

(17) For minimum dwelling size:

- (a) Policy H6.3(6)

#### **H6.9. Special information requirements**

There are no special information requirements in this zone.

**LIST OF NAMES AND ADDRESSES OF PERSONS SERVED  
WITH A COPY OF THIS NOTICE**

Auckland Council at [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**COPIES OF SUBMISSIONS**

Form 5

**SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN**

*Clause 6, Schedule 1, Resource Management Act 1991*

To: Auckland Council

Name of submitter: Paul Gunn, Toni Marsh and Fraser Colegrave as trustees of the Gunn Family Trust

1 This is a submission on the following proposed plan (**plan**):

1.1 Proposed Auckland Unitary Plan (September 2013).

**Submitter background**

2 The submitter is the owner of the property located at 13 England Street, Freemans Bay in Auckland (**property**).

3 The property is opposite, adjacent or near to 16 Spring Street, which comprises 5,857m<sup>2</sup> more or less of land owned by Housing New Zealand Limited (**HNZ**) and upon which social housing is located (**HNZ land**).

4 The properties surrounding the HNZ land to the west, south-west and south (including the western side of England Street, the southern side of Spring Street and the northern side of Ireland Street) (**heritage properties**) are all:

4.1 currently zoned Residential 1 under the Auckland City District Plan – Isthmus section; and

4.2 zoned Single House Residential and subject to:

(a) the Special Character – Isthmus Residential A Built Environment Overlay (**Special Character overlay**); and

(b) the City Centre Fringe Area Parking Infrastructure Overlay (**City Fringe Parking overlay**),

under the plan.

5 Notably the heritage properties are the beginning of the heritage character area of the wider Ponsonby, Freemans Bay area which is recognised regionally, nationally and internationally as a uniquely preserved collection of period housing dating as far back as the 1800s.

6 The HNZ land is:

6.1 Currently zoned residential 6a under the Auckland City District Plan – Isthmus section; and

6.2 zoned Terraced Housing and Apartment Buildings (**THAB**) and subject to:

(a) the City Fringe Parking overlay; and

(b) the pre 1944 Building Demolition Control Historic Heritage Overlay,  
under the plan.

- 7 The highly restrictive nature of the current Residential 1 zoning and in particular the restrictions on making external alterations to a dwelling subject to that zoning are well known. It is commonly accepted that this will continue to be the position where a property is subject to the Special Character overlay. The submitter accepts and supports the underlying policy objective of seeking to retain the heritage character of inner city suburbs which are protected by this overlay.
- 8 Where the Special Character overlay is applied to an area however, it is critical that the zone of the land immediately adjoining or across the street from that area provides a suitable transition to more intensive zones beyond that (in this case the Mixed Use land on the other side of Runnell and Middle Streets). The submitter does not consider the zoning of the HNZ land as THAB under the plan to provide an appropriate transition. Furthermore the submitter considers there will be an unacceptable level of adverse effects on the amenity of surrounding properties, streets and infrastructure if the HNZ land is zoned THAB.
- 9 The failure to provide any minimum parking standards in the plan (and in particular the effect of the City Fringe Parking overlay) will also put pressure on streets that are already heavily parked, narrow, and difficult to negotiate; and traffic generation from any development of the HNZ land under the proposed zoning will thus give rise to additional and unusual adverse effects on the surrounding environment.

#### **Consultation on Draft Unitary Plan**

- 10 Under the Draft Auckland Unitary Plan (**draft plan**) the HNZ land was zoned Mixed Housing Residential which provided for a permitted height of 8 metres with the ability to go to 10 metres (ie, 3 storeys) as a non-notified restricted discretionary activity.
- 11 In accordance with the consultation procedure for the draft plan a large number of submissions were made by local residents in opposition to that proposed level of density for the HNZ land. Those submissions however have been entirely ignored by Council with the HNZ land having been substantially further up zoned to THAB in the plan. Requests in those submission for engagement with Council were ignored, despite Council clearly having engaged with HNZ. The submitter questions how that can be procedurally reasonable or legal, particularly where the submitters expressly requested the opportunity to discuss the matter further. The submitter considers it is untenable that the large number of stakeholders in the area who made submissions were ignored with no attempt at engagement made, whilst engagement took place with HNZ and its request for up zoning accommodated.
- 12 Accordingly, the submitter considers that Council procedurally failed to properly consider the local stakeholder's submissions. This is undemocratic and contrary to principles of natural justice.

#### **The submission**

- 13 The specific provisions of the plan that this submission relates to are:
- 13.1 The whole plan as it affects this area of the City and the issues raised in this submission.

- 14 The submission **supports** the plan in relevant part and **opposes** the plan in relevant part. In particular, but without limitation, the submission **opposes** the proposed THAB zoning for the HNZ land.

**Reasons for the submission**

- 15 The HNZ land currently has social housing located on it to a maximum of two levels. HNZ issued a Request for Expressions of Interest ("EOI") in late 2013 seeking a developer to acquire the HNZ land and redevelop it with a minimum of 80 dwellings comprising terraced houses and/or apartments. The EOI process closed on 13 January 2014 and it is understood that HNZ will identify preferred developers and issue a Request for Proposal to those developers in upcoming months. The current residents of the site have been put on notice by HNZ that once a development partner has been identified they will be issued with a 90 day notice to vacate. Accordingly redevelopment can reasonably be expected to be imminent.
- 16 Under the operative zoning of Residential 6a such redevelopment would be permitted to a height of 8 metres. The submitter considers that to be a reasonable position which is consistent with the current 8 metre height restriction on Residential 1 and the proposed 8 metre height restriction on Single House Residential. That is, whilst permitting an increased level of density, the operative zoning provides for an appropriate transition on the HNZ land from the heritage housing (to the south and west) to the mixed use zoning to the north and east.
- 17 Under the THAB zone proposed for the HNZ land under the plan, a height of 14.5 metres (with 1 metre semi-basement parking) and 4 storeys is permitted and there are no density limits. Additional height and storeys would be available subject to a resource consent application which would be subject to the usual RMA section 95 notification assessment. The submitter does not consider that to be a reasonable method of transition from the surrounding heritage housing nor a sustainable and efficient use of natural and physical resources.
- 18 A critical aspect of the Special Character overlay is preserving the special character of the streetscape and the neighbourhood as a whole. Zoning the HNZ land THAB is entirely at odds with that objective. The THAB zone is incompatible with the neighbouring sites subject to the Special Character overlay and the overall character of the neighbourhood.
- 19 The heritage housing located in the wider Freemans Bay and Ponsonby area is recognised as significant and extensive to Auckland's character as a city and a reflection of its history, the protection of which has rightfully been entrenched in the operative plan for many years. The submitter acknowledges that one of the key directives of the Auckland Plan is to identify opportunities for urban intensification. However the Auckland Plan also has as a key directive to "Protect and conserve Auckland's historic heritage for the benefit and enjoyment of present and future generations" (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world's most liveable city. Maintaining the integrity of heritage areas must comprise one of the important ingredients to achieve that end. Accordingly, the opportunity to intensify the HNZ land must be balanced against the competing requirement to preserve and respect character areas. The submitter does not consider that zoning the HNZ land THAB achieves that balance and in that regard does not consider that adequate RMA section 32 analysis has been undertaken in making this proposal. For example, there are other city fringe suburbs such as Grafton, Newton Gully, Eden Terrace and Newmarket which can accommodate additional intensity without undermining special character areas which are required to be protected. It is notable that those alternative areas will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.



This is another example of a reason why such areas are better suited to a higher level of intensification.

- 20 In addition to the transition issue, the submitter considers that zoning the HNZ site THAB would have an unacceptable level of adverse effects on the amenity of the surrounding properties, streets and infrastructure. These adverse effects include (without limitation):
- 20.1 Existing infrastructure is already overloaded with considerable local and downstream development. By way of example, there are ongoing stormwater issues with old brick pipes located under England and Runnell Streets.
  - 20.2 Loss of privacy to the surrounding single lot heritage housing.
  - 20.3 Dominance to the street and surrounding heritage housing.
  - 20.4 Adverse shading impacts to surrounding housing.
  - 20.5 Reduction in outlook for surrounding housing.
  - 20.6 Substantial traffic impacts on England Street, Runnell Street and the surrounding neighbourhood.
  - 20.7 Increased demand for parking on street to the detriment of the neighbourhood, noting there are no minimum parking requirements under the plan for the HNZ land. There is already a significant parking problem in the neighbourhood due to office workers using the streets as an unregulated commuter carpark.
  - 20.8 Glare from additional glazing which can reasonably be expected from the anticipated style of development.
  - 20.9 Increased wind effects can also reasonably be expected from the anticipated style of development.
  - 20.10 Substantial reduction in surrounding property values.
- 21 To illustrate the issues identified above, the submitter refers to the apartment building which is presently being constructed on the corner of England Street and College Hill. It is for note that the developers of this building obtained resource consent to build to 19 metres where the site is zoned Mixed Use under the operative plan zoning which has a permitted height level of 15m (ie, half a metre less than that proposed for the HNZ land). The submitter considers this building to be a disastrous urban design outcome and an example of what should not be permitted to occur on the HNZ land.
- 22 The submitter considers the absence of minimum carparking requirements for sites such as the HNZ site (ie, larger sites and/or sites with more intensive zonings than Single House) to be entirely inappropriate. It is entirely unrealistic to expect that residents of such developments will not own and use a car just because public transport is available in the area. Even if the current service levels of public transport are improved, not all residents will rely solely upon it. Existing Freeman's Bay residents are already suffering extreme adverse effects due to city workers parking in the local streets which Council does not regulate or control parking in. Accordingly the failure to provide parking minimums is neither reasonable nor sustainable.
- 23 In conclusion, and without limitation, zoning the HNZ land THAB and the failure to provide minimum parking requirements for such sites:

- 23.1 Will not promote the sustainable management of natural and physical resources, contrary to RMA Part 2 and section 5 in particular.
- 23.2 Is not the most efficient or effective way of promoting sustainable management, contrary to RMA section 32.
- 23.3 Will have an adverse effect on surrounding property values contrary to RMA section 85.

**Decisions sought**

24 The submitter seeks the following decisions:

24.1 The HN2 land should be rezoned to Mixed Housing Suburban. This would provide the most appropriate transition from Single House Residential which is subject to the Special Character overlay, and is more aligned with Council's originally proposed zoning under the Draft Unitary Plan. This is also consistent with the approach taken to sites such as this which sit within the wider Ponsonby special character area.

24.2 To ensure an appropriate transition is achieved where the zone changes, the addition of [development controls] and [carparking requirements] for sites zoned with a higher density than Single House Residential which are adjacent or across the street from Single House Residential subject to the Special Character overlay. In particular but without limitation:

(a) A requirement that any application to build in excess of 8 metres in height be notified to all surrounding properties (whether or not across the street) zoned Single House subject to the Special Character overlay.

(b) Include additional specified assessment criteria to require that sympathy and recognition be given to the streetscape character, height, scale and form of the dwellings subject to a Special Character overlay in the surrounding neighbourhood. Without limiting the generality of this requirement, examples may include:

(i) The scale, form, mass, proportion and materials of the building must be compatible with the original architectural style predominant in the street, and must not ignore, compete with, or dominate that character.

(ii) New buildings must not detract from the consistency and harmony of building forms in the street or detract from the coherence of the streetscape.

(iii) The design of a proposed new building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site.

(iv) The building must not detract from the architectural character of period housing or landscape qualities predominant in the street.

(v) [Any new building on the HN2 land should be subject to appropriate development controls] and [carparking requirements] to address the matters raised in paragraph 20 of this submission.

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- 24.3 Imposition of minimum carparking requirements for sites zoned with a higher density than Single House Residential which are subject to the City Fringe Parking overlay.
- 24.4 Such alternative, consequential or further relief as may be required to give effect to this submission.
- 25 The submitter wishes to be heard in support of this submission. The submitter agrees to participate in mediation or other alternative dispute resolution of this submission.



**Paul Gunn**

Trustee and person authorised to sign on behalf of submitter

21 February 2014

**Address for service:** 13 England Street, Freemans Bay, Auckland 1011

**Telephone:** 021 649934

**Email:** [paulgunn@xtra.co.nz](mailto:paulgunn@xtra.co.nz)

**Contact person:** Paul Gunn

## Form 5

**SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN***Clause 6, Schedule 1, Resource Management Act 1991*

To: Auckland Council

Name of submitter: **Lydia Hewitt**1 This is a submission on the following proposed plan (**plan**):

1.1 Proposed Auckland Unitary Plan (September 2013).

**Submitter background**

2 The submitter is the owner of the property located at

**21 England Street, Freeman's Bay** in Auckland.3 The property is opposite, adjacent or near to 16 Spring Street, which comprises 5,857m<sup>2</sup> more or less of land owned by Housing New Zealand Limited (**HNZ**) and upon which social housing is located (**HNZ land**).4 The properties surrounding the HNZ land to the west, south-west and south (including the western side of England Street, the southern side of Spring Street and the northern side of Ireland Street) (**heritage properties**) are all:

4.1 currently zoned Residential 1 under the Auckland City District Plan - Isthmus section; and

4.2 zoned Single House Residential and subject to:

(a) the Special Character - Isthmus Residential A Built Environment Overlay (**Special Character overlay**); and(b) the City Centre Fringe Area Parking Infrastructure Overlay (**City Fringe Parking overlay**),

under the plan.

5 Notably the heritage properties are the beginning of the heritage character area of the wider Ponsonby, Freemans Bay area which is recognised regionally, nationally and internationally as a uniquely preserved collection of period housing dating as far back as the 1800s.

6 The HNZ land is:

6.1 Currently zoned residential 6a under the Auckland City District Plan - Isthmus section; and

6.2 zoned Terraced Housing and Apartment Buildings (**THAB**) and subject to:

(a) the City Fringe Parking overlay; and

(b) the pre 1944 Building Demolition Control Historic Heritage Overlay,  
under the plan.

- 7 The highly restrictive nature of the current Residential 1 zoning and in particular the restrictions on making external alterations to a dwelling subject to that zoning are well known. It is commonly accepted that this will continue to be the position where a property is subject to the Special Character overlay. The submitter accepts and supports the underlying policy objective of seeking to retain the heritage character of inner city suburbs which are protected by this overlay.
- 8 Where the Special Character overlay is applied to an area however, it is critical that the zone of the land immediately adjoining or across the street from that area provides a suitable transition to more intensive zones beyond that (in this case the Mixed Use land on the other side of Runnell and Middle Streets). The submitter does not consider the zoning of the HNZ land as THAB under the plan to provide an appropriate transition. Furthermore the submitter considers there will be an unacceptable level of adverse effects on the amenity of surrounding properties, streets and infrastructure if the HNZ land is zoned THAB.
- 9 The failure to provide any minimum parking standards in the plan (and in particular the effect of the City Fringe Parking overlay) will also put pressure on streets that are already heavily parked, narrow, and difficult to negotiate; and traffic generation from any development of the HNZ land under the proposed zoning will thus give rise to additional and unusual adverse effects on the surrounding environment.

#### **Consultation on Draft Unitary Plan**

- 10 Under the Draft Auckland Unitary Plan (draft plan) the HNZ land was zoned Mixed Housing Residential which provided for a permitted height of 8 metres with the ability to go to 10 metres (ie, 3 storeys) as a non-notified restricted discretionary activity.
- 11 In accordance with the consultation procedure for the draft plan a large number of submissions were made by local residents in opposition to that proposed level of density for the HNZ land. Those submissions however have been entirely ignored by Council with the HNZ land having been substantially further up zoned to THAB in the plan. Requests in those submission for engagement with Council were ignored, despite Council clearly having engaged with HNZ. The submitter questions how that can be procedurally reasonable or legal, particularly where the submitters expressly requested the opportunity to discuss the matter further. The submitter considers it is untenable that the large number of stakeholders in the area who made submissions were ignored with no attempt at engagement made, whilst engagement took place with HNZ and its request for up zoning accommodated.
- 12 Accordingly, the submitter considers that Council procedurally failed to properly consider the local stakeholder's submissions. This is undemocratic and contrary to principles of natural justice.

#### **The submission**

- 13 The specific provisions of the plan that this submission relates to are:
  - 13.1 The whole plan as it affects this area of the City and the issues raised in this submission.

- 14 The submission **supports** the plan in relevant part and **opposes** the plan in relevant part. In particular, but without limitation, the submission **opposes** the proposed THAB zoning for the HNZ land.

#### **Reasons for the submission**

- 15 The HNZ land currently has social housing located on it to a maximum of two levels. HNZ issued a Request for Expressions of Interest ("EOI") in late 2013 seeking a developer to acquire the HNZ land and redevelop it with a minimum of 80 dwellings comprising terraced houses and/or apartments. The EOI process closed on 13 January 2014 and it is understood that HNZ will identify preferred developers and issue a Request for Proposal to those developers in upcoming months. The current residents of the site have been put on notice by HNZ that once a development partner has been identified they will be issued with a 90 day notice to vacate. Accordingly redevelopment can reasonably be expected to be imminent.
- 16 Under the operative zoning of Residential 6a such redevelopment would be permitted to a height of 8 metres. The submitter considers that to be a reasonable position which is consistent with the current 8 metre height restriction on Residential 1 and the proposed 8 metre height restriction on Single House Residential. That is, whilst permitting an increased level of density, the operative zoning provides for an appropriate transition on the HNZ land from the heritage housing (to the south and west) to the mixed use zoning to the north and east.
- 17 Under the THAB zone proposed for the HNZ land under the plan, a height of 14.5 metres (with 1 metre semi-basement parking) and 4 storeys is permitted and there are no density limits. Additional height and storeys would be available subject to a resource consent application which would be subject to the usual RMA section 95 notification assessment. The submitter does not consider that to be a reasonable method of transition from the surrounding heritage housing nor a sustainable and efficient use of natural and physical resources.
- 18 A critical aspect of the Special Character overlay is preserving the special character of the streetscape and the neighbourhood as a whole. Zoning the HNZ land THAB is entirely at odds with that objective. The THAB zone is incompatible with the neighbouring sites subject to the Special Character overlay and the overall character of the neighbourhood.
- 19 The heritage housing located in the wider Freemans Bay and Ponsonby area is recognised as significant and extensive to Auckland's character as a city and a reflection of its history, the protection of which has rightfully been entrenched in the operative plan for many years. The submitter acknowledges that one of the key directives of the Auckland Plan is to identify opportunities for urban intensification. However the Auckland Plan also has as a key directive to "Protect and conserve Auckland's historic heritage for the benefit and enjoyment of present and future generations" (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world's most liveable city. Maintaining the integrity of heritage areas must comprise one of the important ingredients to achieve that end. Accordingly, the opportunity to intensify the HNZ land must be balanced against the competing requirement to preserve and respect character areas. The submitter does not consider that zoning the HNZ land THAB achieves that balance and in that regard does not consider that adequate RMA section 32 analysis has been undertaken in making this proposal. For example, there are other city fringe suburbs such as Grafton, Newton Gully, Eden Terrace and Newmarket which can accommodate additional intensity without undermining special character areas which are required to be protected. It is notable that those alternative areas will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.

This is another example of a reason why such areas are better suited to a higher level of intensification.

20 In addition to the transition issue, the submitter considers that zoning the HNZ site THAB would have an unacceptable level of adverse effects on the amenity of the surrounding properties, streets and infrastructure. These adverse effects include (without limitation):

20.1 Existing infrastructure is already overloaded with considerable local and downstream development. By way of example, there are ongoing stormwater issues with old brick pipes located under England and Runnell Streets.

20.2 Loss of privacy to the surrounding single lot heritage housing.

20.3 Dominance to the street and surrounding heritage housing.

20.4 Adverse shading impacts to surrounding housing.

20.5 Reduction in outlook for surrounding housing.

20.6 Substantial traffic impacts on England Street, Runnell Street and the surrounding neighbourhood.

20.7 Increased demand for parking on street to the detriment of the neighbourhood, noting there are no minimum parking requirements under the plan for the HNZ land. There is already a significant parking problem in the neighbourhood due to office workers using the streets as an unregulated commuter carpark.

20.8 Glare from additional glazing which can reasonably be expected from the anticipated style of development.

20.9 Increased wind effects can also reasonably be expected from the anticipated style of development.

20.10 Substantial reduction in surrounding property values.

21 To illustrate the issues identified above, the submitter refers to the apartment building which is presently being constructed on the corner of England Street and College Hill. It is for note that the developers of this building obtained resource consent to build to 19 metres where the site is zoned Mixed Use under the operative plan zoning which has a permitted height level of 15m (ie, half a metre less than that proposed for the HNZ land). The submitter considers this building to be a disastrous urban design outcome and an example of what should not be permitted to occur on the HNZ land.

22 The submitter considers the absence of minimum carparking requirements for sites such as the HNZ site (ie, larger sites and/or sites with more intensive zonings than Single House) to be entirely inappropriate. It is entirely unrealistic to expect that residents of such developments will not own and use a car just because public transport is available in the area. Even if the current service levels of public transport are improved, not all residents will rely solely upon it. Existing Freeman's Bay residents are already suffering extreme adverse effects due to city workers parking in the local streets which Council does not regulate or control parking in. Accordingly the failure to provide parking minimums is neither reasonable nor sustainable.

23 In conclusion, and without limitation, zoning the HNZ land THAB and the failure to provide minimum parking requirements for such sites:

- 23.1 Will not promote the sustainable management of natural and physical resources, contrary to RMA Part 2 and section 5 in particular.
- 23.2 Is not the most efficient or effective way of promoting sustainable management, contrary to RMA section 32.
- 23.3 Will have an adverse effect on surrounding property values contrary to RMA section 85.

#### Decisions sought

24 The submitter seeks the following decisions:

24.1 The HNZ land should be rezoned to Mixed Housing Suburban. This would provide the most appropriate transition from Single House Residential which is subject to the Special Character overlay, and is more aligned with Council's originally proposed zoning under the Draft Unitary Plan. This is also consistent with the approach taken to sites such as this which sit within the wider Ponsonby special character area. | 1

24.2 To ensure an appropriate transition is achieved where the zone changes, the addition of development controls and carparking requirements for sites zoned with a higher density than Single House Residential which are adjacent or across the street from Single House Residential subject to the Special Character overlay. In particular but without limitation: | 2

- (a) A requirement that any application to build in excess of 8 metres in height be notified to all surrounding properties (whether or not across the street) zoned Single House subject to the Special Character overlay.
- (b) Include additional specified assessment criteria to require that sympathy and recognition be given to the streetscape character, height, scale and form of the dwellings subject to a Special Character overlay in the surrounding neighbourhood. Without limiting the generality of this requirement, examples may include:
- (i) The scale, form, mass, proportion and materials of the building must be compatible with the original architectural style predominant in the street, and must not ignore, compete with, or dominate that character.
- (ii) New buildings must not detract from the consistency and harmony of building forms in the street or detract from the coherence of the streetscape.
- (iii) The design of a proposed new building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site.
- (iv) The building must not detract from the architectural character of period housing or landscape qualities predominant in the street.
- (v) Any new building on the HNZ land should be subject to appropriate development controls and carparking requirements to address the matters raised in paragraph 20 of this submission.



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- 24.3 Imposition of minimum carparking requirements for sites zoned with a higher density than Single House Residential which are subject to the City Fringe Parking overlay.
- 24.4 Such alternative, consequential or further relief as may be required to give effect to this submission.
- 25 The submitter wishes to be **heard** in support of this submission. The submitter agrees to participate in mediation or other alternative dispute resolution of this submission.

Lydia Hewitt

**Name of submitter  
(or person authorised to sign on behalf of submitter)**

21 February 2014

**Date**

**Address for service:** 21 England Street, Freeman's Bay, Auckland 1011

**Telephone:** 0210498404

**Email:** Lydia.Hewitt@xtra.co.nz

**Contact person:** Lydia Hewitt

<b>SUBMISSION TO: PROPOSED AUCKLAND UNITARY PLAN</b>	
<b>TO:</b> Attn: Unitary Plan Submission Team Auckland Council Freepost Authority 237170 Private Bag 92300 Auckland 1142	<b>For office use only</b>  <b>Submission No:</b>

**Submitter details**

<b>Full name of submitter:</b>	Paul Ronald Gregory
<b>Address:</b>	24 England Street
<b>Email:</b>	p_gregory@vodafone.co.nz
<b>I live in:</b>	Waitemata Local Board
<b>Signature</b>	P. Gregory
<b>Date:</b>	23.2.14
NB: Contact details and phone number will be 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 council	

**Scope of Submission**

**This is a submission to: Proposed Auckland Unitary Plan**

**The specific provisions that my submission relates to are:**

<b>Provision:</b>	Part 2 Regional and District Objectives and Policies, Chapter C, Auckland-wide objectives and policies, 1 Infrastructure, Section 1.2 Transport
This provision allows for there to be no requirements for activities or development to provide parking in the City Fringe overlay (which includes Freemans Bay).  The provision stated objective 3 is that the number, location and type (short-term or long-term, public or private) of parking and loading spaces supports the proposed City Centre Fringe Overlay (i.e. no minimum parking requirements for Freemans Bay)  Policy 2 for traffic generation also outlines the proposal to limit the supply of on-site parking in the City Fringe overlay (which includes Freemans Bay)	
<b>Provision:</b>	Part 3 – Regional and District Rules, Chapter H: Auckland-wide rules, 1.2 Transport, 3. Development controls, 3.2 Number of parking and loading spaces
This provision proposes in In Table 3 that there be no minimum carparking requirements (parking rates) for city fringe overlay (which includes Freemans Bay), and the Metropolitan Town, Town, Local Centres, Mixed Use and Terrace Housing and Apartment Buildings Zones	

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**My submission is: I oppose the specific provisions identified above in relation to Freemans Bay**

**I wish to have the provisions identified above amended to remain at the current specified minimum parking levels for Freemans Bay as specified in Rule 12.8.1 of the current City of Auckland – District Plan Isthmus Section – Operative 1999 i.e. the status quo; and/or such alternative or further relief as may be required to give effect to this submission.**

**The reasons for my views are:**

1. Freemans Bay is a small heritage suburb with narrow streets, historically small land holdings, small lots sizes and widths, and limited options for owners to provide off-street parking. Removal of minimum carparking requirements (MPRs) in Freemans Bay will further impact the ability of existing owners to park close to their home.
2. The Auckland Plan has as a key directive to “Protect and conserve Auckland’s historic heritage for the benefit and enjoyment of present and future generations” (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world’s most liveable city. However, liveability in Freemans Bay is currently severely compromised due to extreme parking difficulties for residents with no provision for off street parking. Many of these residents have lived in Freemans Bay for many years and include young families and independent elderly.

Arguments have been put forward that Auckland Transport’s regional strategy will resolve the issues for local residents but this is unknown. Eliminating MPRs in Freemans Bay for any development or dwelling whether THAB, single dwelling or mixed used, will result in more cars requiring to be housed on the street. The Council is already implementing decisions to reduce MPRs below current minimum requirements. This can be seen with the apartment building on the corner of College Hill and England Street, which has been approved without notification, to have 17 carparks less than current minimum requirements.

3. Auckland Transport is currently in planning for a region wide parking strategy (which includes Freemans Bay) and consultation is expected to commence March/April this year. There is no timeframe for implementation of this strategy. Final Unitary Plan plans submissions are due 28 February 2014 and hence won’t take into account the outcome of the regional wide parking strategy. The potential exists for these disconnected processes to be at cross purposes.
4. I strongly support the intention to increase the emphasis of public transport (particularly by commuters). There is however, insufficient public transport in place at present and commuters are arriving and parking in our suburb from 5.30am onwards. With limited parking available on narrow Freemans Bay streets, removal of MPRs (for any zoning) will lead to massive parking issues in an already populated area. Other city fringe areas such as Grafton, Newton Gully, Eden Terrace and Newmarket will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.
5. There has been insufficient consultation with Freemans Bay residents on the removal of MPRs in Freemans Bay. The Freemans Bay Residents Association has over 180 residents registered in its database and this provision in the Unitary Plan was unknown to almost all of its residents. No submissions from Freemans Bay or other suburbs termed ‘city fringe’ indicating their support for elimination of MPRs have been made available. The number of residents attending Waitemata Local Board consultation forums from ‘city fringe’ suburbs who presented this view (if any) is also not known.

6. The evidential basis for elimination of MPRs in suburbs is not known. This has been requested from Waitemata Local but not yet provided. There is however research on implementation of residential parking zones for reduction in commuter parking on suburban streets.
7. Freemans Bay residents already have lower rates of car ownership compared with Auckland averages, as residents elect to walk and take other transport methods. Cars however are still required for use at night time, weekends, holidays, for grocery shopping, medical treatment (particularly for the elderly), parenting requirements, attending sports activities, building maintenance and repairs, visitor parking and healthcare support workers.
8. The Freemans Bay Residents' Association has recently been formed (3 December 2013) with 97 attendees at the first meeting and 109 at the second meeting. Parking is one of the primary concerns of residents.
9. The Green Star parking ratios policy for commercial buildings in Wynyard Quarter, Viaduct precinct and Auckland City West are commendable. However, without the public transport system in place, it simply creates more parking issues. There is no regulatory ongoing monitoring or enforcing of employees using public transport. Therefore the employees park in the nearest suburbs. Auckland Council can not encourage one activity (Green Star) without considering the effect on parking overloads within the CBD and City Fringe Areas.
10. The proposed parking rules, objectives and policies do not meet the section 32 RMA criteria.
11. The proposed parking rules, objectives and policies will be contrary to Part II and other provisions of the Act.
12. The proposed parking rules, objectives and policies will not meet the reasonably foreseeable needs of future generations.
13. The proposed parking rules, objectives and policies will not enable social, economic and cultural wellbeing.
14. The proposed parking rules, objectives and policies will be contrary to the purposes and provisions of the Act and other relevant planning documents.
15. The proposed parking rules, objectives and policies will be inappropriate and inconsistent with the purpose and principles of the Act.
16. The proposed parking rules, objectives and policies will not promote the principles of sustainable management of the Act.

**I seek the following decision from Auckland Council:**

**Decline the proposed plan.**

**I seek Auckland Council maintain the current minimum parking requirements for Freemans Bay as specified out in Rule 12.8.1 of the current City of Auckland – District Plan Isthmus Section – Operative 1999 i.e. the status quo and/or such alternative or further relief as may be required to give effect to this submission.**

# 1961

**I wish to be heard in support of my submission.**

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

**Notes to person making submission:**

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

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 Schedule 1 of the Resource Management Act 1991.

**I 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 not directly affected by an effect of the subject matter of this submission that:**

**(a) adversely affects the environment; and**

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

1/6

**From:** donotreply@aucklandcouncil.govt.nz  
**Sent:** Sunday, 23 February 2014 8:40 p.m.  
**To:** Unitary Plan  
**Cc:** p\_gregory@vodafone.co.nz  
**Subject:** Proposed Auckland Unitary Plan Submission - Paul Gregory  
**Attachments:** 3\_PAUP - Spring Street submission - online version.pdf

Thank you for your submission to the proposed Auckland Unitary plan.

You should receive an acknowledgement within 10 working days. Please retain this as your copy. If you do not receive this, could you email [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or phone 09 301 0101.



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**Submitter details**

**Full name:** Paul Gregory  
**Organisation:**  
**Postal address:** 24 England Street, Freemans Bay, Auckland 1011  
**Email address:** [p\\_gregory@vodafone.co.nz](mailto:p_gregory@vodafone.co.nz)  
**Post code:** 1011  
**Local board:** Waitemata local board  
**Contact Person:**  
**Date of submission:** 23-Feb-2014

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**Scope of submission**

The specific provisions that my submission relates to are:

**Provision(s):**  
Zoning as THAB - see below

**Property address:**  
16 Spring Street, Freemans Bay

**Map:**

**Other:**

**Submission**

Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views.

I oppose the specific provisions identified above

I wish to have the provisions identified above amended:

Yes

**The reasons for my views are:**  
See attachment.

**I seek the following decision by Council:**  
Decline the Proposed Plan

**If the Proposed Plan is not declined, then amend it as outlined below:**

**I wish to be heard in support of my submission:**

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

**Telephone:** 09 3760130

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 not gain an advantage in trade competition through this submission**

Form 5

**SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN**

*Clause 6, Schedule 1, Resource Management Act 1991*

To: Auckland Council

Name of submitter: Paul Gregory

1 This is a submission on the following proposed plan (**plan**):

1.1 Proposed Auckland Unitary Plan (September 2013).

**Submitter background**

2 The submitter is the owner of the property located at

24 England Street, Freemans Bay in Auckland (**property**).

3 The property is opposite, adjacent or near to 16 Spring Street, which comprises 5,857m<sup>2</sup> more or less of land owned by Housing New Zealand Limited (**HNZ**) and upon which social housing is located (**HNZ land**).

4 The properties surrounding the HNZ land to the west, south-west and south (including the western side of England Street, the southern side of Spring Street and the northern side of Ireland Street) (**heritage properties**) are all:

4.1 currently zoned Residential 1 under the Auckland City District Plan – Isthmus section; and

4.2 zoned Single House Residential and subject to:

(a) the Special Character – Isthmus Residential A Built Environment Overlay (**Special Character overlay**); and

(b) the City Centre Fringe Area Parking Infrastructure Overlay (**City Fringe Parking overlay**),

under the plan.

5 Notably the heritage properties are the beginning of the heritage character area of the wider Ponsonby, Freemans Bay area which is recognised regionally, nationally and internationally as a uniquely preserved collection of period housing dating as far back as the 1800s.

6 The HNZ land is:

6.1 Currently zoned residential 6a under the Auckland City District Plan – Isthmus section; and

6.2 zoned Terraced Housing and Apartment Buildings (**THAB**) and subject to:

(a) the City Fringe Parking overlay; and



(b) the pre 1944 Building Demolition Control Historic Heritage Overlay,  
under the plan.

- 7 The highly restrictive nature of the current Residential 1 zoning and in particular the restrictions on making external alterations to a dwelling subject to that zoning are well known. It is commonly accepted that this will continue to be the position where a property is subject to the Special Character overlay. The submitter accepts and supports the underlying policy objective of seeking to retain the heritage character of inner city suburbs which are protected by this overlay.
- 8 Where the Special Character overlay is applied to an area however, it is critical that the zone of the land immediately adjoining or across the street from that area provides a suitable transition to more intensive zones beyond that (in this case the Mixed Use land on the other side of Runnell and Middle Streets). The submitter does not consider the zoning of the HNZ land as THAB under the plan to provide an appropriate transition. Furthermore the submitter considers there will be an unacceptable level of adverse effects on the amenity of surrounding properties, streets and infrastructure if the HNZ land is zoned THAB.
- 9 The failure to provide any minimum parking standards in the plan (and in particular the effect of the City Fringe Parking overlay) will also put pressure on streets that are already heavily parked, narrow, and difficult to negotiate; and traffic generation from any development of the HNZ land under the proposed zoning will thus give rise to additional and unusual adverse effects on the surrounding environment.

#### **Consultation on Draft Unitary Plan**

- 10 Under the Draft Auckland Unitary Plan (draft plan) the HNZ land was zoned Mixed Housing Residential which provided for a permitted height of 8 metres with the ability to go to 10 metres (ie, 3 storeys) as a non-notified restricted discretionary activity.
- 11 In accordance with the consultation procedure for the draft plan a large number of submissions were made by local residents in opposition to that proposed level of density for the HNZ land. Those submissions however have been entirely ignored by Council with the HNZ land having been substantially further up zoned to THAB in the plan. Requests in those submission for engagement with Council were ignored, despite Council clearly having engaged with HNZ. The submitter questions how that can be procedurally reasonable or legal, particularly where the submitters expressly requested the opportunity to discuss the matter further. The submitter considers it is untenable that the large number of stakeholders in the area who made submissions were ignored with no attempt at engagement made, whilst engagement took place with HNZ and its request for up zoning accommodated.
- 12 Accordingly, the submitter considers that Council procedurally failed to properly consider the local stakeholder's submissions. This is undemocratic and contrary to principles of natural justice.

#### **The submission**

- 13 The specific provisions of the plan that this submission relates to are:
  - 13.1 The whole plan as it affects this area of the City and the issues raised in this submission.

- 14 The submission **supports** the plan in relevant part and **opposes** the plan in relevant part. In particular, but without limitation, the submission **opposes** the proposed THAB zoning for the HNZ land.

**Reasons for the submission**

- 15 The HNZ land currently has social housing located on it to a maximum of two levels. HNZ issued a Request for Expressions of Interest ("EOI") in late 2013 seeking a developer to acquire the HNZ land and redevelop it with a minimum of 80 dwellings comprising terraced houses and/or apartments. The EOI process closed on 13 January 2014 and it is understood that HNZ will identify preferred developers and issue a Request for Proposal to those developers in upcoming months. The current residents of the site have been put on notice by HNZ that once a development partner has been identified they will be issued with a 90 day notice to vacate. Accordingly redevelopment can reasonably be expected to be imminent.
- 16 Under the operative zoning of Residential 6a such redevelopment would be permitted to a height of 8 metres. The submitter considers that to be a reasonable position which is consistent with the current 8 metre height restriction on Residential 1 and the proposed 8 metre height restriction on Single House Residential. That is, whilst permitting an increased level of density, the operative zoning provides for an appropriate transition on the HNZ land from the heritage housing (to the south and west) to the mixed use zoning to the north and east.
- 17 Under the THAB zone proposed for the HNZ land under the plan, a height of 14.5 metres (with 1 metre semi-basement parking) and 4 storeys is permitted and there are no density limits. Additional height and storeys would be available subject to a resource consent application which would be subject to the usual RMA section 95 notification assessment. The submitter does not consider that to be a reasonable method of transition from the surrounding heritage housing nor a sustainable and efficient use of natural and physical resources.
- 18 A critical aspect of the Special Character overlay is preserving the special character of the streetscape and the neighbourhood as a whole. Zoning the HNZ land THAB is entirely at odds with that objective. The THAB zone is incompatible with the neighbouring sites subject to the Special Character overlay and the overall character of the neighbourhood.
- 19 The heritage housing located in the wider Freemans Bay and Ponsonby area is recognised as significant and extensive to Auckland's character as a city and a reflection of its history, the protection of which has rightfully been entrenched in the operative plan for many years. The submitter acknowledges that one of the key directives of the Auckland Plan is to identify opportunities for urban intensification. However the Auckland Plan also has as a key directive to "Protect and conserve Auckland's historic heritage for the benefit and enjoyment of present and future generations" (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world's most liveable city. Maintaining the integrity of heritage areas must comprise one of the important ingredients to achieve that end. Accordingly, the opportunity to intensify the HNZ land must be balanced against the competing requirement to preserve and respect character areas. The submitter does not consider that zoning the HNZ land THAB achieves that balance and in that regard does not consider that adequate RMA section 32 analysis has been undertaken in making this proposal. For example, there are other city fringe suburbs such as Grafton, Newton Gully, Eden Terrace and Newmarket which can accommodate additional intensity without undermining special character areas which are required to be protected. It is notable that those alternative areas will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.

This is another example of a reason why such areas are better suited to a higher level of intensification.

- 20 In addition to the transition issue, the submitter considers that zoning the HNZ site THAB would have an unacceptable level of adverse effects on the amenity of the surrounding properties, streets and infrastructure. These adverse effects include (without limitation):
- 20.1 Existing infrastructure is already overloaded with considerable local and downstream development. By way of example, there are ongoing stormwater issues with old brick pipes located under England and Runnell Streets.
  - 20.2 Loss of privacy to the surrounding single lot heritage housing.
  - 20.3 Dominance to the street and surrounding heritage housing.
  - 20.4 Adverse shading impacts to surrounding housing.
  - 20.5 Reduction in outlook for surrounding housing.
  - 20.6 Substantial traffic impacts on England Street, Runnell Street and the surrounding neighbourhood.
  - 20.7 Increased demand for parking on street to the detriment of the neighbourhood, noting there are no minimum parking requirements under the plan for the HNZ land. There is already a significant parking problem in the neighbourhood due to office workers using the streets as an unregulated commuter carpark.
  - 20.8 Glare from additional glazing which can reasonably be expected from the anticipated style of development.
  - 20.9 Increased wind effects can also reasonably be expected from the anticipated style of development.
  - 20.10 Substantial reduction in surrounding property values.
- 21 To illustrate the issues identified above, the submitter refers to the apartment building which is presently being constructed on the corner of England Street and College Hill. It is for note that the developers of this building obtained resource consent to build to 19 metres where the site is zoned Mixed Use under the operative plan zoning which has a permitted height level of 15m (ie, half a metre less than that proposed for the HNZ land). The submitter considers this building to be a disastrous urban design outcome and an example of what should not be permitted to occur on the HNZ land.
- 22 The submitter considers the absence of minimum carparking requirements for sites such as the HNZ site (ie, larger sites and/or sites with more intensive zonings than Single House) to be entirely inappropriate. It is entirely unrealistic to expect that residents of such developments will not own and use a car just because public transport is available in the area. Even if the current service levels of public transport are improved, not all residents will rely solely upon it. Existing Freeman's Bay residents are already suffering extreme adverse effects due to city workers parking in the local streets which Council does not regulate or control parking in. Accordingly the failure to provide parking minimums is neither reasonable nor sustainable.
- 23 In conclusion, and without limitation, zoning the HNZ land THAB and the failure to provide minimum parking requirements for such sites:

- 23.1 Will not promote the sustainable management of natural and physical resources, contrary to RMA Part 2 and section 5 in particular.
- 23.2 Is not the most efficient or effective way of promoting sustainable management, contrary to RMA section 32.
- 23.3 Will have an adverse effect on surrounding property values contrary to RMA section 85.

**Decisions sought**

24 The submitter seeks the following decisions:

24.1 The HNZ land should be rezoned to Mixed Housing Suburban. This would provide the most appropriate transition from Single House Residential which is subject to the Special Character overlay, and is more aligned with Council's originally proposed zoning under the Draft Unitary Plan. This is also consistent with the approach taken to sites such as this which sit within the wider Ponsonby special character area.

| 1

24.2 To ensure an appropriate transition is achieved where the zone changes, the addition of [development controls] and [carparking requirements] for sites zoned with a higher density than Single House Residential which are adjacent or across the street from Single House Residential subject to the Special Character overlay. In particular but without limitation:

2+3

(a) A requirement that any application to build in excess of 8 metres in height be notified to all surrounding properties (whether or not across the street) zoned Single House subject to the Special Character overlay.

(b) Include additional specified assessment criteria to require that sympathy and recognition be given to the streetscape character, height, scale and form of the dwellings subject to a Special Character overlay in the surrounding neighbourhood. Without limiting the generality of this requirement, examples may include:

(i) The scale, form, mass, proportion and materials of the building must be compatible with the original architectural style predominant in the street, and must not ignore, compete with, or dominate that character.

4

(ii) New buildings must not detract from the consistency and harmony of building forms in the street or detract from the coherence of the streetscape.

(iii) The design of a proposed new building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site.

(iv) The building must not detract from the architectural character of period housing or landscape qualities predominant in the street.

(v) [Any new building on the HNZ land should be subject to appropriate development controls] and [carparking requirements] to address the matters raised in paragraph 20 of this submission.

5+6

- 24.3 Imposition of minimum carparking requirements for sites zoned with a higher density than Single House Residential which are subject to the City Fringe Parking overlay.
- 24.4 Such alternative, consequential or further relief as may be required to give effect to this submission.
- 25 The submitter wishes to be **heard** in support of this submission. The submitter agrees to participate in mediation or other alternative dispute resolution of this submission.

17

Paul Gregory

**Name of submitter**  
**(or person authorised to sign on behalf of submitter)**

23 February 2014

**Date**

**Address for service:** 24 England Street

Freemans Bay, Auck 1011

**Telephone:** 09 3760130, 021 650116

**Email:** [p\\_gregory@vodafone.co.nz](mailto:p_gregory@vodafone.co.nz)

**Contact person:** Paul Gregory

**SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN**

*Clause 6, Schedule 1, Resource Management Act 1991*

To: Auckland Council

Name of submitter: Trevor Richard Lund

1 This is a submission on the following proposed plan (**plan**):

1.1 Proposed Auckland Unitary Plan (September 2013).

AUCKLAND COUNCIL

28 FEB 2014

**Submitter background**

2 The submitter is the owner / occupier of the property located at

~~CENTRAL BRAMPTON ST~~

1a Ireland Street, Freemans Bay in Auckland (**property**).

3 The property is opposite, adjacent or near to 16 Spring Street, which comprises 5,857m<sup>2</sup> more or less of land owned by Housing New Zealand Limited (**HNZ**) and upon which social housing is located (**HNZ land**).

4 The properties surrounding the HNZ land to the west, south-west and south (including the western side of England Street, the southern side of Spring Street and the northern side of Ireland Street) (**heritage properties**) are all:

4.1 currently zoned Residential 1 under the Auckland City District Plan – Isthmus section; and

4.2 zoned Single House Residential and subject to:

(a) the Special Character – Isthmus Residential A Built Environment Overlay (**Special Character overlay**); and

(b) the City Centre Fringe Area Parking Infrastructure Overlay (**City Fringe Parking overlay**),

under the plan.

5 Notably the heritage properties are the beginning of the heritage character area of the wider Ponsonby, Freemans Bay area which is recognised regionally, nationally and internationally as a uniquely preserved collection of period housing dating as far back as the 1800s.

6 The HNZ land is:

6.1 Currently zoned residential 6a under the Auckland City District Plan – Isthmus section; and

6.2 zoned Terraced Housing and Apartment Buildings (**THAB**) and subject to:

(a) the City Fringe Parking overlay; and

(b) the pre 1944 Building Demolition Control Historic Heritage Overlay,  
under the plan.

- 7 The highly restrictive nature of the current Residential 1 zoning and in particular the restrictions on making external alterations to a dwelling subject to that zoning are well known. It is commonly accepted that this will continue to be the position where a property is subject to the Special Character overlay. The submitter accepts and supports the underlying policy objective of seeking to retain the heritage character of inner city suburbs which are protected by this overlay.
- 8 Where the Special Character overlay is applied to an area however, it is critical that the zone of the land immediately adjoining or across the street from that area provides a suitable transition to more intensive zones beyond that (in this case the Mixed Use land on the other side of Runnell and Middle Streets). The submitter does not consider the zoning of the HNZ land as THAB under the plan to provide an appropriate transition. Furthermore the submitter considers there will be an unacceptable level of adverse effects on the amenity of surrounding properties, streets and infrastructure if the HNZ land is zoned THAB.
- 9 The failure to provide any minimum parking standards in the plan (and in particular the effect of the City Fringe Parking overlay) will also put pressure on streets that are already heavily parked, narrow, and difficult to negotiate; and traffic generation from any development of the HNZ land under the proposed zoning will thus give rise to additional and unusual adverse effects on the surrounding environment.

#### **Consultation on Draft Unitary Plan**

- 10 Under the Draft Auckland Unitary Plan (draft plan) the HNZ land was zoned Mixed Housing Residential which provided for a permitted height of 8 metres with the ability to go to 10 metres (ie, 3 storeys) as a non-notified restricted discretionary activity.
- 11 In accordance with the consultation procedure for the draft plan a large number of submissions were made by local residents in opposition to that proposed level of density for the HNZ land. Those submissions however have been entirely ignored by Council with the HNZ land having been substantially further up zoned to THAB in the plan. Requests in those submission for engagement with Council were ignored, despite Council clearly having engaged with HNZ. The submitter questions how that can be procedurally reasonable or legal, particularly where the submitters expressly requested the opportunity to discuss the matter further. The submitter considers it is untenable that the large number of stakeholders in the area who made submissions were ignored with no attempt at engagement made, whilst engagement took place with HNZ and its request for up zoning accommodated.
- 12 Accordingly, the submitter considers that Council procedurally failed to properly consider the local stakeholder's submissions. This is undemocratic and contrary to principles of natural justice.

#### **The submission**

- 13 The specific provisions of the plan that this submission relates to are:
  - 13.1 The whole plan as it affects this area of the City and the issues raised in this submission.

- 14 The submission **supports** the plan in relevant part and **opposes** the plan in relevant part. In particular, but without limitation, the submission **opposes** the proposed THAB zoning for the HNZ land.

#### **Reasons for the submission**

- 15 The HNZ land currently has social housing located on it to a maximum of two levels. HNZ issued a Request for Expressions of Interest ("EOI") in late 2013 seeking a developer to acquire the HNZ land and redevelop it with a minimum of 80 dwellings comprising terraced houses and/or apartments. The EOI process closed on 13 January 2014 and it is understood that HNZ will identify preferred developers and issue a Request for Proposal to those developers in upcoming months. The current residents of the site have been put on notice by HNZ that once a development partner has been identified they will be issued with a 90 day notice to vacate. Accordingly redevelopment can reasonably be expected to be imminent.
- 16 Under the operative zoning of Residential 6a such redevelopment would be permitted to a height of 8 metres. The submitter considers that to be a reasonable position which is consistent with the current 8 metre height restriction on Residential 1 and the proposed 8 metre height restriction on Single House Residential. That is, whilst permitting an increased level of density, the operative zoning provides for an appropriate transition on the HNZ land from the heritage housing (to the south and west) to the mixed use zoning to the north and east.
- 17 Under the THAB zone proposed for the HNZ land under the plan, a height of 14.5 metres (with 1 metre semi-basement parking) and 4 storeys is permitted and there are no density limits. Additional height and storeys would be available subject to a resource consent application which would be subject to the usual RMA section 95 notification assessment. The submitter does not consider that to be a reasonable method of transition from the surrounding heritage housing nor a sustainable and efficient use of natural and physical resources.
- 18 A critical aspect of the Special Character overlay is preserving the special character of the streetscape and the neighbourhood as a whole. Zoning the HNZ land THAB is entirely at odds with that objective. The THAB zone is incompatible with the neighbouring sites subject to the Special Character overlay and the overall character of the neighbourhood.
- 19 The heritage housing located in the wider Freemans Bay and Ponsonby area is recognised as significant and extensive to Auckland's character as a city and a reflection of its history, the protection of which has rightfully been entrenched in the operative plan for many years. The submitter acknowledges that one of the key directives of the Auckland Plan is to identify opportunities for urban intensification. However the Auckland Plan also has as a key directive to "Protect and conserve Auckland's historic heritage for the benefit and enjoyment of present and future generations" (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world's most liveable city. Maintaining the integrity of heritage areas must comprise one of the important ingredients to achieve that end. Accordingly, the opportunity to intensify the HNZ land must be balanced against the competing requirement to preserve and respect character areas. The submitter does not consider that zoning the HNZ land THAB achieves that balance and in that regard does not consider that adequate RMA section 32 analysis has been undertaken in making this proposal. For example, there are other city fringe suburbs such as Grafton, Newton Gully, Eden Terrace and Newmarket which can accommodate additional intensity without undermining special character areas which are required to be protected. It is notable that those alternative areas will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.



- This is another example of a reason why such areas are better suited to a higher level of intensification.
- 20 In addition to the transition issue, the submitter considers that zoning the HNZ site THAB would have an unacceptable level of adverse effects on the amenity of the surrounding properties, streets and infrastructure. These adverse effects include (without limitation):
- 20.1 Existing infrastructure is already overloaded with considerable local and downstream development. By way of example, there are ongoing stormwater issues with old brick pipes located under England and Runnell Streets.
  - 20.2 Loss of privacy to the surrounding single lot heritage housing.
  - 20.3 Dominance to the street and surrounding heritage housing.
  - 20.4 Adverse shading impacts to surrounding housing.
  - 20.5 Reduction in outlook for surrounding housing.
  - 20.6 Substantial traffic impacts on England Street, Runnell Street and the surrounding neighbourhood.
  - 20.7 Increased demand for parking on street to the detriment of the neighbourhood, noting there are no minimum parking requirements under the plan for the HNZ land. There is already a significant parking problem in the neighbourhood due to office workers using the streets as an unregulated commuter carpark.
  - 20.8 Glare from additional glazing which can reasonably be expected from the anticipated style of development.
  - 20.9 Increased wind effects can also reasonably be expected from the anticipated style of development.
  - 20.10 Substantial reduction in surrounding property values.
- 21 To illustrate the issues identified above, the submitter refers to the apartment building which is presently being constructed on the corner of England Street and College Hill. It is for note that the developers of this building obtained resource consent to build to 19 metres where the site is zoned Mixed Use under the operative plan zoning which has a permitted height level of 15m (ie, half a metre less than that proposed for the HNZ land). The submitter considers this building to be a disastrous urban design outcome and an example of what should not be permitted to occur on the HNZ land.
- 22 The submitter considers the absence of minimum carparking requirements for sites such as the HNZ site (ie, larger sites and/or sites with more intensive zonings than Single House) to be entirely inappropriate. It is entirely unrealistic to expect that residents of such developments will not own and use a car just because public transport is available in the area. Even if the current service levels of public transport are improved, not all residents will rely solely upon it. Existing Freeman's Bay residents are already suffering extreme adverse effects due to city workers parking in the local streets which Council does not regulate or control parking in. Accordingly the failure to provide parking minimums is neither reasonable nor sustainable.
- 23 In conclusion, and without limitation, zoning the HNZ land THAB and the failure to provide minimum parking requirements for such sites:

- 23.1 Will not promote the sustainable management of natural and physical resources, contrary to RMA Part 2 and section 5 in particular.
- 23.2 Is not the most efficient or effective way of promoting sustainable management, contrary to RMA section 32.
- 23.3 Will have an adverse effect on surrounding property values contrary to RMA section 85.

**Decisions sought**

24 The submitter seeks the following decisions:

24.1 The HNZ land should be rezoned to Mixed Housing Suburban. This would provide the most appropriate transition from Single House Residential which is subject to the Special Character overlay, and is more aligned with Council's originally proposed zoning under the Draft Unitary Plan. This is also consistent with the approach taken to sites such as this which sit within the wider Ponsonby special character area.

24.2 To ensure an appropriate transition is achieved where the zone changes, the addition of [development controls] and [carparking requirements] for sites zoned with a higher density than Single House Residential which are adjacent or across the street from Single House Residential subject to the Special Character overlay. In particular but without limitation:

(a) A requirement that any application to build in excess of 8 metres in height be notified to all surrounding properties (whether or not across the street) zoned Single House subject to the Special Character overlay.

(b) Include additional specified assessment criteria to require that sympathy and recognition be given to the streetscape character, height, scale and form of the dwellings subject to a Special Character overlay in the surrounding neighbourhood. Without limiting the generality of this requirement, examples may include:

(i) The scale, form, mass, proportion and materials of the building must be compatible with the original architectural style predominant in the street, and must not ignore, compete with, or dominate that character.

(ii) New buildings must not detract from the consistency and harmony of building forms in the street or detract from the coherence of the streetscape.

(iii) The design of a proposed new building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site.

(iv) The building must not detract from the architectural character of period housing or landscape qualities predominant in the street.

(v) [Any new building on the HNZ land should be subject to appropriate development controls] and [carparking requirements] to address the matters raised in paragraph 20 of this submission.

2+3

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5+6

- 24.3 Imposition of minimum carparking requirements for sites zoned with a higher density than Single House Residential which are subject to the City Fringe Parking overlay. 7
- 24.4 Such alternative, consequential or further relief as may be required to give effect to this submission.
- 25 The submitter wishes to be **heard** in support of this submission. The submitter agrees to participate in mediation or other alternative dispute resolution of this submission.

Trevor Richard Lund

**Name of submitter**

**(or person authorised to sign on behalf of submitter)**



**Date** 26<sup>th</sup> Feb 2014.

**Address for service:** 1 a Ireland Street  
Freemans Bay Auckland

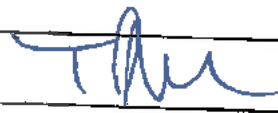
**Telephone:** 021 932 935

**Email:** trevorlund@tra.co.nz

**Contact person:** Trevor Lund

<b>SUBMI</b>		
TO:	Attn: Unitary Plan Submission Team Auckland Council Freepost Authority 237170 Private Bag 92300 Auckland 1142	For office use only
		Submission No:

**Submitter details**

Full name of submitter:	Trevor Richard Lund
Address:	1A Ireland Street, Freemans Bay
Email:	trevorlund@tra.co.nz
I live in:	Waitemata Local Board
Signature	
Date:	26 <sup>th</sup> Feb 2014
NB: Contact details and phone number will be 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 council	

**Scope of Submission**

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Provision:	Part 2 Regional and District Objectives and Policies, Chapter C, Auckland-wide objectives and policies, 1 Infrastructure, Section 1.2 Transport
This provision allows for there to be no requirements for activities or development to provide parking in the City Fringe overlay (which includes Freemans Bay). The provision stated objective 3 is that the number, location and type (short-term or long-term, public or private) of parking and loading spaces supports the proposed City Centre Fringe Overlay (i.e. no minimum parking requirements for Freemans Bay) Policy 2 for traffic generation also outlines the proposal to limit the supply of on-site parking in the City Fringe overlay (which includes Freemans Bay)	
Provision:	Part 3 – Regional and District Rules, Chapter H: Auckland-wide rules, 1.2 Transport, 3. Development controls, 3.2 Number of parking and loading spaces
This provision proposes in in Table 3 that there be no minimum carparking requirements (parking rates) for city fringe overlay (which includes Freemans Bay), and the Metropolitan Town, Town, Local Centres, Mixed Use and Terrace Housing and Apartment Buildings Zones	

8

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**My submission is: I oppose the specific provisions identified above in relation to Freemans Bay**

**I wish to have the provisions identified above amended to remain at the current specified minimum parking levels for Freemans Bay as specified in Rule 12.8.1 of the current City of Auckland – District Plan Isthmus Section – Operative 1999 i.e. the status quo; and/or such alternative or further relief as may be required to give effect to this submission.**

**The reasons for my views are:**

1. Freemans Bay is a small heritage suburb with narrow streets, historically small land holdings, small lots sizes and widths, and limited options for owners to provide off-street parking. Removal of minimum carparking requirements (MPRs) in Freemans Bay will further impact the ability of existing owners to park close to their home.
2. The Auckland Plan has as a key directive to “Protect and conserve Auckland’s historic heritage for the benefit and enjoyment of present and future generations” (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world’s most liveable city. However, liveability in Freemans Bay is currently severely compromised due to extreme parking difficulties for residents with no provision for off street parking. Many of these residents have lived in Freemans Bay for many years and include young families and independent elderly.  
  
Arguments have been put forward that Auckland Transport’s regional strategy will resolve the issues for local residents but this is unknown. Eliminating MPRs in Freemans Bay for any development or dwelling whether THAB, single dwelling or mixed used, will result in more cars requiring to be housed on the street. The Council is already implementing decisions to reduce MPRs below current minimum requirements. This can be seen with the apartment building on the corner of College Hill and England Street, which has been approved without notification, to have 17 carparks less than current minimum requirements.
3. Auckland Transport is currently in planning for a region wide parking strategy (which includes Freemans Bay) and consultation is expected to commence March/April this year. There is no timeframe for implementation of this strategy. Final Unitary Plan plans submissions are due 28 February 2014 and hence won’t take into account the outcome of the regional wide parking strategy. The potential exists for these disconnected processes to be at cross purposes.
4. I strongly support the intention to increase the emphasis of public transport (particularly by commuters). There is however, insufficient public transport in place at present and commuters are arriving and parking in our suburb from 5.30am onwards. With limited parking available on narrow Freemans Bay streets, removal of MPRs (for any zoning) will lead to massive parking issues in an already populated area. Other city fringe areas such as Grafton, Newton Gully, Eden Terrace and Newmarket will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.
5. There has been insufficient consultation with Freemans Bay residents on the removal of MPRs in Freemans Bay. The Freemans Bay Residents Association has over 180 residents registered in its database and this provision in the Unitary Plan was unknown to almost all of its residents. No submissions from Freemans Bay or other suburbs termed ‘city fringe’ indicating their support for elimination of MPRs have been made available. The number of residents attending Waitemata Local Board consultation forums from ‘city fringe’ suburbs who presented this view (if any) is also not known.

6. The evidential basis for elimination of MPRs in suburbs is not known. This has been requested from Waitemata Local but not yet provided. There is however research on implementation of residential parking zones for reduction in commuter parking on suburban streets.
7. Freemans Bay residents already have lower rates of car ownership compared with Auckland averages, as residents elect to walk and take other transport methods. Cars however are still required for use at night time, weekends, holidays, for grocery shopping, medical treatment (particularly for the elderly), parenting requirements, attending sports activities, building maintenance and repairs, visitor parking and healthcare support workers.
8. The Freemans Bay Residents' Association has recently been formed (3 December 2013) with 97 attendees at the first meeting and 109 at the second meeting. Parking is one of the primary concerns of residents.
9. The Green Star parking ratios policy for commercial buildings in Wynyard Quarter, Viaduct precinct and Auckland City West are commendable. However, without the public transport system in place, it simply creates more parking issues. There is no regulatory ongoing monitoring or enforcing of employees using public transport. Therefore the employees park in the nearest suburbs. Auckland Council can not encourage one activity (Green Star) without considering the effect on parking overloads within the CBD and City Fringe Areas.
10. The proposed parking rules, objectives and policies do not meet the section 32 RMA criteria.
11. The proposed parking rules, objectives and policies will be contrary to Part II and other provisions of the Act.
12. The proposed parking rules, objectives and policies will not meet the reasonably foreseeable needs of future generations.
13. The proposed parking rules, objectives and policies will not enable social, economic and cultural wellbeing.
14. The proposed parking rules, objectives and policies will be contrary to the purposes and provisions of the Act and other relevant planning documents.
15. The proposed parking rules, objectives and policies will be inappropriate and inconsistent with the purpose and principles of the Act.
16. The proposed parking rules, objectives and policies will not promote the principles of sustainable management of the Act.

**I seek the following decision from Auckland Council:**

**Decline the proposed plan.**

**I seek Auckland Council maintain the current minimum parking requirements for Freemans Bay as specified out in Rule 12.8.1 of the current City of Auckland – District Plan Isthmus Section – Operative 1999 i.e. the status quo and/or such alternative or further relief as may be required to give effect to this submission.**

19

**I wish to be heard in support of my submission.**

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

**Notes to person making submission:**

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

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 Schedule 1 of the Resource Management Act 1991.

**I 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 not directly affected by an effect of the subject matter of this submission that:**

**(a) adversely affects the environment; and**

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

# 7783

Form 5

**SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN**

*Clause 6, Schedule 1, Resource Management Act 1991*

To: Auckland Council

Name of submitter: LYNNE BUTLER

1 This is a submission on the following proposed plan (plan):

1.1 Proposed Auckland Unitary Plan (September 2013).

**Submitter background**

AUCKLAND COUNCIL  
28 FEB 2014  
CENTRAL-GRAHAM ST

2 The submitter is the owner /-occupier of the property located at

1A IRELAND STREET, Freemans Bay in Auckland (**property**).

3 The property is opposite, adjacent or near to 16 Spring Street, which comprises 5,857m2 more or less of land owned by Housing New Zealand Limited (HNZ) and upon which social housing is located (HNZ land).

4 The properties surrounding the HNZ land to the west, south-west and south (including the western side of England Street, the southern side of Spring Street and the northern side of Ireland Street) (**heritage properties**) are all:

4.1 currently zoned Residential 1 under the Auckland City District Plan – Isthmus section; and

4.2 zoned Single House Residential and subject to:

(a) the Special Character – Isthmus Residential A Built Environment Overlay (**Special Character overlay**); and

(b) the City Centre Fringe Area Parking Infrastructure Overlay (**City Fringe Parking overlay**),

under the plan.

5 Notably the heritage properties are the beginning of the heritage character area of the wider Ponsonby, Freemans Bay area which is recognised regionally, nationally and internationally as a uniquely preserved collection of period housing dating as far back as the 1800s.

6 The HNZ land is:

6.1 Currently zoned residential 6a under the Auckland City District Plan – Isthmus section; and

6.2 zoned Terraced Housing and Apartment Buildings (**THAB**) and subject to:

(a) the City Fringe Parking overlay; and



(b) the pre 1944 Building Demolition Control Historic Heritage Overlay,  
under the plan.

- 7 The highly restrictive nature of the current Residential 1 zoning and in particular the restrictions on making external alterations to a dwelling subject to that zoning are well known. It is commonly accepted that this will continue to be the position where a property is subject to the Special Character overlay. The submitter accepts and supports the underlying policy objective of seeking to retain the heritage character of inner city suburbs which are protected by this overlay.
- 8 Where the Special Character overlay is applied to an area however, it is critical that the zone of the land immediately adjoining or across the street from that area provides a suitable transition to more intensive zones beyond that (in this case the Mixed Use land on the other side of Runnell and Middle Streets). The submitter does not consider the zoning of the HNZ land as THAB under the plan to provide an appropriate transition. Furthermore the submitter considers there will be an unacceptable level of adverse effects on the amenity of surrounding properties, streets and infrastructure if the HNZ land is zoned THAB.
- 9 The failure to provide any minimum parking standards in the plan (and in particular the effect of the City Fringe Parking overlay) will also put pressure on streets that are already heavily parked, narrow, and difficult to negotiate; and traffic generation from any development of the HNZ land under the proposed zoning will thus give rise to additional and unusual adverse effects on the surrounding environment.

#### **Consultation on Draft Unitary Plan**

- 10 Under the Draft Auckland Unitary Plan (draft plan) the HNZ land was zoned Mixed Housing Residential which provided for a permitted height of 8 metres with the ability to go to 10 metres (ie, 3 storeys) as a non-notified restricted discretionary activity.
- 11 In accordance with the consultation procedure for the draft plan a large number of submissions were made by local residents in opposition to that proposed level of density for the HNZ land. Those submissions however have been entirely ignored by Council with the HNZ land having been substantially further up zoned to THAB in the plan. Requests in those submission for engagement with Council were ignored, despite Council clearly having engaged with HNZ. The submitter questions how that can be procedurally reasonable or legal, particularly where the submitters expressly requested the opportunity to discuss the matter further. The submitter considers it is untenable that the large number of stakeholders in the area who made submissions were ignored with no attempt at engagement made, whilst engagement took place with HNZ and its request for up zoning accommodated.
- 12 Accordingly, the submitter considers that Council procedurally failed to properly consider the local stakeholder's submissions. This is undemocratic and contrary to principles of natural justice.

#### **The submission**

- 13 The specific provisions of the plan that this submission relates to are:
  - 13.1 The whole plan as it affects this area of the City and the issues raised in this submission.

- 14 The submission **supports** the plan in relevant part and **opposes** the plan in relevant part. In particular, but without limitation, the submission **opposes** the proposed THAB zoning for the HNZ land.

#### **Reasons for the submission**

- 15 The HNZ land currently has social housing located on it to a maximum of two levels. HNZ issued a Request for Expressions of Interest ("EOI") in late 2013 seeking a developer to acquire the HNZ land and redevelop it with a minimum of 80 dwellings comprising terraced houses and/or apartments. The EOI process closed on 13 January 2014 and it is understood that HNZ will identify preferred developers and issue a Request for Proposal to those developers in upcoming months. The current residents of the site have been put on notice by HNZ that once a development partner has been identified they will be issued with a 90 day notice to vacate. Accordingly redevelopment can reasonably be expected to be imminent.
- 16 Under the operative zoning of Residential 6a such redevelopment would be permitted to a height of 8 metres. The submitter considers that to be a reasonable position which is consistent with the current 8 metre height restriction on Residential 1 and the proposed 8 metre height restriction on Single House Residential. That is, whilst permitting an increased level of density, the operative zoning provides for an appropriate transition on the HNZ land from the heritage housing (to the south and west) to the mixed use zoning to the north and east.
- 17 Under the THAB zone proposed for the HNZ land under the plan, a height of 14.5 metres (with 1 metre semi-basement parking) and 4 storeys is permitted and there are no density limits. Additional height and storeys would be available subject to a resource consent application which would be subject to the usual RMA section 95 notification assessment. The submitter does not consider that to be a reasonable method of transition from the surrounding heritage housing nor a sustainable and efficient use of natural and physical resources.
- 18 A critical aspect of the Special Character overlay is preserving the special character of the streetscape and the neighbourhood as a whole. Zoning the HNZ land THAB is entirely at odds with that objective. The THAB zone is incompatible with the neighbouring sites subject to the Special Character overlay and the overall character of the neighbourhood.
- 19 The heritage housing located in the wider Freemans Bay and Ponsonby area is recognised as significant and extensive to Auckland's character as a city and a reflection of its history, the protection of which has rightfully been entrenched in the operative plan for many years. The submitter acknowledges that one of the key directives of the Auckland Plan is to identify opportunities for urban intensification. However the Auckland Plan also has as a key directive to "Protect and conserve Auckland's historic heritage for the benefit and enjoyment of present and future generations" (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world's most liveable city. Maintaining the integrity of heritage areas must comprise one of the important ingredients to achieve that end. Accordingly, the opportunity to intensify the HNZ land must be balanced against the competing requirement to preserve and respect character areas. The submitter does not consider that zoning the HNZ land THAB achieves that balance and in that regard does not consider that adequate RMA section 32 analysis has been undertaken in making this proposal. For example, there are other city fringe suburbs such as Grafton, Newton Gully, Eden Terrace and Newmarket which can accommodate additional intensity without undermining special character areas which are required to be protected. It is notable that those alternative areas will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.

This is another example of a reason why such areas are better suited to a higher level of intensification.

- 20 In addition to the transition issue, the submitter considers that zoning the HNZ site THAB would have an unacceptable level of adverse effects on the amenity of the surrounding properties, streets and infrastructure. These adverse effects include (without limitation):
- 20.1 Existing infrastructure is already overloaded with considerable local and downstream development. By way of example, there are ongoing stormwater issues with old brick pipes located under England and Runnell Streets.
  - 20.2 Loss of privacy to the surrounding single lot heritage housing.
  - 20.3 Dominance to the street and surrounding heritage housing.
  - 20.4 Adverse shading impacts to surrounding housing.
  - 20.5 Reduction in outlook for surrounding housing.
  - 20.6 Substantial traffic impacts on England Street, Runnell Street and the surrounding neighbourhood.
  - 20.7 Increased demand for parking on street to the detriment of the neighbourhood, noting there are no minimum parking requirements under the plan for the HNZ land. There is already a significant parking problem in the neighbourhood due to office workers using the streets as an unregulated commuter carpark.
  - 20.8 Glare from additional glazing which can reasonably be expected from the anticipated style of development.
  - 20.9 Increased wind effects can also reasonably be expected from the anticipated style of development.
  - 20.10 Substantial reduction in surrounding property values.
- 21 To illustrate the issues identified above, the submitter refers to the apartment building which is presently being constructed on the corner of England Street and College Hill. It is for note that the developers of this building obtained resource consent to build to 19 metres where the site is zoned Mixed Use under the operative plan zoning which has a permitted height level of 15m (ie, half a metre less than that proposed for the HNZ land). The submitter considers this building to be a disastrous urban design outcome and an example of what should not be permitted to occur on the HNZ land.
- 22 The submitter considers the absence of minimum carparking requirements for sites such as the HNZ site (ie, larger sites and/or sites with more intensive zonings than Single House) to be entirely inappropriate. It is entirely unrealistic to expect that residents of such developments will not own and use a car just because public transport is available in the area. Even if the current service levels of public transport are improved, not all residents will rely solely upon it. Existing Freeman's Bay residents are already suffering extreme adverse effects due to city workers parking in the local streets which Council does not regulate or control parking in. Accordingly the failure to provide parking minimums is neither reasonable nor sustainable.
- 23 In conclusion, and without limitation, zoning the HNZ land THAB and the failure to provide minimum parking requirements for such sites:

- 23.1 Will not promote the sustainable management of natural and physical resources, contrary to RMA Part 2 and section 5 in particular.
- 23.2 Is not the most efficient or effective way of promoting sustainable management, contrary to RMA section 32.
- 23.3 Will have an adverse effect on surrounding property values contrary to RMA section 85.

**Decisions sought**

24 The submitter seeks the following decisions:

- 24.1 The HNZ land should be rezoned to Mixed Housing Suburban. This would provide the most appropriate transition from Single House Residential which is subject to the Special Character overlay, and is more aligned with Council's originally proposed zoning under the Draft Unitary Plan. This is also consistent with the approach taken to sites such as this which sit within the wider Ponsonby special character area. 1
- 24.2 To ensure an appropriate transition is achieved where the zone changes, the addition of [development controls] and [carparking requirements] for sites zoned with a higher density than Single House Residential which are adjacent or across the street from Single House Residential subject to the Special Character overlay. In particular but without limitation: 2+3
  - (a) A requirement that any application to build in excess of 8 metres in height be notified to all surrounding properties (whether or not across the street) zoned Single House subject to the Special Character overlay.
  - (b) Include additional specified assessment criteria to require that sympathy and recognition be given to the streetscape character, height, scale and form of the dwellings subject to a Special Character overlay in the surrounding neighbourhood. Without limiting the generality of this requirement, examples may include:
    - (i) The scale, form, mass, proportion and materials of the building must be compatible with the original architectural style predominant in the street, and must not ignore, compete with, or dominate that character. 4
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    - (iii) The design of a proposed new building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site.
    - (iv) The building must not detract from the architectural character of period housing or landscape qualities predominant in the street.
    - (v) [Any new building on the HNZ land should be subject to appropriate development controls] and [carparking requirements] to address the matters raised in paragraph 20 of this submission. 5+6

24.3 Imposition of minimum carparking requirements for sites zoned with a higher density than Single House Residential which are subject to the City Fringe Parking overlay. 7

24.4 Such alternative, consequential or further relief as may be required to give effect to this submission.

25 The submitter wishes to be heard in support of this submission. The submitter agrees to participate in mediation or other alternative dispute resolution of this submission.

Lynne Butler

**Name of submitter**

**(or person authorised to sign on behalf of submitter)**

22 February 2014

**Date**

**Address for service:** P O BOX 90754

Victoria Street West, Auckland 1142

**Telephone:**

021 459 663

**Email:**

lynneb2@aextra.co.nz


**Contact person:**

Lynne Butler

# SUBMISSION TO: PROPOSED AUCKLAND UNITARY PLAN

TO:	AUCKLAND COUNCIL 28 FEB 2014 CENTRAL GRAHAM ST	For office use only
Attn: Unitary Plan Submission Team Auckland Council Freepost Authority 237170 Private Bag 92300 Auckland 1142		Submission No:

## Submitter details

Full name of submitter:	LYNNE BUTLER
Address:	1A IRELAND ST, FREEMANS BAY
Email:	lynneb1@xtra.co.nz
I live in:	Waitemata Local Board
Signature	
Date:	26 February 2014
NB: Contact details and phone number will be 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 council	

## Scope of Submission

This is a submission to: Proposed Auckland Unitary Plan

The specific provisions that my submission relates to are:

Provision:	Part 2 Regional and District Objectives and Policies, Chapter C, Auckland-wide objectives and policies, 1 Infrastructure, Section 1.2 Transport
<p>This provision allows for there to be no requirements for activities or development to provide parking in the City Fringe overlay (which includes Freemans Bay).</p> <p>The provision stated objective 3 is that the number, location and type (short-term or long-term, public or private) of parking and loading spaces supports the proposed City Centre Fringe Overlay (i.e. no minimum parking requirements for Freemans Bay)</p> <p>Policy 2 for traffic generation also outlines the proposal to limit the supply of on-site parking in the City Fringe overlay (which includes Freemans Bay)</p>	
Provision:	Part 3 – Regional and District Rules, Chapter H: Auckland-wide rules, 1.2 Transport, 3. Development controls, 3.2 Number of parking and loading spaces
<p>This provision proposes in in Table 3 that there be no minimum carparking requirements (parking rates) for city fringe overlay (which includes Freemans Bay), and the Metropolitan Town, Town, Local Centres, Mixed Use and Terrace Housing and Apartment Buildings Zones</p>	

8

71

**My submission is: I oppose the specific provisions identified above in relation to Freemans Bay**

**I wish to have the provisions identified above amended to remain at the current specified minimum parking levels for Freemans Bay as specified in Rule 12.8.1 of the current City of Auckland – District Plan Isthmus Section – Operative 1999 i.e. the status quo; and/or such alternative or further relief as may be required to give effect to this submission.**

**The reasons for my views are:**

1. Freemans Bay is a small heritage suburb with narrow streets, historically small land holdings, small lots sizes and widths, and limited options for owners to provide off-street parking. Removal of minimum carparking requirements (MPRs) in Freemans Bay will further impact the ability of existing owners to park close to their home.
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Arguments have been put forward that Auckland Transport's regional strategy will resolve the issues for local residents but this is unknown. Eliminating MPRs in Freemans Bay for any development or dwelling whether THAB, single dwelling or mixed used, will result in more cars requiring to be housed on the street. The Council is already implementing decisions to reduce MPRs below current minimum requirements. This can be seen with the apartment building on the corner of College Hill and England Street, which has been approved without notification, to have 17 carparks less than current minimum requirements.

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5. There has been insufficient consultation with Freemans Bay residents on the removal of MPRs in Freemans Bay. The Freemans Bay Residents Association has over 180 residents registered in its database and this provision in the Unitary Plan was unknown to almost all of its residents. No submissions from Freemans Bay or other suburbs termed 'city fringe' indicating their support for elimination of MPRs have been made available. The number of residents attending Waitemata Local Board consultation forums from 'city fringe' suburbs who presented this view (if any) is also not known.

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14. The proposed parking rules, objectives and policies will be contrary to the purposes and provisions of the Act and other relevant planning documents.
15. The proposed parking rules, objectives and policies will be inappropriate and inconsistent with the purpose and principles of the Act.
16. The proposed parking rules, objectives and policies will not promote the principles of sustainable management of the Act.

I seek the following decision from Auckland Council:

Decline the proposed plan.

I seek Auckland Council maintain the current minimum parking requirements for Freemans Bay as specified out in Rule 12.8.1 of the current City of Auckland – District Plan Isthmus Section – Operative 1999 i.e. the status quo and/or such alternative or further relief as may be required to give effect to this submission.

9



I wish to be heard in support of my submission.

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

**Notes to person making submission:**

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

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 Schedule 1 of the Resource Management Act 1991.

I 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 not directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

Form 5

**SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN**

Clause 6, Schedule 1, Resource Management Act 1991

To: Auckland Council

Name of submitter: Angela Saunders

1 This is a submission on the following proposed plan (**plan**):

1.1 Proposed Auckland Unitary Plan (September 2013).

AUCKLAND COUNCIL  
28 FEB 2014

**Submitter background**

2 The submitter is the owner / occupier of the property located at 3 Gwilliam Pl. F. Bay ~~CENTRAL-GRAHAM ST~~, Freemans Bay in Auckland (**property**).

3 The property is opposite, adjacent or near to 16 Spring Street, which comprises 5,857m2 more or less of land owned by Housing New Zealand Limited (**HNZ land**) and upon which social housing is located (**HNZ land**).

4 The properties surrounding the HNZ land to the west, south-west and south (including the western side of England Street, the southern side of Spring Street and the northern side of Ireland Street) (**heritage properties**) are all:

4.1 currently zoned Residential 1 under the Auckland City District Plan – Isthmus section; and

4.2 zoned Single House Residential and subject to:

(a) the Special Character – Isthmus Residential A Built Environment Overlay (**Special Character overlay**); and

(b) the City Centre Fringe Area Parking Infrastructure Overlay (**City Fringe Parking overlay**),

under the plan.

5 Notably the heritage properties are the beginning of the heritage character area of the wider Ponsonby, Freemans Bay area which is recognised regionally, nationally and internationally as a uniquely preserved collection of period housing dating as far back as the 1800s.

6 The HNZ land is:

6.1 Currently zoned residential 6a under the Auckland City District Plan – Isthmus section; and

6.2 zoned Terraced Housing and Apartment Buildings (**THAB**) and subject to:

(a) the City Fringe Parking overlay; and

(b) the pre 1944 Building Demolition Control Historic Heritage Overlay,  
under the plan.

- 7 The highly restrictive nature of the current Residential 1 zoning and in particular the restrictions on making external alterations to a dwelling subject to that zoning are well known. It is commonly accepted that this will continue to be the position where a property is subject to the Special Character overlay. The submitter accepts and supports the underlying policy objective of seeking to retain the heritage character of inner city suburbs which are protected by this overlay.
- 8 Where the Special Character overlay is applied to an area however, it is critical that the zone of the land immediately adjoining or across the street from that area provides a suitable transition to more intensive zones beyond that (in this case the Mixed Use land on the other side of Runnell and Middle Streets). The submitter does not consider the zoning of the HNZ land as THAB under the plan to provide an appropriate transition. Furthermore the submitter considers there will be an unacceptable level of adverse effects on the amenity of surrounding properties, streets and infrastructure if the HNZ land is zoned THAB.
- 9 The failure to provide any minimum parking standards in the plan (and in particular the effect of the City Fringe Parking overlay) will also put pressure on streets that are already heavily parked, narrow, and difficult to negotiate; and traffic generation from any development of the HNZ land under the proposed zoning will thus give rise to additional and unusual adverse effects on the surrounding environment.

#### **Consultation on Draft Unitary Plan**

- 10 Under the Draft Auckland Unitary Plan (draft plan) the HNZ land was zoned Mixed Housing Residential which provided for a permitted height of 8 metres with the ability to go to 10 metres (ie, 3 storeys) as a non-notified restricted discretionary activity.
- 11 In accordance with the consultation procedure for the draft plan a large number of submissions were made by local residents in opposition to that proposed level of density for the HNZ land. Those submissions however have been entirely ignored by Council with the HNZ land having been substantially further up zoned to THAB in the plan. Requests in those submission for engagement with Council were ignored, despite Council clearly having engaged with HNZ. The submitter questions how that can be procedurally reasonable or legal, particularly where the submitters expressly requested the opportunity to discuss the matter further. The submitter considers it is untenable that the large number of stakeholders in the area who made submissions were ignored with no attempt at engagement made, whilst engagement took place with HNZ and its request for up zoning accommodated.
- 12 Accordingly, the submitter considers that Council procedurally failed to properly consider the local stakeholder's submissions. This is undemocratic and contrary to principles of natural justice.

#### **The submission**

- 13 The specific provisions of the plan that this submission relates to are:
  - 13.1 The whole plan as it affects this area of the City and the issues raised in this submission.

- 14 The submission **supports** the plan in relevant part and **opposes** the plan in relevant part. In particular, but without limitation, the submission **opposes** the proposed THAB zoning for the HNZ land.

**Reasons for the submission**

- 15 The HNZ land currently has social housing located on it to a maximum of two levels. HNZ issued a Request for Expressions of Interest ("EOI") in late 2013 seeking a developer to acquire the HNZ land and redevelop it with a minimum of 80 dwellings comprising terraced houses and/or apartments. The EOI process closed on 13 January 2014 and it is understood that HNZ will identify preferred developers and issue a Request for Proposal to those developers in upcoming months. The current residents of the site have been put on notice by HNZ that once a development partner has been identified they will be issued with a 90 day notice to vacate. Accordingly redevelopment can reasonably be expected to be imminent.
- 16 Under the operative zoning of Residential 6a such redevelopment would be permitted to a height of 8 metres. The submitter considers that to be a reasonable position which is consistent with the current 8 metre height restriction on Residential 1 and the proposed 8 metre height restriction on Single House Residential. That is, whilst permitting an increased level of density, the operative zoning provides for an appropriate transition on the HNZ land from the heritage housing (to the south and west) to the mixed use zoning to the north and east.
- 17 Under the THAB zone proposed for the HNZ land under the plan, a height of 14.5 metres (with 1 metre semi-basement parking) and 4 storeys is permitted and there are no density limits. Additional height and storeys would be available subject to a resource consent application which would be subject to the usual RMA section 95 notification assessment. The submitter does not consider that to be a reasonable method of transition from the surrounding heritage housing nor a sustainable and efficient use of natural and physical resources.
- 18 A critical aspect of the Special Character overlay is preserving the special character of the streetscape and the neighbourhood as a whole. Zoning the HNZ land THAB is entirely at odds with that objective. The THAB zone is incompatible with the neighbouring sites subject to the Special Character overlay and the overall character of the neighbourhood.
- 19 The heritage housing located in the wider Freemans Bay and Ponsonby area is recognised as significant and extensive to Auckland's character as a city and a reflection of its history, the protection of which has rightfully been entrenched in the operative plan for many years. The submitter acknowledges that one of the key directives of the Auckland Plan is to identify opportunities for urban intensification. However the Auckland Plan also has as a key directive to "Protect and conserve Auckland's historic heritage for the benefit and enjoyment of present and future generations" (Strategic Direction 4). In addition to this, Council has set itself the goal of Auckland becoming the world's most liveable city. Maintaining the integrity of heritage areas must comprise one of the important ingredients to achieve that end. Accordingly, the opportunity to intensify the HNZ land must be balanced against the competing requirement to preserve and respect character areas. The submitter does not consider that zoning the HNZ land THAB achieves that balance and in that regard does not consider that adequate RMA section 32 analysis has been undertaken in making this proposal. For example, there are other city fringe suburbs such as Grafton, Newton Gully, Eden Terrace and Newmarket which can accommodate additional intensity without undermining special character areas which are required to be protected. It is notable that those alternative areas will have the benefit of better public transport access from the planned City Rail Link which Freemans Bay will not.

This is another example of a reason why such areas are better suited to a higher level of intensification.

- 20 In addition to the transition issue, the submitter considers that zoning the HNZ site THAB would have an unacceptable level of adverse effects on the amenity of the surrounding properties, streets and infrastructure. These adverse effects include (without limitation):
- 20.1 Existing infrastructure is already overloaded with considerable local and downstream development. By way of example, there are ongoing stormwater issues with old brick pipes located under England and Runnell Streets.
  - 20.2 Loss of privacy to the surrounding single lot heritage housing.
  - 20.3 Dominance to the street and surrounding heritage housing.
  - 20.4 Adverse shading impacts to surrounding housing.
  - 20.5 Reduction in outlook for surrounding housing.
  - 20.6 Substantial traffic impacts on England Street, Runnell Street and the surrounding neighbourhood.
  - 20.7 Increased demand for parking on street to the detriment of the neighbourhood, noting there are no minimum parking requirements under the plan for the HNZ land. There is already a significant parking problem in the neighbourhood due to office workers using the streets as an unregulated commuter carpark.
  - 20.8 Glare from additional glazing which can reasonably be expected from the anticipated style of development.
  - 20.9 Increased wind effects can also reasonably be expected from the anticipated style of development.
  - 20.10 Substantial reduction in surrounding property values.
- 21 To illustrate the issues identified above, the submitter refers to the apartment building which is presently being constructed on the corner of England Street and College Hill. It is for note that the developers of this building obtained resource consent to build to 19 metres where the site is zoned Mixed Use under the operative plan zoning which has a permitted height level of 15m (ie, half a metre less than that proposed for the HNZ land). The submitter considers this building to be a disastrous urban design outcome and an example of what should not be permitted to occur on the HNZ land.
- 22 The submitter considers the absence of minimum carparking requirements for sites such as the HNZ site (ie, larger sites and/or sites with more intensive zonings than Single House) to be entirely inappropriate. It is entirely unrealistic to expect that residents of such developments will not own and use a car just because public transport is available in the area. Even if the current service levels of public transport are improved, not all residents will rely solely upon it. Existing Freeman's Bay residents are already suffering extreme adverse effects due to city workers parking in the local streets which Council does not regulate or control parking in. Accordingly the failure to provide parking minimums is neither reasonable nor sustainable.
- 23 In conclusion, and without limitation, zoning the HNZ land THAB and the failure to provide minimum parking requirements for such sites:

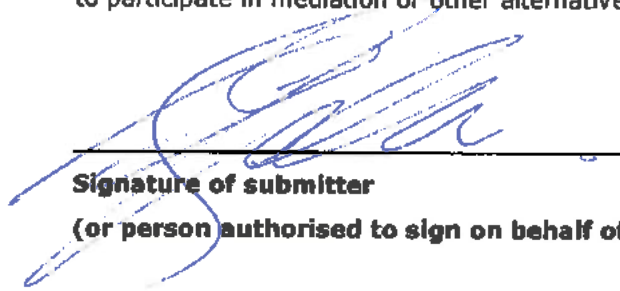
- 23.1 Will not promote the sustainable management of natural and physical resources, contrary to RMA Part 2 and section 5 in particular.
- 23.2 Is not the most efficient or effective way of promoting sustainable management, contrary to RMA section 32.
- 23.3 Will have an adverse effect on surrounding property values contrary to RMA section 85.

**Decisions sought**

24 The submitter seeks the following decisions:

- 24.1 The HNZ land should be rezoned to Mixed Housing Suburban. This would provide the most appropriate transition from Single House Residential which is subject to the Special Character overlay, and is more aligned with Council's originally proposed zoning under the Draft Unitary Plan. This is also consistent with the approach taken to sites such as this which sit within the wider Ponsonby special character area. 1
- 24.2 To ensure an appropriate transition is achieved where the zone changes, the addition of development controls and carparking requirements for sites zoned with a higher density than Single House Residential which are adjacent or across the street from Single House Residential subject to the Special Character overlay. In particular but without limitation:
  - (a) A requirement that any application to build in excess of 8 metres in height be notified to all surrounding properties (whether or not across the street) zoned Single House subject to the Special Character overlay. 2  
3
  - (b) Include additional specified assessment criteria to require that sympathy and recognition be given to the streetscape character, height, scale and form of the dwellings subject to a Special Character overlay in the surrounding neighbourhood. Without limiting the generality of this requirement, examples may include:
    - (i) The scale, form, mass, proportion and materials of the building must be compatible with the original architectural style predominant in the street, and must not ignore, compete with, or dominate that character. 4
    - (ii) New buildings must not detract from the consistency and harmony of building forms in the street or detract from the coherence of the streetscape.
    - (iii) The design of a proposed new building will complement the existing patterns of bulk and location, and the relationship to the street in the vicinity of the site.
    - (iv) The building must not detract from the architectural character of period housing or landscape qualities predominant in the street.
    - (v) Any new building on the HNZ land should be subject to appropriate development controls and carparking requirements to address the matters raised in paragraph 20 of this submission. 5  
6

- 24.3 Imposition of minimum carparking requirements for sites zoned with a higher density than Single House Residential which are subject to the City Fringe Parking overlay. / 7
- 24.4 Such alternative, consequential or further relief as may be required to give effect to this submission.
- 25 The submitter wishes to be **heard** in support of this submission. The submitter agrees to participate in mediation or other alternative dispute resolution of this submission.



**Signature of submitter**  
**(or person authorised to sign on behalf of submitter)**

Angela Saunders  
**Name of signatory**

26 February 2014  
**Date**

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