

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 156 of the
Local Government (Auckland Transitional
Provisions) Act 2010

BETWEEN **PROGRESSIVE ENTERPRISES LTD**

Appellant

AND **AUCKLAND COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT BY PROGRESSIVE
ENTERPRISES LTD**

15 SEPTEMBER 2016

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PROGRESSIVE ENTERPRISES LTD ("Progressive") appeals against part of the decision of the Auckland Council ("**Council**") in respect of the Proposed Auckland Unitary Plan ("**Unitary Plan**").

Decision

1. Progressive made a submission and further submission on the Unitary Plan.
2. Progressive is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("**RMA**").
3. Progressive received notice of the Independent Hearings Panel's ("**Panel**") recommendation on the Unitary Plan ("**Recommendation**") on 27 July 2016, and notice of the Council's decision on the Recommendation ("**Decision**") on 19 August 2016.

Parts of the Decision that Progressive is appealing

4. Progressive appeals that part of the Decision relating to minimum parking rates for retail and commercial services in the Metropolitan Centre, Town Centre, Local Centre and Mixed Use zones.

Reasons for appeal

Parking minimums

5. The Council Decision rejects the Panel's Recommendation for minimum parking rates for retail and commercial services, and removes all parking minimums.
6. The Decision states:¹

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.
7. Progressive opposes this part of the Decision and considers that the removal of parking minimums is inappropriate, for the reasons set out below.
8. The removal of parking minimums:
 - (a) will not promote the sustainable management of resources, will not achieve the purpose of the RMA, and is contrary to Part 2 and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) does not manage the use of resources in a way that enables the community to provide for their social and economic well-being;

¹ Council Decision Report, 19 August 2016, paragraph 33.2.

- (d) does not represent an efficient use and development of natural and physical resources;
 - (e) does not avoid, remedy or mitigate the adverse effects on the environment; and
 - (f) does not represent the most appropriate means of exercising the Respondent's function, having regard to the efficiency and effectiveness of other available means, and is therefore not appropriate in terms of section 32 and other provisions of the RMA.
9. The Decision to remove parking minimums to assist with goals such as intensification and increased public transport patronage is based on theoretical assessment, without due regard to the practical implications. In addition to the general reasons provided above, the two primary impacts of removing parking minimums are:
- (a) the "spill-over" effects of parking demand having to be accommodated off-site either in the streets surrounding centres or through the illegitimate use of parking provided by others; and
 - (b) the viability of centres and activities in centres.

Spill-over effects

10. In practice, businesses do not provide more parking than is necessary to service their activities, as this will add to the cost of development and potentially occupy space better applied to additional (retail, office or other commercially valuable) ground floor area.
11. However, if there are no minimum parking rates, businesses may not provide enough (or even any) carparking. The parking demand generated by such a development will create adverse spill-over effects and unintended consequences, as parking will have to be accommodated off-site either:
- (a) on neighbouring residential streets, which has adverse effects on residents in the area and their visitors; or
 - (b) through the illegitimate use of parking provided by others, effectively allowing those with insufficient parking to "free-ride" off owners of adjacent sites, who have provided appropriate parking areas.
12. The Panel's Report for Topic 043 / 044 Transport acknowledged spill-over effects as one of the primary reasons for including minimum parking rates in the Recommendation.²

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

² Report to Auckland Council Hearing Topics 043 and 044 Transport, July 2016, pg 6.

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

13. In contrast to the Panel, the Council has not attempted to calibrate the minimum parking rates and has instead simply removed the parking minimums. Progressive has spent a lot of time carefully considering the minimum parking rates to ensure the right balance is established between need parking minimums to minimise spill-over effects and imposing unnecessary costs and inflexibility on developers.
14. The adverse effects of parking "spill-over" into adjacent sites should not have to then be mitigated by those adjacent sites that are subjected to additional unanticipated parking demands. In addition, often any potential mitigation measures (such as towing, barrier arms and ticketing) are inadequate, as:
 - (a) retailers run the risk of ticketing or towing away actual customers who would likely then be discouraged from using that retail activity in the future;
 - (b) not all sites are equipped to either physically or operationally accommodate measures such as barrier arms or ticketing systems;
 - (c) barrier arms can lead to traffic and safety issues such as queues from the barrier arm, vandalism, issues with customers attempting to use non-validated tickets and associated confusion and delays; and
 - (d) such approaches cannot control the behaviour of customers once they have left their cars (eg prevent them from making a validating purchase at a mall but then shopping primarily off-site).
15. In order to avoid spill-over effects it is necessary to have adequate, appropriate and carefully balanced minimum parking rates.

Viability of centres

16. The removal of minimum parking rates will also have negative impacts on the viability of centres themselves. A lack of car parking in centres is unlikely to encourage a change in transport mode to public transport, walking or cycling due to the nature of retail activities:
 - (a) Shopping trips are not compatible with the public transport network and timetables, because shopping generally occurs outside peak commuter times (when higher frequency public transport is generally provided).
 - (b) Shopping is often part of multiple-destination trips both between retail destinations and other activities, which are more practically and time-efficiently carried out by using private motor vehicle.
 - (c) Shopping trips (including most notably, supermarket trips) often involve the purchase of bulky and / or perishable goods which are

not easily transported by alternative modes of transport (ie public transport, walking, or cycling).

- (d) Private motor vehicles provide the most time-efficient, convenient and practical mode of transport to access retail activities.
17. Rather than changing the mode of transport to that centre, a lack of parking is more likely to lead to shoppers driving to other retail locations, sometimes out of the centre, where adequate parking is provided.
 18. Changes in patronage would likely increase travel distances and overall congestion. It could also depress the vitality of centres that lack parking whilst increasing it at centres with more parking (or at out-of-centre locations). That in turn might change the relative attractiveness of centres to incoming investment and intensification and compromise Council's strategic approach to growth.
 19. A lack of carparks may also lead to those who own and operate *existing* car parking spaces building over these spaces, in order to increase their ground floor area without a corresponding parking proviso and reducing current parking provisions. This will lead to a further reduction in available parking, and further impact both the viability of centres, and overspill effects on both neighbouring sites and potentially into residential areas outside a centre's parking.

Relief sought

20. Progressive seeks that the minimum parking rates for retail and commercial services in the Metropolitan Centre, Town Centre, Local Centre and Mixed Use zones in the Panel's Recommendation be included in the Unitary Plan.
21. Progressive also seeks such consequential or related relief as may be necessary to give effect to its concerns.

Service

22. An electronic copy of this notice is being served today by email on the Auckland Council at 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.

Attachments

23. Copies of the following documents are attached to this notice:
 - (a) The relevant parts of Progressive's submission and further submission (with a copy of the relevant parts of the submissions opposed or supported by Progressive's further submission).
 - (b) The Panel's Recommendation Report for Topic 043 - 044 Transport and relevant parts of the Recommendation text (pages 1 - 15).

- (c) The relevant parts of the Council Decision Report (page 38) and Attachment A (E27 Transport pages 135 - 140).

PROGRESSIVE ENTERPRISES LTD by its solicitors and authorised agents Russell McVeagh:



Signature:

Allison Arthur-Young / Jess Riddell

Date:

15 September 2016

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TO:

The Registrar of the Environment Court at Auckland.

AND TO:

Auckland Council.

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. If you wish to be a party to the appeal, as per the requirements in Environment Court decision [2016] NZEnvC 153, within 15 working days after the period for lodging a notice of appeal ends you must:
 - (a) lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court by emailing unitaryplan.ecappeals@justice.govt.nz;
 - (b) serve copies of your notice on the Auckland Council on unitaryplan@aucklandcouncil.govt.nz; and
 - (c) serve copies of your notice on the appellant electronically.
2. Service on other parties is complete upon the Court uploading a copy of the notice onto the Environment Court's website.
3. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).
4. 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.

Advice

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

Relevant parts of Progressive's original submission

Item	Provision	Progressive's Submission	Relief Sought (additions underlined, deletions in strikethrough)
10.	C.1.2 Transport Background	<p>As a general point, PEL considers that C.1.2 Transport does not give appropriate recognition to the needs of certain business activities, particularly large format retail and supermarkets.</p> <p>C.1.2 Transport Policy 2 seeks to limit the number of car parks available where a site is served by public transport, and restrict vehicle access from frontages in metropolitan and town centres. This does not take into account the need for consumers to use private cars, in particular when using a supermarket. It is often simply impractical to use public transport to carry numerous bags of groceries to one's home.</p> <p>PEL seeks that recognition is given to the fact that large format retail, and in particular supermarkets, are not well served by alternative modes of transport such as public transport, walking or cycling. Car parking is essential for the operation of such activities and must be provided for.</p> <p>As explained in item 4 above, the emphasis on public transport, walking and cycling throughout this section comes at the expense of recognising that private cars are often the most practical mode of travel for many trips, particularly to the supermarket. It is important that provision is made for travel by car, including an appropriate level of parking, associated with such household chores, and with travel incorporating visits to multiple locations/activities (linked trips).</p> <p>C.1.2 Transport Background also makes reference to a maximum limit set on the amount of parking provided on a site. PEL strongly opposes this provision, and all associated parking maximums, because such provisions fail to recognise the operational requirements of supermarkets. Over 95% of supermarket customers arrive by private motor vehicle. This circumstance is not likely to</p>	<p>Amend C.1.2 Transport Background as follows:</p> <p>Background</p> <p>To support the operation and development of an integrated transport network, this section provides for public transport facilities and walking and cycling facilities which may be located outside the road network (which is covered in 1.1 Infrastructure) and are not otherwise provided for in the Unitary Plan.</p> <p>Parking is an essential component of Auckland's transport system as it can have major implications for the convenience, economic viability, design and layout of an area <u>there is a practical need for private motor vehicle use for many activities</u>. It is important that parking <u>of an appropriate scale and nature</u> is managed and provided in a manner that supports urban amenity and efficient use of land. It can also be managed to have a significant influence on reducing car use, particularly for commuter travel. This in turn reduces the growth in traffic, particularly during peak periods, and achieves a more sustainable transport system.</p> <p>The approach to parking provided with an activity or development is outlined below:</p> <ul style="list-style-type: none"> • there is no requirement for activities or development to provide parking in the following zones and locations: <ul style="list-style-type: none"> • the City, Metropolitan, Town and Local Centres (with the exception of identified non-urban town and local centres) zones • the City Centre Fringe overlay • the Terrace Housing and Apartment Buildings zone and the Mixed Use zone • instead, a maximum limit has been set on the amount of parking that can be provided on a site <u>(with the exception of supermarkets which, by their nature, require a high proportion of private vehicle trips and therefore car parking to support this)</u>. This approach supports intensification and public transport and recognises that for most of these areas, access to the Rapid and Frequent Service Network will provide an alternative means of travel to private vehicles, <u>where appropriate</u>. • in all other areas, a minimum level of parking is required to accompany any activity or development. A maximum limit is set on the amount of parking that can be provided for offices. <p>Standalone parking facilities which are not accessory to activities or development on the same site are provided for and will be individually assessed.</p> <p>To support cycling and other active transport modes, such as walking and cycling, some activities and developments are required to provide cycle parking as well as end-of-trip facilities.</p>

		<p>change, primarily because the very nature of supermarket shopping (carrying multiple bags and heavy items) lends itself to car travel, and because alternative public transport options are not sufficient to serve the residentially-based supermarket customer catchment.</p> <p>Accordingly, at a minimum, activities such as supermarkets should be exempt from such a maximum.</p> <p>With respect to "comprehensive parking management plans", there is no requirement for these to be provided by developers in the PAUP, therefore PEL assumes that these will be a Council initiative.</p> <p>PEL considers that the PAUP is the only appropriate and legally-binding document in which to present the required standards of parking, loading and access for development. Auckland Transport is a Council Controlled Organisation; therefore there is no need for the guidance in the Auckland Transport Code of Practice ("ATCOP") to replicate that in the Council's PAUP. ATCOP should only provide technical guidance on matters of parking, loading and access design which are not covered in PAUP (those required for assessment of developments), such as detailed engineering standards for construction.</p>	<p>Off-road pedestrian and cycling facilities are also provided for to complement facilities located in the road network.</p> <p>The Unitary Plan's approach to parking will be supported by the development and implementation of comprehensive parking management plans for centres by the Council, with particular priority given to the metropolitan centres.</p> <p>Comprehensive parking management plans assist with the integrated management of both off-street and on-street parking in centres, and will provide guidance for assessing applications which affect the supply of parking.</p> <p>This section also addresses loading, the design of parking and loading, access from activities and developments to the road, and access around road/rail level crossings.</p> <p>In addition to the Auckland-wide Transport rules, The Auckland Transport's Code of Practice (ATCOP) provides further guidance around parking, loading and access, and it sets out Auckland Transport's detailed engineering standards for the construction of transport infrastructure vehicle crossings. NZTA manages access to state highways under the Land Transport Management Act 2003.</p> <p>Activities or subdivision which generate higher amounts of traffic, and which seek to locate outside of the most intensive centres and residential zones, are required to demonstrate how the proposal would integrate with the transport network. This includes addressing the transport impacts of the proposal on the effective, efficient and safe operation of the local transport network.</p>
11.	C.1.2 Transport Objectives and Policies	<p>PEL opposes these objectives and policies to the extent that, as drafted, they fail to recognise the operational requirements of supermarkets, particularly ease of customer access. Amendments are required to provide recognition of the operational need for private vehicle use and car parking for supermarkets. PEL also proposes the inclusion of qualifiers to recognise that, although they may be desirable, these policies may not always be practicable. It is likely that there will be certain situations where the achievement of such policies simply will not be practical from a commercial or functional perspective, and such situations need to be provided for.</p>	<p>Amend C.1.2 Transport Objectives and Policies as follows:</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. Land use and all modes of transport are integrated in a manner that enables the adverse effects of traffic generation on the transport network to be managed. 2. An integrated public transport, walking and cycling network is provided for. 3. The number, location and type (short-term or long-term, public or private) of parking and loading spaces, including cycle parking and associated end-of-trip facilities, support: <ol style="list-style-type: none"> a. intensification in the following locations: <ol style="list-style-type: none"> i. the City, Metropolitan, Town and Local Centres zones ii. the City Centre Fringe overlay (as identified on the planning maps) iii. the Terrace Housing and Apartment Buildings zone iv. the Mixed Use zone. b. the effective, efficient and safe operation of the transport network

		<p>C.1.2 Transport Objective 5 is poorly worded as development does not provide access between the road and activities by the methods in clauses (a) - (c). Rewording is proposed to capture the apparent intent of the objective in an appropriate context.</p> <p>C.1.2 Transport Policy 1 refers to "high traffic generating activities", which are defined in the PAUP in relation to air quality. This policy is linked to rule H.1.2.3.1 Traffic Generation, which does not use the wording "high traffic generating" or refer to the thresholds used in the definition for such activities, rather providing thresholds for levels of activity. It is considered that the volumes of traffic generated by these levels of activity are not particularly high and do not fall under the definition of "high traffic generating activities" therefore the use of this phrase is opposed. Further, the actions stated in clause (c) are not required for the activities in rule H.1.2 Transport 3.1 necessarily, therefore use of the word "Require" is opposed.</p> <p>C.1.2 Transport Policy 2 seeks to limit the number of car parks available where a site is served by public transport and restrict vehicle access from frontages in metropolitan and town centres. As outlined above, this does not take into account the need for consumers to use private cars, in particular when using a mall or supermarket. It is often simply impractical to use public transport to carry numerous bags of groceries to one's home.</p> <p>PEL proposes the addition of new Policy 5 to recognise and provide for car parking in areas where public transport is infrequent and / or inadequate. As detailed at items 4 and 10 above, it is important to recognise that in the short to medium term, travel by private vehicle will continue to be the most common mode of travel by Aucklanders.</p> <p>Proposed policies 12, 13 and 15 fail to take into account the functional needs of supermarkets by proposing overly restrictive provisions in relation to loading. Loading requirements are an essential function of a supermarket, and the proposed</p>	<p>c. the use of more sustainable a wide range of transport options including <u>private vehicles</u>, public transport, cycling and walking</p> <p>d. the economic activity of businesses</p> <p><u>e. the operational and functional requirements of businesses and the use of the private motor vehicle by their customers, visitors and staff</u></p> <p>e-f. the efficient use of land</p> <p><u>g. the availability of on-street parking within residential zones for residential visitors, where adjacent to centres and other business zoned areas.</u></p> <p>4. Parking and loading is designed, located and accessed safely and efficiently for pedestrians and vehicles within and outside the site and in a manner which contributes to quality design of the built environment, <u>while recognising the functional and operational requirements of the activities that car parking and loading serves and supports.</u></p> <p>5. Development provides a access between the road and activities by:</p> <p>a. facilitates ing the effective, efficient and safe operation of the transport network</p> <p>b. prioritises ing pedestrian safety and <u>appropriate</u> amenity along public footpaths</p> <p>c. achieving a balance between the placemaking, movement and access functions of the road.</p> <p>6. Safety is not compromised by access, buildings and structures adjacent to road/rail level crossings.</p> <p>Policies</p> <p>Traffic Generation</p> <p>1. Require-Encourage high traffic generating activities or subdivisions <u>which exceed certain thresholds in relation to traffic generation</u> which:</p> <p>a. are proposed outside of the following zones:</p> <p>i. the City, Metropolitan, Town Centres zones</p> <p>ii. the Terrace Housing and Apartment Buildings zone; and</p> <p>b. do not already require an Integrated Transport Assessment under clause 2.7.9 of the General provisions.</p> <p>c. to mitigate and manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development, or undertaking improvements to the local transport network</p> <p>Parking</p> <p>2. Limit the supply of <u>on-site long term (employee-related)</u> parking in the following locations to support the planned growth and intensification provided for in the Unitary Plan, recognise the existing and future accessibility of these locations to the Rapid and Frequent Service Network, and support walking and cycling:</p> <p>a. the City, Metropolitan, Town and Local Centres zones</p> <p>b. the City Centre Fringe overlay (as identified on the planning maps)</p> <p>c. the Terrace Housing and Apartment Buildings zone</p> <p>d. the Mixed Use zone.</p>
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		<p>policies fail to allow for variations to loading locations in situations where this is appropriate. PEL has proposed amendments to Policy 12 in order to make this policy more workable, and seeks the deletion of Policy 13.</p> <p>PEL's suggested amendments to policies 22 and 23 are necessary to recognise and provide for the loading requirements of supermarkets, and allow such activities to take place in situations where this does not cause significant adverse effects, or where the effects can be mitigated.</p> <p>Similarly, the proposed provisions relating to the design of parking and loading areas fail to allow for operational requirements and would be overly restrictive on activities such as supermarkets. PEL seeks amendments to policies 14 - 23 to reflect this.</p> <p>PEL also notes that it seeks that the definition of non-accessory parking be amended to specifically exclude parking for supermarket activities (discussed at item below).</p>	<p>3. Require <u>Encourage</u> activities and development located outside the areas covered by policy 2 above to provide a minimum level of on-site parking in recognition of the more limited alternatives to private vehicle travel unless it can be demonstrated that a lesser amount of on-site parking is needed for a particular site or proposal.</p> <p>4. Limit the supply of on-site parking for office development in all locations to:</p> <ol style="list-style-type: none"> minimise the growth private vehicle trips by commuters travelling during peak periods support the approach taken to providing for larger scale office developments in the Metropolitan Centre, Town Centre, Mixed Use, General Business and Business Park zones. <p>5. <u>Ensure that the parking supply for activities that are not well served by public transport, walking or cycling facilities is not unduly restricted.</u></p> <p>6. Where practicable, P provide for flexible approaches to parking, including shared, consolidated and off-site parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.</p> <p>6. Provide for non-accessory parking and off-site parking where:</p> <ol style="list-style-type: none"> the proposal and the type of parking proposed e.g. visitor or commuter, short-term or long-term, private or public, will reinforce the efficient use of land or planned growth and intensification provided for in the Unitary Plan for the site or locality there is an undersupply or projected undersupply of parking to service the area having regard to: <ol style="list-style-type: none"> the availability of alternative transport modes, particularly access to the existing and planned Rapid and Frequent Service Network the type of parking proposed existing parking survey information the type of activities in the surrounding area. any off-site parking is generally in close walking distance of the donor <u>primary</u> site(s) unless it is shown that a greater separation distance is reasonable and practicable. <p>7. Avoid <u>Discourage</u> the development of long-term parking (non-accessory) in the City Centre zone and the City Centre Fringe overlay to:</p> <ol style="list-style-type: none"> recognise and support the high level of accessibility these areas have to the Rapid and Frequent Service Network minimise the growth in private vehicle trips by commuters during peak periods. <p>8. Control the development of long-term parking (non-accessory) in the Metropolitan, Town and Local Centre zones and in the Mixed Use zone so that the parking does not undermine:</p> <ol style="list-style-type: none"> the efficient use of land or growth and intensification provided for in the Unitary Plan for the site or locality public transport in these zones. <p>9. Encourage facilities for parking (non-accessory) to provide for alternatives to the private car and single occupant cars, or promote use of smaller or more energy efficient cars. This may include:</p> <ol style="list-style-type: none"> parking spaces allocated to car share or car pool vehicles parking spaces allocated to small cars or hybrid vehicles spaces allocated to scooter or motorcycle parking free, secure and covered parking for cycles end-of-trip facilities such as secure lockers, showers and changing facilities
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			<p>f. charging points for electric vehicles.</p> <p>10. Provide for park-and-ride and public transport facilities which are located and designed to support the public transport system by:</p> <ol style="list-style-type: none"> locating in proximity to public transport stations, stops and terminals growing public transport patronage to assist in relieving congested corridors by encouraging commuters to shift to public transport making public transport easier and more convenient to use, thereby attracting new users improving the operational efficiency of the public transport system, particularly the Rapid and Frequent Service Network extending the catchment for public transport into areas of demand where it is not cost-effective to provide traditional services or feeders reinforcing existing and future investments on the Rapid and Frequent Service Network providing free, secure and covered parking for cycles. <p>11. Support increased cycling and walking by:</p> <ol style="list-style-type: none"> requiring cycle parking to be included in larger residential developments and in developments including offices, retail, industrial activities, education facilities, medical facilities and entertainment or community facilities requiring end-of-trip facilities, such as lockers, showers and changing facilities, to be included in office, industrial, educational, medical or community developments with high employee and student numbers providing for off-road cycle and pedestrian facilities to complement facilities located within the road network. <p>Loading</p> <p>12. Where practicable, require sites and activities to have access to loading facilities to support their operations and minimise disruption on the adjacent transport network.</p> <p>13. Provide for alternative loading arrangements, including on-street loading or shared loading areas, particularly in locations where it is desirable to limit access points for reasons of safety, amenity and road operation.</p> <p>Design of parking and loading</p> <p>14. Require Encourage parking areas to be designed and located to:</p> <ol style="list-style-type: none"> avoid adverse visual effects on the amenity of the streetscape provide safe access and exit for vehicles, pedestrians and cyclists reduce potential conflicts between vehicles, pedestrians and cyclists. <p>15. Require Encourage loading areas to be designed and located to:</p> <ol style="list-style-type: none"> avoid adverse visual effects on the amenity of the streetscape provide for the separation of service and other vehicles where practicable reduce conflicts between service vehicles, pedestrians and cyclists. <p>16. Require Encourage parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:</p> <ol style="list-style-type: none"> the effective, efficient and safe operation of arterial roads
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			<p>b. pedestrian safety and amenity, particularly within the Centre and Mixed Use zones</p> <p>c. safe and functional access where driveways are longer, or serve rear sites or more than four parking spaces.</p> <p>17. Require Encourage the location, design and external appearance of park-and-ride, non-accessory and off-site parking facilities, public transport facilities, and off-road pedestrian and cycling facilities to:</p> <ol style="list-style-type: none"> complement adjacent uses and developments with any buildings or structures to be of similar or compatible scale to those existing or provided for in the surrounding area meet the design outcomes identified in this Unitary Plan for the site and/or location generally provide screening, such as exterior panelling, for the ground and low levels of any parking building be accessible, safe and secure for users with safe and attractive pedestrian connections within the facility and to adjacent public footpaths. provide an attractive interface between any buildings, structures or at-grade parking areas and adjacent streets. Depending on location and scale, this may include: <ol style="list-style-type: none"> maintaining an active frontage through sleeving and/or an interesting appearance through use of architectural treatments so that the facility contributes positively to the pedestrian amenity and to any retail, commercial or residential uses along the road it fronts planting and other landscaping provide for any buildings to be adapted for other uses or readily dismantled if no longer required for parking. In particular, the floor to ceiling height of a parking building at street level should be capable of conversion to other activities provided for in the zone. <p>18. Require Encourage park-and-ride, non-accessory and off-site parking facilities, and public transport facilities, and their access points to be of scale and design, and to be managed, operated and developed so as to avoid adverse effects on the effective, efficient and safe operation of the transport network including:</p> <ol style="list-style-type: none"> the safety of pedestrians and cyclists amenity for pedestrians avoiding queuing onto the road and conflict at access points to the facility avoiding generating high volumes of traffic onto local roads or areas with high pedestrian amenity the operation of public transport services and related infrastructure. <p>Access</p> <p>19. Require Encourage vehicle crossings and associated access to be designed and located to provide for safe and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.</p> <p>20. Avoid or restrict Discourage vehicle access to and from sites adjacent to motorway interchanges, and on arterial roads, including state highways, so that the:</p> <ol style="list-style-type: none"> location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the state highway and road network any adverse effect on the effective, efficient and safe operation of the motorway
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			<p>interchange arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated.</p> <p>21. <u>Avoid- Discourage</u> vehicle access to and from sites subject to a Vehicle Access Restriction - general within the City Centre zone to:</p> <ol style="list-style-type: none"> give high priority to pedestrian movement, safety and amenity along the main pedestrian streets in the City Centre zone provide for continuity of building frontage and associated activities at street level. <p>22. <u>Avoid-Reasonably mitigate the adverse effects of</u> vehicle access to and from sites subject to the Key Retail Frontage overlay in the Metropolitan Centre, Town Centre and Mixed Use zones <u>where practicable</u> to:</p> <ol style="list-style-type: none"> give high priority to pedestrian movement, safety and amenity provide for continuity of building frontage and associated activities at street level. <p>23. <u>Restrict Discourage</u> vehicle access to and from sites subject to the Commercial Frontage overlay in Metropolitan Centre, Town Centre and Mixed Use zones to <u>where this may have adverse effects on</u>:</p> <ol style="list-style-type: none"> <u>support</u> pedestrian safety and amenity <u>provide for continuity of building frontage and associated</u> activities at street level. <p>...</p>
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Relevant parts of Progressive's further submission

Submission Number	Submitter	Theme	Topic	Subtopic	Decision sought by submitter	Support / oppose	Reasons	Decision sought	
Part 2 - Regional and District Objectives and Policies									
Chapter C: Auckland-wide objectives and policies									
C1.2 Transport Background									
34.	2632-61 <i>dallan@ellisgould.co.nz</i>	The National Trading Company of New Zealand Limited	Auckland - wide	Transport	C1.2 Background	Amend the Unitary Plan to recognise the unique characteristics of supermarkets and make appropriate transport planning and carparking provision for them in the context of urban intensification.	Support	Progressive supports the relief in submission points 61 - 93 of the National Trading Company's submission, as it is consistent with items 11 and 53 of Progressive's primary submission which sought	Allow this submission.

35.	2632-62	The National Trading Company of New Zealand Limited <i>dallan@ellisgould.co.nz</i>	Auckland - wide	Transport	C1.2 Background	Amend the Unitary Plan to appropriately address and impose suitable controls with respect to vehicle and cycle parking, servicing and access for supermarkets.	Support	that the benefits of private motor vehicles were recognised, and which sought separate parking rules for supermarkets.	Allow this submission.
36.	2632-63	The National Trading Company of New Zealand Limited <i>dallan@ellisgould.co.nz</i>	Auckland - wide	Transport	C1.2 Background	Amend the Unitary Plan to recognise the amenity and efficiency benefits of private motor vehicles as well as public transport.	Support		Allow this submission.
37.	2632-64	The National Trading Company of New Zealand Limited <i>dallan@ellisgould.co.nz</i>	Auckland - wide	Transport	C1.2 Background	Amend the Unitary Plan to acknowledge the inadequacies of Auckland's current public transport services and facilities.	Support		Allow this submission.
	...								
42.	6631-6	Stingray Bay Farms Limited <i>liam.wpg@gmail.com</i>	Auckland - wide	Transport	C1.2 Background	Support policy change from parking minimums to parking maximums in the Metropolitan zone.	Oppose	Progressive opposes this submission as it is inconsistent with the relief sought in item 11 of Progressive's primary submission.	Disallow this submission.
43.	4823-113	Stephen Davis <i>stephend@gmail.com</i>	Auckland - wide	Transport	C1.2 Objectives	Retain parking maximums where they are already provided in the PAUP, remove all parking minimums in any other that is within reasonable walking distance of the rapid and frequent transit system, and in remaining areas remove the requirement for parking to be on-site and allow on-street parking that is seldom used to be counted towards the provision.	Oppose	Progressive opposes this submission as it is inconsistent with the relief sought in item 11 of Progressive's primary submission.	Disallow this submission.

Submission on Proposed Auckland Unitary Plan

**Section 123 of the Local Government (Auckland Transitional Provisions) Act 2010 and
Clause 6 of Schedule 1 to the Resource Management Act 1991**

**The National Trading Company of New Zealand Limited
Submission 4 – Parking and Transportation Matters**

To: Auckland Council

**Name of Submitter: The National Trading Company of New Zealand Limited ("NTC"),
c/- Support Centre, 60 Roma Road, Mt Roskill, Auckland 1440, New Zealand
DX Box CX 15021 or PO Box 27480 Mount Roskill, Auckland 1440, New Zealand (For:
Angela Bull).**

1. This is a submission on the proposed Auckland Combined Plan ("the Unitary Plan").
2. NTC could not gain an advantage in trade competition through this submission. In any event, NTC is directly affected by effects of the subject matter of the submission that:
 - (a) Adversely affect the environment; and
 - (b) Do not relate to trade competition or the effects of trade competition.
3. The specific aspects and provisions of the Unitary Plan that this submission relates to are the Unitary Plan provisions regarding carparking and transportation matters.
4. NTC's submission is as follows:
 - (a) NTC is a property holding company of Foodstuffs (North Island) Limited ("Foodstuffs"). Foodstuffs is a 100% New Zealand owned co-operative company, which operates the PAK'nSAVE, New World and Four Square retail brands throughout the North Island and the Gilmours wholesale brand in the northern half of the North Island.
 - (b) As a property holding company, NTC participates actively in regional and local planning processes to provide for the sustainable growth and development of its retail and wholesale brands. The draft Unitary Plan is a

key planning document for NTC in providing guidance for future investment and employment opportunities.

- (c) The part of Part 1 Chapter B Section 1.2 that addresses "*Transport and land use*", Part 1 Chapter B Section 3.3 Transport, Part 1 Chapter C Section 1.2 Transport and Part 3 Chapter H Section 1.2 Transport fail to recognise to an adequate and appropriate extent that:
- (i) Private motor vehicles provide and will continue to provide a level of service, amenity and flexibility that is desirable for drivers and passengers and which is particularly efficient for certain categories of trip.
 - (ii) The degree to which public transport services are efficient and effective is a function of many factors.
 - (iii) Some forms of trip (most obviously daily commutes during peak traffic hours to and from offices located in transport nodes and, to a lesser extent, daily educational trips) are particularly well suited to public transport and the Council should encourage such activities to locate in transport nodes and facilitate the provision of public transport services.
 - (iv) Other trips are far less likely to be made by public transport and will continue to require carparking facilities, regardless of the extent to which public transport services are improved in the immediate future and the Council should provide for these activities on the basis that private motor vehicles will continue to be used.
- (d) Accordingly, the Unitary Plan needs to take a realistic and strategic approach to transportation planning and the provision of carparking in the region. 60
- (e) NTC considers that the Unitary Plan provisions fail to recognise, with regard to supermarket usage, that:
- (i) Supermarkets have unique operating characteristics in that they provide a service for large numbers of customers who make regular

visits during which they purchase significant quantities of goods which they need to transport to their homes or places of business or assembly.

(ii) While other forms of retail are well suited to take advantage of public transport, the vast majority of supermarket customers necessarily travel by car and in most cases make single purpose trips to the supermarket.

(iii) Supermarkets operate at very high customer and transaction levels which means that they generate particularly high levels of traffic and parking demand.

(f) If the Unitary Plan is to constrain the location of supermarkets then it needs to recognise and provide for the transportation and parking consequences of doing so. It is preferable, however, for the Unitary Plan to recognise the unique characteristics of supermarkets and make appropriate provision for them in the context of the urban intensification that is proposed.

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(g) The Unitary Plan provisions require modification in order to address appropriately and impose suitable controls with respect to vehicle and cycle parking, servicing and access for supermarkets.

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(h) The Unitary Plan should:

(i) Recognise the amenity and efficiency benefits of private motor vehicles as well public transport.

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(ii) Acknowledge the inadequacies of Auckland's current public transport services and facilities and the need to provide appropriate and adequate public transport services before forcing drivers and passengers out of their cars.

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(iii) Provide for supermarkets to be addressed as a separate category in terms of their location and carparking requirements.

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(iv) Ensure that sufficient carparking can be provided by supermarkets regardless of their location in order to accommodate customer demand.

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(i) Part 3 Chapter H Section 1.2 Transport of the Unitary Plan addresses parking, loading and access and imposes maximum parking requirements on many activities with no requirement for minimum parking in most centres. That approach is flawed:

(i) Many activities including in particular supermarkets operate in a way that is most efficiently served by motor vehicles and it is essential that they be able to provide sufficient parking for customers.

(ii) The removal of a minimum carparking requirement is likely to lead to customers of businesses that lack sufficient parking making use of parking areas provided by other business (eg: supermarkets). That will inconvenience the supermarket and its customers and amounts in effect to a subsidy from businesses that are reliant on large carparks to nearby businesses that have not provided parking. That is inequitable and contrary to the sustainable management of resources.

(iii) Accordingly it is considered that the maximum parking ratios should be deleted other than in the City Centre and City Centre Fringe areas.

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(j) Part 3 Chapter H Section 1.2 Transport Sub section 3.2 "Number of parking and loading spaces" in the Unitary Plan fails to recognise that omitting a minimum carpark ratio requirement for retail and other activities with short term patronage (ie: activities that generate short term parking demand as opposed to all-day commuter parking) will likely encourage patrons of those activities to use carparking facilities owned and operated by other organisations such as NTC. Thus the Unitary Plan should impose realistic and reasonable minimum on-site carparking requirements for all activities in centres that generate short term parking demand other than where there is adequate public parking available in the area.

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(k) Part 3 Chapter H Section 1.2 Transport of the Unitary Plan fails to take account of the special characteristics and requirements of supermarkets. If

the maximum parking requirements are not deleted generally then it is appropriate for the Unitary Plan to:

- (i) Include a separate category governing the parking requirements for supermarkets; and
- (ii) Remove any maximum carparking requirements for supermarkets that apply in any location.

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(l) Part 3 Chapter H Section 1.2 Transport Sub section 5 "Assessment – Development Control Infringements" of the Unitary Plan contains the assessment criteria for applications seeking to provide more than the maximum permitted number of car parking spaces. If NTC's primary relief regarding supermarket carparking requirements is declined then NTC considers that these criteria need to be amended in terms of their application to supermarkets in order to:

- (i) Recognise the particular characteristics of supermarkets identified above.
- (ii) Remove criterion (a) regarding whether the use of additional land for parking will compromise the efficient use of land and planned intensification. Supermarkets are an extremely efficient means of distributing goods to residents but they necessarily require extensive areas for parking.
- (iii) Remove criterion (b) which imposes an impractical and unrealistic test regarding the unique nature of the site or operation. Supermarkets as a group have distinctive characteristics but it is unreasonable to assess the uniqueness of a proposal or site when determining the appropriateness of carparking provision.
- (iv) Remove criterion (e) regarding lack of access to the Rapid and Frequent Service Networks. Supermarket customers typically use private vehicles regardless of the proximity of public transport services because public transport is not a realistic method of transporting the large quantities of goods that they buy on trips to the supermarket.

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- (m) Unless and until the Unitary Plan provisions are amended in accordance with the relief sought below they will not:
 - (i) Promote the sustainable management of resources;
 - (ii) Otherwise be consistent with Part 2 of the Resource Management Act 1991 ("RMA"); or
 - (iii) Be appropriate in terms of section 32 of the RMA.

- 5. NTC seeks from Auckland Council that the Unitary Plan be amended in order to resolve the issues raised in this submission. In that regard, NTC seeks the specific and general forms of relief set out below and **attaches** indicative forms of relief which show how some of NTC's concerns might be addressed:
 - (a) Amend the part of Part 1 Chapter B Section 1.2 that addresses "*Transport and land use*", Part 1 Chapter B Section 3.3 Transport, Part 1 Chapter C Section 1.2 Transport and Part 3 Chapter H Section 1.2 Transport to address the matters noted above.
 - (b) Amend Part 3 Chapter H Section 1.2 Transport of the Unitary Plan to:
 - (i) Impose realistic and reasonable minimum on-site carparking requirements for all activities in centres that generate short term parking demand other than where there is adequate public parking available in the area.
 - (ii) Replace maximum carparking requirements with minimum carparking requirements for the Mixed Use zone and for centres other than the City Centre and the City Centre Fringe as specified in Tables 3 and 4 in **Annexure 3**.
 - (iii) Include a separate category governing the cycle parking requirements for supermarkets; and

- (iv) In any event remove any maximum carparking requirements for supermarkets that apply in any location (including by way of a separate carparking category for supermarkets if need be).

- (c) Amend the assessment criteria for applications seeking to provide more than the maximum permitted number of car parking spaces in Part 3 Chapter H Section 1.2 Transport Sub section 5 "Assessment – Development Control Infringements" of the Unitary Plan by:
 - (i) Deleting criteria (a), (b) and (e).

 - (ii) Adding a criterion that recognises the particular trading and transport characteristics of supermarkets and which acknowledges that supermarkets need to provide sufficient carparking to meet demand if they are to function as an efficient means of distributing goods to the public. 73

- (d) **Annexures 1, 2 and 3** are, respectively:
 - (i) An annotated version of Part 1 Chapter B Section 3.3 – Transport;

 - (ii) An annotated version of Part 1 Chapter C Section 1.2 Transport; and

 - (iii) An annotated version of the initial part of Part 3 Chapter H Section 1.2 Transport.

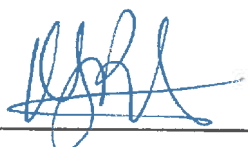
The annexures identify indicative and illustrative examples of relief that would address appropriately certain of the matters raised in this submission. Other forms of wording and relief may also be appropriate and within the scope of the matters raised in this submission. NTC therefore provides the annexures by way of example but not to the exclusion of other appropriate and effective methods of upholding this submission.

- (e) Such other relief or other consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.
6. NTC wishes to be heard in support of this submission.
7. If others make a similar submission NTC will consider presenting a joint case with them at the hearing.

Dated this 26th day of February 2014

The National Trading Company of New Zealand Limited

by its duly authorised agent:



Angela Bull, General Manager Property Development

c/- Support Centre, 60 Roma Road, Mt Roskill, Auckland 1440, New Zealand
DX Box CX 15021 or PO Box 27480 Mount Roskill, Auckland 1440, New Zealand (For:
Angela Bull).

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 17, Vero Centre, 48
Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09)
307-2172, Facsimile: (09) 358-5215. Attention: Douglas Allan / Joanna van den Bergen.

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Friday, 28 February 2014 5:00 p.m.
To: Unitary Plan
Cc: liam.wpg@gmail.com
Subject: Proposed Auckland Unitary Plan Submission - Liam Wiltshire
Attachments: PAUP Submission SBFL.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 or phone 09 301 0101.



Submitter details

Full name: Liam Wiltshire
Organisation: Stingray Bay Farms Ltd
Postal address: PO Box 33141, Takapuna 0744
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Post code: 0744
Local board: Devonport-Takapuna local board
Contact Person: Liam Wiltshire
Date of submission: 28-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Property address:

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 wish to have the provisions identified above amended:

The reasons for my views are:

I seek the following decision by Council:

If the Proposed Plan is not declined, then amend it as outlined below:

I wish to be heard in support of my submission:

Yes

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

Yes

Telephone: 4897842

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

I am 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

SUBMISSION ON PROPOSED AUCKLAND UNITARY PLAN

To: Auckland Council ("Council")
Name: Stingray Bay Farms Ltd ("SBFL")

1. INTRODUCTION

1.1 This submission relates to SBFL's properties at **33-45 and 19-29 Hurstmere Rd, Takapuna**. ("site" or "sites")

1.2 19-29 Hurstmere Road – CT 135D/560

The site is a single parcel lot (Lot 1, DP 208645) consisting of 2375 sqm. The land is an irregular shape with a 35 meter frontage located on the eastern side of Hurstmere road and a rear frontage of 43 metres facing the Strand. The Hurstmere Frontage is 75 metres from the Hurstmere and Lake road intersection.

1.3 33-45 Hurstmere Road – CT 67C/343

The site made up of three parcels of land consisting of 2264 sqm (Pt Lot 4, DP 4872 – 491sqm; Pt Lot 4, DP 4872 – 546sqm; Lot 5, DP 4872 – 1227sqm). The land is an irregular L shape with a 37 meter frontage located on the eastern side of Hurstmere Road and the southern boundary of Hurstmere Green. The Hurstmere Frontage is 119.24 metres from the Hurstmere and Lake road intersection.

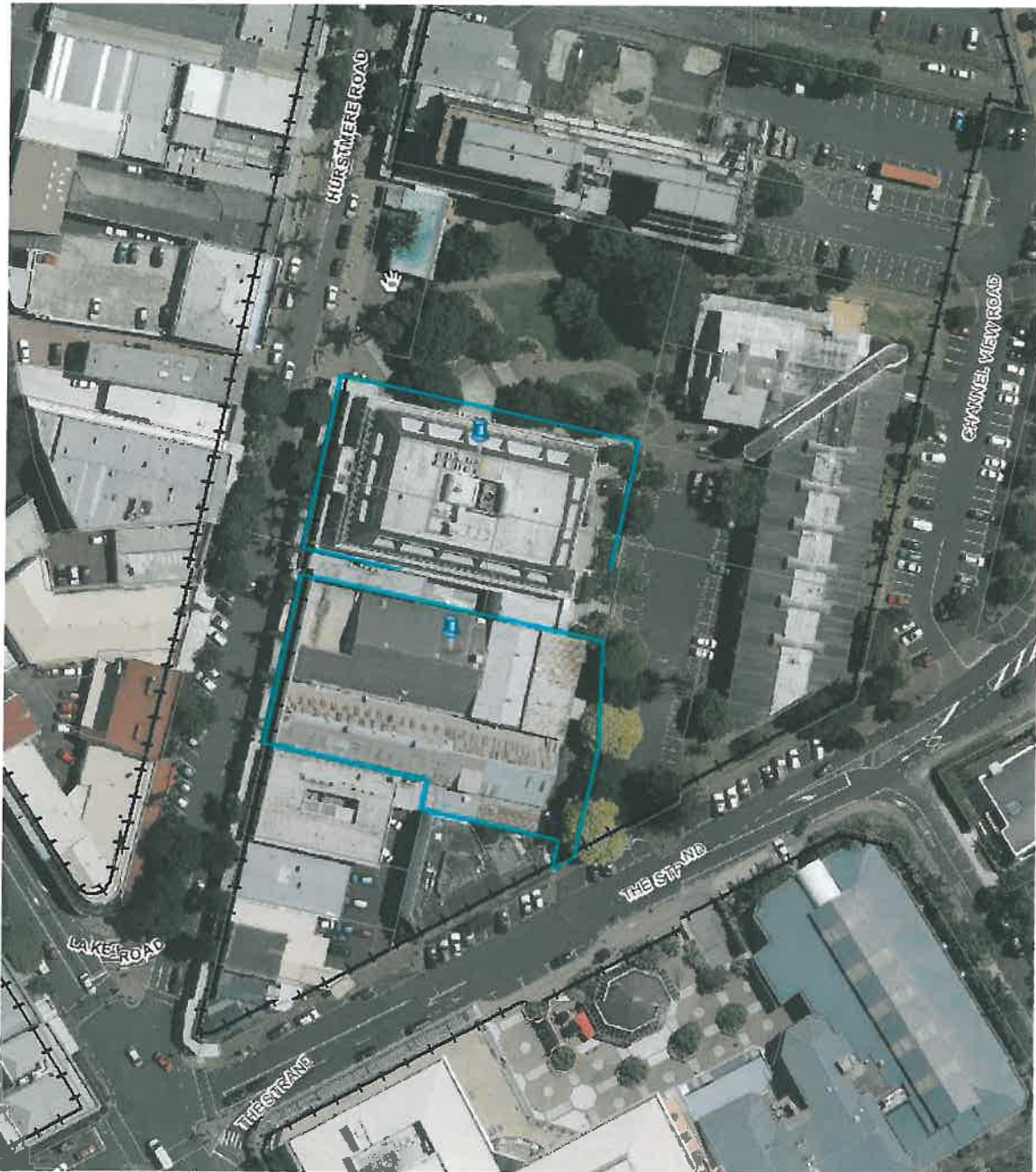


Figure 1 - Site Location

2. SCOPE OF SUBMISSION

2.1 This submission relates to the specific provisions of the proposed Auckland Unitary Plan ("PAUP") as identified in this submission.

3. NATURE OF SUBMISSION

- 3.1 SBFL **generally supports** the proposed **Metropolitan Centre** zoning proposed for the site/s, but **opposes** the specific provisions of the proposed Unitary Plan identified in this submission (unless otherwise stated). 11
- 3.2 SBFL **strongly oppose** the application of a **Key Retail Frontage** along the Hurstmere Road, Channel View Road, and The Strand frontages of the land in all relevant sections of the PAUP (including but not limited to 3H-1.2 Transport and 3I-3 Business Zones). 12
- 3.3 3G-1.4 SBFL **opposes** the wording in the Introduction to the Unitary Plan which provides that the Council may consider provisions beyond those specifically listed as assessment criteria. 13
- 3.4 3G-2.7.2 SBFL **opposes**, in their entirety, the requirements for the preparation of **Design Statements** as separate sections within the Assessment of Effects accompanying resource consent applications. 14
- 3.5 3G-2.7.4 SBFL **opposes**, in their entirety, the requirements for the preparation of Cultural Impact Assessments. 15
- 3.6 3H-1.2 SBFL **specifically supports** the policy change from parking minimums to parking maximums in the Metropolitan Zone; however the submitter **strongly opposes** the application of these maximums with no parking, loading or access permitted in the Key Retail Frontage overlay. 16
17
- 3.7 3H-6.4 SBFL **opposes** the requirement to incorporate **Sustainable Development** in the prescriptive format set out in Rule H.6.4.2.1 and Rule H.6.4.2.2 and seeks that these be deleted. 18
- 3.8 3H-6.6 SBFL **strongly opposes** the requirement to incorporate **Affordable Housing** within a development of 15 or more dwellings. 19
- 3.9 3I-3.1 SBFL **opposes** the classification of **Demolition** within the Metropolitan zone as a Restricted Discretionary Activity. 110
- 3.10 3I-3.2.2 SBFL seek confirmation that the **notification** requirement applies only to infringement of the building height and height in relation to boundary development controls under 3I-3.4.2 and 3I-3.4.3 (Business Zones) and **strongly oppose** if this is not the case. 111
- 3.11 3I-3.4.2 SBFL **oppose** and seek the removal of the **storey control** associated with Building Height. 112
- 3.12 3I-3.4.6 SBFL **oppose** the requirement for new buildings to adjoin the entire site frontage in the Key Retail Frontage overlay. 113
- 3.13 3I-3.4.7 SBFL **oppose** the requirement for buildings to locate the main pedestrian entrance within 3m of the site frontage. 114
- 3.14 3I-3.4.8 SBFL **oppose** the Minimum floor to floor/ceiling heights. 115
- 3.15 3I-3.4.9 SBFL **oppose** the Glazing development control. 116
- 3.16 3I-3.4.11 SBFL **oppose** the Residential at Ground Floor development control. 117

- 3.17 3K-5.47.1.1 SBFL **strongly opposes** the 20.5m maximum height and maximum 5 storeys proposed for the Takapuna 1 Sub-precinct A. Takapuna 1 Sub-precinct A should match the height and storey maximum controls under Takapuna 1 Sub-precinct B. 118
- 3.18 3K-5.47.1.1 SBFL **opposes** the unlimited maximum height and storey controls for Takapuna 1 Sub-precinct C. Takapuna 1 Sub-precinct C should be restricted by the underlying Metropolitan Zone development controls under I3-3.4.2. 119
- 3.19 3K-5.47.1.2 SBFL **strongly opposes** the maximum frontage height of 3 storeys applying to Sub-precinct A. Takapuna 1 Sub-precinct A should match the maximum frontage height controls under Takapuna 1 Sub-precinct B. 120
- 3.20 3K-5.47.1.2 SBFL **strongly opposes** the maximum frontage height of 4 storeys applying to Sub-precinct A in relation to Rule 1.5. Takapuna 1 Sub-precinct A in relation to Rule 1.5 should match the maximum frontage height controls under Takapuna 1 Sub-precinct B. 121
- 3.21 3K-5.47.1.4 SBFL **oppose** any proposals to increase the 5:1 basic and 6:1 maximum floor area ratios for Sub-precinct C. 122
- 3.22 3K-5.47.1.5 SBFL **strongly opposes** the 2 storey height bonus in general, and the location of the through-site pedestrian lane in Precinct Plan 2 In relation to the Through-site lane for site in Sub-precinct A.S 123
124.

4. REASONS FOR SUBMISSION

- 4.1 Except as otherwise set out in this submission, SBFL does not support the specific provisions of the proposed Unitary Plan identified in this submission. Those provisions require amendment, as sought by SBFL below. This is because, without the amendments proposed by SBFL, those provisions:
 - (a) will not promote sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 ("RMA") and are contrary to Part 2 and other provisions of the RMA;
 - (b) will not enable the social and economic wellbeing of the community in the Auckland region; and
 - (c) do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

In particular, and without limiting the generality of the above:

4.2 Key Retail Frontage

- The submitter strongly opposes the application of the Key Retail Frontage along all road frontages of the sites.
- The submitter considers that this onerous control along the entire frontage of the property and the consequent inability to provide parking on site will significantly hinder the redevelopment of the site for a high quality multi-level mixed use development.

- The control simply does not take into account the commercial realities of developing high quality office and residential where some level of on-site parking is a pre-requisite for prospective tenants and purchasers.
- The Channel View Road and The Strand frontages of the site are at the eastern edge of the Takapuna commercial area and would be more suited for no frontage control at all (or a General Commercial frontage control) to recognise the secondary function of this road in terms of the lively pedestrian friendly street environment that the Unitary Plan seeks to create. Presently these frontages have only minimal or no retail activity and a lack of flexibility to allow mixed commercial activity will hinder high quality development. **CBH**
- The submitter also considers that the provision of a single vehicle access point per site within the Key Retail Frontage overlay should be included as a Restricted Discretionary Activity with applications assessed against similar Assessment Criteria as contained within Rule 3H.1.2.5.2.6 which provide more than suitable criteria against which to assess an application. **125**
- This includes the design of the access in terms of street scene appearance, the effect on pedestrian and cycle movement and safety as well as allowing the consideration of the site specific characteristics.
- If this control is not amended to allow the provision of vehicle access and parking on site the land will be much less likely to be developed to its full potential and the Unitary Plan will therefore fail to promote the sustainable management of the land resource nor will it promote the social and economic wellbeing of the community in the Auckland region.

4.3 3G-1.4 (Applying for Resource Consent)

- The wording contained within the third paragraph under the heading 'Assessment Criteria' is opposed in its entirety. This wording effectively gives Council carte blanche to use any other policy or criteria within the PAUP at their whim. It is not appropriate for processing planners to be encouraged to consider policies or criteria outside of the listed assessment criteria. This is because it may result in considerable uncertainty in respect of applications for controlled and restricted discretionary activities, as it provides the Council with scope to argue that a wide range of policies and criteria which would not otherwise be immediately relevant should be considered. This will make it very difficult for applicants to understand exactly which policies and criteria they must satisfy in order to obtain consent, or to understand the conditions that may be imposed.

4.4 3G-2.7.2 Design Statements

- The Unitary Plan requires applicants to provide a design statement with their resource consent application for specified activities. This requirement is onerous for the following reasons:
 - i. The level of control proposed in the Unitary Plan which the Council is seeking to impose on the design of virtually any new built form is concerning. This is especially so as the design statements encourage compliance with the Auckland Design Manual which has undergone no consultation to date and is intended to change from time to time. The Design Manual is also not a

resource management document and is not being developed in accordance with Schedule 1 of the RMA, nor is it proposed to be subject to any Environment Court or other independent oversight. It is therefore inappropriate to rely heavily on such a document in the proposed Unitary Plan.

- ii. The new Design Statement process is also out of step with recent RMA reforms which seek to simplify and streamline the consenting process. The Design Statement process is not the only method by which quality design can be achieved throughout Auckland and Council should not seek to rely on this at the expense of other methods.

4.5 3G-2.7.4 Cultural Impact Assessments

- The submitter opposes the requirements for the preparation of Cultural Impact Assessments contained within Rule 3G-2.2.7.4 Cultural Impact Assessments. These requirements are overly onerous requiring that cultural impact assessments be prepared as part of a wide variety of resource consent applications. Many such applications would not normally involve Iwi concerns and would be non-notified. Effectively all are being opened up for Iwi input. The process requirements for these are burdensome and expensive, particularly given the very significant number of activities and applications to which they relate.

4.6 3H-1.2 Transport

- The submitter welcomes the application of parking maximums in the Metropolitan Zone in general.
- However the application of a maximum level of zero to the site in a Key Retail Frontage overlay results in no parking, loading or access permitted at all. The submitter strongly opposes the restrictions placed on parking (3H-1.2.3.2.1), loading (3H-1.2.3.2.4) and access (3H-1.2.3.4) that will significantly hinder the redevelopment of the site for a high quality multi-level mixed use development, does not take into account the commercial realities of developing high quality office and residential where some level of on-site parking, loading and access is a pre-requisite for prospective tenants and purchasers.
- The submitter opposes the minimum rates for cycle parking (3H-1.2.3.2.2) and end of trip facilities (3H-1.2.3.2.3) and seeks to have these rates reduced. The locating of cycle parking close to customer entrances to buildings and the rates required will unnecessarily reduce the visual amenity of building frontages and impact on the economic viability of high quality developments. The submitters view is that cycle parking (especially short-stay) is best provided for by local councils in communal facilities. 126
- The submitter submits that existing legal uses for parking, access and loading is retained. 127

4.7 3H-6.4 Sustainable Development

- The submitter opposes the requirement to incorporate sustainable development in the prescriptive format set out in Rule 3H-6.4.2.
- The control stipulates the minimum levels from the NZ Green Building Council Green Star Tool or certification under the Living Building Challenge. Both of these are prescriptive in nature and do not enable alternative ideas which may be more sustainable i.e. a building may be more sustainable than a 6 star rated building however is unable to achieve the standard as it did not receive enough of the points.
- The submitter considers that sustainable development should be incorporated in to most designs however the requirement is considered unworkable in its current format as it will place substantial costs upon the developers of multiple dwelling, and multi-storey office developments.
- The submitter considers that sustainable development is not a matter for local government to decide. If these features are required to be legislated it should be by the NZ Building Code.

4.8 3H-6.6 Affordable Housing

- The submitter opposes the requirement to incorporate affordable housing (as per Rule H.6.6.1) for those housing developments which provide for 15 or more dwellings. It is considered that this provision will make housing more unaffordable as it will result in subdivisions or developments not exceeding the 15 house/lot threshold and thereby drip feeding properties on to the market.
- Affordable housing ratios were attempted to be bought in via Council initiated plan change (Queenstown Lakes Council) which was declined by the Environment Court. The findings of this case are applicable to the PAUP and its requirement to provide for affordable housing.

4.9 3I-3.1 Demolition activity

- Demolition is a permitted activity within all business zones but not in the Metropolitan Centre zone where it is a Restricted Discretionary Activity. Demolition in the Metropolitan Zone should be permitted as it is in other business zones.
- The matters for discretion within Rule I.3.6.1 Matters for Discretion (7) are: pedestrian amenity and safety; re-use of building materials; site condition post demolition and traffic generation.
- The classification of demolition as a restricted discretionary activity in the Metropolitan Centre is considered overly onerous and burdensome when all other business zones allow demolition to occur as a permitted activity.
- Demolition should be either a Permitted or a Controlled Activity with the following general standards / matters for control:

- i. A safe temporary hard or landscaped edge should be provided along the site boundaries so that a defined boundary to streets and public open spaces is maintained.
 - ii. An edge treatment should be maintained that is designed to reduce its vulnerability to graffiti and vandalism.
 - iii. A construction traffic management plan shall be submitted to Council for approval detailing the proposed hours of operation, the frequency and timing of truck movements to and from the site and the location of vehicle access.
- The changes proposed will provide an acceptable level of certainty to property owners whilst also ensuring that traffic generated by the demolition process is controlled and that cleared sites do not become affected by graffiti or rubbish, or are unsafe.

4.10 3I-3.2.2 Notification under Metropolitan Zone

- The requirement for Notification should apply only to the infringement of Zone rule development controls under 3I-3.4.4.2 (building height) and 3I-3.4.4.3 (height in relation to boundary). For the Metropolitan Zone this would be 72.5m height.

4.11 Storey Control

- The storey control significantly restricts the ability of the sites to intensify and therefore is contrary to one of the overarching intents of the PAUP.
- There are generally requirements for the building to be considered as a restricted discretionary activity and have urban design input which ensures that the design and appearance of a building can be considered by Council.
- The storey control is opposed as it restricts appropriate development of land.

4.12 3I-3.4.6 Buildings fronting the street

- Application of this rule will preclude the inclusion of beneficial through-site links in new developments (for example the laneway at 19-29 Hurstmere Rd, Takapuna) which will create lower quality outcomes for both the public and building owners. The submitter therefore opposes this inflexible rule.

4.13 3I-3.4.7 Building Entrances

- Application of this rule will preclude the locating of main pedestrian entrances on side frontages adjoining Public Open Spaces (for example the main entrance at 33-45 Hurstmere Rd, Takapuna) and will encourage featureless arcades extending from street frontages internally to access building cores. This will be a lower quality outcome for both the public and building owners and therefore the submitter opposes this inflexible rule.

4.14 3I-3.4.8 Minimum floor to floor height

- The minimum ground floor to floor height of 4.5m, and minimum non-residential above ground floor to floor height 3.6m, for new buildings subject to a Key Retail Frontage is overly restrictive to meet the stated purposes. The control of non-residential above ground floor space would be better served by a floor to ceiling measure.

4.15 3I-3.4.9 Glazing

- The glazing control is overly restrictive and impracticable and the purpose can be achieved through lower level controls. The proposed level of glazing control will serve to preclude certain tenant types from locating in Key Retail Frontage tenancies due to the increased passive surveillance (eg. Banks).

4.16 3K-5.47.1.1 Takapuna 1 Sub-precinct A maximum height

- The maximum allowable height should match the height and storey maximum controls under Takapuna 1 Sub-precinct B to create a consistent visual streetscape and frontage along Hurstmere Rd, and the intersection of The Strand.

4.17 3K-5.47.1.1 Takapuna 1 Sub-precinct C unlimited height

- The maximum height is best controlled via the underlying Metropolitan Zone development controls.

4.18 3K-5.47.1.2 Takapuna 1 Sub-precinct A maximum frontage height

- The maximum allowable frontage height should be reduced to the frontage height maximum controls under Takapuna 1 Sub-precinct B to create a consistent visual streetscape and frontage along Hurstmere Rd, and the intersection of The Strand.

4.19 3K-5.47.1.2 Takapuna 1 Sub-precinct A (Rule 1.5) maximum frontage height

- The maximum allowable frontage height should be reduced to match the frontage height maximum controls under Takapuna 1 Sub-precinct B to create a consistent visual streetscape and frontage along Hurstmere Rd.

4.20 3K-5.47.1.4 maximum floor area ratios for Sub-precinct C

- The submitter considers that the Basic Floor Area Ratio at 5:1 and the Maximum Floor Area Ratio at 7:1 are sufficient and oppose any proposals to increase these.

4.21 3K-5.47.1.5 Through-site lane for site in Sub-precinct A

- The submitter considers that the 2 storey maximum height bonus provided is excessive, and that resulting bulk and scale of a development built to the maximum 7 story height and maximum 5 storey frontage height will be out of place in the context of surrounding properties (maximum 5 storey height and 3 storey frontage height), and not result in considered and consistent streetscape along Hurstmere and Channel View roads. The location of the through-site link will not provide a sufficient visual and pedestrian linkage between existing through-site links and those through-site links proposed in Precinct Plan 1.

5. SPECIFIC RELIEF SOUGHT

- 5.1 SBFL therefore seeks the following decision from Auckland Council on the proposed Unitary Plan:
- 5.2 The removal of the Key Retail Frontage control from the Hurstmere Road, Channel View Road and The Strand frontages of the submitters sites.
- 5.3 3G-1.4 Deletion of the third paragraph under the heading 'Assessment Criteria' of 3I-1.4 Applying for Resource Consent and/or clarification within 3G-1.4 of the PAUP that the matters for discretion and assessment criteria listed in the PAUP for Controlled and Restricted Discretionary Activities are the sole matter for assessment of these type of consent.
- 5.4 3G-2.7.2 That the requirements for separate Design Statements be removed from the PAUP and references to the Auckland Design Manual include confirmation that this is a non-statutory guideline.
- 5.5 3G-2.7.4 That the requirements for Cultural Impact Assessments be removed from the PAUP.
- 5.6 3H-1.2 That the restrictions on parking, loading and access in the Key Retail Frontage overlay are reduced; and minimum cycle parking and end of trip facilities are reduced. Amendments to the PAUP to provide for one vehicle access per site within the Key Retail Frontage. That new vehicle accesses in the Key Retail Frontage be provided for as Restricted Discretionary activities and assessed against the Assessment Criteria listed above at section 4.2 (g).
- 5.7 3H-6.4 That sustainable development are removed from the PAUP.
- 5.8 3H-6.6 That affordable housing provisions are removed from the PAUP.
- 5.9 3I-3.1 Demolition in the Metropolitan zone be reclassified as a Permitted or Controlled Activity.
- 5.10 3I-3.2.2 That the requirement for Notification should apply only to the infringement of Zone rule development controls under 3I-3.4.4.2 (building height) and 3I-3.4.4.3 (height in relation to boundary).
- 5.11 The storey component is removed from the building height rule for all zones.
- 5.12 3I-3.4.6 Allow buildings to provide through-site links.
- 5.13 3I-3.4.7 Allow main pedestrian entrances to be located on side frontages adjoining Public Open Spaces.
- 5.14 3I-3.4.8 Reduce the minimum ground floor to floor height of 4.5m for new buildings subject to a Key Retail Frontage and remove the minimum depth requirement. Assess the minimum non-residential above-ground floor to ceiling height at 4.5m for new buildings subject to a Key Retail Frontage.
- 5.15 3I-3.4.8 Reduce the minimum clear glazing permitted on ground floors in the Key Retail Frontage.

- 5.16 3K-5.47.1.1 That the maximum height and maximum storeys controls proposed for the Takapuna 1 Sub-precinct A are amended to match the height and storey maximum controls under Takapuna 1 Sub-precinct B.
- 5.17 3K-5.47.1.1 That the unlimited maximum height and storey controls for Takapuna 1 Sub-precinct C is restricted by the underlying Metropolitan Zone development controls under I3-3.4.2
- 5.18 3K-5.47.1.2 That the maximum frontage height controls Takapuna 1 Sub-precinct A should be amended to match those under Takapuna 1 Sub-precinct B.
- 5.19 3K-5.47.1.2 That the maximum frontage height applying to Sub-precinct A in relation to Rule 1.5 is reduced match the maximum frontage height controls under Takapuna 1 Sub-precinct B.
- 5.20 3K-5.47.1.4 That any maximum floor area ratios for Sub-precinct C are not increased.
- 5.21 3K-5.47.1.5 That the scale of bonus provisions are reduced and the proposed through-site land relocated south –east to better link with existing and proposed Through-site linkages.
- 5.22 Such further or other consequential relief as may be necessary to fully give effect to the relief sought in SBFL's submission.

6. OTHER MATTERS

- 6.1 SBFL could not gain an advantage in trade competition through its submission.
- 6.2 SBFL wishes to be heard in support of its submission.

ENTITY LIMITED

Date: 28 February 2014

Signature:



Liam Wiltshire

Contact person: Liam Wiltshire

Address for service: PO Box 33141, Takapuna 0744

Telephone: 489 7842

Email: liam.wpg@gmail.com

Astrid Caldwell

From: donotreply@aucklandcouncil.govt.nz
Sent: Friday, 28 February 2014 9:12 a.m.
To: Unitary Plan
Subject: Proposed Auckland Unitary Plan Submission - Stephen Davis
Attachments: proposed-unitary-plan-submission-stephen-davis.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 or phone 09 301 0101.



Submitter details

Full name: Stephen Davis
Organisation:
Postal address: stephend@gmail.com
Email address:
Post code: 1021
Local board: Albert-Eden local board
Contact Person:
Date of submission: 28-Feb-2014

Scope of submission

The specific provisions that my submission relates to are:

Provision(s):

Property address:

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 wish to have the provisions identified above amended:

The reasons for my views are:

I seek the following decision by Council:

Accept the Proposed Plan with amendments as outlined below

If the Proposed Plan is not declined, then amend it as outlined below:

Detailed submission attached.

I wish to be heard in support of my submission:

No

If others make a similar submission, I will consider presenting a joint case with them at a hearing:

Telephone:

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

Submission on the Proposed Auckland Unitary Plan

Stephen Davis

stephend@gmail.com

Summary

I broadly support the goals of the Auckland Plan: allowing significant new development, both quality intensification and some well-planned greenfields development.

The Auckland Plan was supposed to inform the drafting of the Unitary Plan. There's a lot that's been well done, but in many ways the Unitary Plan as proposed has failed to provide for residential intensification, particularly:

- in areas with market demand, such as the inner isthmus suburbs.
- in areas that are already higher-density, again such as the inner isthmus suburbs,
- in areas that already have higher amenity for walking and public transport, once more: the inner isthmus suburbs,
- in forms that are attractive to potential residents, and,
- in forms that are practical for developers to build, especially smaller developers.

The Auckland Plan was also intended to provide for more people to be able to live with less reliance on cars: by enhancing walking, cycling and public transport options, and through residential intensification and mixed-use areas that would make for shorter trips.

Again, while the Unitary Plan is a step in the right direction, much of the plan is still "business as usual", and the detail of the plan is generally focussed on more roads, more parking, and restricting flexible land use.

I broadly support the Unitary Plan. I have mentioned some sections I particularly support, but this submission mainly contains the amendments that I think should be made.

While I've tried to find detailed rules to suggest changes to, I've undoubtedly missed some. When I suggest a change to principles in Parts 1 and 2, I also intend the rules to change to match if I have missed them.

Character Areas

I generally support the quality compact city model of the Unitary Plan, and the goals expressed in Part 1, Chapter A, s3.4:

“As Auckland’s population heads towards two million, most neighbourhoods will continue to experience growth.”

“Areas around centres and business areas, with well-connected street networks, and which offer good access to high-frequency public transport, community facilities and open space, are targeted for higher density living over time.”

I also support the goals of retaining our historic heritage, and the use of the pre-1944 demolition control to prevent demolition of antiquarian buildings until it can be determined if they are of heritage importance.

However, the Unitary Plan has expressed a philosophy (from the same section):

“The quality compact city model that the Unitary Plan adopts provides for lower levels of growth in neighbourhoods with recognised character, identity and heritage”

That is, the “Special Character” areas in the Plan. For the most part, these are older central suburbs that are already denser than post-war suburbia. Many, if not most, already contain buildings of various types from various eras. To quote from, for example, the Ponsonby Road Special Character Statement:

“An important physical attribute of the area its building stock which is reflective of all periods of design from the Victorian period to the present day.”

Which, in practice, is typical of much of Auckland. Genuinely historic buildings should be preserved. But the idea that not only should a suburb's form be preserved exactly as-is, but the specific buildings flies in the face of history itself – Auckland has always changed, and must continue to in the future. The most effective neighbourhoods have a variety of buildings of different eras and designs.

It is exactly neighbourhoods with existing character and identity that exemplify quality density at the moment, and it is these neighbourhoods that have

- the greatest market demand for intensification
- the greatest ability to absorb new residents and businesses
- the greatest access to existing infrastructure (especially public transport) and services

The idea of the “Special Character” areas assumes that intensification detracts from a neighbourhood's existing identity, rather than complementing it. I reject this.

Badly designed development can be bad anywhere. Well-designed development can be designed to fit in with and enhance almost any historic area. After all, at the time our character buildings were being built, each one fit in with the others, and they weren't even trying. We haven't lost any of their abilities, we've just chosen to design things that are bad.

The Isthmus A special character statement even states that the small setbacks and small sites (and thus high density) is part of the character itself.

I don't think it's a coincidence that heritage is generally considered to be roughly "before World War II". Or more to the point, before mass car ownership. For the most part, car-oriented design has turned out to be unattractive. The Unitary Plan also aims to encourage walking and public transport: well, Auckland was centred around those two modes a hundred years ago. We're aiming to design the same thing now. There's no reason why taller modern buildings can't fit in just fine, if they're aiming to preserve the things that people value about the special character areas.

I suggest these more specific changes:

Section	Text	Notes
Part 1 Chapter A sec 3.4	<p>"The quality compact city model that the Unitary Plan adopts provides for lower levels of growth in neighbourhoods with recognised character, identity and heritage.</p> <p>Areas around centres and business areas, with well-connected street networks, and which offer good access to high-frequency public transport, community facilities and open space, are targeted for higher density living over time."</p>	<p>Suggest replacing with</p> <p>"The quality compact city model that the Unitary Plan adopts encourages growth through well-designed higher density living in areas around centres and business areas, with well-connected street networks, and which offer good access to high-frequency public transport, community facilities and open space.</p> <p>Good design is especially important in neighbourhoods with existing character, identity and heritage."</p>
Part 1 Chapter B sec 2.2	-	Support these objectives and policies as written, particularly policies 2, 4, 5, 6, 8, 9, and 10.
Part 1 Chapter B sec 4.2	<p>Under the text</p> <p>"There are four key components in managing special character areas:", the component:</p> <p>"protection of the overall special character of the area from significant change such as inappropriate demolition, modification and development"</p>	<p>This assumes that larger-than-minor development cannot complement or enhance an existing area.</p> <p>Suggest changing to:</p> <p>"protection of the overall special character of the area from significant change that would detract from the special character, such as inappropriate demolition, modification and development, unless that significant change complements or enhances that special character."</p>
	<p>Policy 3 (b)</p> <p>"avoiding the demolition and destruction of buildings and features that define, add to or support the special character of</p>	<p>Replace with</p> <p>"avoiding the demolition and destruction of buildings and features that define the special character of the area, and avoiding the demolition and destruction of buildings and features that add</p>

Section	Text	Notes
	the area”	to or support the special character of the area, except as part of a development that would add to or support the special character of the area to an equal or greater extent.”
	Policy 3 (c)	After the end, add “, including enhancing that relationship with appropriate new development”.
Chapter E, Section 3.1	Policy 4 “is sympathetic in design, scale and massing, and is of a compatible form which contributes to, supports or defines the special character of the area”.	Replace with: “is sympathetic or complementary in design, relation to the street, and land use, and is of a compatible form which contributes to, supports or defines the special character of the area”.
	Policy 8	Remove entirely
	Policy 27	Remove entirely
	Policy 56	Add at the end: “, including recognising the value that new development can have in increasing the viability and vitality of the area”.
Chapter J, Section 3.3.3.1	Special Character Density limits	There's nothing inherent about density that makes it incompatible with existing special character areas. The special limits should be removed, and only the density limits of the underlying zone should apply.
Section 3.3.4.7	Fences, walls, or other structures	The rules specifying the type of fence (e.g. picket fence) are wildly over-specific. There's already a wide variety of fence types in each of these zones, and any fence type should be permitted.
Section 3.5.3.1	Yards	The Front Yard control should be the further forward of the two adjoining dwellings, not the average setback.
Section 3.5.4.2	“Special attention should be paid to the bulk, scale, massing, form, detail and use of materials.”	Delete “bulk, scale”. Larger buildings can easily work alongside older ones.

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Residential Design and Density Controls

The Unitary Plan has attempted to take a middle ground with the design of new residential development – applying controls that make it fit in with the existing neighbourhood, while accepting that the built environment will change.

In many cases this attempt at compromise will end up with worse design than an approach that is bolder about changing existing areas. Many of the controls in the THAB and Mixed Housing zones are so prescriptive as to pretty much dictate the form on any practical development. Complying with the various setbacks on a typical Auckland site will produce, effectively, a four-storey version of the traditional sausage flat in the centre of the site with a landscaped parking loop around it. This may minimise the visual impact on neighbours in existing single houses, but once a significant fraction of an area has redeveloped this will produce absurd-looking buildings with significant waste space around them.

I propose various changes that allow a more “urban” design from the start, accepting that the point of the THAB and Mixed Housing zones is to actually change the form of their areas, not just slot in a few extra three-storey buildings.

Section	Text	Notes
Chapter D, Section 1.1	Objectives	Insert a new objective: “4. In areas close to centres, allow for the growth of those centres, and allow for the formation of new neighbourhood centres”.
	After Policy 2	Insert a new policy: “Recognise that land use will change over time, and so require developments to easily allow changes in their future use, including a change to business use.”
Section 1.2		Significant areas around Auckland are already developed in this fashion. The Large Lot zone attempts to preserve this pattern as-is. However, this is one of the better areas for new greenfields development, since it tends to be close to the existing urban area, and it is generally not existing productive farmland. The Unitary Plan should avoid any new land having this zone, and where possible existing “Large Lot” development should be zoned “Future Urban”.
Section 1.4	Zone Description	Generally support, but this zone has been over-applied. I generally think that the inner suburban Special Character zones should not be zoned as Single House, as I've discussed elsewhere in this submission. If Special Character areas are no longer automatically zoned “Single House”, I do not suggest any changes. But if Single House zoning remains for the Special Character areas, the Plan should at least reflect this, as follows: • Change “low density” to “detached”, throughout. Since

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Section	Text	Notes
		<p>much of the Single House zone is in inner suburbs that may have one existing unit per 200-300sqm, which is at the denser end of the zones provided in the Unitary Plan!</p> <ul style="list-style-type: none"> • Change “is applied in areas throughout Auckland including serviced rural and coastal villages” to “is applied in areas throughout Auckland, such as serviced rural and coastal villages, and Special Character areas that are not intended to significantly change”. • Replace references to “the spacious qualities of the zone” with “the existing use of space in the zone”, or something to that effect.
Section 1.6		Support
Section 1.7	Policy 2	Replace “continued use of a site for one dwelling” with “continued use of a site for existing dwellings”.
	Policy 3	<p>Delete “and require sufficient setbacks and landscaped areas”. The THAB zone is intended to change from the existing suburban pattern to a new style of development. This control is intended to allow new buildings to fit in with existing ones. While this makes sense in the short term, as areas change over time, and four-to-six storey becomes the dominant pattern, this will lead to sub-par design.</p> <p>The traditional pattern for development of this scale - four to six stories – is to have buildings that address the street (by having no front setback) and enhance the continuous nature of the streetscape by having little or no separation from their neighbours. Landscaping is generally considered part of the street, rather than private property, and private outdoor space is typically provided at the rear of properties, where it can actually have some privacy.</p>
	Policy 5	Replace with: “Require development to be designed to fit the future intended character of the area, one of well-designed mid-rise residential living”.
	Policy 6	Replace “sunlight” with “daylight”, to reflect the intended change in character of the area.
	Policy 10	Insert at the end: “d. minimising the space needed for vehicle access, e. maximising the ability of outdoor space to be useful as private outdoor space”
Part 3, Chapter I Section 1.1	Activity Table	<ul style="list-style-type: none"> • Petrol stations should generally be Non-Complying in the THAB zone. They generally have vast vehicle crossings, non-existent relationship with the street and are generally hostile to a pedestrianised environment. The THAB zone should link gracefully into the centre

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Section	Text	Notes
		<p>that it surrounds, not be inflicted with a scar like a petrol station. Petrol stations should only be permitted where they already exist, or in business/industrial zones.</p> <ul style="list-style-type: none"> • Converting a dwelling into two dwellings should also be permitted in the THAB zone (and specifically for THAB, into more than two dwellings, as long as density controls are still met).
Section 1.3.1	Maximum density	<p>There's no justification for extra density limits. What negative environmental effect does this possibly have? Denser living is both more environmentally friendly, and an explicit goal of many zones in the Unitary Plan.</p> <p>Height limits, minimum dwelling sizes, minimum outdoor space, etc are generally better ways of dealing with genuine issues of density, rather than a crude, hard cap.</p> <ul style="list-style-type: none"> • Remove the density limits from Mixed Housing Urban • Remove the setback requirements in 3.1.2 (thus making the density limit at least 300sqm)
Section 1.3.3	Conversion of a dwelling into two dwellings	<p>Strongly support this. One of the few ways of allowing intensification in strongly controlled Special Character areas.</p> <ul style="list-style-type: none"> • Remove the requirement for a common wall. There's no reason for such a requirement.
Section 1.6.4	Yards	<p>This setback requirement is stricter than many existing ones! Given that much of the existing Single House zone is actually fairly dense inner suburbia, and part of a Special Character area, the setback should simply be by comparison to the neighbours.</p> <p>Suggested rule: the house may not be closer to the road than the closer of its two neighbours on that frontage, or if it has only one neighbour, closer than that neighbour.</p> <p>This would apply up to a maximum of 5 metres, but provide for houses that can fit into existing areas which have various different setbacks.</p>
Section 1.6.11, Section 1.7.16, Section 1.8.16, and Section 1.9.15	Garages	<p>Support this control. I further suggest that the rule be 40% of the site frontage, or 6.5 metres, whichever is the lesser. 6.5m is a generous double garage width, and ample space for a two-way accessway for sites with more than two spaces of internal parking (four or more parks requires cars to be able to exit with reversing out onto the street, anyway).</p> <p>A garage wider than 6.5m would utterly dominate any street it faced, even in the context of a building wider than 16.25 metres (i.e. the point where 6.5m is 40% of the width).</p>

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Section	Text	Notes
Section 1.7.5 , Section 1.8.6, and Section 1.9.3	Yards	<p>Oppose the front yard control. This eats up lot space that could otherwise be used for more valuable private open space at the rear.</p> <p>It's understandable that this has a different relationship with the street than existing buildings are likely to, but the point of the Mixed Housing Urban & Suburban and THAB zones is to change the pattern of development into a more "urban" and densely settled pattern. This tends to involve little or no front and side setback, which is a more efficient use of the site.</p>
Section 1.7.9 and Section 1.8.9	Landscaping	<p>This essentially dictates the whole impervious area of the site, and effectively the private open space area too. Dictating that all of a dwelling's outside space must be garden or lawn is unfair to people who don't actually want lawns and would prefer other types of outdoor space.</p>
Section 1.7.13 and Section 1.8.13	Dwellings fronting the street	<p>Support the general intent, but 30% glazing is way too high. Once every room has a reasonable size of window, there's no huge benefit in increasing the raw area of glass.</p> <p>Suggest changing to 15%, a more typical amount for the buildings in special character areas, which were designed to address a pedestrian-focussed street as well.</p> <p>However, this control should also be applied in the THAB zone, for units on the ground and first floors.</p>
Section 1.7.19, Section 1.8.20 and Section 1.9.19	Servicing and Waste	<p>Support, but the waste storage area should also be screened from the street (as is required for home occupations, etc.)</p>
Section 1.8.7 and Section 1.8.8	Impervious area and Building coverage	<p>This is supposed to be a zone that is providing for a more urban, denser form of development. This is still a highly suburban limit. The zone should allow 70% impervious area and 60% coverage on any site.</p>
Section 1.8.23 and Section 1.9.21	Dwelling mix	<p>Support this control, but it should be more nuanced. As proposed the rule encourages studios and 2 bedroom units as the dominant form. Studios may work for singles, but one bedroom units are better for couples, and most families will be looking for at least three bedrooms.</p> <p>Suggest a dwelling mix:</p> <ul style="list-style-type: none"> • At least 60% one or more bedrooms (rather than studios) • At least 30% two or more bedrooms (as proposed) • At least 10% three or more bedrooms.
Section 1.9.7	Impervious area	<p>This is hugely restrictive. The idea of THAB should be to allow</p>

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Section	Text	Notes
and Section 1.9.8	and building coverage	<p>genuinely dense, urban living. That means a building that fronts onto the street without hiding behind a setback, and makes efficient use of the site, not a glorified motel surrounded by "landscaping" that no-one ever uses.</p> <p>Commercial areas are typically allowed 100% site coverage. This produces a genuinely urban feel, and it's a popular residential environment, too. Allowing the THAB would allow this urban feel for a larger number of people, especially people who would like urban living, but avoiding the noise of local, town and city centres.</p> <p>I suggest no impervious area limit, and 70% maximum coverage (bear in mind that outlook and private outdoor space controls will affect coverage as well).</p> <p>Stormwater is an issue, but areas marked for significant intensification are going to need stormwater upgrading no matter what. We may as well take advantage of that, so that we can make good use of sites.</p>
Section 1.9.9	Landscaping	<p>In light of my other proposals for the THAB zone (e.g. removing setbacks), this no longer has much purpose.</p>
Section 1.9.12	Outdoor living space	<p>This appears to have a loophole: no outdoor living space is required for dwellings that have a part at ground level, but the principal living room is <i>not</i> at ground level.</p> <p>That said, I don't think this control is necessary. As long as people have windows that open, having a balcony is a matter of taste, and people may prefer more indoor space, instead.</p> <p>I suggest removing this control, increasing the minimum dwelling size (section 1.9.16) by 8sqm, but providing that up to 8sqm of that minimum may be balcony space. So you could have 45sqm + 8sqm balcony, or 49sqm + 4sqm balcony, or 53sqm and no balcony.</p>
Section 1.9.22 (and also in Section 3.4.8 and Section 4.4.29 where they apply to residential floors)	Minimum floor to floor/ceiling height	<p>I strongly support this control. It should go back to the height in the draft, of 2.7 metres.</p>

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Business Areas and Centres (incl. City Centre)

In general business zones have been well designed. A concern is that business land is only a small fraction of available land in Auckland and comes at a price premium. Allowing more residential in existing business areas puts pressure on this.

However, I think the best solution is to open up more existing residential land to centres and mixed-use. This can be done by expanding the zoning of centres that show strong demand. This is mostly a question of applying centres and Mixed Use zones to sites currently zoned residential.

Another concern is transport: I support controls on retail and office development outside “centres” zones. Such development runs the risk of major commercial developments that locate in areas where they are permitted to provide oodles of parking, and well away from public transport access.

Lastly, I oppose the “Business Park” zone. There's nothing about existing suburban office sprawl that needs preservation. These areas should simply be zoned “General Business” or “Mixed Use”.

Two specific suggestions:

Section	Text	Notes
Chapter D, Section 3.6	Policies	Add a policy similar to Policy 5 from the Local Centres Zone: “Provide for the outward expansion of neighbourhood centres to better provide for community social and economic well-being, where expansion is suitable for growth in terms of strategic and local environmental effects. “
Chapter I, Section 3.4.2	Building Height	4 stories is a very awkward height, not quite tall enough to really get economies of scale out of mid-rise construction. Would prefer a default height limit of 5 or 6 stories for Mixed Use, and a lower limit applied through the Additional Zone Height Overlay only in specific areas where the zone transitions to a Single House/Mixed Housing residential zone, or transitions to a 2-3 story centre zone.

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Subdivision

Subdivision is a particularly important thing to control via District Plans, since the effects are so long-lasting. Property boundaries, and the locations of streets, change very gradually over centuries. It's important to allow for patterns of subdivision that will be effective in the future, including if there are changes in land use or transport systems. This tends to mean:

- Making sure that streets are connected
- Minimising walking distances, by avoiding overly long loops, cul-de-sacs, and properties that are only accessed via long driveways.
- Making sure that the function of streets as through-routes, especially for pedestrians and cyclists, is preserved.
- Making long-term plans about which streets should prioritise a sense of place, pedestrian amenity, and continuous frontages, and which roads should provide for vehicle traffic movement. This allows longer-term investment decisions about both property and transport.
- Making sure that, even in areas with no or little current public transport service, that effective routes can be created later.

The other major issue with subdivision is in existing areas. The draft Unitary Plan heavily favours single, monolithic developments by a single developer, with a unit title or similar legal structure. This is very hard to change or redevelop later, compared to fee simple subdivision. Fee simple is also more desirable for owners, and allows developments to be staged, personalised, modified later, and built by different developers.

At the very least, any unit title, company share or strata title development should be permitted to be done as a fee simple subdivision as well (including with a cross-leased accessway).

These are all reflected to some degree in the Plan, but the controls are generally given little emphasis. Suggested changes:

Section	Text	Notes
Chapter C, Section 6	Objective 1: "Land is subdivided efficiently to reflect the intended outcomes of the zone."	Change to: "Land is subdivided efficiently to reflect the intended outcomes of the zone, and allow for a range of possible future land uses"
	After Objective 5	Insert two new objectives: "Subdivision has a layout that allows future public transport services to have logical, direct, and speedy routes, with efficient walking catchments.", and "Subdivision has a layout that allows for other future subdivisions in the surrounding area to make connections back."
	Policy 11: "a. deliver sites that are an appropriate size and shape for development intended by the zone"	Change to: "a. deliver sites that are an appropriate size and shape for the development intended by the zone, and that allow for efficient further subdivision".
	After Policy 16	Insert a new policy:

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Section	Text	Notes	
		"Prioritise access to properties that is provided on access that adds new connections to the surrounding neighbourhood, rather than cul-de-sacs, particularly for pedestrians."	54
	Policy 21 "is easy and safe to use for pedestrians and cyclists"	Change to: "is direct, easy, and safe to use for pedestrians and cyclists"	55
	Policy 21 "road network which is set out in a manner that supports the needs of the public transport system"	Add at the end: ", including future extensions of the reach of the public transport system".	56
	Policy 21 "incorporates principles of crime prevention through environmental design."	Add at the end: ", without compromising amenity".	57
	Policy 26 "pedestrian and/or cycle linkages"	Change to: "reasonably direct pedestrian and cycle linkages"	58
Part 3, Chapter H, Section 5.1	Activity Table: "Conversion of a cross-lease to a fee simple title, except in any rural zone"	Change to: "Conversion of a cross-lease, company share, unit title or strata-title subdivision to a fee simple title or titles, except in any rural zone.", and similarly in section 5.2.2.2.2 "Conversion of cross-lease titles to fee simple titles"	59 60
Section 5.2.3.1	Table 1:	<p>This is one of the core problems with the Unitary Plan. The focus has been on single developments, without thinking about alternative models.</p> <p>Auckland's traditional higher-density areas like Freeman's Bay have developed not with huge apartment developments, but simply by building on smaller sites. The Unitary Plan allows no provision whatsoever for small lot (under 200sqm) housing, despite this being a popular model in Europe, Japan, Mexico, and South America, and even in Auckland's recent Vinegar Lane.</p> <p>This provides the benefits of density, but preserves fee simple titles: more attractive to buyers and lenders, and allow more flexibility for redevelopment and refurbishment later.</p> <p>Developers should be allowed to lay out a subdivision of small lots (even under 200sqm) and let individual buyers choose a design. Each lot would permanently be exempt from needing</p>	

Section	Text	Notes
		<p>setbacks between each other: they would only apply setbacks to boundaries with other unrelated sites.</p> <p>I would suggest</p> <ul style="list-style-type: none">• a minimum site size of 100sqm be permitted for THAB if all of the lots total over 1200sqm• 200sqm for Mixed Housing Urban• 300sqm for Mixed Housing Suburban• 500sqm for Single House
Section 5.2.3.1.2(c)	“a rectangle measuring 8m by 15m “	In the THAB zone, this would be 8m by 8m.

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Transport and Parking

The Unitary Plan contains many worthy goals about reducing climate-damaging emissions, and encouraging walking, cycling and public transport, which I wholly support. It's particularly encouraging that parking minimums are being removed in areas outside the city centre for the first time.

However, I don't think enough effort has been put into realising these principles in the detailed policies and rules of that plan. The Plan still contains many vestiges of late-20th century car-oriented planning, where just one more road would fix congestion, and on-site parking was the greatest good.

I am particularly concerned with rules relating to parking: while the proposals are a step in the right direction, the Unitary Plan still requires on-site accessory parking for most of the urban area.

In general, people who want cars should be responsible for finding parking. If on-street parking becomes too crowded, the correct solution is properly managing it, with time limits and charges. This sends a market signal that accurately values parking, rather than imposing an excessive amount of parking by fiat.

The most important changes I am suggesting are:

- keep the existing parking maximums, where they are provided
- **remove the parking minimums** in any other area that is within reasonable walking distance of the rapid and frequent service network
- in remaining areas, removing the requirement for parking to be on-site, and allowing on-street parking that is seldom used to be counted towards the provision.

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Some detailed changes are suggested:

Section	Text	Notes
Part 1 Chapter B Section 3.3	Policy 4	Suggest adding, after "improvements to the rapid and frequent service network", the text "including extensions to serve areas of future urban growth".
	Policy 6	Support, but suggest changing "rail and shipping corridors" to "rail, other public transport, and shipping corridors", to include protection for passenger routes that may be catered for by non-rail public transport, e.g. busways.
	Policy 8: "Provide for the development of additional road capacity along those corridors where: a. the management of travel demand alone is not able to provide for increased movement	Some additional road capacity may be truly necessary, but the policy seems to set a very low bar. We should be doing our utmost to avoid future road expansion. It is particularly absurd to suggest that an expansion of road capacity is inherently good for cyclists and pedestrians; usually, it makes things worse. Suggest altering the conditions to:

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AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

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

Report to Auckland Council Hearing topics 043 and 044 Transport

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1. Hearing topic overview

1.1. Topic description

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

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

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

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

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

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

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

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

1.2.1. Parking

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

- i. there is no requirement for activities or development to provide parking in the Business – City Centre Zone, however a maximum limit has been set on the amount of parking that can be provided on a site in these areas, related to either the number of dwellings or the gross floor area.
- ii. there is no requirement or limit for activities or development, excluding office and retail, to provide parking in the following zones and locations:
 - a. Business – Metropolitan Centre Zone; Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of identified non-urban town and local centres);
 - b. Centre Fringe Office Control;
 - c. Residential – Terraced Housing and Apartment Buildings Zone;
- iii. in most of these areas there are maximums for office activities and minimums for retail and commercial services;
- iv. in all other areas, a minimum level of parking is required to accompany any activity or development, and no maximum limit, except for a maximum limit on the amount of parking that can be provided for offices;
- v. the minimum car park requirements do not apply where the activity is located within a Historic Heritage Overlay or Special Character Overlay, where the activity is a change of use between or within retail and commercial services, and where the construction of or addition to a building does not exceed 100m² gross floor area.

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

1.2.2. Cycle parking and end-of-trip facilities

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

1.2.3. Trip generation thresholds

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

1.2.4. High Land Transport Noise Overlay

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

1.2.5. KiwiRail Electrical Safety Separation Overlay

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

1.3. Overview

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

1.4. Scope

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

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

1.5. Documents relied on

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

2. Parking

2.1. Statement of issue

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

2.2. Panel recommendation and reasons

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

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

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

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

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

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

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

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

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

3. Cycle parking and end-of-trip facilities

3.1. Statement of issue

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

3.2. Panel recommendation and reasons

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

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

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

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

4. Trip generation threshold

4.1. Statement of issue

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

4.2. Panel recommendation and reasons

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

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

5. High Land Transport Noise Overlay

5.1. Statement of issue

Whether to retain the High Land Transport Noise Overlay.

5.2. Panel recommendation and reasons

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

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

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

5.3. Building setback from the rail corridor statement of issue

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

5.4. Panel recommendation and reasons

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

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

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

6. Consequential changes

6.1. Changes to other parts of the plan

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

6.2. Changes to provisions in this topic

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

7. Reference documents

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

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

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

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

7.1. General topic documents

Panel documents

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

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

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

Mediation statements

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

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

043 & 044- Mediation Joint Statement - Session 9 (18 September 2015) (21 September 2015)

Auckland Council marked-up version

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

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

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

Auckland Council closing statements

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

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

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

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

7.2. Specific evidence

Auckland Council

043&044 – Hrg - (Stuart Donovan) – Economics (2 June 2015)

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

Leigh A Auton

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

Les Mills Holdings Limited

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

Ngati Whatua Orakei Whai Rawa Ltd

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

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

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

The National Trading Company of New Zealand Limited and others

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

E27. Transport

E27.1. Background

To support and manage the effects on the operation and development of an integrated transport network, this section:

- addresses the management of the location, number and design of parking, loading and access;
- provides for public transport facilities and walking and cycling facilities which may be located outside the road network (which is covered in Section E26 Infrastructure); and
- identifies the need to manage the effects of high trip generating activities.

The term 'transport system' encompasses both the physical infrastructure of the transport network and the wider environment or factors which can influence the operation of transport e.g. transport users and their behaviours. For the purpose of these transport provisions, the term 'transport network' is used in the context of managing effects or impacts on the operation of the 'transport network' as a physical resource. The transport network comprises the physical infrastructure or conduit along which transport modes move or travel along and this is made up of a series of links (where a sequence of continuous links form a route) and nodes which in totality form a network. The transport network also comprises a series of sub-networks or types which generally relate to a particular mode of travel or type of movement e.g. public transport network, freight network and walking and cycling networks. In regard to public transport networks, the network can also include the supporting services which utilise the physical network.

The current predominance of private vehicle travel and the accompanying requirements for parking is recognised in terms of both the positive and adverse effects associated with accommodating these parking requirements.

Parking is an essential component of Auckland's transport network and the management of parking can have major implications for the convenience, economic viability, design and layout of an area and the function of the transport network. It is important that parking is managed and provided in a manner that supports urban amenity, efficient use of land and the functional requirements of activities. The requirements for parking can reflect the trip characteristics of a range of activities at different locations that occur at different times. It can also be managed to have a significant influence on reducing car use, particularly for commuter travel. This in turn reduces the growth in traffic, particularly during peak periods, and when supported by the provision of other transport modes achieves a more sustainable transport network. The management of parking supply includes a region-wide approach to regulating the amount of parking to support different activities (accessory parking). This regulation generally occurs by requiring parking (minimums) or limiting parking (maximums) or a combination of these approaches. Any controls on parking should reflect the needs of land use and the wider transport system.

The overall purpose of limiting parking through maximums is to manage potential parking oversupply and in turn reduce traffic congestion and provide opportunities to improve

amenity in areas earmarked for intensification. Maximum parking rates have been set at a level which appropriately provides for the management on-site parking demands.

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

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

- there is no requirement for activities or development to provide parking in the following zones and locations:
 - the Business – City Centre Zone; and
 - Centre Fringe Office Control as shown on the planning maps for office activities

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

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

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

- in all other areas, a minimum level of parking is required to accompany any activity or development. A maximum limit is set on the amount of parking that can be provided for offices.

Standalone parking (non-accessory) facilities are provided for and will be individually assessed. This includes park-and-ride and other facilities that support public transport. Parking (non-accessory) may be appropriate to facilitate rationalisation of centre based parking resources to support activities in the centre and improve urban design outcomes.

To support walking and cycling, new buildings and developments are required to provide cycle parking as well as end-of-trip facilities. Off-road pedestrian and cycling facilities are also provided for to complement facilities located in the road network.

This section also addresses loading, the design of parking and loading, access from activities and developments to the road, and access around road/rail level crossings. These provisions support the movement of people, goods and services across the region.

Activities or subdivision which generate higher amounts of traffic, and which seek to locate outside of the most intensive centres and residential zones, are required to demonstrate how the proposal would integrate with the transport network. This includes managing the transport impacts of the proposal on the effective, efficient and safe operation of the local transport network.

E27.2. Objectives

- (1) Land use and all modes of transport are integrated in a manner that enables:
 - (a) the benefits of an integrated transport network to be realised; and
 - (b) the adverse effects of traffic generation on the transport network to be managed.
- (2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.
- (3) Parking and loading supports urban growth and the quality compact urban form.
- (4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.
- (5) Pedestrian safety and amenity along public footpaths is prioritised.
- (6) Road/rail crossings operate safely with neighbouring land use and development.

E27.3. Policies

- (1) Require subdivision, use and development which:
 - (a) generate trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network;
 - (b) are proposed outside of the following zones:
 - (i) the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone;
 - (ii) Residential – Terrace Housing and Apartment Buildings Zone;
 - (iii) the Centre Fringe Office Control as shown on the planning maps; or
 - (c) do not already require an integrated transport assessment or have been approved based on an integrated transport assessment

to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle

trips, staging development or undertaking improvements to the local transport network.

- (2) Require major proposals for discretionary consent to prepare an integrated transport assessment including provision for pedestrians, cyclists, public transport users, freight and motorists.

Parking

- (3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:
 - (a) the safe, efficient and effective operation of the transport network;
 - (b) the use of more sustainable transport options including public transport, cycling and walking;
 - (c) the functional and operational requirements of activities;
 - (d) the efficient use of land;
 - (e) the recognition of different activities having different trip characteristics; and
 - (f) the efficient use of on-street parking.
- (4) Limit the supply of on-site parking in the Business – City Centre Zone to support the planned growth and intensification and recognise the existing and future accessibility of this location to public transport, and support walking and cycling.
- (5) Limit the supply of on-site parking for office development in all locations to:
 - (a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and
 - (b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.
- (6) Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development (excluding office and retail activities) in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, Business – Mixed Use Zone (with the exception of non-urban town and local centres), Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).
- (7) Require all other subdivision, use and development to provide a minimum level of on-site parking in recognition of the more limited alternatives to private vehicle travel unless it can be demonstrated that a lesser amount of on-site parking is needed for a particular site or proposal or the provision of on-site parking would

be inconsistent with the protection of Historic Heritage or Special Character overlays.

- (8) Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.
- (9) Provide for non-accessory parking where:
 - (a) the proposal and the type of parking will reinforce the efficient use of land or planned growth and intensification provided for in this plan for the site or locality; and
 - (b) there is an undersupply or projected undersupply of parking to service the area having regard to all of the following:
 - (i) the efficient use of land to rationalise or consolidate parking resources in centres;
 - (ii) the availability of alternative transport modes, particularly access to the existing and planned public transport;
 - (iii) the type of parking proposed;
 - (iv) existing parking survey information; and
 - (v) the type of activities in the surrounding area and their trip characteristics.
- (10) Discourage the development of long-term non-accessory parking in the Business – City Centre Zone and the Centre Fringe Office Control as shown on the planning maps to:
 - (a) recognise and support the high level of accessibility these areas have to the public transport; and
 - (b) minimise the growth in private vehicle trips by commuters during peak periods.
- (11) Control the development of long-term non-accessory parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and in the Business – Mixed Use Zone so that the parking does not undermine:
 - (a) the efficient use of land or growth and intensification provided for in this plan for the site or locality; and
 - (b) the use of public transport in these zones.
- (12) Provide for park-and-ride and public transport facilities which are located and designed to support the public transport network by:
 - (a) locating in proximity to public transport stations, stops and terminals;

- (b) growing public transport patronage to assist in relieving congested corridors by encouraging commuters to shift to public transport;
 - (c) making public transport easier and more convenient to use, thereby attracting new users;
 - (d) improving the operational efficiency of the public transport network;
 - (e) extending the catchment for public transport into areas of demand where it is not cost-effective to provide traditional services or feeders;
 - (f) reinforcing existing and future investments on the public transport network; and
 - (g) providing free, secure and covered parking for bicycles.
- (13) Support increased cycling and walking by:
- (a) requiring larger developments to provide bicycle parking;
 - (b) requiring end-of-trip facilities, such as showers and changing facilities, to be included in office, educational and hospital developments with high employee or student numbers; and
 - (c) providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network.

Loading

- (14) Require access to loading facilities to support activities and minimise disruption on the adjacent transport network.
- (15) Provide for on-site or alternative loading arrangements, including on-street loading or shared loading areas, particularly in locations where it is desirable to limit access points for reasons of safety, amenity and road operation.

Design of parking and loading

- (16) Require parking and loading areas to be designed and located to:
 - (a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;
 - (b) provide safe access and egress for vehicles, pedestrians and cyclists;
 - (c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and
 - (d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.

- (17) Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:
- (a) the effective, efficient and safe operation of roads, in particular arterial roads;
 - (b) pedestrian safety and amenity, particularly within the centre zones and Business – Mixed Use Zone; and
 - (c) safe and functional access taking into consideration the number of parking spaces served by the access, the length of the driveway and whether the access is subject to a vehicle access restriction.
- (18) Require park-and-ride, non-accessory parking and off-site parking facilities and their access points to:
- (a) be compatible with the planning and design outcomes identified in this plan for the relevant zone;
 - (b) take into account the implementation of any relevant future transport projects or changes to the transport network identified in any statutory document (including the Long Term Plan or Regional Land Transport Plan) where implementation is likely;
 - (c) be accessible, safe and secure for users with safe and attractive pedestrian connections within the facility and to adjacent public footpaths;
 - (d) provide an attractive interface between any buildings, structures or at-grade parking areas and adjacent streets and public open spaces. Depending on location and scale, this may include:
 - (i) maintaining an active frontage through sleeving and/or an interesting appearance through use of architectural treatments so that the facility contributes positively to the pedestrian amenity and to any retail, commercial or residential uses along the road it fronts;
 - (ii) appropriate screening, such as exterior panelling, for any parking building; and
 - (iii) planting and other landscaping.
 - (e) provide for any buildings to be adapted or readily dismantled for other uses if no longer required for parking. In particular, the floor-to-ceiling height of a parking building at street level should be capable of conversion to other activities provided for in the zone; and
 - (f) be managed and operated so that the facility avoids adverse effects on the efficient, effective and safe operation of the transport network including:
 - (i) the safety of pedestrians and cyclists;

- (ii) amenity for pedestrians;
- (iii) queuing on the road and conflict at access points to the facility; and
- (iv) the operation of public transport services and related infrastructure.

Access

- (19) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.
- (20) Restrict or manage vehicle access to and from sites adjacent to intersections, adjacent motorway interchanges, and on arterial roads, so that:
 - (a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and
 - (b) any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated.
- (21) Restrict vehicle access across the Vehicle Access Restriction – General Control as shown on the planning maps within the Business – City Centre Zone to:
 - (a) give high priority to pedestrian movement, safety and amenity along the main pedestrian streets in the Business – City Centre Zone; and
 - (b) provide for continuity of building frontage and associated activities at street level.
- (22) Provide for the continued use of existing vehicle access affected by the Key Retail Frontage Control as shown on the planning maps and Vehicle Access Restriction – General Control in the Business – City Centre Zone where the effects of the activity and use of the vehicle access are the same or similar in character, intensity and scale which existed on 30 September 2013.
- (23) Control alterations to or rationalisation of existing vehicle access affected by the Key Retail Frontage Control and Vehicle Access Restriction – General Control in the Business – City Centre Zone where there is a change in the character, intensity or scale of the activity and use of the existing vehicle access.
- (24) Discourage new vehicle access across the Key Retail Frontage Control in the Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Mixed Use Zone to:
 - (a) give high priority to pedestrian movement, safety and amenity; and

(b) provide for continuity of building frontage and associated activities at street level.

(25) Limit new vehicle access across the General Commercial Frontage Control as shown on the planning maps in the Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Mixed Use Zone to:

(a) support pedestrian safety and amenity; and

(b) provide for continuity of building frontage and associated activities at street level.

Sightlines to rail level crossings

(26) Limit the location of buildings and other visual obstructions within the sightline areas of road/rail level crossings.

(27) Discourage new road and pedestrian rail level crossings to ensure the safe, effective and efficient operation of the region's rail network.

Access to rail level crossings

(28) Control vehicle access to sites adjacent to all road/rail level crossings to improve safety for road users on the approach to level crossings.

E27.4. Activity table

Table E27.4.1 specifies the activity status of land use activities in all zones pursuant to section 9(3) of the Resource Management Act 1991. A site may contain more than one of the listed activities.

These rules do not apply to precincts where there are corresponding transport and traffic provisions in the applicable precinct.

Note 1

All access to the State Highway network (including changes to existing access and subdivision or change in land use utilising an existing access) require the approval of the New Zealand Transport Agency under the Government Rounding Powers Act 1989. This approval is separate and additional to any land use or subdivision consent approval required. Refer to the New Zealand Transport Agency's Auckland Office.

Table E27.4.1 Activity table

Activity		Activity status
(A1)	Parking, loading and access which is an accessory activity and complies with the standards for parking, loading and access	P
(A2)	Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access	RD
(A3)	Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6.1	RD

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(A4)	Use of an existing vehicle crossing (established or consented before 30 September 2013) where a Vehicle Access Restriction applies under Standards E27.6.4.1(1), E27.6.4.1(2) or E27.6.4.1(3) to service existing activities (established or consented before 30 September 2013)	P
(A5)	Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3)	RD
(A6)	Use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) to service the establishment of a new activity, a change of activity type, the expansion or intensification of an existing activity or where a building(s) is constructed, or additions to buildings that are not permitted activities in <ul style="list-style-type: none"> • Table H9.4.1 Activity table; • Table H10.4.1 Activity table; • Table H11.4.1 Activity table; • Table H12.4.1 Activity table; • Table H13.4.1 Activity table; • Table H14.4.1 Activity table; or • Table H15.4.1 Activity table. 	RD
(A7)	Construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) and the establishment of the vehicle crossing is to: <p>(a) relocate and/or amalgamate an existing vehicle crossing or crossings serving the site, that will reduce or otherwise not increase either the number of crossings or width of crossings serving a site; or</p> <p>(b) there is no other means of accessing a site.</p>	RD
(A8)	Construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) and it is not provided for in this activity table	NC
(A9)	Any building or structure located within an area subject to Level Crossings with Sightlines Control as identified on the planning maps	RD
(A10)	Off-road pedestrian and cycling facilities	P
(A11)	Park-and-ride	RD
(A12)	Public transport facilities	RD
(A13)	Short-term and long-term non-accessory parking in the following zones: <ul style="list-style-type: none"> • Business – Metropolitan Centre Zone; • Business – Town Centre Zone; • Business – Local Centre Zone; and • Business – Mixed Use Zone. 	RD
(A14)	Short-term non-accessory parking in the Business – City Centre Zone and Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone	D

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(A15)	Long-term non-accessory parking in these zones and locations: <ul style="list-style-type: none"> • Business – City Centre Zone; and • Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone. 	NC
(A16)	Off-site parking	D
(A17)	Construction of new road and pedestrian rail level crossings on the rail network	NC

E27.5. 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) E27.4.1(A11) Park-and-ride (exceeding 200 parking spaces); or
- (b) E27.4.1(A12) Public transport facilities.

(2) Any application for resource consent for activity that infringes the following standards will be considered without public notification unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:

- (a) Standard E27.6.4.1(2) Vehicle access restrictions; or
- (b) Standard E27.6.4.1(3) Vehicle access restrictions.

(3) Any application for resource consent for vehicle access not meeting Standard E27.6.4.1(2) and Standard E27.6.4.1(3) Vehicle access restrictions may be limited notified.

(4) Any application for resource consent for an activity listed in Table E27.4.1 Activity table and which is not listed in E27.6.5(1), E27.6.5(2) or E27.6.5(3) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(5) 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).

E27.6. Standards

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

E27.6.1. Trip generation

- (1) Where a proposal (except where excluded in Standard E27.6.1(2)) exceeds one of the following thresholds:

E27 Transport

- (a) a new development in Table E27.6.1.1;
 - (b) 100 v/hr (any hour) for activities not specified in Table E27.6.1.1 requiring a controlled or restricted discretionary land use activity consent in the applicable zone where there are no requirements for an assessment of transport or trip generation effects. This standard does not apply to development activities provided for as permitted in the applicable zone; or
 - (c) a proposed subdivision of land which has capacity under this Plan to accommodate more than 100 dwellings
- resource consent for a restricted discretionary activity is required.

Table E27.6.1.1 New development thresholds

Activity			New development
(T1)	Residential	Dwellings	100 dwellings
(T2)		Integrated residential development	500 units
(T3)		Visitor accommodation	100 units
(T4)	Education facilities	Primary	167 students
(T5)		Secondary	333 students
(T6)		Tertiary	500 students
(T7)	Office		5,000 m ² GFA
(T8)	Retail	Drive through	333 m ² GFA
(T9)	Industrial activities	Warehousing and storage	20,000 m ² GFA
(T10)		Other industrial activities	10,000 m ² GFA

- (2) Standard E27.6.1(1) does not apply where:
- (a) a proposal is located in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, or Residential – Terrace Housing and Apartment Building Zone or Centre Fringe Office Control as shown on the planning maps;
 - (b) development is being undertaken in accordance with a consent or provisions approved on the basis of an Integrated Transport Assessment where the land use and the associated trip generation and transport effects are the same or similar in character, intensity and scale to those identified in the previous assessment;
 - (c) the activity is permitted in the H7 Open space zones; or

- (d) there are requirements to assess transport, traffic or trip-generation effects for the activity in the applicable zone rules or precinct rules for any controlled or restricted discretionary land use activities.

E27.6.2. Number of parking and loading spaces

- (1) The number of parking spaces:

- (a) must not exceed the maximum rates specified;
- (b) must meet the minimum rates specified; or
- (c) must meet the minimum rates and not exceed the maximum rates specified

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

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

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

Table E27.6.2.1 Maximum parking rates for the Business – City Centre Zone

Activity/site		Business – City Centre Zone maximum rate
(T11)	Dwellings	1.5 per dwelling
(T12)	All other activities	Inner core as shown on the Parking Variation Control planning maps
(T13)		Outer core as shown on the Parking Variation Control planning maps

Table E27.6.2.2 Maximum parking rates for the Centre Fringe Office Control area adjoining the Business – City Centre Zone

Activity		Centre Fringe Office Control as shown on the planning maps adjoining the Business – City Centre Zone Maximum rate
(T14)	Offices	1 per 60 m ² GFA
(T15)	All other activities	No minimum or maximum

- (4) Table E27.6.2.3 sets out the parking rates which apply in the following zones and locations:

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

Table E27.6.2.3 Parking rates - area 1

Activity		Applies to zones and locations specified in Standard E27.6.2(4)	
		Minimum rate	Maximum rate
(T16)	Offices	No minimum	1 per 30 m ² GFA
(T17)	Retail	Food and beverage (excluding taverns)	A minimum of 1 per 30m ² GFA and outdoor seating area
(T18)		Supermarkets	A minimum of 1 per 30m ² GFA
(T19)		All other retail (including taverns)	A minimum of 1 per 30m ² GFA
(T20)	Commercial services	A minimum of 1 per 30m ² GFA	No maximum
(T21)	All other activities	No minimum	No maximum

- (5) The minimum parking requirements in Table E27.6.2.3 do not apply in any of the following circumstances:
- (a) where the activity is located within the D17 Historic Heritage Overlay or
 - (b) where the activity is located within the D18 Special Character Areas Overlay – Residential and Business; or
 - (c) where the activity involves a change in use from;
 - (i) one retail activity to another; or
 - (ii) one commercial service to another; or
 - (iii) one retail activity to a commercial service or vice versa; or
 - (d) where the activity does not involve either:
 - (i) the construction of a new building not exceeding 100 m²; or

(ii) an addition not exceeding 100m² GFA to an existing building.

(6) Table E27.6.2.4 sets out the parking rates which apply to the Business – Neighbourhood Centre Zone and all other zones and areas not specified in Table E27.6.2.1, Table E27.6.2.2 and Table E27.6.2.3.

Table E27.6.2.4 Parking rates - area 2

Activity				Applies to zones and locations specified in Standard E27.6.2(6)	
				Minimum rate	Maximum rate
(T22)	Residential	Residential – Mixed Housing Urban Zone	Dwellings - studio	No minimum	No maximum
(T23)			Dwellings - 1 bedroom	No minimum	No maximum
(T24)			Dwellings - two or more bedrooms	1 per dwelling	No maximum
(T25)				No maximum	
(T26)		Residential – Mixed Housing Suburban Zone	Dwellings - studio	0.5 per dwelling (rounded down to nearest whole number)	No maximum
(T27)			Dwellings - 1 bedroom	0.5 per dwelling (rounded down to nearest whole number)	No maximum
(T28)			Dwellings - two or more bedrooms	1 per dwelling	No maximum
(T29)		Sites within the D18 Special Character Areas Overlay – Residential and Business	Site area 500m ² or less	No minimum	No maximum
(T30)			Site area greater than 500m ²	As per the underlying zoning	
(T31)		All other areas	Dwellings	1 per dwelling	No maximum
(T32)		Conversion of dwelling into two dwellings (Sites within the D18 Special Character Areas Overlay – Residential and Business)		No minimum	No maximum
(T33)		Home occupations		1 per dwelling except no additional space is required where both of the	No maximum



**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**

Decisions Report

19 August 2016

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.**

Reasons	
(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.	
Alternative solution	See Attachment A
Section 32AA evaluation	See Attachment B



**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
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Proposed Auckland Unitary Plan**

Attachment A

The alternative solutions prepared by the Council for any rejected recommendations (which includes: text, diagram and map alternative solutions).

19 August 2016

Topic 043-044

E27 Transport

E27. Transport

E27.1. Background

To support and manage the effects on the operation.....

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

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

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

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

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

- in all other areas,

E27.2. Objectives....

E27.3. Policies...

Parking

(3) Manage the number, location.....

~~(6) Provide for flexible on-site parking by not-Limiting the supply of on-site parking or requiring parking for subdivision, use and development (excluding office and retail activities) in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone, and Business – Mixed Use Zone (with the exception of non-urban town and local centres), Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).~~

(7) Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development (excluding office) in the Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).

(8) Require all other.....

E27.4. Standards

E27.4.2 Number of parking and loading spaces

Table E27.6.2.1 Maximum parking rates for the Business – City Centre Zone

Activity/site			Business – City Centre Zone maximum rate
(T1)	Dwellings	<u>Dwellings</u> <u><75m² GFA</u>	<u>0.7 per dwelling</u>
(T12)		<u>Dwellings</u> <u>≥75 and < 90m² GFA</u>	<u>1.4 per dwelling</u>
(T13)		<u>Dwellings</u> <u>≥90m² GFA</u>	<u>1.7 per dwelling</u>
(T14)		<u>Visitor spaces</u>	<u>0.2 per dwelling</u>
(T15) (T12)	All other activities	Inner core as shown on the Parking Variation Control planning maps	1:200m ² GFA
(T13)		Outer core as shown on the Parking Variation Control planning maps	1: 125m ² GFA

Table E27.6.2.3 Parking rates - area 1

Activity			Applies to zones and locations specified in Standard E27.6.2(4)	
			Minimum rate	Maximum rate
(T16) (T18)	Offices		No minimum	1 per 30 m ² GFA
(T17) (T19)	Retail	Food and beverage (excluding taverns)	A minimum of 1 per 30m ² GFA and outdoor seating area <u>No minimum</u>	No maximum <u>1 per 10m² GFA and outdoor seating area</u>
(T18)		Supermarkets	A minimum of 1 per 30m ² GFA	No maximum
(T19) (T20)		All other retail (including taverns)	<u>No minimum</u>	No maximum <u>1 per 20m² GFA</u>
(T21)	<u>Entertainment facilities and community facilities</u> <u>Provided that, for places of worship, the “facility” shall be the primary place of assembly</u>		<u>No minimum</u>	<u>0.2 per person the facility is designed to accommodate</u>

Activity		Applies to zones and locations specified in Standard E27.6.2(4)		
		Minimum rate	Maximum rate	
	<u>(ancillary spaces such as prayer rooms, meeting rooms and lobby spaces may be disregarded)</u>			
(T22)	<u>Emergency services</u>		<u>No minimum</u>	<u>1 car parking space per employee on site plus one per emergency service appliance based at the facility</u>
(T23)	<u>Care centres</u>		<u>No minimum</u>	<u>0.10 per child or other person (other than employees) plus 0.5 per FTE (full time equivalent) employee</u>
(T24)	<u>Education facilities</u>	<u>Primary and secondary</u>	<u>No minimum</u>	<u>0.5 per FTE employee plus 1 visitor space per classroom</u>
(T25)		<u>Tertiary</u>	<u>No minimum</u>	<u>0.5 per FTE employee plus 0.25 per EFT (equivalent full time) student the facility is designed to accommodate</u>
(T26)	<u>Medical facilities</u>	<u>Hospital</u>	<u>No minimum</u>	<u>1 per 40 m² GFA</u>
(T27)		<u>Healthcare facilities</u>	<u>No minimum</u>	<u>1 per 20 m² GFA</u>
(T20)	<u>Commercial services</u>		<u>A minimum of 1 per 30m² GFA</u>	<u>No maximum</u>
(T28)	<u>Residential</u>	<u>All other activities All dwellings in the Terrace Housing & Apartment Buildings zone</u>	<u>No minimum</u>	<u>No maximum</u>
(T29)		<u>Dwellings – studio or 1 bedroom</u>	<u>No minimum</u>	<u>1 per dwelling</u>
(T30)		<u>Dwellings – two or more bedrooms</u>	<u>No minimum</u>	<u>2 per dwelling</u>
(T31)		<u>Visitor spaces</u>	<u>No minimum</u>	<u>0.2 per dwelling</u>
(T32)		<u>Retirement villages</u>	<u>No minimum</u>	<u>1 per unit / apartment plus</u>

Activity		Applies to zones and locations specified in Standard E27.6.2(4)	
		Minimum rate	Maximum rate
			<u>0.2 visitor space per unit / apartment plus 0.3 per bed for rest home beds</u>
<u>(T33)</u>	<u>Supported residential care</u>	<u>No minimum</u>	<u>0.3 per bed</u>
<u>(T34)</u>	<u>Visitor accommodation</u>	<u>No minimum</u>	<u>1 per unit. or, where accommodation is not provided in the form of units, 0.3 per bedroom</u>
<u>(T35)</u>	<u>Boarding houses</u>	<u>No minimum</u>	<u>0.5 per bedroom</u>
<u>(T21)</u> <u>(T36)</u>	<u>All other activities</u>	<u>No minimum</u>	<u>1 per 20 m² GFA</u>

~~(5) The minimum parking requirements in Table E27.6.2.3 do not apply in any of the following circumstances:~~

~~(a) where the activity is located within the D17 Historic Heritage Overlay or~~

~~(b) where the activity is located within the D18 Special Character Areas Overlay – Residential and Business; or~~

~~(c) where the activity involves a change in use from;~~

~~(i) one retail activity to another; or~~

~~(ii) one commercial service to another; or~~

~~(iii) one retail activity to a commercial service or vice versa; or~~

~~(d) where the activity does not involve either:~~

~~(i) the construction of a new building not exceeding 100 m²; or~~

~~(ii) an addition not exceeding 100m² GFA to an existing building.~~

~~(6) (5) Table E27.6.2.4 sets out the parking rates which apply to the Business – Neighbourhood Centre Zone and all other zones and areas not specified in Table E27.6.2.1, Table E27.6.2.2 and Table E27.6.2.3.~~

Topic Number	Topic Name	Change requested to planning maps
Topic 043 and 044	Transport	Remove Parking Variation (Inner and Outer Core) Controls on City Centre Zone. The changes apply across the City Centre zone – see map. Parking Variation (Hospital) Control is retained, see below.

