

Date: Monday, 30 May 2022

**Government's new housing
rules:
What it means to Auckland
Local Board Not Supplied and
Outside Auckland**

**WRITTEN FEEDBACK Vol. 3
(7676 - 7765)**

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7676	Troy Churton		Not supplied	3
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From: Troy Churton (Orakei Local Board)
Sent: Friday, 6 May 2022 2:01 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Orakei SCA areas - property spreadsheet - and other SCA areas

Independent feedback from TROY CHURTON

From: Troy Churton (Orakei Local Board)
Sent: Friday, 6 May 2022 7:52 am
To: Megan Patrick
Subject: RE: Orakei SCA areas - property spreadsheet - and other SCA areas

Hello Megan,

Thank you for the info and for confirming the 66% threshold was set by 'expert opinion'.

I look forward to helping improve the approach being taken through local board input. With my certified RMA decision-maker hat on , if that has any 'expertise' associated to it, I

am convinced after looking across the assessments for all areas and the way your team has used scoring allocations (under far too much time pressure as Jon Duigood conceded), that the proposed "refinement" of existing overlays identifying Special Character needs further improving urgently.

1. Properties identified at present with the Special Character overlay are those that remain after earlier evaluation and reduction of protection through the Transitional Plan PC 163, and again through the process of submissions and decisions on submissions on the PA AUP by the IHP.
2. Further reductions in the overlay use cannot be justified. The statutory obligations imposed by the NPS –UD do not require the proposed massive removal (by comparison to what is left protected) of this overlay to meet the NPS obligations. Nor to meet the obligations under the Resource Management (Enabling Housing Supply and other matters) Amendment Act.
3. I note what I believe are some significant scoring irregularities in the way the IPA has been used, and also how for some scoring for a 'contributing' gets a '1', a neutral gets a '0' and a detracting gets a '0'. That latter score rating suggests no distinction (for assessment scoring) between a neutral or detracting. The score should at least be : contributing '2', neutral '1' and detracting '0' to appropriately distinguish the levels of assessment.
4. Like John Duigood, I am sorry also your team has had such little time and had to do a lot of google assessment. The Council assessment of Special Character areas especially in the established suburbs of Epsom, Remuera and Parnell (formerly Residential 2 in the Transitional Plan) have been wrongly assessed(in context of expert character assessment best practices recognised by the Court) by considering built development only, when the evaluation should be a combination of the period housing together with spacious sites and mature vegetation. (I have attached independent expert evidence of G.Dumbell touching on this).
5. These areas, Remuera etc, are distinctively different from those found for example in Ponsonby and St Mary's Bay, where the Special Character of the workers cottages and turn-of-the (20th)-century villas are on small sites and the character is more concertedly that of built form. So including at least score 4 properties in the area aggregates is one compromise approach to improve the overall status.
6. The importance of Auckland's historic "marine suburbs" (aside from Devonport) does not appear to be recognised, nor the association of these special character areas with small neighbourhood shops, churches and community buildings of the same vintage, as well as the consequences of enabling the wide spread destruction of Urban Forest found throughout these older suburbs which is intrinsic to their historic value as well as critical to meeting climate change initiatives, biodiversity

requirements and preventing the continued increase in stormwater flows following intensification, adding to infrastructure overburdening an adverse environmental effect from increased discharges into watercourses and the harbour. (expert evidence from G.Dumbell – attached came to mind on this).

7. These reasons are why it is imperative for your team to help governing body and elected reps to use the assessments you have done and the data you have to ensure more SCA residential is retained than current. One option to address the residential SCA issues could be to lower the 66% down to 51% - and/or – ensure properties scoring at least 4 upwards are included in area aggregate scores. As mentioned above, and confirmed with legal counsel, there is NO statutory obligation on Council to take the approach to remove a lot of SCA.
8. Note also - increased housing density reduces the undeveloped land available to accept existing rainfall instead of diverting all or virtually all rainfall/stormwater to the piped network. Lower density development in the established suburbs accommodates a high proportion of rainfall/stormwater within the site itself and is a key component to the long-term growth and health of the existing Urban Forest in these areas. Am I right that this issue is being ignored?

Happy to discuss this with your team next week informally.

With thanks

Troy Churton | Local Board member
Orakei Local Board

Office: 25 St Johns Road, Meadowbank Village

Visit our website: aucklandcouncil.govt.nz

From: Megan Patrick

Sent: Tuesday, 3 May 2022 10:22 AM

To: Troy Churton (Orakei Local Board)

Cc: Heritage team <heritage@aucklandcouncil.govt.nz>; Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: Response RE: Orakei SCA areas - property spreadsheet

Kia ora Member Churton,
66% was based on heritage / special character expert opinion.
Ngā mihi,
Megan

Megan Patrick | Team Leader – Heritage Policy
Plans & Places
Chief Planning Office
Auckland Council

135 Albert Street, Level 24 | Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Troy Churton (Orakei Local Board)
Sent: Tuesday, 3 May 2022 9:29 am
To: Megan Patrick
Subject: RE: Orakei SCA areas - property spreadsheet

Thanks.

Also - I would be very grateful if you could enlighten me. Is the residential assessment methodology to date - to only use homes with a character score of 5 up to calculate if an area reaches 66% - a methodology approach decided by our governing body majority / directed upon your heritage -character assessing team to date?

With thanks

Troy Churton | Local Board member
Orakei Local Board

From: Megan Patrick
Sent: Tuesday, 3 May 2022 8:01 AM
To: Troy Churton (Orakei Local Board)
Cc: OLB Team ; Heritage team ;
Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: RE: Orakei SCA areas - property spreadsheet

No problem, Member Churton. This should be with you later today.
Ngā mihi,
Megan

Megan Patrick | Team Leader – Heritage Policy
Plans & Places
Chief Planning Office
Auckland Council

135 Albert Street, Level 24 | Auckland
Visit our website: www.aucklandcouncil.govt.nz

From: Troy Churton (Orakei Local Board)
Sent: Tuesday, 3 May 2022 7:59 am
To: Megan Patrick
Cc: OLB Team
Subject: Orakei SCA areas - property spreadsheet

Hello Megan,

Please would you forward to me, copy my board , the spreadsheet your team has for the individual scores for all properties in current SCA areas of Orakei please.

Many thanks

With thanks

Troy Churton | Local Board member
Orakei Local Board



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In the Matter of the Resource Management Act 1991 as amended by the Local Government (Auckland Transitional Provisions) Amendment Act 2010

And

In the Matter of a submission lodged by Auckland 2040 Incorporated (**1473**) on the Proposed Auckland Unitary Plan

**Summary Statement of Grant Dumbell on behalf of Auckland 2040
Incorporated in relation to Topic 081**

24 March 2016

Richard Brabant
Barrister

Level 2, Broker House, 14 Vulcan Lane
PO Box 1502, Shortland St
Auckland City

Email: richard@brabant.co.nz

Introduction

1. Urban ecology is a relatively recent branch of interdisciplinary environmental science that considers the effects of the human built environment on both the natural environment and the organisms that rely on that environment for habitat. Essentially it is concerned with the three-way balance between the biosphere, the geosphere and the anthroposphere.
2. Built environments do not exist naturally, they are not self-contained and they affect natural environments beyond their borders. These effects can include imported effects, such as the loss of natural habitats to provide for natural resources consumed in the urban area, including food and building materials, and exported effects such as pollution of water and air. Built environments also replace natural environments so have inherent environmental effects with their very existence.
3. Development of the built environment needs to consider and effectively manage its effects on the natural environment otherwise it can become unsustainable as demonstrated by significant environmental catastrophes that have occurred overseas.

Rezoning

4. Auckland Council's proposals (which I am advised other parties are now seeking to introduce through witnesses previously to present evidence for the Auckland Council) to rezone large areas of residential Auckland is substantial. Analysis from the eastern part of the Central Isthmus shows that a minimum of 50% of the existing residential lots are potentially affected. Up-zoning large areas of the existing Single House Zone to allow the intensification of Auckland's existing residential suburbs will have concomitant effects on the biodiversity and ecology of Auckland's environment resulting from the substantial loss of existing trees and their associated vegetation. Significantly reduced pervious surfaces and increased contaminant loads arising from residential intensification will further reduce Auckland's already poor freshwater quality.

5. These changes will be permanent. The environmental, ecological, social and cultural values of the existing urban forest will inexorably decline over coming decades if this intensification of these established suburbs occurs. Research by others shows that trees are not replaced after a site is redeveloped. Auckland's urban freshwater quality is already poor as demonstrated by Auckland Council's own evidence given to the Independent Hearings Panel (IHP) under Topic 047 relating to streams and rivers. Intensification will place further downward pressure on freshwater quality and make it more difficult for the Council to meet mandatory minimum freshwater quality standards required by central government.
6. Auckland Council and others supporting the change have not addressed the adverse environmental effects of the residential intensification proposal. I can find no evidence on the Independent Hearings Panel website pertaining to urban environmental management within the Rural Urban Boundary.

Water Quality

7. Auckland Council's freshwater ecology expert witness has provided the IHP with compelling empirical evidence that Auckland's urban freshwater quality is already poor both in terms of environmental quality, as measured by physico-chemical parameters, and freshwater ecology, as measured by biological parameters. Residential intensification in the established suburbs of the Central Isthmus and on the North Shore will result in increased non-point contamination of stormwater runoff that is difficult to manage and will not be effectively treated by existing stormwater drainage infrastructure.
8. Non-point effects on water quality include increased temperature and therefore reduced oxygen saturation of runoff resulting from it flowing over paved surfaces that retain solar heat, changed pH from contact with concrete and heavy metal contamination from contact with building metals such as galvanised iron. These effects are a direct result of residential intensification leading to greater building mass and increased runoff as a result of reduced pervious surface.
9. Indirect effects of residential intensification on water quality will principally result from the increased traffic on Auckland roads due to greater numbers of cars and

vehicle trips that will result from more dwellings. Motor vehicles deposit a wide range of contaminants onto the road surface and these are washed directly into streams, rivers and ultimately the marine receiving environment with stormwater where they can accumulate in deposited sediments. During summer especially, these contaminants will accumulate between rainfall events and result in pulses of pollution.

10. Additionally, because residential intensification will proceed haphazardly over coming decades, sediment control on small sites is likely to be less effective than on large sites. Accordingly, sediment loads of runoff and deposition in waterways and harbours can also be expected to increase.

Vegetation

11. Auckland supports a “remarkable” urban forest of vegetation throughout the city and has been the catalyst for a substantial book on its description and extent authored by an experienced botanist and published by the Auckland Botanical Society. The word “remarkable” is in the book’s title.
12. Auckland’s urban forest includes trees and associated vegetation within the city. This may be indigenous or exotic, occur singularly, in groups or in dense stands large and small and be situated in reserves, parks, streets or gardens. Accordingly it is split between that which is publically owned and that which is privately owned. It is heterogeneous as it is composed of plants that include large trees, small trees, shrubs and herbaceous plants.
13. This forest provides human amenity in addition to ecosystem services such as shade, oxygen production, carbon sequestration and the provision of wildlife resources such as shelter, nesting sites and a year round chronology of food resources such as insects, fruit and nectar. It supports a diverse biodiversity of native and introduced wildlife including birds, reptiles and insects some of which are nationally rare and vulnerable species.
14. Auckland’s established residential suburbs are characterised by relatively large lots supporting a single dwelling often sited to the front of the lot. Therefore, contiguous rear gardens between the road network cumulatively create large

areas of vegetated space, as illustrated on the aerial images attached (Attachment 2) to my primary evidence, irrespective of property boundaries and fencing which have no effect on biodiversity. As Auckland has developed, established suburbs may now support established vegetation that ranges from 40 to 80 years old, and in some cases in excess of 100 years old.

15. Furthermore, because older suburbs are not as homogeneous as modern suburbs and infilled slowly the resulting vegetation now supports significant age structure, spatial heterogeneity and floral diversity. This can assist wildlife to offset the impact of predation from domestic pets. Research has also demonstrated that the urban forest provides a temporal heterogeneity of wildlife resources that can be seasonally critical for wildlife in habitats beyond the city and that birds can commute up to 30km each day to utilise these resources.
16. Recent research has documented that 63% of Auckland's urban forest is on private land. However, this research only considered trees taller than 8m, the previous general tree protection threshold for the retaining all trees. Therefore any estimates of canopy cover drawn from this research could be a significant underestimate as vegetation lower than 8m does contribute to the values of the urban forest but has not been captured by this research. Accepting this 63% as a reasonable estimate of the fraction of the total urban forest that is privately owned, irrespective of its height or canopy area, and combining this with the estimate that 52% of lots currently zoned single house could be intensified indicates that 32% ($0.63 \times 0.52 = 0.32 \times 100$) of Auckland's remarkable urban forest is at risk from Council's proposals with no assessment of the environmental impacts of this loss. There are a number of assumptions underpinning this estimate and I have discussed these in my primary evidence.
17. This research also identified that protected tree schedules include trees for anthropocentric reasons. As a result it risks being biased towards the protection of exotic trees and underrepresenting native trees. Evidence shows this tree protection mechanism is wholly ineffective at protecting rare and threatened native trees to aid in their conservation.
18. In Topic 025, Marie Brown for the Environmental Defense Society, the Tree Council and the Royal Forest and Bird Protection Society identified a further risk to the urban forest. With general tree protection measures now repealed the

protection of the urban forest relies on Council scheduling notable trees. Dr Brown correctly identified that this system focuses on existing trees that to be notable are also very old, therefore may have limited life remaining.

Dr Brown also identified there is no mechanism for protecting trees, particularly on private land, that will be tomorrow's notable trees to replace those currently scheduled but which will eventually die. As the existence and continuing health and diversity of the vegetation within these established suburbs attests to the value placed on the vegetation and the animals it supports by the residents of these areas, it is the continuation of the low-density development so enabling the retention of the existing gardens and mature trees which is now fundamental to the future of the urban forest.

Biodiversity

19. The diversity and abundance of fauna is a response to the characteristics of the underlying habitat matrix, including its size, connectivity and spatial and temporal heterogeneity. Simple habitats tend to support simple animal communities that can reach high abundances. Conversely, complex habitats tend to support more diverse faunal assemblages but each species will have comparatively lower abundance.
20. Auckland's remaining indigenous forest patches can be conceptualised as "islands" of native habitat surrounded by a "sea" of urban development and strung between two habitat "mainlands", the Waitakeres to the west and the Hunuas to the east. These habitats are critical for maintaining native biodiversity in the city and as such may conform to the predictions of the theory of island biogeography.
21. However, research indicates that where the "sea" of habitat surrounding these "islands" is not a hostile environment the system is best viewed as a habitat matrix of varying complexity. In this case, this habitat matrix can actually support biodiversity in the remaining native forest patches as it reduces the isolation and improves the connectivity of these habitats and augments the temporal supply of wildlife resources. Faunal abundance may not be as high outside these forest patches as within them but overall both species diversity and species abundance is higher as a result of the urban forest being present across the gaps between these forest habitats.

22. Therefore, any significant reduction or degradation of the urban forest as a result of residential intensification will lead to greater fragmentation of the vegetation and increased isolation of the remaining native forest patches. As a result, faunal species abundance and diversity can be expected to decline as a result.

Summary

Rezoning large numbers of Single House Zone lots to enable intensification will result in further declines in freshwater quality due to physico-chemical effects and these will be exported to receiving environments. Auckland has a remarkable urban forest and up to approximately one third will be at risk of loss as a result of the re-zoning proposals as originally promoted by the Auckland Council. Tree protection mechanisms will not protect the future of this forest and may selectively protect exotic over native species. A flow on effect of the loss of urban forest ecological values will be a loss of biodiversity throughout the city.

Grant Spencer Dumbell

24 March 2016

-----Original Message-----

From: Charles Willmer >
Sent: Sunday, 8 May 2022 3:36 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Feedback on Govt New Housing Rules

Please find attached my feedback on the Governments new housing rules.

Kind Regards

Charles Willmer

[Find out more about Auckland Council's Election]<https://aklcouncil.sharepoint.com/sites/teams-groups/SitePages/elections-team.aspx?web=1&utm_source=email_footer&utm_medium=email&utm_campaign=Elections-2022&utm_id=PRO-0804-Elections-2022>

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Government's new housing rules: What it means for Auckland

Feedback from Charles Willmer

Feedback must be received by Monday 9 May 2022

Over the past few years, central government has taken a much stronger role in planning for the growth of New Zealand's largest and fastest growing cities. This means new rules enabling more higher-density housing.

These are directed by the government's National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Act).

These government requirements will enable taller and more higher-density housing, such as apartments, terraced housing and townhouses across our city, with the highest densities in areas close to public transport and centres with shops, jobs and community services.

While the NPS-UD focuses on housing of six storeys or more in and around our largest urban centres (including the city centre) and around rapid transit stops (like train and busway stations), the Act requires Medium Density Residential Standards (MDRS) that enable housing of up to three storeys to be built on most residential sites across the city.

The NPS-UD also allows us to limit intensification where there are features or constraints to enabling the scale of development that would normally be allowed on properties or across particular areas. These are called qualifying matters.

The requirements from the NPS-UD and the MDRS combined will mean medium and high-density housing can be built across much of Auckland's urban area. This means there will be changes to the rules in the Auckland Unitary Plan (our planning rulebook) for how properties can be developed.

The changes set out in the NPS-UD and the Act are not optional. By law, we must change the Auckland Unitary Plan to put these new rules in place. However, the NPS-UD allows us to make a limited number of decisions to help shape the future of our city such as:

- The distances of 'walkable catchments' where buildings of six storeys or more are required
- The size of the areas around our suburban town and local centres where additional height and density of buildings can occur, and what the building heights and density limits are
- Additional 'qualifying matters' (a feature or characteristic which can reduce the three-storey and six-storey building height limits) that will apply in Auckland.

We have prepared a preliminary response to the NPS-UD and the Act, that shows how we think they could apply to Auckland. A summary of this preliminary response is explained in our consultation document available on [akhaveyoursay.nz/housing](https://www.akhaveyoursay.nz/housing), and the planning maps are shown in the draft NPS-UD map viewer (link to map viewer available on [akhaveyoursay.nz/housing](https://www.akhaveyoursay.nz/housing))

We want your feedback on the parts of the preliminary response listed above. Your feedback will help inform a plan change. We are required to publicly notify this plan change by 20 August 2022. You can then make a submission on the plan change, so that your views are considered during the statutory decision-making process.

We strongly encourage you to read the consultation document and supporting information before answering the following questions. For more details, go to akhaveyoursay.nz/housing.

We encourage you to give feedback online at akhaveyoursay.nz/housing or you can:

Scan and Email your completed form to: unitaryplan@aucklandcouncil.govt.nz

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

First name: Charles

Last name: Willmer

Email address or postal address:

Your local board: Kaipatiki

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf): No

Optional Questions: Not completed

Your feedback (all questions are optional)

Requirements for intensification

Intensification inside walkable catchments

A walkable catchment (required by the NPS-UD) is the area around a train or busway station, or a large urban centre within which an average person will walk to that location.

The government requires councils to identify walkable catchments around the city centre, metropolitan centres and rapid transit stops (train or busway stations) where buildings of six storeys or more must be enabled.

We are proposing:

- a 15-minute walk (around 1200 metres) from the edge of the city centre.
- a 10-minute walk (around 800 metres) from the edge of the metropolitan centres and around rapid transit stops, such as a train station or stop along the Northern and Eastern Busways.

These are subject to modifying factors such as landscape, for example steep hills, and physical barriers including motorways.

1. What do you think of our proposed walkable catchment of 1200 metres from the edge of the city centre?

Response - Other

Tell us why

The City fringe is one “logical” area for intensification, people are drawn to the City for work, shopping and the City Life. The key issue with the proposal is that it has “hard” boarder. This means tall buildings can be erected right up to the 1200m boarder. This is very bad Town Planning practice (this will be a theme throughout my response). There should be a “transition Zone” within the 1200m zone where buildings have to be stepped down in height to the zones they abut onto. This is an especially important change needed where the zone abuts to a Residential Special Character Area. Rules that allow the construction at the boundary of the zone a 6 story block on a 300m2 site with a 1m step back can only be described as ignorant. Ignorant of good design, ignorant of good town planning principles and ignorant of the sense of place urban areas need.

2. What do you think of our proposed walkable catchment of 800 metres from the edge of the metropolitan centres?

Response - Other

Tell us why

Similar to the City fringe, metropolitan fringe areas are “logical” area for intensification, people are drawn to them for work, shopping and the life they offer. The key issue with the proposal is that it has “hard” boarder. This means tall buildings can be erected right up to the 800m boarder. This is very bad Town Planning practice. There should be a “transition Zone” within the 800m zone where buildings have to be stepped down in height to the zones they abut onto. This is an especially important change needed where the zone abuts to a Residential Special Character Area. Rules that allow the construction

at the boundary of the zone a 6 story block on a 300m² site with a 1m step back can only be described as ignorant. Ignorant of good design, ignorant of good town planning principles and ignorant of the sense of place urban areas need.

3. What do you think of our proposed walkable catchment of 800 metres around rapid transit stops?

Response – Do not Support – I think it should be closer

Tell us why

Similar to the previous zones, Transport hubs are suitable for intensification as they attract people. This is sympathetic to a greater use of public transport. However, these are more suburban in nature and residential areas of less dense housing – this is a key reason why people (families) moved there in the first place. This should be protected. Another issue with the proposal is that it has “hard” boarder. This means tall buildings can be erected right up to the boarder. This is very bad Town Planning practice. There should be a “transition Zone” within the 800m zone where buildings have to be stepped down in height to the zones they abut onto. This is an especially important change needed where the zone abuts to a Residential Special Character Area. Rules that allow the construction at the boundary of the zone a 6 story block on a 300m² site with a 1m step back can only be described as ignorant. Ignorant of good design, ignorant of good town planning principles and ignorant of the sense of place urban areas need.

Intensification around town and local centres

Central government has told us that we need to enable building height and density (for example terrace housing and apartment buildings) in and around our neighbourhood, local and town centres that matches the level of commercial activity and community services in each centre (such as jobs, shops and businesses). This is achieved by applying the Residential – Terrace Housing and Apartment Buildings Zone.

Town centres are larger suburban centres in Auckland that provide for a wide range of shops, services and activities for their surrounding districts. They are often spread across a couple of city blocks, and along main roads. Some examples are Glenfield, Glen Eden, Parnell and Papatoetoe town centres.

Local centres include a larger number of smaller suburban centres that serve local areas and neighbourhoods. Local centres might have 20 or 30 shops and some small offices.

4. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings Zone to residential areas up to around 400 metres from large town centres with high accessibility?

Response – Do not Support – I think it should be closer

Tell us why

Similar to the previous zones, Large Town Centres are suitable for intensification as they attract people. However, these are more suburban in nature and residential areas of less dense housing – this is a key reason why people (families) moved there in the first place. This should be protected. Another issue with the proposal is that it has “hard” boarder. This means tall buildings can be erected right up to the boarder. This is very bad Town Planning practice. There should be a “transition Zone” within the 400m zone where buildings have to be stepped down in height to the zones they abut onto. This is an

especially important change needed where the zone abuts to a Residential Special Character Area. Rules that allow the construction at the boundary of the zone a 6 story block on a 300m2 site with a 1m step back can only be described as ignorant. Ignorant of good design, ignorant of good town planning principles and ignorant of the sense of place urban areas need.

I disagree with the classification of Birkenhead as Large Town Centre. It may have a reasonable catchment area but it is absolutely a Small Town Centre. To illustrate the error; have you been to Milford Town Centre recently? Its huge! If Milford is classified “Small” so should Birkenhead.

5. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility?

Response – Do not Support – I think it should be closer

Tell us why

Similar to the previous zones Small Town Centres are suitable for intensification as they attract people. However, these are more suburban in nature and residential areas of less dense housing – this is a key reason why people (families) moved there in the first place. This should be protected. Another issue with the proposal is that it has “hard” boarder. This means tall buildings can be erected right up to the boarder. This is very bad Town Planning practice. There should be a “transition Zone” within the 200m zone where buildings have to be stepped down in height to the zones they abut onto. This is an especially important change needed where the zone abuts to a Residential Special Character Area. Rules that allow the construction at the boundary of the zone a 6 story block on a 300m2 site with a 1m step back can only be described as ignorant. Ignorant of good design, ignorant of good town planning principles and ignorant of the sense of place urban areas need.

I believe Birkenhead should be classified as a Small Town Centre. It may have a reasonable catchment area but it is absolutely a Small Town Centre. To illustrate the error; have you been to Milford Town Centre recently? Its huge! If Milford is classified “Small” so should Birkenhead.

The Government and Council have a responsibility to prevent this:



Qualifying matters

The government allows for some qualifying matters - exemptions to modify three-storey and six-storey building heights. Qualifying matters are a characteristic which can be used to protect sites of cultural, historic, or ecological significance or to avoid development in areas with natural hazards.

The government has already identified a number of qualifying matters and allows us to include other qualifying matters relevant to our city.

To include our own qualifying matters, we must provide robust evidence to justify why it should reduce building heights and density in a particular area in light of the government's direction to enable more housing.

Special Character Areas

'Special character areas' are older parts of the city that have special architectural or other built character value. They are covered by the Special Character Area Overlay in the Auckland Unitary Plan.

Many of Auckland's older residential suburbs were built around the early public transport network and emerging town centres. This is where our special character areas are located. The government is now directing us to enable increased housing density (e.g. buildings of six-storeys or more) within walkable catchments of town centres and public transport networks, and up to three storey buildings elsewhere.

The government has not included special character areas as a qualifying matter. However, we are proposing to include identified areas of special character as a qualifying matter that reduces limits on building heights and density to ensure the character values of these areas are retained.

6. What do you think of our proposal to include identified special character areas as a qualifying matter?

Response - Do not support – I think all existing special character areas should be a qualifying matter

Tell us why

I am open to limited intensification in areas of Special Character **BUT** only after careful consideration. Over many years, Council and the Community worked hard to identify Special Character Areas and the criteria for their classification and the reasons why Council and Community felt they were worth preserving.

The new classification system has been put together in weeks and reflects little of the considered work done over time. **This means it is not robust.**

Until a robust system of classification is identified all existing Areas of Special Character should be listed as "Qualifying Matters".

Dept of Conservation: *"Our heritage helps us gain an understanding of New Zealand's past and how this shapes and defines our Kiwi identity."*

Not protecting it and you start to lose the sense of "place" that is important to humanity; urban or rural.

I find it unbelievable that the Government default position is to abolish Areas of Special Character. This is counter to best practice Town Planning where culture and heritage are treasured and modern development and heritage blend together.

How many times have Aucklanders, all other New Zealanders and people in the rest of the world said when they look back at heritage destruction “How the hell did they allow that to happen?”. Here we are on the brink of allowing it to happen all over again and this time it’s the Government promoting it.

The proposal is counter to all that has come out of Government for many years and from experts around the world.

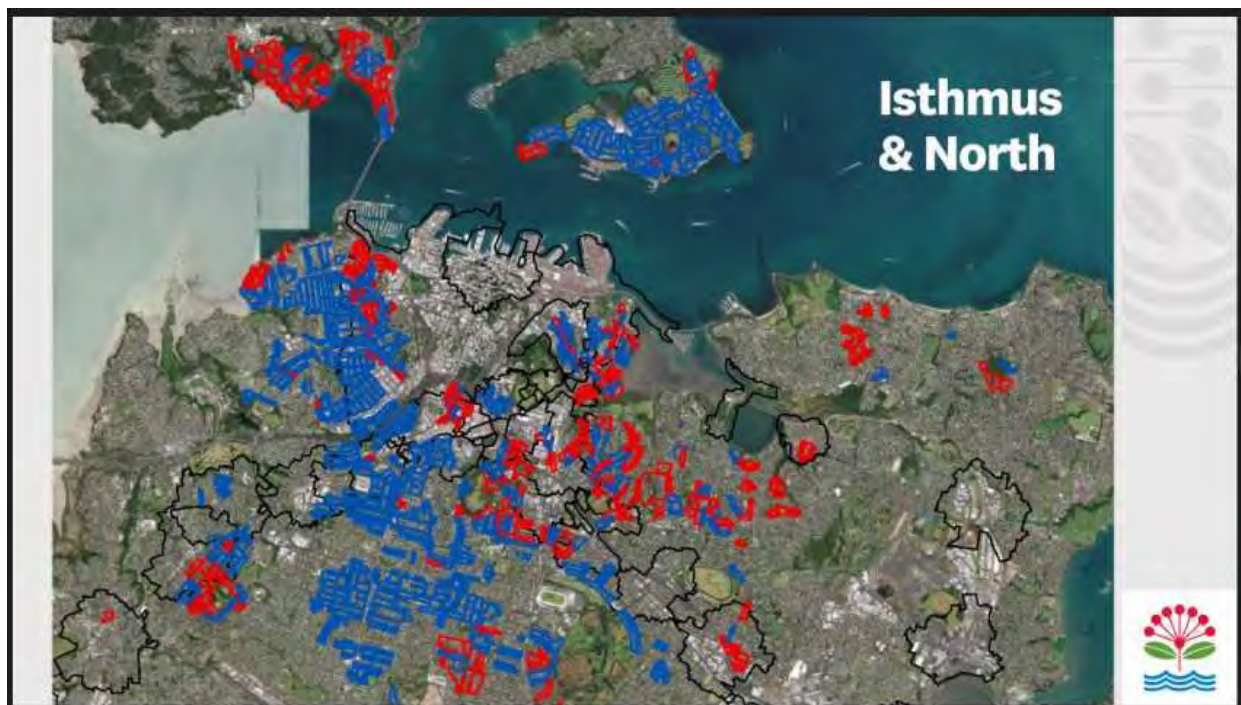
Example from DOC website: *“The Value of Heritage” - Our heritage is always at risk. It is important that we care for and protect our historic heritage for today and future generations. The government regards the management of historical heritage within its care as an important part of its responsibilities.*

Example from The World Bank, a strong promoter of Culture around the world: *“The cardinal rule in cultural heritage restoration is do no harm. Overcrowding and poorly-planned renovations only cause further damage and make proper restoration more difficult and costly. Second, urban regeneration of surrounding areas must not disrespect the site’s cultural appeal. **The construction of modern and multi-story buildings in surrounding urban areas must not ruin the aesthetic or functionality of a (restored) heritage site.**”*

“Heritage anchors people to their roots, builds self-esteem, and restores dignity. Identity matters to all vibrant cities and all people,” World Bank Vice President for Sustainable Development Rachel Kyte.

The Council Scoring System is flawed and not robust:

1. It is no coincidence that the largest connected areas of red (proposed to lose Special Character Area) on the following map are Birkenhead and Northcote. Why? The survey as done by Google Maps! Look at all the blue that was done by walk arounds. The least Council should do is to resurvey these areas in a proper and equitable way.



2. Using Google Maps does not allow proper assessment of many of the items in Council document “SCA Residential Survey Guidance” which is the document used by surveyors in assessment of “scores” of individual properties. Examples:
 - a. It would be difficult to spot a “replica” vs a well completed renovation
 - b. Looking at an individual photo would not allow the surveyor to look at the street and property in context and connection with others to answer “are the specific characteristics evident on the site compatible with the special character are”.
 - c. Many properties are not visible from the street. Google Maps will only show a roof. Example. Our property is down a private 50m drive. It is 100 years old, made of lathe, plaster and pebbledash and a fine example of the Arts and Crafts movement. This will have been completely ignored in the survey and contributed to the “area” we are in being classified as ready for demolition. A little bit of nimbyism may have crept in there (apologies) but it is an example of the shortcomings of both the survey and using Google Maps.
3. Individual scores are aggregated over an area. The result of this that if a gem of a property is in a mediocre area, tough it can be got rid of. Similarly, a dunger of a place could be in a high scoring area and be preserved. This is not a robust system. I acknowledge that “subareas” system helps a little but the issue noted here is still able to happen is subareas.
4. I have read nowhere about some of the lovely properties exist outside of Special Character Areas. How are these protected? Heritage is a City-Wide characteristic. It needs a City-Wide response.
5. Suggestion: All proposed demolitions across the City should be assessed by suitable criteria as part of their Building Consent regardless of whether they are in an Area of Special Character.

To answer the next two questions, you will need to view the draft planning maps shown in the NPS-UD map viewer. The maps show areas of special character that are identified as a qualifying matter (in blue) and that are not a qualifying matter (in red). You can find a link to the map viewer on akhaveyoursay.nz/housing

7. What do you think of the proposed residential special character areas that we have identified?

Response - Do not support – I think there are further areas of that should be identified as a qualifying matter

Tell us why

See response to (6) above.

8. What do you think of the proposed business special character areas that we have identified?

Response - Do not support – I think more areas or parts of areas should be identified as a qualifying matter

Tell us why

See response to (6) above. Business and Industrial “special character” is as equally deserving of preservation as part of our heritage and culture.

Infrastructure constraints

We are looking to identify areas in Auckland with long-term significant infrastructure constraints as a qualifying matter. As with special character areas, this is not a qualifying matter that is listed in the NPS-UD or the Act.

This may include areas where water supply and wastewater networks may not be adequate to cope with more growth and are very costly and/or difficult to upgrade, or stormwater infrastructure is not adequate and very costly and/or difficult to provide, or where access to transport infrastructure is not adequate and very costly and/or difficult to provide.

By including this as a qualifying matter, it would reduce the limit on building heights and density that would otherwise be enabled.

We have not yet determined how we would apply this qualifying matter as the NPS-UD and the Act do not provide any specific support. At this stage, we want feedback on whether to consider this as a qualifying matter or not. If we include it as a qualifying matter, we will show the extent and location of any changes to height and density requirements in our plan change in August 2022.

9. What do you think of our proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter?

Response - Support

Tell us why

Removing infrastructure constraints such as checks to ensure adequate freshwater availability and capacity for waste and storm water disposal is yet another example of the lack of Government appreciation of key principles for good town planning. "Ah let someone build 10x6 story apartment blocks in a row (a possibility under the new laws) and she'll be right for sewage and freshwater mate". Our famous Kiwi "can do" attitude but this time it will shoot us in the foot.

Across the city and rest of the country, fresh, storm and waste water infrastructure problems are endemic due to both their age and that they were not designed to cope with today's population densities. These issues will only get worse with the Government proposals.

"The total investment required (across all water management systems) once maintenance and renewals are factored in could be in the order of \$110 billion over the next 30 to 40 years," Three Waters reform programme document

This is a City wide problem. Logically, it is the older areas of town that have the oldest infrastructure and infrastructure that is least likely to cope with housing intensification, especially if it is uncontrolled as proposed by Government.

Introducing intensification without individual site assessment of infrastructure is environmentally reckless and irresponsible. It will lead to further issues like the ones on the Wellington waterfront, more beaches being closed for longer periods of time and increased public health issues. This is on top of the incidents where neighbours' lives are severely impacted due to a multi dwelling building on the site next door causing runoff and sewage problems.

We are better than this – it seems the Government isn't.

I would note specifically Little Shoal Bay has a problem keeping up with stormwater run off under its current built environment, throw a few lumpy blocks of flats in there and all sorts of problems will arise.

Other qualifying matters

We are also proposing to include a number of other overlays and controls in the Auckland Unitary Plan as qualifying matters that limit the height and density of development on sites or across areas to retain the values they reflect. A description of these proposed qualifying matters and how they are proposed to be protected or kept is shown in the consultation document and information sheets available on akhaveyoursay.nz/housing.

These additional qualifying matters include:

- Ridgeline Protection Overlay
- Local Public Views Overlay
- Auckland War Memorial Museum Viewshaft
- Stockade Hill Viewshaft
- Character buildings in City Centre zone and Queen Street Valley Precinct
- Some of the existing built form controls in City Centre (e.g. allowing sunlight into public places, Aotea Square height control).

10. Do you have feedback on any other qualifying matters? (please be clear which proposal you are talking about)

Response – Support all the ones listed

Tell us why

Open space and viewshafts are key design features in Town Planning. They are important to provide the open areas for exercise and recreation and the longer view lines that give a better sense of space and wellbeing. Removing this protection will only increase the visual pollution that underscores the Government proposals.

In addition to the list above, the following should also be classified as Qualifying Matters:

- Coastal Overlay for Restricted Height. This is for similar reasons as the list of “Other Qualifications” noted above.
- Significant Ecological Overlay and Significant Tree protection. Again, another key principle of world class Town Planning is being ignored by the Government. So much for the Governments “green” credentials and its lack of appreciation that urban areas need green space. More, not less greenspaces will be required under the urban intensification programme proposed. Are we likely to see Council having to buy back some of the open space they are currently looking to sell?

- Car parking to dwelling ratios will need to be maintained under an intensification programme. Whilst reducing the number of cars in urban areas is a target of Central and Local Government, ignoring the fact that cars are still a part of today's urban fabric will only lead to side roads choked with parked cars increasing the frustration of all. This will be more evident in areas with narrower roads such as Areas of Special Character.
- More work is required on plot size and distance from boundary. I understand a 3 level dwelling would be allowed on a minimum size plot of 300m² and up to 1m to boundary. Again this blanket standard is poor Town Planning with no qualifications as to overall housing density, appreciation of the space that surrounds it and the design feature of the build.

Summary

Whilst urban intensification is accepted, the Government proposal needs major work otherwise it will be recognised as having contributed to Auckland's demise as one of the World's Most Liveable Cities (currently we hold No. 1 position in the EIU annual survey).

The key outcomes of Auckland being a less attractive place to live will be less people wanting to come and live, work and to visit as a tourist. The unfortunate factor is that it will only be recognised as being such a debacle in many years' time and long after the people responsible have moved on or retired.

1. The Government and Council are demonstrating their poor appreciation of modern town planning principles (hard zone edges, removal of Special Character zones, removal of ecological protection)
2. The Government is demonstrating a lack of regard for environmental matters and the part they play in urban development (water/drainage infrastructure and open space, ecology and trees).
3. The Government has demonstrated it takes no learning taken from past historic heritage destruction.

I find the Proposal demonstrates a large void between that the Government preaches and what it practices.

From: convenor@bettertransport.org.nz <convenor@bettertransport.org.nz>

Sent: Monday, 9 May 2022 6:31 AM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Cc: committee@bettertransport.org.nz

Subject: Submission on the National Policy Statement on Urban Development and Medium Density Residential Standards

Dear Sir/Madam

Please find **attached** the Campaign for Better Transport Incorporated's submission on the National Policy Statement on Urban Development and Medium Density Residential Standards.

Please let us know if you have any queries.

Kind regards

Jodi Johnston (Mr.)
Convenor



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9 May 2022

Unitary Plan Team
Auckland Council
AUCKLAND

Sent via email: unitaryplan@aucklandcouncil.govt.nz

Dear Sir/Madam

NATIONAL POLICY STATEMENT OF URBAN DEVELOPMENT AND MEDIUM DENSITY RESIDENTIAL STANDARDS

On behalf of the Campaign for Better Transport Incorporated (**CBT**), we would like to thank Auckland Council for the opportunity to submit on proposed changes to the Auckland Unitary Plan arising from the National Policy Statement of Urban Development and Medium Density Residential Standards.

Principle

At a principled level, the CBT is in favour of the proposals. We appreciate Auckland Council is legally required to meet the requirements of the National Policy Statement on Urban Development and the Medium Density Residential Standards.

While we are broadly in favour of the proposed zoning changes, the CBT has considerable concerns about several elements of these changes. We also have comments we would like on the record about other changes Council would need to make to ensure these proposals are successful for the city as a whole and

Background Comment

Should the proposals be implemented in its current form, the zoning rules applicable in Auckland would not be too dissimilar to the zoning rules applicable in Sydney and Los Angeles, Sydney because of the high density applicable in specific areas, and Los Angeles because of the higher density applicable in general. Given this, we urge Auckland Council to ensure the lessons from these two cities are taken to prevent a repeat in Auckland.

Areas not appropriate for higher density development

The Terrace Housing and Apartment Building Zone should be saved for those areas that are within short distance of an existing or proposed rapid transit stop, or in extremely light doses in a logical location.

Highland Park

The proposed changes would see a considerable expansion of the Terrace Housing and Apartment Building Zone in Highland Park. There is no current proposal to expand the rapid transit network to include Highland Park and the public transport service provision at the moment consists of a frequent bus service (the 72) and two local services (the 733 and 734). There is some bus priority along Pakuranga Road. We do not think it is appropriate to expand the Terrace Housing and



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Apartment Building Zone in this area unless there is either a plan to expand the rapid transit network to serve this location, or if there is a frequent bus service running from Highland Park to Pakuranga with bus lanes.

Meadowlands

The proposed changes would see the area around the Meadowlands Shopping Centre be zoned Terrace Housing and Apartment Building Zone. There is no current proposal to expand the rapid transit network to include Meadowlands and the public transport service provision at the moment consists of the tails of a frequent bus service (the 72C and 72M, which cross at this location) and a local bus service (the 735). There is no bus priority in this area. We do not think it is appropriate to rezone this area as Terrace Housing and Apartment Building Zone unless there is either a plan to expand the rapid transit network to serve this location, or if there is a frequent bus service running from Meadowlands to Botany Town Centre with bus lanes.

Hunters Corner

The proposed changes would see a large area around Hunters Corner rezoned Terrace Housing and Apartment Building Zone along with similar changes in the area around the Papatoetoe Train Station. While we are in favour of the latter, we have concerns in relation to the former. Hunters Corner is a moderate distance away from the Papatoetoe Train Station (2.1 kilometres) and there would need to be bus lanes between Hunters Corner and the Papatoetoe Train Station, along with improvements to the existing bus service between the two (the 31). A case could also be made for bus lanes between Hunters Corner and the Manukau City Centre, along with improvements to the existing bus service between the two (the 33).

Meadowbank Shopping Centre

The proposed changes would see an expanded area around the Meadowbank Shopping Centre be zoned Terrace Housing and Apartment Building Zone. The Meadowbank Shopping Centre is a moderate distance away from the Meadowbank Train Station (1.6 kilometres) and the bus service currently linking the two is a local service with only hourly frequency (the 782), although passengers could as an alternative take the frequent bus along Remuera Road.

Mixed Housing Urban Zone

Under this proposal, most of the parts of Auckland that are not Terrace Housing and Apartment Building Zone are converted to Mixed Housing Urban Zone. While at a principled level, we are in support of this, we still have some areas of concern. It is our view that any area where there is a constrained road corridor and inadequate public transport provision, there needs to be reconsideration of whether an area should be converted to Mixed Housing Urban Zone – specifically we are thinking of the Whangaparaoa Peninsula, but other areas which this might apply to include Beachlands (note, this area is still on tank water).

Expanding some zones

There are a couple of corridors where it might be appropriate to slightly expand the Terrace Housing and Apartment Building Zone to join up areas. Specific examples of this would be along the Manurewa to Papakura and Newmarket to Ellerslie corridors. Ideally, this would be complemented by the provision of a feeder bus system linking the various stations with the expanded zones. Such



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moves could help offset the potential loss of up zoned areas in other parts of Auckland, should Council agree with our comments.

City Centre zone

While potentially outside the scope of this proposal, the CBT suggests that it might be timely for Council to consider whether the City Centre zone should be expanded to include Newton. Once the City Rail Link opens (likely 2025), this area would more comfortably form a part of the Auckland Central Business District and it would make sense for this area to be appropriately up zoned.

Future proofing

The CBT is concerned that not enough is being done to future proof corridors for future public transport corridors, both those envisaged in the next couple of decades under the Auckland Transport Alignment Plan and those which may be more remote. With these zoning changes, the value of the underlying land along many of the identified corridors is likely to increase, making it even more expensive to acquire corridors down the line. We urge the Council to start saving corridors now while land can still be acquired at a lower cost before Auckland ends up in a situation where needed infrastructure cannot be built because the cost of building said infrastructure is unaffordable.

Parking

While the CBT notes this is being consulted on separately and does not form part of the scope of this consultation, there needs to be some determination over the level of on-street parking and the nature of its provision (i.e., is it P60, P120, et cetera) in the up zoned areas sooner rather than later. The CBT can envisage a scenario where an up zoned suburb is developed, people purchase apartments in the area on the assumption on-street parking will be available, Auckland Transport decides to change the rules, and then there is an uproar by the residents. It would be better to have the uproar and debate before the apartments go up than after.

Public Transport Service Provision

Reading between the lines, one of the primary assumptions behind the governments moves in this area was that residents in these new up zoned areas would use public transport and would not own a private motor vehicle. For this notion to work, there needs to be improvements to public transport provision – particularly in the realms of providing 24/7 service on key corridors. Again, we acknowledge this is out of scope of the specific proposal, but do think this needs to be considered.

Other Factors

While the CBT is primarily a transport lobby group, our membership acknowledges other factors need to be considered, and of particular interest is heritage and other environmental elements. Council would be aware that some of the areas proposed for up zoning have high quality heritage elements which should be preserved. Examples of this are the vicinity of Arthur Street in Freemans Bay and parts of Parnell. In our opinion, care must be taken before up zoning these areas – once a heritage area is lost, then it is lost permanently.

Another element which should be considered is other environmental elements. Many of the 'leafy' suburbs are named as such due to the high number of trees in the suburb. Up zoning would likely



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see a large number of those trees cut down over time, and while the CBT do not wish to stand in the way of progress, we think there needs to be a plan to ensure no net loss in trees – Council would undoubtedly agree that trees are a good way of absorbing carbon and that seeing a net loss in trees would be the last thing we want in a climate crisis.

If you have any queries about the submission, please contact me at convenor@bettertransport.org.nz.

Yours faithfully

The Campaign for Better Transport Incorporated

Jodi Johnston (Mr.)
Convenor

From: Michael Campbell <michael@campbellbrown.co.nz>

Sent: Monday, 9 May 2022 8:04 AM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Cc: Yujie Gao Caroline Plowman ;

Dave Tuke

Subject: Feedback on the proposed changes to the Unitary Plan to address the National Policy Statement: Urban Development and the Housing Enabling Act 2021. - National Mini Storage

Good afternoon,

Please find **attached**, feedback on the proposed changes to the Unitary Plan to address the National Policy Statement: Urban Development and the Housing Enabling Act 2021.

The submitter appreciates the opportunity to provide informal feedback on the proposed changes to Unitary Plan.

The submitter would welcome contact from staff in the Unitary Plan team if any clarification or further information is required.

Kind regards | Ngā mihi nui

Michael Campbell | [Director](#) | [BREP \(Hons\)](#) | [MNZPI](#)

Campbell Brown Planning Limited

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FEEDBACK ON THE AUCKLAND COUNCIL'S CONSULTATION ON PROPOSED CHANGES TO UNITARY PLAN TO ADDRESS THE NATIONAL POLICY STATEMENT: URBAN DEVELOPMENT AND THE HOUSING ENABLING ACT 2021

To: Auckland Council

Name of submitter: National Mini Storage Limited

This submission provides feedback on the proposed changes to the Unitary Plan to address the National Policy Statement: Urban Development and the Housing Enabling Act 2021. In particular, this feedback relates to the following pieces of land.

- 68-72 Cook Street, Central Auckland
- 30-38 The Strand, Parnell
- 18 Manukau Road, Newmarket
- 181-189 Apirana Avenue, Glen Innes

The specific provisions addressed by this feedback are as follows:

City Centre

1. The proposed zoning for 68-72 Cook Street, Central Auckland, has been retained as Business – City Centre zone as indicated in **Figure 1**. The submitter supports this zoning and the removal of FAR and height controls in the City Centre Zone.

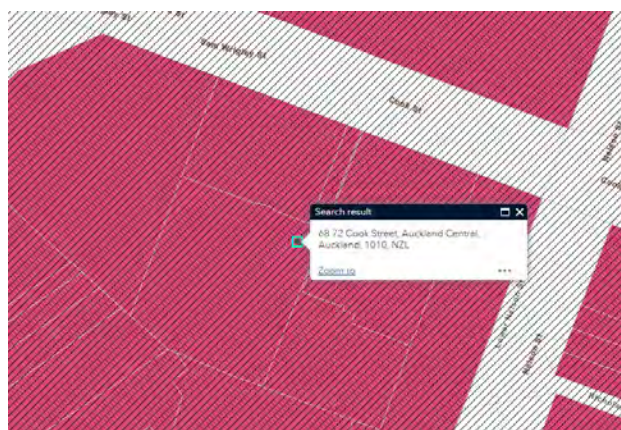


Figure 1 – Proposed Zoning

2. The proposed zoning for 30-38 The Strand, Parnell, has been retained as Business – City centre zone as indicated in **Figure 2**. The submitter supports this zoning and the removal of FAR and height controls in the City Centre Zone.

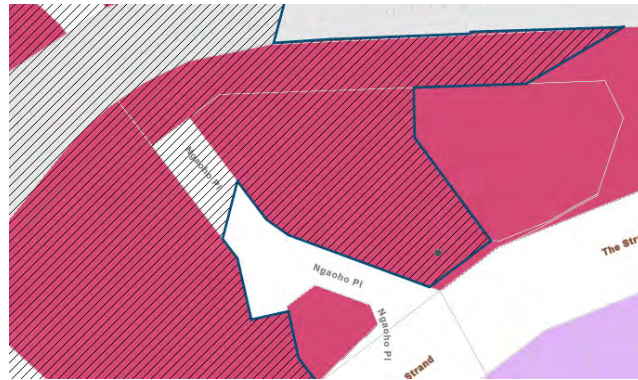


Figure 2 – Proposed Zoning

Newmarket

3. The proposed zoning for 18 Manukau Road, Newmarket, has been retained as Business – Mixed Use zone in **Figure 3**. The submitter supports this zoning and seeks an additional height overlay of 8 storeys.



Figure 3 – Proposed Zoning

Glen Innes

4. The proposed zoning for 181-189 Apirana Avenue, Glen Innes, has been retained as Business – Town Centre zone as indicated in **Figure 4**. The submitter supports this zoning and the proposed heights.

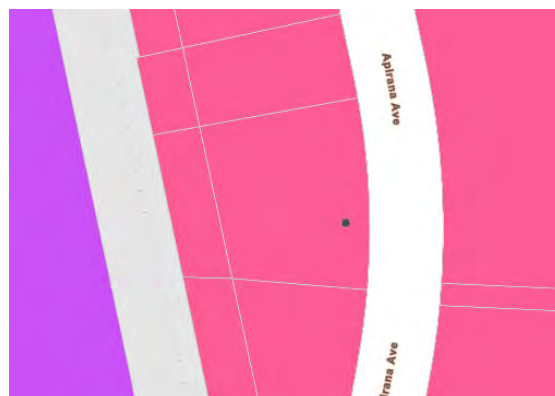


Figure 4 – Proposed Zoning

The submitter has the following feedback in relation to the removal of the proposed heights and FAR controls in the City Centre Zone.

- a) In relation to the City Centre Zone, the submitter supports the removal of maximum height and FAR controls in the Business – City Centre Zone.
- b) In accordance with Policy 3(a) of the NPSUD, the site is within the City Centre zone and should be provided with *“building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification”*.
- c) The submitter notes that Policy 6(b) of the NPSUD also states that that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes *“may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect.”*
- d) The central location of the land lends itself to policies that seek to maximise building heights and density in an area that clearly has demand for additional housing. Being located within the City Centre zone itself, the site located within a close walk of the various business, service, employment and leisure activities the City Centre benefits from. Existing frequent and rapid (RTN) bus services.

The submitter has the following feedback in relation to the proposed heights in the Mixed use zone in Newmarket:

- a) In accordance with Policy 3(c) of the NPS UD, the site should be provided within a least 6 Storeys. However, given the scale of development in this area, it is considered appropriate that additional height is enabled in this particular location. It is noted that the site is in close proximity to the Newmarket Metropolitan Centre (approximately 200m) and is located within the identified Walkable Catchment.
- b) The submitter seeks a height of 8 storeys for the Mixed Use Zoned land identified in Figure 5.



Figure 5 – Proposed Additional Height Overlay

- c) The central location of the land noted lends itself to policies that seek to locate the Mixed Use zones within a close walk of the Newmarket Metropolitan Centre and rapid and frequent services network, and enable development in the Business Zones.
- d) The land is a short walk to Newmarket Metropolitan Centre. The area is accessed by rapid and frequent service networks, and is located within the identified Walkable Catchment. Newmarket Train Station is located within proximity along with a wide range of bus network options. State Highway 1 offers immediate access to the local roading network.
- e) Newmarket is likely to be attractive to both residential and business activities. Proposed storeys need to provide for ceiling heights that enable Business activities. This would typically be a ceiling to ceiling height of 3.8 metres, with ceiling heights of 4.5 metres for the ground floor. Those would typically mean a total height 33 metres for 8 storey buildings.

The submitter has the following feedback in relation to the proposed heights in Glen Innes:

- a) It is proposed to retain the Height Variation Control on the site, of 10 storeys. The submitter supports this proposal.
- b) The central location of the land noted lends itself to policies that seek to enable additional height where they are in centres and rapid and frequent services network, and enable development in the Business Zones.
- c) In terms of height, the site is located between the rail corridor and a road, meaning there is an opportunity for greater bulk without significant detriment to surrounding sites.
- d) Glen Innes Town Centre is likely to be attractive to both residential and business activities. Proposed storeys need to provide for ceiling heights that enable Business activities. This would typically be a ceiling to ceiling height of 3.8 metres, with ceiling heights of 4.5 metres for the ground floor. Those would typically mean a total height of 39m for 10 storey buildings.

The submitter's concerns would be addressed if Unitary Plan were amended or retained in the following way:

- a) The removal of site intensity and GFA/FAR controls within the City Centre Zone (as proposed by Council) are supported and that are applied to the Strand Precinct provisions to ensure consistency with Policy 3(a) of the NPSUD and the balance of the City Centre itself.
- b) That the area of land in Newmarket identified **Figure 5** above is provided with a height overlay of up to 8 storeys.
- c) That the proposed 10 storey heights for Glen Innes are retained.
- d) Any other changes that would address the concerns raised in this feedback.

The submitter appreciates the opportunity to provide informal feedback on the proposed changes to Unitary Plan and thanks the Council staff and elected members for their time in considering the matters that have been raised in this feedback. The submitter would welcome contact from staff in the Unitary Plan team if any clarification or further information is required.



Michael Campbell

Campbell Brown Planning Limited

For and on behalf of National Mini Storage Ltd as its duly authorised agent.

Date: 9 May 2022

Address for service of submitter:

National Mini Storage Ltd
C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Attention: Michael Campbell

Telephone: (09) 378 4936

Mobile: (021) 2789018

Email: michael@campbellbrown.co.nz

From: Douglas Allan <dallan@ellisgould.co.nz>

Sent: Monday, 9 May 2022 10:19 AM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: Submission on Auckland Council proposals re NPS-UD 2020 and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 - Drive Holdings Limited

We **attach** a submission on the Council's draft IPI planning maps on behalf of Drive Holdings Limited.

Regards
Douglas Allan

Douglas Allan PARTNER

phone. +64 9 307 2172 Cell +64 021 680 562 email. dallan@ellisgould.co.nz



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[Download parking map and instructions here - A4 PDF](#)

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**Submission on Auckland Council proposals re
NPS-UD 2020 and Resource Management (Enabling Housing Supply and Other Matters)
Amendment Act 2021
by
Drive Holdings Limited**

To: Auckland Council - unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: **Drive Holdings Limited**
Address: **C/ Ellis Gould, Solicitors, PO Box 1509 Auckland**
For: Douglas Allan
Address for Service: c/ dallan@ellisgould.co.nz

Date: **9 May 2022**

Introduction

1. This submission responds to Auckland Council's proposed changes to the AUP planning maps ("**the Changes**") to take account of the NPS-UD 2020 ("**NPS-UD**") and the Resource Management (Enabling Housing and other Matters) Amendment Act 2021 ("**Amendment Act**").
2. Drive Holdings Limited is part of the Urban Partners Group of companies and is the owner of extensive land holdings in Mission Bay. This submission addresses two issues:
 - a. DHL seeks the retention of or an increase in the current 18m zone height standards for the Local Centre zone and Mixed Use zone at Mission Bay; and
 - b. DHL seeks amendments to the Changes to provide for buildings of at least 8–10 stories in height along specified parts of the Kepa Road ridge.

Mission Bay zone height standards

3. The Changes envisage retention of the Local Centre and Mixed Use zones at Mission Bay. Those zones are currently subject to zone height standards of 16 m (occupiable height) +2 m (roof form) = 18 m (overall building height).
4. There is no indication in the Changes that there will be any alteration to the zone height standards in those areas or more generally for the Local Centre and Mixed Use zones. The application of the MDRS and changes to some of the residential zones will enable intensification in the immediate vicinity of the centre.
5. Mission Bay is a regionally important Local Centre in terms of its tourist, recreational, entertainment and dining opportunities. The commercial buildings at Mission Bay are relatively old and are not particularly high quality in terms of the construction. It is appropriate and desirable for those commercial areas to be redeveloped but in order for that to occur economically and with high quality structures, the zoning framework needs to enable development of a sufficient scale.
6. Mission Bay is well served by public transport and is the closest centre on Tamaki Drive to the City Centre zone. It is an appropriate and ideal location for residential and commercial intensification, which would be facilitated through an increase in the zone height standards.

7. Accordingly, DHL seeks the retention of or an increase in the current 18m zone height standards for the Local Centre zone and Mixed Use zone at Mission Bay.

Kepa Road Ridge

8. The Changes propose relatively few alterations to the zoning and hence height standards along the Kepa Road ridge. DHL considers that to be a lost opportunity and that the Changes do not adequately or appropriately provide for urban intensification along both sides of the Kepa Road ridge between Dudley Road in the east and Nehu Street in the west.
9. The Kepa Road ridge presents an unusual opportunity for intensification in circumstances where there will be limited if any adverse effects on amenity:
- a. Kepa Road runs along a ridge that has an east–west orientation. Properties on the north facing slopes of the ridge typically have an outlook or views towards the Hauraki Gulf and Islands and in many cases are designed to take advantage of those views and outlook.
 - b. As a consequence of the topography and orientation of the ridge, and the layout of buildings to the north of Kepa Road, buildings constructed along the ridge typically do not shade or otherwise adversely affect the amenity of the residential properties located to their north
 - c. Much of the land to the south of the ridge is in open space and does not currently accommodate residential development. Nor is that land likely to do so in the future. Accordingly, development on the ridge does not adversely affect residential amenity to the south.
 - d. Accordingly, development can be intensified along the Kepa Road ridge, including through increasing the relevant zone height standards or imposing height variation controls, without adversely affecting residential amenity to either the north or south.
10. Kepa Road is a major arterial route providing one of the key connections between the eastern suburbs and the City Centre zone and central motorway interchange. It is a public transport route and has the potential to perform a greater public transport function as the Kepa Road Town Centre and the supporting residential catchment intensify.
11. DHL therefore seeks that the Local Centre, Neighbourhood Centre, Mixed Use and THAB zones along the Kepa Road ridge between Dudley Road and Nehu Street be allocated a zone height standard or Height Variation Control that will enable construction of at least eight – 10 storeys.

Dated 9 May 2022

DA Allan – counsel for Drive Holdings Limited



Government's new housing rules:

What it means for Auckland

Feedback must be received by **Monday 9 May 2022**

Over the past few years, central government has taken a much stronger role in planning for the growth of New Zealand's largest and fastest growing cities. This means new rules enabling more higher-density housing.

These are directed by the government's National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Act).

These government requirements will enable taller and more higher-density housing, such as apartments, terraced housing and townhouses across our city, with the highest densities in areas close to public transport and centres with shops, jobs and community services.

While the NPS-UD focuses on housing of six storeys or more in and around our largest urban centres (including the city centre) and around rapid transit stops (like train and busway stations), the Act requires Medium Density Residential Standards (MDRS) that enable housing of up to three storeys to be built on most residential sites across the city.

The NPS-UD also allows us to limit intensification where there are features or constraints to enabling the scale of development that would normally be allowed on properties or across particular areas. These are called qualifying matters.

The requirements from the NPS-UD and the MDRS combined will mean medium and high-density housing can be built across much of Auckland's urban area. This means there will be changes to the rules in the Auckland Unitary Plan (our planning rulebook) for how properties can be developed.

The changes set out in the NPS-UD and the Act are not optional. By law, we must change the Auckland Unitary Plan to put these new rules in place. However, the NPS-UD allows us to make a limited number of decisions to help shape the future of our city such as:

- The distances of 'walkable catchments' where buildings of six storeys or more are required
- The size of the areas around our suburban town and local centres where additional height and density of buildings can occur, and what the building heights and density limits are
- Additional 'qualifying matters' (a feature or characteristic which can reduce the three-storey and six-storey building height limits) that will apply in Auckland.

We have prepared a preliminary response to the NPS-UD and the Act, that shows how we think they could apply to Auckland. A summary of this preliminary response is explained in our consultation document available on akhaveyoursay.nz/housing, and the planning maps are shown in the draft NPS-UD map viewer (link to map viewer available on akhaveyoursay.nz/housing)

We want your feedback on the parts of the preliminary response listed above. Your feedback will help inform a plan change. We are required to publicly notify this plan change by 20 August 2022. You can then make a submission on the plan change, so that your views are considered during the statutory decision-making process.

We strongly encourage you to read the consultation document and supporting information before answering the following questions. For more details, go to akhaveyoursay.nz/housing.

We encourage you to give feedback online at akhaveyoursay.nz/housing or you can:

Scan and Email your completed form to:

unitaryplan@aucklandcouncil.govt.nz

Post your completed form to:

Unitary Plan Team
Freepost Authority Number 190197
Auckland Council
Private Bag 92300, Victoria Street West
Auckland, 1142

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

First name: Rachel Last name: Morgan

Email address or postal address: rachelm@barker.co.nz

Your local board:

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)

☒ Yes ☐ No Name of organisation/business: Fortune Arising Development

These questions are optional but will help us understand which groups of the community are engaging with us.

What gender are you?

☐ Male ☐ Female ☐ Another gender (please specify): _____

What age group do you belong to?

☐ Under 15 ☐ 15-17 ☐ 18-24 ☐ 25-34 ☐ 35-44
☐ 45-54 ☐ 55-64 ☐ 65-74 ☐ 75+

Which ethnic group(s) do you feel you belong to? (Please select as many as apply)

☐ Pākehā/NZ European ☐ Other European ☐ Māori
☐ Cook Islands Māori ☐ Samoan ☐ Tongan
☐ Indian ☐ Chinese ☐ Southeast Asian
☐ Other (please specify): _____

Your feedback (all questions are optional)**Requirements for intensification****Intensification inside walkable catchments**

A walkable catchment (required by the NPS-UD) is the area around a train or busway station, or a large urban centre within which an average person will walk to that location.

The government requires councils to identify walkable catchments around the city centre, metropolitan centres and rapid transit stops (train or busway stations) where buildings of six storeys or more must be enabled.

We are proposing:

- a 15-minute walk (around 1200 metres) from the edge of the city centre.
- a 10-minute walk (around 800 metres) from the edge of the metropolitan centres and around rapid transit stops, such as a train station or stop along the Northern and Eastern Busways.

These are subject to modifying factors such as landscape, for example steep hills, and physical barriers including motorways.

1. What do you think of our proposed walkable catchment of 1200 metres from the edge of the city centre?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

2. What do you think of our proposed walkable catchment of 800 metres from the edge of the metropolitan centres?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

3. What do you think of our proposed walkable catchment of 800 metres around rapid transit stops?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Intensification around town and local centres

Central government has told us that we need to enable building height and density (for example terrace housing and apartment buildings) in and around our neighbourhood, local and town

centres that matches the level of commercial activity and community services in each centre (such as jobs, shops and businesses). This is achieved by applying the Residential – Terrace Housing and Apartment Buildings Zone.

Town centres are larger suburban centres in Auckland that provide for a wide range of shops, services and activities for their surrounding districts. They are often spread across a couple of city blocks, and along main roads. Some examples are Glenfield, Glen Eden, Parnell and Papatoetoe town centres.

Local centres include a larger number of smaller suburban centres that serve local areas and neighbourhoods. Local centres might have 20 or 30 shops and some small offices.

4. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings Zone to residential areas up to around 400 metres from large town centres with high accessibility?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

5. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Qualifying matters

The government allows for some qualifying matters - exemptions to modify three-storey and six-storey building heights. Qualifying matters are a characteristic which can be used to protect sites of cultural, historic, or ecological significance or to avoid development in areas with natural hazards.

The government has already identified a number of qualifying matters and allows us to include other qualifying matters relevant to our city.

To include our own qualifying matters, we must provide robust evidence to justify why it should reduce building heights and density in a particular area in light of the government's direction to enable more housing.

Special Character Areas

'Special character areas' are older parts of the city that have special architectural or other built character value. They are covered by the Special Character Area Overlay in the Auckland Unitary Plan.

Many of Auckland's older residential suburbs were built around the early public transport network and emerging town centres. This is where our special character areas are located. The government is now directing us to enable increased housing density (e.g. buildings of six-storeys or more) within walkable catchments of town centres and public transport networks, and up to three storey buildings elsewhere.

The government has not included special character areas as a qualifying matter. However, we are proposing to include identified areas of special character as a qualifying matter that reduces limits on building heights and density to ensure the character values of these areas are retained.

6. What do you think of our proposal to include identified special character areas as a qualifying matter?

- ☐ Support
- ☐ Do not support – I think all existing special character areas should be a qualifying matter
- ☐ Do not support – I do not think special character areas should be a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

To answer the next two questions, you will need to view the draft planning maps shown in the NPS-UD map viewer. The maps show areas of special character that are identified as a qualifying matter (in blue) and that are not a qualifying matter (in red). You can find a link to the map viewer on [akhaveyoursay.nz/housing](https://www.ahaveyoursay.nz/housing)

7. What do you think of the proposed residential special character areas that we have identified?

- ☐ Support
- ☐ Do not support – I think there are further areas of that should be identified as a qualifying matter
- ☐ Do not support – I think there are areas identified that should not be a qualifying matter
- ☐ Do not support – I think no special character areas should be identified as a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

8. What do you think of the proposed business special character areas that we have identified?

- ☐ Support
- ☐ Do not support – I think more areas or parts of areas should be identified as a qualifying matter
- ☐ Do not support – I think less areas should be identified as a qualifying matter
- ☐ Do not support – I think no areas should be identified as a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

Infrastructure constraints

We are looking to identify areas in Auckland with long-term significant infrastructure constraints as a qualifying matter. As with special character areas, this is not a qualifying matter that is listed in the NPS-UD or the Act.

This may include areas where water supply and wastewater networks may not be adequate to cope with more growth and are very costly and/or difficult to upgrade, or stormwater infrastructure is not adequate and very costly and/or difficult to provide, or where access to transport infrastructure is not adequate and very costly and/or difficult to provide.

By including this as a qualifying matter, it would reduce the limit on building heights and density that would otherwise be enabled.

We have not yet determined how we would apply this qualifying matter as the NPS-UD and the Act do not provide any specific support. At this stage, we want feedback on whether to consider this as a qualifying matter or not. If we include it as a qualifying matter, we will show the extent and location of any changes to height and density requirements in our plan change in August 2022.

9. What do you think of our proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter?

- ☐ Support
- ☐ Do not support
- ☐ Other
- ☐ I don't know

Tell us why

Other qualifying matters

We are also proposing to include a number of other overlays and controls in the Auckland Unitary Plan as qualifying matters that limit the height and density of development on sites or across areas to retain the values they reflect. A description of these proposed qualifying matters and how they are proposed to be protected or kept is shown in the consultation document and information sheets available on [akhaveyoursay.nz/housing](https://www.akhaveyoursay.nz/housing).

These additional qualifying matters include:

- Ridgeline Protection Overlay
- Local Public Views Overlay
- Auckland War Memorial Museum Viewshaft
- Stockade Hill Viewshaft
- Character buildings in City Centre zone and Queen Street Valley Precinct
- Some of the existing built form controls in City Centre (e.g. allowing sunlight into public places, Aotea Square height control).

10. Do you have feedback on any other qualifying matters? (please be clear which proposal you are talking about)

Please refer to the attached.

Would you like to subscribe to any of the following (tick all that apply):

- You can also visit AK Have Your Say at [akhaveyoursay.nz](https://www.akhaveyoursay.nz) to find out about, or register to receive regular updates on, consultation activities happening across Auckland

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at **aucklandcouncil.govt.nz/privacy** and at our libraries and service centres) and with the Privacy Act 1993. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

9 May 2022

Auckland Council

Via email: unitaryplan@aucklandcouncil.govt.nz

Feedback on Auckland Council's Preliminary Response to the NPS-UD

Introduction

Fortune Arising Development ('FAD') own the land at 66-80 Broadway, Newmarket ('the site'). Under the Auckland Unitary Plan (Operative in part) ('AUP (OP)'), the site is zoned Business – Metropolitan Centre Zone, and subject to Regionally Significant Volcanic Viewshafts pertaining to Mount Eden (E11 and E12 under Schedule 9). The Business – Metropolitan Centre Zone permits building heights up to 72.5m. The volcanic viewshaft provisions would limit building height on the site to 21m-26m.

The Newmarket Metropolitan Centre contains the Newmarket Train Station, the Westfield Newmarket Shopping Centre, and a significant number of mixed use residential, retail, and office buildings. Broadway is also serviced by a significant number of bus routes, including frequent and local routes. The Newmarket Train Station is identified as a Major Transport Hub on the Auckland Train Network, and is accessible via the Southern, Western, and Onehunga lines. The site is located within 600m of the Newmarket Train Station and Westfield Newmarket Shopping Centre, well within the walkable distance identified by Auckland Council for the purpose of determining walkable catchments.

Policy 3(b) of the NPS-UD applies to metropolitan centre zones and is relevant to the site, requiring district plans to enable building height and density of urban form to reflect demand for housing and business use in those locations, and in all cases, building heights of at least six storeys.

Justification of the Volcanic Viewshaft as a Qualifying Matter within Newmarket

Auckland Council's preliminary response and draft planning maps indicate that the existing volcanic viewshafts that apply across the site and the Newmarket Metropolitan Centre are replicated as a qualifying matter, being a matter of national importance.

Section 77Q applies to the identification of existing qualifying matters. Subsection (c) requires that within a report prepared under section 32 the territorial authority identify why the qualifying matter applies to the area and the level of development that would be prevented by accommodating the qualifying matter in comparison with the level of development that would have been enabled by Policy 3. We make the following comments in relation to these requirements:

- FAD acknowledge that the AUP (OP) enables building heights of at least six storeys within the site and the Newmarket Metropolitan Centre, however consider that accommodating the existing volcanic viewshaft provisions as a qualifying matter would significantly and unduly reduce the level of development that would be enabled by Policy 3(b) of the NPS-UD.

- FAD encourages Auckland Council to include in the section 32 report how volcanic viewshafts provisions have been assessed as a matter of national importance under section 6 of the RMA. FAD note that volcanic viewshafts are distinct from the AUP (OP) provisions relating to outstanding natural features and landscapes under section 6(b). If there is uncertainty, FAD recommend that the Auckland Council progress volcanic viewshafts as a 'other matter' for the purpose of identifying qualifying matters under Policy 4 and clause 3.32(h) of the NPS-UD.
- In accordance with section 32(2) the costs and benefits of retaining the Volcanic Viewshaft within Newmarket, including the reduced opportunities for economic growth and employment need to be assessed. It is noted that the demand for housing and business use in Newmarket will be greater than demand within other similarly zoned centres, due to the area's proximity to the CBD, educational facilities, open space facilities, accessibility to public transport, and the presence of established residential and commercial activities.
- Section 32(1)(b)(ii) of the RMA requires the identification of reasonably practicable options for achieving the objectives of a proposed plan change. In light of the national significance of urban development, the objectives of the NPS-UD, and the accessibility to public transport and amenities, FAD consider it would be appropriate for Auckland Council to identify and examine other options that enable development on the site and the Newmarket Metropolitan Centre.
- In relation to our point above we note that the entirety of the Newmarket Metropolitan Centre is subject to volcanic viewshafts, including viewshafts pertaining to Mount Eden from approximately six different vantage points (five from road corridors and one from a recreational focal point, being the Auckland Domain). In this case, where all development within the Newmarket Metropolitan Centre is affected by volcanic viewshafts under the AUP (OP), an alternative means of protecting regionally significant views as a qualifying matter may include identifying vantage points from significant public spaces or other meaningful public places, or reducing the number of vantage points the viewshaft applies from. This would enable a level of residential and business development on the site and within the Newmarket Metropolitan Centre that better meets the intent of Policy 3(b) of the NPS-UD, while providing an appropriate level of protection to views of Auckland's volcanic cones in light of the objectives on the NPS-UD.

Summary

FAD note that the Newmarket Metropolitan Centre is well placed in terms of accessibility to amenities and public transport to accommodate the increased intensities of residential and business development envisaged under the NPS-UD and to contribute to well-functioning urban environments within Auckland. FAD therefore encourages Auckland Council to carefully consider:

- (a) The costs and benefits associated with 'rolling over' the existing AUP (OP) provisions for volcanic viewshafts as a qualifying matter on the site and in the Newmarket Metropolitan Centre, and the resulting loss in development potential;
- (b) The appropriate level of protection to be afforded to views of Auckland's volcanic cones in light of the objectives of the NPS-UD; and
- (c) The suitability of other reasonably practicable options that would enable greater levels of building height, density, and urban form as anticipated and enabled by the NPS-UD.

From: Kerry Wilson
Sent: Monday, 9 May 2022 10:42 AM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Submission to Government's new housing rules Unitary Plan changes

Special Character Areas

Not enough areas are being considered as Special Character Areas. There are areas being classed as THAB that are right next to areas being protected due to special character. The new THAB buildings will degrade the purpose of the special character area beside it. Consideration needs to be given to how to transition from special character areas into higher density housing.

Additionally, the current plan does not appear to have taken into consideration protection for ridge lines. Houses with views are worth more and the current plan promotes development on ridge lines over other areas. This will have a detrimental impact on the look of the city with large ridge line dwellings becoming prominent.

There are many examples of where this is already happening in various parts of Auckland. Gilfillan Street in Blockhouse Bay is a good example. These properties are within very easy walking distance to shops and public transport so logic dictates that it should have more infill housing. The development is only happening to properties on the ridge line of Gilfillan Street with views of the Manukau Harbour.

Under the new plan this will carry on in the streets around that area that have views of the Manukau Harbour. The ridge line in this area, and other parts of Auckland just like it, will become solid housing without any character. Special character is not limited to villa and bungalow suburbs and a failure to recognise that will have significant and irreparable adverse effects on the future character of the city.

Infrastructure Constraints

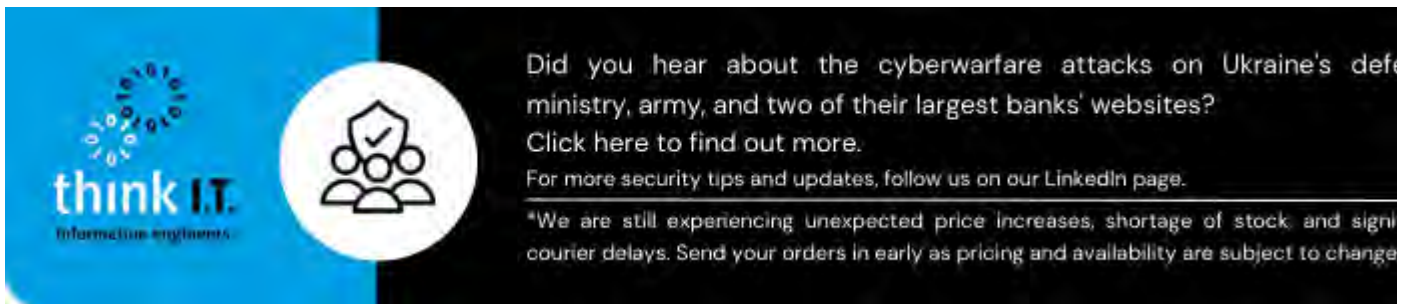
By allowing the majority of Auckland to become MDRS areas with multiple pockets of THAB there is no way to control the required infrastructure growth necessary to handle the demand. How will infrastructure providers know where they need to focus upgrades when growth can be happening anywhere in the city. They will be unable to plan for the growth and instead be having to react retrospectively to areas that can't cope after it has reached capacity.

Regards,
Kerry Wilson
Chief Executive Officer



Think IT Auckland 09 6360900 - 8a Sylvia Park Rd, Mt Wellington. PO Box 12007, Penrose, Auckland.
Think IT Waikato 07 8481628 - 89 Church Road, Pukete, Hamilton. PO Box 20316, Te Rapa, Hamilton.

M 021 504 521 **E** kerry@thinkit.co.nz **W** thinkit.co.nz   



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From: Andrew Body
Sent: Monday, 9 May 2022 11:48 AM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Phill Reid
Subject: Have Your Say: Feedback on Auckland Council's preliminary response to the NPS-UD and Resource Management (Enabling Housing Supply and Other Matters)

Hi there

Please see my feedback on Auckland Council's preliminary response to the NPS-UD and Resource Management (Enabling Housing Supply and Other Matters).

Could you please confirm receipt by return email.

Thanks

Andrew Body



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Feedback on Auckland Council's preliminary response to the NPS-UD and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

5. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility?

☒ Other

Summary

I support the intent of the proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility.

However the proposed "enhanced" THAB rules (allowing 6 levels on standard size lots) should be applied to all town and local centres. Failing that clearly some centres like Te Atatu South have been mistakenly excluded from the enhanced THAB rules and these centres should be included in the enhanced THAB rules zone.

Reasoning

- a. Anecdotal evidence of feasibility economics, empirical evidence of actual recent development patterns and Auckland Council's own assessment of the feasibility of the current THAB zone rules limit economic feasibility of the apartment typology (see schedules A, B, and C).
- b. Developers are choosing to develop terrace housing not apartments in the current THAB zone. THAB has become an enhanced Mixed Housing Urban zone (see schedule D).
- c. Auckland Council's proposal to enhance the THAB rules to enable apartment typology development.
- d. However Auckland Council's current proposal to not enable THAB zoned properties outside the walkable catchments to be built to 6 stories means lost intensification potential of at least 142,637 three bedroom dwellings or 207,472 one bedroom dwellings (see schedule E).
- e. The measurement of size and accessibility for the purpose of determining which town and local centres receive the benefit of proposed enhanced THAB rules has a number of serious problems and mistakes (see schedules F, G and H).
- f. Any urban design concern Auckland Council has as a justification for the "outside the walkable catchment" exclusion from the enhanced THAB rules is inconsistent with the Council having accepted the visual impact of step-up in levels from the current mixed housing urban 2 or 3 levels to adjacent THAB zones where 4 or 5 level apartment buildings are possible (see schedule I).

Supporting Schedules

A. Feasibility economics

Following is a comparative feasibility analysis for apartment versus terrace housing typology proposals on a 1,012 sqm site in the Te Atatu south area.

The apartment feasibility is based on building consent plans and was tendered in late 2021. The terrace housing feasibility is based on a resource consent design and uses current building cost estimates.

The conclusion is quite clearly that the terrace housing proposal is substantially higher profit and lower risk than the apartment proposal.

	Terrace Housing Proposal		Apartment Proposal
	11 units (3 levels, 3 bedrooms & 1 car garage per unit, average quality)		24 units (4 levels, 1 bedroom, 16 undercroft carpark, good quality)
Units	11		24
GFA per unit	125 sqm		45 sqm
Total GFA	1,375 sqm		1,993 sqm
Cost per sqm excl GST	\$3,600		\$6,021
Development cost excl GST	\$4,950,000		\$12,000,000
Net realisation per unit incl GST	\$920,000		\$680,000
Net realisation per unit excl GST	\$800,000		\$591,304
	\$8,800,000		\$14,191,304
Land value, finance, profit	\$3,850,000		\$2,191,304
Cost includes design, consents, site prep, contingency excl GST			

Figure 1

B. Auckland Council's Housing Assessment for the Auckland Region 2021

Auckland Council's own assessment of the feasibility of the THAB zone suggests that the THAB zone has limited economic feasibility.

As part of evidence-based decision-making, the NPS-UD requires that the Auckland Council develop a Housing and Business Development Capacity Assessment (HBA) that provides information on the demand and supply of housing and business land, over the short, medium, and long-term, and the impact of council's planning and infrastructure decisions.

Auckland Council published this assessment in 2021. Figures 12 on page 54 and 15 on page 57 of the HBA provide maps of the feasible typologies across the Auckland region.

Depending on the methodology adopted apartments are only feasible within the geographic bounds of either:

- a. within or close to the city centre or
- b. within or close to the city centre and on the major public transport routes

Figure 12: Feasible dwelling typology distribution for urban and greenfield areas – maximum profit scenario

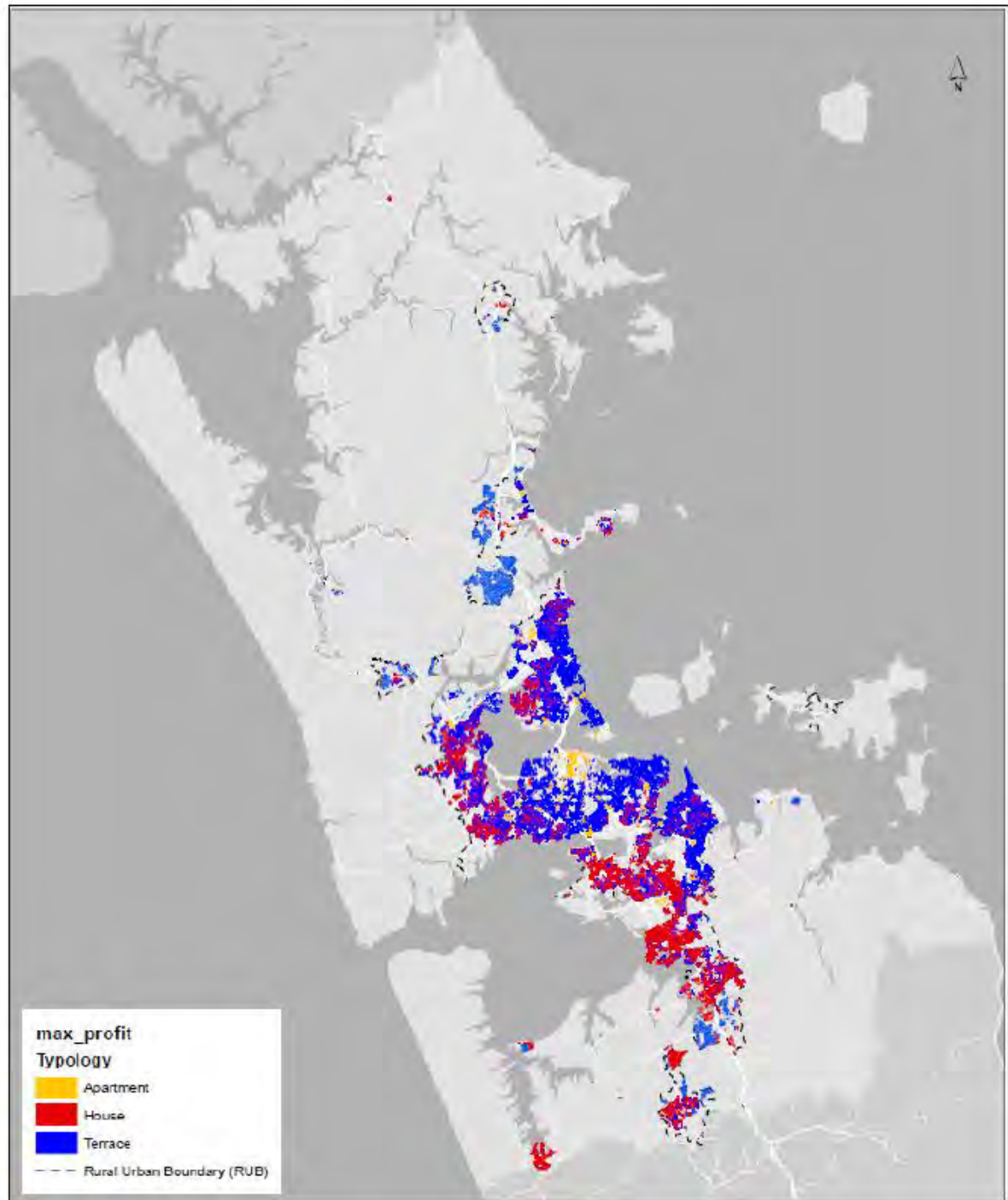


Figure 2

Figure 15: Feasible dwelling typology distribution for urban and greenfield areas – minimum dwelling price

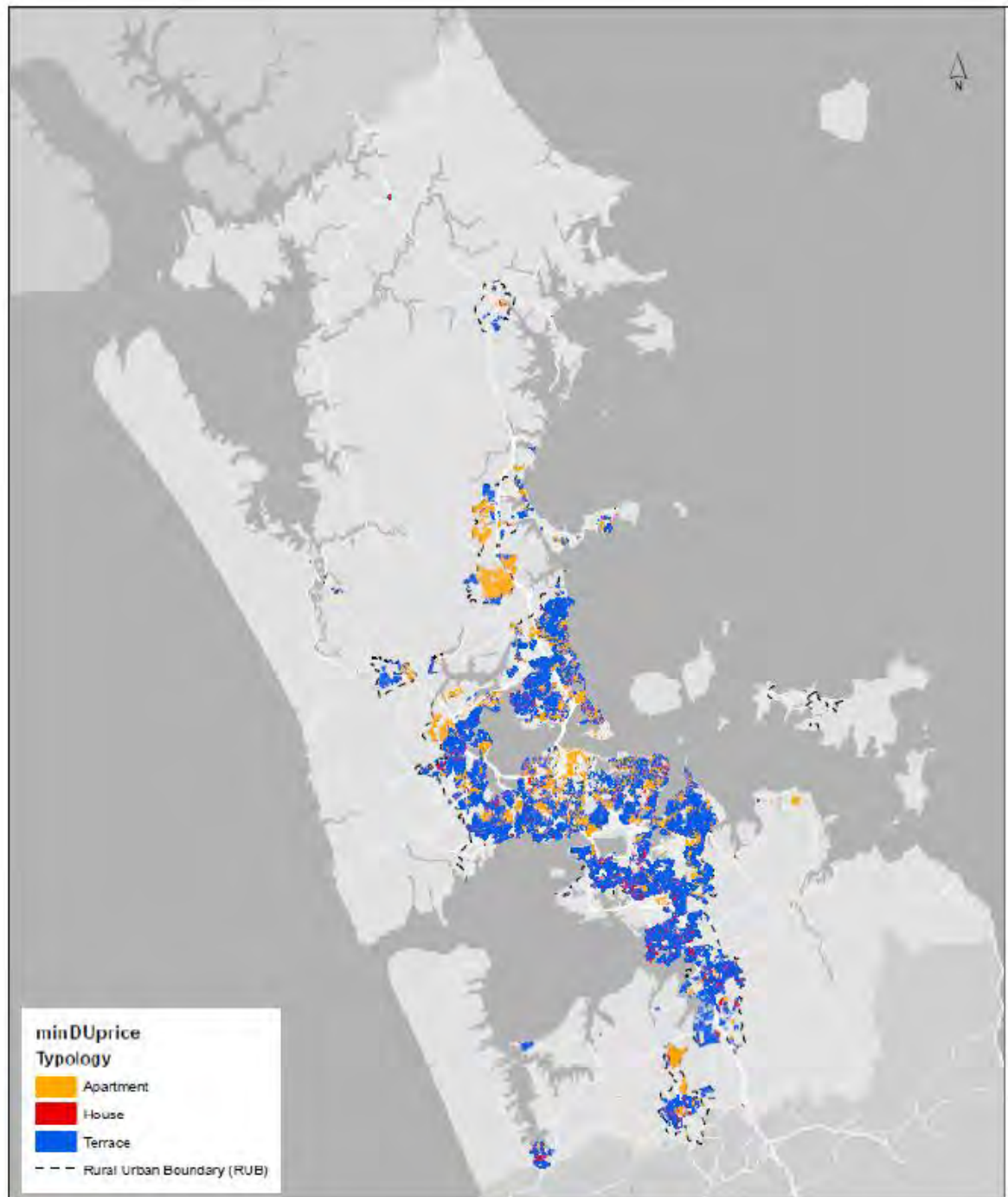


Figure 3

C. Actual development experience in THAB zoned areas since the Unitary Plan became operative

Actual development experience in the THAB zoned areas is consistent with the feasibility economics set out above. The THAB zone, as its rules are currently defined, do not facilitate extensive intensification and in fact the THAB zone is mostly by default an “enhanced” mixed housing urban zone.

The table below shows the total number of dwellings building-consented in the THAB zoned areas in total in the Auckland region and the number of apartment dwellings within that total since the Unitary Plan became operative.

The table shows that of the 10,184 dwellings building-consented over the last five full calendar years only 3,980 or 39% of them were apartments.

	Terrace Housing and Apartment Zone Building Consents - All Areas					
Calendar year	2017	2018	2019	2020	2021	Total
Total number of dwellings - all typologies	577	1,651	2,127	2,307	3,522	10,184
Sub-total number of dwellings - apartments	172	879	848	696	1,385	3,980
Percentage	30%	53%	40%	30%	39%	39%

Figure 4

The table below provides the same analysis for the Auckland region excluding the higher realisation value areas of the North Shore and Auckland City.

The table shows that of the 4,592 building-consented dwellings over the last five full calendar years in Franklin, Manukau, Papakura, Rodney and Waitakere only 1,063 or 23% of them were apartments.

	Terrace Housing and Apartment Zone Building Consents - Franklin, Manukau, Papakura, Rodney, Waitakere					
Calendar year	2017	2018	2019	2020	2021	Total
Total number of dwellings - all typologies	266	638	831	1,196	1,661	4,592
Sub-total number of dwellings - apartments	40	249	123	215	436	1,063
Percentage	15%	39%	15%	18%	26%	23%

Figure 5

The data for these tables was provided by Auckland Council.

D. Advantage for terrace housing in THAB compared to MHU zone

For terrace housing the THAB rules allow construction closer to the boundary. The consequence is an urban form that is denser than the MHU zone, but without the benefit of more vertical intensification.

THAB HIRB rules

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

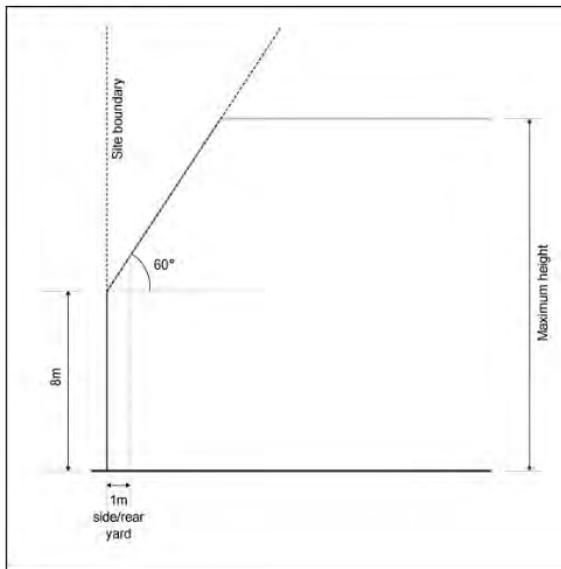
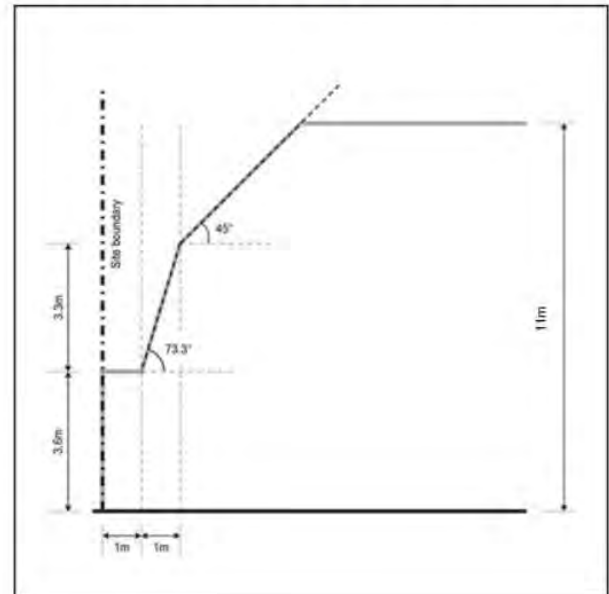


Figure 6

MHU HIRB rules

Figure H5.6.6.1 Alternative height in relation to boundary



E. Lost intensification opportunity of THAB rezoning proposal

Based on data provided by Auckland Council there is a 20,320 increase in THAB zoned properties within the walkable catchments as a result of its current rezoning proposal (from 11,460 to 31,780 properties).

The rezoning proposal within the walkable catchments increases the total number of properties zoned as THAB from 29,288 to 49,608.

The proposal also creates an additional 3,430 rezoned properties outside the walkable catchments that take the total THAB zoned properties from 49,608 (above) to 53,038.

That leaves 21,258 THAB zoned properties outside the walkable catchment and therefore not subject to the Council's proposal to enable THAB zoned properties to be built to 6 stories.

Based on the historical analysis in C. above only a maximum of 39% or 8,291 of those 21,258 properties outside the walkable catchments will be developed to a THAB level of intensity. The balance of at least 12,967 properties will only be developed to the mixed housing urban level of intensity.

The average size of THAB zoned properties outside the walkable catchment is 1,093 sqm. On that basis the Council's current proposal to not enable THAB zoned properties outside the walkable catchments to be built to 6 stories means lost intensification potential of at least 142,637 three bedroom dwellings (12,967 properties times 11 dwellings per property) or 207,472 one bedroom dwellings (12,967 properties times 16 dwellings per property).

F. Problems with Auckland Council's size and accessibility tests

A paper submitted Council Officers to Auckland Council's Planning Committee on 3 March says:

35. With regards to local and town centres, they may be suitable for intensification depending on their size and accessibility. Where intensification is recommended adjacent to a Local Centre or Town Centre under policy 3(d), the THAB zone is to be applied.
46. Based on the discussion above, the following principles have been developed to guide the policy 3(d) intensification within and adjacent to Neighbourhood, Local and Town Centres and staff recommend them to the committee for endorsing:
 - No change to building heights and density of urban form *within* Neighbourhood, Local and Town Centre zones (subject to a review of the Height Variation Controls to ensure consistency with the heights of proposed new zones surrounding the centres)
 - No additional Policy 3(d) intensification (beyond the MDRS) for:
 - All Neighbourhood Centres
 - Local Centres that are small in size and/or have low accessibility
 - Town Centres that have low accessibility
 - Apply the THAB zone to residential zoned sites adjacent to the edge of a centre zone (up to around 200 metres) for:
 - Local Centres that are both large in size and have high accessibility
 - Town Centres that are small in size, but have high accessibility
 - Apply the THAB zone to residential zoned sites adjacent to the edge of a centre zone up to around 400 metres for:
 - Town Centres that are large in size and have high accessibility.

Figure 7

The measurement of size and accessibility for the purpose of paragraph 46 has a number of serious problems.

A general and fatal problem for this measurement is the results are determined by simply ranking the centres in question and applying a cut-off at the median. This relativity test is without any merit because it does not clearly define an absolute threshold that reflects the merits and demerits of the cut-off. For example in terms of accessibility an absolute threshold might be 45 minute access to 50,000 jobs but the Council's relative measure might cause the cut-off to be above this.

A further general and fatal problem is the binary ranking of size and accessibility does not permit any trade-off's to be made between the two measures. For example Te Atatu south is determined as Large size and is only 2 percentage points from being High Accessibility but is still excluded.

There are other problems with the accessibility measure:

- a. Some so-called "low accessibility" centres have more accessibility than walkable catchments defined by rapid transit network stops. For example Te Atatu South local centre is more accessible than parts of the walkable catchment around the Henderson railway station. See schedule G. below.
- b. The accessibility measure is imprecise. For example Glendene is rated as high accessibility but when it is compared to Te Atatu South on Auckland Transport's Journey Planner trip times to Auckland's CBD are higher.

- c. Based on its own methodology the Council's accessibility score (high/low) incorrectly classifies Te Atatu South, Te Napi Drive and Clendon as low accessibility when they are high accessibility. See schedule H. below.
- d. The accessibility measure does not take into account reasonable assessments of the future of Auckland's public transport system. For example because of its position between Henderson and the North Western Motorway Te Atatu South will benefit from most foreseeable improvements in the bus services to and from Henderson.

G. Comparison of transport frequency in metropolitan centre and local centre

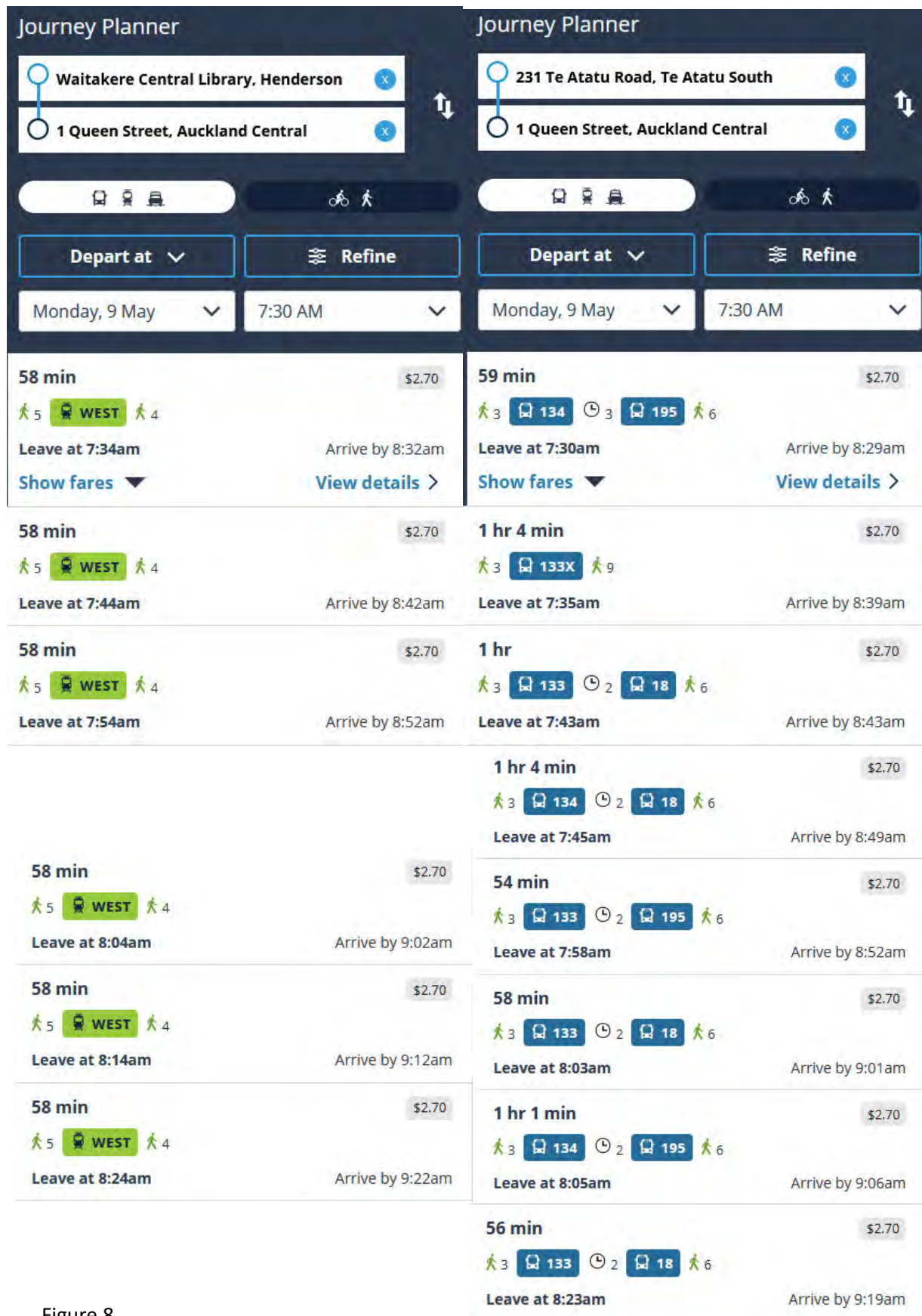


Figure 8

H. Corrected accessibility score

	Accessibility score (percentile)	Council Accessibility (High/Low)	Corrected Accessibility (High/Low)
Kingsland	98	High	High
Grafton	97	High	High
Mt Eden	95	High	High
Morningside	94	High	High
Mt Roskill	94	High	High
Sandringham	93	High	High
Market Road	91	High	High
Greenwoods Corner	88	High	High
Jervois Road	86	High	High
West Lynn	84	High	High
Mt Wellington	81	High	High
Homai	74	High	High
Windsor Park	71	High	High
Blockhouse Bay	70	High	High
Mairangi Bay	70	High	High
Chatswood	69	High	High
Kelston	68	High	High
Mangere Bridge	61	High	High
Favona	59	High	High
Panama Road	59	High	High
Beach Haven	58	High	High
Green Bay	58	High	High
Northcross	57	High	High
Sunnyvale	57	High	High
Glendene	55	High	High
Mission Bay	55	High	High
Belmont	53	High	High
St Heliers	53	High	High
Hauraki Corner	50	High	High
Te Atatu South	48	Low	High
Te Napi Drive	46	Low	High
Clendon	45	Low	High
Sturges	41	Low	
Massey West	39	Low	
Torbay	36	Low	
Addison	35	Low	
Titirangi	35	Low	
Swanson	32	Low	
Long Bay	26	Low	
Hobsonville	24	Low	
Half Moon	22	Low	
Whenuapai	16	Low	
Drury	15	Low	
Hingaia	15	Low	
Redhills	15	Low	
Gulf Harbour	11	Low	
Waiuku	11	Low	
Drury-Bremner Road	10	Low	
Pearata	10	Low	
Riverhead	8	Low	
Warkworth	8	Low	
Beachlands	7	Low	
Wainui	7	Low	
Snells Beach	6	Low	
HGI-Ostend Village	4	Low	
Kaukapakapa	4	Low	
Matakana	4	Low	
Waimauku	4	Low	
HGI-Oneroa Village	3	Low	
Kingseat	3	Low	
Leigh	3	Low	
HGI-Matiatia	2	Low	
Karaka	2	Low	
Te Hana	0	Low	
Median	43		
Mean	42		

Figure 9

I. Design outcomes

Existing THAB zones outside the walkable catchments and large/accessible centres are proposed to be excluded from the proposed enhanced THAB rules as set out at the Planning Committee on 31 March 2022.

Relaxing the height in relation to boundary standards:

- Within 21.5m of the street frontage, applying a height in relation to boundary standard of 19m + 60 degrees to side boundaries
- Beyond 21.5m of the street frontage, or on rear sites, applying a height in relation to boundary standard of 8m + 60 degrees to side and rear boundaries.

It is unclear what Auckland Council's reason for the "outside the walkable catchment" exclusion may be.

However the reason may be urban design concerns over the visual impact of step-up in levels from the proposed enhanced mixed housing urban 3 levels to adjacent enhanced THAB zones of say 6 levels.

This reasoning appears to be inconsistent with what is currently possible where the Council has accepted the visual impact of step-up in levels from the current mixed housing urban 2 or 3 levels to adjacent THAB zones where 4 or 5 level apartment buildings are possible.

From: Chris Ford <chris.ford@dpa.org.nz>
Sent: Monday, 9 May 2022 11:51 AM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Disabled Persons Assembly feedback on Government's new housing rules

Kia ora,

Please find feedback from Disabled Persons Assembly (DPA) on the Government's new housing rules.

We are very happy to be reached out to by Auckland Council on this.

Please let us know if you would like to do this.

Nga mihi,

Chris Ford
Regional Policy Advisor
Disabled Persons Assembly (DPA) NZ Inc
Kaituitui
Disabled Persons Assembly (DPA) Dunedin and Districts
Acting Kaituitui
DPA Wellington
Mobile: +64 027 696 0872
Skype: chris.ford600
Web: www.dpa.org.nz

Disabled Persons Assembly NZ



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Disabled Persons Assembly NZ



May 2022

To Auckland Council

Please find attached DPA's submission on the Government's New Housing Rules:
What It Means for Auckland

Disabled Persons Assembly NZ

Contact:

Chris Ford
Regional Policy Advisor
Disabled Persons Assembly NZ
Phone: 027 696 0872
Email: chris.ford@dpa.org.nz

Introduction

The Disabled Persons Assembly NZ (DPA) is a pan-impairment disabled person's organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people to be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

- telling our stories and identifying systemic barriers
- developing and advocating for solutions
- celebrating innovation and good practice

The submission

DPA welcomes the opportunity to submit on the Auckland Council's new Housing Rules which are being developed in response to the Government's recent resource management changes, especially those pertaining to the recently released National Policy Statement on Urban Development (NPS – UD) and Medium Density Residential Standards (MDRS) introduced in the wake of the Resource Management (RMA) (Enabling Housing and Other Matters) Amendment Act 2021.

Universal Design

DPA supports the need for more housing in Aotearoa and, particularly, in high growth areas like Auckland City. However, any new housing developments must crucially incorporate universal design which enables housing and public buildings to be constructed according to accessible standards which enable them to be lived, worked or visited in by anyone, including disabled people, across the course of their lifetime.

In this regard, we acknowledge Auckland Council's leadership role in promoting Universal Design (UD) through its Universal Design Manual and appointment of specialist advisors to support this mahi.

Of major concern for DPA is the requirement under the RMA amendment to promote the building of medium density dwellings up to three storeys high. We have been advised by Lifemark that three storey dwellings of this type have no legal requirement to be accessible via lifts and nor do they have to be designed/built to universal design standards. Furthermore, local authorities covered by the provisions of the RMA (Enabling Housing and Other Matters) Amendment will not be required to issue resource consents in order to fast track these developments, reducing the level of control that Council will have.

Shortage of Accessible Housing

New Zealand has an ageing population and, with this, will come an increase in the number of disabled people. In addition, the disabled community has experienced our own housing crisis for decades and this has been exacerbated by the current crisis which has truly highlighted the deficit of accessible housing available in the public, private and community sectors. If Auckland Council can do anything under the circumstances it finds itself in to ameliorate the housing accessibility crisis, then it should take whatever options are available to it in partnership with the disabled community.

Mobility Parking

DPA has been told by a member who lives in Central Auckland, a suburb that already hosts some medium density housing, that it is increasingly difficult for residents in that area to park up near their homes or for tradespeople to provide any service given the lack of space for parking and issues around getting service vehicles into apartment complexes. Effectively, for disabled people, the creation of more medium density housing developments may mean that it might become more difficult for Council to find suitable spots for mobility parking and ensuring that there is enough width on footpaths for people to navigate, amongst other things.

Incentivising Accessibility

For these reasons we ask Auckland Council whether it can make accessibility requirements a 'qualifying matter' under the legislation or not? Irrespective of whether this would be possible, we would like to draw attention to the policy that one of Auckland's neighbouring councils, Thames District Council, has introduced around incentivising new dwellings which contain UD elements.¹ We recommend that Auckland Council introduce this policy as one way of improving supply of accessible housing.

We note that Auckland Council intends to engage in further public consultation on the proposals within the next three months. In the interim, DPA is happy to be reached out to by Council officials and Councillors working on this in order to bring the Council together with disabled people from the Auckland region to discuss this further to see what can be done to ensure that accessibility features in any plans as much as possible. We also hope that Auckland Council's Disability Advisory Panel and Universal Design Forum will both be involved in these discussions, and we would like to be linked in with these as well.

UNCRPD

The UNCRPD Articles most relevant to our submission are:

- Article 4.3 Involving disabled people and our organisations in decisions that affect us
- Article 9 Accessibility
- Article 19: Living independently and being included in the community
- Article 20: Personal mobility

New Zealand Disability Strategy 2016-2026:

- Outcome 5 - Accessibility

¹ Lifemark. (n.d.) *Thames Coromandel Council Incentivises Universal Design in Housing*. Retrieved from <https://www.lifemark.co.nz/case-studies/thames-coromandel-district-council-incentivises-universal-design-housing/>

Wider impact on Disabled People

DPA believes that the RMA housing density changes, while increasing housing supply and enabling some potential accessible developments, especially in three to six storey developments, will largely not enable accessible development for what will likely be typical three storey high medium density developments. This will mean that the amount of accessible housing available to disabled people in the Auckland Council area will not increase to the level necessary to meet demand.

DPA's recommendations

Recommendation 1: DPA recommends that Auckland Council investigate as to whether accessibility can be added as a 'qualifying matter' under the legislation so that universal design and accessibility requirements can be fully considered.

Recommendation 2: DPA recommends that Auckland Council introduce a scheme to financially incentivise new housing/building projects which contain Universal Design elements, along the same lines as the scheme run by Thames District Council.

Conclusion

DPA is concerned about the potential impact of the law changes on the future supply of accessible housing. Our Regional Policy Advisor is available to discuss this issue and can link Council in with our Auckland membership to have a say on this issue and to come up with whatever solution is possible, at least along the lines of that used by the Thames District Council.

From: Adam Martin <amartin@ssqv.co.nz>
Sent: Monday, 9 May 2022 12:53 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Submission by the St Stephen's and Queen Victoria Schools Trust

Nga mihi,

Adam Martin (LLB / BCom)
General Manager
St Stephen's and Queen Victoria Schools Trust Board

| www.ssqv.co.nz | (021) 300 674 |



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8 May 2022

Auckland Council

By email



RE: AUCKLAND COUNCIL'S PRELIMINARY RESPONSE FOR INTENSIFICATION

1. This is a submission by the St Stephen's and Queen Victoria Schools Trust on Auckland Council's preliminary response to the intensification required as a result of the direction set out in Policy 3 of the National Policy Statement on Urban Development 2020 ("**NPSUD**") and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("**Enabling Housing Act**").
2. The St Stephen's and Queen Victoria Schools Trust ("**Trust**") own the site at 27 Glanville Terrace, Parnell¹ - which was the site of the former Queen Victoria School. The purpose of the Trust is the advancement of the education of New Zealand children, principally girls and boys of Māori descent, via an integrated curriculum which features elements of Māori concepts and Christian values.
3. Queen Victoria School closed in 2001 and the site currently operates as the Parnell Early Childhood Centre. The Trust is, however, consistently reviewing how to best make use of the site in order to fulfil its long term objectives.

¹ Legally described as Lot 24 and Lot 36 DP 21631, Lot 25 DP 21631, Lot 26 DP 21631, Lot 27 DP 21631, Lot 28 DP 21631, Lot 29 DP 21631, and Lot 42 DP 21631.

4. The Trust have reviewed the preliminary response from Auckland Council in the context of its site at 27 Glanville Terrace, Parnell. Notwithstanding the number of individual lots that comprise the site, it is noted that it has, and continues to be, operated as a single entity and would inevitably be developed by Trust in an integrated manner in the future.
5. The site is proposed to be split into two zones, comprising Residential – Terrace Housing and Apartment Building Zone (“**THAB**”) on the Glanville Terrace frontage and Residential – Mixed Housing Urban Zone (“**MHU**”) on the Papahia Street frontage. The Trust support the proposal to rezone the front part of the site to THAB based on its proximity to centres and transport networks. However, it is considered that the site should be treated in a comprehensive manner and zoned THAB in its entirety, rather than having the Papahia Street frontage zoned MHU.
6. The current proposal by Auckland Council appears to adopt a split zoning based on the Papahia Street frontage being just outside of the walkable catchment for centres and transport networks. However, it is considered that a large site such as this one should be treated in an integrated manner and that a consistent zoning be adopted across it. It is not realistic or credible to suggest that one frontage of the site is walkable, but the other is not – particularly given how the site is accessed by pedestrians off Glanville Terrace. A more forensic analysis of the boundaries of walkable catchments should be undertaken by Auckland Council to account for site specific matters, as are applicable at this site.
7. Of the current land parcels owned by the Trust, it is our understanding that more than 75% of the land would be zoned THAB.
8. Rezoning of the entire site to THAB would enable a more efficient use of the site and provide improved opportunities for a coordinate design response to future development on the site.

9. The Trust has not no intent to sell the land, which it has owned since 1844.
10. The Trust is committed to reopening a 21st century school predominantly for Māori wahine on the site. Any activity on the site will need to complement this education outcome.
11. The Trust are keen to engage with Auckland Council further and look forward to hearing from you soon.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Adam Martin', with a stylized flourish at the end.

Adam Martin

General Manager

St Stephen's and Queen Victoria Schools Trust

From: Russell Bartlett <bartlett@shortlandchambers.co.nz>
Sent: Monday, 9 May 2022 1:07 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: NPS-UD2020 and RM (Enabling Housing Supply & Other Matters) Amendment Act 2021

Attached is submission filed on behalf of my client, Emerald Group Ltd in relation to Auckland Council's proposals regarding the above.

Regards,
Russell Bartlett QC

SHORTLAND CHAMBERS

PO Box 4338, Auckland 1140, New Zealand
Level 13, Shortland Chambers Building, 70 Shortland Street, Auckland 1010, New Zealand
Phone +64 9 307 9827 | **Email:** bartlett@shortlandchambers.co.nz



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**Submission on Auckland Council proposals re
NPS-UD 2020 and Resource Management (Enabling Housing Supply and Other Matters)
Amendment Act 2021
by
Emerald Group Limited**

To: Auckland Council - unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Emerald Group Limited

Address: R E Bartlett QC, PO Box 4338, Auckland 1140

Address for Service: bartlett@shortlandchambers.co.nz

Date: 9 May 2022

1. Emerald Group Limited owns approximately 8,000m² of land being the largest holding within the Promenade Block at Takapuna. The Promenade Block abuts the Takapuna metropolitan centre on two sides and is bounded by Hurstmere Road, Alison Ave, Earnoch Ave, and The Promenade.
2. The proposed THAB zoning for the entire Promenade Block removes the edge strips of MHU zoning that were part of the 2016 IHP recommendation. Emerald supports full THAB zoning for the site, noting that the land on the northward side of Earnoch Ave is also to be THAB under the new rules and no zone buffering is therefore required.
3. Council's proposed plan shows a significant extension of the THAB zone through to and including the notably high amenity areas of Minehaha Avenue and O'Neill's Ave. It is to be anticipated that the land at the northern extremity of the zone will be limited to 6 storeys, being the lowest height provided for under the provisions of the National Policy Statement – Urban Development 2020 as amended in part by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
4. Policy 3(c) of the NPS-UD 2020 requires:

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

- (c) *building heights of least 6 storeys within at least a walkable catchment of the following:*

(i) existing and planned rapid transit stops

(ii) the edge of city centre zones

(iii) the edge of metropolitan centre zones;"

5. The THAB zone has variable height controls depending on circumstances. The plan Auckland Council has circulated for discussion notes that the metropolitan centre land on the southern and western sides of the Promenade Block are still *"under investigation"*. While Emerald has no details of those investigations it assumes that they relate to the extent of additional height that may be provided for, in terms of NPS-UD Policy 3(d) rather than for any reduction in the status quo.
6. Policy 3(d) of the NPS-UD 2020 applying to the metropolitan centre provides:
 - "(d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services;*
or
 - (ii) relative demand for housing and business use in that location."*
7. Emerald looks forward to obtaining full particulars of Council's proposals for the metropolitan centre. The Promenade Block, in the context of larger buildings being enabled to the south and west, justifies a greater height entitlement than would be appropriate in the lower density residential streets at the northern extremity of Hurstmere Rd.
8. In this developing planning scenario an appropriate height control can be developed for the Promenade Block that recognises and is compatible with any intensification of urban development within the metro centre, and with the "standard" 6 storey development to the north.
9. The *"at least 6 storeys"* standard provided for may foreseeably result in a high degree of uniformity in the area to the north. The Promenade Block, by virtue of its scale and intermediate location merits a more useful and interesting variable height control whereby only parts are limited to the 6 storey standard and others, such as the centre of the block, could have substantially more (up to 12 storeys), commensurate with the adjacent metro zone.



R E Bartlett QC

From: Karl Cook <KarlC@barker.co.nz>

Sent: Monday, 9 May 2022 1:21 PM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: Government's new housing rules - Auckland Council Preliminary Response - Feedback - Precinct Properties New Zealand Limited

Please find attached feedback by Precinct Properties New Zealand Limited.

Ngā mihi | Kind regards

KARL COOK

Director

029 638 7970

karlc@barker.co.nz

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Christchurch, Queenstown

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9 May 2022

Auckland Council

Via email: unitaryplan@aucklandcouncil.govt.nz

Feedback on Auckland Council's Preliminary Response to the NPS-UD

Precinct Properties New Zealand Limited

This feedback is provided on behalf of Precinct Properties New Zealand Limited ("Precinct").

Precinct is the largest owner and developer of premium inner-city real estate in Auckland and Wellington. Precinct are city centre specialists and own, manage and develop city centre properties, transforming spaces to create places for businesses to thrive and create mixed-use spaces that incorporate public amenity. Commercial Bay, for example, is now a destination for city centre residents, visitors and the business community to collectively benefit from.

Precinct's landholdings are zoned Business – City Centre under the Auckland Unitary Plan (Operative in part) ('AUP(OP)'), some of which are located within the Wynyard Quarter and Downtown West precincts.

By way of feedback on Council's preliminary response to the NPS-UD, Precinct:

Changes to the City Centre Zone

- Supports the proposed approach for removal of the Gross Floor Area ('GFA') and the GFA bonus standards and removal of the general height control in the Business - City Centre zone. These standards are unnecessarily complicated and overly restrictive and do not enable intensification and development in the City Centre zone as required by the NPS-UD. Removal of GFA and general height controls in the city centre will provide greater opportunities for intensification in a highly walkable and connected central location with excellent access to public transport and walking and cycling connections. Enabling greater opportunities for intensification in the city centre would also support a reduction in greenhouse gas emissions in accordance with Objective 8 of the NPS-UD.
- Recommends review of building standards, including the Special Height Controls for the protection of sunlight admission to public spaces (e.g., Aotea Square and Albert). Precinct supports intensification to realise as much development capacity as possible to maximise benefits of intensification in accordance with Policy 3(a) of the NPS-UD. It accepts that building standards can contribute the amenity of public spaces and support the vitality and vibrancy of these public spaces and liveability the city centre. However, a broad discretion applies to the consents required for all new buildings in the city centre so other rules need to be appropriately directed at specific outcomes not otherwise achieved through the criteria for new buildings.
- Notes that the Council intends to maintain city centre precincts to manage area specific outcomes, including height and density. Precinct supports the retention of precincts to ensure specific place-based

outcomes by way of the specific objectives and policies. However, precincts within the city centre contain specific standards restricting building height and GFA and controlling other aspects of development which have the consequential effect of significantly reducing opportunities for intensification and development capacity in a highly connected and desirable urban environment.

- Recommends, in light of the above, that Council applies the same approaches of removing building height and GFA standards and reviewing other standards within the city centre precincts too while preserving the specific outcomes sought.

Volcanic Viewshafts

- Recommends a wider review of how volcanic viewshaft provisions have been assessed and whether they are a matter of national importance under section 6 of the RMA. Precinct notes that volcanic viewshafts are distinct from the AUP (OP) provisions relating to outstanding natural features and landscapes under section 6(b) of the RMA. If there is uncertainty, Precinct recommends that Auckland Council progresses volcanic viewshafts as an 'other matter' for the purpose of identifying qualifying matters under Policy 4 and clause 3.32(h) of the NPS-UD.
- More generally, where development is affected by volcanic viewshafts under the AUP (OP), an alternative means of protecting regionally significant views as a qualifying matter may include identifying vantage points from significant public spaces or other meaningful public places, or reducing the number of vantage points the viewshaft applies from. This would enable a level of residential and business development that better meets the intent of Policy 3(a) and (c) of the NPS-UD, while providing an appropriate level of protection to views of Auckland's volcanic cones in light of the objectives on the NPS-UD.

Infrastructure

- Notes that Auckland Council's Planning Committee has endorsed "areas with long-term significant infrastructure constraints" as an "any other matter" qualifying matter which will justify lower building height standards.
- Encourages, in light of the above, the Council to reconsider the appropriateness of infrastructure capacity as a qualifying matter because this has the potential to significantly constrain intensification in areas where development is otherwise encouraged to occur and where infrastructure upgrades are better focussed. In this respect, it is considered inappropriate to foreclose opportunities for intensification in urban areas and particularly those parts of urban areas that are identified as being within a walkable catchment of a rapid transport stop which have the potential to be redeveloped into well-functioning urban environments. It is considered that infrastructure capacity can be adequately addressed at future resource consent stages by requiring adequate infrastructure capacity to be demonstrated with specific development proposals and to service the level of intensification/development at that point in time. Specifically, the City Centre zone already includes assessment criteria¹ for development to be adequately served by wastewater and transport infrastructure for the development on new buildings which requires resource consent and this is considered to be provide sufficient scope for assessment.

¹H8.8.2(1)(b) (x)

Designations

- Notes that designations have been included and identified on the draft planning maps as a qualifying matter. However, designations should not be applied as a qualifying matter that will restrict development and intensification because the effect of a designation is already addressed under section 176 of the Resource Management Act (RMA) 1991 which provides broad and sufficient scope for a Requiring Authority to protect any relevant public work or project.



Karl Cook, Barker & Associates Limited

(Person authorised to sign on behalf of Precinct Properties New Zealand Limited)

Address for Service

Barker & Associates Limited

PO Box 1986

Shortland Street

Auckland 1140

Attention: Karl Cook

Phone: 029 638 7970

Email: karlc@barker.co.nz

From:

Sent: Monday, 9 May 2022 1:51 PM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: land zoning changes

- We contend Council is operating outside their mandate by making the proposed change to mixed urban without due consideration of the impact on the existing neighbourhood. Our understanding is that the planning rules for mixed urban zoning development do not match that which is proposed and envisaged by the legislation to enable intensification on single titled sites.

Regards
Barry Brown



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Submission on Auckland NPS- UD "Have Your Say" as result of proposed MDRS changes

This represents the position of several owners in the Sunnybrae, Hillcrest area of the North Shore.

We make this submission highlighting key points that need to be further considered by Council before the proposed plan changes as currently notified in the recent release of 'have your say' material including maps and rules become operative in August this year.

The location we refer that is being adverse impacted is identified and shown in the map below:



ly impacted

Specifically, the area is that defined to be on the north side of Sunnybrae Road and is accessed by one central no exit road in and out of the area (i.e. Marywil Cres) with a series of cul de sacs serviced off that road.

Further to the north the area is bounded by reserve land currently utilised as a public golf course.

In total the neighbourhood serviced by the no exit road (Marywil Cres) has circa 100 standalone houses on separate freehold titles – and zoned for single residential housing under the current operative plan.

We understand the rules imposed through the enabling legislation are set to allow up to 3 units x 3 storey to be built on a separate title without the need for a resource land use consent irrespective of current zoning.

We submit that Council must further consider the following points when proposing any changes to current zonings for this area / neighbourhood:

- Changing the zoning from the current single house zone to mixed urban zoning goes beyond that which was envisaged by the NPS- UD and MDRS enabling legislation. We would contend Council is operating outside their mandate by making the proposed change to mixed urban without due consideration of the impact on the existing neighbourhood. Our understanding is that the planning rules for mixed urban zoning development do not match that which is proposed and envisaged by the legislation to enable intensification on single titled sites.
- The MDRS imposed rules will enable intensification that increases the neighbourhood from circa 100 houses to 300 houses, with a probable population increase of approx. 800 people. As no onsite car parking is required and there is only one-way roading entrance into the neighbourhood, it would be totally irresponsible of Council to allow these provisions to apply in this location. Development outcomes being experienced from mixed urban zones across Ak is predominately terraced housing accommodation primarily being occupied by families. This type of intensification in this location would be totally unacceptable.
- If the Council considers this location is such that intensification has to be introduced to comply with the NPS- UD MDRS enabling provisions and a zoning change results – then the proximity of the location to amenity instead makes more sense for the zoning change to be to the new THAB rules, as opposed to mixed urban. This location is walking distance to the rapid transport Smales Farm bus station and closely abuts recreation and green space areas. Having regard to good urban development design principles, multi storey apartment living with minimal carparking would be much more appropriate long term for this location.
- Council must be fully aware the local engineering and three waters infrastructure will not accommodate the area being completely redeveloped under the mixed urban zoning density rules. As a result, until upgrades are undertaken some redevelopment will occur while other sites will be hamstrung and unable to be developed because of capacity constraints. This will result in a very random hot splotch neighbourhood that services no one adequately. If THAB zoning rules were applied it is much more likely sites would be amalgamated, infrastructure upgrades specifically undertaken for better planned and designed neighbourhoods.

We submit it is crucial Council further considers the position it is taking for zoning of this neighbourhood before it notifies the proposed change to mixed urban. We contend it would be totally irresponsible to adopt a default position of shifting the zoning to mixed urban – when a better and improved outcome for all concerned would be the provision of the new THAB zoning or simply leaving as single residential until such time as multi storey apartment living is seen as a better option and infrastructure services are provided.

In summary mixed urban development with the current roading configuration and access for this neighbourhood will be a disaster. If a zoning change is being mandated by central Govt then it should be to higher density THAB zoning so well-designed urban redevelopment principles can be applied over the longer term – and not result in a half-baked medium density hot splotched neighbourhood outcome.

Signed representing interested owners in the area.

Moir and Brian Donnelly

Angela and Barry Brown



From: D and S Havill
Sent: Monday, 9 May 2022 1:36 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: NPS-UD Preliminary Submission

NPS-UD Preliminary Submission

By Stephen Havill

Introduction :

The following is my preliminary response to the Governments new housing rules.

I appreciate the Governments intent to facilitate housing intensification. However, the focus of this submission is around the scheduled Qualifying Matters in Information Sheets 6 and 7.

Submission :

Housing is only one element of the urban fabric, which includes a wide range of social and community elements, such as open space, walkways, school, community centres etc.

I believe that "Social and Community" should be a Qualifying Matter.

The concern is that there will be housing intensification with no supporting social and community infrastructure, which often requires co-ordination with many other parties both inside and outside Council.

From: Bruce Anderson
Sent: Monday, 9 May 2022 2:10 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: New housing rules

I wish to make the following submission:

1. Auckland Council should only do what they are forced to do by the new draconian legislation. No other restrictions suggested by the Council please!
2. Auckland Council should include special character areas beyond heritage and architecture such as the ability/inability of an areas infrastructure to cope with the sweeping intensification requirements.
3. It is all very well for Councils planners to stick to a professional line. But Auckland Council as a political body should as part of this review process continue opposing the concept and many of the details of the government legislation. The requirement to have one MDRS over the whole of Auckland, ignoring that there is plenty of land in Auckland already zoned to meet development needs and particularly the requirement to prevent onsite parking of resident's cars are all things that should not be accepted by Auckland Council. And what's wrong with lower density in some areas?
4. It is Auckland Council's continuing responsibility to ensure Aucklanders are able to get around their city. With the government prohibition of parking on resident's properties Auckland Transport is faced with the fact that Aucklanders still need to be able to get around to work, to go to children's sports, go to the beach, go shopping. Service people and transport operators have the same need to be able to get around. Yet we are now faced with cars that are an essential part of Auckland living having to park on nearby streets taking up scarce space needed for bus lanes, footpaths and cycleways. Aucklanders should not be faced with rules by the government that are incompatible with the need for us to be able to get around our city.
5. Answering the feedback form with its 10 technical questions (each with 5 or 6 options) requires expertise and knowledge many people don't have. So that answers to the feedback form won't represent the ordinary Aucklanders opinions when they should.

I hope you can sort my above submissions into the appropriate part of your summary of submissions received.

Bruce Anderson



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From: Mark Vinall
Sent: Monday, 9 May 2022 2:27 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Feedback on Government's new housing rules - Cornwall Park Trust Board

Good afternoon,

Please find attached feedback from Cornwall Park Trust Board on the Council's response to the Government's changes to housing rules.

Please contact the undersigned if you have any further queries.

Kind regards

Mark Vinall | Director | Tattico Limited
Level 11, West Plaza Tower, 1-3 Albert Street,
Auckland 1010
PO Box 91562, Victoria Street, Auckland 1142, New
Zealand
www.tattico.co.nz

tattico

9 May 2022

Plans and Places
Auckland Council

By email: unitaryplan@aucklandcouncil.govt.nz

Feedback on Auckland Council's response to Government's new housing rules

Thank-you for the opportunity to provide feedback to the Council's response to the National Policy Statement on Urban Development and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

This feedback is provided by Cornwall Park Trust Board (CPTB). The CPTB holds and administers Cornwall Park: a premier recreation park on the Auckland Isthmus which is extensively used by Auckland residents and visitors to Auckland.

The land which comprises the Park is privately owned, and its management, upkeep and development are privately funded from CPTB's own resources. The CPTB makes the Park available without cost to residents and ratepayers of Auckland, the wider New Zealand public and overseas visitors to the city.

The CPTB also holds and administers land in the form of residential properties bordering the Park in Market Road, Wheturangi Road, Maungakiekie Avenue and Campbell Road. This land was gifted to provide revenue for the development and maintenance of Cornwall Park and is known as Endowment Land.

Residential land in Campbell and Wheturangi Roads is proposed to be rezoned to give effect to the National Policy Statement and the Government's Medium Density Residential Standards. This is supported by the CPTB.

Land in Maungakiekie Avenue is proposed to be zoned for two-storey, single dwelling, residential use and be included as a qualifying matter for exemption from the new intensification provisions.

The CPTB considers that the land in Maungakiekie Avenue offers good opportunity and is better suited for urban intensification. The land is close to established transport routes (rail and bus), an existing centre providing shops and services and a significant green open space and parkland amenity.

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Both the size of sections and ability to consolidate larger land parcels (especially when joined with land holdings on Wheturangi Road) lends itself to well-designed, multi-family dwellings and their location adjacent to the edge of Cornwall Park, which provides amenity areas, will support an increased density of dwelling units. Retention of this land for two-storey, single dwelling residential development does not give effect to the enabling housing supply legislation and does not support the consolidation of urban intensification within existing urban areas.

The CPTB supports zoning Maungakiekie Avenue to give effect to the Government's Medium Density Residential Standards, and consistent with the proposed zoning of properties in Wheturangi and Campbell Roads.

Yours faithfully



Mark Vinall
Director
TATTICO LIMITED

From: Bryan Bates
Sent: Monday, 9 May 2022 2:32 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Western Bays Community Group Submission

See attached.



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WESTERN BAYS COMMUNITY GROUP
SUBMISSION ON AUCKLAND COUNCIL'S PRELIMINARY
RESPONSE TO NPS-UD AND MDRS – 9 May 2022

1. Western Bays Community Group (WBCG)

- 1.1 WBCG is a community-based incorporated society that has been serving the physical, social, economic and cultural interests of the suburbs of the western bays area which primarily centres on Ponsonby since April 2012.
- 1.2 This submission covers the WBCG interests in the draft preliminary proposals prepared by the Council in response to the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS).
- 1.3 The WBCG is working with Council and actively promoting Ponsonby Park and has coordinated the community liaison. It has also had input to the potential changes to Ponsonby Road and is an active member of the community liaison group working with Watercare and Council on the Central Interceptor wastewater system development (including separation of sewage and stormwater).

2. Resource Management (Enabling Housing Supply and other matters) Amendment Act 2021

- 2.1 Through this Amendment Act, the NPS-UD has been implemented with a series of changes to the RMA to impose the MDRS and intensification policies across Auckland. Importantly, the Amendment Act did not alter the fundamental structure of the RMA, in particular its purpose and the identification of matters of national importance and significance set out in Part 2 RMA remain paramount. The management of these fundamental means of achieving the sustainable management purpose of the RMA has been protected through the ability to identify **“Qualifying Matters”**. This is the open door available to the Council to continue the legacy of protection and stewardship – kaitiakitanga - towards the historic heritage of Auckland as it exists in the Ponsonby area as well as many other parts of Auckland. This opportunity must be grabbed firmly to protect a built heritage that, if it is lost, will never be replaced.
- 2.2 This WBCG submission focuses on the means of using the Qualifying Matters opportunity as the appropriate planning mechanism to protect our heritage suburb

remembering that the Amendment Act additions do not supersede the Part 2 purpose of the RMA.

3. Ponsonby – Historic Heritage and Special Character

- 3.1 The importance of retaining and protecting the Victorian and Edwardian housing stock of Ponsonby has been a primary objective of Auckland's planning instruments (legacy district schemes and district plans) for almost 50 years. This planning technique has ensured that additions, alterations, and improvements to existing houses have been given a thorough examination by the Council's heritage team to ensure the compatibility and integration of any new built form. Proactive planning management has provided for, not only the maintenance, but the enhancement and improvement of the Ponsonby housing stock. This has been a highly successful focus of kaitiakitanga and stewardship.
- 3.2 The Special Character area of Ponsonby is known internationally for its existing historic aesthetic. The Special Character Overlay developed in the Unitary Plan process is supported by the community and gave confidence in the Plan. To change this now after years of public processes providing protection for the area would be wrong.
- 3.3 We challenge the ranking of many of the properties with a "4" rating. The time available to lodge this submission has not allowed us to apply our detailed expert and local knowledge over the suburb and we would like to work with Council to review this process and resultant ratings. One major concern is the pepper potting of different ratings. This could result in the "death by a thousand cuts" by development changes to Ponsonby.

RMA Section 6(f) Validation

- 3.4 WBCG submits that all properties identified with a ranking of "6" and "5" fall within the nomenclature of – *Historic Heritage* – and thereby are within the intention of s.6(f) RMA as a matter of national importance. This automatically lifts those properties into the Qualifying Matter definition provided in the Amendment Act.

4. Walkable Catchments

- 4.1 The NPS-UD stipulates that within walkable catchments of the City Centre the intensification model of six storey developments should apply unless a Qualifying

Matter prevents intensification. The WBCG knowledge of residents' activities confirms that Ponsonby is not a walkable catchment in relation to the City Centre.

- 4.2 It is acknowledged that some Ponsonby residents walk to work within the City Centre. It is important to note that many of them return home by bus if it is dark when they finish work. This also reflects the steepness of College Hill and Franklin Road on the return journey. The topography of these routes is a challenge for anyone but active fit walkers.
- 4.3 The other important consideration in the walking catchment debate is the purpose of attending the City Centre. For Ponsonby residents who wish to make use of retail facilities, professional services, entertainment facilities, restaurants/cafés, or any part of the transport hub at Britomart and the future Aotea Station, the walking time and distance is 30-40 minutes over 1.2 - 3 kilometres. It is not reasonable to suggest that this is a walkable catchment for the majority of the Ponsonby population.
- 4.4 WBCG submits that the Ponsonby, is not within a walkable catchment as envisaged by the NPS-UD. The definition of walking catchment cannot be limited to the fittest cohort in the community; it must embrace the majority.
- 4.5 This conclusion has important ramifications for the consideration of the clustering of Historic Heritage and Special Character properties where the threshold drops from 75% rated "6" or "5" down to 66%. Again, this outcome confirms that a major part of Ponsonby should be treated as a Qualifying Matter and thereby exempt from the implications of the Amendment Act changes to the RMA and the NPS-UD (including the MDRS).

Infrastructure

- 4.6 Ponsonby is one of the old Auckland suburbs still relying on a combined sewer and stormwater infrastructure system. Some work has been undertaken by Council to achieve the separation of stormwater and sewerage reticulation in Ponsonby. This project is firmly supported by WBCG is designed to accommodate the existing development potential of the suburb under the operative provisions of the AUP.
- 4.7 If the intensification model is imposed across Ponsonby, the design of the separation systems will need to be vastly increased for capacity which will therefore significantly increase the cost of construction. This will prevent the project from advancing under its present planning and funding arrangements. This matter has not been considered in the Council's preliminary proposals.

- 4.8 It is the WBCG submission that the limited wastewater and stormwater infrastructure in Ponsonby is a limiting factor that must be taken into account as a Qualifying Matter.

5. Existing Population Density

- 5.1 The Ponsonby suburb was originally subdivided into 10th and 8th of an acre sections. Some are even smaller. The closeness of the houses and the small sections means that the suburb is already densely populated. There is no evidence that destruction of the existing housing stock will enable intensification in an already densely populated suburb.
- 5.2 It is the submission of WBCG that there is no quantitative assessment of whether the proposed intensification will actually increase the existing already high population in Ponsonby.

6. Provision for Growth

- 6.1 WBCG considers that there remains ample opportunity for growth in the western bays area without destroying the Special Character suburb of Ponsonby. There are ridgetop high density development zones unaffected by Historic Heritage or Special Character. Opportunities for intensification close to the City Centre exist through the business zones located to the east of St Mary's College from College Hill north to the motorway.
- 6.2 WBCG submits that the Historic Heritage and Special Character protection being sought across Ponsonby will not adversely affect development capacity overall in the inner-city suburbs of Auckland.

7. Conclusion

- 7.1 In summary WBCG submits:
- The Western Bays Community Group (WBCG) supports the Councils use of the Special Character Qualifying Matter assessment.
 - The vast majority of houses of Ponsonby have historic heritage status and the WBCG considers that the whole suburb should be protected under the Special Character Qualifying Matter.

- To not protect the whole suburb would result in pepper potting of developments within the Special Character Area and result in its “death by a thousand cuts.”
- WBCG concludes that Ponsonby is not a walkable catchment due to topographical constraints.
- The WBCG submits that there is no quantitative assessment of whether the proposed intensification will actually increase the existing already high-density population in Ponsonby.
- WBCG considers that infrastructure limitations in Ponsonby form a Qualifying Matter.

7.2 WBCG remains open to any future consultation and discussion which the Council may wish to initiate.

7.3 WBCG thanks the Council for the opportunity to lodge these submissions for consideration in the preparation of a plan change to implement the Amendment Act and the NPS-UD.

Submission prepared by Chris Bailey, Chairperson, WBCG

9 May 2022

Address for Service:

From: Kasey Zhai
Sent: Monday, 9 May 2022 3:11 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>

Subject: Feedback on preliminary response - Fletcher Residential Living

Good afternoon,

Please find feedback on the preliminary response to the NPS-UD and the Act attached, provided on behalf of Fletcher Residential Living.

Ngā mihi | Kind regards

KASEY ZHAI
Senior Planner
027 305 8458
kaseyz@barker.co.nz

PO Box 1986,
Shortland Street, Auckland 1140
Level 4, Old South British Building,
3-13 Shortland Street, Auckland

Kerikeri, Whangarei, **Auckland**,
Hamilton, Napier, Wellington,
Christchurch, Queenstown

 **barker.co.nz**



We want your feedback on the parts of the preliminary response listed above. Your feedback will help inform a plan change. We are required to publicly notify this plan change by 20 August 2022. You can then make a submission on the plan change, so that your views are considered during the statutory decision-making process.

We strongly encourage you to read the consultation document and supporting information before answering the following questions. For more details, go to akhaveyoursay.nz/housing.

We encourage you to give feedback online at akhaveyoursay.nz/housing or you can:

Scan and Email your completed form to:

unitaryplan@aucklandcouncil.govt.nz

Post your completed form to:

Unitary Plan Team
Freepost Authority Number 190197
Auckland Council
Private Bag 92300, Victoria Street West
Auckland, 1142

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

First name: Rachel

Last name: Morgan

Email address or postal address:

Your local board:

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)



Yes



No

Name of organisation/business: Fletcher Residential Limited

Your feedback (all questions are optional)**Requirements for intensification****Intensification inside walkable catchments**

A walkable catchment (required by the NPS-UD) is the area around a train or busway station, or a large urban centre within which an average person will walk to that location.

The government requires councils to identify walkable catchments around the city centre, metropolitan centres and rapid transit stops (train or busway stations) where buildings of six storeys or more must be enabled.

We are proposing:

- a 15-minute walk (around 1200 metres) from the edge of the city centre.
- a 10-minute walk (around 800 metres) from the edge of the metropolitan centres and around rapid transit stops, such as a train station or stop along the Northern and Eastern Busways.

These are subject to modifying factors such as landscape, for example steep hills, and physical barriers including motorways.

1. What do you think of our proposed walkable catchment of 1200 metres from the edge of the city centre?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

2. What do you think of our proposed walkable catchment of 800 metres from the edge of the metropolitan centres?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Please refer to attachment.

3. What do you think of our proposed walkable catchment of 800 metres around rapid transit stops?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Please refer to attachment.

Intensification around town and local centres

Central government has told us that we need to enable building height and density (for example terrace housing and apartment buildings) in and around our neighbourhood, local and town

centres that matches the level of commercial activity and community services in each centre (such as jobs, shops and businesses). This is achieved by applying the Residential – Terrace Housing and Apartment Buildings Zone.

Town centres are larger suburban centres in Auckland that provide for a wide range of shops, services and activities for their surrounding districts. They are often spread across a couple of city blocks, and along main roads. Some examples are Glenfield, Glen Eden, Parnell and Papatoetoe town centres.

Local centres include a larger number of smaller suburban centres that serve local areas and neighbourhoods. Local centres might have 20 or 30 shops and some small offices.

4. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings Zone to residential areas up to around 400 metres from large town centres with high accessibility?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Please refer to attachment.

5. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Please refer to attachment.

Qualifying matters

The government allows for some qualifying matters - exemptions to modify three-storey and six-storey building heights. Qualifying matters are a characteristic which can be used to protect sites of cultural, historic, or ecological significance or to avoid development in areas with natural hazards.

The government has already identified a number of qualifying matters and allows us to include other qualifying matters relevant to our city.

To include our own qualifying matters, we must provide robust evidence to justify why it should reduce building heights and density in a particular area in light of the government's direction to enable more housing.

Special Character Areas

'Special character areas' are older parts of the city that have special architectural or other built character value. They are covered by the Special Character Area Overlay in the Auckland Unitary Plan.

Many of Auckland's older residential suburbs were built around the early public transport network and emerging town centres. This is where our special character areas are located. The government is now directing us to enable increased housing density (e.g. buildings of six-storeys or more) within walkable catchments of town centres and public transport networks, and up to three storey buildings elsewhere.

The government has not included special character areas as a qualifying matter. However, we are proposing to include identified areas of special character as a qualifying matter that reduces limits on building heights and density to ensure the character values of these areas are retained.

6. What do you think of our proposal to include identified special character areas as a qualifying matter?

- ☐ Support
- ☐ Do not support – I think all existing special character areas should be a qualifying matter
- ☐ Do not support – I do not think special character areas should be a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

To answer the next two questions, you will need to view the draft planning maps shown in the NPS-UD map viewer. The maps show areas of special character that are identified as a qualifying matter (in blue) and that are not a qualifying matter (in red). You can find a link to the map viewer on [akhaveyoursay.nz/housing](https://www.ahaveyoursay.nz/housing)

7. What do you think of the proposed residential special character areas that we have identified?

- ☐ Support
- ☐ Do not support – I think there are further areas of that should be identified as a qualifying matter
- ☐ Do not support – I think there are areas identified that should not be a qualifying matter
- ☐ Do not support – I think no special character areas should be identified as a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

8. What do you think of the proposed business special character areas that we have identified?

- ☐ Support
- ☐ Do not support – I think more areas or parts of areas should be identified as a qualifying matter
- ☐ Do not support – I think less areas should be identified as a qualifying matter
- ☐ Do not support – I think no areas should be identified as a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

Infrastructure constraints

We are looking to identify areas in Auckland with long-term significant infrastructure constraints as a qualifying matter. As with special character areas, this is not a qualifying matter that is listed in the NPS-UD or the Act.

This may include areas where water supply and wastewater networks may not be adequate to cope with more growth and are very costly and/or difficult to upgrade, or stormwater infrastructure is not adequate and very costly and/or difficult to provide, or where access to transport infrastructure is not adequate and very costly and/or difficult to provide.

By including this as a qualifying matter, it would reduce the limit on building heights and density that would otherwise be enabled.

We have not yet determined how we would apply this qualifying matter as the NPS-UD and the Act do not provide any specific support. At this stage, we want feedback on whether to consider this as a qualifying matter or not. If we include it as a qualifying matter, we will show the extent and location of any changes to height and density requirements in our plan change in August 2022.

9. What do you think of our proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter?

- ☐ Support
- ☐ Do not support
- ☐ Other
- ☐ I don't know

Tell us why

Please refer to attachment.

Other qualifying matters

We are also proposing to include a number of other overlays and controls in the Auckland Unitary Plan as qualifying matters that limit the height and density of development on sites or across areas to retain the values they reflect. A description of these proposed qualifying matters and how they are proposed to be protected or kept is shown in the consultation document and information sheets available on akhaveyoursay.nz/housing.

These additional qualifying matters include:

- Ridgeline Protection Overlay
- Local Public Views Overlay
- Auckland War Memorial Museum Viewshaft
- Stockade Hill Viewshaft
- Character buildings in City Centre zone and Queen Street Valley Precinct
- Some of the existing built form controls in City Centre (e.g. allowing sunlight into public places, Aotea Square height control).

10. Do you have feedback on any other qualifying matters? (please be clear which proposal you are talking about)

Need more room? You can attach extra pages, but please make sure you include your name and contact information on each page.

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9 May 2022

Auckland Council

Via email: unitaryplan@aucklandcouncil.govt.nz

Feedback on Auckland Council's Preliminary Response to the NPS-UD

Introduction

Fletcher Residential Limited ('FRL') is the residential development and delivery arm of Fletcher Building. FRL has over 20 medium to large scale developments underway in Auckland, located across urban, suburban, brownfield, and greenfield locations. FRL delivers a full mix of typologies, including apartments, townhouses, and houses.

FRL notes that the Government has required the Council to make changes in the wake of new legislation in two key areas, as bullet pointed below. In this context and in general, FRL:

- Generally supports the application of the modified Mixed Housing Urban ('MHU') zone throughout urban residential areas as a basis for incorporating the Medium Density Residential Standards ('MDRS'). FRL considers the proposed spatial extent of the MHU zone to be broadly consistent with the objectives and policies of the NPS-UD, and supportive of the delivery of diverse well-designed housing developments.
- Generally supports the application of the modified Terraced Housing and Apartment Building ('THAB') zone to walkable catchments around the city centre, metropolitan centres, and rapid transit stops to enable buildings of at least six storeys. Increased heights will enable FRL to more efficiently deliver apartment typologies due to reduced square metre build costs and improved returns and feasibility associated with product diversity. FRL notes that greater height usually promotes greater apartment diversity. For example, improved views can be achieved within developments at the upper levels, and larger apartments are often located here to take best advantage of this.

The support is not unconditional, as not all areas are suitable for intensification and growth, and the fundamentals of good planning should always apply. FRL agrees that applying qualifying matters, where appropriately identified and applied, is a valid approach.

This feedback does not comment specifically on all the proposed qualifying matters, noting that many will be simply 'rolled over' from the operative AUP.

FRL does however query whether areas with 'significant infrastructure constraints' should be a qualifying matter. Most of Auckland is significantly constrained by infrastructure, particularly in the context of the development capacity that would be enabled by this Plan Change. Growth needs to be linked to funding and infrastructure delivery as growth alone without supporting investment in infrastructure will only exacerbate current issues. There are already provisions in the AUP to address infrastructure through the consent



process as well as several effective other methods that sit outside of the AUP. In FRL's view, additional down-zoning is unnecessary.

The Council's thinking on the standards and assessment criteria to apply to proposals in the modified MHU and THAB zones are in the early stages of development. FRL supports the quality built environment policy approach of the AUP and would support streamlined standards and assessment criteria to achieve this. At the same time, FRL consider it important that the provisions enable the form and density of housing anticipated for the zone, and recognise that the character of existing residential areas will change over time.

FRL's other feedback on Auckland Council's preliminary response to the National Policy Statement for Urban Development 2020 ('NPS-UD') is set out below and relates to:

- The extent of walkable catchments
- The approach to height within walkable catchments
- Intensification around suburban centres;
- The management of existing precincts; and
- Growth in other appropriate locations

Extent of Walkable Catchments

Policy 3(c) requires a minimum of six storeys within walkable catchments of the city centre, metropolitan centres, and rapid transit stops. Policy 3(d) requires heights and densities within and adjacent to neighbourhood, local, and town centres to be commensurate with the level of commercial activity and community services. The NPS-UD also contains broader objectives and policies that are relevant to this issue that should be considered:

- Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.
- Policy 1(c) Planning decisions contribute to well-functioning environments which have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
- Policy 2: Tier 1 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and business land over the short term, medium term, and long term.

A walkable catchment of 800m has been applied across all metropolitan centres and around existing and planned rapid transit stops. FRL consider that Policies 1, 2, and 3 of the NPS-UD provide scope to increase the extent of walkable catchments and encourage the Council to take a liberal approach to determining walkable catchments, recognising the range of factors that influence accessibility.

FRL consider that some metropolitan centres and rapid transit stops have the potential to support wider walkable catchments than others, and encourage the Council to consider the characteristics of these areas.



For example, there are opportunities for a wider walkable catchment where there is access within a metropolitan centre to existing employment and amenities, or where a rapid transit stop is a major transport hub that provides multiple public transport and route options.

Height Within Walkable Catchments

The proposed height strategy contained within Auckland Council's preliminary response appears to predominantly implement the minimum levels of developments required under Policy 3, without taking into account the broader policy directives within the NPS-UD. This includes what a well-functioning urban environment means within Auckland's context.

Similar to the approach to walkable catchments detailed above, FRL encourages Auckland Council to take a nuanced approach to determining heights and densities to give effect to the broader objectives and policies of the NPS-UD and the Regional Policy Statement ('RPS'). In particular, instead of applying the minimum six storey height limit within all walkable catchments, consideration should be given to the characteristics of certain areas that may support greater height. FRL note that while provisions have been made in the preliminary view for the existing AUP height variation control, there are now likely to be additional opportunities for increased building height in light of the objectives of the NPS-UD. Relevant considerations for determining where building heights greater than six storeys would be appropriate within walkable catchments could include:

- A high level of accessibility to multiple transport and employment options, and other amenities;
- Accessibility to multiple centres, public transport options, and other amenities;
- Areas where there is significant demand for residential or business use; and
- There is the potential to support greater building heights in walkable catchments around the City Centre or Metropolitan Centres where the existing permitted height within the centre is significantly greater than six storeys. In these cases, building heights greater than six storeys can be enabled in the walkable catchment without significant adverse effects associated with visual dominance and shading.

Intensification Around Suburban Centres

FRL understand that Auckland Council's approach to implementing Policy 3(d) includes providing for intensification around suburban centres (being Town Centres, Local Centres, and Neighbourhood Centres) based on zoning, size, and accessibility. FRL make the following comments in relation to the preliminary response to Policy 3(d):

- FRL generally agrees that Neighbourhood Centres are typically of a scale and location whereby additional intensification, beyond what will intrinsically occur by way of the significant application of the Modified MHU zone across the city, is not warranted.
- FRL considers however that it would be appropriate to enable intensification within at least 400m of *all* Town and Local centres due to the limited differences to walking accessibility between 200m and 400m, and the demand for housing around these centres within an Auckland context. A greater walkable catchment may be warranted for some centres depending on their accessibility, scale and ranges of services provided.



- In the alternative FRL encourages Auckland Council to include a clear methodology in the section 32 report on the criteria for assessing and identifying 'smaller', 'larger', and 'accessible' centres. Where clear distinctions consistent with the overall objectives of the NPS-UD cannot be established, FRL consider it would be appropriate that no distinctions to be made between different Town and Local centres.
- FRL encourages Auckland Council to consider the application of the modified THAB zone around Town and Local centres where the surrounding land is not subject to Policy 3(c), as established centres are still likely to present good opportunities to accommodate intensified residential development due to the presence of amenities and public transport.

Management of Existing Precincts

A number of precincts established prior to the AUP or under the Housing Accords and Special Housing Areas Act 2013 ('HASHAA') have been identified in the preliminary response viewer as 'Areas Under Investigation', where Auckland Council will identify whether it would be appropriate to apply the MDRS.

FRL note that a number of precincts, particularly those relating to areas established under the HASHAA have the purpose of managing greenfield development i.e., the sequencing of infrastructure or the management of built form outcomes. In other instances, the precinct was developed prior to the AUP under previous a planning framework. In these instances, the requirements of the precinct may not be in keeping with the intent or objectives of the NPS-UD.

Development in a number of these precinct areas is now complete, or part way through, and in many instances, there is no longer a purpose for separate precinct provisions. Any additional development that may be undertaken is likely to be subject to the MDRS. As part of the review of existing precincts, FRL encourages Auckland Council to remove precinct chapters and simplify the AUP where the precinct:

- No longer serves a relevant purpose;
- Where the provisions managing the built form of development will be superseded by the MDRS; and/or;
- Where the requirements of the precinct area inconsistent with the objectives of the NPS-UD.

Growth in Other Appropriate Locations

FRL consider that Objective 2 and Policy 2 of the NPS-UD provide opportunities for growth outside of areas identified under Policy 3, including in locations best suited to accommodate and service it with access to transport, shops, employment, and amenity. The opportunity to provide additional density in specific locations where these factors exist should be maximised as part of this process.

A good basis for further examination could be the existing Mixed-Use zones. Many of these areas are already developed or are being developed to provide shops, employment and dwellings, being amenities recognised under Policy 1 qualities of well-functioning urban environments but have not been examined as part of the process to date.

FRL submits that the opportunity also exists through the Plan Change to consider provisions which encourage more residential growth within and near the Mixed Use zone where the activities within these



provide a similar function to centres. Allocating more of the city's future residential growth to Mixed Use creates the opportunity to use land efficiently in areas where the AUP had previously enabled greater opportunities for growth and development.

A detailed assessment and FRL's recommendations in relation to specific precinct areas under investigation and other sites are included at **Attachment 1**.

Summary

Overall, FRL conditionally supports the general approach to implementing the NPS-UD within Auckland, including application of the modified MHU and THAB zones for the purposes of applying the MDRS and identifying walkable catchments.

For the reasons outlined above, FRL considers that the NPS-UD provides additional scope to provide for development of greater heights and densities, and presents an opportunity to simplify precinct provisions FRL therefore and encourages Auckland Council to consider:

- (a) Opportunities to provide for extended walkable catchments around the city centre and certain metropolitan centres and rapid transit stops;
- (b) Opportunities to provide for heights greater than the minimum required six storeys within walkable catchments that are well placed contribute to well-functioning urban environments;
- (c) Opportunities to provide for greater development potential around Town and Local centres;
- (d) The removal of precinct provisions that no longer serve a relevant purpose, where the provisions for development will be superseded by the MDRS, and/or where the requirements of the precinct are inconsistent with the objectives of the NPS-UD; and
- (e) Opportunities for further intensification in and around Mixed Use zones.

Attachment 1 – Recommendations for Precinct Areas and Other Sites

Site location / Precinct Area(s)	Current Zoning	AUP	Recommendation
Red Beach Precinct	Mixed Suburban	Housing	FRL recommend that the Red Beach Precinct is removed and the Modified Mixed Housing Urban ('MHU') zone be applied for the following reasons: • The provisions of the Red Beach Precinct predominantly seek to manage stormwater, roading, and the provision of open space. Specific development controls also manage built form outcomes at the interface of the surrounding Single House zone. • Development within the precinct area is now largely complete and all public roading has been established. • The immediately adjoining residential area is proposed to be rezoned from Single House to Modified MHU, and specific development standards are no longer required to manage the effects of building intensity and residential character within the precinct area. • FRL is not aware of any significant reasons why the MDRS cannot be generally applied.
Whenuapai 1 Precinct	Mixed Urban	Housing	FRL recommend that the Whenuapai 1 Precinct is removed and the Modified MHU zone be applied for the following reasons: • The provisions of the Whenuapai 1 Precinct predominantly seeks to manage roading, the effects of vehicle access on Brigham Creek Road, and the effects of street lighting and reverse sensitivity on aircraft operations. • Development within the precinct areas is now largely complete, including the creation of new lots and titles with the required legal interests. All public roading has also been established. • FRL is not aware of any significant reasons why the MDRS cannot be generally applied..

1, 23, 29 Launch Road Hobsonville Point Precinct	Mixed Urban Housing	FRL recommend that the Terraced Housing and Apartment Building ('THAB') zone is investigated to be applied to these sites which are currently zoned Mixed Housing Urban for the following reasons: • The zoning for Hobsonville was based on a Masterplan developed more than 10 years ago. The planning context has changed considerably since then, including the introduction of the NPS-UD, continuing shortfalls of housing supply in Auckland and escalating house prices. Applying the THAB zone more extensively in Hobsonville would respond to this context by enabling greater housing supply in a greenfield location where it is likely to be taken up. At the same time, with the right policy and rule settings in the AUP, a high-quality environment can be achieved consistent with the RPS objectives; • For Launch Road in particular, applying THAB on the southern side of the road would provide a consistent edge to the street, noting that THAB applies on the northern side. Similarly, THAB applies on the opposite side of Bomb Point Drive. The area is also in close walking distance of the emerging mixed use area/centre and the Hobsonville ferry terminal.
20 Stonefields Avenue 100 Morrin Road	Terraced and Building Housing and Apartment	FRL recommend that the Modified THAB zone is investigated to be applied to these sites which are currently zoned THAB for the following reasons: • The zoning for Stonefields was based on a Masterplan developed more than 15 years ago. The planning context has changed considerably since then, including the introduction of the NPSUD, continuing shortfalls of housing supply in Auckland and escalating house prices. Applying a greater height limit to parts of the THAB zone at Stonefields would respond to this changing context. At the same time, with the right policy and rule settings in the AUP, a high quality environment can be achieved consistent with the RPS objectives; • For these sites, applying the Modified THAB zone would recognise that the sites are located directly opposite an area of Mixed Use land that has an emerging function as a local centre. The sites therefore present an opportunity to use land located around existing amenities efficiently. • The sites are large landholdings currently being comprehensively master planned and adjoin road and open space zone. Greater heights of six storeys can therefore be accommodated without significant effects on the surrounding locality. It is also noted that the sites are located opposite THAB zoning where a height variation control for six storeys applies. Increasing development on these sites would enable the built form to integrate well with the character of the surrounding area.

Flat Bush Precinct	Mixed Urban Housing	FRL recommend that the Modified MHU zone is applied to those parts of the precinct area currently zoned MHU for the following reasons: FRL is not aware of any significant reasons why the MDRS cannot be generally applied, noting that the adjacent land to the south west of the precinct area is proposed to be rezoned from Mixed Housing Suburban ('MHS') to Modified MHU.
109 Beachlands Road Beachlands 1 Precinct	Single House	FRL recommend that the site at 109 Beachlands Road is removed from the Beachlands 1 Precinct and the Modified MHU zone applied for the following reasons: - The provisions of the Beachlands 1 Precinct predominantly seek to manage water supply and the built form outcomes to ensure integration with the existing Beachlands Village. - The site at 109 Beachlands Road is the largest balance lot within the precinct area, and FRL is well progressed with a Fast Track application for the construction of terraced typologies, where water supply will be appropriately serviced. - FRL is not aware of any significant reasons why the MDRS cannot be generally applied, noting that the adjacent land to the north and west of the precinct area is proposed to be rezoned from Single House to Modified MHU. Objective 4 of the NPS-UD also recognises that the amenity values of urban environments will change over time.
Hingaia 1 Precinct	Mixed Urban Housing	FRL recommend that the Modified MHU zone is applied to those parts of the precinct area currently zoned Mixed Housing Suburban for the following reasons: FRL is not aware of any significant reasons why the MDRS cannot be generally applied, noting that the adjacent land to the north and east of the precinct area is proposed to be rezoned from Single House and Mixed Housing Suburban to Modified Mixed Housing Urban.
104 Felton Mathew Avenue	Light Industry	Please refer to the site-specific feedback that has been prepared and submitted separately.

From: Bianca Tree <Bianca.Tree@minterellison.co.nz>
Sent: Monday, 9 May 2022 3:21 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Amy Dresser <Amy.Dresser@minterellison.co.nz>
Subject: Southern Cross Healthcare Limited - feedback on preliminary response to intensification requirements [MERWNZ-MERWLIB.FID640142]

Good afternoon

We act for Southern Cross Healthcare Limited.

Please see **attached** feedback on behalf of Southern Cross on Auckland Council's preliminary response to the intensification requirements of the National Policy Statement on Urban Development and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

We would be grateful if you could please confirm receipt.

Kind regards
Bianca

Bianca Tree

Partner

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**FEEDBACK ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE
TO INTENSIFICATION REQUIREMENTS**

To: Auckland Council
Attn: Senior Policy Planner
Unitary Plan Private Bag 92300
AUCKLAND 1142

unitaryplan@aucklandcouncil.govt.nz

Name of Submitter: Southern Cross Healthcare Limited

Address: c/- MinterEllisonRuddWatts
PO Box 105249
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Attention: Bianca Tree / Amy Dresser

bianca.tree@minterellison.co.nz
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Introduction

1. This is a submission on behalf of Southern Cross Healthcare Limited (**Southern Cross**) on Auckland Council's (**Council**) preliminary response (**Preliminary Response**) to the requirements in the National Policy Statement on Urban Development (**NPS-UD**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Act**). The Preliminary Response was published on 19 April 2022.
2. As a tier 1 local authority under the NPS-UD and the Act, the Council is required to amend the Auckland Unitary Plan (**Plan**) to enable greater density and height within city centres, metropolitan centres, and within walkable catchments of these centres and rapid transport stops. The Preliminary Response proposes changes to the Plan to give effect to these requirements and identify the matters that the Council considers to be "qualifying matters".¹
3. Southern Cross supports the Preliminary Response in part and seeks amendments to it to better give effect to the NPS-UD.

Scope of submission

4. This submission relates to the following proposals in the Preliminary Response:

¹ Qualifying matters are characteristics within some areas that may allow the Council to modify or reduce building heights or density required by the NPS-UD and the Act.

- (a) Removal of the Special Character Areas overlay in the Gillies Avenue area;
- (b) Application of the 800m walkable catchment in relation to the Newmarket Metropolitan Centre;
- (c) Appropriateness of the distance of the walkable catchment in relation to Newmarket Metropolitan Centre and train station; and
- (d) Changes to the zoning of Southern Cross' sites and surrounding area.

Background to Southern Cross

- 5. Southern Cross has the largest network of private surgical hospitals and procedure centres in New Zealand, with ten wholly owned hospitals as well as six hospitals operated as joint ventures in partnership with leading healthcare providers. Southern Cross also has a shareholding in a number of other related organisations involved in providing orthopaedic, diagnostic and interventional treatments for endoscopic and cardiology services, and radiotherapy for cancer treatment.
- 6. Southern Cross is a not-for-profit business which means all profit is reinvested to provide increased access to, and improved, healthcare services.
- 7. Southern Cross' hospitals are typically located immediately adjacent to or within residential areas of towns and cities in New Zealand. They are also often located in proximity to centres and public hospitals and other healthcare providers, which also provides time and efficiency benefits for specialists who work in this sector. Hospitals are compatible with residential use, and patients benefit from residential amenity values to aid recovery and recuperation. However, due to high land prices and the scarcity of land, modern hospitals need to expand and be developed as multi-storey buildings. In this regard the development needs of hospitals are similar, and are subject to similar drivers, as the need to provide for more intensive residential use.
- 8. In addition, just as there is a need to intensify residential development to provide for the health and wellbeing of our increasing population, our hospitals also must intensify and expand. Importantly, the NPS-UD also recognises the need for business land,² the importance of understanding and planning for the demand for hospitals (as additional infrastructure),³ and providing for well-functioning urban environments that enable all

² National Policy Statement on Urban Development 2020, Objective 3, Policies 1(b), 2, and 6(c).

³ National Policy Statement on Urban Development 2020, Policy 10, and 1.4 Interpretation.

people and communities to provide for their social, economic and cultural wellbeing, and their health and safety, now and into the future.⁴

9. Southern Cross has only three hospitals located in the central isthmus area, Brightside Hospital, the Auckland Surgical Centre (9 Saint Marks Road, Remuera), and Gillies Hospital (160 Gillies Avenue). There is a projected significant increase in demand for elective surgery in Auckland, and these existing hospitals are already operating at capacity. There are also constraints to expand or intensify the Auckland Surgical Centre and Gillies Hospital, and since 2015 Southern Cross has purchased land and sought approval to expand Brightside Hospital.
10. Southern Cross' Brightside Hospital is located at 3 Brightside Road, Epsom (**Hospital site**). Southern Cross also owns 149, 151 and 153 Brightside Road (**Development sites**), which are contiguous and are adjacent to the Hospital site as shown in Figure 1 below. The Hospital site is currently zoned Residential – Mixed Housing Suburban and the Development sites are currently zoned Residential – Single House and are subject to the Special Character Areas Overlay – Residential Isthmus B (**SCA Overlay**).

Figures 1 and 2 – Aerial photograph and planning map of the Hospital site (red) and Development sites (blue)



11. Southern Cross is seeking to construct an expansion of Brightside Hospital onto the Development sites. This would enable Brightside Hospital's number of elective surgeries to be doubled to around 8,000 surgeries per year, and due to the increased number of theatres enable the hospital to provide an intensive care unit (**ICU**) (which would be the second only ICU capable private hospital in the Auckland isthmus area). The expansion

⁴

National Policy Statement on Urban Development 2020, Objective 1.

would enable the more efficient use of the existing investment in Brightside Hospital, help meet the increasing demand for elective surgery, and enable Brightside Hospital to treat higher risk patients in need of ICU capability.

12. To enable the expansion:

- (a) Southern Cross lodged proposed Plan Change 21 to the Plan, which would rezone the Hospital site and Development sites to the Special Purpose – Healthcare Facility and Hospital zone. This was granted by the Council, but then refused by the Environment Court on appeal. Southern Cross has appealed the Environment Court's decision to the High Court.
- (b) Southern Cross lodged a resource consent application to construct the expansion (which was assessed on the current residential zones and SCA Overlay). This was declined by the Council, and Southern Cross has lodged an appeal to the Environment Court. The appeal is on hold, pending the resolution of Plan Change 21.

13. Southern Cross considers that it is appropriate to enable a greater intensity of development on the Hospital and Development sites and in the surrounding area, in accordance with the requirements of the NPS-UD and the Act.

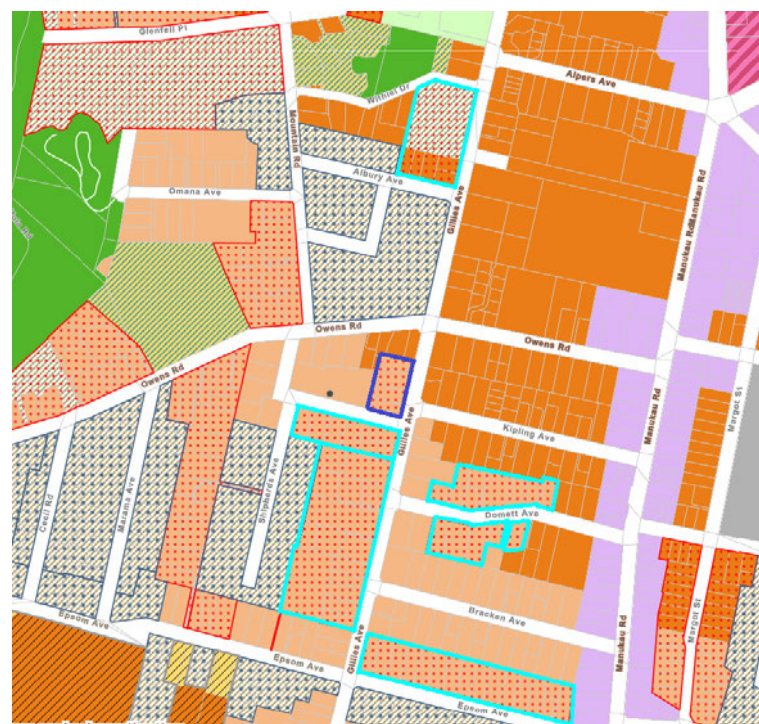
Southern Cross supports the removal of the Special Character Areas overlay from the Development sites

- 14. The Development sites are currently subject to the SCA Overlay. The site at 149 Gillies Avenue is not subject to the demolition control, while the sites at 151 and 153 Gillies Avenue require consent as a restricted discretionary activity to remove the existing dwellings.
- 15. Special Character is not a listed 'qualifying matter' under the Act or the NPS-UD, however the Council has considered special character as 'any other matter' that makes high density development inappropriate in an area. In applying 'any other matter' the Council has to address the requirements in 3.33 of the NPS UD. In this regard, it is understood that the Council has undertaken a thorough and detailed assessment of the existing SCA Overlay and how each property contributes to special character values individually and in any particular area.
- 16. The Preliminary Response identifies that the special character of the Development sites is not a 'qualifying matter' for the purposes of the NPS-UD and therefore proposes to remove

the SCA Overlay from the Development sites, as shown in Figure 3 below. The Preliminary Response also identifies that the SCA Overlay on many other sites along Gillies Avenue, Domett Avenue, and Epsom Avenue, are not a 'qualifying matter' and proposes to remove the SCA Overlay from these sites (**Surrounding sites**).

17. Southern supports the Preliminary Response identifying that the special character is not a qualifying matter and removing the SCA overlay from the Development sites and the following discrete blocks in the surrounding area, as listed and shown in Figure 3 below.
 - (a) 2-8 Brightside Road;
 - (b) 155-195 Gillies Ave;
 - (c) 7-21 Domett Ave and 14-22 Domett Ave; and
 - (d) 1-7 Albury Ave and 113 Gillies Ave; and
 - (e) 1A – 27 (odd numbers) Epsom Avenue.

Figure 3 – Removal of SCA overlay under Preliminary Response from Development sites (blue) and Surrounding sites (turquoise)

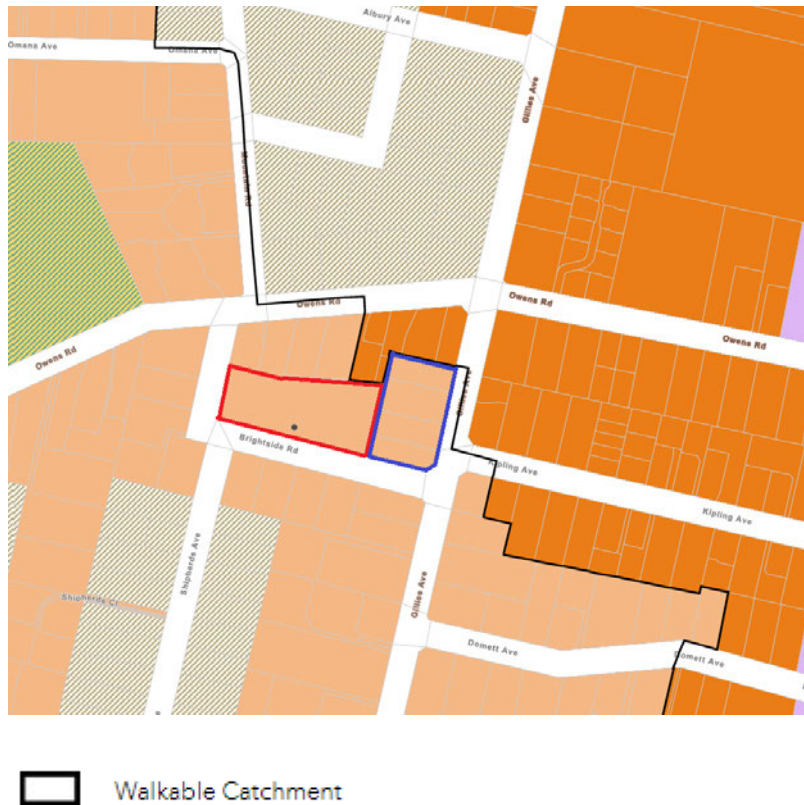


	Residential - Mixed Housing Urban Zone - Modified		Special Character Areas Overlay - Not a Qualifying Matter
	Residential - Terrace Housing and Apartment Building Zone - Modified		Special Character Areas Overlay - Qualifying Matter

18. Southern Cross supports the Council's assessment of the Development sites and Surrounding sites as not having special character values that would constitute qualifying matters. This is because:
- (a) These areas are of very mixed quality, with many sites not contributing to or detracting from special character values. They do not represent a consolidated area that have special character values.
 - (b) The Development sites are the only SCA Overlay sites within the block bounded by Gillies Avenue, Owens Road, and Brightside Road. They are not located within a contiguous area of special character. The boarding house at 149 Gillies Avenue has been highly modified and detracts from the special character values. The buildings at 151 and 153 are set back and largely concealed from view.
 - (c) Opposite the Development sites and along this small section of Brightside Road the properties make little contribution to special character values. In particular, the site directly on the corner of Brightside Road and Gillies Ave detracts from any character values along this side of the street, and the adjoining two properties are of more modern architecture.
19. Southern Cross appreciates that the Council must fully justify which areas of special character in Auckland are to be prioritised and retained under the Plan. Southern Cross supports the Council's assessment in the Preliminary Response of prioritising contiguous areas of high-quality special character. This is an appropriate way to ensure an appropriate degree of special character is retained which contribute to the amenity and character of city, while giving effect to the intensification required under the NPS-UD and Act.

The Development sites should be included in the 800m walkable catchment in relation to the Newmarket Metropolitan Centre

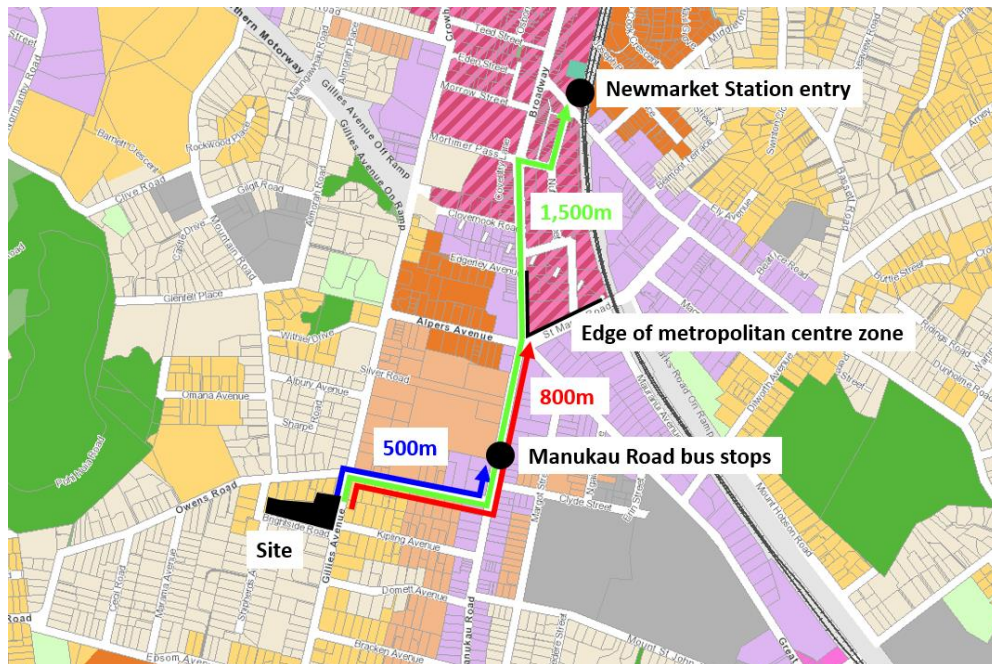
20. The Preliminary Response proposes a walkable catchment of 800m from the edge of metropolitan centres and around rapid transit stops. The Development sites are identified as being adjacent to but outside the walkable catchment identified by the Council in relation to the Newmarket Metropolitan Centre, as shown in Figure 4 below.

Figure 4 – Walkable catchment

21. It is not clear why the walkable catchment has been drawn around and excludes the Developments sites. Southern Cross accepts that the walkable catchment should not extend to the Hospital site, however the Development sites clearly fall within the 800m distance from the Newmarket Metropolitan Centre and should be included.
22. Russell Brandon, principal transportation engineer at Flow Transportation Specialists Limited, undertook investigations in relation to the walkable catchments as part of his reports and evidence prepared for Plan Change 21.⁵ Mr Brandon has prepared the map illustrating this at Figure 5 below, showing that the Development sites are:
 - (a) a 500m walk from the Manukau Road bus stops;
 - (b) a 800m walk from the southern edge of the Metropolitan Centre zone; and
 - (c) a 1,500m walk from the Newmarket rail station entry points.

⁵ Brightside Hospital Private Plan Change: Transport Assessment dated December 2018; Statement of Evidence of Russell Brandon for Southern Cross Hospitals Limited dated 26 November 2020; Statement of Reply Evidence of Russell Brandon for Southern Cross Hospitals Limited dated 8 March 2021.

Figure 5 – Walking distance of Development sites from Newmarket Metropolitan Centre and train station



23. Southern Cross seeks that the Development sites be included within the 800m walkable catchment of the Newmarket Metropolitan Centre.

The distance of the walkable catchment in relation to Newmarket Metropolitan Centre and train station should be extended

24. The Council in its Preliminary Response has proposed an 800m walkable catchment to apply to all metropolitan centres and rapid transit stops. It also proposes a 1200m walkable catchment to apply to the city centre.
25. Southern Cross seeks for a larger walkable catchment to be identified in respect of some metropolitan centres and / or rapid transit stops. It is acknowledged that for some metropolitan centres and rapid transit stops, 800m will be appropriate and reasonable. However, the Council should not take a generic approach in applying the same walkable catchment to all metropolitan centres and rapid transit stops, where a larger walkable catchment would be more appropriate and better reflect the nature of the area.
26. The Newmarket Metropolitan Centre is the second largest centre in Auckland (second only to the city centre) and provides access to a wide range of employment opportunities, goods and services, and community facilities. The Newmarket train station is also a major transport hub and interchange for the southern, western and Onehunga lines. It would be appropriate for a larger walkable catchment to be applied to recognise the interrelationship

between the Newmarket Metropolitan Centre and train station, and the demand for housing and business use in this location. This is supported by government guidance and specialist transport expertise:

- (a) The Ministry for the Environment's guidance on implementing the NPS-UD observes that the size of a walkable catchment can be influenced by the amenities at the destination.⁶
- (b) Mr Brandon considered that the size of and amenity provided by the Newmarket metropolitan centre are notable, and people are willing to travel further for high quality services. He considers people would walk further to access the Newmarket metropolitan centre and train station, and that this was an easy walkable route either along Gillies Avenue or Manukau Road.⁷
- (c) The Auckland Transport Urban Street and Road Design Guide gives further guidance on acceptable travel times for local destinations, and considers that a 20 minute walk is acceptable for travel to a town centre or a rapid transit stop.⁸

27. Southern Cross seeks that the walkable catchment from the edge of the Newmarket Metropolitan Centre and the Newmarket train station be increased.

Southern Cross supports the zoning changes required to enable greater intensification under the NPS-UD

28. As shown in Figures 2 and 3 above, the Preliminary Response proposes rezoning:
- (a) the Hospital site to the Residential – Mixed Housing Urban zone.
 - (b) the Development sites to the Residential – Mixed Housing Urban zone.
 - (c) the surrounding area to the Residential – Mixed Housing Urban and Residential – Terrace Housing and Apartment Building zones.

⁶ Ministry for the Environment (2020) *Understanding and implementing intensification provisions for the National Policy Statement on Urban Development*, Wellington: Ministry for the Environment, pages 20-27, (<https://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/Understanding-and-implementing-intensification-provisions-for-NPS-UD.pdf>).

⁷ Brightside Hospital Private Plan Change: Transport Assessment dated December 2018; Statement of Evidence of Russell Brandon for Southern Cross Hospitals Limited dated 26 November 2020; Statement of Reply Evidence of Russell Brandon for Southern Cross Hospitals Limited dated 8 March 2021.

⁸ Section 1 of the Auckland Transport Design Manual, Chapter 2: Neighbourhood Design.

29. Southern Cross supports rezoning the Hospital site to the Residential – Mixed Housing Urban zone. This is appropriate in light of the NPS-UD requirements and incoming medium density residential standards.
30. As discussed above, the Development sites are within 800m walking distance of the edge of the Newmarket Metropolitan Centre and should be recognised as being within the walkable catchment. Therefore, Southern Cross seeks for the Development sites to be rezoned to the Residential – Terrace Housing and Apartment Building zone, which would be consistent with the height and density requirements of the NPS-UD.

Summary of feedback

31. In summary, Southern Cross seeks that the Council:
- (a) continue to identify the Development sites as not having special character to be a qualifying matter and remove the SCA overlay from the Development sites;
 - (b) continue to identify the Surrounding sites as not having special character to be a qualifying matter and remove the SCA Overlay from the Surrounding sites;
 - (c) identify the Development sites as being within 800m walking distance of the Newmarket Metropolitan Centre;
 - (d) increase the walkable catchment of the Newmarket Metropolitan Centre and train station to be greater than 800m;
 - (e) continue to apply the Mixed Housing Urban zone to the Hospital site; and
 - (f) apply the Terrace Housing and Apartment Building zone to the Development sites.
32. If it would assist, Southern Cross is happy to meet with the Council to discuss the feedback provided or provide copies of the technical reports and evidence it has commissioned in relation to the application of the NPS-UD to the Hospital and Development sites.

DATED this 9th day of May 2022

Southern Cross Hospitals Limited by its solicitors and
duly authorised agents MinterEllisonRuddWatts



B J Tree

Address for service of submitter

Southern Cross Hospitals Limited

c/- MinterEllisonRuddWatts

PO Box 105249

AUCKLAND 1143

Attention: Bianca Tree / Amy Dresser

Telephone No: (09) 353 9700

Fax No. (09) 353 9701

Email: bianca.tree@minterellison.co.nz
amy.dresser@minterellison.co.nz

From: Peter Fuller <peter.fuller@quaychambers.co.nz>
Sent: Monday, 9 May 2022 3:22 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Stratis Body Corporate Feedback on Draft AUP Changes - NPS-UD - 83 Halsey St.

Good afternoon Unitary Plan Team.

Please see **attached** Feedback from the Stratis building to the Draft Changes to the AUP to give effect to the NPS-UD.

This feedback is in relation to the Stratis building at 83 Halsey St in the Viaduct Harbour.

Please contact the writer if I can be of any further assistance.

Kind regards,

Peter

Peter Fuller - Barrister
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BEFORE THE AUCKLAND COUNCIL

UNDER the Resource Management Act 1991

AND
IN THE MATTER OF Feedback on Draft Plan Changes to the Auckland
Unitary Plan – Operative in Part to give effect to the
National Policy Statement – Urban Development 2020

To:

The Unitary Plan Team
Auckland Council
unitaryplan@aucklandcouncil.govt.nz

**FEEDBACK FROM STRATIS BODY CORPORATE – LIGHTER QUAY
ON DRAFT AUP CHANGES TO GIVE EFFECT TO THE NPS-UD**

9 May 2022

Counsel Instructed:

Mr Peter Fuller
Barrister
Quay Chambers
Level 7, 2 Commerce Street
PO Box 106215
Auckland 1143
021 635 682
Email: peter.fuller@quaychambers.co.nz

May it please the Council:

1. This feedback is on Draft Plan Changes to the Auckland Unitary Plan – Operative in Part (**AUP**), to give effect to the National Policy Statement – Urban Development 2020 (**NPS-UD**). The feedback is provided on behalf of Stratis Body Corporate 343562 (**Stratis**) located in Lighter Quay at 83 Halsey St.
2. Stratis could not gain an advantage in trade competition through this submission. It is directly affected by the Draft Plan Changes.
3. This feedback relates to various aspects of the entire proposal and is supportive of the Draft Plan Change provisions, to the extent that it is understood that notwithstanding being in the City Centre zone, it is proposed to retain the current AUP precinct provisions.
4. For Sub-Precinct C, this includes the current 16.5m height limit and a maximum floor area ratio (**FAR**) of 3.5:1, which already gives effect to the NPS-UD Policy 3. As is clearly evident in the existing high quality built form outcomes, and the experience of people in Viaduct Harbour, the current AUP provisions are already achieving a “well-functioning urban environment”, so give effect to Objective 1 of the NPS-UD.

Stratis Building

5. Stratis is an award-winning residential apartment building, inspired by tangata whenua art forms, that is part of a complex of 4 buildings that were constructed approximately 18 years ago:
 - (a) North (40 units)
 - (b) Stratis (65 units)
 - (c) Halsey (106 units)
 - (d) Sofitel Hotel
6. The land is leasehold and Viaduct Harbour Holdings Limited (**VHHL**) is the landowner.

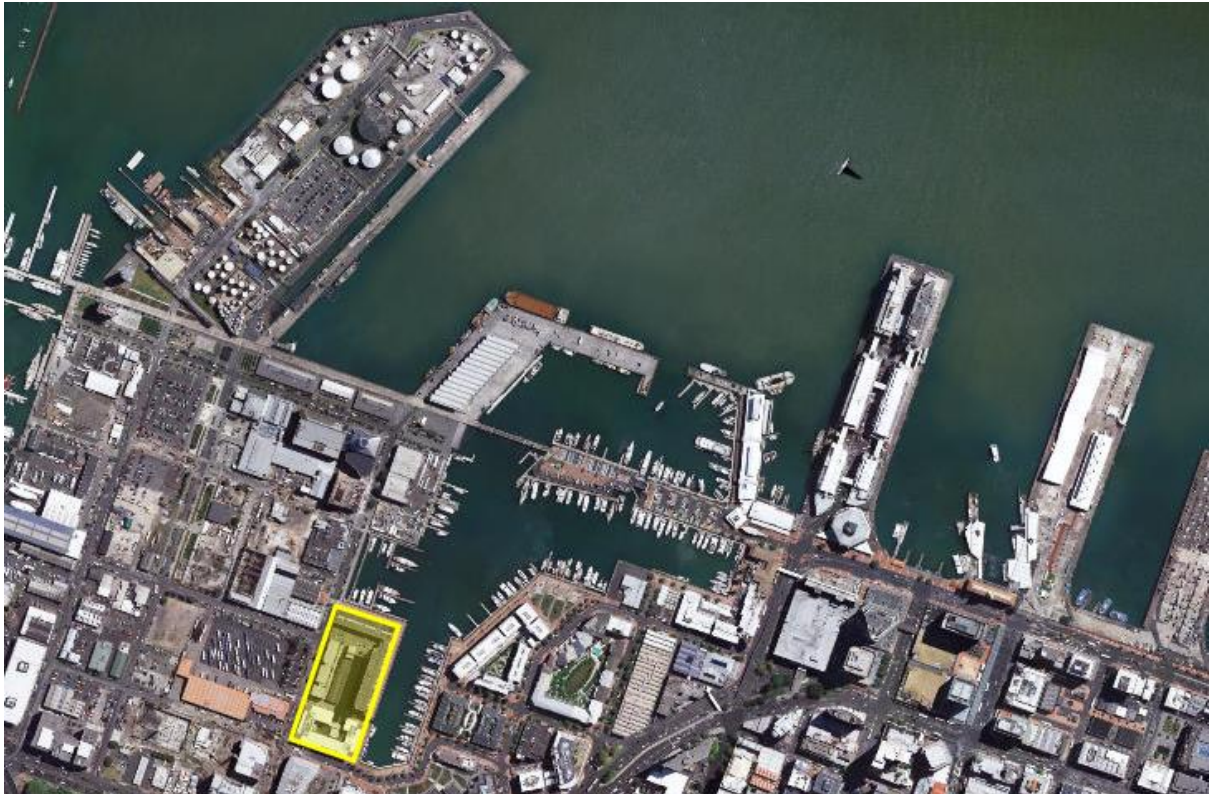


Figure 1 – location of Lighter Quay complex – the Stratis Building is on the eastern side

Support for the AUP Status Quo

7. The Wynyard Quarter and Viaduct Harbour areas are located within the City Centre Zone under the AUP. This area is also subject to several precincts and sub-precincts that modify the normal rules and standards that would otherwise apply in the City Centre Zone. Lighter Quay is in Sub-precinct C that has a 16.5m building height limit. Importantly, this roughly equates with the current 5-6 storey buildings that have been constructed.
8. The precincts are intended to reduce the height and intensity of development that could otherwise be achieved in the City Centre Zone, in recognition of the location of the land at the edge of the City Centre and adjacent to the harbour. For example, there is a heavily used public walkway on land owned by the complex that was an arrangement arising from the original development consent. The current “human scale” building heights maintain public amenity values and there are no adverse shading, domination, and wind tunnel effects, that arise from buildings higher than 6 storeys’ in the City Centre.

9. The constraints to development are achieved through maximum building height standards and the use of FAR standards in each sub-precinct. The floor area ratio is a ratio of gross floor area of development relative to the area of the site on which it is located.
10. Stratis supports the current AUP precinct planning provisions as outlined below.



Figure 2: Viaduct Harbour building height controls



Figure 3: Viaduct Harbour site intensity controls

Draft Changes

11. It is understood that the NPS-UD requires the Council to amend the AUP to enable greater housing/development density. Specifically, Policy 3 requires that buildings of six storeys or more are to be enabled within walkable distances of the City Centre, the ten metropolitan centres, and rapid transit stops (train stations and rapid busway stops). Greater building heights and density are also required within and around neighbourhood, local and town centres across Auckland.
12. The Wynyard Quarter and Viaduct Harbour area has been identified as falling within the 1.2km walkable catchment of the City Centre, and the land to the east of Daldy Street is also in the area noted as 'Auckland Light Rail corridor – zoning under investigation'.
13. The Council has stated that the proposed plan changes in the City Centre Zone would remove limitations on gross floor area (the FAR provisions) and remove height controls to enable unlimited height. Some additional provisions would be imposed to ensure that tall buildings are of a form and scale that fits the context

of the city and provides for adequate privacy, daylight, and sunlight between buildings.

14. However, the Council has also stated in the Draft Changes that the City Centre Zone provisions will continue to be modified by the City Centre precincts. The publicly available information states that *“City centre precincts will continue to manage area specific outcomes, including height and density.”*
15. It is understood that this means that the Council intends to retain the current AUP maximum height and site intensity standards that apply in Wynyard Quarter and Viaduct Harbour. Stratis fully supports this outcome and requests that this should be the position in the formal notification plan change provisions for August.

Reasons for Supporting the Current AUP Provisions

16. The Viaduct Harbour area is an exemplary demonstration of high-quality master planning, where development has been fully integrated with bespoke and sophisticated planning provisions. Arguably, it the first large scale master planned urban renewal area in New Zealand and formed the “template” for subsequent successful examples such as Hobsonville Point. There is a vibrant mix of activities, a truly “live, work, play” environment for people to enjoy, and businesses to thrive.
17. The planning provisions that were adopted for the Viaduct are modelled on successful urban forms in iconic cities, such as Paris and Amsterdam, where functionality and adaptability have supported dynamic changes in activities over centuries. A key to the success is to manage the height of buildings to maintain the streetscape amenity values, where community interaction takes place.
18. The Viaduct buildings are high quality and provide a variety of architectural forms, styles and materials, but most importantly, are all compatible. The urban form outcome is legible and coherent at different scales. A key element to achieving this world class urban design outcome is the “human-scale” 5-6 storey buildings that preserve not only the private amenity values of residents, but very importantly, the amenity values of the CMA and public open spaces. As demonstrated during the America’s Cup events, with little physical structural change, the variety of generous public open spaces, linked by wide boulevard promenades, can accommodate thousands of people comfortably.

19. The connectivity of the built form to the highly valued coastal environment can only be achieved by managing the scale and intensity of development, in the manner that the Legacy Auckland City Council Central Area Plan provided that was largely rolled into the AUP.
20. Therefore, there is no doubt that the current AUP provisions for the Viaduct Harbour, evident in the outstanding built form outcomes and the experience of being in the area, meet the key objective of the NPS-UD:

New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future (Objective 1).

21. Regarding NPS-UD Policy 3, that the Council is required to give effect to, it is already complied with in the Viaduct because all the sub-precincts have a height limit that provides for buildings of 6 storeys' already (the minimum requirement).
22. Stratis would be opposed to any increase in built heights and FAR ratios because it is not necessary to give effect to the NPS-UD.
23. Because it already complies with Policy 3, there is no need to provide a justification for creating an exception to the application of Policy 3, by identifying the Viaduct Harbour area as a qualifying matter.
24. However, there are characteristics of this high amenity coastal environment that would potentially satisfy the criteria if an assessment were undertaken. For example, the following provisions are relevant:

3.32 Qualifying matters

*(1) In this National Policy Statement, **qualifying matter** means any of the following:*

(a) a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act...

[s6(a) natural character of the coastal environment, including the CMA, and s6(d) public access etc]

....

(d) open space provided for public use, but only in relation to the land that is open space

[this provision is not well worded but could be interpreted as including development on land that relates to public open space and may have an adverse effect on its amenity values]

25. The current AUP provisions contain an integrated suite of objectives and policies that cascade in a coherent way down from the general (within the Regional Policy Statement) to the specific (within the Viaduct and Wynyard precincts). The objectives and policies set out the outcomes that are important in the wider Viaduct Harbour and Wynyard Point area and identify the means to achieve these outcomes.
26. There are clear directives in the policy framework that would be compromised by any increase in building heights. For example, the Wynyard Precinct provisions in the AUP seek to achieve *“a high-quality visitor destination which showcases the City’s diverse communities and the importance of the harbour”*. One of the means of achieving this outcome is through a policy that seeks to *“identify and protect public view shafts from open space across, within, and to Wynyard precinct to reinforce connections with the central area, harbour, and wider Auckland.”*

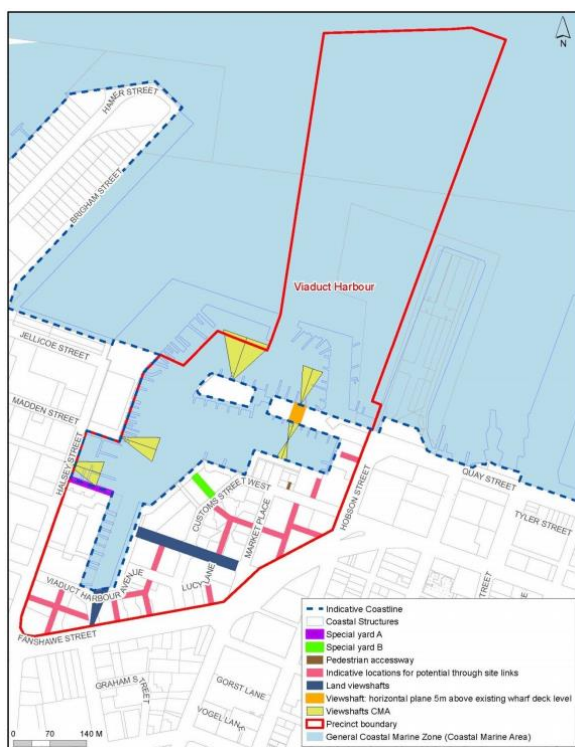


Figure 4 – Viewshafts Viaduct Harbour

27. As above, the Precinct includes identified viewshafts that are intended to enhance the visual connections of the Precinct with the harbour, other features of the surrounding landscape, the CBD and the wider City.
28. The Viaduct Harbour Precinct contains objectives and policies, reinforcing a consistent planning approach across the common precinct boundary. One of the Precinct objectives is to: *“maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct.”* Underpinning policies seek to *“enable and maintain a network of different-sized public open spaces in key locations along the water’s edge to cater for a range of recreational opportunities and provide vantage points”* and to *“limit the loss of significant public views from the city to the harbour and adjacent landscape features.”*
29. Viewshaft development standards are in place to manage development to maintain significant views of the water and adjacent areas within, and to, the Viaduct Harbour Precinct. Standard I211.6.11 states that buildings and structures must not locate over those parts of the coastal marine area water-space that are identified as viewshafts where they exceed a height of 5m above the existing wharf deck level. This standard implements the clear policy direction that seeks to preserve open views of the Waitemata Harbour from public areas of the Viaduct Harbour.
30. The viewshafts enable a viewer to ‘read’ the coastal landscape because they make it legible. For example, the views to the north from the head of the Lighter Basin currently provide the public with views to Stanley Point, Bayswater further in the distance, and Rangitoto in the far distance to the east (depending on the viewing position). These views enable the viewer to feel connected to the harbour and the wider Gulf via the perceived location of the main harbour channel. If there is an increase in building heights and intensity of development, the connectivity from highly valued public walking and passive recreation areas will be severed.
31. An increase in building heights and intensity in Viaduct Harbour would also risk undermining the central core of the CBD as the primary focus for business, commercial, retail, public transport, and residential activity. The core of the CBD needs to be maintained, and not dissipated by new competing neighbouring

intensive development, particularly at the current time, as it struggles to regain its pre-Covid level of activity.

32. There is no need to increase the heights in Viaduct Harbour, even if it became part of a future Light Rail corridor (pending investigations), because the existing intensity of development is sufficient to adequately support rapid transit.
33. Viaduct Harbour is a success story of Auckland's urban renewal and regeneration. It is a popular recreational destination for tourists and locals alike, an economic hub for business, and an attractive location for residents to live. Its success is founded on the high amenity environment that is present, which is the result of careful and consistent planning and the input of substantial public funding over the last 2 decades. The scale of development is appropriate for this highly valued coastal environment.
34. Changes to the current AUP planning provisions, to give effect to the NPS-UD, are not required in Viaduct Harbour, and would undermine the "well-functioning urban environment" that already exists.

Coastal Hazards

35. The Council will be aware that parts of the Viaduct Harbour are subject to potential future hazards. The land through this area is subject to coastal inundation 1% AEP plus 1m, as noted in the mapping below:

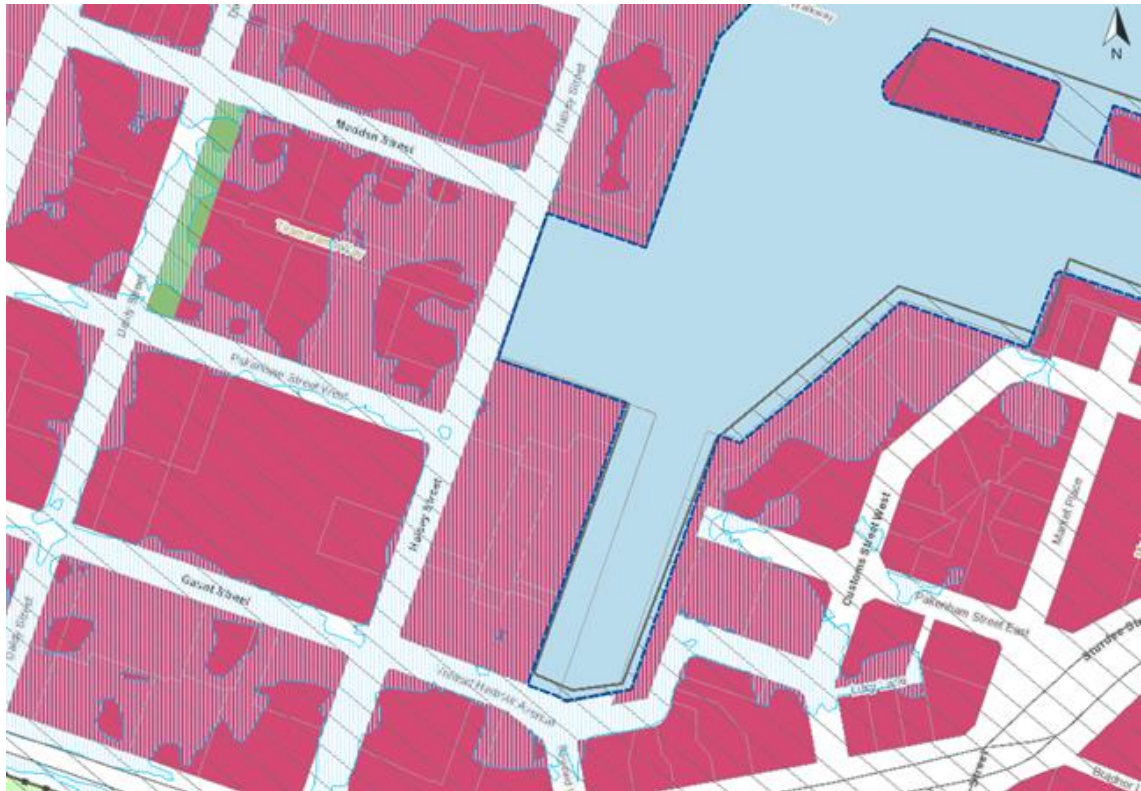


Figure 5 – Coastal flooding hazard

36. To compound future potential issues with sea level rise, new survey mapping has revealed in the last week, that this area is actually sinking at the rate of a few mm/yr because it is built on sedimentary materials.
37. The Council is required to avoid, remedy, and mitigate natural hazards and to plan for the effects of climate change. Planning for how the Viaduct will have to physically respond to the effects of climate change in the future, is only just beginning (the Govt has recently released a draft strategy), and there is currently much uncertainty about what works may be required, by when, and who will be liable to pay.
38. However, what is very certain is that it would be, with respect, irresponsible to up-zone areas that are subject to the effects of climate change, and at risk of property damage. Indeed a planning decision to increase heights in the Viaduct Harbour at the current time, and considering the Council has knowledge of the future hazard risks, would almost certainly expose the Council to being sued for negligence/compensation in the future, if development occurred in reliance of that up-zoning and losses were suffered.

39. The *status quo* is clearly preferable while the parties (Govt, Council, mana whenua, infrastructure providers, landowners, lease holders, ratepayers etc) work together in the coming years to achieve a successful response to climate change issues in Viaduct Harbour. If any planning changes were to be made now, arguably it should be to down-zone the current heights and intensity of development.

Relief sought

40. For the reasons set out above, it is requested that:
- (a) The Draft Plan Changes, that do not intend to change the current AUP Viaduct Harbour Precinct Provisions, are notified in August.
 - (b) There is no increase in heights for the Stratis Building associated with the review that is understood to be taking place for plan changes associated with the Light Rail Corridor.
 - (c) Any feedback from other parties that may seek to increase the maximum heights and FAR in Wynyard Quarter and Viaduct Harbour are rejected.
 - (d) Any up-zoning should be rejected due to potential hazard risks.

DATED at AUCKLAND this 9th day of May 2022

Stratis Body Corporate

by its barrister and duly authorised agent

Peter Fuller



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LLB, MPlan, DipEnvMgt, BHortSc
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From: Jessica Parulian <JessicaP@barker.co.nz>
Sent: Monday, 9 May 2022 3:23 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Nick Roberts <NickR@barker.co.nz>
Subject: Feedback on Preliminary - Wyborn Capital Investments Limited

Good afternoon,

Please find feedback on the preliminary response to the NPS-UD and the Act attached, provided on behalf of Wyborn Capital Investments Limited. We would be interested in meeting with the policy team to discuss the feedback attached.

Ngā mihi | Kind regards

JESS PARULIAN

Associate
027 581 3455
jessicap@barker.co.nz

PO Box 1986,
Shortland Street, Auckland 1140
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Hamilton, Napier, Wellington,
Christchurch, Queenstown

 **barker.co.nz**



Government's new housing rules:

What it means for Auckland

Feedback must be received by **Monday 9 May 2022**

Over the past few years, central government has taken a much stronger role in planning for the growth of New Zealand's largest and fastest growing cities. This means new rules enabling more higher-density housing.

These are directed by the government's National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Act).

These government requirements will enable taller and more higher-density housing, such as apartments, terraced housing and townhouses across our city, with the highest densities in areas close to public transport and centres with shops, jobs and community services.

While the NPS-UD focuses on housing of six storeys or more in and around our largest urban centres (including the city centre) and around rapid transit stops (like train and busway stations), the Act requires Medium Density Residential Standards (MDRS) that enable housing of up to three storeys to be built on most residential sites across the city.

The NPS-UD also allows us to limit intensification where there are features or constraints to enabling the scale of development that would normally be allowed on properties or across particular areas. These are called qualifying matters.

The requirements from the NPS-UD and the MDRS combined will mean medium and high-density housing can be built across much of Auckland's urban area. This means there will be changes to the rules in the Auckland Unitary Plan (our planning rulebook) for how properties can be developed.

The changes set out in the NPS-UD and the Act are not optional. By law, we must change the Auckland Unitary Plan to put these new rules in place. However, the NPS-UD allows us to make a limited number of decisions to help shape the future of our city such as:

- The distances of 'walkable catchments' where buildings of six storeys or more are required
- The size of the areas around our suburban town and local centres where additional height and density of buildings can occur, and what the building heights and density limits are
- Additional 'qualifying matters' (a feature or characteristic which can reduce the three-storey and six-storey building height limits) that will apply in Auckland.

We have prepared a preliminary response to the NPS-UD and the Act, that shows how we think they could apply to Auckland. A summary of this preliminary response is explained in our consultation document available on akhaveyoursay.nz/housing, and the planning maps are shown in the draft NPS-UD map viewer (link to map viewer available on akhaveyoursay.nz/housing)

We want your feedback on the parts of the preliminary response listed above. Your feedback will help inform a plan change. We are required to publicly notify this plan change by 20 August 2022. You can then make a submission on the plan change, so that your views are considered during the statutory decision-making process.

We strongly encourage you to read the consultation document and supporting information before answering the following questions. For more details, go to akhaveyoursay.nz/housing.

We encourage you to give feedback online at akhaveyoursay.nz/housing or you can:

Scan and Email your completed form to:

unitaryplan@aucklandcouncil.govt.nz

Post your completed form to:

Unitary Plan Team
Freepost Authority Number 190197
Auckland Council
Private Bag 92300, Victoria Street West
Auckland, 1142

Your details

Your name and feedback will be included in public documents. All other personal details will be kept private.

First name: Nick

Last name: Roberts

Email address or postal address: nickr@barker.co.nz

Your local board:

Is your feedback on behalf of an organisation or business? (If yes, this confirms you have authority to submit on the organisation's behalf)



Yes



No

Name of organisation/business: Wyborn Capital Investments Limited

These questions are optional but will help us understand which groups of the community are engaging with us.

What gender are you?



Male



Female



Another gender (please specify):

What age group do you belong to?



Under 15



15-17



18-24



25-34



35-44



45-54



55-64



65-74



75+

Which ethnic group(s) do you feel you belong to? (Please select as many as apply)



Pākehā/NZ European



Other European



Māori



Cook Islands Māori



Samoan



Tongan



Indian



Chinese



Southeast Asian



Other (please specify):

Your feedback (all questions are optional)**Requirements for intensification****Intensification inside walkable catchments**

A walkable catchment (required by the NPS-UD) is the area around a train or busway station, or a large urban centre within which an average person will walk to that location.

The government requires councils to identify walkable catchments around the city centre, metropolitan centres and rapid transit stops (train or busway stations) where buildings of six storeys or more must be enabled.

We are proposing:

- a 15-minute walk (around 1200 metres) from the edge of the city centre.
- a 10-minute walk (around 800 metres) from the edge of the metropolitan centres and around rapid transit stops, such as a train station or stop along the Northern and Eastern Busways.

These are subject to modifying factors such as landscape, for example steep hills, and physical barriers including motorways.

1. What do you think of our proposed walkable catchment of 1200 metres from the edge of the city centre?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

2. What do you think of our proposed walkable catchment of 800 metres from the edge of the metropolitan centres?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

3. What do you think of our proposed walkable catchment of 800 metres around rapid transit stops?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Intensification around town and local centres

Central government has told us that we need to enable building height and density (for example terrace housing and apartment buildings) in and around our neighbourhood, local and town

centres that matches the level of commercial activity and community services in each centre (such as jobs, shops and businesses). This is achieved by applying the Residential – Terrace Housing and Apartment Buildings Zone.

Town centres are larger suburban centres in Auckland that provide for a wide range of shops, services and activities for their surrounding districts. They are often spread across a couple of city blocks, and along main roads. Some examples are Glenfield, Glen Eden, Parnell and Papatoetoe town centres.

Local centres include a larger number of smaller suburban centres that serve local areas and neighbourhoods. Local centres might have 20 or 30 shops and some small offices.

4. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings Zone to residential areas up to around 400 metres from large town centres with high accessibility?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

5. What do you think of our proposal to apply the Terrace Housing and Apartment Buildings zone to residential areas up to around 200 metres from small town centres or large local centres with high accessibility?

- ☐ Support
- ☐ Do not support – I think it should be further
- ☐ Do not support – I think it should be closer
- ☐ Other
- ☐ I don't know

Tell us why

Qualifying matters

The government allows for some qualifying matters - exemptions to modify three-storey and six-storey building heights. Qualifying matters are a characteristic which can be used to protect sites of cultural, historic, or ecological significance or to avoid development in areas with natural hazards.

The government has already identified a number of qualifying matters and allows us to include other qualifying matters relevant to our city.

To include our own qualifying matters, we must provide robust evidence to justify why it should reduce building heights and density in a particular area in light of the government's direction to enable more housing.

Special Character Areas

'Special character areas' are older parts of the city that have special architectural or other built character value. They are covered by the Special Character Area Overlay in the Auckland Unitary Plan.

Many of Auckland's older residential suburbs were built around the early public transport network and emerging town centres. This is where our special character areas are located. The government is now directing us to enable increased housing density (e.g. buildings of six-storeys or more) within walkable catchments of town centres and public transport networks, and up to three storey buildings elsewhere.

The government has not included special character areas as a qualifying matter. However, we are proposing to include identified areas of special character as a qualifying matter that reduces limits on building heights and density to ensure the character values of these areas are retained.

6. What do you think of our proposal to include identified special character areas as a qualifying matter?

- ☐ Support
- ☐ Do not support – I think all existing special character areas should be a qualifying matter
- ☐ Do not support – I do not think special character areas should be a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

To answer the next two questions, you will need to view the draft planning maps shown in the NPS-UD map viewer. The maps show areas of special character that are identified as a qualifying matter (in blue) and that are not a qualifying matter (in red). You can find a link to the map viewer on [akhaveyoursay.nz/housing](https://www.ahaveyoursay.nz/housing)

7. What do you think of the proposed residential special character areas that we have identified?

- ☐ Support
- ☐ Do not support – I think there are further areas of that should be identified as a qualifying matter
- ☐ Do not support – I think there are areas identified that should not be a qualifying matter
- ☐ Do not support – I think no special character areas should be identified as a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

8. What do you think of the proposed business special character areas that we have identified?

- ☐ Support
- ☐ Do not support – I think more areas or parts of areas should be identified as a qualifying matter
- ☐ Do not support – I think less areas should be identified as a qualifying matter
- ☐ Do not support – I think no areas should be identified as a qualifying matter
- ☐ Other
- ☐ I don't know

Tell us why

Infrastructure constraints

We are looking to identify areas in Auckland with long-term significant infrastructure constraints as a qualifying matter. As with special character areas, this is not a qualifying matter that is listed in the NPS-UD or the Act.

This may include areas where water supply and wastewater networks may not be adequate to cope with more growth and are very costly and/or difficult to upgrade, or stormwater infrastructure is not adequate and very costly and/or difficult to provide, or where access to transport infrastructure is not adequate and very costly and/or difficult to provide.

By including this as a qualifying matter, it would reduce the limit on building heights and density that would otherwise be enabled.

We have not yet determined how we would apply this qualifying matter as the NPS-UD and the Act do not provide any specific support. At this stage, we want feedback on whether to consider this as a qualifying matter or not. If we include it as a qualifying matter, we will show the extent and location of any changes to height and density requirements in our plan change in August 2022.

9. What do you think of our proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter?

- ☐ Support
- ☐ Do not support
- ☐ Other
- ☐ I don't know

Tell us why

Other qualifying matters

We are also proposing to include a number of other overlays and controls in the Auckland Unitary Plan as qualifying matters that limit the height and density of development on sites or across areas to retain the values they reflect. A description of these proposed qualifying matters and how they are proposed to be protected or kept is shown in the consultation document and information sheets available on [akhaveyoursay.nz/housing](https://www.akhaveyoursay.nz/housing).

These additional qualifying matters include:

- Ridgeline Protection Overlay
- Local Public Views Overlay
- Auckland War Memorial Museum Viewshaft
- Stockade Hill Viewshaft
- Character buildings in City Centre zone and Queen Street Valley Precinct
- Some of the existing built form controls in City Centre (e.g. allowing sunlight into public places, Aotea Square height control).

10. Do you have feedback on any other qualifying matters? (please be clear which proposal you are talking about)

Please see memo and plans attached.

- ☐ People's Panel – to take part in council surveys
- ☐ OurAuckland – your weekly guide to what's happening in Auckland
- ☐ Auckland Conversations - free public events, offering ideas, inspiration and action for world-class cities

Important privacy information

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9 May 2022

Auckland Council

Via email: unitaryplan@aucklandcouncil.govt.nz

Feedback on Auckland Council's Preliminary Response to the NPS-UD

Introduction

Wyborn Capital Investments Limited ('WCIL') own the land at 167, 169, 171 and 173 Pilkington Road, 66-80 Broadway, Point England ('the site'). Under the Auckland Unitary Plan (Operative in part) ('AUP (OP)'), the site is zoned Business – Light Industry Zone, and subject to Locally and Regionally Significant Volcanic Viewshafts pertaining to Mount Wellington (W12 and W13 under Schedule 9). The Business – Light Industry Zone permits building heights up to 20m. The volcanic viewshaft provisions would limit building height on the site to 28.5m – 30m and 24m – 23m respectively.

Justification of site zoning

The site is located directly south of the Glen Innes Town Centre which contains the Glen Innes Train Station, the Glen Innes Shopping Centre, and a number of mixed use residential, retail, and office buildings. Broadway is also serviced by a significant number of bus routes, including frequent and local routes. Development in and around this area has been well considered by the Tamaki Regeneration project, with significant investment in social and physical infrastructure. The site is located within 600m of the Glen Innes Train Station and the northern part of the site is located within the walkable distance identified by Auckland Council for the purpose of determining walkable catchments.

Policy 3(c) of the NPS-UD applies to sites within walkable catchments and is relevant to the site, requiring district plans to enable building height and density of urban form to reflect demand for housing and business use in those locations, and in all cases, building heights of at least six storeys. We make the following comments in relation to these requirements:

- Policy 1 seeks to create well-functioning urban environments which have or enable a variety of homes or sites suitable for different business sectors. The current site zoning contains a limited range of permitted activities and dwellings are a non-complying activity. WCIL encourages Auckland Council include in the section 32 report how appropriate the Light Industry Zoning is for the subject site and whether an alternate zoning of Business Mixed Use zone is investigated with a height variation control.
- Assuming that a floor-to-floor height of 3.7m is adopted, the Light Industry zone would only allow for five storeys of development and therefore unduly reduce the level of development that would be enabled by Policy 3(c). Therefore, we suggest that the site is rezoned as above and a height variation control applied to the norther portion of the site allowing for development up to 27m which would allow for up to seven storeys of development, within the walkable catchment.

- In accordance with section 32(2) the costs and benefits of retaining the Light Industry Zone, including the reduced opportunities for economic growth and employment need to be assessed. It is noted that the demand for housing and business use in Glen Innes will be significant within other similarly zoned centres, due to the area's accessibility to the CBD, educational facilities, open space facilities, accessibility to public transport, and the presence of established residential and commercial activities.
- Section 32(1)(b)(ii) of the RMA requires the identification of reasonably practicable options for achieving the objectives of a proposed plan change. In light of the national significance of urban development, the objectives of the NPS-UD, and the accessibility to public transport and amenities, WCPL consider it would be appropriate for Auckland Council to identify and examine other options that enable development on the site.

Volcanic Viewshaft as a Qualifying Matter

Auckland Council's preliminary response and draft planning maps indicate that the existing volcanic viewshafts that apply across the site are replicated as a qualifying matter, being a matter of national importance.

Section 77Q applies to the identification of existing qualifying matters. Subsection (c) requires that within a report prepared under section 32 the territorial authority identify why the qualifying matter applies to the area and the level of development that would be prevented by accommodating the qualifying matter in comparison with the level of development that would have been enabled by Policy 3. In this instance, the Volcanic Viewshafts restrict building height above 28m within the walkable catchment. Therefore, it is considered that in this instance the overlay would not unduly reduce the level of development that would be enabled by Policy 3(c) of the NPS-UD.

Summary

WCIL note that the Glen Innes Town Centre well placed in terms of accessibility to amenities and public transport to accommodate the increased intensities of residential and business development envisaged under the NPS-UD and to contribute to well-functioning urban environments within Auckland. WCIL therefore encourages Auckland Council to carefully consider:

- (a) The costs and benefits associated with 'rolling over' the existing AUP (OP) provisions for Business Light Industry zone on the site and in the Glen Innes Town Centre, and the resulting loss in development potential; and
- (b) The suitability of other reasonably practicable options that would enable greater levels of building height, density, and urban form as anticipated and enabled by the NPS-UD.

1.1

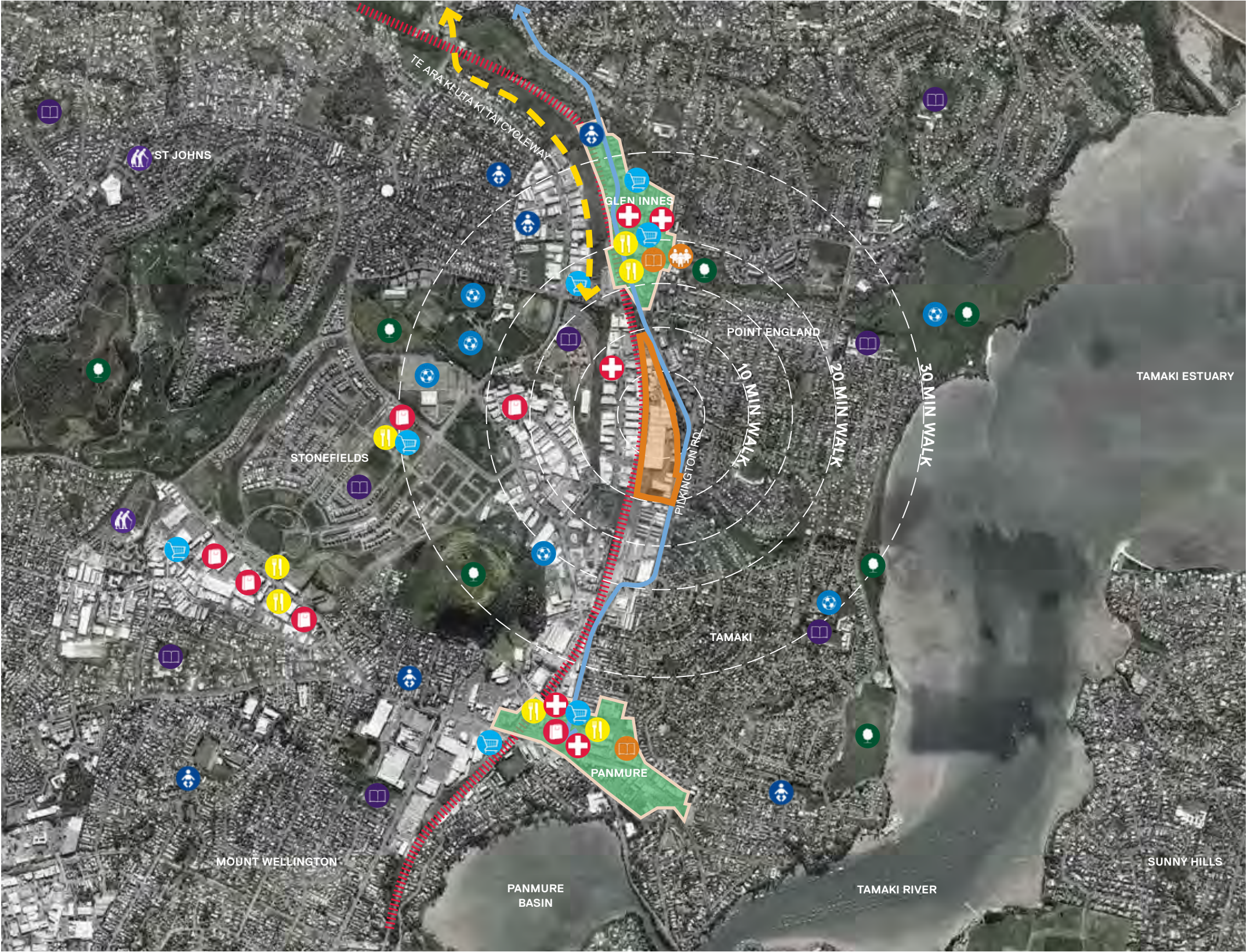
Context Analysis

Scale 1:20,000 @ A3

N



KEY	
Site	
Supermarket	
Elderly Care	
Library	
Childcare	
Healthcare	
Education	
Recreation	
Park	
Food & Beverage	
Arts Centre	
Retail	



1.8 Planning Overview

Current Context

The subject site is zoned ‘Business – Light Industry’ (“LIZ”) under the Auckland Unitary Plan (Operative in Part). The LIZ reflects the current use of the site. Neighbouring land to the west is zoned Strategic Transport Corridor (relating to the railway land) and LIZ further to the west, Business – Mixed Use to the south, and Residential – Terrace Housing and Apartment Building to the east. These residential properties are being comprehensively redeveloped and intensified as part of the Tamaki regeneration project. To the north is the Point England town centre which is zoned ‘Business – Town Centre’.

Planning Overview

Overlays
The southern portion of the subject site is subject to Natural Heritage: Volcanic Viewshafts and Height Sensitive Areas overlay. The overlay corresponds to two volcanic viewshafts which overlay the subject, being:

- a. W12 Mount Wellington; and
- b. W13 Mount Wellington.

The volcanic viewshaft overlay sets an upper height limited with ranges from 23m to 24m above ground level. The overlay does not implicate the height opportunity provided by the height standard (20m) for the LIZ.

Business - Mixed Use Zone

- Located around centres and along corridors served by public transport.
- It acts as a **transition area, in terms of scale and activity**, between residential areas and the Business – City Centre Zone, Business – Metropolitan Centre Zone and Business – Town Centre Zone.
- Areas where there is a need for a compatible **mix of residential and employment activities**.
- Residential activity as well as **predominantly smaller scale commercial activity** that does not cumulatively affect the function, role and amenity of centres. The zone does not specifically require a mix of uses on individual sites or within areas.
- Range of possible building heights depending on the context. Provisions typically enable heights up to four storeys. **Greater height may be enabled in areas close to** the city centre, metropolitan centres and **larger town centres**.
- Some street frontages within the zone are subject to a General Commercial Frontage Control.
- New development within the zone requires resource consent in order to ensure that it is designed to a high standard which enhances the quality of streets within the area and public open spaces.



2.1 Volcanic Viewshafts

Scale: NTS



KEY

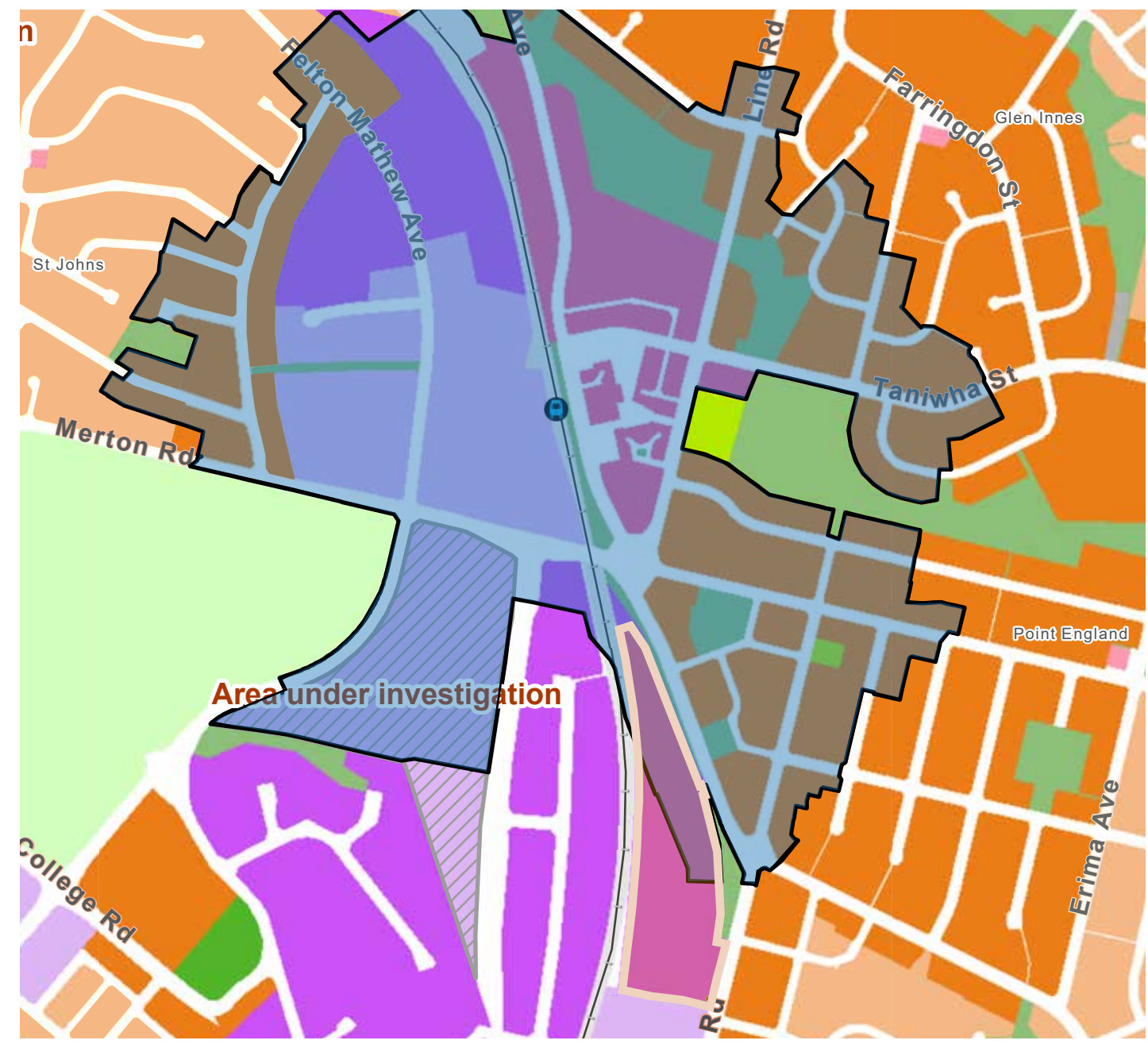
Locally significant volcanic viewshaft

Regionally significant volcanic viewshaft

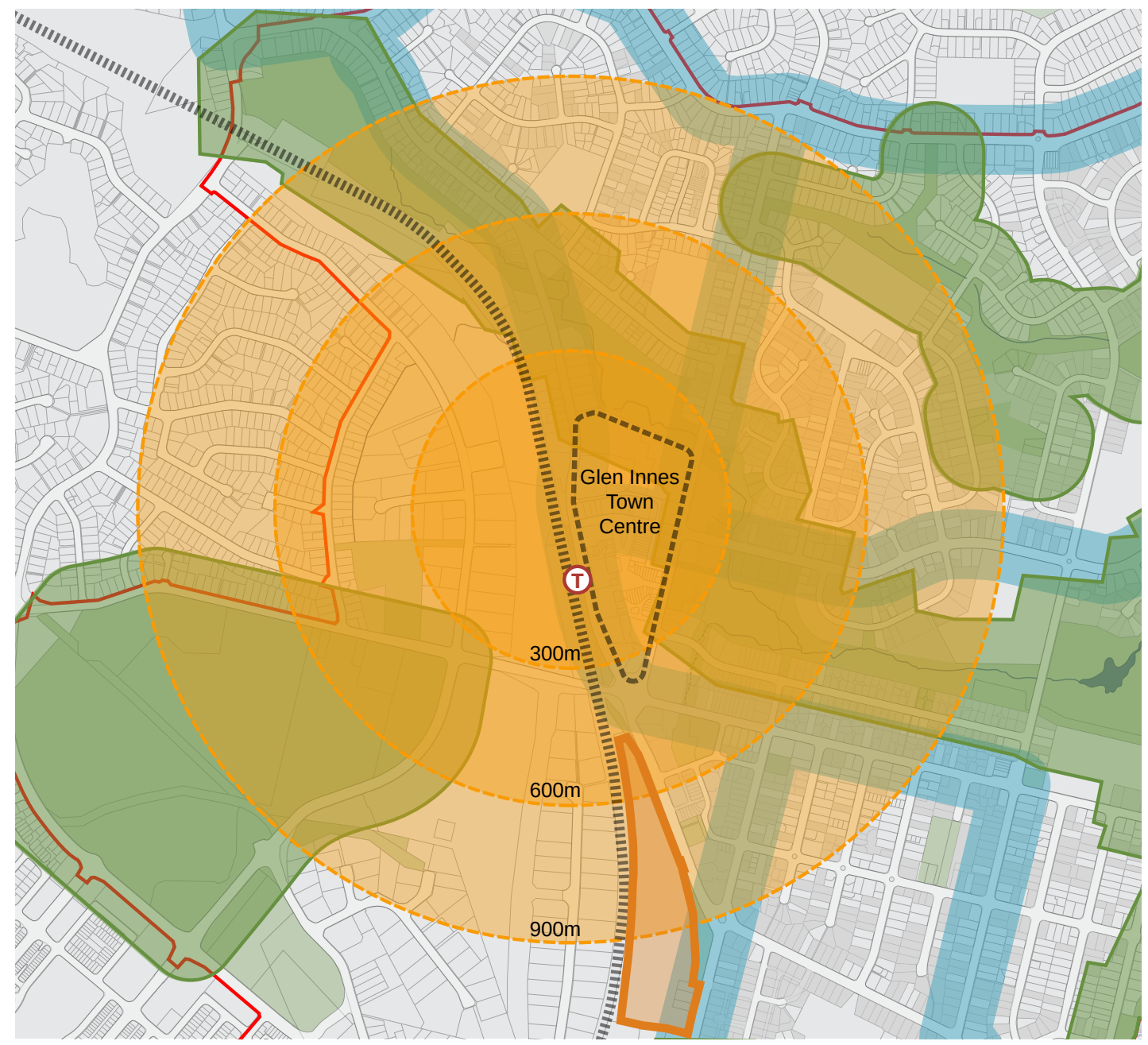


2.2 Walkable Catchment

Scale: NTS



 Rapid Transit Network walkable catchment area



- Walkable catchment zone overlaps with the North-Eastern half of the site
- All design options respond to this, locating higher densities towards North-Eastern edge

5.3 Proposed Plan View



5.5 Proposed Scheme Overview



- Existing vehicle crossing
- Proposed new pedestrian or vehicle crossing
- Proposed relocated vehicle crossing
- Previous vehicle crossing
- Pedestrian and visual connections
- Possible future connection over rail



