Auckland Council
Te Kaunihera o Tāmaki Makaurau

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. 4 (7769 - 7799)

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7769	Janet Dickson		Not supplied	4
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7793	Christine Caughey	Seaview Road Residents Group	Not supplied	4
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7797	Logan Rainey	Property Council NZ	Not supplied	4
7799	Steve Mutch	Channel Infrastructure NZ Limited (previously Refining NZ)	Not supplied	4

-----Original Message-----
From: Janet Dickson
Sent: Monday, 9 May 2022 3:35 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Submission re Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and its changes to the AUP

Submission attached.

[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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Attn: Jim Stabback CEO Auckland Council
All Auckland Councillors
Auckland Council Plans and Places

Re: Your task of "amending" the Auckland Unitary Plan to align with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

I feel truly sorry for Auckland Council. This exercise is a hiding to nothing. You have been given an obscene task: to force onto an unsuspecting public an iniquitous Act, which overrides the hard-won Auckland Unitary Plan in every imaginable way, and condemns us all to live with the ensuing carnage.

To your immense credit you saw it coming, and in your lengthy submission to the Select Committee you made a gallant effort to tell the Government it would never work.

Let's agree: this mindless one-size-fits-all Act, unlike the AUP, has nothing to do with improving and enhancing our Queen City, but everything to do with herding people into ugly close-quarter living they don't want or even need, and in the process deliberately destroying the area's heritage, infrastructure, character, liveability and charm, to become the laughing stock of the South Pacific. If all this goes and is replaced by cheap boxes, bye-bye tourism.

As we all know, the existing AUP already provides up to 900,000 extra dwellings to be built *over time*, so the whole new pretend-plan is utterly unnecessary.

But it gets worse: the Act takes no account of the delicate state of Auckland's very existence. Single House Zone in East Auckland, for example, took over from its 2004 "Heritage 7" designation, which was first and foremost an urgent moratorium on building, specifically because of the area's well-understood and serious risks.

Here the SHZ restrictions are designed to protect its unstable soils (some of which are already on the move), public open spaces, immensely fragile streams with their native fish species and vegetation, as well as important trees, stands of native bush and the accompanying bird-life of both; plus vulnerable cliffs, foreshore and beaches, and endangered shellfish, all of which are already under stress from slippage, erosion and ungoverned run-off from uphill intensification. All of this is compounded by its almost non-existent infrastructure.

Variations on this theme can be seen in all other SHZ areas, and a good deal of the above also applies to the AUP's vast Mixed Housing Suburban zone, huge areas of which are today under serious threat in this brainless scheme.

Now, a fundamental point here is the lie-of-the-land across the city as a whole, which is unique in the nation. We are in fact a cluster of almost-islands lying between two harbours, separated by myriad interweaving streams, estuaries and inlets, and dotted with volcanoes, lava flows and volcanic caves. With much of it close to sea level, bedrock can be too far down to build anything substantial on, as for example under the Pakuranga Plaza site.

Nothing about this city's topography makes it suitable for a one-size-fits-all mentality.

The slyly restricted scope of public consultation Council unfortunately faces is also laughable. It's the cruel "Give the kid an empty box that smells of chocolate and tell him to help himself" trick. Meaning "Let's pretend Council and the public actually have a say in all this". And the deliberately obscure "Qualifying Matters" are just another false hope, which the government intends never to succeed.

One sad thing is Council's convoluted HaveYourSay process, which alas I now discover has bamboozled and angered many genuine submitters, who hoped they would have a real chance to say what they think. As did we. Who designed that? A real pity it's gone so badly.

Auckland Council: this whole "consultation process" is a sham. Unless you take charge.

The wisdom of the AUP envisages housing to be provided *as required*, and *as the city's fragile infrastructure is strengthened*, taking specific account of its precious amenities, parks, trees, waterways, features, historic homes and heritage sites, which are to be "protected and enhanced".

Plans and Places: you haven't always got the AUP right, and some serious misjudgements are yet to be resolved, for example surrounding Stockade Hill; but you have the tools and the knowledge and awareness to sort it, as you work faithfully under public commission, the AUP, the RMA, and both the Regional and Coastal Policy Statements.

But this legislative monstrosity? What planet is the Government on? The Act is an insane figment of the imagination: a sledgehammer to slay a defenceless and delicate seabird. A ruthless steam-roller. You can see that. SO WHY ARE YOU COOPERATING WITH IT?

Auckland Council: we beg you, in the name of sanity, justice and the protection of our unique but fragile environment and precious heritage housing stock, don't play this game. Stand strong. YOU HAVE A CHOICE. Choose to withdraw completely from this pretence of consultation, this ideological disaster, and refuse to collude with the Government.

There is no redeeming feature in this spiteful legislation. None. Let no one try to make you swallow its poison, designed to kill off wise planning, public interest and sheer common sense - AND TO TAKE YOU DOWN WITH IT. Believe me. Mahuta is already targeting Local Government per se and the result will not be pretty. Act while you are still here to do it.

FIGHT THE ACT. REFUSE IT. It spells the ruination of this precious city, AND YOU KNOW IT. Go public. Come out swinging, and those who love Auckland will support you to the hilt.

It's not who's right, it's what's right that matters. We wish you courage, strength, clarity and perseverance in standing for what is right - for the sake of this beautiful city and its future generations.

We wish to be heard.
Janet and Grant Dickson 9 May 2022

From: Bianca Tree <Bianca.Tree@minterellison.co.nz>
Sent: Monday, 9 May 2022 3:55 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Henry Sullivan <Henry.Sullivan@minterellison.co.nz>
Subject: Oyster Management Limited's feedback on Auckland Council's preliminary response to intensification requirements [MERWNZ-MERWLIB.FID642175]

Good afternoon

We act for Oyster Management Limited (**Oyster**). Please see **attached** feedback on behalf of Oyster on Auckland Council's preliminary response to the intensification requirements in 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 of this feedback.

Kind regards
Bianca

Bianca Tree
Partner
T +64 9 353 9784 M +64 27 700 8883
bianca.tree@minterellison.co.nz
MinterEllisonRuddWatts
minterellison.co.nz | LinkedIn

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OYSTER MANAGEMENT LIMITED'S 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

Names of Submitter: Oyster Mangement Limited

Address: c/- MinterEllisonRuddWatts
PO Box 105249
AUCKLAND 1143
Attention: Bianca Tree

bianca.tree@minterellison.co.nz

Introduction

1. This is a submission on behalf of Oyster Management Limited (**Oyster**) on Auckland Council's (**Council**) 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**) (**Preliminary Response**). The Preliminary Response was released on 19 April 2022.

2. The Preliminary Response proposes changes to the Auckland Unitary Plan (**Plan**) to implement the intensification requirements in the NPS-UD and the Act. The Council is required to publicly notify a plan change by 20 August 2022.

3. The NPS-UD requires the Council to implement objectives and policies that, amongst other things, allow greater building height and density within city centres, metropolitan centres, and within walkable catchments of these centres and rapid transport stops.

4. The Act requires the Council to incorporate the medium density residential standards (**MDRS**) into the Plan in most residential zones. The MDRS will

allow three dwellings of up to three storeys on a site without the need for resource consent, provided that the relevant standards are complied with.

5. The Preliminary Response proposes changes to zoning within walkable catchments of the city centre, metropolitan centre, and rapid transport stops, and across the City in other residential zones, to enable greater intensification. The Preliminary Response also sets out the matters that the Council considers to be "qualifying matters". 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.

Background to Oyster

6. Oyster is a commercial property and fund manager that manages a portfolio of office, retail, large format retail, and industrial properties throughout New Zealand. In total, Oyster manages approximately $2.1 billion in assets.

7. Oyster's office assets include commercial business parks and office buildings in urban and CBD fringe locations, a retail portfolio of regional shopping centres, outlet centres, suburban convenience centres, large format retail, and supermarkets, and industrial assets of logistics, manufacturing, and warehouse facilities in established industrial areas.

8. In Auckland, Oyster's portfolio includes the Millennium Centre and Central Park business parks on Great South Road in Ellerslie, the Albany Lifestyle Centre in the Albany Metropolitan Centre, the Cider Building in Ponsonby, and Dress-Smart in Onehunga. Details of these properties and other Auckland properties in Oyster's portfolio that are addressed in this submission are listed in **Appendix A**. Oyster makes this submission as the asset manager on behalf of the owners of these properties.

Scope of feedback

9. In general, Oyster supports the application of the modified Residential – Mixed Housing Urban zone throughout urban residential areas to incorporate the MDRS and the application of the modified Residential – Terraced Housing and Apartment Building (**THAB**) zone to walkable catchments around the city centre, metropolitan centres, and rapid transit stops. Oyster considers that these changes appropriately provide residential intensification in areas that are

in close proximity to areas of employment and with convenient access to goods and services, are serviced by public transport, and will support the efficient use of existing and planned infrastructure.

10. However, in providing for residential intensification it is also critical for the Council to also recognise the changes that this also requires to our centres and business land. Importantly, the NPS UD also recognises the need for business land,[1] and its role in providing for well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and their health and safety, now and into the future.[2]

11. In light of those requirements, Oyster provides specific feedback to the Council on aspects of the Preliminary Response that relate to the following properties:

    (a) 181 Grafton Road and 60 Khyber Pass Road, Grafton;

    (b) 9 Corinthian Drive and the Albany Lifestyle Centre;

    (c) 33 and 51 Corinthian Drive, Albany;

    (d) Cider Building, Ponsonby;

    (e) the Central Park precinct;

    (f) the Millennium Centre;

    (g) 65A Main Highway, Ellerslie; and

    (h) Dress Smart, Onehunga.

12. We expand below.

181 Grafton Road and 60 Khyber Pass Road, Grafton

13. 60 Khyber Pass Road and part of 181 Grafton Road are currently subject to the Business Upper Symonds Street Special Character Overlay (**SCA Overlay**) under the Plan.

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

2 National Policy Statement on Urban Development 2020, Objective 1.

14. 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. Special character areas that are not of sufficient quality to be a qualifying matter will have the SCA Overlay removed.

15. The draft planning maps for the Preliminary Response identifies that the SCA Overlay that applies to 181 Grafton Road and 60 Khyber Pass Road is not a qualifying matter and is to be removed (see **Appendix B**).

16. Oyster supports the removal of the SCA Overlay from 181 Grafton Road and 60 Khyber Pass Road because the properties are not character defining properties within the Upper Symonds Street SCA Overlay. Also, 181 Grafton Road is right at the edge of the area covered by the SCA Overlay and this property does not contribute to the continuity of the SCA Overlay.

9 Corinthian Drive and the Albany Lifestyle Centre

17. 9 Corinthian Drive and the Albany Lifestyle Centre are in the Business – Metropolitan Centre zone and the Albany Centre Precinct under the Plan (see **Appendix C** and **Appendix D**). The Precinct provisions largely apply to the sub-precincts within the Albany Centre Precinct, and specify what activities may occur in each sub-precinct. 9 Corinthian Drive is located in the general Albany Centre Precinct but not in a sub-precinct. The Albany Lifestyle Centre is located in sub-precinct C. Sub-precinct C generally provides for car-orientated commercial and entertainment activities, and limits retail to formats generally considered unsuitable for other higher amenity areas of the Precinct.

18. The draft planning maps for the Preliminary Response show that some of the Precinct, including 9 Corinthian Drive and the Albany Lifestyle Centre, is still under investigation.

19. A number of precincts in the Plan are noted as being under investigation. The Plan adopted a precinct approach to recognise the specific character and outcomes sought in particular locations. Precincts were often applied to guide

the development of greenfield areas, or areas where significant change was enabled. In some precincts, where development has now largely occurred, the precinct controls are no longer necessary. While in other precincts, the level of control or limits in the precinct provisions are no longer appropriate having regard to the changes in the planning framework required by the NPS-UD and the Act.

20. In respect of the Albany Lifestyle Centre, this site has been developed with Mitre 10 Mega, large format retail including Freedom and Danske Mobler, and 2,800m^2 GFA of office space. There is still significant potential for the site to be further developed and intensified. In addition, as residential development has occurred and will continue to occur in proximity to sub-precinct C, it is no longer appropriate to characterise this area as being focused on car-orientated development only. Therefore, some of the restrictions in sub-precinct C, particularly the limit on offices greater than 500m^2 GFA, and the restriction on retail less than 2,000m^2 GFA per tenancy, are no longer necessary or appropriate. These controls will unnecessarily constrain the development on this site and within the Albany Metropolitan Centre zone and should be removed.

21. It is also appropriate to review the precinct description and the objectives and policies that should apply to this area in light of the changes required by the NPS-UD and the Act.

22. As Oyster has a significant interest in the Albany Centre Precinct, Oyster requests that the Council provide an opportunity to meet with the Council (with other key stakeholders) to discuss the precinct provisions, and to provide further comment to the Council when additional information relating to the Precinct investigation becomes available.

33 and 51 Corinthian Drive, Albany

23. 33 and 51 Corinthian Drive are within the Business – Business Park zone under the Plan (see **Appendix C**) and Albany Precinct sub-precinct D. Sub-precinct D applies to the southern section of the Precinct and provides for office and light commercial activities and limited retail activity. 33 and 51 Corinthian Drive are not within the area of the Albany Precinct that is under investigation.

24. The Albany Precinct provisions do not include maximum building height provisions. Therefore, the maximum building height of 20.5m for the Business – Business Park zone applies to 33 and 51 Corinthian Drive.

25. Oyster requests that the maximum building height for 33 and 51 Corinthian Drive and the surrounding Business Park area be increased to recognise and provide for the commercial and office development that will be required to meet demand. Allowing for greater height in the Business Park zone would also provide for variation in height across this area, and a transition in height between the 72.5m height enabled in the Metropolitan Centre zone to the north and the THAB zone to the south (which will enable at least 6 storey (20.5m) development).

26. Increasing the maximum building height in the Business Park zone in this location is appropriate and will give effect to the NPS-UD because:

    (a) Policy 3 of the NPS-UD requires the Council to enable buildings of at least six storeys within a walkable catchment of a metropolitan centre zone. The Council is proposing to rezone significant parts of the residential areas that are within a walkable catchment of Albany Metropolitan Centre (and near the Business Park zone) to THAB, which will enable development of at least six storeys. There will be a large residential population in close proximity to the Business Park zone.

    (b) Policy 3 of the NPS-UD requires the Council to enable building heights of at least 6 stories within a walkable catchment of existing and planned rapid transit stops. The Albany station on the Northern Busway is approximately an 800m walk from the Business park zone. The Albany station provides frequent public transport for those working in the Business Park zone. Enabling further intensification and development in the Business Park zone will support the efficient use of this existing infrastructure.

    (c) Policy 1 of the NPS-UD requires planning decisions that contribute to a well-functioning urban environment. A well-functioning urban environment requires sufficient business land to enable people and communities to provide for their economic wellbeing. Additional business land capacity is required to meet the needs of Auckland's growing population. It is important to enable this development in the

right locations to maximise the efficient use of infrastructure and encourage active transport modes. Providing for greater height and development potential in the Business Park zone will meet these objectives.

27. Oyster seeks that the maximum height in the Business Park zone be increased to 42 metres.

Cider Building, Ponsonby

28. The Cider Building is located in the Business – Mixed Use zone under the Plan (see **Appendix E**). The maximum building height in this zone is 16m (plus 2m for roof form). The actual height of the Cider Building ranges from 22m to 30m.

29. The Preliminary Response planning maps show that the Council intends to retain the height variation of 8 storeys (27m) for other properties within the Business – Mixed Use zone that are near the Cider Building, but to retain the existing 16m height limit for the Cider Building.

30. Oyster requests that the height variation control of 8 storeys (27m) also applies to the Cider Building to recognise the height of the existing building and the height enabled in the surrounding Mixed Use zone.

Central Park, Ellerslie

31. Central Park is subject to the Central Park Precinct in the Plan. The precinct has an underlying Business – Business Park zone (sub-precinct A which applies to most of the precinct) and Mixed Use zone (sub-precinct B which applies to the balance of the precinct adjoining the motorway) (see **Appendix F**). The purpose of the precinct is to provide for employment and office activities within an office park environment, and to enable a broader range of activities within the Mixed Use zone (sub-precinct B) to take advantage of the proximity of the site to a high capacity, high frequency public transport corridor.

32. Oyster jointly owns and manages the land within sub-precinct A. Sub-precinct A has a mixture of new high quality office buildings, a central plaza and amenity services, and older building stock that will be redeveloped over time. The precinct provisions divide sub-precinct A into four areas which are subject to different building heights between 19.8m to 67.9m, and imposes restrictions

on food and beverage, retail, entertainment and recreational facilities. Under the Business Park zone, residential use is a non-complying activity and visitor accommodation facilities are restricted discretionary activities.

33. In sub-precinct B resource consent has been granted to Safari Group for a 13-storey mixed-use hotel, office and residential development, and to Finsbury Trustee Limited for 83 dwellings in 2-3 level townhouses.

34. The Central Park precinct is located approximately 400m walking distance from the Ellerslie train station and 450m walking distance from the Ellerslie town centre. The Preliminary Response shows that THAB is to be enabled in a large area surrounding the Ellerslie town centre and train station.

35. The draft planning maps for the Preliminary Response show that the Central Park Precinct is an area under investigation. Oyster agrees that this precinct needs to be reviewed. Oyster considers that it is appropriate to retain a precinct plan for Central Park to guide high quality development outcomes. However, in light of the intensification that will be enabled in this area the height and activity constraints in the precinct need to be changed.

36. In particular, high amenity urban design outcomes can be better achieved by enabling mixed use environments. Residential activities as part of a mixed use development support the vitality and safety of an area, and enable the efficient use of land and infrastructure.

37. Oyster seeks that the height within the precinct be increased to 65m in the north of the precinct and 68m in the south of the precinct (to reflect the volcanic view shaft overlay), that the GFA restrictions on food and beverage, retail, entertainment and recreation facilities be removed, and for dwellings and visitor accommodation to be provided for as permitted activities.

38. As the significant land owner and manager of the Central Park Precinct, Oyster requests an opportunity to discuss the precinct provisions with the Council directly, and to comment when further information relating to the precinct investigation becomes available.

Millennium Centre, Ellerslie

39. The Millennium Centre is within the Business – Business Park zone under the Plan. Maximum building height in this zone is 20.5m. The Millennium Centre

is also subject to the Business Park zone Office Control which restricts the total GFA of office activities on the site to 47,000m^2 (see **Appendix F**).

40. The Millennium Centre is currently occupied by seven, 2-3 level office buildings, with a total office GFA of approximately 45,500m^2. Resource consent is required as a non-complying activity to exceed the GFA cap, and this is a significant restriction to any further development on the site.

41. The Millennium Centre is located approximately 400m walking distance from the Ellerslie train station and 450m walking distance from the Ellerslie town centre. As noted above, the Preliminary Response shows that a large area of THAB is to be enabled in this part of the city.

42. Oyster requests that the limit on office GFA be removed from the Millennium Centre and the maximum building height be increased to 40-50m across the site (to remain below the volcanic viewshaft overlays).

43. Enabling further office development in this location is necessary and appropriate to give effect to policies 1 and 3 of the NPS-UD (as addressed in paragraphs 26(a)-(c) above).

65A Main Highway, Ellerslie

44. 65A Main Highway is in the Business – Mixed Use zone under the Plan. The maximum building height in this zone is 16m (plus 2m for roof form). The Preliminary Response does not indicate any change to the maximum height for this site or the surrounding Mixed Use zone.

45. 65A Main Highway is approximately 100m from the Ellerslie train station and 150m from Ellerslie town centre. It is necessary and appropriate in giving effect to the NPS-UD that additional height be provided on this site, and the surrounding Mixed Use zone.

46. Oyster requests that the building height on this site and the surrounding area be increased to 50m (14 storeys). This location can support additional building height as it is located between the motorway and Great South Road, and this height limit would be consistent with building height already enabled within this block (in Central Park and the resource consent approved to Safari Group). Enabling greater building height in this area is also necessary and appropriate to give effect to the NPS-UD as set out in paragraphs 26(a)-(c) above.

Dress Smart, Onehunga

47. Dress Smart is located at 151 Arthur Street, Onehunga, it is within the Business – Town Centre zone of the Plan and is subject to a 27m height control (see **Appendix G**).

48. In the Preliminary Response, Dress Smart is located within the area that is under investigation for the Auckland Light Rail Corridor.

49. It is noted that Eke Panuku is undertaking a number of initiatives to revitalise the Onehunga town centre. Dress Smart is a significant site within the centre, and on behalf of the owners, Oyster are also planning and undertaking various development projects for the site. The light rail network will unlock the urban development potential in Onehunga and better connect it with the city centre and employment areas to the south.

50. As a key stakeholder in Onehunga, Oyster requests that the Council provide Oyster with an opportunity to discuss any proposed changes that may impact the Dress Smart site, and to comment further when the Council's response to planning in this area becomes available.

Summary of feedback

51. In summary, Oyster seeks that the Council:

    (a) continues to identify the SCA Overlay applying to 181 Grafton Road and 60 Khyber Pass Road as not having special character to be a qualifying matter, and removing this SCA Overlay.

    (b) amends the Albany Centre Precinct to remove the activity restrictions applying to Sub-precinct C.

    (c) increases the maximum building height for 33 and 51 Corinthian Drive and the surrounding Business Park zone.

    (d) applies a height variation control of 8 storeys (27m) to the Cider Building.

    (e) amends the Central Park Precinct provisions to increase the maximum height and remove the activity restrictions.

(f) removes the limit on office GFA for the Millennium Centre and increases the maximum building height.

(g) increases the maximum building height for 65A Main Highway and the surrounding Mixed Use zone.

52. As a key stakeholder in the Albany Precinct, Central Park Precinct, and in the Onehunga town centre, Oyster also requests the opportunity to meet with the Council to discuss the provisions applying to these areas in more detail.

DATED this 9th day of May 2022

Oyster Mangement Limited by its solicitors and duly authorised agents
MinterEllisonRuddWatts

B J Tree

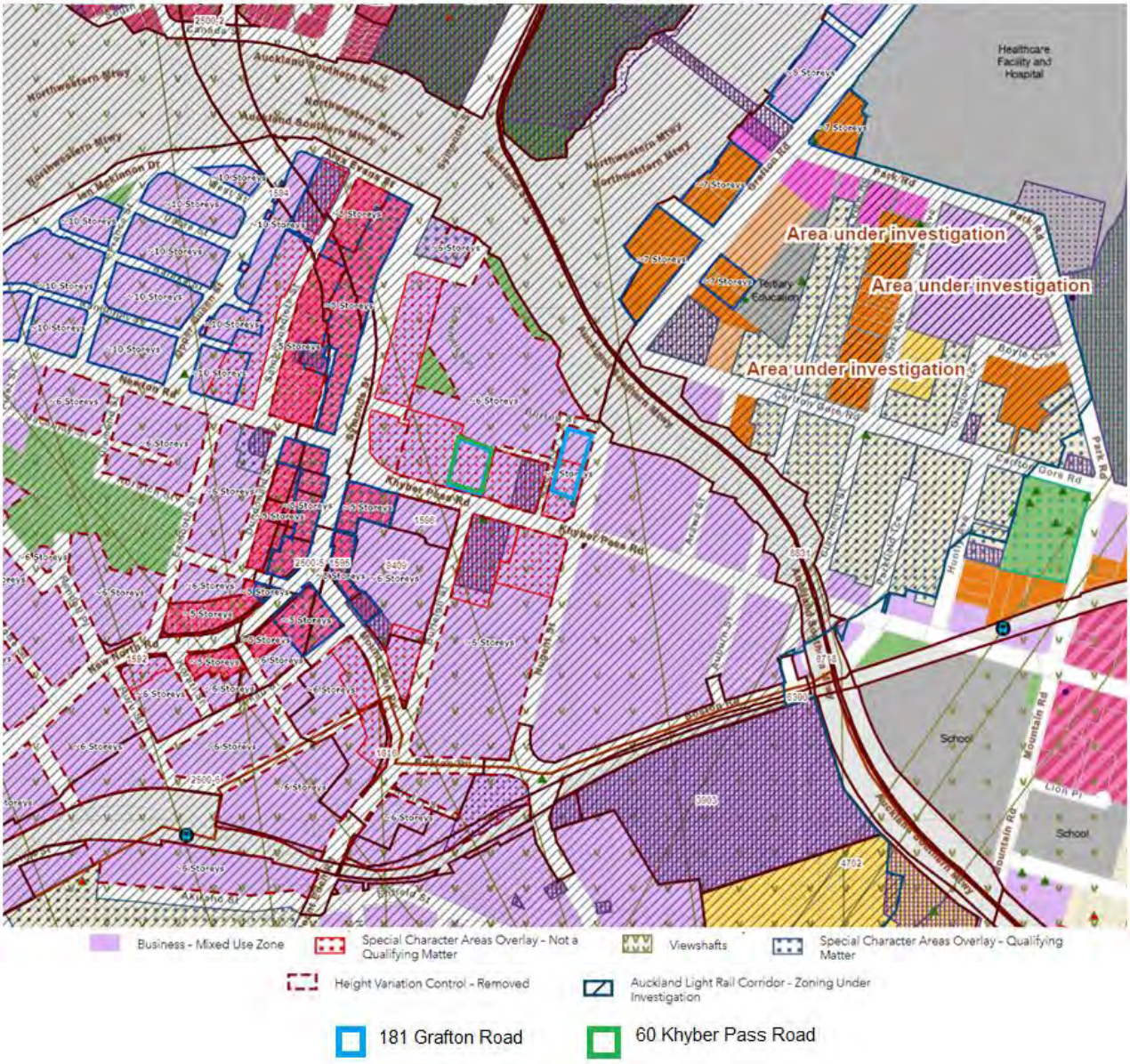
Address for service of submitter
c/- MinterEllisonRuddWatts
P O Box 105249
AUCKLAND 1143
Attention: Bianca Tree

Telephone No: (09) 353 9700
Fax No. (09) 353 9701
Email: bianca.tree@minterellison.co.nz

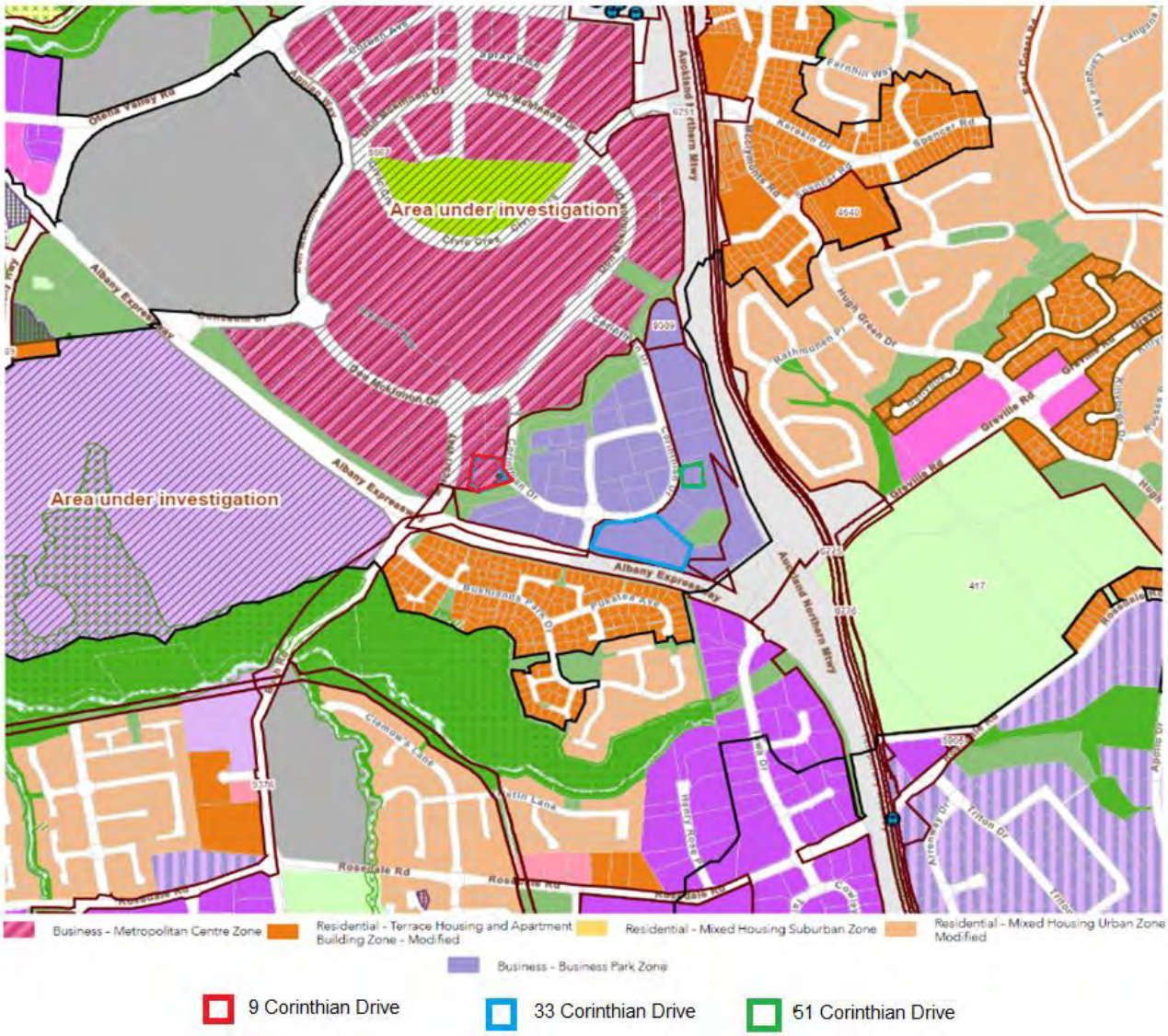
Appendix A – Details Oyster's Auckland Portfolio

Occupier / Building name	Address	Owner
	181 Grafton Road, Grafton	181 Grafton Trustees Limited
	60 Khyber Pass Road, Grafton	60 Khyber Pass Trustees Limited
	9 Corinthian Drive, Albany	Corinthian Trustees Limited
	33 Corinthian Drive, Albany	33 Corinthian Trustees Limited
	51 Corinthian Drive, Albany	51 Corinthian Trustees Limited
Albany Lifestyle Centre	260 Oteha Valley Road, Albany	Oyster LFR
Cider Building	4 Williamson Avenue, Grey Lynn	Cider Building Trustees Limited
Central Park	Buildings 1-10 and 14, 666 Great South Road, Ellerslie	CP Auckland LP
Millennium Centre	600-604 Great South Road, Ellerslie	Millennium Centre Trustees Limited
	65A Main Highway, Ellerslie	Meridian Building Trustees Limited
Dress Smart Onehunga	151 Arthur Street, Onehunga	LL REPNZ Dress-Smart Onehunga
Countdown Lincoln Road	185-187 Universal Drive, Henderson	Universal Drive Trustees Limited
Mega Mitre 10 Henderson	186 Lincoln Road, Henderson	Henderson Mega Trustees Limited
	100 Harris Road, East Tamaki	100 Harris Nominees Limited
	107 Harris Road, East Tamaki	Oyster DPF Trustees Limited
	101 McLaughlins Road, Wiri	Oyster Industrial Limited
	12 Harbour Ridge Drive, Wiri	Oyster Industrial Limited
	71 Westney Road, Magere	Oyster Industrial Limited
	77 Westney Road	Oyster Industrial Limited
Mega Mitre 10 Pukekohe	12 Wrightson Way, Pukekohe	Pukekohe Mega Trustees Limited
	956 Great South Road, Penrose	Ample Escalation Limted

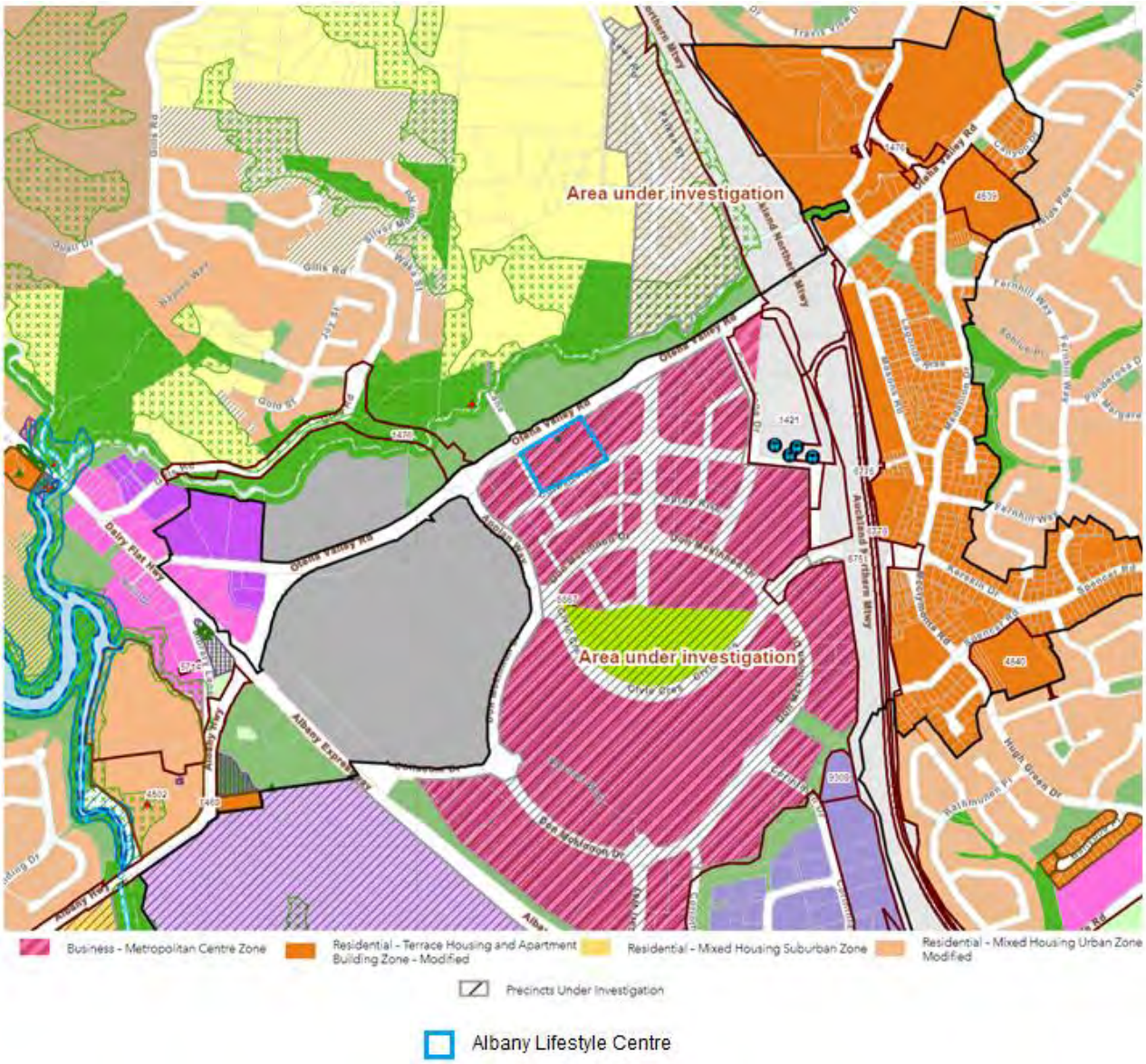
Appendix B – Draft planning maps for Preliminary Response – 181 Grafton Road and 60 Khyber Pass Road



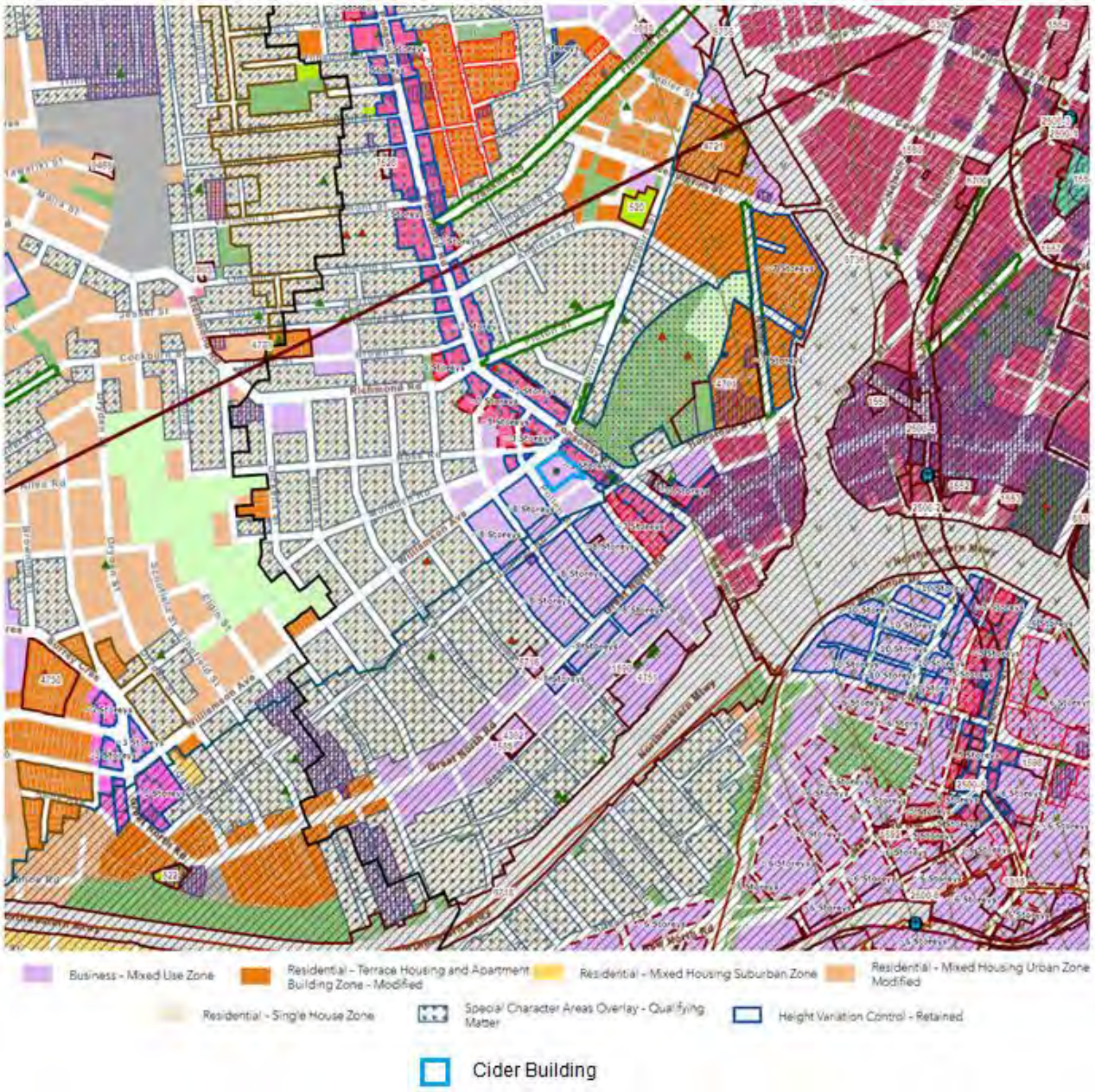
Appendix C – Draft planning maps for Preliminary Response – 9, 33, and 51 Corinthian Drive, Albany



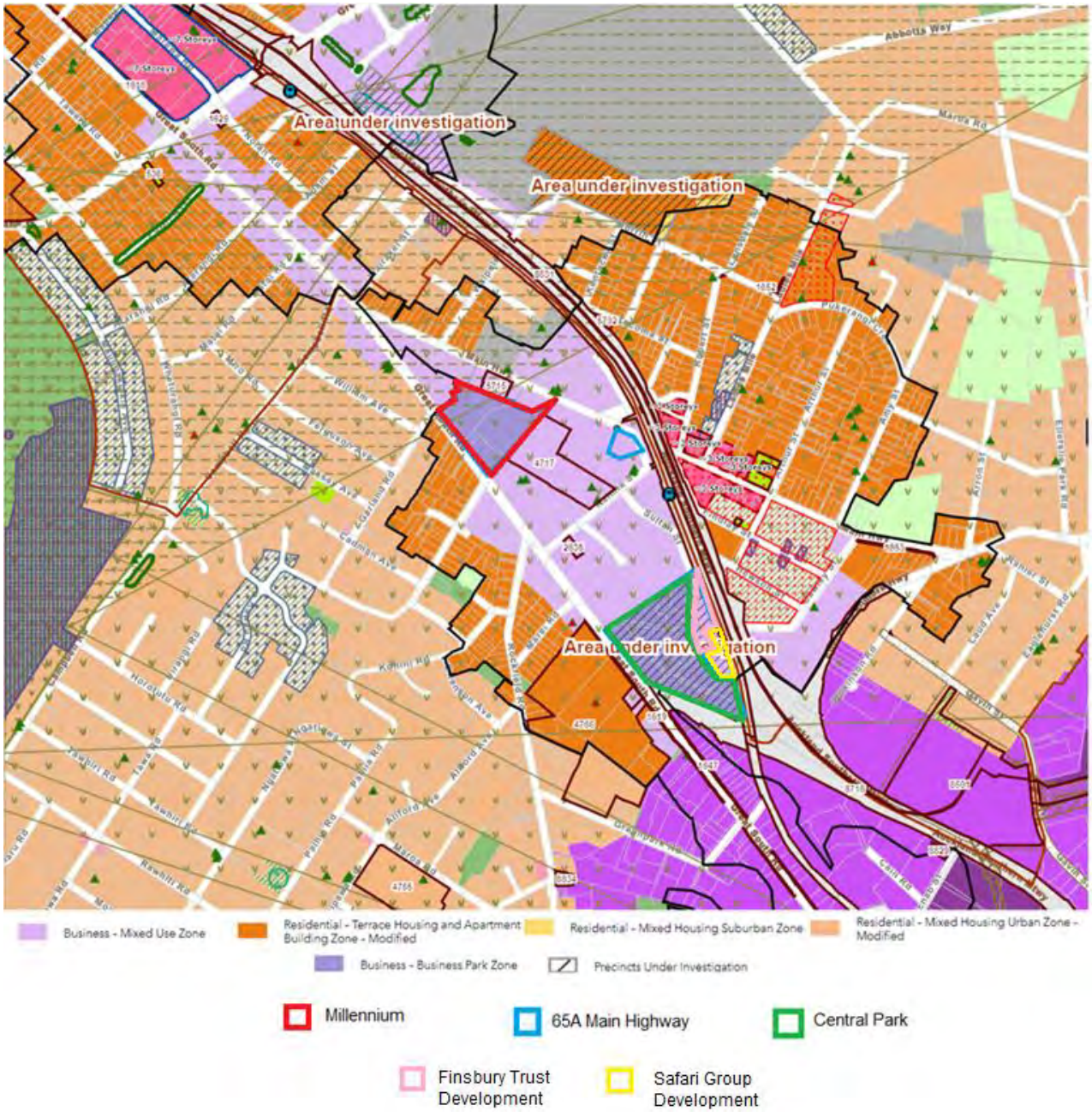
Appendix D – Draft planning maps for Preliminary Response – Albany Lifestyle Centre



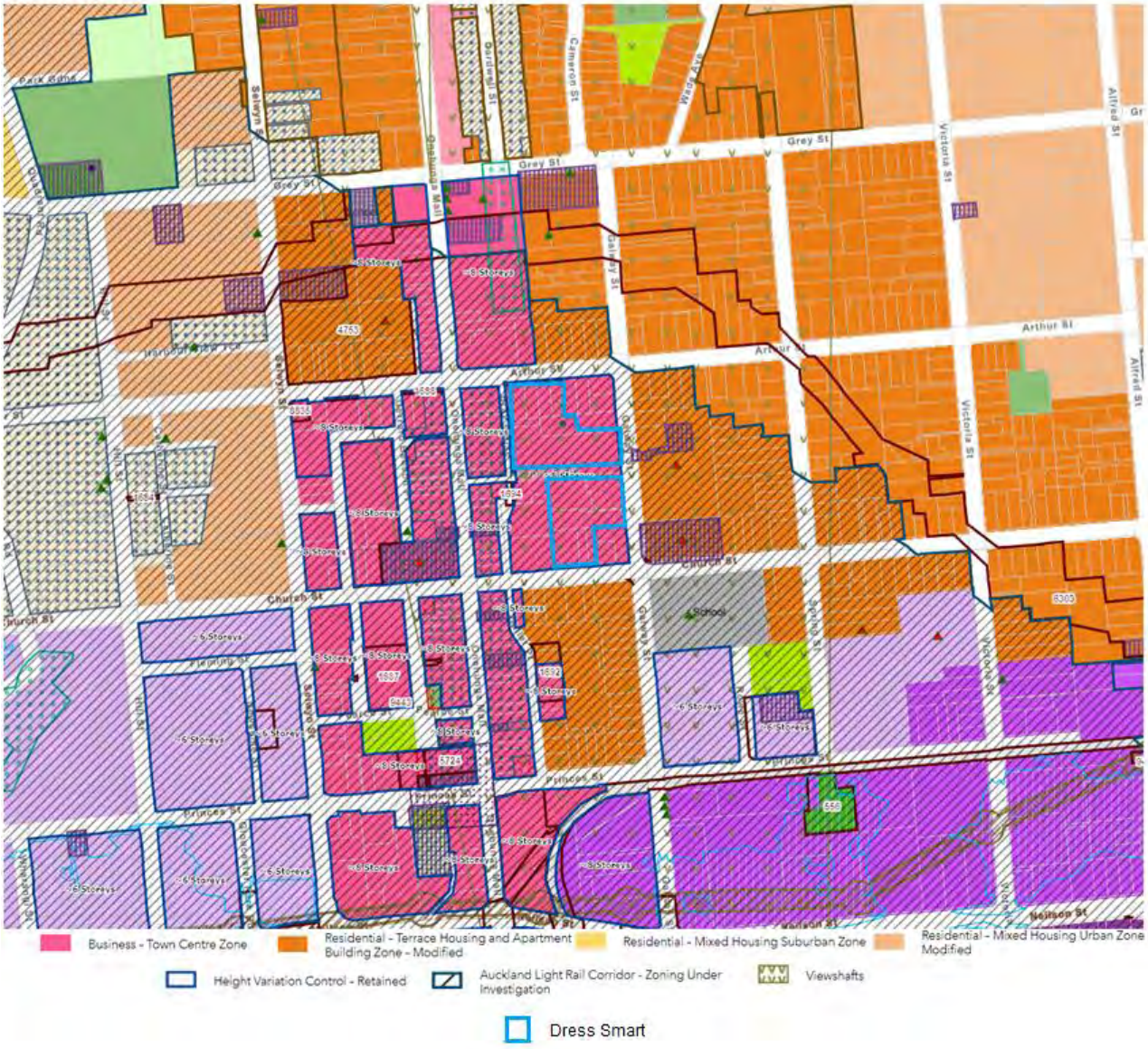
Appendix E – Draft planning maps for Preliminary Response – Cider Building



Appendix F – Draft planning maps for Preliminary Response – Millennium, 65A Main Highway, Central Park, and 666B Great South Road



Appendix G – Draft planning maps for Preliminary Response – Dress Smart



From: Sarah Westoby <sarahw@4sight.co.nz>
Sent: Monday, 9 May 2022 4:12 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Mark Laurenson <markl@4sight.co.nz>
Subject: Draft residential intensification plan changes to the AUP:OP

Hi there,

Attention: Senior Policy Planner

Please find attached a submission on behalf of the Fuel Companies to the draft / preliminary intensification plan changes to the AUP:OP, due COB today.

If you have any questions about the submission or would like to meet and/or discuss, please do not hesitate to get in touch with Mark Laurenson (cc'd) by email or by phone on 021 0868 8135.

Please confirm receipt of this email and submission.

Kind regards,

Sarah Westoby
Principal Planning and Policy Consultant
Mobile: 021 022 23527
4Sight.Consulting

#7773

COMMENTS BY THE FUEL COMPANIES
IN RELATION TO DRAFT INTENSIFICATION PLAN CHANGES TO THE AUP:OP

To:

Auckland Council
Plans and Places
Private Bag 92300
Auckland 1142
Attention: Senior Policy Planner

Via email: unitaryplan@aucklandcouncil.govt.nz

Submitter:

BP Oil New Zealand Limited
PO Box 99 873
Auckland 1149

Mobil Oil New Zealand Limited
PO Box 1709
Auckland 1140

Z Energy Limited
PO Box 2091
Wellington 6140

Hereafter referred to as the Fuel Companies

Address for Service:

4Sight Consulting Limited
201 Victoria Street West
Auckland Central
PO Box 911310

Attention: Mark Laurenson
Phone: 021 0868 8135
Email: markl@4sight.co.nz

Date:

9 May 2022

LAND. PEOPLE. WATER.

A. INTRODUCTION

1. BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (*the Fuel Companies*) receive, store, and distribute refined petroleum products around New Zealand. In Auckland, the Fuel Companies' business relates to retail fuel outlets including service stations and truck stops, and supply to commercial facilities. The Fuel Companies also have aviation facilities and [as Wiri Oil Services Limited (*WOSL*)] the bulk fuel storage terminal at Wiri and its associated pipelines.

2. Auckland Council (*the Council*) is seeking feedback on draft plan changes to the Auckland Unitary Plan: Operative in Part (*AUP:OP*) that are required by the National Policy Statement on Urban Development (*NPS:UD*) and the government's Medium Density Residential Standards (*MDRS*). A significant portion of the urban residential land in Auckland is affected by the draft plan changes which will enable higher-density housing typologies including apartments and terraced housing, along with increased permitted height and height in relation to boundary standards (amongst others).

3. The Fuel Companies appreciate the opportunity to provide comments at the draft stage and would be pleased to discuss these comments further with the Council in advance of notification of the plan change.

B. MAJOR HAZARD FACILITIES

4. Hazardous facilities can pose a risk to surrounding land uses and can result in emergency events. These risks may be of low probability but high potential harm to people and property, for instance where they are associated with Major Hazard Facilities (*MHF*) as defined under the Health and Safety at Work (Major Hazard Facilities) Regulations.

5. The WOSL Terminal is a MHF and also a designated site (reference 9701, Hazardous Substance Terminal) under the partially operative AUP:OP. Chapter E29 of the AUP:OP identifies the WOSL Terminal and recognises the need to restrict or manage the encroachment of land uses in proximity to it to ensure that risk to those land uses is appropriately managed. This includes emergency management areas which restrict sensitive activities or incompatible land uses, including those generating high populations of people, within proximity of the WOSL site. Additional controls are in place through the zoning of properties around the terminal and this is particularly relevant to the draft intensification plan changes. In particular, there is no existing or draft residential zoned land within an approximately 1.2km radius of the terminal's boundaries.

6. Further, the AUP:OP Emergency Management Area Control (Hazardous Facilities) which further limits potential encroachment, is not proposed to be removed or altered in any way through this intensification plan change. This approach is supported, and the Fuel Companies consider that the existing zoning and controls in and around the terminal can continue to provide appropriate protection to land and people from the risks of an emergency event.

7. The Fuel Companies do, however, anticipate that there may be circumstances in Auckland and other local authorities where risk associated with hazardous substance storage and use may be a relevant qualifying matter.

C. RETAIL FUEL OUTLETS

8. The Fuel Companies have retail fuel activities located on a variety of AUP:OP zones; including in many residential and business zones. It is also common for sites to be located on the edge of zones, in particular centre zones, and it is therefore not unusual for these sites to immediately adjoin / share boundaries with residential zones (often where those residential activities being of lower densities than anticipated by the NPS:UD and MHRS). While these activities can and do occur appropriately in a range of environments/zones, the perceived acceptability of potential adverse effects can be influenced by the intensity and nature of adjoining activities.

9. These existing activities include the storage and use of hazardous substances (namely petrol, diesel, and LPG), the refuelling of vehicles, and often other vehicle services (air pump, car wash etc.), and ancillary retail. Fuel deliveries are undertaken via tankers which occur infrequently but often without restriction in terms of frequency or times. All sites have established vehicle crossings for access and exit, buildings, and signage (often illuminated). Pump stations are located beneath a forecourt canopy which is usually lit via under canopy lighting. Hours of operation vary and are not infrequently 24/7. The Fuel Companies' sites operate in accordance with Emergency Management Plans detailing procedures in case of emergency, including spills of hazardous substances.

10. The draft changes stand to alter the development potential around these established sites with corresponding potential to give rise to reverse sensitivity effects including nuisance effects (e.g.: noise, lighting, and odour displacement) and adverse amenity effects, irrespective of existing and future operations being lawful. For instance, a 3-storey residential development more or less at a boundary of a service station site is a greater risk of receiving noise and odour effects than an existing single storey standalone residential development located, for example, 10m from a common boundary.

11. For example, an occupier of a new terraced house with open windows adjoining a station boundary is more likely to perceive noise, lighting and potentially odour effects than an existing single storey dwelling set back from the boundary, despite the service station operating lawfully. The Fuel Companies see this as a potential adverse effect on the ongoing operation, maintenance, and upgrade of these facilities, which are a physical resource that must be managed under the Act. The Fuel Companies anticipate that this will be a wider issue for commercial activities more generally, which, like petroleum industry sites, have demonstrated that they can operate appropriately in a range of zones and at zone interfaces.

12. Furthermore, and in regard to the effects on existing operations, the intensification changes have the potential to alter the point of compliance in some circumstances, for instance where acoustic conditions of consent or an historical permitted activity rule require compliance at the nearest residential façade or a notional boundary.

13. The Fuel Companies appreciate intensification changes are required under either the NPS:UD and/or the MDRS with little to no discretion on their applicability, other than for qualifying matters. The Fuel Companies consider that, residentially zoned sites identified for intensification adjacent to existing lawful commercial activities or at zone interfaces with business zones should be subject to particular standards to manage these potential effects, for instance, standards requirements for, inter alia, acoustic insultation, and mechanical ventilation and or cooling to achieve specific requirements.

D. CONCLUSION

14. Thank you for reviewing these comments. The Fuel Companies would appreciate the opportunity to discuss these matters further with the Council in advance of notification of the plan changes.

Signed on behalf of Z Energy Limited, BP Oil New Zealand Limited, and Mobil Oil New Zealand Limited

_____

Mark Laurenson
Principal Planning and Policy Consultant

Dated 9th May 2022

From: Robin Byron <RByron@heritage.org.nz>
Sent: Monday, 9 May 2022 4:29 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Heritage New Zealand Pouhere Taonga letter and feedback to AC response to NPS UD + MDRS

Dear Auckland Council,

Please find attached a letter and completed Questionnaire/Feedback from Heritage New Zealand Pouhere Taonga (HNZPT) on the Auckland Council response to the NPS UD and MDRS.

Ngā mihi / Kind regards,
Robin

Robin Byron | Senior Conservation Architect BArch MAIBC (Canada) MICOMOS / Tuakana Kaihoahoa Penapena | Heritage New Zealand Pouhere Taonga
Northern Regional Office | SAP Tower, 10th Floor, 151 Queen Street, Auckland City 1010 | PO Box 105 291, Auckland City 1143
Ph: (64 9) 307 9920 | DDI: 307 9928 | E-mail: rbyron@heritage.org.nz

Visit www.heritage.org.nz and learn more about New Zealand's heritage places
Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei – Honouring the past; Inspiring the future

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Questionnaire/Feedback from Heritage New Zealand Pouhere Taonga (HNZPT) to the Consultation Document on the changes in response to the NPS UP and MDRS

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?

Do not support – We think it should be closer

Tell us why?

- *To better retain and protect integrity of existing special character areas (and to be regarded as a qualifying matter).*
- *A closer threshold concentrates densification closer to the city centre.*
- *A reduced catchment (with greater intensification concentrated closer to the city centre) may encourage the adaptation of existing buildings towards sustainability goals.*
- *Auckland Unitary Plan already enables capacity for intensification and growth into the future.*

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

Do not support – We think it should be closer

Tell us why?

- *To better retain and protect integrity of existing special character areas (and to be regarded as a qualifying matter).*
- *A closer threshold concentrates densification closer to metropolitan centres.*

- *A reduced catchment (with greater intensification concentrated closer to metropolitan centres) may encourage the adaptation of existing buildings towards sustainability goals.*
- *Auckland Unitary Plan already enables capacity.*

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

Do not support – We think it should be closer

Tell us why?

- *To better retain and protect integrity of existing special character areas (and to be regarded as a qualifying matter).*
- *A closer threshold concentrates densification closer to rapid transit stops.*
- *A reduced catchment (with greater intensification concentrated closer to rapid transit stops) may encourage the adaptation of existing buildings towards sustainability goals.*
- *Auckland Unitary Plan already enables capacity.*

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 Page 5 of 10 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?

Do not support – We think it should be closer

Tell us why?

- *To better retain and protect integrity of existing special character areas (and to be regarded as a qualifying matter).*
- *A closer threshold concentrates densification closer to large town centres with high accessibility.*

- *A reduced catchment (with greater intensification concentrated closer to large town centres with high accessibility) may encourage the adaptation of existing buildings towards sustainability goals.*
- *Auckland Unitary Plan already enables capacity.*

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?

Do not support – I think it should be closer

Tell us why?

- *To better retain and protect integrity of existing special character areas (and to be regarded as a qualifying matter).*
- *A closer threshold concentrates densification closer to small town centres or large local centres with high accessibility.*
- *A reduced catchment (with greater intensification concentrated closer to small town centres or large local centres) may encourage the adaptation of existing buildings towards sustainability goals.*
- *Auckland Unitary Plan already enables capacity.*

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

Tell us why?

- *HNZPT supports inclusion of special character areas as a qualifying matter.*
- *Special Character Areas are a significant and valued resource which are experienced, appreciated and enjoyed by all Aucklanders and visitors.*
- *Special character areas tangibly connect us to our history, confers a sense of place and identity, links to our feeling of social and cultural well-being, and contributes to the pride we have of our city.*
- *There already exists scope for intensification in the city whereby existing special character areas can be maintained and should not need to be adversely affected by intensification.*

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?

Do not support – We think there are further areas that should be identified as a qualifying matter.

Tell us why?

- *Special character residential areas should be retained as they currently are.*
- *The proposed thresholds are set too high for identification of special character areas.*
- *The proposed residential special character criteria assessments of individual places are selective and not inclusive enough of special character attributes, such as historic forms and patterns of subdivision and vegetation and landscape characteristics.*
- *Assessments should have identified and recommended higher level special character areas to be elevated to historic heritage areas.*
- *Erosion of proposed special character areas has affected integrity and connectedness within close geographic areas.*
- *The Auckland Unitary Plan already enables capacity for development*
- *There is further assessment needed to be done in areas not surveyed (likely leading to more special character to be added).*

(Please also refer to statements in covering letter)

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

Do not support – We think there are further areas of that should be identified as a qualifying matter.

Tell us why?

- *Special character business areas should be retained as they currently are.*
- *The thresholds are set too high for identification of special character business areas.*
- *Assessments should have recommended that the higher level special character areas be elevated to historic heritage areas.*
- *Erosion of special character areas has affected integrity and connectedness within close geographic areas.*
- *The Auckland Unitary Plan already enables capacity for development*
- *There is further assessment needed to be done in areas not surveyed, likely leading to more special character needing to be added.*

(Please also refer to statements in covering letter)

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

Tell us why?

- *There are areas in the city where infrastructure is already stretched and would prove insufficient to service intensification.*
- *Upgrading and extending infrastructure in these areas may not be achievable without incurring unacceptable adverse impacts.*

- *Providing for access (for emergency vehicles for instance) and parking pose severe limitations in some areas.*

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)

HNZPT supports inclusion of all of the proposed other qualifying matters listed above.

- *Inclusion as qualifying matters would assist in ensuring that important controls that have been established to protect significant places and features of the Auckland urban environment are maintained.*

#7774

HERITAGE NEW ZEALAND
POUHERE TAONGA

09 May 2022

Feedback on Councils preliminary response to NPS-UD & MDRS
proposed changes to the Auckland Unitary Plan
c/- Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

unitaryplan@aucklandcouncil.govt.nz

Tena koe,

FEEDBACK OF HERITAGE NEW ZEALAND POUHERE TAONGA ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO THE NPS-UD & MDRS TO INFORM PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN

TO: Auckland Council

FROM: Heritage New Zealand Pouhere Taonga ("HNZPT")

1. This is feedback on the Council's preliminary response to the NPS-UD & MDRS to inform proposed changes to the Auckland Unitary Plan.

2. HNZPT is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPT Act") for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead agency for heritage protection including related values for built heritage.

Heritage New Zealand Pouhere Taonga Feedback

3. It is important to be able to provide for increased housing in Auckland, which HNZPT acknowledges and supports, but it is also important to maintain a city environment that residents of the city wish to live in, are proud of, and visitors to the city are attracted to. They are not necessarily mutually exclusive.

4. Importance of special character areas
The special character areas are, as the name suggests, special. As we move around and experience our city – for recreation, work, shopping, eating out, etc. – the special character areas add amenity and enjoyment for all, not just those who live there. As they are linked to the historical development of the city, they connect us to our past and to our identity. HNZPT regards these areas as beneficial to the enjoyment and social wellbeing of all Aucklanders. They are an important component and germane to achieving the stated aim of the NPS UD to have 'well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing'.

It is well acknowledged that the special character areas in Auckland are a very significant resource.

5. Existing framework

The Auckland Unitary Plan, which was adopted so recently, has the capacity for realizing increased growth of housing (and business) in the city. It is already embedded in the Unitary Plan. When being prepared the Council undertook area studies which looked not only at where historic heritage and special character existed, but also identified within these same areas where intensification and development may occur.

6. Inclusion of special character as a qualifying matter
We commend and fully support the proposal by Auckland Council to include special character areas as qualifying matters as well as areas where there are infrastructure restrictions, and the other identified matters as qualifying matters in order to help ensure that important qualities of our urban environment are recognized and maintained.

7. Proposed special character areas
HNZPT does not concur with several findings of the special character assessments on the basis that:

a) HNZPT supports the retention of the special character areas as they currently exist.

b) The criteria against which the proposed revised special character areas have been measured is selective and does not include important criteria such as historic form and patterns of sub-division, and vegetation and landscape features (for example).

c) The threshold of 75% of places special character for walkable catchments and 66% for those areas outside of walkable catchments has been set too high to meaningfully reflect the special character present in these catchments.
The thresholds should be reduced.

d) Where there are special character areas with a notable high density of special character, consideration should be given to elevating them to become historic heritage areas.

e) In some cases, the proposed change to special character areas result in loss of special character area integrity.
As a result of the proposed reduction to special character areas, an unfortunate consequence is that in some instances the exclusion of certain parts of identified areas has made smaller, isolated, disconnected enclaves. This has resulted in the loss of continuity and connectedness in these special character areas. Many of these areas are characterised and united by a historic consistency of character and collective importance, and neighbourhood connection that would be eroded as a result. In some cases, one side of a street has been retained as qualifying special character and the other side omitted from qualifying, compromising the reciprocity of the street.
Boundaries of the special character zones need to be re-considered to be made more inclusive of areas between the separated pockets to re-gain cohesiveness and intelligibility.

f) The review has only looked at existing special character housing and business areas, but many of these are legacy areas established prior to the Unitary Plan. Moreover, many of area studies were done in preparation of the Unitary Plan, but a good number were not assessed at the Auckland Unitary Plan stage. It is very likely that there are areas of the city where additional areas worthy of recognition as special character (and historic heritage) would be identified if they were to be assessed.
Further review work should be undertaken.

HERITAGE NEW ZEALAND
POUHERE TAONGA

8. Sustainability
   The expectation to confer more development potential for housing in order to provide apartments, terrace housing and town housing, would appear to anticipate much new development. However, given the increasing and pressing need to address carbon emissions and climate change, encouragement should be made to adopt a more sustainable approach than to construct more energy consumptive new buildings, and re-purpose existing buildings. In recognizing the embodied energy of existing buildings and prioritizing their adaptation, we can look to convert many of the commercial and light industrial buildings that exist withing the walkable and transport hub catchments to dwelling units. This is not a new concept - but it is becoming an increasingly relevant and urgent one. (Many inner city (often heritage) buildings have been converted to apartments including former department stores such as the George Courts, John Courts, Farmers, the Guardian Trust Building and the Dilworth Building).

9. Infrastructure
   HNZPT supports the principle of identifying where there are infrastructure restrictions and including these as a qualifying matter. There are areas in the city where infrastructure is already stretched and would prove insufficient to service increased densification, and furthermore would pose severe limitations and difficulties in being able to be upgraded and extended due to nature of streets narrowness, configuration, etc., resulting in potential environmental, historical (archaeology, etc.) and amenity (trees and other streetscape features) adverse impacts, in addition to presenting insurmountable access issues for emergency vehicles and provision for parking.

10. In sum, the Auckland Council proposal to include special character areas as a qualifying matter is essential to ensuring that the ambiance and character that these areas confer, engendering a pride of place for people in Auckland, and a sense of social and cultural wellbeing, is supported by HNZPT. There is further work we believe to more fully assess and recognize properties and areas contributing to special character, and re-examination of the outlines/boundaries of these areas to ensure their integrity and cohesiveness, as outlined in this letter and the accompanying questionnaire/feedback.

11. Auckland Council needs to be afforded the time to undertake this work prior to any future implementation.

Yours sincerely,

Sherry Reynolds
Director Northern Region
c/-
Contact Person: Bev Parslow
Area Manager Mid-Northern
Plannermn@heritage.org.nz
bparslow@heritage.org.nz

#7775

From: sue moody
Sent: Monday, 9 May 2022 4:33 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Submission on Special Character Overlay/Heritage Protection

Submission to:

Auckland Council on Changes to the Auckland Unitary Plan (AUP)

Closing midnight 9 May 2022

Email to:

We are concerned at proposed significant changes to the Auckland Unitary Plan (AUP).

In particular:

- We oppose the loss of special character overlay areas across the city and consequent loss of Auckland's special character built and natural qualities. With only 3% of the city's zoning with special character overlay, none should be lost. The assessment process appears significantly inadequate.

- We oppose the significant density increase provision across Auckland suburbs. The AUP provides very adequately for future demand and growth of residential dwelling units to 2050.

- Auckland does not have the infrastructure to support increased density on the scale proposed.

- While densification close to transport hubs is generally supported, the proposed zone changes to densify the entire city are excessive.

- Of particular interest are the proposed changes that apply to Remuera including Seaview, Bassett, Middleton and Arney Roads.

- The lack of provision for parking in new development on such a large scale is not supported.

- The proposed changes do not support a sustainable future in Auckland, and additionally, they place added financial burden on ratepayers

- Auckland has very different needs from elsewhere in New Zealand and one-size-does not-fit-all across the nation. Centralized government mandates on Auckland are not supported and will undermine the integrity of the built form and social and environmental wellbeing and erode heritage of the city.

- The special character and density provisions of the Auckland Unitary Plan 2016 are supported.

We wish to be heard in support of this submission.

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From: Mary Wong <MaryW@barker.co.nz>
Sent: Monday, 9 May 2022 4:48 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Matt Norwell <MattN@barker.co.nz>; Nick Mitchell <NickM@metlifecare.co.nz>
Subject: Feedback on preliminary response - Metlifecare Limited

Good afternoon

On behalf of Metlifecare Limited, please find **attached** preliminary response for the NPS-UD and MDRS.

Please contact us should you have any questions.

Ngā mihi | Kind regards

MARY WONG
Senior Associate
021 031 0291
MaryW@barker.co.nz

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

Kerikeri, Whangārei, Auckland,
Hamilton, Napier, Wellington,
Christchurch, Queenstown

barker.co.nz

#7778

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: Matt Last name: Norwell

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: Metlifecare 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) See feedback in attached submission.

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

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.

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.

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

- ☐ 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

You can also visit AK Have Your Say at akhaveyoursay.nz to find out about, or register to receive regular updates on, consultation activities happening across Auckland

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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.

#7778

metlifecare

May 9, 2022

Level 4, 20 Kent Street,
Newmarket, Auckland 1023
PO Box 37463,
Parnell, Auckland 1151
0800 909 303

metlifecare.co.nz

Auckland Council

Via online submission portal

Submission on changes to Auckland Unitary Plan from NPS-UD and Medium Density Residential Standards

Introduction

Metlifecare Limited provides this feedback on Auckland Council's 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') which was released on 19 April 2022. The response has been prepared with Urban Planning advice from Barker & Associates, and Legal advice from Minter Ellison Rudd Watts.

The preliminary response:

- Proposes changes to the Auckland Unitary Plan ('AUP OP') to implement the intensification requirements in the NPS-UD and the Act:
    - The NPS-UD requires Auckland Council to implement objectives and policies that, amongst other things, allow greater building height and density within city centres, metropolitan centres, and within walkable catchments of these centres and rapid transport stops.
    - The Act requires the Council to incorporate the medium density residential standards ('MDRS') into the Plan in most residential zones.
- Proposes changes to zoning within walkable catchments of the city centre, metropolitan centre, rapid transport stops (as well as other areas) to allow for greater intensification in those areas.
- Sets out the matters that the Council considers to be "qualifying matters" that may allow the Council to modify or reduce building heights or density required by the NPS-UD and the Act.

About Metlifecare

Metlifecare is a leading New Zealand owner and operator of retirement villages, providing rewarding lifestyles and outstanding care to more than 6,500 New Zealanders in 32 unique villages and 17 care homes. Within Auckland, Metlifecare has 19 existing retirement villages located across urban and suburban locations in addition to several development sites in greenfield and brownfield locations too. Metlifecare delivers a full range of living and care options for independent and assisted living and care homes. Metlifecare villages include a range of home layouts which range from spacious apartments and townhouses through to large villas.

Scope of Feedback

In general, Metlifecare:

- Supports the application of the modified Mixed Housing Urban ('MHU') zone throughout urban residential areas to incorporate the MDRS. Metlifecare consider the proposed spatial extent of the MHU zone to be broadly consistent with the objectives of the NPS-UD, gives effect to the requirements of the Act, and is supportive of the delivery of diverse well designed housing developments.
- 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 Metlifecare to more efficiently deliver housing typologies due to reduced square metre build costs and improved returns and feasibility associated with product diversity.

We understand that the Council's thinking on the standards to apply in the modified THAB zones are in the early stages of development. Metlifecare support the quality-built environment policy approach of the AUP and would support streamlined standards and assessment criteria to achieve this in both the THAB and MHU zones. At the same time, Metlifecare 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, consistent with Policy 6 of the NPS-UD.

Metlifecare's other feedback on Auckland Council's preliminary response 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
- Relief sought for Metlifecare's existing retirement villages in Table 1 appended with this feedback.

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 which seek to ensure:

- 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 1,200m has been applied from the edge of the city centre and 800m has been applied across all metropolitan centres and around existing and planned rapid transit stops. Metlifecare 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. Relevant considerations for determining the extent of walkable catchments to provide the best opportunity to use land efficiently include:

- The city centre can accommodate an extended walkable catchment of up to 2,400m, or a 30-minute walk. This would be an appropriate and reasonable distance within the city centre as in many instances, a 30-minute walk would account for the total journey time. Extending the walkable catchments around the city centre would also support a reduction in greenhouse gas emissions in accordance with Objective 8 of the NPS-UD.
- A walkable catchment of 800m appears to have been identified around all metropolitan centres and rapid transit stops. Auckland Council's guidance indicates that a bigger walkable catchment for the city centre is proposed because it has the greatest number of jobs and greatest concentration of activities and amenities. However, Metlifecare 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 activities and amenities, or where a rapid transit stop is a major transport hub that provides multiple public transport and route options. A scaled approach to walkable catchments around metropolitan centres and rapid transit stops should be applied that considers both the role and function of the metropolitan centre and the particular rapid transit stop in a comprehensive way.

Height Within Walkable Catchments

The proposed height strategy 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, Metlifecare 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.

Metlifecare note that while provisions have been made in the preliminary view for the existing AUP (OP) height variation control, there are now likely to be additional opportunities for increased building height in light of the objectives of the NPS-UD. These options should be explored.

Relevant considerations for determining where building heights greater than six storeys would be appropriate within walkable catchments 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.

Enabling greater building heights in these locations will support the efficient use of infrastructure and support reductions in greenhouse gas emissions.

Intensification Around Suburban Centres

Metlifecare 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. Metlifecare make the following comments in relation to the preliminary response to Policy 3(d):

- Auckland Council is proposing to apply the modified THAB zone to residential areas up to 400m from large town centres with high accessibility and apply the modified THAB zone to residential areas up to 200m from small town centres or large local centres with high accessibility. The application of a five-minute walk or 400m to determine areas suitable for intensification around centres is accepted. However, Metlifecare consider that it would be appropriate to enable intensification within 400m of all sized 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.
- Further to the above, Metlifecare encourages Auckland Council to include 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, Metlifecare consider it would be appropriate that no distinctions be made between suburban centres.
- Metlifecare encourages Auckland Council to consider the application of the modified THAB zone around suburban centres where the surrounding land is not subject to Policy 3(c) (i.e. is outside of the walkable catchment), 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 (OP) have been identified in the preliminary response viewer as 'Areas Under Investigation', where Auckland Council is still considering how to apply the MDRS and/or how it will implement policy 3 of the NPS-UD.

Metlifecare note that a number of precincts have the purpose of managing greenfield development i.e., the sequencing of infrastructure or the management of built form outcomes. In other instances, such as the Beachlands 1 Precinct, that precinct was developed prior to the AUP (OP) under a previous planning framework. In these instances, the requirements of the precinct may not be in keeping with the requirements or objectives of the NPS-UD or the Act.

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, Metlifecare encourages Auckland Council to remove precinct chapters or simplify the AUP (OP) 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 are inconsistent with the objectives of the NPS-UD or the Act.

Summary

Overall, Metlifecare supports the general approach to implementing the NPS-UD and the Act 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, Metlifecare 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. Metlifecare therefore 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;

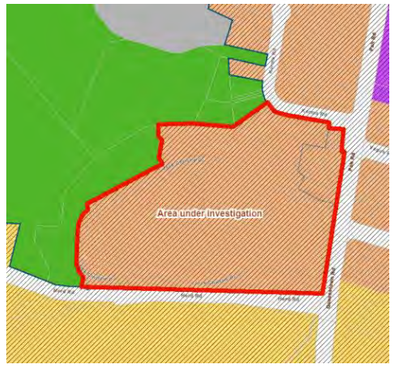
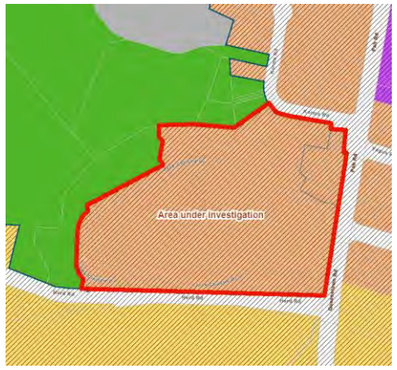
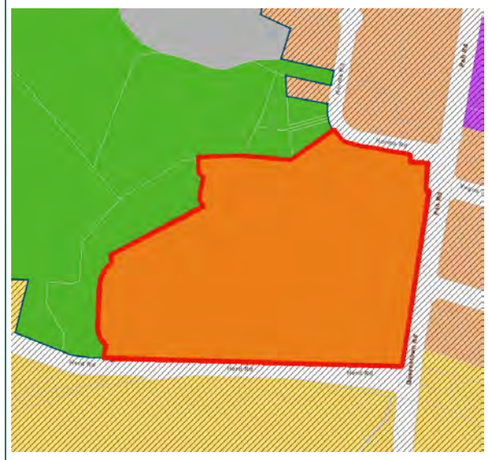
(b) Opportunities to provide for heights greater than the minimum required six storeys within walkable catchments that are well placed and contribute to well-functioning urban environments;

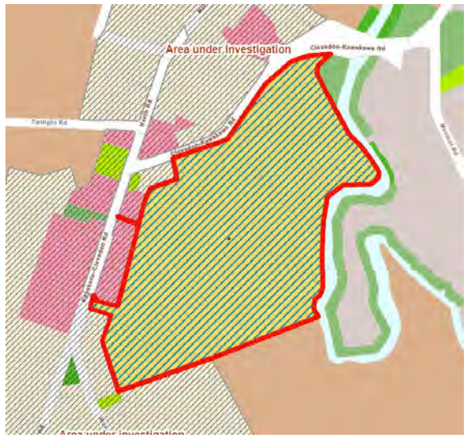
(c) Opportunities to provide for greater development potential around suburban centres; and

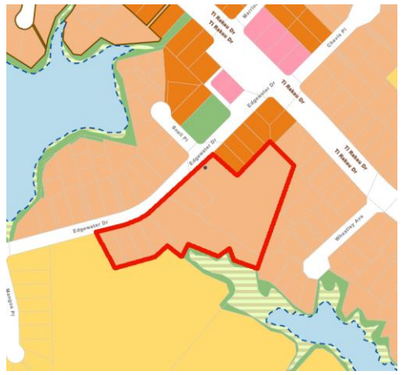
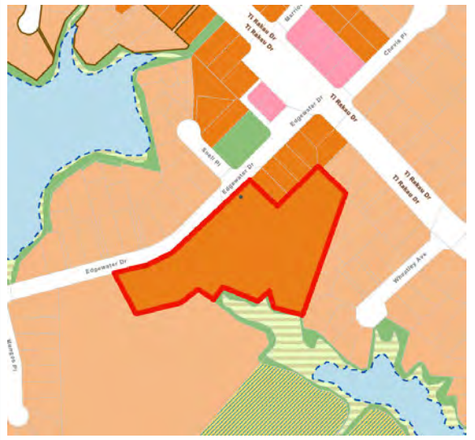
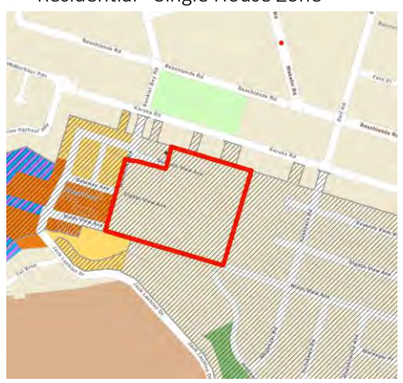
(d) The removal of precinct provisions that no longer serve a relevant purpose, where the provisions for development will be superseded by the MDRS, and/or where the requirements of the precinct are inconsistent with the objectives of the NPS-UD or the Act.

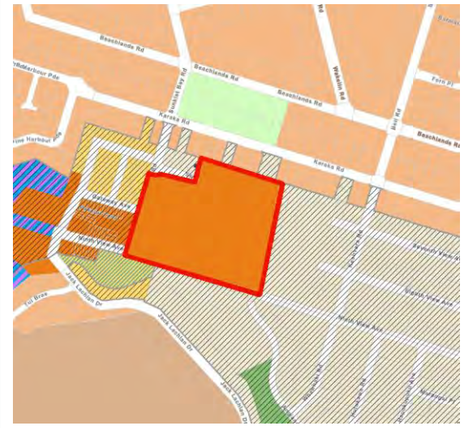
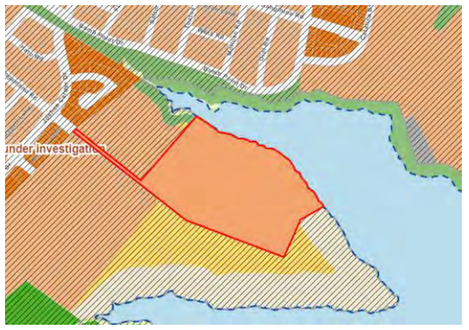
Taking into account these matters, the specific changes that are necessary and appropriate in relation to Metlifecare's existing and proposed retirement villages are described below.

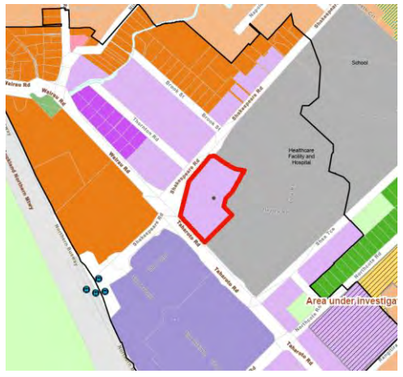
Village/Address	Current	Proposed Zoning	Management Layer/s on Site	Qualifying Matter/s on Site	Relief Sought
Metlifecare Oaks 21 Youngs Road, Papakura	• Residential - Mixed Housing Urban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	Coastal Erosion (ASCIE 2130 (RCP8.5+)	Rezone to THAB – modified enabling buildings at least 6 storeys. The site is located approximately 500m from the edge of the Papakura Metropolitan Centre and is therefore within a walkable catchment. Policy 3(c) requires a minimum of 6 storeys within walkable catchments (of 800m) from metropolitan centres. Therefore, the modified THAB should be applied to this site to ensure it is consistent with Policy 3(c).
7 Saint Vincent 7 St Vincent Avenue, Remuera, Auckland	• Residential - Terrace Housing and Apartment Building Zone 	• Residential - Terrace Housing and Apartment Building Zone 	N/A	Regionally Significant Volcanic Viewshafts	Metlifecare supports applying the THAB – modified zone enabling buildings at least 6 storeys (without qualification). The Site has contiguous boundaries with the Remuera Town Centre directly to the north and north-west. Section 77S of the Resource Management Act 1991 ('RMA') replaces paragraph (d) of Policy 3 in the NPS-UD with: *"within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activity and community services."*

Metlifecare Heights 42 Herd Road, Hillsborough	• Residential - Mixed Housing Urban Zone 	• Residential - Mixed Housing Urban Zone 	Light Rail Corridor Under Investigation	Regionally Significant Volcanic Viewshafts Precinct Under Investigation	Apply the THAB – modified zone enabling buildings at least 6 storeys.  The Site is located approximately 500m from the Royal Oak Town Centre to the north-east. Metlifecare therefore consider it appropriate and necessary to apply the modified THAB zone to comply with Policy 3(d) in the NPS-UD, as modified by the Act: *"within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activity and community services*." It is anticipated that the modified THAB will be applied to the other sites around the Town Centre to prevent spot zoning. Metlifecare understand that the area is also subject to investigation and requests an opportunity to comment further when this information is available.

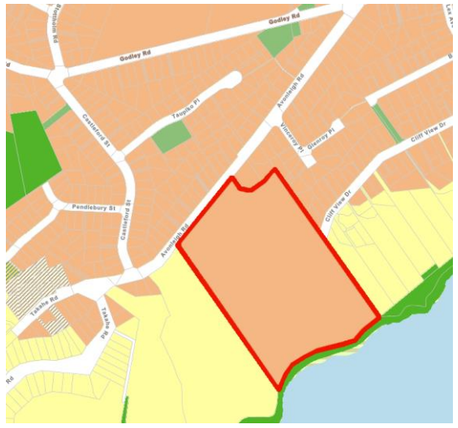
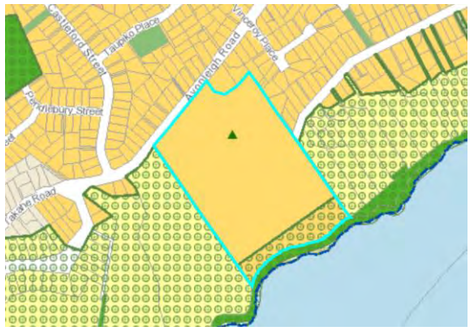
Pukekohe Village Jellicoe Road, Pukekohe	• Residential – Single House Zone 	• Residential – Single House Zone 	N/A	Precinct Under Investigation	Rezone to MHU but maintain maximum impervious area threshold of 35% for sub-precinct A of the Pukekohe Hill Precinct. It is noted that this area is still under investigation. Metlifecare requests an opportunity to comment further when additional information is available.
Clevedon Village 17 Clevedon-Kawakawa Road, Clevedon	• Residential - Single House Zone • Rural - Countryside Living Zone 	• Residential - Single House Zone • Rural - Countryside Living Zone 	N/A	Precinct Under Investigation Historic Heritage Extent of Place Overlay	Rezone entire site to 'Two-storey single dwelling residential area'.  The AUP-OP must enable building height and density of urban form commensurate with the level of commercial activities and community services adjacent to a neighbourhood centre. As shown in the planning maps as directed under the NPS-UD as updated by section 77S of the RMA. The site has contiguous boundaries to the Clevedon Neighbourhood Centre along the west, which is a growing centre, and could support

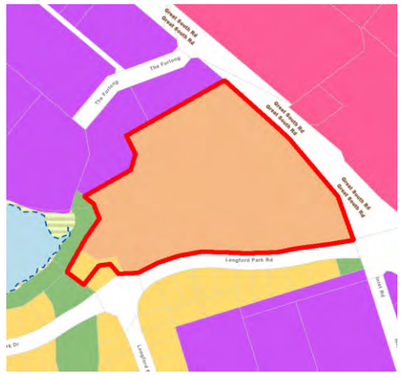
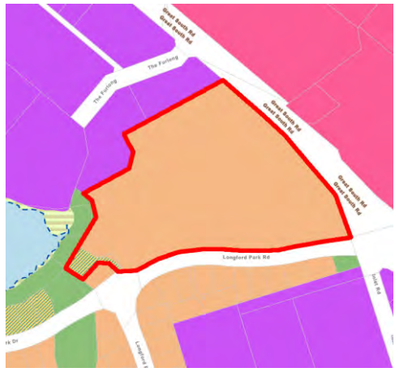
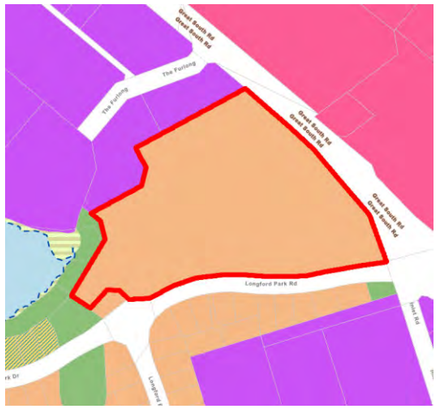
					building heights and density allowed under the two-storey single dwelling area.
Edgewater Village 14 Edgewater Drive, Pakuranga	• Residential - Mixed Housing Urban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	N/A	Rezone to THAB – modified zone enabling buildings at least 6 storeys.  The Site is located approximately 600m from the Pakuranga Town Centre to the north with an agglomeration of commercial activity and community services such that building heights and density of a higher urban form can be supported, as directed under the NPS-UD as updated by section 77S of the RMA.
Pohutakawa Landing 8 Seventh View Avenue, Beachlands	• Residential - Single House Zone 	• Residential – Single House Zone 	N/A	Precinct Under Investigation	Rezone to THAB – modified zone enabling buildings at least 6 storeys to be consistent with the planned use of the site. Three storey buildings are already under construction at the Site.

					 It is noted that this area is still under investigation. Metlifecare requests an opportunity to comment further when additional information is available.
Orion Point Orion Point, Hobsonville	• Residential - Mixed Housing Urban Zone • Residential - Single House Zone • Residential - Mixed Housing Suburban Zone • Coastal - General Coastal Marine Zone 	• Residential - Mixed Housing Urban Zone • Residential - Single House Zone • Residential - Mixed Housing Suburban Zone • Coastal - General Coastal Marine Zone 	N/A	N/A	There are no qualifying matters applying to these sites, and the MDRS at least must be applied. Metlifecare seek that the site be rezoned to MHU.  The figure below also shows that there are currently three storey buildings under development on site.

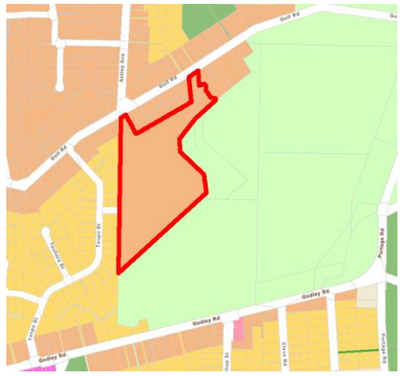
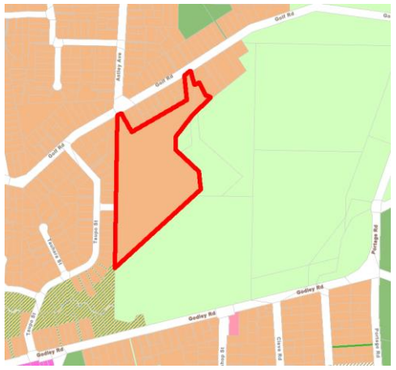
Gulf Rise 89 Symes Drive, Red Beach	• Residential - Mixed Housing Suburban Zone 	• Residential - Mixed Housing Suburban Zone 	N/A	Precinct Under Investigation	Support rezoning to MHU to give effect to the purpose and requirements of the NPS-UD and Act. It is noted that this area is still under investigation. Metlifecare requests an opportunity to comment further when additional information is available.
The Poynton 142 Shakespeare Rd, Takapuna	• Business - Mixed Use Zone 	• Business - Mixed Use Zone 	Walkable Catchment	N/A	Support and retain Mixed Use zoning but apply a Height Variation Control over the Site equivalent to 25m, consistent with the adjoining Healthcare Facility and Hospital to reflect the nature of the sites and existing use. The Site is also located directly opposite the Smales Farm Busway Station which provides excellent connection to the Northern Express Busway which is approximately 250m away.

Powley 135 Connell Street, Blockhouse Bay	• Residential - Mixed Housing Suburban Zone 	• Two-Storey Medium Density Residential Area • Residential - Mixed Housing Urban Zone 	N/A	National Grid Corridor Overlay Coastal Erosion (ASCIE 2130 (RCP8.5+)	Rezone entire site to MHU only (i.e. remove two-Storey Medium Density Residential Area proposed over the western end of the site). The two-Storey Medium Density Residential Area is proposed to apply over the western end, however, this is over existing development and this is considered to be a mapping error.

Pinesong 66 Avonleigh Road, Green Bay	• Residential – Mixed Housing Suburban Zone 	• Two-Storey Single Dwelling Residential Area 	N/A	Significant Ecological Areas - Terrestrial Coastal Erosion (ASCIE 2130 (RCP8.5+) Waitakere Ranges Heritage Area Overlay Notable Trees Overlay	Rezone entire site to MHU and qualifying matters to apply where they currently apply as overlays under the AUP-OP now (predominantly along the coastal edge).  It is unclear why a preliminary decision has been made to rezone the site Two-Storey Single Dwelling and rezone the surrounding sites as MHU. Previously this site has been subject to the same zone provisions as the surrounding sites. Metlifecare consider it more appropriate for the site to be rezoned to MHU zone, consistent with the neighbouring sites, and to give effect to the Act. 

Longford Park Village 1 and 5 Longford Park Drive, Takanini	• Residential - Mixed Housing Urban Zone • Residential - Mixed Housing Suburban Zone 	• Residential - Mixed Housing Urban Zone • Two-Storey Medium Density Residential Area 	N/A	Coastal Erosion (ASCIE 2130 (RCP8.5+)	Rezone 5 Longford Park Drive to MHU (as well as 1 Longford Park Drive).  5 Longford Park Drive is proposed to be rezoned from MHS zone to Two-Storey Medium Density Residential Area. However, the site is more appropriately considered to be contiguous with 1 Longford Park Drive which is in the MHU zone. The two-storey Medium Density Residential Area proposed over 5 Longford Park Drive is also over existing development and this is therefore considered to be a mapping error. Metlifecare consider that 5 Longford Park should be rezoned to achieve a contiguous and logical zoning pattern.
Highlands 70 Aviemore Drive, Highland	• Residential - Mixed Housing Urban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	N/A	Rezone to THAB – modified. The Site is located less than 400m from the Highland Park Town Centre with an agglomeration

					of commercial activity and community services such that building heights and density of a higher urban form can be supported, as directed under the NPS-UD as updated by section 77S of the Act.
Hibiscus Coast Village	• Residential - Mixed Housing Suburban Zone • Residential - Mixed Housing Urban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	N/A	Metlifecare supports the proposed re-zoning of the site and seeks that it is retained on the basis that it is consistent with the purpose and requirements of the NPS-UD and the Act.
Greenwich Gardens 4001/5 Greenwich Way, Unsworth Heights	• Residential - Mixed Housing Suburban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	N/A	**Support and retain** the proposed MHU zone on the basis that it is consistent with the purpose and requirements of the NPS-UD and the Act.
Dannemora Gardens 28 Matarangi Road, East Tamaki	• Residential - Terrace Housing and Apartment Building Zone 	• Residential - Terrace Housing and Apartment Building Zone 	Walkable Catchment	N/A	**Support and retain** the proposed THAB zoning as it is consistent with the purpose and requirements of the NPS-UD and the Act.

Crestwood 10, 36 and 3A/38 Golf Road, New Lynn	• Residential - Mixed Housing Urban Zone 	• Residential-Mixed Housing Urban Zone 	N/A	Significant Ecological Areas - Terrestrial	**Support and retain** the proposed MHU zoning as it is consistent with the purpose and requirements of the NPS-UD and the Act.
Hillsborough Heights 1381 Dominion Road Ext, Mount Roskill	• Residential - Mixed Housing Suburban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	Historic Heritage Extent of Place Overlay	**Support and retain** the proposed MHU zoning as it is consistent with the purpose and requirements of the NPS-UD and the Act.
Waitakere Gardens 15 Sel Peacock Drive, Henderson	• Business - Metropolitan Centre Zone •	• Business - Metropolitan Centre Zone 	Walkable Catchment	N/A	**Support and retain** the Metropolitan Centre zoning.

The Orchards 60 Kaipatiki Road, Glenfield and 123 Stanley Road, Glenfield	• Residential - Mixed Housing Suburban Zone •	• Residential - Mixed Housing Urban Zone •	N/A	Historic Heritage Extent of Place Overlay applying to a small part of the site	**Support and retain** the proposed MHU zoning as it is consistent with the purpose and requirements of the NPS-UD and the Act.
Fairway Gardens Botany Road, Golflands	• Residential - Mixed Housing Suburban Zone 	• Residential - Mixed Housing Urban Zone 	N/A	N/A	**Support and retain** the proposed MHU zoning as it is consistent with the purpose and requirements of the NPS-UD and the Act.

- We oppose the loss of special character overlay areas across the city and consequent loss of Auckland's special character built and natural qualities. With only 3% of the city's zoning with special character overlay, none should be lost. The assessment process appears significantly inadequate.

- We oppose the significant density increase provision across Auckland suburbs. The AUP provides very adequately for future demand and growth of residential dwelling units to 2050.

- Auckland does not have the infrastructure to support increased density on the scale proposed.

- While densification close to transport hubs is generally supported, the proposed zone changes to densify the entire city are excessive.

- Of particular interest are the proposed changes that apply to Remuera including Seaview, Bassett, Middleton and Arney Roads.

- The lack of provision for parking in new development on such a large scale is not supported.

- The proposed changes do not support a sustainable future in Auckland, and additionally, they place added financial burden on ratepayers

- Auckland has very different needs from elsewhere in New Zealand and one-size-does not-fit-all across the nation. Centralized government mandates on Auckland are not supported and will undermine the integrity of the built form and social and environmental wellbeing and erode heritage of the city.

- The special character and density provisions of the Auckland Unitary Plan 2016 are supported.

We wish to be heard in support of this submission.

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From: Gill Chappell <gillian@chappell.nz>
Sent: Monday, 9 May 2022 4:37 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Housing supply submission

Please find attached feedback on behalf of BARNZ in relation to the amendments proposed to the Unitary Plan.

Ngā mihi | Kind regards,
Gill

Gillian Chappell
Barrister

VULCAN BUILDING CHAMBERS

DDI 09 300 1259 | **M** 0273034757 |
E gillian@chappell.nz | PO Box 3320 Auckland 1140 DX CP20546 |
www.vulcanbuilding.co.nz | **www.chappell.nz**

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message in error please notify us immediately and erase all copies of the message and attachments. We do not accept respons bility for any viruses or similar carried with our email, or any effects our email may have on the recipient computer system or network. Any views expressed in this email may be those of the individual sender and may not necessarily reflect the views of Council.

#7782

BARNZ

VOICE OF THE AIRLINE INDUSTRY

SUBMISSION ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO HOUSING SUPPLY AMENDMENT ACT PLAN CHANGES

TO AUCKLAND COUNCIL

9 May 2022

BARNZ IS THE RESPECTED AND TRUSTED VOICE OF THE AIRLINE INDUSTRY IN NEW ZEALAND

We work closely with the Government, regulators, airports and local communities to create an environment that fosters continued, sustainable growth for the airline industry in New Zealand. We do this through advocating for service quality and fair prices, which help our airlines grow their international and domestic services.

The 26 BARNZ members keep New Zealand connected to the world, directly enabling our tourism industry and delivering $8 billion of exports. They bring together families, friends and businesses, as well as the free flow of ideas, information and innovation that only happen when people come together face-to-face.

WE CHAMPION THE AIRLINE INDUSTRY AND ITS CONTRIBUTION TO TRAVEL, TRADE AND TOURISM IN NEW ZEALAND.

WE STRIVE FOR FAIR-PRICED, CUSTOMER-FOCUSSED AIRPORT, BORDER AGENCY SERVICES AND INFRASTRUCTURE FOR OUR MEMBERS AND THEIR PASSENGERS.

WE HELP TO WIN THE AIRLINE INDUSTRY'S ABILITY TO GROW AND OPERATE IN NEW ZEALAND THROUGH CONSULTATION AND ENGAGEMENT WITH THE WIDER COMMUNITY.

BARNZ'S SUBMISSION

1. BARNZ is pleased to provide this submission on the Housing Supply Amendment Act Plan Change on behalf of our 26 member airlines, which are listed in the Appendix.
2. In advance of its consideration of the proposed plan changes arising from the Housing Supply Amendment Act, BARNZ has had the benefit of receiving a copy of the submission prepared on behalf of the NZ Airports Association.
3. Rather than repeat those submissions, it wholly endorses the matters raised by the NZ Airports Association and adopts the proposed amendments and changes as set out in that submission.
4. BARNZ's contact person in relation to this submission is:

   Gill Chappell
   Barrister
   Vulcan Building Chambers
   P O Box 3320
   Shortland Street
   Auckland 1140

   E | gillian@chappell.nz

5. BARNZ welcomes the opportunity to discuss these matters further with Auckland Council.

APPENDIX – LIST OF BARNZ MEMBERS

Airline Members	
Air Calin	Air Chathams
Air China	Air New Zealand
Air Tahiti Nui	Air Vanuatu
Airwork	American Airlines
Cathay Pacific Airways	China Airlines
China Eastern Airlines	China Southern Airlines
Emirates	Fiji Airways
Jetstar	Korean Air
LATAM Airlines	Malaysia Airlines
Philippine Airlines	Qantas Airways
Qatar Airways	Singapore Airlines
Tasman Cargo Airlines	Thai Airways International
United Airlines	Virgin Australia Airlines

Non-Airline Members	
Menzies Aviation (NZ)	OCS Group NZ
Swissport	

From: Nada <nada@lyholdings.com>
Sent: Monday, 9 May 2022 4:52 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: 'Henry Lim' <henry.lim@lyholdings.com>
Subject: MDRS / NPS:UD feedback

Dear officer,

Attached are our reviews and feedback regarding the MDRS/NP:UD. Please consider our feedback. Thank you.

Kind regards,

Nada Zheng

L&Y Holdings Limited
31/88 Cook Street, Auckland 1010
P.O. Box 5074, Victoria Street West, Auckland 1141
Ph: +64 9 366 6868 | Fax: +64 9 366 1563

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Unit 10/ 164 REMUERA ROAD:

NPS: UD / MDRS Preliminary Submission.

Owner: L & Y Holding (Remuera) Ltd

Introduction:

The owner has reviewed the proposed up-zoning intention of Auckland Council in response to the NPS:UD / MDRS. The subject site contains a four-storey, residential apartment, but is subject to a regionally significant viewshaft and height sensitive overlay.

Figure 1: Aerial Image of the Subject Site

Figure 2: Aerial Image surrounding the Subject Site

Request:

The owner has reviewed the up zoning identified at the site from Mixed Housing Suburban to THAB zone. They support this up-zone and request that it is retained within the notified plan change.

The owner, however, does not support the retention of the volcanic view shaft over the site. This hinders the ability to develop the site up to the identified height limit of 6-storeys within a walkable catchment. The regionally significant viewshaft and height sensitive overlay should either be removed or lifted to enable taller buildings at this location, for the following reasons;

i. The site is within a walkable catchment of the Newmarket Train Station.

ii. The site is within a walkable catchment of the New Market Metropolitan Zone.

iii. There is already a four-storey tall building onsite.

iv. The site is proximal to a range of amenities including social, employment, recreational and community, which ensures there is high demand for additional housing in this area.

Summary:

The owner supports the unzoning to THAB zone but requests the regionally significant viewshaft and height sensitive overlay is either removed or lifted to enable taller buildings.

The owner intends to make detailed submissions on the Plan Change in August 2022.

181 GREAT SOUTH ROAD, Greenlane Auckland 1051:

NPS:UD / MDRS Preliminary Submission.

Owner: L & Y Holding (Development) Ltd

Introduction:

The owner has reviewed the proposed re-zonings identified for their subject site and the surrounding environment. The owner of the site has recently obtained resource consent for a multi-unit residential development within a multi-storey building. The consent is referenced as BUN60364823. There are a number of multi-storey, multi-unit developments in the area.

Figure 1: Aerial Image of the Subject Site

Figure 2: Aerial Image Surrounding the Subject Site

181 Great South Road

Request:

The owner supports the inclusion of the subject site within the THAB zone and as identified within the walkable catchment. They agree that this up zoning is consistent with the NPS:UD and is appropriate for sites within close proximity to Town Centres and Rapid Transit stops including the Greenlane Train station and various bus stops along the frequent public transport network.

Summary:

The owner supports the up zoning identified at their site and within the surrounding area and seeks this is retained in the notified Plan Change.

The owner intends to make detailed submissions on the Plan Change in August 2022.

185 MEADOWBANK ROAD:

NPS:UD / MDRS Preliminary Submission.

Owner: L & Y Holding (Development) Ltd

Introduction:

The owner has reviewed the proposed re-zonings identified for the subject site and the surrounding environment. The site is noted as being within the walkable catchment of the Meadowbank train station, with the surrounding area identified as THAB. The subject site is noted as remaining at the lower density MHU zone and is identified as being subject to Coastal Erosion.

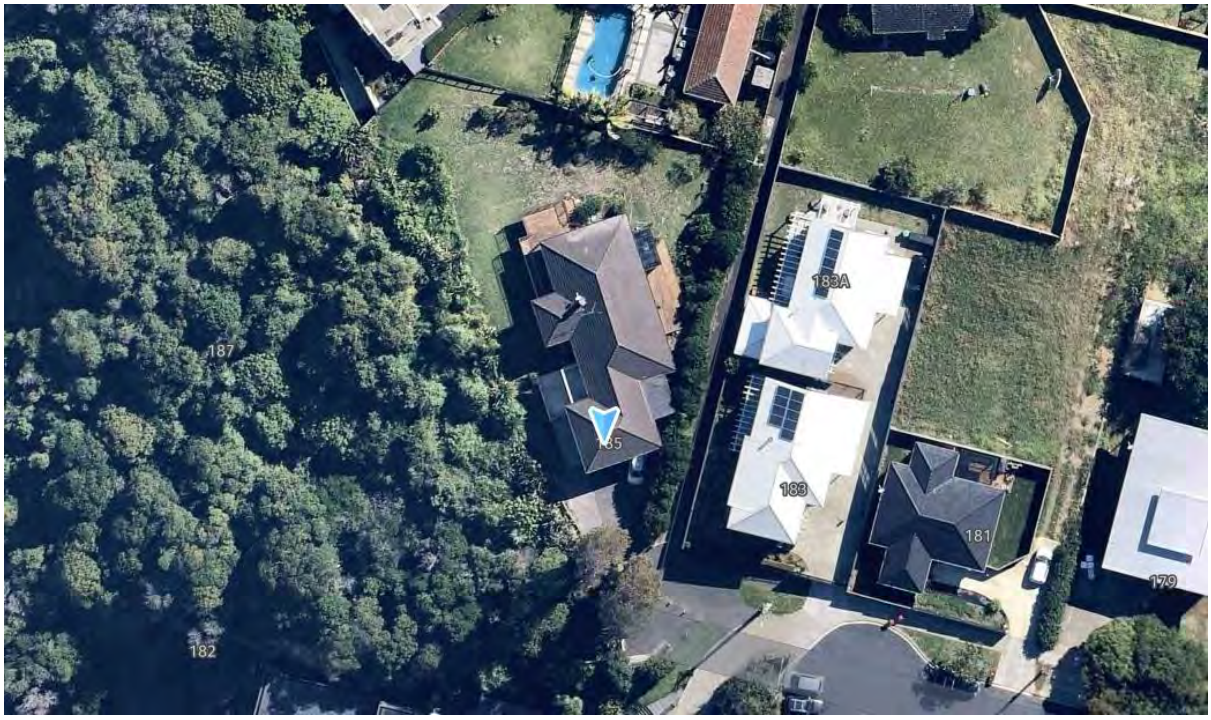

Figure 1: Aerial Image of the Subject Site

Figure 2: Aerial Image Surrounding the Subject Site

Request:

The owner supports the up zoning to THAB in the surrounding area due to the proximity to the train station.

The owner opposes the lower density MHU zone being applied to the subject site and seeks the THAB zone be applied to this property also. The NPS:UD states the site must provide for buildings of at least 6 storeys high.

The owner also seeks the removal of the coastal erosion overlay applied as the site is some 71m from the coast. Within this 71m is bush clad reverse containing public amenities such as boardwalk. Coastal Erosion may affect the reserve land below the site but is unlikely to impact the subject site or any future building platforms. The coastal erosion control does not impede significantly in being able to achieve buildings of 6 storeys in height. There are a range of engineering solutions to manage coastal erosion particularly given this property is 71m from the actual coastline.

Summary:

The THAB zone should be retained in the surrounding area, with the subject site being included in the THAB rather than the lower density MHU zone. Moreover, the coastal erosion notation should be removed from the site.

The owner intends to make detailed submissions on the Plan Change in August 2022.

From: Amelia Alden <Amelia@greenwoodroche.com>
Sent: Monday, 9 May 2022 4:47 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Francelle Lupis <Francelle@greenwoodroche.com>; Chris Moore-Consulting <chris@chrismooreconsulting.com>
Subject: The Strand Trust - Feedback on Auckland Council Preliminary Response [GREE-DMS.FID109183]

To whom it may concern

Please find **attached** the Strand Trust's feedback on Auckland Council's Preliminary Response to the National Policy Statement on Urban Development policy requirements for intensification and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Ngā mihi | Kind regards

Amelia Alden | Associate

GreenwoodRoche
PROJECT LAWYERS

DDI +64 9 302 6113 | M +64 21 1876 982 | www.greenwoodroche.com

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FEEDBACK ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO THE NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT AND RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT 2021

To: Auckland Council (*Council*)
unitaryplan@aucklandcouncil.govt.nz

Name: The Strand Trust

Introduction to the Strand Trust

1 The Strand Trust has a significant real estate presence in the Auckland region; undertaking ownership, development, construction, property management and leasing activities at the large number of commercial sites that it owns. The facilities located on the sites that the Strand Trust owns form an important part of the commercial infrastructure of Auckland's centres.

2 The Strand Trust supports the Government's direction for greater intensification in and around Auckland's centres as articulated in the National Policy Statement on Urban Development (*NPS-UD*) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Act*).

3 The Strand Trust has a specific interest in the Council's Preliminary Response to the NPS-UD and Enabling Act (*Preliminary Response*) as it relates to the area in and around the Highbury Shopping Centre located on the corner of Birkenhead Avenue, Highbury Pass and Mokoia Road, Birkenhead. The Highbury Shopping Centre is owned and operated by the Strand Trust, and is shown on the operative Auckland Unitary Plan (*AUP*) maps extract in Figure 1 below.

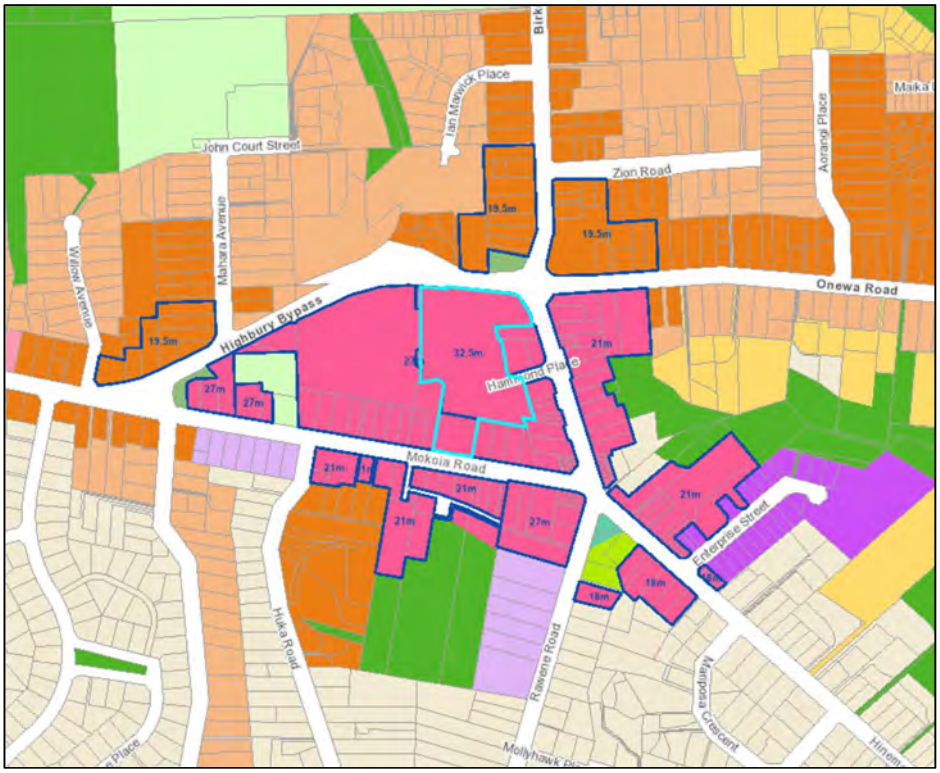


Figure 1: Auckland Unitary Plan maps extract identifying the location of the Highbury Shopping Centre

4 As shown on Figure 1 above, the Highbury Shopping Centre is currently zoned Business – Town Centre Zone (*Town Centre*), with a height variation control of 32.5m. The residential area surrounding the Town Centre is currently zoned a mixture of Terrace Housing and Apartment Buildings (*THAB*), Mixed Housing Urban (*MHU*) and Mixed Housing Suburban.

Preliminary Response

5 While a key focus of the NPS-UD is to enable greater intensification within city and metropolitan centre zones and along key transport routes, it also requires the Council to amend the AUP to enable building heights and density of urban form commensurate with the level of commercial activities and community services within and adjacent to neighbourhood centre zones, local centre zones and town centre zones.[1]

6 With respect to the Town Centre Zone, the Council has determined that, due to the size and accessibility of the areas to which this zone is applied, up-zoning around these areas is appropriate in order to give effect to this particular requirement of the NPS-UD.[2]

7 The Birkenhead Town Centre has been identified by Council as a "larger town centre" and re-zoning of the residential areas around 400m from the edge of the

[1] NPS-UD, Policy 3(d) (as amended by Schedule 3B of the Enabling Act).
[2] Auckland Council Information Sheet #4: Intensification around suburban centres.

Town Centre to THAB has therefore been proposed. This is shown broadly on the extract from the Preliminary Response viewer in Figure 2 below.

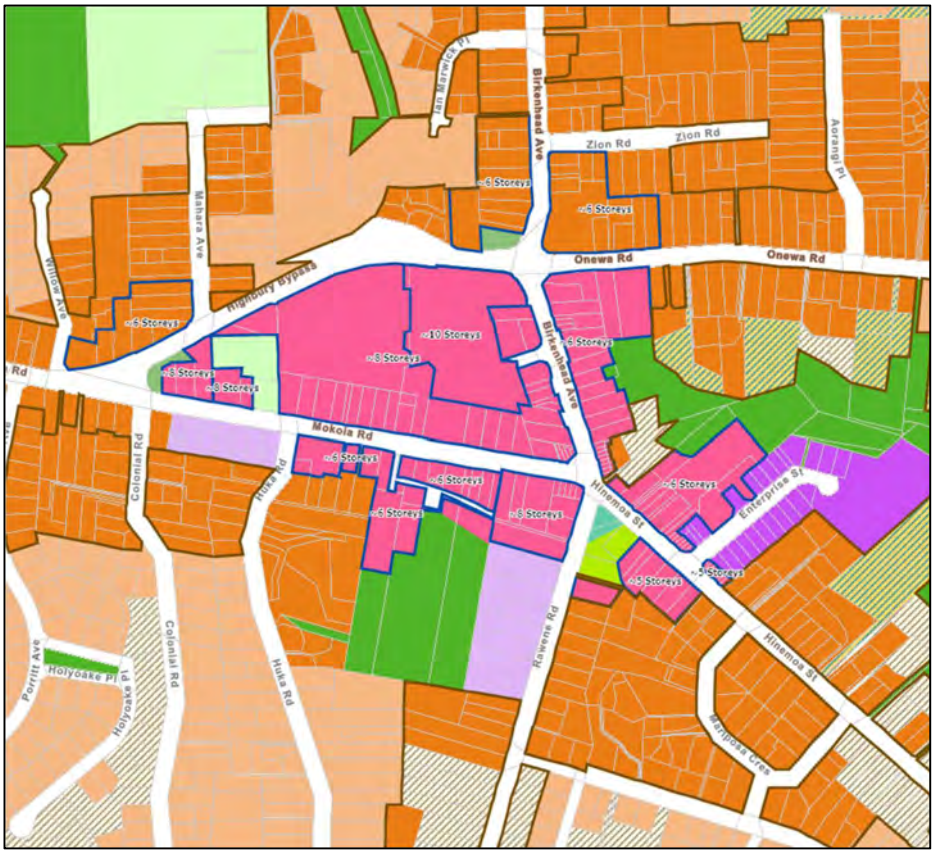


Figure 2: Area surrounding the Highbury Shopping Centre and Birkenhead Town Centre shown on the Preliminary Response viewer

8 The remainder of the residential area around the Birkenhead Town Centre is predominantly proposed to be re-zoned MHU in order for the new mandatory Medium Density Residential Standards (*MDRS*) to apply to this residential land (where a qualifying matter such as the application of the Significant Ecological Area along the Wai Manawa Bush Reserve has not been identified).

9 The height variation controls proposed to be applied to the Birkenhead Town Centre and surrounding THAB zoned land reflect the existing height variation controls applied under the operative AUP, but have been converted to a storey measurement in accordance with the language of the NPS-UD. The THAB zone provisions will enable buildings of up to five storeys in the areas to be zoned THAB where a height variation control is not applied.

10 The result of the proposed changes to the area in and around the Birkenhead Town Centre is that a greater intensity of urban form and building height will be enabled, consistent with the direction in the NPS-UD and Enabling Act.

11 The Strand Trust is supportive of this change as it will allow for greater intensification within the area which will support the continued success and vitality of the Birkenhead Town Centre to which Highbury Shopping Centre forms part.

Relief sought

12 In response to the Preliminary Response, the Strand Trust seeks the following relief in the upcoming plan change to be notified in August 2022:

(a) The adoption of the re-zoning of the area around the Birkenhead Town Centre to THAB and MHU.

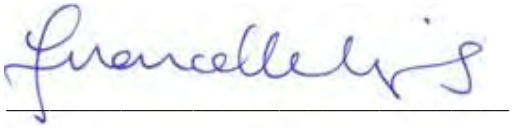
(b) The application of the height variation control as proposed to the Birkenhead Town Centre and surrounding THAB Zone.

(c) Any consequential or alternative relief to give effect to the specific amendment noted above.

13 The Strand Trust would be pleased to meet with the Council to discuss its feedback to the Preliminary Response.

The Strand Trust

DATED this 9th day of May 2022



F M Lupis (for the Strand Trust)

Address for Service:

The Strand Trust
C/- Francelle Lupis
Greenwood Roche
Level 12, 2 Commerce Street
Auckland 1010

Francelle@greenwoodroche.com
09 306 0495

From: Andrea Curcio Lamas <Andrea.CurcioLamas@chapmantripp.com>
Sent: Monday, 9 May 2022 4:58 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Luke Hinchey <luke.hinchey@chapmantripp.com>; Nicola de Wit <Nicola.deWit@chapmantripp.com>
Subject: RVA submission on Auckland's intensification plan change

Good afternoon

We act for the Retirement Villages Association of New Zealand Incorporated (RVA). Please find **attached** the RVA's submission on Auckland Council's preliminary response for intensification. The RVA's submission is comprised of a letter to the Council and a position paper (both documents **attached**).

Please acknowledge receipt.

Kind regards
Andrea

ANDREA CURCIO LAMAS (she/her)
SOLICITOR

Chapman Tripp

D: +64 9 357 9507

www.chapmantripp.com

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This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal professional privilege. If you receive this email in error please immediately notify the sender and delete the email.

9 May 2022

Auckland Council
By email

AUCKLAND COUNCIL'S PRELIMINARY RESPONSE FOR INTENSIFICATION

1 This is a submission on Auckland Council's (*Council*) preliminary response for intensification planning to respond to 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 Retirement Villages Association of New Zealand (*RVA*) is grateful for the opportunity to provide feedback on the Council's preliminary response at this early stage of the plan change process and acknowledges there is significant work ahead. The RVA looks forward to engaging with the Council throughout its plan change process to assist in making your process efficient and ultimately valuable for future plan users.

3 The RVA and its members have a significant interest in how the implementation of the NPSUD and the Enabling Housing Act will support the government's long term vision for housing. Their particular interest is addressing the housing and care needs of New Zealand's growing ageing demographic.

4 The Council will be acutely aware of New Zealand's rapidly increasing ageing population (including in the Auckland Region). The demand for appropriate accommodation and care for older people is currently outstripping supply, with many older residents living in unsuitable accommodation. Such circumstances are affecting their safety and wellbeing.

5 Retirement villages play an important role in addressing these social wellbeing issues by providing accommodation that meets the physical needs of older people, as well as better providing for their mental health. The ageing population, coupled with a trend towards people wishing to live in retirement villages, means that the demand for retirement accommodation and aged care will continue to grow. The demand and corresponding lack of supply is already critical and needs to be addressed.

6 In light of the above, the RVA has prepared a position paper to help inform councils as they prepare changes to their district plans in response to the NPSUD and Enabling Housing Act (**attached**). The RVA's position paper includes details on New Zealand's ageing population demographics and the housing and care crisis facing older people. It outlines the role of retirement villages in responding to that crisis. It sets out the current challenges faced by retirement village operators when obtaining resource consents for new villages. It then provides planning solutions to

address these challenges, which also give effect to the NPSUD through the Enabling Housing Act plan change processes.

7 We are very keen to engage with you further to discuss how the Council can help to address the retirement living crisis ahead. Our members and their external consultants have had several years' experience obtaining consents under the Auckland Unitary Plan (*AUP*). The collective conclusion from that experience is that the current regime, which provides for retirement villages under the umbrella of "integrated residential development", is in need of an overhaul. It is not fit for purpose for retirement villages and will not achieve the requirements of the NPSUD and the Enabling Housing Act.

8 A summary of what the RVA considers the Council's housing plan change must deliver for retirement villages generally, and the RVA's specific submission on the Council's preliminary proposals are set out below.

What the housing intensification plan change must deliver for retirement villages

9 The housing plan change represents a huge opportunity to better enable a diverse range of retirement housing and care options in Auckland. The RVA considers it imperative that the Council seize this opportunity so that it can properly provide for its community, and meet its legal obligations under the NPSUD.

10 The Enabling Housing Act builds on the NPSUD as part of the Government's response to reduce barriers to housing supply. The Act not only requires the Council to implement the medium density requirements, but also to give effect to Policy 3 of the NPSUD regarding intensification of urban environments.

11 To meet these requirements, the RVA considers that Auckland's housing intensification plan change must specifically and appropriately enable and provide for retirement villages. The RVA considers this outcome can only be achieved by providing for a retirement village-specific objective, policy and rule framework. A bespoke approach is required because retirement villages are residential in nature, but are different to typical housing due to a range of functional, operational and locational requirements.

12 The retirement village-specific framework sought by the RVA is set out at **Appendix 1** of its position paper. The RVA seeks that the Council implement this framework as part of its housing plan change process. The following paragraphs summarise the key aspects of the retirement village-specific framework. Please refer to the RVA's position paper for a more detailed discussion of the framework and reasons to support it.

12.1 *Recognition of the acute need for retirement accommodation* – The RVA acknowledges that the AUP, in its current form, includes objectives and specific policies that generally support retirement villages in the Mixed Housing Urban, Mixed Housing Suburban, and Terrace Housing and Apartment Buildings Zones (e.g. Policies H4.3(1), H5.3(1), and H6.3(1)) and in a number of the Business Zones. As detailed in the RVA's position paper, the country's rapidly ageing population is a significant resource management issue for New

Zealand, including Auckland. The NPSUD requires the Council to enable a variety of homes to meet the needs of different households, which includes the needs of older persons within our communities. The RVA considers that additional objectives and policies should be included in the AUP to enable appropriate accommodation and care for the ageing population – at the highest level and in all relevant residential and commercial/mixed use zones (as provided in the retirement village-specific framework sought by the RVA as set out at **Appendix 1** of its position paper).

12.2 This approach is strongly supported by the government's highest urban development and healthcare policy documents[1] and in the NPSUD. Such an approach was also strongly endorsed by the Independent Hearings Panel in the Christchurch Replacement District Plan process. Failing to adopt these objectives and policies will be failing to recognise and provide for one of Auckland's most vulnerable demographics.

12.3 *The need for specific provisions for retirement villages* – The AUP, in its current form, only contains retirement village specific rules in the Business - City Centre Zone. In all other zones, retirement villages are provided for under the 'integrated residential development' category. Due to the previously noted range of functional, operational and locational requirements of retirement villages, the RVA considers the Auckland intensification planning instrument should include retirement village specific rules and provisions in all relevant residential and commercial/mixed use zones.

12.4 *Retirement villages as a restricted discretionary activity in all relevant residential zones* – Retirement villages (as integrated residential developments) are currently provided for under the AUP in the Mixed Housing Urban, Mixed Housing Suburban, and Terrace Housing and Apartment Buildings Zones as restricted discretionary activities, and in the Single House Zone as a discretionary activity. As set out in the attached position paper, the RVA supports a restricted discretionary regime for retirement villages in all relevant residential zones, with appropriate matters of discretion to recognise the unique features and needs of retirement villages. As noted, retirement villages are different to typical residential dwellings, and therefore do not necessarily fit in with the typical controls imposed on residential developments. It is therefore critical to provide a tailored and fit for purpose retirement village framework.

12.5 *Proportionate notification* – The AUP, in its current form, currently precludes public or limited notification where retirement villages (as integrated residential developments) comply with all relevant standards. A key consenting issue for retirement village operators across the country relates to the delays, costs and uncertainties associated with notification processes. Consistent with the direction of the Enabling Housing Act, applications for retirement villages in the relevant residential zones should not be publicly notified based on density effects. In addition, limited notification should only

[1] Government Policy Statement on Housing and Urban Development and *Better Later Life – He Oranga Kaumatua 2019 to 2034*.

be used where a retirement village application proposes a breach of a relevant density standard that manages external amenity effects and the relevant effects threshold in the Resource Management Act 1991 is met.

12.6 The RVA acknowledges that other provisions of the AUP that are unrelated to density effects may trigger notification processes. It simply makes the general point that such provisions should also be carefully designed to be proportionate to the effects involved. Further, the benefits of involving the public in consent processes versus the downsides of delays and uncertainty in providing necessary housing need to be carefully weighed.

12.7 Moreover, and appreciating there will be necessary exceptions, the RVA considers the Council should attempt as much as possible to use permitted, controlled or restricted discretionary activity rules to ensure effects management is targeted. The use of discretionary or non-complying activity rules for discrete issues should be used sparingly (particularly 'catch all' rules) given their potential to undermine an otherwise enabling rule framework for residential activities.

12.8 *Clear, targeted and appropriate development standards and requirements* – The RVA considers that the residential development standards to be included in the Auckland intensification planning instrument should generally reflect those specified in the Enabling Housing Act, with some amendments to reflect the functional and operational requirements of retirement villages (as provided in the retirement village-specific framework sought by the RVA as set out at **Appendix 1** of its position paper).

12.9 *Providing for retirement villages in commercial, mixed use and other zones* – Retirement villages (as integrated residential developments) are currently provided for under the AUP in the commercial, mixed use and other zones as permitted, discretionary, non-complying, or prohibited activities. As discussed in the RVA's position paper, commercial and mixed use zones enable mixed uses, including residential activities, and may contain suitable sites for retirement villages. The RVA seeks that fit for purposes retirement village planning provisions are applied in appropriate commercial and mixed-use zones, similar to those proposed for residential zones. Any other zones which enable residential activities should be treated similarly.

Specific submission on the Council's draft proposals

13 Without limiting the above, the RVA's specific submission points on the Council's consultation are set out below.

Implementing the medium density residential standards from the Housing Act – Information Sheet #5

14 For the reasons outlined in the **attached** position paper, the RVA supports the Housing Act standards, but considers they need to be adapted to be 'fit for purpose' for retirement villages.

15 The RVA also supports a restricted discretionary resource consent process for retirement villages that focuses on high quality design and internal amenity. But,

consistent with the expectations of the Housing Act and NPSET, the RVA seeks that the matters of discretion be narrowly prescribed and notification processes tightly limited to ensure consent processes are focused on relevant matters, efficient and certain. Central government has been very clear that consenting for housing can no longer be dominated by protecting status quo 'NIMBY' interests, as has been the experience of retirement village operators to date.

Intensification within "walkable catchments" of the city centre, metropolitan centres, and rapid transit stops - Information sheet #2

16 The RVA has not engaged deeply on this topic at this stage, but wishes to simply encourage Council to apply the intensification provisions as widely as possible to maximise intensification opportunities. Six stories is a minimum rather than an expectation and additional height should be encouraged wherever possible.

17 Further, in terms of Council's proposed approach to defining "rapid transit", the RVA queries if this is too conservative. Many parts of the city are well-serviced by dedicated bus and ferry lines with frequent services, meeting the definition of "rapid transit". Not including these bus and ferry lines as part of the "existing rapid transit" system seems a significant lost opportunity to increase the use of public transport and make this mode more desirable and efficient and in turn assist with the Council's and New Zealand's climate change objectives. A conservative approach also will not give effect to the NPSUD

18 The RVA also wishes to point out that the "walkable catchment" concept is much less relevant for older people living in retirement villages. As the attached position paper describes, these residents are generally less mobile and as a result use active and public transport options infrequently compared to younger Aucklanders (although villages often provide shared transport). Retirement village residents are also not necessarily attracted to living close to centres and public transport in the same way that younger people are. Retirees in retirement villages do not go to work and tend to mainly recreate and socialise within their village environment. They also wish to 'age in place', staying in the suburbs they currently live so they can remain close to friends, family and familiar amenities. These are the reasons why the RVA seeks greater intensification opportunities for retirement villages in all residential zones and outside the walkable catchment areas.

Intensification in walkable catchments and the Terrace Housing and Apartment Buildings zone – Information sheet #3

19 The RVA has high level concerns about the Council's proposed additional standards in these areas to control the likes of shading, privacy and dominance on adjoining sites. While it is recognised that there is a need for high quality design in these areas, any controls should be limited to be consistent with the government's expectations for intensification and commensurate to the scale and type of development - and certainly no more restrictive than the medium density residential standards.

Intensification within and around suburban centres – Information sheet #4

20 The Council has flagged it has more discretion in relation to the densities to be enabled in these locations. The consultation discussion doesn't acknowledge the different uses that older people have of these centres, which is an important factor

to consider in exercising that discretion. Therefore, the intensification proposals potentially fall short of what is needed.

21 Picking up on the comments at paragraph 19 regarding walkable catchments, suburban centres are often within the existing neighbourhoods where people seeking to retire into a retirement village currently live. These centres contain the familiar shops and amenities people are used to, including the likes of a local medical centre, churches, and sports and other hobby based clubs. Locating retirement villages within and around these centres will allow for better access to community services for older people.

22 Enabling greater height and density within and around these suburban centres for retirement villages is therefore appropriate and necessary to service these community needs.

"Qualifying matters" that may allow the council *to modify (or limit) required building heights and density - Information sheets #6, 7 and 9*

23 The RVA has not investigated all of the proposed qualifying matters in detail at this stage, but wishes to make some high level comments on two particular aspects.

Special character

24 The RVA acknowledges that the areas covered by these controls are reduced from the current AUP, but seeks that the Council be even more ambitious. The special character overlays are located in some of the most desirable suburbs in the region where many people should be given access to live, including older people that have often lived in these areas for decades. Some overlays are also in areas which have good access to existing or planned rapid transit or other public transport links. 'Preserving the past' in a blanket way in these areas is simply not appropriate given the growing needs of the community and the scarcity of land.

Areas with significant infrastructure constraints

25 The RVA is strongly opposed to imposing restrictions on intensification due to infrastructure constraints insofar as retirement villages are concerned. This proposal appears in direct conflict with the government's aims for intensification.

26 The RVA acknowledges infrastructure constraints are already a major challenge for the Council. Further and widespread intensification enabled by the Housing Act will exacerbate these issues. However, infrastructure should not be a proxy for density. The RVA's members have a lengthy and successful track record of overcoming infrastructure challenges through innovative design and, in some cases, undertaking local works that enable capacity.

27 In terms of transport in particular, retirement villages have a much lower traffic demand profile than typical housing and much of the traffic movements are off peak. This fact means that roading capacity constraints in some locations won't be worsened by new retirement villages.

28 The RVA considers a less draconian tool for managing infrastructure constraints is appropriate. For example, a series of permitted activity standards (with associated restricted discretionary criteria for breaches) focused on access to services would

seem sufficient. This approach would enable an applicant to come up with alternatives to address capacity constraints through a consent process. Such an approach would also be more efficient as when new infrastructure comes on line, plan changes would not be needed to up-zone relevant land.

Next steps

29 The RVA looks forward to engaging with the Council throughout its preparation of the housing plan change. As we have done successfully in the past, we would be keen to adopt a collaborative approach where we meet your team to discuss our proposals and exchange views and information. We also often find it helpful for officers to visit retirement villages in the region so they can get a better understanding of the unique features and layout of modern retirement villages and the residents that live in them. We are happy to arrange a village tour.

30 In that respect, can you please let us know when you are available to meet the RVA and its members to discuss the above topics in more detail?

31 The RVA looks forward to hearing from you soon.

Yours faithfully

John Collyns
Executive Director

Contact details:
Retirement Villages Association
P O Box 25-022, Featherston St, Wellington 6142

Telephone: 04 499 0449 | Email: john@retirementvillages.org.nz

9 May 2022

Auckland Council
By email

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Intensification within "walkable catchments" of the city centre, metropolitan centres, and rapid transit stops - Information sheet #2

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Areas with significant infrastructure constraints

25 The RVA is strongly opposed to imposing restrictions on intensification due to infrastructure constraints insofar as retirement villages are concerned. This proposal appears in direct conflict with the government's aims for intensification.

26 The RVA acknowledges infrastructure constraints are already a major challenge for the Council. Further and widespread intensification enabled by the Housing Act will exacerbate these issues. However, infrastructure should not be a proxy for density. The RVA's members have a lengthy and successful track record of overcoming infrastructure challenges through innovative design and, in some cases, undertaking local works that enable capacity.

27 In terms of transport in particular, retirement villages have a much lower traffic demand profile than typical housing and much of the traffic movements are off peak. This fact means that roading capacity constraints in some locations won't be worsened by new retirement villages.

28 The RVA considers a less draconian tool for managing infrastructure constraints is appropriate. For example, a series of permitted activity standards (with associated restricted discretionary criteria for breaches) focused on access to services would

seem sufficient. This approach would enable an applicant to come up with alternatives to address capacity constraints through a consent process. Such an approach would also be more efficient as when new infrastructure comes on line, plan changes would not be needed to up-zone relevant land.

Next steps

29 The RVA looks forward to engaging with the Council throughout its preparation of the housing plan change. As we have done successfully in the past, we would be keen to adopt a collaborative approach where we meet your team to discuss our proposals and exchange views and information. We also often find it helpful for officers to visit retirement villages in the region so they can get a better understanding of the unique features and layout of modern retirement villages and the residents that live in them. We are happy to arrange a village tour.

30 In that respect, can you please let us know when you are available to meet the RVA and its members to discuss the above topics in more detail?

31 The RVA looks forward to hearing from you soon.

Yours faithfully

John Collyns
Executive Director

Contact details:
Retirement Villages Association
P O Box 25-022, Featherston St, Wellington 6142

Telephone: 04 499 0449 | Email: john@retirementvillages.org.nz

From: Mary Wong <Mary.Wong@unioenvironmental.co.nz>
Sent: Monday, 9 May 2022 5:02 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Feedback on preliminary response - Beachlands South Limited Partnership

Good afternoon

On behalf of Beachlands South Limited Partnership, please find **attached** preliminary response for the NPS-UD and MDRS.

Please contact us should you have any questions.

Kind Regards
Mary Wong

___

UNIO
— ENVIRONMENTAL —

Mary Wong | Planner | Unio Environmental
M +6421 0310291

___

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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: Nick.Roberts@unioenvironmental.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: Beachlands South Limited Partnership

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

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.

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.

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

- ☐ 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

You can also visit AK Have Your Say at akhaveyoursay.nz to find out about, or register to receive regular updates on, consultation activities happening across Auckland

Important privacy information

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

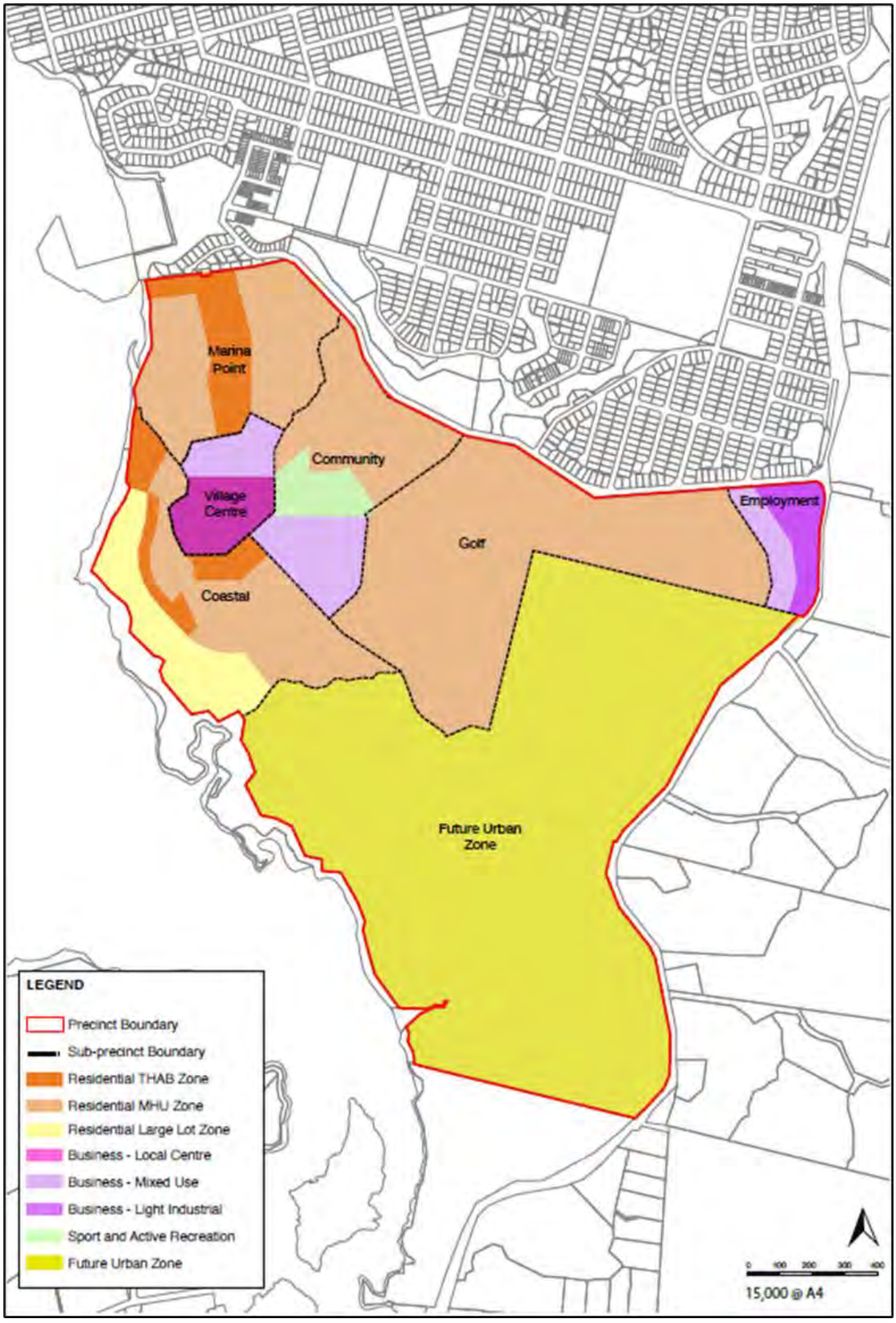
Beachlands South Limited Partnership (the "Partnership") provides this feedback on Auckland Council's preliminary response to the requirements in the National Policy Statement on Urban Development ('NPS-UD') and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ('Act') which was released on 19 April 2022.

Introduction to Beachlands South Limited Partnership

The Partnership includes the Guardians of the New Zealand Superfund Ngāi Tai ki Tāmaki and Hāpai Development Property LP. The Partnership has recently lodged a private plan change to Auckland Council to rezone approximately 307 hectares of Rural and Countryside Living zoned land (with a contiguous boundary to existing coastal town of Beachlands) to a variety of urban zones. . The PPC will result in an expansion of the existing Beachlands coastal town as provided for under Policy B2.6.2(3) of the Auckland Regional Policy Statement (RPS). The PPC proposes to "live" zone the northern portion of the land (159.54 hectares) to a mixture of residential, business and open space zones. The southern portion of the land (147.5761 hectares) is to be zoned Future Urban

The proposed zoning plan for this private plan change is provided below. This plan change proposes application of the 'Beachlands South Precinct' over the plan change area and already incorporates the MDRS into the proposed provisions.

UNIO Environmental
PO Box 91562, Victoria Street, Auckland 1142, New Zealand



UNIO Environmental

PO Box 91562, Victoria Street, Auckland 1142, New Zealand

The Partnership provides the following feedback:

- The application of the modified Mixed Housing Urban ('MHU') zone throughout urban residential areas to incorporate the MDRS is supported. The proposed spatial extent of the MHU zone is considered to be broadly consistent with the objectives of the NPS-UD, gives effect to the requirements of the Act, and is supportive of the delivery of diverse well designed housing developments.
- In the Council's preliminary response viewer, land within the existing 'Beachlands 1 Precinct' is zoned Residential – Single House and identified as an 'Area Under Investigation'. The remainder of the Beachlands coastal settlement is proposed to be rezoned MHU. The rezoning of this part of Beachlands to MHU is supported. The Partnership encourages Auckland Council to extend and apply the MHU zoning to land within the Beachlands 1 Precinct in order achieve a contiguous urban zoning pattern which will tie in with the proposed urban zonings over the plan change area submitted by the Partnership. It is considered that the rezoning of this land to MHU will achieve an integrated urban zoning pattern in Beachlands and enable the consistent application of the MDRS to future urban development.
- The application of the MHU zoning pattern across the majority of Auckland's urban areas must also be integrated with appropriate changes to the objectives and policies of the plan, including the transport chapter. Council is requested to review all applicable Regional and District Objectives and Policies and all transport policies to ensure that they are consistent with the plan change outcome directed by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Yours faithfully
Unio Environmental Ltd

UNIO Environmental
PO Box 91562, Victoria Street, Auckland 1142, New Zealand

#7789

Level 5, AON Building
Customs Street West
Private Bag 106602
Auckland 1143
New Zealand
T 64 9 969 9800
F 64 9 969 9813
www.nzta.govt.nz

Feedback from Waka Kotahi on Auckland Council's draft response to the National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) amendment Act 2021

09 May 2022

Auckland Council
Plans and Places
Private Bag 92300
Auckland 1142

Email: unitaryplan@aucklandcouncil.govt.nz

Name of submitter: The New Zealand Transport Agency (Waka Kotahi)

This is feedback on Auckland Council's (**Council**) draft approach to implementing the National Policy Statement on Urban Development 2020 (**NPS-UD**) and the Medium Density Residential Standards (**MDRS**) under the Resource Management (Enabling Housing Supply and Other Matters) amendment Act 2021 (**amendment act**).

Waka Kotahi role and responsibilities

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (**LTMA**). The objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

Waka Kotahi interest in this draft proposal and the future Plan Change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.
- A planner of the land transport network to integrate one effective and resilient network for customers.
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.

- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

Government Policy Statement on Land Transport.

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (**GPS**). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. For these reasons, Waka Kotahi seeks full utilisation of the tools available to Council to enable development in the most accessible urban areas.

Waka Kotahi views on proposal

Waka Kotahi supports planned development in appropriate areas and seeks to assist Council in implementing the Government's direction on enabling development capacity. From a review of the documents published to date, it is evident that Council has made good progress to this end and is in a strong position to have a finalised proposal for notification by August.

In recognising the progress to date and the limited time available to council to produce a draft, Waka Kotahi have identified a number of areas where the approach to up-zoning in appropriate areas should be expanded and refined. These are detailed in the attached table but can be summarised as one key theme, which is the use of zoning to give effect to government direction. It appears that the approach to the large number of qualifying matters proposed is to retain low density zoning instead of a limited use of overlays. Conversely, where up-zoning is applied within walkable catchments of centres and stations, it is not used to the extent anticipated by the NPS-UD and a 'do minimum' approach of only residential development up to six stories is provided for. Similarly, up-zoning has only been applied to walkable catchments while other highly accessible areas have not been included. Cumulatively, this approach will result in a substantial loss of development capacity, particularly in the most accessible areas. In order to improve the integration of transport and landuse and give effect to government direction, this approach, particularly in the Isthmus where there are extensive areas of Special Character proposed, will need to be revised.

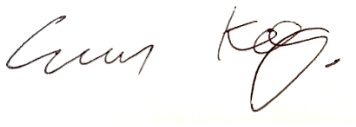
Changes sought

Waka Kotahi supports the work Council has undertaken to date but seeks amendments to assist Council in meeting its obligations under the NPS-UD and amendment act as outlined in Table 1 attached. Note that the feedback provided is only based on the published documents and further input will be required when changes are proposed to the Auckland Unitary Plan text.

Further assistance

Waka Kotahi wishes to work with Council to implement the changes outlined in these comments and can provide further information or assistance as required.

Signature of person authorised to sign on behalf of Submitter:



Evan Keating
Principal Planner, Waka Kotahi

Address for Service of person providing feedback:
Waka Kotahi, NZ Transport Agency
Contact Person: Evan Keating
Email: Evan.Keating@nzta.govt.nz

Table 1: Requests for amendments

Point #	Topic	Reason for comment	Change Sought
1	Approach to zoning boundaries and qualifying matters	The zoning approach applied in the draft maps appears to have the zone boundaries follow site boundaries. This includes locations where qualifying matters have resulted in a "lower" zone, for example to protect nationally significant infrastructure such as Transpower's network and to manage coastal erosion. While these matters need to be addressed, this approach includes land within larger sites which appear to be able to be developed without impacting on the qualifying matter. This has the result of limiting development on developable portions of land below that required by the NPS-UD and the amendment Act.	Zone land in accordance with the direction in the amendment act and NPS-UD in the first instance. If there are qualifying matters, use other methods such as overlays to manage development in the affected area. If there is a technical reason why this cannot be achieved then the low density zoning should only be mapped to the qualifying matter, not whole sites.
2	Qualifying matters	Related to point 1 above, the proposed zoning includes 'two-storey single dwelling residential area' and 'two storey medium density residential area' due to the presence of qualifying matters. However, it appears irrelevant to the qualifying matters such as SEAs and aircraft noise what height structures are in these locations and this form of control is inappropriate as it unnecessarily restricts development capacity.	Zone properties in accordance with the NPS-UD and the amendment act and adjust the development controls on land affected by the qualifying matters (not the site), if required to take account of qualifying matters. Remove all zones such as these and the 'single house zone' from the urban area.
3	Special character	The draft maps released by the council retain the majority of Special Character areas. In the most highly accessible locations and areas closest to the city centre, the proportion of special character areas retained appears even higher. These highly accessible areas are not just those which are within walking distance of stations and centres and include areas such as Ponsonby and Grey Lynn.	Reduce the overall scale of special character areas and substantially remove them where they are located within highly accessible areas and/or walkable catchments of centres and stations.

		Waka Kotahi is concerned that the correct balance has not yet have been struck between meeting the desires of the council to retain some areas of Special Character and to enable growth in those areas of Auckland most accessible by active and public transport and which best support a healthy and sustainable future for Auckland. As set out in Te Tāruke-ā-Tāwhiri (Auckland's Climate Plan) "*Integrating land-use and transport planning is vital to reduce the need for private vehicle travel and to ensure housing and employment growth areas are connected to efficient, low carbon transport systems".* Enabling development in the city centre fringe and other highly accessible areas in the inner isthmus is Auckland's best opportunity to implement this integration. We note the two-tier system used to determine whether an area contains enough 'special character', differentiating between walkable catchments and other areas. While we appreciate that walkable catchments have been taken into account through this approach, we consider that a higher level of priority should be applied to areas of high accessibility and/or walkability. As the council is well aware, areas outside of walkable catchments can offer greater levels of accessibility to jobs and other opportunities than locations within a walkable catchment. Waka Kotahi has mapped the region in terms of accessibility and can provide these maps to enable Council to identify the area with the highest levels of accessibility. Similarly improved levels of nuance and enabling of intensification should also be applied between walkable catchments. Areas such as Grafton, within the walkable catchment of the City Centre, a Metro Centre and a rail station should have to reach an even higher threshold than that applied to a standard walkable catchment. As a general point, Waka Kotahi is disappointed by the council's decision to use the 66% level of 'special character' that reflects	

		merely the "general presence of special character" rather than the "high quality" reflected by the 75% threshold. Waka Kotahi would encourage the council to significantly revise these thresholds to better balance the retention of areas they consider worthy of special character with the need to reduce emissions and enable development in accessible areas.	
4	Walkable catchments	In general, at this time, Waka Kotahi support the walking distances adopted by Council but will review other feedback when it is submitted on the draft proposal. We do suggest that the walkable catchment of the city centre could extend further and encourage the council to consider distances of 1500-1800m. In noting that walking distance is preferable to straight line measures, it is apparent that temporary restrictions on walkability are unnecessarily reducing development capacity in accessible locations. As it is a costly and complicated process to implement future plan changes to re-zone land following changes on the ground to pedestrian connections, it is preferable to implement longer term zoning decisions now. Examples of areas where the zoning should be adjusted include the east side of Sylvia Park and south of New Lynn. There are also small gaps between walkable catchments which should be up-zoned such as between Mt Albert and Avondale and Constellation and Sunnynook.	In conjunction with the centres review requested below, review each walkable catchment and expand to a logical area.
5	Centres	It appears that no assessment has been carried out as to the extent and future nature of centres. With the re-development of land for intensive uses around centres, it is likely that the role and scale of centres will evolve, and Council should proactively plan for this. It also appears that the walkable catchment of some smaller centres has been measured too narrowly as they have been measured from the edge of the centre zone rather than the	Carry out a review of the scale and distribution of centres across the urban area and the development controls which apply to them in conjunction with accessibility mapping. Increase development capacity within centres based on this review where relevant and measure walking distance from the edge of the practical future centre, not the current centre zone.

		practical current and future extent of centre. Examples of this include Mission Bay, Takapuna and Browns Bay. A review of the above issues combined with the accessibility mapping referred to above would address this issue and identify where zoning within and around centres should be expanded.	
6	Light rail	Waka Kotahi note that Auckland Light Rail and Council are in discussions around the project and its interaction with land use with the project inevitably leading to further up-zoning under the NPS-UD once its station locations are identified. These discussions are evolving and will continue separate to these comments. Regardless of these discussions and timing for when there is more certainty around station locations, the land within the Auckland Light Rail Corridor is highly accessible and ultimately it should be largely up-zoned around the Sandringham Road, Dominion Road and Mt Eden Road corridors. This will require a consequent review and significant reduction of the extent of qualifying matters such as the Special Character area in these areas.	Continue discussions with Auckland Light Rail and ultimately up-zone land within the walkable catchment of Mt Eden Road, Dominion Road and Sandringham Road to appropriate high-density zones which provide for a mix of uses. Review and substantially reduce the extent of special character controls in this area.
7	Other rapid transit corridors	Waka Kotahi note that as the Airport to Botany and Eastern Busway do not have confirmed station locations, their walking catchments cannot be mapped. It is however unclear at what point in the planning process the council intends to map, and up-zone, their walkable catchments. For the sake of public transparency and confidence, the council should clarify how and when land will be up-zoned in these locations.	Publish a timeline and process for carrying out up-zoning post station location confirmation.
8	Noise	As Waka Kotahi has previously identified with Council, noise from transport corridors, including state highways, can have an adverse effect on the health and amenity of surrounding sensitive activities. The management of such effects is a joint task for the infrastructure authority and the developer	Include an overlay which requires sensitive activities within 100m of a state highway to provide mitigation for noise effects in accordance with Waka Kotahi standards.

		of the land use. Such effects can also give rise to reverse sensitivity issues for infrastructure providers. The amendment act provides for 'related provisions' such as an overlay or similar provisions to require protection of future receivers where land is to be up-zoned. These provisions can be based upon the model provisions contained in the Waka Kotahi guidelines which are available online. This would have no effect on density enabled by the future plan change.	Do not use the presence of state highway noise to prevent up-zoning of land that would otherwise be re-zoned under the amendment act or NPS-UD.
9	Enabling a mix of uses as well as intensification	To achieve sustainable growth and successful Transit Orientated Development (TOD), the council should ensure that new areas of residential intensification also enable the establishment of new supporting non-residential uses such as cafes, doctors and dairies. These uses are fundamental in these areas to achieving a well-function urban environment. THAB is the only zone used within walkable catchments, but mixed use zone would give similar level of development while allowing for a mix of uses including additional business uses. The combination of increased height limits and a mix of uses may broaden market viability of development and give effect to NPS-UD intentions. This is consistent with the Auckland Plan which seeks to repurpose and intensify centres and business areas, especially those in accessible locations. Alternatively, the council should urgently consider revising the activity rules and tables in the THAB and mixed use zones to enable these activities with minimal to no consenting barriers. This relates to the centres point above and there may be a requirement for more commercially zoned land due to population increases, particularly in convenient areas like around Fruitvale, Sturges Road and Sunnyvale stations.	Apply a wider suite of zones, including mixed use zone, an amended THAB zone or a new Transit Orientated Development zone in walking catchments around stations.
10	Height around stations and centres	The current proposal is for a uniform maximum height limit of six stories in these locations but the NPS-UD requirement is to enable 'at least' six stories. There is an opportunity for greater height and development potential in some areas,	Increase development capacity, including height limits, in the most accessible locations and avoid a blanket six-story control.

		particularly in the most accessible locations and the most accessible parts of walkable catchments. The application of this approach could include a greater height limit in: • The most accessible walkable catchments, for instance those catchments within the 15 or 25 percent most accessible parts of Auckland e.g. Parnell • Areas which fall within more than one walkable catchment e.g. Grafton, Newton and Eden Terrace • The first 200-400m from a station or centre, reducing down to six stories in the outer portion of the catchment.	
11	THAB height	It is unclear from the engagement material released whether THAB within the walkable catchments (minimum 6 storeys) will have a different height than THAB elsewhere (generally 5 storeys). Waka Kotahi would support a general height limit of 6 storeys for all THAB whether inside or outside walkable catchments.	Amend the general height limit of the THAB zone to 6 storeys.
12	Industrial zones	Noting that 'Business land suitable for low density uses' is a qualifying matter, there are a limited number of locations where retaining such a zoning may not be appropriate due to the presence of centres and stations. It appears that council's proposal is to raise the height limit to six stories but not enable a greater mix of centre focused activities within these zones that would better support the rapid transit system and the up-zoned housing areas within the walkable catchment. Further, the change of use of such land is unlikely to make a material difference to the total amount of industrial land zoned and it would allow most existing commercial activities to continue while allowing for more intensive uses. Examples of these locations include Otahuhu and Sylvia Park.	Review existing industrial zoning in walkable catchments of stations and replace with mixed use zone where appropriate.
13	Significant infrastructure constraints	This qualifying matter is mentioned in the communications around the proposed changes, but no detail or extent has been provided.	Provide further information on the proposed approach to this qualifying matter and restrict use of zoning as a tool to implement it, particularly when in walkable catchments and highly accessible areas.

		Infrastructure provision is a factor to consider in integrated planning but should only be used to the extent necessary and generally not through the use of low-density zoning. As per point 1 above, as a first principle, land should be zoned for its desired form of development with qualifying matters addressed by other means such as overlays. If this qualifying matter relates to three waters, then it is likely that such constraints are temporary in nature and other methods are available to control the rate of development (e.g. control of connections to Watercare's network).	
14	Precincts	It is noted that the existing precincts are subject to further consideration. Many of these precincts contain triggers and assessments regarding transport upgrades and these should remain in place.	Involve Waka Kotahi in consideration of the approach to precincts Retain existing transport provisions in precincts.
15	Town centre heights	Some town centres indicate the removal of the special height overlay but the town centre zone doesn't have a height limit.	Include new height variation controls for town centres, such as Ellerslie, where special character and associated height controls are being removed.
16	Detailed points	There are a number of site-specific issues which have been identified on the planning maps and these should be assessed.	• Mangere East appears to have a high scoring for accessibility when it is located some distance from Middlemore Station • 51 sycamore Drive – spot zoning • Heights in and around Newmarket should be increased to the maximum possible under viewshafts. In particular the portion of the centre without view shafts should have its height variation control removed, as required by the NPS-UD. The council should also take the opportunity to increase the height variation control for the mixed use area between George Street and the Metro Centre to the maximum possible under the viewshafts, or to rezone it to Metropolitan Centre, to enable greater development and reflect its function as part of the Metro Centre.

From: Mary Wong <MaryW@barker.co.nz>
Sent: Monday, 9 May 2022 5:17 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Feedback on preliminary response - Viaduct Harbour Holdings Limited

Good afternoon

On behalf of Viaduct Harbour Holdings Limited, please find **attached** preliminary feedback for the NPS-UD.

Please contact us should you have any questions.

Ngā mihi | Kind regards

MARY WONG
Senior Associate
021 031 0291
MaryW@barker.co.nz

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

Kerikeri, Whangārei, Auckland,
Hamilton, Napier, Wellington,
Christchurch, Queenstown

barker.co.nz

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#7791

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)

[X] Yes [ ] No Name of organisation/business: Viaduct Harbour Holdings 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) Please see attached feedback.

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

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.

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.

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

- ☐ 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

You can also visit AK Have Your Say at akhaveyoursay.nz to find out about, or register to receive regular updates on, consultation activities happening across Auckland

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Barker & Associates
Auckland

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

#7791

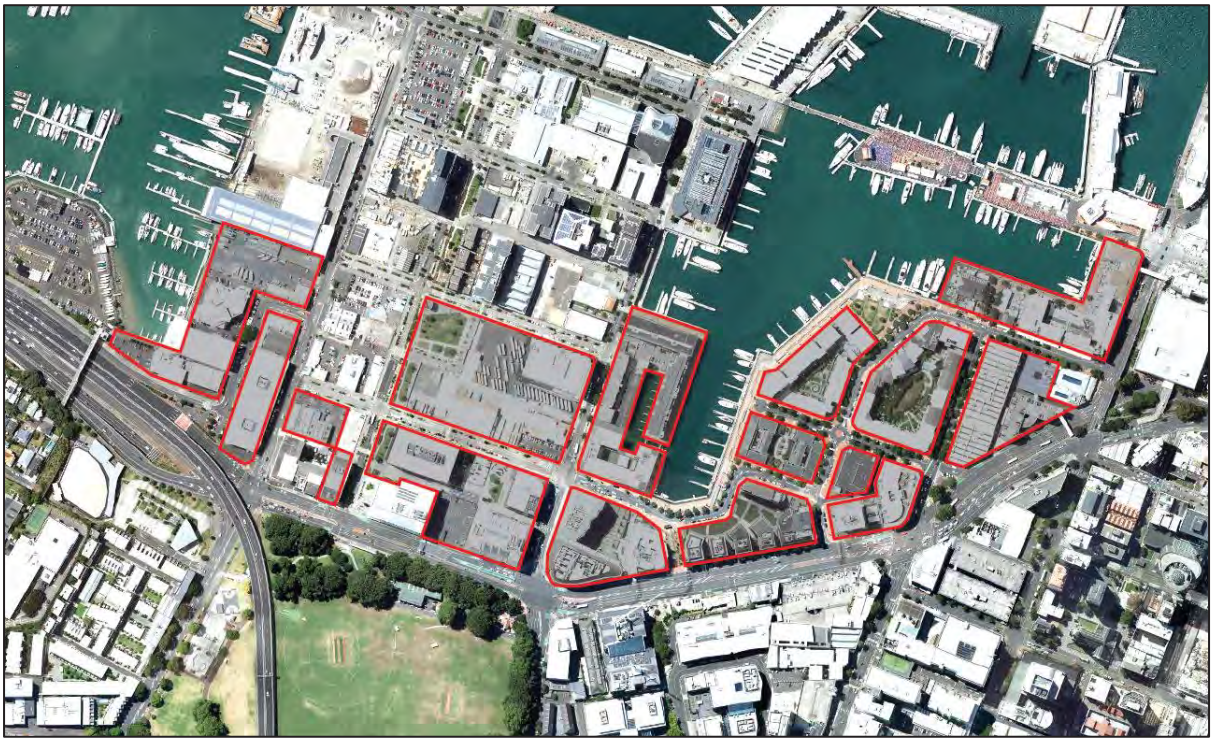
B&A Urban & Environmental

9 May 2022

Auckland Council
Via email: unitaryplan@aucklandcouncil.govt.nz

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

This feedback is provided on behalf of Viaduct Harbour Holdings Limited ("VHHL"). VHHL is a New Zealand owned property investment company with a long-term strategic focus on transforming landholdings. In Auckland's city centre, VHHL have significant landholdings as shown in the figure below totalling approximately 15 hectares of land. This landholding is zoned Business – City Centre under the Auckland Unitary Plan (Operative in part) ('AUP (OP)'), and is located within precincts pertaining to Wynyard Quarter and Viaduct Harbour.



VHHL provides the following feedback:

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 City Centre zone. These standards are considered to be unnecessarily complicated and overly restrictive for enabling intensification and development in the City Centre zone recognised as the top of the centres hierarchy and pivotal to

Auckland's present and future success. It is considered that the 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.

- Supports retention of the Special Height Controls for limiting building height for the protection of sunlight admission to public spaces (i.e. Aotea Square and Albert). Whilst VHHL supports intensification and to realise as much development capacity as possible to maximise benefits of intensification in accordance with Policy 3(a) of the NPS-UD, the amenity of these public spaces to enhance the vitality and vibrancy of these public spaces and liveability of the city centre is supported. Adequate sunlight admission to these public spaces should be provided to maintain a high level of amenity and contribute to a well-functioning urban environment.
- It is noted that the Council intends to maintain city centre precincts to manage area specific outcomes, including height and density. VHHL supports the retention of precincts to ensure specific place-based outcomes by way of the specific objectives and policies, particularly within the Wynyard and Viaduct Harbour Precincts, provided the overarching objective of Policy 3(a) is given effect to. It is noted that these precincts within the city centre contain specific standards restricting building height and GFA which have the consequential effect of significantly limiting opportunities for intensification and development capacity in a highly connected and desirable urban environment. In this respect, VHHL requests the Council applies the same approaches of removing building height and site intensity (GFA) standards within both the Wynyard and Viaduct Harbour Precincts of the city centre to give effect to Policy 3(a).

Volcanic Viewshafts

- VHHL also encourages Auckland Council to carry out 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. VHHL 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. This is because, while the volcanic cones may be subject to section 6, views of those cones from various parts of the city are not. If there is uncertainty, VHHL 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 could 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

- VHHL 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. VHHL encourages the Council to consider the appropriateness of infrastructure capacity as a qualifying matter and prioritise development in the city centre, other centres and along transport corridors 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. While infrastructure capacity can be addressed at future resource consent stages by requiring adequate infrastructure capacity be demonstrated with specific development proposals, VHHL considers that infrastructure should be included as a qualifying matter to appropriately reflect the prioritisation of development in centres and along corridors under the NPS:UD.

Auckland Light Rail

- VHHL notes that the 'Auckland Light Rail Corridor – Zoning under Investigation' management layer applies to the majority of the city centre zone, except for all the land to the west of Daldy Street in Wynyard Quarter. The reasons for this exclusion on the draft planning maps are unclear. It is understood that the Auckland Light Rail routes and specific locations of stops are unconfirmed. However, in the public information available a light rail station is proposed in vicinity of Wynyard Quarter with an underground tunnel passing through Wynyard Quarter too. As such, it would be appropriate to extend the 'Auckland Light Rail Corridor – Zoning under Investigation' management layer to encompass all the land west of Daldy Street for completeness.

Designations

- VHHL notes that designations have been included and identified on the draft planning maps as a qualifying matter. It is considered that 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. If intensification can be implemented without compromising the designation there is no reason why the IPI should prevent that occurring.

Nick Roberts, Barker & Associates Limited

(Person authorised to sign on behalf of Viaduct Harbour Holdings Limited)

#7791

B&A
Urban & Environmental

Address for Service

Barker & Associates Limited

PO Box 1986

Shortland Street

Auckland 1140

Attention: Nick Roberts

Phone: 029 666 8330

Email: nickr@barker.co.nz

From: Michael Campbell <michael@campbellbrown.co.nz>
Sent: Monday, 9 May 2022 5:19 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Jason Galea (jsg@masfengroup.co.nz) <jsg@masfengroup.co.nz>
Subject: Feedback on the proposed changes to the Unitary Plan to address the National Policy Statement: Urban Development and the Housing Enabling Act 2021 - Masfen Group

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

Level 1, 56 Brown Street, Ponsonby | PO Box 147001, Ponsonby, Auckland 1144

Cell 021 278 9018 | DDI - Ph 09 394 1696| Ph 09 378 4936 | michael@campbellbrown.co.nz | www.campbellbrown.co.nz

Campbell Brown

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FEEDBACK ON THE AUCKLAND COUNCIL'S CONSULTATION ON PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN TO ADDRESS THE NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT AND RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT 2021

To: Auckland Council

Name of submitter: Masfen Group

This submission provides feedback on the proposed changes to the Auckland Unitary Plan to address the National Policy Statement: Urban Development and the Housing Enabling Act 2021. In particular, this feedback relates to land located in and adjacent to a range of Local, Town, Metropolitan Centres and the City Centre.

The specific provisions addressed by this feedback are as follows:

a) Proposed Zoning and Heights

The submitter seeks to ensure that the following zonings and heights are enabled through the NPS:UD:

Table 1 - Proposed changes

Site / Area	Zoning	Height and FAR
3 Akoranga Drive	Amend to Business - Mixed Use Zone	Increase the permitted height to 8 storeys and include within an expanded walkable catchment of Northcote Local Centre and the Akoranga bus interchange.
Parnell Town Centre Zone	Retain Business - Town Centre Zone	Increase the permitted heights to 6 storeys in the Parnell Town Centre Zone to assist in revitalising and intensifying the Parnell Town Centre.
City Centre Zone	Retain Business - City Centre Zone	Support unlimited FAR and Height within the City Centre Zone including within the Karangahape Road precinct.
209-215 Kepa Road	Retain Business - Local Centre Zone	Increase the permitted heights to 8 storeys. The site is located on a ridge and is located on a regular transport route.
69 & 79 St Georges Bay Road	Retain Business - Mixed Use Zone	Increase the permitted heights to 8 storeys.
16 York Street	Retain Business - Mixed Use Zone	Increase the permitted heights to 8 storeys.
77 Broadway	Retain Business - Metropolitan Centre Zone	Support permitted height up to the height of volcanic viewshaft.
9-15 Davis Crescent	Retain Business - Mixed Use	Increase the permitted heights to 8 storeys.
28 Morrin Road	Amend to Business - Mixed Use	Seek zone change to Mixed Use with 6 storey height control.
12 Bowden Road	Seek Business - Mixed Use zone	Seek zone change to Mixed Use with 6 storey height control.
Unit 1, Harvey Norman Centre, Mt Wellington	Retain Business - Mixed Use Zone	Support change to 6 storeys.

The submitter has the following feedback in relation to the proposed changes:

a) In accordance with Policy 3(a) of the NPSUD, a number of Masfen's sites are located 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".*

b) Policy 3(b) of the NPS UD, states that sites within a Metropolitan Centre zone, like Newmarket, and should be provided with *"building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys".*

c) In accordance with Policy 3(c) of the NPS UD, the site should be provided within a least 6 Storeys being within an identified walkable catchment of the existing Local, Town and Metropolitan Centre zone or the City Centre Zone. However, given the scale of development in these areas, it is considered appropriate that additional height is enabled in the particular locations noted above.

d) The submitter notes that Policy 6(b) of the NPSUD 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."*

e) The central location of the identified sites lend themselves to policies that seek to locate higher intensity development within a close walk of the identified centres. These areas are accessed by rapid and frequent service networks. Parnell Train Station and Newmarket Train Stations are located within proximity to the centres, along with a wide range of bus network options. Owing to Parnell and Newmarket's location, these sites are highly connected by active transport modes (i.e. walking and cycling) as well as micro mobility to the City Centre. Other identified areas have excellent access to a wide range of amenities and enabling greater intensification will assist to support the identified centres.

f) In terms of height, the Significant Volcanic Viewshaft overlay, and the Museum View Plane will be retained to manage any Qualifying Matters. At the same time, there is an opportunity for greater bulk without significant detriment to surrounding sites – taking into consideration that the Business Centre Zones and the Mixed Use zones require design assessment of all new buildings and the standards that apply to buildings and activities within the zone.

g) The identified areas are demonstrably-attractive to both residential and business activities. This is evidenced by extensive ground floor retail, commercial, business and food activities that all presently operate within the surrounding areas, as well as extensive residential activities above ground floor levels.

h) Building heights need to provide for ceiling heights that enable a range of such 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 26 metres for 6 storey buildings (including two metres for roof form) and 33 metres for 8 storey buildings and 41m for 10 storey buildings. The provision of greater development flexibility through additional

height will, in our view, enable greater efficiency in development to maximise opportunities for intensification consistent with the overall purpose of the NPSUD.

i) As outlined earlier, it is appropriate that strategic locations such as the identified centres and land within a walkable catchment of these the centres like the City Centre, Parnell, Newmarket enable meaningful intensification commensurate with their accessibility to services, amenities and transportation options.

Overall, the submitter's concerns would be addressed if the Unitary Plan was amended in the following way:

a) That the proposed zoning and height identified in Table 1 above are adopted into the changes to the AUP, to give better effect to the NPS:UD;
b) That the Unitary Plan City Centre Zone provisions are amended in a manner consistent with Council's proposed changes as-mandated by Policy 3(a) of the NPSUD, to remove the Height, FAR and Bonus GFA controls; and
c) 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 Masfen Group Limited as its duly authorised agent.

Date: 9 May 2022

Address for service of submitter:

Masfen Group
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: Christine Caughey
Sent: Monday, 9 May 2022 5:19 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Submission to the AUP proposed changes

We hereby lodge this submission on behalf of the Seaview Road Residents Group to the proposed changes to the Auckland Unitary Plan.

Kind regards

Seaview Road Residents Group

To Auckland Council
Unitary Plan
Email: unitaryplan@aucklandcouncil.govt.nz

From Seaview Road Residents Group

Submission to changes proposed to the Auckland Unitary Plan
Introduction:

The Seaview Road Residents Group was formed 40 years ago to protect the character homes and spacious, treed qualities of this unique street. Successive councils and heritage professionals have identified and provided for the protection of the special character of the Seaview Road across the decades.

The proposed changes will cause the loss of one of Auckland's and Remuera's most beautiful streets. Seaview Road is an outstanding representation of the blend of built and natural character that is vanishing in our city. It has an aspect and ambiance of character that few streets share. It has mature trees and a vibrant bird life. Local residents have worked hard over years to protect the architectural and natural qualities of this street and continue to do so. This includes both the active improvements to and maintenance of homes to a very high standard in keeping with special character overlay requirements, and the active protection of the natural environment with including pest control which supports an increasing bird life.

Submission in opposition:

The Seaview Road Residents Group opposes the proposed removal of the Special Character Overlay over the entire street.

It also opposes the rezoning of more than one third of the street to enable higher density, greater building height and building form that is likely to be unsympathetic to the existing. All such changes would undermine the integrity of the built form and character of the entire street and create precedent. It would threaten what are substantial, high quality spacious homes and properties where the natural environment is nurtured. It makes no sense to divide off a section of the street for higher density development.

There is inadequate infrastructure for increased density in this area. Hobson Bay is heavily polluted as receiving waters for wastewater infrastructure under the present densities.

The changes are unsustainable and will add significantly to the carbon footprint of Auckland.

Seaview Road is outside the proposed walkable transport catchment of Newmarket.

The changes are a blunt instrument that have not been justified to apply to Seaview Road.

Auckland needs to grow and to maintain a diversity of residential areas as a point of difference and attractiveness. The big picture of change has not been addressed. Those global cities that are most enjoyable to visit retain their high-quality residential character areas, such as Seaview Road, as part of a tapestry and diversity of living.

Demolishing high quality special character housing does not meet the goals of sustainable development. It would lead to massive waste in landfills and displacement of significant numbers of people that is not necessary.

The Seaview Road Residents Group seeks the re-instatement of its Special Character Overlay and the reinstatement over the entire street of the two-storey single dwelling residential zone.

We wish to be heard in support of this submission.

Sue Haigh *Christine Caughey*

Sue Haigh and Christine Caughey
on behalf of the Seaview Road Residents Group

9 May 2022

From: Luke Niue <parnellpcc@gmail.com>
Sent: Monday, May 9, 2022 3:04 PM
To: John Duguid <John.Duguid@aucklandcouncil.govt.nz>; Megan Tyler <Megan.Tyler@aucklandcouncil.govt.nz>
Cc: Richard Northey (Waitemata Local Board) <richard.northey@aucklandcouncil.govt.nz>; Alexandra Bonham (Waitemata Local Board) <alexandra.bonham@aucklandcouncil.govt.nz>; Councillor Desley Simpson <Desley.Simpson@aucklandcouncil.govt.nz>
Subject: PCC submission - NPS-UD and MDRS

Dear All,

Please see attached.

Regards,

Luke

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Parnell Community Committee Inc

Feedback on Council's proposals for the NPS-UD.

Parnell Community Committee - May 2022

Prepared by J Goulding BTP MNZPI in association with Luke Niue, Chair and spokesperson for Parnell Community Committee. Parnell is a stakeholder for community consultation.

Specific points of concern in this feedback

I. This feedback challenges the basis of removing parts of the special character areas in Parnell from qualifying matters under the NPS-UD.
II. This feedback opposes the 1200m walkable catchment nominated for the city centre- which appears expedient to capture more properties within special character areas for upzoning to six storeys, without basis, without walkability to any logical destination, without examining the extent of the city centre zone.
III. It identifies flaws in the process, looseness in interpretation and inaccuracies by Council, and sets out that Council is avoiding recognising values at the heart of community, overvalues the city centre and does not provide any innovative way of achieving the directives in the NPS-UD. One such innovation was identified by Parnell Community Committee in 2012 whereby underutilised areas of road resource could be used for building sites.

Further to the above three matters

1. The feedback challenges the basis for these changes in view of re-evaluation of the way people live and work since the covid 19 Pandemic.
2. The feedback challenges the quantifying of walkable catchments and on what basis these catchments have been derived. It opposes the 1200m walkable catchment nominated from the city centre edge. There is no reason for a catchment greater than the 800m nominated for train stations and metropolitan centres- particularly in view of the size and spatial extent of the city centre zone which makes walking to destinations within the city much further.
3. On the basis of a disputed walkable catchment from the city centre (edge), all of the upzoning to 6 storeys on the eastern side of Parnell from and including St Stephens Avenue between Crescent Road and Takutai St is opposed.

4. The feedback opposes the intensification of the special character overlay areas from and including St Stephens Avenue east between Crescent Road and Takutai Street and Awatea Road, on the basis that these are high quality areas of special character as a collective, and trying to eliminate individual properties from the rhythm of St Stephens Avenue, in particular is, without basis. .The feedback specifically challenges the conclusions reached for special character on St Stephens Avenue and Awatea Road, the upzoning of the Queen Victoria land which is covered by a heritage place categorisation. These matters are strongly considered to be qualifying matters to the government directive set out in the NPS-UD.
5. The feedback challenges the new survey tool Council has used to alter existing litigated special character overlays and low-density zoning. Conclusions based on this new methodology are inconsistent, and impractical in specific cases which can be exemplified and some are below. The use of existing AUP assessment criteria and the tabulating of resource consents which have met those criteria is considered to be a stronger form of endorsement of the special character than a desktop or individual property survey. Scores and percentages used in these property surveys also have no robust basis. The evidential base for retaining the special character areas should be the AUP hearings evidence and reports and not new untested criteria.
6. This feedback identifies infrastructure constraints in realising the 6 storey upzoning in historic suburbs. This should influence the decisions being made.

Elaboration on identified points of concern

Council's approach to implementing the government directive under the NPS-UD

The following quotation from Our Auckland sets out the Planning Committee's recommendation in regard to Council's implementation of the NPS-UD, the need for special character areas to be a qualifying matter to the government directives and the quoted comments from Councillor Darby reinforce the importance of special character for Auckland.

The policy approaches endorsed by the Planning Committee for further work include:

- *a 15-minute walkable catchment around the city centre (around 1200 metre) and a 10-minute walkable catchment around the 10 metropolitan centres (around 800 metres).*
- *a 10-minute walkable catchment around existing and planned rapid transit stops (around 800 metres).*
- *the 'qualifying matters' for Auckland that may modify (or reduce) the NPS-UD directives for building heights of at least 6-storeys on the basis it's supported by robust evidence.*
- *retain special character areas of high-quality within walkable catchments as a qualifying matter with the existing Auckland Unitary Plan zoning of mostly two storeys.*
- *in instances, where retaining the current special character zoning significantly impacts the development capacity required by the NPS-UD, further assessments will be completed to enable buildings of at least 6-storeys in some parts of the special character areas.*

- *in places where character is of medium or low quality enable buildings of at least 6-storeys unless another qualifying matter applies.*
- *where historic heritage is identified within the special character areas progress a plan change to protect it under the Auckland Unitary Plan.*
- *include new policies on reducing greenhouse gas emissions in the Auckland Unitary Plan.*
- *develop new criteria for responding to private proposals for significant developments based on key topics, including scale, location, proximity to public transport and the availability and funding of infrastructure.*

- *"The character homes of older residential suburbs are important to Auckland's overall identity and are one of the physical representations of what makes our city unique," says Councillor Darby.*
- *"Aucklanders are proud of it, and we know that if they disappear, they can't be replaced. It is possible to provide for new homes while preserving the value of our character areas in the same way as cities like Sydney and London. But we need to approach this carefully with a thorough evidence-based analysis which is now underway.*

2 july 2021 as reported in Our Auckland

The proposed changes in response to NPS-UD actually turn on their head single house zoning that has characterised Parnell ever since city plans were in place and no individual consultation has occurred with owners. Very few of our affected community are aware of this change and as they are, there is incredulity at the significance for many landowners. Therefore, PCC takes seriously this feedback process to enable articulation of what is becoming clear as an across the board view held by our community.

The feedback form the Council has asked to be completed is inappropriate as it does not allow full and free feedback. Accordingly Parnell Community Committee is submitting detailed feedback so that the process going forward can generate robust analysis and decision-making.

Values of Parnell special character areas as a whole should be acknowledged as a qualifying matter with the existing Unitary Plan zoning.

NPS-UD was released in 2020 prior to the coronavirus pandemic impacting on the world. The effects of the pandemic have raised questions on the desirability of living in high rise environments, the importance of trees and green spaces, and ability to have recreation opportunities within walking distance from homes. The pandemic has also resulted in information that people value local shops, access to supermarkets and flexibility to work from home and access wilderness/ natural spaces.(15 minute city- or 5 minute hamlet movement). Council's own research as reported in NZ Herald 3/5/22 indicates the city centre is losing its pull of desirability for workplace and homes. This is not taken into account in the provisions of the NPS-UD. Should the Council be implementing this Standard without renewed pushback as a result of new information, new circumstances, new lifestyle choices? What open space or tree planting is Council proposing alongside any up zoning to lure new residents into 6 storey buildings? It is also unclear whether Council has assessed the value

that the special character areas – in particular Isthmus B zones provide to the wellbeing of the city residents. Auckland certainly needs the last of the mature trees remaining close to the city, and open, spacious streets with tree cover. In re-evaluating the special character areas, which were robustly and evidentially based when the AUP provisions were adopted, it is unclear whether any more robust analysis has occurred or whether just a different set of criteria (untested through the litigation process) has been expediently chosen.

It is very clear in looking at changes proposed in the Council's maps that there are anomalies and errors and conflicts with the zoning of individual properties and that some of the capacity identified is unlikely to be achieved because of existing multi ownership, and new houses occupying identified 6 storey sites. It is very clear that amenity will be downgraded in special parts of Parnell and no one should justify this as a necessary change. The NPS statement on new amenity should not be used to endorse reduction in quality urban amenity.

As Phil Goff said in relation to the creep of the Port into the harbour "not one metre more". This is true of Parnell historic character areas which are constantly being chipped away at and lost to development. Communities need to have faith in rules being upheld and stood by rather than intensification being at the expense of an iconic part of Auckland which is a tourist attraction, because of its history, and houses much of Auckland's built historic heritage and special character as well as natural and cultural heritage. The special character areas across Parnell are worthy of being held together as a coherent story rather than reduced to pockets.

The retention of St Stephens Avenue from Parnell school to Crescent Road as single house special character is strongly defended as a qualifying matter. (Parnell School field should be zoned recreation in recognition of the use of this community field and that it will be essential as the city grows.(submission to this effect was made by Parnell Communcity Committee on AUP)).

The retention of all of Awatea Road as a coherent street of character is strongly defended as a qualifying matter.

Apart from having a conversation about removal of the Laurie Avenue area and Takutai Street /Tohanga Ave from special character, all of the other special character areas of Parnell should be a qualifying matter in the Council's response to the NPS-UD.

The distances proposed for walkable catchments are questioned – particularly in relation to the city centre- the 1200m catchment is strongly opposed.

The NPS-UD is non-specific as to what a walkable catchment is. Council has released policy positions identifying a tiered system of walkable catchments as 1200m from the city centre and 800m from a metropolitan centre, 400m from a large town centre and 200m from a small town centre. It also sets out walking distances to rapid transit stations (800m). It is noted that the online map explanation refers to city centre, yet the feedback form refers to city centre edge. The NPS-UD refers to city centre zone edge. None of this has been made clear and many in Parnell have assumed the city centre means Queen St. Council's information and consultation based upon it is not acceptable.

These walkable catchment distances and locations are arbitrary and may not account for topography or the willingness of people to walk hilly topography- this is true of access to Parnell train station, which is steep from Parnell Road . There is no rationale behind the city centre requiring a larger

walkable catchment distance. The heart of the city is actually significantly further than the 1200m to the city fringe. Perhaps the city should have the shortest walkable distance to it (400m?) as the best means to gaining and encouraging access and preserving identity of neighbouring residential areas. In hilly Parnell, 1200m to the city centre edge is not a purposeful walk. Most walkable destinations in the community are a 5-10minute walk away. People at the bottom of Takutai St are unlikely to walk up the hill to Newmarket(about 1500m away, the Parnell train station, about 1500m or the city fringe 1200m.) In any event there is no reason the walkable catchment should be greater than 800m.

1200m walkable catchment from the edge of the city centre effectively expands the city centre into the heritage suburbs because the oldest and most characterful suburbs are closest to the city centre. They are also generally hilly. The 1200m walkable catchment measure imposes the greatest impact- both on traditional built forms, streetscape and ageing infrastructure. It allows city creep and a destruction of 'local'. It appears the 1200m has conveniently included a number of new properties on the eastern side of Parnell which would not fall within an 800m catchment. In Parnell's case, the suburb is unique and a historic asset for Auckland. This suburb is the oldest suburb in New Zealand and is arguably the only suburb in Auckland that is in the Council's walkable catchment distance from the city centre edge, a metropolitan centre (Newmarket), its own local town centre and a railway station. Consequently, most areas of the suburb are affected by the Council's proposals. The cumulatve overlap and effect of these walkable catchment definitions is to impose a disproportionate burden of retrofitted change in intensification that will eliminate Parnell's identity and morph it into the city centre and metropolitan centre. Parnell's history and special character has been well articulated and litigated through the Unitary Plan and the identified special character areas should remain as legible entities as per the AUP and be qualifying matters to the NPS-UD. The ageing infrastructure is also a qualifying matter.

This feedback challenges the walkable catchments and the distances they are based on.

The 1200m catchment, particularly needs re-examination. It is actually about an hour to walk from Gladstone Road (Parnell school)to the Sky Tower, and about 35-40minutes, to the Post Office and Ferry buildings. It is up to 15minutes to the railway lines and Port but increasing intensity on the basis of a walk to these areas is baseless. Walkable catchments should relate to destinations- like the train station, the university, workplaces such as the downtown office areas around Queen Street, Shortland St, across to the Viaduct and Wynyard Quarter. Queen Street as a traditional shopping street is also a destination. These are all double to four times the distance of the 1200m walkable catchment definition Council is using. We note Wellington is using time as a basis for its catchment because the city is hilly. But Auckland's city centre zone is vast and too big to be defining walkable from 'the edge'. Walkable should be relative to the heart of the city. If the NPS refers to the edge of the city centre zone- this needs particular rigour to re-evaluate the city centre zone- which comprises a number of very disparate precincts with differing provisions within the AUP for the city centre- they are not all the same. This feedback requests Council re-evaluate what constitutes the city centre zone. (noting that the explanation for the Council's response shown on the draft maps does not refer to the 'edge' of the city centre and this is mischievous- given people's understanding of the city centre is typically the CBD, not K Road or The Strand.)This city centre zone seems to be the result of the central area that evolved from the old planning regime. Quay Park precinct is shown within the city centre edge, as is the Port, which does not provide for residential. Neither of these precincts are considered city centre, they have their own planning provisions. Nor are they

attractions for people to walk from Parnell. The Port land should specifically be evaluated for future residential opportunities to meet the NPS-UD, given the Port has been tagged as requiring relocating or functions redistributed (Port Future Study, Upper North Island Freight Study). Port land could also provide much needed parkland to serve the increasing intensification. The Ngati Whatua o Orakei land at the city edge and building over the rail corridor can also be re-evaluated for future intensification.

While the city centre zone description needs assessment, so the 1200m distance itself needs review- there is no justification for a longer walk to the city edge than to the Metropolitan centres, when there are no amenities to go to at the city centre edge. (Vector Arena is the first destination from Parnell and people park near the Rose Gardens and Gladstone tennis club and walk the 800-1000m from there. Vector would be well over 1200m and a 25-30minute walk from most of eastern Parnell.)

While the rationale behind the nominated distances for the walkable catchments should be consistent, and these catchments better thought out, some of these nominated walkable distances seem to be exceeded or questionable in Council's response maps to the NPS-UD and MDRS.

Some of the residentially zoned sites to the east side of Parnell appear to fail the walkable catchment test. (Takutai St) While 1200m is disputed as an excessive figure to the city centre edge, this part of Parnell is more than 1200m from a walk to the Strand. The Strand is at the edge of the city centre zone but delineates a transport network defined by SH16 and the railway tracks leading into Britomart station some 800m further away. The container Port- port precinct (76 ha at the eastern end of the city centre) should not be considered to be part of the city centre. The Port would be within 1200m of eastern Parnell at the Crescent Road end of St Stephens Avenue. None of the eastern area is within 800m to Newmarket but part of the area 400m to the local town centre. None of the area is 800m from the Parnell Train Station.

Has Council used a 1200m distance because it captures more new intensification or has it used the figure based on sound walking reasoning? 1200m is too far on hilly terrain.1200m is too far based on a large city zone footprint. The city centre itself is not within realistic walking distance from most of Parnell.

This feedback challenges removal of special character status particularly on eastern Parnell and questions how this came about.

The eastern areas has, for the most part, under the AUP been assessed as having special character – particularly in landscape and spacious qualities. It provided the early merchant housing and stately homes for the professions in the early 1900s and the late 1920 period. This fabric remains as a defining point of this part of Parnell, when compared to the small working class cottages on Brighton Road, and west of Gladstone Road at Stratford, Avon, Alberon, Stanwell streets and also Gibraltar Cres. Cracroft St were the brick Victorian terraces of elegance near the old Exchange Tavern and Windsor Hotel- original pubs for the area around Parnell Road. It is questioned why new criteria are applied to re-assess these properties, when the criteria under the AUP has been litigated extensively and adopted. Properties have been developed in accordance with robust resource consent procedures measuring the architectural and landscape qualities of the proposal. This is more robust than a tick or cross, positive, neutral street or desktop survey as was conducted for the purposes of re-assessing the special character areas. The Isthmus B properties are the ones that seem to have been affected most by the proposed changes and it is questioned whether the re-assessment has been an arbitrary change based on new criteria not open to public scrutiny.

In this special character area in eastern Parnell- generally Isthmus B special character overlay, the subdivision pattern and buildings have existed for between 85 years (merchant housing)and over 100 years.(St Stephens Ave). Some specific periods of historic housing are also represented (Awatea Rd – merchant housing). St Stephens Ave from Parnell school to Judge St has examples of historic houses and some single modern homes- all having a cohesive height and spaciousness within a treed environment. The street trees or mature trees within private properties and wide verges define the avenue and the houses are set back from the streets enhancing the garden streetscape, which effectively provides a defacto street park scene. St Stephens Avenue provides a recreational walking/running route to the waterfront, Judges Bay and Parnell Baths, and is a much loved street and feature of Auckland for the character and qualities that are not found readily elsewhere. In lockdown, St Stephens Avenue was a magnet for families walking to get some fresh air. amenity and recreation. To split up this Avenue into artificial blocks is a crude tool to enforce an upzoning, when this area has been well litigated for its values and character contributions to Auckland. This upzoning is in conflict with D18.2 Objectives (2) and (3)In particular the upzoning of the blocks between 65 St Stephens Ave and Crescent Road is questioned. This area has some old historic houses which contribute to Parnell's history(e.g on the corner of Awatea Road and St Stephens Ave no 95 St Stephens Ave) as well as modern architectural buildings (107 and 100)which are recent (have been consented based on their compliance with special character overlay rules) and will not be likely to transform into high intensity housing- e.g. the two large new buildings one lot north of the Crescent Road intersection, (103-107 St Stephens Ave) and the two architectural buildings opposite (,98,100) all zoned 6 storeys but actually one to two storey homes built recently (less than 5 years old- and two approx. 25 years old.) Behind these properties on Glanville Tce are a row of substantial modern houses built last year and up to 20 years ago but highly unlikely to constitute brownfield development opportunities given the money invested in them.

The reduction of the special character area to small pockets will make these pockets vulnerable and illegible if large building blocks are established adjacent. The specific qualifying matters in pockets- like the one on Takutai St are hard to justify compared to the elimination of character villas like on the corner of Lichfield and St Stephens (71-3 St Stephens as shown in the below photographs))which logically should be included with the qualifying matters to the south (65,63,61,59,57 St Stephens Ave). The two other properties in this stretch of St Stephens Ave (between Takutai and Lichfield) also should be taken out of the six storey basket because one (67 St Stephens) is small with a difficult shape and is owned and reabsorbed into the property at 65 St Stephens Ave, and shares the same driveway; while 69 St Stephens Ave is in three different ownerships and difficult to develop. The lower two photos show properties that are nominated as qualifying matters- how were these selected except to bloster the size of the protected group of housing- whereas there are worthy properties left out as discussed.

Council's property survey has not picked any of this up or the properties would not have been upzoned. Six storey buildings at 67,69.71 St Stephens Ave will also take away the sunlight to the new award winning architectural home at 12 Glanville Tce.

The community would better be able to conduct a desktop or street survey and identify the qualifying matters- this would be true consultation than this imposition of unsatisfactory outcomes.

Photo of 95 St Stephens Ave- a well documented character villa displaying the qualities of the special character overlay- now zoned 6 storeys.

Opposite 95 St Stephens Ave

Photo of 98-100 St Stephens Ave- modern one-two storey homes which are now upzoned to 6 storeys. The likelihood of achieving this intensification is challenged based on the recent built form.

Photo of 103-107 St Stephens Avenue showing a building finished twelve months ago and both sites unlikely to achieve 6 storeys in the foreseeable future.

The neighbouring properties to the rear on Glanville Tce are also recent buildings and unlikely to change in the foreseeable future making the 6 storey zoning questionable.

#7794

Photos of 73 St Stephens Ave- corner view at Lichfield Rd and second photo frontage to St Stephens Ave- and 81 St Stephens Ave.

Why are these properties not part of the qualifying matters?. There are difficulties in understanding survey consistencies- the survey seems to penalise ‘high walls’ yet has included ‘high walls’. Garden walls have always been a feature of St Stephens Ave and provide a human scale compared to a 6 storey building.

#7794

No 2 Takutai St and the next photo are included as qualifying matters- which seems contrary to the quality of the other properties not included, as discussed.

Council's proposed changes to special character, have the potential to create artificial 'old towns' within high density environments- making the older special Character areas meaningless and devoid from relationship with the historic pattern of subdivision and settlement which is a feature of Parnell. This subdivision pattern is still intact.

It is requested that all of St Stephens Avenue from Parnell school to Judge St nominated in Council's proposal as not a qualifying matter, be changed to be included as a qualifying matter so that St Stephens Avenue from Parnell school north can be a legible avenue of special character and high quality residential family homes, with mature trees and landscape qualities important for the wellbeing of inhabitants as the city intensifies. It is requested that all of Awatea Road, from Glanville Tce to the end be a qualifying matter as to split the street into different zonings on different sides of the road will destroy the history of the street, its harmony and scale.

The remainder of the eastern area has mostly already been zoned for medium density, with a THAB area from Crescent Road and Bridgewater Road.

Thus the provisions of the MDRS are essentially taken into account. Increasing height within the existing THAB zone also responds to the NPS-UD.

The Queen Victoria school site (historic heritage extent of place) is now being upzoned despite being a historic heritage place and disputable as to whether it falls within a walkable catchment the Council has identified. This site was litigated under the AUP and zoned for medium density – a much better fit within the adjoining and surrounding special character streets. Blocks of 6 storey buildings will be visible from Hobson Bay and will be on the ridge of St Stephens Avenue, completely changing the legibility of Auckland's first suburb, the rhythm of rooflines within the topography and the treed canopy which defines this ridge from the waterfront., This change is applying a blanket approach, without basis, to individual properties without a robust evaluation of walking distances specified or without the robust critiquing of new criteria for special character evaluation. Queen Victoria school has a substantial heritage building and the entire site is a historic heritage place. The NPS is subject to historic heritage so there is a fundamental error in upzoning this property. It will be unachievable if the heritage category is enforced.

Queen Victoria school should be zoned medium density (3 storeys) to acknowledge existing zoning and respect the size and scale of the heritage building.

Suggested upzoning to achieve the NPS-UD without changing the special character areas proposed.

There are logical streets for upzoning in Parnell

The inclusion of Taurarua Tce in the Councils proposed response to the NPS-UD is a matter the community is considering. Taurarua Tce is not a qualifying matter in the Council proposals and PCC acknowledges this is based on its mixed housing characteristics. It is also on a slope- with properties falling away into the Taurarua valley to enable absorption of built form within the topography.

The medium density zoning of Takutai /Tohunga is also seen as allowing densification within a valley and is applied to an area of mixed housing types.

St Georges Bay Road is accepted for upzoning because it is an intensive street of mixed housing character and quality, right on the edge of Parnell town centre and the mixed use zone of lower St Georges Bay Road. It is already a mixture of housing intensities.

The mixed use zone of lower St George Bay itself can absorb another storey of residential development far more readily as it is in a valley (reclaimed St Georges Bay), and residential zones adjacent will largely be unaffected, provided there is a setback at the interface to the special

character areas, or retention of the 6m height closest to special character sites.. This extra storey of height in lower St Georges Bay Road could eliminate the need for the St Stephens Ave sites to be upzoned. Similarly, those sites in the lower part of Crescent Road bordering Hobson Bay are noted as possibly being able to absorb the proposed upzoning because up to three storeys will be hidden by the topography. However streets should also be legible with intensification being graduated.

Another way of achieving the desired intensification is to review the Parnell town centre.

In terms of the Parnell town centre, special character area, there is greater justification for this town centre to have heights of 4 storeys than 3 storeys, (as the impact of this is known from the developments at the top of Parnell Road)and 5 -6 storeys on the western side, (high buildings already exist)provided the listed historic heritage buildings are retained and protected and provided Parnell village is recognised as having special character with the 3 storey height limit retained. The map in the special character overlay should be retained and the overlay applied but the heights should be reviewed to assist in meeting the NPS-UD so that other areas of special character in Parnell can remain a qualifying matter. These protections will retain the character buildings. The rest of Parnell Road may evolve to higher intensity given the mixed characteristics of the remaining building stock and the high heights permitted all around. It would be preferable for the identity of Parnell if Parnell town centre absorbed some residential upscaling rather than decimate special character single house streets like St Stephens Ave and Awatea Road, that are cohesive, have had low density zoning for as long as planning has been in place in Auckland and make a larger contribution to the special characteristics of Parnell.

Tomorrow Parnell identified the potential that underutilised streets had for building blocks or pocket parks. This should be evaluated as an innovative response to the NPS-UD. The Augustus St frontage to Parnell Road was specifically showcased in *Tomorrow Parnell*. This sort of opportunity places potentially less burden on established character.

Parnell has already upzoned significantly and is continuing to do so under existing AUP rules without further intensification being enabled.

Parnell has over time absorbed a large amount of intensification and should not be further targeted to reduce existing values in a blunt instrument. Parnell contributes significantly to the variety of housing, workplaces and entertainment close to the city. Since the AUP zoning, Parnell is the subject of several intensification projects- Augustus Apartments on The Strand (new upzoning), apartments on Churton St, The Foundation retirement village on Parnell Road, a resource consent granted for offices and residential on Churton St, a 4 storey apartment building on Parnell Road, Summerset village- 8 multi-level buildings at Cheshire St, another apartment block at Cheshire St, an application is lodged for a six storey apartment block at 1 St Stephens Ave. This shows that Parnell is already contributing to intensification of the city. There is further brown fields land available but not yet developed (State housing site, ASB site).

Parnell infrastructure is old and costs are significant on development to upgrade this infrastructure of pay for its renewal. In heavy rain contaminated stormwater flows into Judges Bay. Infrastructural constraints should have cautioned increasing intensity in this area.

Conclusions

This feedback is based on sound knowledge of the Parnell area. It is based on evidence given and positions taken under the AUP. The protection of existing special character areas that have been supported evidentially by Council, as identified in this feedback will be strenuously defended.

Parnell has been upzoned significantly and specifically in the AUP. The special character areas of the city and New Zealand's first suburb have been litigated and now protected. This ill- thought response to the government directive to remove much of them is without robust analysis or basis. Specifically the walkable catchment identified from the city centre edge is too large and targets special character areas, without justification? The area from St Stephens Avenue to Lichfield Road between Crescent Road and Takutai Street should be retained as a special character qualifying matter as should the Queen Victoria school property (already zoned to meet MDRS but with a historic heritage place categorisation.

There are robust reasons for retention of the special character areas in Parnell and minimising any further retrofitting of intensification into this suburb. Infrastructural constraints should also have been articulated.

The proposed Council response to the government directive is therefore rejected on behalf of this community. The definition of walkable catchment is nominated as being from the city centre in the explanation to the Plans, yet the feedback form nominates city centre zone edge. Is this a deliberate gloss over of the impact the walkable catchment has?This misleading information Council is consulting on is highlighted as misrepresenting the outcomes of the proposals put forward. So too is Council's property survey challenged as not robust or expert in assessing the overall values of individual properties and the contribution of whole streets of character and amenity, like St Stephens Ave (Takutai to Point Resolution.)

The Planning Committee should review its walkable catchments to achieve its commitment to retaining special character in the city's oldest suburbs for the benefit of Auckland.

Luke Niue for and behalf of

Parnell Community Committee (Inc)

9-04-22.

From: Mary Wong <MaryW@barker.co.nz>
Sent: Monday, 9 May 2022 5:27 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Feedback on preliminary response - Tram Lease Limited

Good afternoon

On behalf of Tram Lease Limited, please find **attached two separate** preliminary feedback for the NPS-UD.

Please contact us should you have any questions.

Ngā mihi | Kind regards

MARY WONG
Senior Associate
021 031 0291
MaryW@barker.co.nz

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

Kerikeri, Whangārei, Auckland,
Hamilton, Napier, Wellington,
Christchurch, Queenstown

barker.co.nz

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#7796

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: Tram Lease 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) Please see attached feedback.

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

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.

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.

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

- ☐ 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

You can also visit AK Have Your Say at akhaveyoursay.nz to find out about, or register to receive regular updates on, consultation activities happening across Auckland

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Barker & Associates
Auckland

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

#7796

B&A Urban & Environmental

9 May 2022

Auckland Council
Via email: unitaryplan@aucklandcouncil.govt.nz

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

Introduction

This feedback is provided on behalf of Tram Lease Limited ("Tram Lease"), a privately held property investment group with a property portfolio spanning some 28 hectares located predominantly in Auckland on key transport routes. Tram Lease has a significant property portfolio based mainly in the upper North Island with a diverse range of site sizes and development scale. In Auckland, properties are generally on key transport nodes, well positioned to accommodate high density and mixed use development as the city grows.

Tram Lease own the majority of the block of land on the eastern side of Broadway from Remuera Road through to Mahuru St in, Newmarket ('the Sites'). Under the Auckland Unitary Plan (Operative in part) ('AUP (OP)'), the sites are zoned Business – Metropolitan Centre Zone, and are 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 Sites to 21m-32m.

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 sites are located within 500m of the Newmarket Train Station and are generally across the road from the Westfield Newmarket Shopping Centre; both of which are 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 are relevant to the Sites, 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:

- Tram Lease 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.

- Tram Lease also encourages Auckland Council to carry out a wider review how volcanic viewshaft provisions have been assessed and whether they are a matter of national importance under section 6 of the RMA. Tram Lease 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. This is because, while the volcanic cones may be subject to section 6, views of those cones from various parts of the city are not. If there is uncertainty, Tram Lease 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.

- 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, Tram Lease consider it would be appropriate for Auckland Council to identify and examine other options that enable development on these Sites and the Newmarket Metropolitan Centre.

- In relation to the 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

Tram Lease note that the Newmarket Metropolitan Centre is extremely 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. Tram Lease 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 Sites 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.

Nick Roberts, Barker & Associates Limited

(Person authorised to sign on behalf of Tram Lease Limited)

Address for Service

Barker & Associates Limited

PO Box 1986

Shortland Street

Auckland 1140

Attention: Nick Roberts

Phone: 029 666 8330

Email: nickr@barker.co.nz

From: Logan Rainey <Logan@propertynz.co.nz>
Sent: Monday, 9 May 2022 5:28 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: PCNZ Submission on the Government's New Housing Rules: What it means for Auckland

Hi,

Please see attached PDF – which constitutes Property Council New Zealand's submission on the Government's New Housing Rules: What it means for Auckland.

We would appreciate acknowledgment of receipt of this email.

Many Thanks,

Logan

Logan Rainey
Advocacy Advisor
PROPERTY COUNCIL NEW ZEALAND

T +64 9 373 3086 | **M** +6421410787
E & IM Logan@propertynz.co.nz |

Level 4 (Foyer Level)
51 Shortland Street, Auckland 1010
PO Box 1033, Auckland 1140

TOGETHER SHAPING CITIES WHERE COMMUNITIES THRIVE

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#7797

Property Council New Zealand

Property Council New Zealand

Submission to Auckland Council on

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

09 May 2022

For more information and further queries, please contact
Logan Rainey Logan@propertynz.co.nz 021410787

Property Council New Zealand
Foyer Level, 51 Shortland Street
PO Box 1033, Auckland 1140
09 373 3086
propertynz.co.nz

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Property Council New Zealand

09 May 2022

Auckland Council
Auckland 1142
Email: unitaryplan@aucklandcouncil.govt.nz

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

1. Summary

1.1 Property Council New Zealand, Auckland Region ("Property Council") welcomes the opportunity to submit to Auckland Council on Government's new housing rules: What it means for Auckland. We have prepared a list of recommendations to influence better, fairer outcomes for all. Comments and recommendations are provided on issues relevant to Property Council's members.

2. Recommendations

2.1 At a high level, we recommend Auckland Council:

- Works with Property Council to identify opportunities to apply the 400m walkable catchment standard more widely around Town Centres;
- Provides the property sector with transparent access to information on the proposed application of the NPS-UD to Auckland's Metropolitan Centres.
- Enables greater housing intensification in Metropolitan, Town and Local Centres;
- Works to ensure transport alignment between residential and mixed-use zones;
- Create THAB rules that enable greater height and more flexible design where appropriate;
- Ensures alignment between THAB rules inside and outside of walkable catchments;
- Does not include infrastructure constraints as a qualifying matter;
- Investigates the use of transparent, beneficiary pays funding models to fund necessary core infrastructure to support development;
- Works closely with Central Government to unlock further joint funding of core infrastructure to support development;
- Provides the property sector with transparent access to information regarding their proposed approach to zoning in the Auckland Light Rail corridor; and
- Collaborates with Property Council on their proposed approach to zoning in the Auckland Light Rail corridor.

3. Introduction

3.1. Property Council is the leading not-for-profit advocate for New Zealand's most significant industry, property. Our organisational purpose is, "Together, shaping cities where communities thrive".

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3.2. The property sector shapes New Zealand's social, economic and environmental fabric. Property Council advocates for the creation and retention of a well-designed, functional and sustainable built environment, in order to contribute to the overall prosperity and well-being of New Zealand.

3.3. Property is Auckland's largest industry. Property provides a direct contribution to GDP of $12 billion (12 percent) and employment for 71,940 Auckland residents.

3.4. Property Council is the collective voice of the property industry. We connect property professionals and represent the interests of 387 Auckland based member companies across the private, public and charitable sectors.

4. Proposed approach to Housing Intensification

4.1. Under the requirements of the National Policy Statement on Urban Development ("NPS-UD"), Auckland Council must significantly upzone large portions of Auckland. Auckland Council is required to enable developments of at least six storeys in walkable catchments around the City Centre, Metropolitan Centres and Rapid Transit Stations; unless there is a qualifying matter. The NPS-UD also requires additional intensification to occur around suburban centres. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, ("RMA Amendment Act"), requires Auckland Council to adopt the new Medium Density Residential Standards ("MRDS") across the rest of urban Auckland unless there is a qualifying matter.

Proposed walkable catchments around the City Centre, Metropolitan Centres and Rapid Transit

4.2. Auckland Council has proposed walkable catchments, with upzoning to the modified THAB standard, of 1200m for the area surrounding the City Centre and a walkable catchment of 800m for the areas surrounding Metropolitan Centres and Rapid Transit Stations.

4.3. Property Council supports the proposed 1200m and 800m walkable catchment standards for the areas surrounding the City Centre, Metropolitan Centres and around Rapid Transit stations. We believe that they are appropriate for Auckland's circumstances and give due effect to the intent of the NPS-UD in enabling new housing development.

4.4. We congratulate Auckland Council's work in response to the NPS-UD and RMA Amendment, especially given the short timeframe it has had to complete the zoning work. Furthermore, the global pandemic has restricted and changed the way people travel around Auckland, it is important that future planning rules account for this. Zones, when implemented, need to accurately account for the real world foot traffic patterns of pedestrians. Pedestrians often make use of 'shortcuts', such as public parks, to commute on foot which may not be visible via Google Maps. It is crucial that the zoning maps accurately reflect this, and we welcome amendments to be made where appropriate.

Proposed approach to intensification around Suburban Centres

4.5. Auckland Council has proposed an approach to intensification that would see upzoning to the modified THAB zoning standard occur in a 200m walkable catchment around larger Local Centres and smaller Town Centres, and upzoning to the same THAB standard occur in a 400m walkable catchment around larger Town Centres. We will make comments on the THAB standard in section 5.

4.6. Property Council's perspective on the proposed approach to suburban centres is mixed. We are in favour of applying the 200m standard for the aforementioned Local Centres, and supportive of the 400m standard for the larger Town Centres. However, we are concerned that applying the 200m standard for the some of the smaller Town Centres is inappropriate. Our view is that for many of these Town Centres, the use of a 400m walkable catchment would be more appropriate.

4.7. Applying a 400m standard to more of the Town Centres would be consistent with the intent of the NPS-UD, which seeks to encourage housing intensification near to areas with strong amenity value, demand for housing and transport links.

4.8. Accordingly, we recommend that Auckland Council re-evaluate its approach to upzoning town centres, and with work with Property Council to identify opportunities to apply the 400m walkable catchment standard more widely across Auckland's Town Centres. This will better allow people to live closer to, and get the benefits from, public amenities.

Proposed approach to zoning in Metropolitan, Town and Local Centres

4.9. Auckland Council has not currently proposed changes to the zoning rules in Metropolitan, Town and Local Centres. We also note that Auckland Council has classified the areas with Metropolitan Centre Zoning as 'Under Investigation'.

4.10. We are concerned that approach taken by Auckland Council reflects the current status quo. The implementation of the NPS-UD will change the hierarchy of centres across Auckland. We believe that Auckland Council should approach the zoning of Metropolitan, Town and Local Centres from the perspective of their future potential for growth and intensification, not their current status.

4.11. We are also concerned about the lack of transparency regarding Auckland Council's plans for the zoning rules within Metropolitan Centres. The lack of information provided does not provide Property Council with the basis for meaningful engagement on a major policy element of the NPS-UD response. The property sector needs transparency in order to have the certainty and confidence to invest in the future of Auckland.

4.12. We strongly recommend that Auckland Council provide the development community with transparent access to information on the proposed application of the NPS-UD to Auckland's Metropolitan Centres.

4.13. Furthermore, we firmly believe that Auckland's Metropolitan, Town and Local Centres are prime areas for further intensification. These areas have the best access to transport, amenities and are the most suitable land for higher density living in Auckland.

4.14. Auckland Council should reconsider the existing zones as well as the potential for greater intensification, in areas with high demand. In that regard some of the current zones that were set some time ago and could be expanded further around the transport links or changed (such as Local to Town Centre), to account for potential higher demand, particularly around key transport nodes such as Kingsland, Grafton, Morningside, Mt Albert, Remuera, Ellerslie and others that have strong development potential. A mixture of increased business zoning and THAB will provide for better urban form.

4.15. Council has limited the potential of some centres because of their size even though they have excellent accessibility. Limiting potential because of its a centre's existing size is counter intuitive. We recommend this is reviewed and accessibility is considered a greater indicator. While Government removed the requirements to assess demand, Council should still consider this in the assessment as part of creating the potential for intensification where people want to live and work.

4.16. More permissive zoning rules in Auckland's Metropolitan, Town and Local Centres would enable greater housing closer to where Aucklander's want to live, work and play. More development within Metropolitan, Town and Local Centres also reduces pressure for housing in other parts of the city and has positive environmental outcomes. Denser development patterns place less demand on transport services and lessen demand for investment in core infrastructure.

4.17. An additional benefit of permissive zoning rules in Auckland's Metropolitan, Town and Local Centres would the positive impact of higher limits on the building hierarchy in Auckland. Property Council is of the view that healthy cities should have a varied skyline, where the greatest density can be found closest to the various centres across the city. Under current proposals by Auckland Council, there is the risk that Auckland develops a uniform built environment without the variation in height found in a healthy skyline.

4.18. We therefore recommend that Auckland Council reconsider its approach to zoning in Metropolitan, Town and Local Centres, with a view to enabling greater height and density within these areas.

Housing Intensification in Mixed-Use Areas

4.19. In the draft proposal, Auckland Council has not proposed any changes to the zoning rules in mixed-use and business areas. We believe that the importance of mixed-use and business areas as a source of land for higher density housing, will continue to grow overtime. For example, areas such as the mixed-use precinct bordering Ellerslie and Greenlane are expected to see future growth in residential development. As such, it is important that Auckland Council carefully consider the regulatory alignment of residential and mixed-use zones.

4.20. Mixed-Use Zoning holds the potential for residential developments of eight to ten storeys. The ways in which these areas relate to each other, as well as to residential zones will be of great significance. There is a need to ensure alignment between residential zones and mixed-use zones, to prevent unintended design consequences and to ensure that arbitrary boundaries do not unduly restrict otherwise viable developments in suitable precincts.

4.21. We would also recommend to Auckland Council the importance of ensuring that simple, common sense interventions such as the construction of walkways or cycle lanes are undertaken where appropriate to ensure development alignment between residential zones and mixed-use zones.

5. Proposed THAB Zone rules

5.1. Property Council members have a strong interest in the technical application of the proposed changes to THAB zone rules. We support the intent of Auckland Council in modifying the THAB zone, in line with the requirements of the NPS-UD. However, we have technical concerns regarding the impact the proposed zone rules will have on future developments.

5.2. We have reviewed the impact of the proposed changes on future developments, at a high level, using publicly available information. Our broad concern is that the proposed approach to the modified THAB rules is overly prescriptive and will not enable high quality developments. Consequently, we could see unintended design outcomes that lower the future quality of the built environment.

5.3. We are concerned that Auckland Council's proposed approach to the modified THAB rules overly privileges the preservation of the existing built environment within THAB areas, at the expense of enabling high quality intensification, as intended by the NPS-UD. Elements of the proposed rules make it more difficult for developers to build a high quality development in a previously suburban area. Some of these barriers include the current approach to building form and location on a site, deep soil requirements and communal amenity requirements.

5.4. One example of a barrier from the proposed THAB rules, is specifications as to where a building must be within a site. This will penalise the first new high-density development within a THAB zone and may result in unintended consequences if not addressed such as; future amenities (i.e., one apartment block facing a different way from future neighbouring apartments), and an otherwise lower quality built environment in the future. We believe that the THAB rules should reflect and enable the intended built environment of the THAB zone, which is high quality density.

Height controls

5.5. We believe in many cases, developments of more than six storeys are appropriate for a site's circumstances. If Auckland Council is considering maximum heights within the modified THAB zone, it is important that the rules allow for variation, with greatest height in areas with the greatest accessibility. The areas with the maximum potential height should be situated along transport corridors and close to amenities such as Train Stations.

5.6. It is also crucial that any maximum height restriction allows variation for factors such as topography. Site specific variation is vital for ensuring that the highest quality developments are built. Alternatively, in the modified THAB zone, Auckland Council could rely upon the Height in Relation to Boundary rules to limit heights in select circumstances, which could encourage site amalgamation and consideration of outlooks.

THAB rules and impact on skyline

5.7. The NPS-UD requires Auckland Council to enable buildings of at least six or more storeys within walkable catchments of the city centre, metropolitan centres and rapid transit stations. In order to give effect to the requirements of the NPS-UD, Auckland Council is proposing to upzone these catchments using a modified version of the existing Terraced Housing and Apartment Building "(THAB") zone that will enable developments of six or more storeys to be built.

5.8. We are concerned that the modified THAB rules will see the encouragement of a uniform 6 storey approach to development across Auckland. We believe that a healthy built environment entails a varied skyline; with greater density close to centres and along transport routes, before lowering the further out you get.

5.9. We would also stress that the NPS-UD sets six storeys as the minimum, in many cases developments higher than six storeys would be appropriate. We recommend rules that enable

greater height and more flexible design rules, where appropriate within the THAB zone (e.g., close to centres and along transport routes).

5.10. The proposed rules could also have further unintended design consequences for the city. For example, if 6 storey developments become the most feasible residential developments, we could run the risk of the city ending up with only 6 storey developments. We encourage Auckland Council to work closely with residential developers to encourage incentives for a wide range of development density and designs, including rules that support developments that are closer to eight to ten storeys in height where appropriate.

Feasibility

5.11. The proposed rules may also lead to feasibility issues for achieving the desired development outcomes. Ensuring development feasibility, especially for residential developments, is an important consideration that Auckland Council should be aware of. Planning regulations can often add significant costs to developments, impacting the viability of some developments while shaping the size and scale of others.

Carparking

5.12. One area of concern for our members, is escalating regulatory barriers to providing car parking for residential developments. While we acknowledge that the NPS-UD has removed minimum car parking requirements, we would also stress that for many developments there is still market demand for car parking and zoning rules need to be flexible enough to enable this to be provided in an efficient manner.

THAB rules outside walkable catchments

5.13. Under current proposals, there would be two slightly different THAB zone rules, for THAB zones within walkable catchments and THAB zones outside walkable catchments. Auckland Council, in its consultation documents, queried whether these zones should be amalgamated. We would support a single, cohesive approach to THAB zoning rules across the city. This would simplify the development process and improve ease of regulatory compliance. Auckland Council could use differing expectations of height controls to ensure that any single THAB rules had a positive impact across city.

6. Proposed approach to the City Centre Zone

6.1. Under the requirements of the NPS-UD, Auckland Council must enable as much development capacity as possible in the City Centre Zone. Accordingly, Auckland Council has proposed a number of changes to the City Centre Zone. These include the removal of the Gross Floor Area (GFA) standard – and the GFA bonus standard – as well as the removal of the general height control and an extension to the outlook space control.

6.2. Property Council supports the aforementioned changes to the City Centre Zone. The removal of general height controls and the GFA standard will enable far greater investment and development in Auckland's City Centre.

6.3. We firmly believe that these policy changes will serve as a catalyst for the revitalisation of Auckland's City Centre as a desirable place for people to live, work and play. A revitalised city centre will serve as a vibrant community, providing access to high quality modern living opportunities for many Aucklanders.

7. Proposed approach to Qualifying matters (excluding Special Character)

7.1. There are a number of qualifying matters identified in the NPS-UD, that Auckland Council must account for. On top of these, Auckland Council has proposed implementing a number of additional qualifying matters.

7.2. Property Council strongly opposes the proposed inclusion of infrastructure constraints as a qualifying matter. With the inclusion of infrastructure constraints as a qualifying matter, there is a high risk that significant areas of Auckland have their development capacities unduly restricted. We are worried that the inclusion of infrastructure constraints as a qualifying matter could see otherwise viable new housing developments unable to be built. Auckland is in desperate need of additional housing, and we believe that this could prove to be a significant barrier to solving Auckland's housing needs.

7.3. Central Government is well aware of the current infrastructure deficit and did not choose to include infrastructure constraints as a qualifying matter in the NPS-UD.

7.4. Instead, Central Government has recently passed the Infrastructure Funding and Financing Act, which unlocks an array of new funding arrangement for the provision of infrastructure to support development. In recent weeks, Central Government has also announced a $1.4 billion investment from the Housing Acceleration Fund, to build infrastructure to support new housing developments in Auckland.

7.5. Combined, we believe that these factors highlight that Central Government does not view infrastructure constraints as an applicable qualifying matter and does not want it as a barrier to development. We believe that the market can make informed decisions and work closely with Auckland Council to unlock future development and infrastructure investment.

7.6. We oppose the inclusion of infrastructure constraints as a qualifying matter.

7.7. Property Council understands the need to properly fund new infrastructure to support future developments. We have consistently supported a range of financial models that unlock infrastructure investment.

7.8. Instead of including infrastructure constraints as a qualifying matter, we recommend that Auckland Council make use of transparent, beneficiary pays funding models for the provision of core infrastructure. Examples of these models include targeted rates, user-pays systems, and special purpose vehicles (SPVs). These alternatives meet the legislative principles of transparency and objectivity for funding local government set out in both the *Local Government Act 2002* and *Local Governing (Rating) Act 2002.* Our approach is also consistent with the recommendation of the New Zealand Productivity Commission that local government should adopt a more transparent approach to rating tools and other funding sources[1].

7.9. We would also strongly urge Auckland Council to work closely with Central Government to unlock further joint funding approaches to the provision of new infrastructure to support much needed development in Auckland. Joint funding, such as that provided for in the Housing Acceleration Fund, has the potential to provide significant quantities of new infrastructure for Auckland.

[1] Local government funding and financing. Retrieved from https://www.productivity.govt.nz/inquiries/local-government-funding-and-financing/

8. Proposed approach to Special Character as a qualifying matter

8.1. The NPS-UD and RMA Amendment effectively removes the existing Special Character Overlays in the current Unitary Plan unless there is an applicable qualifying matter. Auckland Council has proposed in their draft response to include residential and business areas with special character value as a qualifying matter.

8.2. In order to identify the relevant areas to apply the qualifying matter to, Auckland Council conducted a site survey of the areas with the existing Special Character Overlays. Under the proposed approach, any area eligible for special character as a qualifying matter must meet certain criteria. Auckland Council has proposed that for areas within walkable catchments, 75% or more of a given area must meet the criteria for special character value and for areas outside a walkable catchment, 66% or more must meet the same criteria.

8.3. The outcome of the proposed approach of Auckland would see around 75% of properties, or around 70% of the current land area, in the existing Special Character Overlays, retain character protection via the qualifying matter mechanism.

8.4. Property Council believes that it is important to effectively balance the preservation of special character with unlocking additional development capacity for Auckland. We believe that it is crucial that Auckland Council both preserve's our cities heritage, where appropriate, but also enables development to meet our cities future housing needs.

8.5. In broad terms, we are comfortable with the proposed intent of Auckland Council to include special character as a qualifying matter. Property Council is also generally in favour of the proposed approach taken to implementing changes to special character zoning. We believe the proposed approach strikes the appropriate balance between character preservation and future development.

8.6. However, given the scale to which the draft proposals retain special character protections, we would like to highlight to Auckland Council the importance of ensuring that Auckland has sufficient development capacity. Our earlier recommendation (4.18) to provide for greater height and density rules in Metropolitan, Town and Local Centres would provide Auckland with the additional development capacity needed. We urge Auckland Council to adopt our recommendation and enable greater intensification in our Metropolitan, Town and Local Centres where accessibility, amenities and demand are all strong.

9. Proposed approach to Auckland Light Rail

9.1. Auckland Council has classified the entire corridor through which Auckland Light Rail will run, as 'under investigation'. Auckland Council has not disclosed any significant insight into the proposed approach to zoning changes in the substantial part of Auckland found within the corridor.

9.2. Property Council are strong supporters of the Auckland Light Rail project. We are concerned that there is a lack of transparency provided to the property sector with regards to the proposed zoning changes in the Auckland Light Rail Corridor. Developers need certainty and clear access to information in order to make investment decisions that shape the built environment for generations.

Property Council New Zealand

9.3. It is vital that the approach taken to the zoning changes needed for Auckland Light Rail is pro-active. Auckland Light Rail is a project which will have a significant impact on the built environment of the city, and it is crucial that all stakeholders in the project are involved in decision making. We do, however, understand the difficulties faced by Auckland Council in this space, due to the lack of information currently available on the final route and specific station locations for Light Rail.

9.4. When looking at the intensification options associated with Auckland Light Rail, Auckland Council should be assessing the whole range of factors critical to the project's success. These include, but are not limited to, the potential for large scale zoning uplift, additional transport links to the new stations, alignment with other central and local government plans and market driven factors such as demand for housing.

9.5. As discussed earlier in this submission, we support the proposed 800m walkable catchment standard around rapid transit stations, such as those that will be built for Auckland Light Rail. We urge Auckland Council to ensure that these walkable catchments are not overly encumbered by qualifying matter overlays.

9.6. Given the clear significance of the Auckland Light Rail project to Auckland, we are disappointed with the current approach of Auckland Council of classifying the entire corridor as 'under investigation'. We recommend that Auckland Council work with Property Council to ensure that the approach to zoning and Auckland Light Rail is proactive and meets Auckland's future needs.

10. Conclusion

10.1. Property Council welcomes the opportunity to provide feedback on Auckland Council's draft response to Government's new housing rules: What it means for Auckland. There are various elements of the proposed approach that we support. However, we have deep concerns regarding the proposed intent of Auckland Council to include infrastructure constraints as a qualifying matter as we believe it contradicts the intent of the NPS-UD.

10.2. We have provided Auckland Council with a series of recommendations, including allowing for greater development capacity in Metropolitan, Town and Local Centres, that we believe would better align with the intent of the NPS-UD.

10.3. Property Council members invest, own, and develop property in Auckland. We wish to thank Auckland Council for the opportunity to submit on the Government's new housing rules: What it means for Auckland, as this gives our members a chance to have their say in the future of our city.

10.4. Any further enquires do not hesitate to contact Logan Rainey, Advocacy Advisor, via email: Logan@propertynz.co.nz or cell: 021410787.

Yours Sincerely,

Andrew Hay
Auckland Committee Chair

Property Council New Zealand
Foyer Level, 51 Shortland Street
PO Box 1033, Auckland 1140
09 373 3086
propertynz.co.nz

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From: Steve Mutch <steve.mutch@chancerygreen.com>
Sent: Monday, 9 May 2022 5:30 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Chris Simmons <chris.simmons@chancerygreen.com>
Subject: Feedback: Channel Infrastructure

Good evening

We act for Channel Infrastructure NZ Ltd (previously Refining NZ).

Please see the **attached** feedback by Channel Infrastructure on Auckland Council's preliminary response to the NPS-UD and MDRS.

Please can you acknowledge receipt of this email.

Kind regards

Steve Mutch | Partner
m: +64 21 0255 1256 | t: +64 9 357 0600

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FEEDBACK ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO THE NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 ("NPS-UD") AND MEDIUM DENSITY RESIDENTIAL STANDARDS ("MDRS")

Feedback by: Channel Infrastructure NZ Ltd ("Channel Infrastructure")

To: Auckland Council

By email: unitaryplan@aucklandcouncil.govt.nz

Address for service: Channel Infrastructure NZ Ltd
Private Bag 9024
Whangarei 0148

Attention: David King
Pipeline Manager

Email: David.King@Channelnz.com

Phone: 09 432 8311

Executive summary

1. Urban development proximate to the Marsden Point to Auckland Pipeline ("Pipeline") needs to be appropriately managed because inappropriate development near to the Pipeline has the potential for significant adverse effects.

2. The NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("Enabling Act") which implements the government's MDRS both recognise that it is appropriate for requirements relating to the safe and efficient operation of nationally significant infrastructure such as the Pipeline to constrain urban development intensification. Both the NPS-UD and the Enabling Act provide for urban intensification to be limited to the extent necessary to accommodate "qualifying matters". The pipeline is explicitly identified as a "qualifying matter" and as "nationally significant infrastructure" in the NPSUD.[1] The Enabling Act also recognises the Pipeline as a qualifying matter, providing for the limiting of intensification otherwise provided for *"for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure".*[2]

3. The Auckland Council consultation documents also list the "oil refinery pipeline" as a proposed Auckland Unitary Plan (Operative in Part) ("AUP") overlay/other item identified as a required qualifying matter.

4. However, Channel Infrastructure considers that Auckland Council's proposed preliminary response to the NPS-UD and the MDRS ("Preliminary Response"), namely the proposed planning maps, fails to appropriately limit urban intensification with respect to the Pipeline. For example, we have identified properties subject to the Pipeline designation that are currently zoned Residential - Single House under the AUP which are proposed to be zoned Terrace Housing and Apartment Building under Auckland Council's Preliminary Response.[3] Channel Infrastructure considers this is not appropriate and does not ensure the safe and efficient operation of the pipeline, being nationally significant infrastructure.

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1 Refer the NPS-UD definition of *"qualifying matter"* (clause 3.32) which includes *"any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure";* and *"nationally significant infrastructure"* (clause 1.4(1)) which includes *"the refinery pipeline between Marsden Point and Wiri"*. The NPS-UD has a wide range of policies recognising and providing for infrastructure.

2 RMA s77I and 77O, as amended by the Enabling Act.

3 See for example several properties to the south east of the corner of Portage Road and Links Road in New Lynn. The properties are identified as being within the walkable catchment of the New Lynn Train station.

5. Channel Infrastructure therefore seeks that Auckland Council reviews the changes it is proposing through its Preliminary Response, and appropriately limits intensification proximate to the Pipeline. This is necessary to ensure the Pipeline's ongoing safe and efficient operation.

Introduction and background

Channel Infrastructure

6. Channel Infrastructure (formerly Refining NZ) is New Zealand's leading fuel infrastructure company, based at Marsden Point in Northland. The company is an import terminal for the fuel needed to power New Zealand's economy.

7. Refining NZ was renamed Channel Infrastructure from April 2022, and now operates as an import terminal from Marsden Point under long-term contracts with its three customers, bp, Mobil and Z Energy.

The Pipeline

8. Channel Infrastructure owns and operates the Marsden Point to Auckland Pipeline, a 170km long high-pressure pipeline running from Marsden Point to the Wiri Oil Terminal in South Auckland. The Pipeline was first commissioned in 1985. It is buried along almost its entire length. Regular, premium, diesel and Jet A1 aviation fuel are transported down the Pipeline. It provides the vast majority of Auckland's road transport fuel, and all of Auckland International Airport's aviation fuel, and can transmit up to 400,000 litres of product an hour. The remaining product is distributed by coastal tanker to other regions around New Zealand or is transported by road tanker.

Importance of the Pipeline

9. As the country's leading supplier of refined petroleum products, Channel Infrastructure is proud to be a major contributor to the local and regional communities and the country's economy. The national economy is heavily dependent on the petroleum products transported via the Pipeline. And as noted above, the Auckland region is heavily reliant on the Pipeline for its road transport fuel needs, and Auckland International Airport is entirely dependent on the Pipeline for supply of aviation fuel. As such, the Pipeline is a nationally significant infrastructure resource, and its uninterrupted, safe, and efficient operation is of critical importance nationally.

Channel Infrastructure is deemed to be a "lifeline utility" under the Civil Defence Emergency Management Act 2002.

10. The September 2017 Pipeline incident, which resulted in the closure of the Pipeline for ten days, highlighted the vital national importance of the Pipeline. The subsequent *Government Inquiry into The Auckland Fuel Supply Disruption*[4] and associated report also reinforced the critical importance of the Pipeline.

Urban growth and the Pipeline

11. The Pipeline is subject to a comprehensive suite of protections – comprising physical, procedural and legal mechanisms – aimed to prevent any third-party interference with the Pipeline and/or to identify and avoid (or manage effects of) development of certain sensitive activities proximate to the Pipeline. For example, Channel Infrastructure holds designations under Part 8 of the Resource Management Act 1991 for the Pipeline in the Whangarei, Kaipara, and Auckland districts. It also holds easements over each property through which the Pipeline traverses.

12. Since the Pipeline's commissioning in 1985, urban growth has resulted in third-party subdivision and development proximate to the Pipeline which, based on Channel Infrastructure's experience, has accelerated in recent years. Increasing third-party activities/development proximate to the Pipeline generally increases the likelihood of conduct having the potential to damage or otherwise hinder the operation of the Pipeline, and also introduces a gradual change to the risk environment around the Pipeline from a public safety perspective. Urban development, particularly intensive development and/or the introduction of "sensitive" type activities (e.g. residential development, schools, hospitals) can change the risk profile proximate to the Pipeline.

13. The proliferation of urban activities proximate to the Pipeline is therefore a very important issue for Channel Infrastructure. For proposals for sensitive activities (including residential development) proximate to the Pipeline the company allocates considerable time and resources to understand the implications for Channel Infrastructure, and where necessary become involved in third-party applications for resource consent and/or plan changes. This is both to ensure that the potential for third party interference with the Pipeline – due to new activities and land-uses – is

4 *Government Inquiry into The Auckland Fuel Supply Disruption;* report dated 16 August 2019; authored by Dr Roger Blakely and Elena Trout.

appropriately managed; and also to ensure that the risks presented by the Pipeline (for example risks to the public in the event of an incident involving the Pipeline) are appropriately minimised.

Government Inquiry Into The Auckland Fuel Supply Disruption

14. The report of the *Government Inquiry Into The Auckland Fuel Supply Disruption* stated that *"…there is a case for expanding the legal protection of the [Pipeline], using the tools in the Resource Management Act 1991".*[5]

15. Channel Infrastructure considers that the amendments sought in this feedback on Auckland Council's Preliminary Response are consistent with the Inquiry's statement above.

Channel Infrastructure's 2019 feedback on the proposed NPS-UD

16. In October 2019, Channel Infrastructure (then Refining NZ) filed feedback on the (then) proposed NPS-UD. The company sought changes to the NPS-UD to more appropriately recognise and provide for the legitimate constraints on urban development represented by existing critical infrastructure such as the Pipeline. In summary, Channel Infrastructure sought amendments to the proposed NPS-UD to:

    (a) provide for the avoidance and/or management of sensitive urban development proximate to certain significant infrastructure sites and/or corridors (including the Pipeline);

    (b) provide stronger recognition of the potential adverse effects (including reverse sensitivity effects and potential effects relating to safety/societal risk) of inappropriate urban development proximate to certain significant infrastructure sites and/or corridors (including the Pipeline) for plan changes and resource consent applications; and

    (c) require increased engagement by local authorities with providers of existing critical infrastructure such as the Pipeline.

17. Channel Infrastructure considers that the above remains appropriate, and that the AUP should be amended to better provide for (a) and (b) in particular. Channel Infrastructure considers that Auckland Council's Preliminary Response is

[5] *Government Inquiry into The Auckland Fuel Supply Disruption;* report dated 16 August 2019; authored by Dr Roger Blakely and Elena Trout (page vii).

inconsistent with the above, and that it is also inconsistent with the NPS-UD as promulgated, which expressly recognises the Pipeline as nationally significant infrastructure and as a qualifying matter, and provides for the constraining of urban intensification as a result of the Pipeline.

Channel Infrastructure's feedback on Auckland Council's Preliminary Response

18. Proliferation of more intensive urban development proximate to the Pipeline may have significant negative impacts. Potential adverse effects may relate to the Pipeline itself (for example the increased threat of third-party interference with the Pipeline) and to those people living/working near the Pipeline (for example the increased public safety risks posed by a Pipeline incident). Therefore, inappropriate growth in the form of more intensive sensitive urban development proximate to the Pipeline should be avoided or appropriately managed.

19. The NPS-UD and the Enabling Act which implements the government's MDRS both recognise that it is appropriate for requirements relating to the safe and efficient operation of nationally significant infrastructure such as the Pipeline to constrain urban development intensification. Both the NPS-UD and the Enabling Act provide for urban intensification to be limited to the extent necessary to accommodate "qualifying matters". The pipeline is explicitly identified as a "qualifying matter" and as "nationally significant infrastructure" in the NPSUD.[6] The Enabling Act also recognises the Pipeline as a qualifying matter, providing for the limiting of intensification otherwise provided for *"for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure".*[7]

20. The Auckland Council consultation documents also list the *"oil refinery pipeline"* as an AUP overlay/other item identified as a required qualifying matter. *[Note that "oil refinery pipeline" is no longer a correct description of the Pipeline. This is because, as outlined above, Marsden Point no longer operates as a refinery; instead, refined fuels are imported to Marsden Point. The operation of the Pipeline remains materially unchanged. Given this, "Marsden Point to Auckland Pipeline" is a more appropriate description, and Channel Infrastructure seeks that Auckland Council's future plan change adopt such terminology.]*

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6 Refer the NPS-UD definition of "qualifying matter" (clause 3.32) which includes *"any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure";* and "nationally significant infrastructure" (clause 1.4(1)) which includes *"the refinery pipeline between Marsden Point and Wiri"*. The NPS-UD has a wide range of policies recognising and providing for infrastructure.

7 RMA s77I and 77O, as amended by the Enabling Act.

21. However, Channel Infrastructure considers that Auckland Council's Preliminary Response, namely the proposed planning maps, fails to appropriately limit urban intensification with respect to the Pipeline. For example, we have identified properties subject to the Pipeline designation that are currently zoned Residential - Single House under the AUP which are proposed to be zoned Terrace Housing and Apartment Building under Auckland Council's Preliminary Response.[8] Channel Infrastructure considers this is not appropriate and does not ensure the safe and efficient operation of the pipeline, being nationally significant infrastructure.

22. Channel Infrastructure therefore seeks that Auckland Council reviews the changes it is proposing through its Preliminary Response, and appropriately limits intensification proximate to the Pipeline. This is necessary to ensure the Pipeline's ongoing safe and efficient operation.

23. Channel Infrastructure considers that amendments to the Preliminary Response should be made to appropriately manage potential negative impacts of urban growth by implementing recognition and protection for the Pipeline (including its continued safe and efficient operation) within the planning/consenting framework. Channel Infrastructure considers that stronger recognition and provision for the pipeline will likely have only very limited impact on overall capacity for urban growth, but is crucial to ensure that such growth is planned and managed appropriately.

24. Given the intent of the NPS-UD and the Enabling Act, Channel Infrastructure understands the focus of Auckland Council's Preliminary Response on *enabling* development, as opposed to factors such as existing infrastructure (including the Pipeline) which may appropriately constrain urban development and which need to be protected from inappropriate urban growth.

25. However, Channel Infrastructure considers the Council's future plan change to implement the NPS-UD and the Enabling Act needs to adopt a balanced approach that more explicitly recognises the legitimate and critical constraints to urban development represented by the Pipeline.

26. Growth needs to be strategically planned, including with respect to existing infrastructure. Adverse effects of growth, including on and from existing infrastructure, need to be appropriately managed. Urban growth must not be at the expense of the

[8] See for example several properties to the South East of the corner of Portage Road and Links Road in New Lynn. The properties are identified as being within the walkable catchment of he New Lynn Train station.

safe and efficient operation of existing infrastructure, especially nationally critical infrastructure such as the Pipeline.

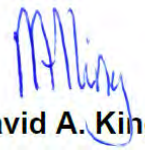
27. While the NPS-UD and the Enabling Act aim to remove unnecessary restrictions in the planning system so that RMA plans do not inappropriately constrain development, some restrictions (such as restrictions in designations and plans on sensitive activities near to the Pipeline) are necessary and need to maintained – and in fact strengthened – as growth and urban expansion occurs. With respect to the Pipeline this is especially the case for greenfield development in previously rural areas, via which the introduction of sensitive urban activities proximate to the Pipeline can materially change the risk profile for the Pipeline.

Conclusion

28. Channel Infrastructure is grateful for the opportunity to provide feedback on the Council's Preliminary Response and is willing to discuss its feedback if that would be helpful.

29. Chanel Infrastructure's core concerns with Auckland Council's Preliminary Response are outlined in general terms in this feedback. Notwithstanding that the focus of this feedback is on the material provided with the Council's Preliminary Response, Channel Infrastructure also flags – as it has done previously – that it would also support more fundamental changes to the AUP to provide a more direct/stronger planning framework to more explicitly provide for and protect the Pipeline and other existing infrastructure from inappropriately located and/or inappropriately intensive urban development.

Yours faithfully



David A. King
Pipeline Manager
Channel Infrastructure NZ Ltd

9 May 2022