

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. 5
(7800 - 7840)**

Sub #	Submitter Name	Organisation	Local Board	Volume
7800	Andrea Curcio Lamas	Ryman Healthcare Limited	Not supplied	5
7801	David Stejskal		Not supplied	5
7803	Mark Andrews		Not supplied	5
7804	Bianca Tree	The Parc Bodies Corporate; The Point Body Corporate; Lighter Quay North Body Corporate; Lighter Quay Halsey Body Corporate; The Quays Body Corporate; Sebel Body Corporate	Not supplied	5
7805	John Childs	Mount Albert Historical Society	Not supplied	5
7806	Jeff Morrison		Not supplied	5
7809	John Duthie	MHUD	Not supplied	5
7810	Tony Watkins		Not supplied	5
7814	Gerard Thompson	Stride Investment Management Limited	Not supplied	5
7816	Michael Campbell	Willis Bond Limited	Not supplied	5
7818	Jo Michalakakis	Counties Energy Limited	Not supplied	5
7820	Vanessa Evitt		Not supplied	5
7823	Brian Putt	St Mary's Bay Association	Not supplied	5
7826	John Burns	Character Coalition Inc	Not supplied	5
7834	Amanda Coats	North Eastern Investments Limited & Heritage Estates (2000) Limited	Not supplied	5
7835	Katherine de Courcy & Greg Smith		Not supplied	5
7839	Trevor Lund	Freemans Bay Residents Association	Not supplied	5
7840	Simon Terry		Not supplied	5

From: Andrea Curcio Lamas <Andrea.CurcioLamas@chapmantripp.com>
Sent: Monday, 9 May 2022 5:33 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Luke Hinchey <luke.hinchey@chapmantripp.com>; Nicola de Wit <Nicola.deWit@chapmantripp.com>; Matthew Brown <matthew.brown@rymanhealthcare.com>; Tayla Beck <tayla.beck@rymanhealthcare.com>
Subject: Ryman submission on Auckland's intensification plan change

Good afternoon

We act for Ryman Healthcare Limited (Ryman). Please find **attached** Ryman's submission on Auckland Council's preliminary response for [intensification](#).

Please acknowledge receipt.

Kind regards
Andrea

ANDREA CURCIO LAMAS (she/her)
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9 May 2022

Auckland Council
Victoria Street West
Auckland 1142

By email to: unitaryplan@aucklandcouncil.govt.nz

AUCKLAND COUNCIL – INTENSIFICATION PLAN CHANGE

Introduction

- 1 This is a submission on behalf of Ryman Healthcare Limited (*Ryman*) on Auckland Council's (*Council*) draft proposals for its intensification plan change (*Intensification Plan Change*) to respond to the National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*).
- 2 Ryman is grateful for the opportunity to provide feedback to the Council at this early stage of the plan change process and acknowledges there is significant work ahead.
- 3 Ryman supports in full the submission lodged by the Retirement Villages Association of New Zealand Incorporated (*RVA*) on Council's key draft proposals for its Intensification Plan Change. This submission provides additional context to Ryman's villages and its interest in the Intensification Plan Change.
- 4 This submission covers:
 - 4.1 An introduction to Ryman, its villages and its residents; and
 - 4.2 Ryman's position on the Council's preliminary response to the NPSUD and Enabling Housing Act.

Ryman's approach

- 5 Ryman is considered to be a pioneer in many aspects of the healthcare industry – including retirement village design, standards of care, and staff education. It believes that a quality site, living environment, amenities and the best care maximises the quality of life for its residents. Ryman is passionately committed to providing the best environment and care for our residents. Ryman is not a developer. It is a resident-focused operator of retirement villages. Ryman has a long term interest in its villages and its residents.

The ageing demographic

- 6 New Zealand's growing ageing population and the increasing demand for retirement villages is addressed in the RVA's submission, which is supported by Ryman.

- 7 Ryman's own research confirms that good quality housing and sophisticated care for the older population is significantly undersupplied in many parts of the country, including Auckland. Auckland's ageing population is facing a significant shortage in appropriate accommodation and care options, which allow them to "age in place" as their health and lifestyle requirements change over time. This shortage is because appropriate sites in good locations are incredibly scarce.

Ryman's scale in Auckland's retirement market

- 8 Ryman is the largest provider of retirement village accommodation in New Zealand. Ryman currently has 38 operational retirement villages throughout New Zealand providing homes for more than 11,000 elderly residents. It has 13 retirement villages currently operating or at some stage of design or construction in Auckland. Ryman is also in the process of obtaining consents for a further village in Auckland.
- 9 Ryman constructs a significant number of the new housing units in Auckland each year. In the last 6 years, it has obtained resource consents to build and operate 8 large villages at Howick, Birkenhead, Greenlane, Pukekohe, Hillsborough, Narrowneck, Kohimarama and Takapuna, which are now either completed or under construction.
- 10 Collectively, these villages comprise around 1,360 new retirement units and 1,275 new aged care units. Each village will house in the order of 400-600 residents. Ryman's contribution to Auckland's growth in a 6 year period is accommodation for in the order of 3,100 people. Ryman has a further similarly-scaled site in the pipeline for consenting.
- 11 In that sense, Ryman builds a substantial portion of all new retirement village units. We expect to continue to increase our proportion of Auckland's new build retirement villages over time.

Ryman's residents

- 12 All of Ryman's residents – both retirement unit and aged care room residents – are much less active and mobile than the 65+ population generally as well as the wider population. Ryman's retirement unit residents are early 80s on move-in and its aged care residents are mid-late 80s on move-in. Across all of Ryman's villages, the average age of retirement unit residents is 82.1 years and the average age of aged care residents is 86.7 years.

Ryman villages' amenities and layout needs

- 13 To provide for the specific needs of its residents, Ryman provides extensive on-site community amenities, including entertainment activities, recreational facilities, small shops, bar and restaurant facilities, communal sitting areas, and large, attractively landscaped areas.
- 14 Because of the comprehensive care nature of Ryman's villages, all of the communal amenities and care rooms need to be located in the Village Centre to allow for safe and convenient access between these areas. This operational requirement results in a density and layout that differs from a typical residential development. However,

Ryman's retirement villages are integrated developments, which often creates opportunities to achieve higher quality residential outcomes compared to typical residential developments.

Ryman's position on the Council's preliminary response to the NPSUD and Enabling Housing Act

- 15 Ryman adopts the RVA's submission on the Council's draft proposals to respond to the NPSUD and Enabling Housing Act. Please refer to the RVA submission for the submission points on the draft proposals.
- 16 Ryman has a significant interest in how the Intensification Plan Change will impact on the provision of housing and care for Auckland's growing ageing population.
- 17 In addition, Ryman has a particular interest in the Council's draft planning maps applicable to two sites in Auckland – located at:

17.1 250 Hingaia Road, Karaka; and

17.2 41-43 and 45 Killarney Street, Takapuna.

- 18 Ryman's position in relation to the draft planning maps for these sites is set out below.

Ryman's Karaka site

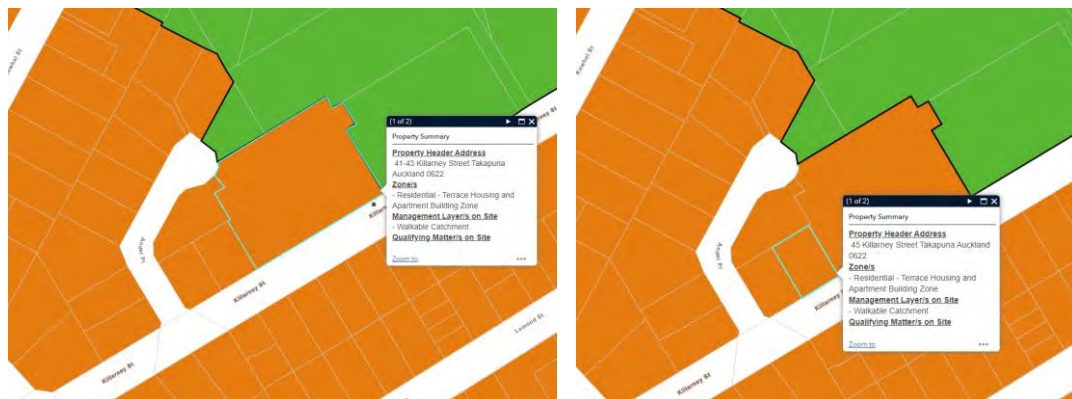
- 19 Ryman is well advanced in preparing its consent application for its proposed retirement village at Karaka. Ryman's proposed village will offer living options to suit a diverse range of residents' needs. Residents will be able to choose from an independent townhouse or apartment, and in the case they need extra support, they will also have the option of an assisted-living suite. The village will also have a care centre offering resthome, hospital and specialist dementia care.
- 20 Ryman's site at Karaka is zoned Residential – Mixed Housing Urban Zone, Residential – Mixed Housing Suburban Zone and Coastal – General Coastal Marine Zone in the draft planning maps (as identified in the zone map extract below).



- 21 Ryman’s Karaka site is also subject to two potential qualifying matters under the draft planning maps: a “precinct under investigation” and “coastal erosion (ASCIE 2130) (RCP8.5+)”. Ryman understands that the qualifying matters may limit building heights or density requirements.
- 22 Ryman acknowledges that the Council’s proposed zoning for Ryman’s site and surrounding area are still “under investigation”. At this stage of the process, Ryman wishes to emphasise the importance of robust evidence to justify any exemptions to the government’s new rules on building heights and densities. Ryman considers that the permissive nature of the Enabling Housing Act risks being limited by the use of precincts and overlays. These tools must be applied with a high degree of rigour and only to address effects and/or matters that are material to the Resource Management Act regime and that cannot be managed by other means, such as the Building Act.

Ryman’s Takapuna site

- 23 Ryman’s Takapuna site falls within the Council’s proposed ‘walkable catchment’ and is zoned Residential – Terrace Housing and Apartment Building Zone (THAB) in the draft planning maps (as identified in the zone map extracts below).



- 24 Ryman understands that the Council’s plans to respond to the NPSUD include rezoning sites within walkable catchments to a modified version of the existing THAB within the Auckland Unitary Plan.¹ The modified THAB would enable buildings of at least six storeys. Like the RVA, Ryman encourages the Council to apply the intensification provisions as widely as possible to maximise intensification opportunities. Six stories is the minimum intensity required to accord with the NPSUD requirements and additional height should be encouraged wherever possible.
- 25 Ryman also shares the RVA’s high level concerns about the Council’s proposed additional standards in areas zoned as THAB to control the likes of shading, privacy and dominance on adjoining sites. In addition, Ryman makes the general point that such provisions should be carefully designed to be proportionate to the effects

¹ Auckland Council, Information Sheet #3.

involved. As noted above, adding further standards and requirements to those set out in the Enabling Housing Act risks undermining the intent of the Act. Ryman therefore considers it is important that the Council only includes additional standards that are strictly necessary and commensurate to the scale and type of development.

Next steps

- 26 As a member of the RVA, Ryman looks forward to engaging with the Council throughout its preparation of its Intensification Plan Change.

Yours faithfully

Matthew Brown
NZ Development Manager

Ryman Healthcare Limited
matthew.brown@rymanhealthcare.com



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: David Last name: Stejskal

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: _____

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

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

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

We are proposing:

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

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

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

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

Tell us why

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

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

Tell us why

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

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

Tell us why

Intensification around town and local centres

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

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

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

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

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

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

Tell us why

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

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

Tell us why

Qualifying matters

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

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

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

Special Character Areas

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

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

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

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

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

Tell us why

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

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

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

Tell us why

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

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

Tell us why

Infrastructure constraints

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

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

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

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

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

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

Tell us why

Other qualifying matters

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

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](https://www.akhaveyoursay.nz) to find out about, or register to receive regular updates on, consultation activities happening across Auckland

Important privacy information

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OBJECTIVE 10

Tree canopy supports sustainable, liveable and cool neighbourhoods

WHY THIS IS IMPORTANT

To contribute to the mitigation of the urban heat-island effect.

To maximise the amenity and attractiveness of urban environments, including creating more shade and producing cleaner air.

To contribute to an integrated and connected network of green infrastructure.

To protect soil networks.

DESIGN CRITERIA

Tree canopy targets

Urban tree canopy is enhanced and supported in accordance with the following benchmarks:

Public open space tree canopy targets

Open spaces (< 5 ha) without sports courts and fields

Minimum 45% canopy cover

Open spaces (< 5 ha) with sports courts and fields

Minimum 45% canopy cover. Target applies only to areas outside the courts and fields. Where possible the area without courts and fields should exceed the 45% minimum to compensate for the areas without canopy.

Regional open space

Tree canopy is determined on a case-by-case basis. In any case, at a minimum proponents should demonstrate no net loss of canopy and a contribution to strategic canopy targets.

Street tree canopy targets

EXISTING RESIDENTIAL STREETS	OVERHEAD POWERLINES	UNDER-GROUND POWER
12–20 m reserve	Minimum 40% canopy cover	Minimum 50% canopy cover

EXISTING INDUSTRIAL STREETS	OVERHEAD POWERLINES	UNDER-GROUND POWER
20–25 m reserve	Minimum 35% canopy cover	Minimum 45% canopy cover

NEW RESIDENTIAL STREETS WITH UNDERGROUND POWER

12–20 m reserve	Minimum 70% canopy cover
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NEW INDUSTRIAL STREETS WITH UNDERGROUND POWER

20–25 m reserve	Minimum 60% canopy cover
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Large development tree canopy target[#]

LAND-USE CATEGORY	MINIMUM CANOPY TARGET
Residential zoned land (R1, R2, R3, R4), including streets	40%
Industrial zoned land (IN1, IN2), including streets	35%
Business zoned land (B5, B6, B7), including streets	35%
Open space (RE1), including streets	45%
Land uses not listed	Determine through site-specific analysis

[#] Use these targets for setting canopy targets for development where the street network or detailed development mix is unknown, such as for large-scale precinct planning or urban design strategies. When known, such as at master plan or concept DA stage of a project, use the targets specific to the type of development. Alternative design solutions are possible when sites are constrained (see the guidelines below).

Development category canopy targets

DEVELOPMENT CATEGORY	TREE CANOPY TARGET (% OF SITE AREA)	DEEP SOIL TARGET (% OF SITE AREA)	TREE PLANTING RATES SMALL TREE - MIN. 6 M^ MEDIUM TREE - MIN. 8 M^ LARGE TREE - MIN. 12 M^
DETACHED DWELLINGS			
Less than 300 m ²	20%	20%	For every 200 m ² of site area, or part thereof, at least one small tree
300 m ² – 600 m ²	25%	25%	For every 250 m ² of site area, or part thereof, at least one medium tree
Greater than 600 m ²	30%	30%	For every 350 m ² of site area, or part thereof, at least 2 medium trees or one large tree
ATTACHED DWELLINGS			
Less than 150 m ²	15%	15%	At least one small tree
150 m ² – 300 m ²	20%	20%	For every 200 m ² of site area, or part thereof, at least one small tree
Greater than 300 m ²	25%	25%	For every 225 m ² of site area, or part thereof, at least one medium tree
MULTI-DWELLING HOUSING			
Less than 1000 m ²	20%	20%	For every 300 m ² of site area, or part thereof, at least one medium tree
1000 m ² – 3000 m ²	25%	25%	For every 200 m ² of site area, or part thereof, at least one medium tree
Greater than 3000 m ²	30%	30%	For every 350 m ² of site area, or part thereof, at least 2 medium trees or one large tree
APARTMENTS – SEE THE APARTMENT DESIGN GUIDE			
BUSINESS PARKS			
All lots	35%	25%	For every 300 m ² of site area, at least 2 medium trees or one large tree
INDUSTRIAL			
All lots	25%	15% site area. Minimum 3 m dimension. Provide a wider contiguous portion that is a minimum 6 m wide and at least 50% of the minimum deep soil area.	For every 400 m ² of site area, or part thereof, at least 2 medium trees or one large tree
BULKY GOODS			
All lots	25%	15% site area. Minimum 3 m dimension. Provide a wider contiguous portion that is a minimum 6 m wide and at least 50% of the minimum deep soil area.	For every 400 m ² of site area, or part thereof, at least 2 medium trees or one large tree
ON-GRADE CAR PARKING ASSOCIATED WITH A BUSINESS PARK, INDUSTRIAL OR BULKY GOODS DEVELOPMENT			
Development with 5 or more car spaces	One medium tree should be planted between every fifth car parking space provided. The tree is to be in a planted zone of 13 m ² – the equivalent of a car parking bay area. Trees should be evenly distributed in a chequerboard fashion to increase shading.		

^ mature canopy diameter



Consultation Feedback

To: Auckland Council: Unitary Plan Team

Subject: Impact of proposed AUP changes on Urban Ngahere

From: David Stejskal, Regional Arborists and Ecological Manager
Community Facilities, Auckland Council

Contact Info: David.Stejskal@aucklandcouncil.govt.nz
Phone 09 890 4268 | 021 842 678
Te Kaunihera o Tāmaki Makaurau / Auckland Council
Level 21, Te Wharau o Tāmaki Auckland House, 135 Albert Street,
Auckland

Date: 9 May 2022

Feedback:

We appreciate the opportunity to provide feedback on the potential impacts of the proposed changes to the Auckland Unitary Plan. Our feedback is focused on the effects of the proposed changes on our Urban Ngahere (forest), particularly upon our ability to meet tree canopy coverage targets of 15% per local board area and 30% across Tāmaki Makaurau if the proposed changes to the Auckland Unitary Plan ('AUP') are adopted.

Overall, we believe the proposed changes to the AUP will have a significant effect on our Urban Ngahere, the ecological services it provides and subsequently the health and wellbeing of Aucklanders.

The key issues we have identified include:

1. There is no guaranteed space under the proposed changes for medium trees and deep soil;
2. The impervious surface area standards are unclear;
3. There will be a loss of, and adverse impact to, existing streets trees and trees in public open spaces;
4. There will be a loss of existing trees (and space for new trees) on private land.

Our recommendations for addressing these issues identified at the end of this Consultation Feedback response. Please note this is not an exhaustive list.



Issues:

1. No guaranteed space for medium trees and deep soil

We are concerned that there is no guaranteed space under the proposed changes for medium trees and deep soil.

- A minimum outdoor living area for ground floor dwellings of 3m x 3m, as well as an outlook of 4m x 4m from the main living space is being proposed (these are often combined in current practice). However, **there is no standard ensuring this space is not covered with an impervious surface, or a standard providing that this space be utilised for a medium sized tree.**
- This 3m x 3m area is not required to be located within the 20% landscaped area. This means landscaped areas may be located in the 1m wide rear and side yards, or 1.5m wide front yards. **These spaces will not be wide enough for mature trees, canopies or hedges.**

2. Unclear impervious surface area standards

We are concerned that the impervious surface area standards are unclear.

- Although changes to the maximum building coverage and minimum landscaped areas have been proposed, we are concerned that the **new maximum impervious areas have not been defined/included** (see AC Information Sheet 5, Table 1).
- Further, it is unclear to us **what activities or built forms will be enabled in the leftover area**, particularly if the underlying impervious standards remain (see Table A below).
- If impervious surfaces are enabled in these areas, we are concerned that **the area for potential canopy-cover providing for trees will be greatly reduced.**

3. Loss of and adverse impact to existing streets trees and trees in public open space

We are concerned there will be a loss of streets trees and trees in public open spaces.

- New dwellings, additional vehicle crossings and increased services in berms or aboveground will adversely impact our existing street trees with **increased pressure on our green infrastructure assets.**
- There will be increased pressure to remove existing publicly owned mature trees which would result in a **reduction in urban ngahere canopy cover** in the public realm. This coupled with the loss of trees in private land will have an adverse impact on Auckland's urban ngahere strategic goals. Of note is the existing failure rate of replacements, and this effect on carbon sequestration and biodiversity loss.
- The widening of existing driveways, and the creation of additional driveways to serve new subdivisions will, in our view, also result in a **loss of usable berm area** for future trees we need to continue to plant.



- Berms are a key asset for Auckland Council in meeting the Urban Ngahere Strategy targets, as they contain a large portion of the existing canopy cover, and also, the removal/addition of any plantings on berms occurs under Council authority.
- Plantings within the berms are, in our view, extremely important for creating shade and cooling to encourage liveable and walkable neighbourhoods, especially as the number of hot days are set to increase in Auckland.
- The Qualifying Matters identified do not currently include berms, overlays such as the Waitākere Ranges Heritage Area or the Open Space – Community Zone. It is essential, in our view, that as much public green space as possible is retained in an intensified city to make it liveable, especially as the new MDRS rules will reduce the amount of outdoor space on private sections significantly.

4. Minimising the potential loss of existing trees (and space for new trees) on private land

We are concerned there will likely be a loss of existing trees (and space for new trees) on private land.

- The implementation of the MDRS will, in our view, result in substantial changes to the Single House (SH) and Mixed Housing Suburban (MHS) zones (see Table A below). Many of the sites of potential redevelopment will be typical ¼ acre properties with stand-alone dwellings within which a large proportion of the 61% of Auckland's privately owned tree canopy cover is now contained.
- We are concerned that Schedule 10 (Notable Trees), Significant Ecological Areas rules, Riparian Margin rules and rules that protect coastal Pohutukawa have not been included in the "qualifying matters".

Table A: Proposed changes

Zone	Current max. building coverage	Proposed max. building coverage	Δ	Current minimum landscaped area	Proposed min. landscaped area	Δ	Current max. impervious Area	Proposed max. impervious area	Δ
Single House Zone	35%	50%	+15%	40%	20%	-20%	60%	80%*	+20%
Mixed Housing Suburban Zone	40%		+10%	40%		-20%	60%		+20%
Mixed Housing Urban Zone	45%		+5%	35%		-15%	60%		+20%
Terrace Housing and Apartment Building Zone	50%		0%	30%		-10%	70%		+10%

*Assumption based on proposed landscaped area and maximum building coverage provided



Recommendations:

Our recommendations for addressing our concerns/issues are set out below.

- We recommend introducing a ‘biodiversity net gain’ requirement for developments to ensure that there is not a loss of canopy/vegetation cover and biodiversity across Tāmaki Makaurau from the proposed changes. We believe this can be achieved by including a requirement in the proposal for nature-based solutions, such as requiring empty berms to be planted with new street trees, underplanting, living roofs and living facades – such as climbers to create living walls/facades (refer: <https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/>).
- Alternatively, we recommend introducing a “biotope area factor” to ensure that higher density is delivered as part of a high-quality urban development (and has regard to the particular ecosystem, biodiversity, landscape qualities of the area, neighbourhood wellbeing and associated recreational use)(refer: <https://www.berlin.de/sen/uvk/en/nature-and-green/landscape-planning/baf-biotope-area-factor/>).
- We recommend including in the proposals minimum canopy cover requirements for private land, using tree planting rates based on size and use of property (see NSW guidance, attached). Having clear policy requiring existing trees, including street trees, to be protected where possible through planning site design and showing alternatives having been considered.
- We recommend modifying the proposed standards to include a minimum 3m x 3m area of deep soil for medium trees for each ground floor dwelling (not to be restricted in height by balconies or other built features).
- We recommend utilising the Plan Change to include any corrections to errors in Schedule 10, and to also include in Schedule 10 appropriate new nominations for scheduling that have been received by Auckland Council. We also suggest new nominations be encouraged over the next few months.
- We recommend the inclusion of all the following matters as Qualifying matters:
 - Existing public street trees (and future planting space)
 - Schedule 10 (Notable trees)
 - Significant Ecological Areas
 - Riparian Margins
 - Coastal Pōhutakawa
 - Ecologically significant overlays such as the Waitākere Ranges Heritage Area
 - All Open Space Zones
- We recommend a requirement in the proposals for the provision of appropriate green/living infrastructure (such as living roofs) to offset the likely negative environmental effects of loss of non-impervious and landscaped areas, or to incentivise more sustainable density (i.e., greater building coverage is to be enabled only when living roofs or facades are implemented).



- We recommend the creation of design guidance to minimise the loss of existing trees, particularly on typical SH or MHS zone sites.
- We would recommend a meeting to discuss these issues and how the policies can evolve.

From: Mark Andrews <MarkAndrews@wilsonmckay.co.nz>

Sent: Monday, 9 May 2022 5:50 PM

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

Subject: FW: Preliminary submissions and feedback to Aure : Submissions and preliminary response to the National Policy Statement on Urban Development (NPS – UD) and the Medium Density Residential Standards (MDRS).

Dear Sirs,

Please see my attached submissions on the above matter.

If you have any queries, please do not hesitate to contact the writer.

Kind Regards

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Preliminary submissions and feedback to Auckland Council on the preliminary response to the National Policy Statement on Urban Development (NPS – UD) and the Medium Density Residential Standards (MDRS).

Submitter details

My name is Mark Andrews.

I hold the degrees of B.A. (history) and LLM (Hons) from the University of Auckland. My master's thesis at Auckland University primarily focused on the protection of historic properties through the use of transferable development rights (TDRs) both internationally and domestically. I therefore have an interest and knowledge in the protection of historic and special character areas and would welcome the opportunity of participating in working groups prior to the plan change being notified.

This submission is made on a personal basis informed by personal experience of the area concerned, having lived in Remuera for decades. I live in an established home within one of the special character areas identified as Remuera East and Schedule 15 in the Auckland Unitary Plan (**AUP**) and believe I have the expertise and background to provide an informed view about the need to preserve the existing special character areas in Remuera under the AUP.

Background

Auckland Council has invited preliminary feedback and comment from interested parties on:

- a) the walkable catchment areas that should apply from the edge of the city centre (1200m), metropolitan centres and rapid transit stops (800 m) in Auckland;
- b) the proposal to apply the THAB zones to 400 m from large town centres with high accessibility, and 200 m from small town centres or large local centres with high accessibility;
- c) special character areas as a qualifying matter;
- d) additional qualifying matters (a feature or characteristic which may allow the Council to modify, or reduce, required building heights or density).

Focus of this submission

This submission's primary focus is around special character areas of Remuera identified in the AUP, bulk and location/privacy issues and additional qualifying matters that might be applied by Auckland Council.

Statutory Scheme

The current position is that planning controls for the development of land within Auckland environs is controlled by the AUP. The Government however through the NPS –UD, and the passing of the Resource Management (Enabling Housing & Supply and Other Matters) Amendment Act 2021 (**the Act**) have mandated that Auckland Council must amend the AUP to enable :

“within and adjacent to... town centre zones, building heights and density of urban form commensurate with the level of commercial activity and community services”.

This central Government mandate substantially ignores the principles of Town Planning and Resource allocation that have been the guiding principles of development for the best part of 100 years. Council has obligations to its citizens and stakeholders that are additional to and different from those of

central Government. In the absence of a more comprehensive mandate, Council is justified, if not compelled, to round out the evident omissions and lack of detail in the mandate.

The new provision for intensification contained in the amended National Policy Statement for Urban Development has resulted in the Council examining each commercial centre in the city to identify an appropriate area for intensification.

The Act requires Medium Density Residential Standards to enable housing of up to 3 storeys to be built on most residential sites across the city.

The Government has allowed for some qualifying matters that can modify three storey and six-storey building heights, the rules that require resource consent to build in the area or demolish buildings or vegetation. Qualifying matters are characteristics that can be used to protect sites of cultural, historical and ecological significance or to avoid development in areas with natural hazards.

The Government has not included special character areas as a qualified matter. However Auckland Council (as it is allowed to do) has indicated that it wishes to include identified areas of special character as a qualifying matter which would reduce the limit on building heights and housing density to ensure the character values of those areas are retained.

Auckland Council is also considering inter alia including as qualifying matters a ridgeline protection overlay, and a local public views overlay, and areas with long-term significant infrastructure constraints – for example water supply, wastewater, stormwater and transport.

Importantly, in the context of this submission the zoning proposal shown in the NPS – UD map viewer to respond to governmental and Auckland Council qualifying matters are either two storey single dwelling residential area, or two-storey medium density residential area. (See Auckland Council Consultation Document - page 5) It sets the framework for the modified nature of development to be utilised where qualifying matters are present.

Section 6. Matters of National Importance

I submit that the preservation of special character areas is a matter of *national importance* under which in achieving the purposes of the the Resource Management Act 1991 (RMA) all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance.

- (f) the protection of **historic heritage** (emphasis mine) from inappropriate subdivision, use and development.

‘Historic heritage’ as defined under section 2 of the RMA :

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) **historic;** (emphasis mine)
 - (v) scientific;
 - (vi) technological; and

- (b) includes:
 - (i) historic sites, structures, places, and **areas**; (emphasis mine) and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources.

On my reading of the legislation a special character area comes within the definition of historic heritage requiring Council as a matter of law to provide for the preservation of special character areas as a matter of national importance under section 6 of the RMA, which is a specific requirement of section 77 G (5) (a).

Special Character Areas

What is a special character area?

As noted in Auckland Council information sheet number 7 Qualifying matters (Part 2):

“special character areas limit height and density in Auckland’s older established areas (of which Remuera is one such area) to protect places of special architectural other built character value. Their importance, relevance and interest to people is often gained from viewing them across areas, rather than individually.”

In Auckland Council’s information sheet number 9 Special Character Areas, the Council refers to the AUP regional policy statement B 5.4 which notes that special character areas are areas and places of special architectural and other built character value, that have collective importance, relevance and interest to a local area or to the region.

Information sheet number 9 goes on further to record that:

“special character areas physically link Aucklanders to the past developments of the city. These areas illustrate the history of Tamaki Makaurau Auckland by showing how, when and why the city expanded during different eras in response to different pressures and influences. An illustrated history of our city’s growth, special character areas also show past social values, influences, fashions, and philosophy that has shaped Auckland over time. Because those areas illustrate the history of Tamaki Makaurau Auckland they have relevance beyond the immediate locality and have importance to people beyond those who live there.”

I concur with those statements.

I would add that in the context of considering the special character areas in Remuera:

- 1) the history of the many notable people that lived there from the time of the settlement of Auckland and following are an integral part of the social fabric and development of Auckland and should be taken into account in considering the special character areas in Remuera; and
- 2) whilst Council does not accept that notable trees are a qualified matter, trees are an important part of the Remuera landscape and if one takes away the trees from the special character areas identified in the AUP that lessens the special character of those areas; and
- 3) the importance and significance of Tupuna Maunga, and in particular the location and importance of Ohinerau (Mount Hobson), in relation to other Maunga, Te Kopuke (Mount St John) and Maungakiekie (One Tree Hill) to the south of Remuera, and the connections both

visually and underneath the land through the volcanic lava field to Maungauiki (North Head) and Rangitoto to the north, and spreading out to Maurangarei (Mount Wellington) to the east; and

- 4) the importance and nexus of Maunga and their relationship to the Waitemata: and
- 5) the establishment of European settlement in Auckland in 1841 by Governor William Hobson, for whom Hobson Bay which sits at the intersection of Parnell and the Waitemata is named; and
- 6) the areas of archeological and ecological significance and the many reserves, special purpose areas and wetlands within the Remuera catchment.

The context and importance of Tupuna Maunga and their location to the Waitemata

As Auckland Council itself recognises, the significance of Tupana Maunga hold a significant place in the historical, spiritual, cultural identity of iwi and Mana Whenua tribes of Auckland associated with the Maunga identified above. The continuous relationship of Mana Whenua with the Tupana Maunga signifies the unbroken living connections across the oceans and time.

Whilst I am not an expert in these matters, and there are far more expert and qualified persons to comment, I opine that Remuera is perhaps one of the most important suburbs of Auckland when considering the fact it sits at the epicenter of a significant number of Maunga, and their connection to the Waitemata for transportation links and the gathering of kaimoana from the Waitemata.

As such, Remuera as a suburb, perhaps more than any other suburb in Auckland, has more Tupana Maunga which as Council acknowledges itself, are to be “honoured, respected and protected for those who have gone before and for the many generations to come” (source: Auckland Council website – Tupana Maunga- significance and history”).

Does Remuera have any existing special character areas?

Yes, under the AUP, Remuera has a number of special character areas shown as special character overlays set out in Schedule 15 to the AUP. The section involving Remuera is located at pages 178 to 181.

These special character overlay areas have been the subject of rigorous and extensive examination and research by Auckland Council itself and others involving a 253 page analysis of special character areas identifying and discussing the attributes contributing to the character of each special character area of the city identified in the schedule, including inter alia:

Historical context

Physical and visual qualities

Built form

- Period of development
- Scale of development
- Form and relation to the street
- Density/pattern of development
- Building types
- Visual coherence

Architectural values

- Styles
- Materials and construction

Urban structure

- Subdivision
- Road pattern
- Streetscape

Evaluation of special character Areas

As the first page of Schedule 15 notes, the “collective coherence (of **special character** – emphasis mine) is often evident based on a mix in the aged styles of buildings in a particular area”.

I concur with that analysis as it is the collective coherence which gives those areas their character, not one or very few sites. Specific sites can be afforded protection via the historic places classification and are protected items under the NPS -UD.

It is also consistent with the policy statements set out in the regional policy statement in the AUP (section B5.3.2).

Council has conducted a site-by-site evaluation. This was not necessary as there is no Government directive about special character area overlays. I say this also because preservation of special character areas are a matter of national importance under section 6 of the RMA. Council already has robust evidence and can justify that the protection of those areas has been fully researched and the alternative process under section 77 could have been utilised.

If it had been utilised (as was open to Council to do so) there would have been no need to undertake a site-by-site specific evaluation because the material for the evaluation of special character areas already exists under Schedule 15 to the AUP which, as I have explained, has comprehensively examined those special character areas and determined that they are appropriate for protection, unlike the limited analysis undertaken by Council.

I further say that in the context of the undertaken desktop analysis for the majority of the identified special character areas and Remuera the alternative method should have been used to fulfil the council’s obligations under section 6 of the RMA.

My intention is to provide further additional information following this submission and further analysis of the process undertaken by Council in relation to the existing special character overlays.

Would the retention of the existing special character areas impact the delivery of Government outcomes for delivering building heights and density of urban form commensurate with the level of commercial activity and community services?

Answer. In my opinion, no, the total area of land currently shown as special character areas under the AUP within Auckland is reportedly between 3.5 and 3.6%. The total land area of the special character areas within Remuera is minuscule both in terms of the amount of housing stock in Remuera, and relative to the areas opened up by THAB zones in Remuera under which Auckland Council’s ability to scale up zoning closer to town centers provides the Council with the flexibility to offset the loss of development potential in the special character areas.

I would support the process of preserving both the special character areas and to place more intensive development closer to the town centres, which have better transportation links and are better places to encourage intensification.

I have no doubt that there will be a number of submissions to intensify the commercial areas around the town centres and I support those initiatives provided that such development is done in a cohesive and design led manner. My submission is that this should not be at the expense of retaining the current special character areas, and that both can co-exist to present a cohesive built form retaining the present and the past with a look to the future. It's a question of finding the right balance. In my view the balance has not been struck.

Summary Table of special character areas within Remuera following Auckland Council's field and desktop analysis.

Areas walkable and non-walkable	Number of sites	Rear sites not examined	Field	D/Top	5/6	Result	4/5/6	If 4/5/6 were adopted	Infrastructure (current/future)
Middleton Rd (walkable)	110	18 (16.36%)	100%		66%	Fail	80%	Pass	Not known or provided
Bassett Rd (walkable)	86	26 (30.23%)	100%		65%	Fail	77%	Pass	Not known or provided
Arney Rd (walkable)	256	68 (26.56%)	42%	58%	43%	Fail	65%	Fail	Not known or provided
Remuera (walkable)	129	32 (24.80%)		100%	59%	Fail	69%	Fail	Not known or provided
Mount Hobson/ Ohinerau (walkable)	47	19 (40.42%)		100%	68%	Fail	79%	Pass	Not known or provided
Remuera East (non-walkable)	768	212 (27.60%)		100%	54%	Fail	66%	Pass	Not known or provided
Totals	1,396	375 (28.86%)							

- **Notes: walkable catchment threshold 75%; non-walkable catchment threshold 66%**

Further Consideration of Auckland Council summary analysis and schedule 15 of the AUP

Special character areas are worthy of protection and recognise the city's links with the past. The summary reports presented are hardly a nuanced response against the background of the extensive evaluation undertaken during the unitary plan submission/notification process.

I am genuinely shocked and concerned that Auckland Council say that none of the six (6) special character overlays within the Remuera catchment meet the threshold criteria for special character protection.

This is nonsensical and cannot be right. One can't go from having protection for houses within the special character overlays from almost **1,400** houses to **0** houses not having the requisite quality special character value as identified in the field test and desktop summaries conducted by Auckland Council.

What constitutes "strong evidence" is a question of fact and degree. I say that there is strong evidence for the inclusion of **all** the currently identified special character areas to remain as special character areas.

My own observation and experience living in the Remuera catchment all my life, coupled with my professional observation, is that there are significant areas of special character and I simply do not accept or agree with the Council's view that the previous special character areas should no longer apply within the Remuera catchment. It was less than six years ago that Auckland Council itself, following a rigorous and robust examination over several years, accepted that these areas were worthy of protection. They still are.

I intend to rebut Council's position on the removal of special character areas by providing additional information from recognised experts in this field. However due to the strict time constraints for submission this simply has not been possible.

Council says that in information sheet 1 on page 2 they can only identify the additional qualifying matters if there is strong evidence on a property-by-property basis to justify reducing the height and density standards for those properties or in those areas. Council already has very strong evidence to justify the inclusion of the current special character areas which are contained in Schedule 15 of the AUP. If anything, when analysed against the other matters I say should be contained in the definition of special character there is additional weight and strong evidence that the special character areas identified should remain.

What we have now for consideration is a summary report which presumably has used different criteria than the extensive criteria and analysis undertaken during the Unitary Plan process.

The summary is flawed and sadly lacking in a number of material respects.

First, In three of the reviews conducted by Auckland Council shown in the table above, 100% of the analysis was undertaken by desktop survey and analysis, which is less than satisfactory in terms of making decisions which affect the long-term future of those areas.

Secondly, rear sites have not been taken into account in undertaking the analysis for special character area protection. In the context of the legal legislative framework these must be taken into account when reviewing those special character areas. In the Remuera context there are a considerable number of rear lot houses (comprising over 25% of the total number of sites) that are viewable from the street that should have been taken into account, but for reasons that have not been expressed were regarded by Auckland Council as not applicable. That is a manifest error.

Thirdly, the basis for the scoring mechanism is seriously questionable. Council has adopted an arbitrary threshold, which needs to be further analysed, assessed and justified. How did the Council arrive at the 75% and 66% thresholds?

- 1) Were they peer reviewed or independently assessed?

- 2) Did they reference international best practice, or was it simply an internal decision by officers?
- 3) Were there any changes during the time of the summary reports being finalised and presented to the public, and if so, what was the basis of those changes?

Council's scoring system is simply too restrictive. The Council's own scoring guidance (SCA residential Survey Guidance) provides as follows:

Score 6	Character defining
Score 4 or 5	Character supporting
Score 2 or 3	Neutral
Scores 0-1	Detracting

Scores 4 should be added to clauses 5 and 6 as they are both deemed to be character supporting. If that analysis is used within the context of the Remuera catchment then some but not all of the six special character areas identified in the AUP would merit protection.

What can be gleaned from the summary reports even though three (3) of the affected areas were undertaken by desktop survey, is that even without considering the rear sites (which were not examined as admitted by Council as being not applicable, which is contested in the context of the legislative framework) there are a majority of houses scoring five and six in the special character areas examined by Council. That is strong evidence that there are a majority of houses worthy of protection, which is evidentially supported by the rigorous and thorough examination of those areas and being noted and accepted by Council itself as special character areas under the AUP.

I further say that whilst there is an emphasis on developing land towards the town centres which might justify a higher residential density, the non-walkable catchment threshold should be lower to reflect the fact that the focus of the MDRS is to allow for higher density towards town centres and local areas.

I would suggest that Council undertake a survey of the affected people within those special character areas to gain a more nuanced response to the issue being considered, and to cross-reference and check that the impact of the changes are appropriate in the context of the area keeping its distinctive character and unique history.

I have previously analysed the effect of Auckland Council's summary proposals under which Remuera will have zero (0) homes gaining protection within the special character areas. This is manifestly wrong.

I strongly **do not** support Council's proposal to include just the identified (blue) special character areas as a qualifying matter. In my considered opinion, **all** existing special character areas identified within the Remuera catchment under the AUP should be qualifying matters.

I note that within the number of special character area overlays, which now have a notation that these areas are potentially up for further modification. I **do not** support any upward development and as the revised zone provisions are not currently available for feedback, I therefore cannot comment on those matters. Once they are available then additional information will be supplied.

I also am of the strong opinion that as the special character areas were worthy of protection under the AUP (which only took place recently and under which there was extensive analysis done) there should be a degree of sensitivity applied to the development of those sites. A more nuanced approach should be taken.

Alternative zoning approach to development within special character areas

In my view, a much more nuanced approach to allowing development within special character areas can be achieved by implementing a different zoning for the sites within those areas. Many of those sites (including my own and those of my neighbours) are covered by a single house zone. Those areas should not simply be blanketed with houses up to three levels with no restrictions.

Section 77G (4) of the Act allows for the council in carrying out its functions under that section to create "***new residential zones or to amend existing residential zones***".

In my submissions, Council has the flexibility and could and should retain the existing special character overlays but change the underlying zoning to allow for appropriate further but limited development within those areas within a **streamlined** resource consent process which would allow for controls over bulk and location/privacy matters to be properly considered.

At the very least Council could and should consider a new underlying zone, for example, an MDRU (medium density urban zone) providing for two (2) homes of two (2) storeys on the site with restrictions on bulk and location and privacy for those existing special character areas, considering the topography of the site, and neighboring sites to achieve a higher density in those special character areas.

The concept of re-zoning has been successfully used internationally within special character areas (e.g., Sydney Rocks area through specific enabling legislation). This allows for cohesive and well-designed development to occur within special character areas to take into account built framework and overall needs to maintain the special characteristics of that area leading to an overall better design and livability result for both the individual properties and the surrounding areas. Contrast this with the ability of developers under THAB and mixed housing urban zone to undertake development without a resource consent and no guidance or sanctions on the types of building material or design of those buildings which will materially affect not only the neighbours but also the wider neighbourhood.

In the context of this submission I note that the zoning proposal shown in the NPS – UD map viewer responding to governmental and Auckland Council qualifying matters is either two storey single dwelling residential area, or two-storey medium density residential area.

I further note that Council has adopted this approach in other areas of the city such as Devonport by establishing a new residential zone called "single house two-storey" zone. This obviates the need for Council to allow for three houses per site in the context of a special character area. That is appropriate, and I suggest an approach that should be used in other areas and is supported by the NPS -UD referred to above.

I suggest that in most instances, two-storey medium density dwellings could be an appropriate methodology to allow further sensitive intensification within those areas. There is insufficient time to provide more detail on this part of my submission and I suggest that the Council in addition to other parties explore this possibility to achieve a better outcome in the context of providing further identification within those areas.

In summary, Council should and can respond to the sensitive nature of the special character areas identified in the AUP through the re-zoning process which would allow for Council to have input on the types of development that are undertaken in those areas. Alternatively, Council should leave the

current special character area overlays in the AUP intact in their current form and re address those areas when the Unitary Plan is reviewed in 2025/26, which will give time to assess the impact of the land intensification mandated by the current Government and consider whether the right balance has been struck in terms of intensification.

Walkable Catchment Distances and Intensification

I believe there is further work to be done in identifying the right distances for THAB zones from town centres and local centres. My sense is that the distances within the Remuera catchment should be closer because those centres are already relatively small with limited public transportation links and parking. It is a difficult task to identify the correct areas particularly given the possibility of increasing heights within the THAB zone currently under consideration by Council. It is a question of fact and degree and as I say, requires further consideration to reach a more considered position.

I fully **support** as part of providing people with a great place to live in walkable catchments:

- The Council's desire to seek outcomes within the walkable catchment of the THAB zone to manage privacy, building dominance and shading effects on adjoining sites.
- The consideration that front sites to face the street are to have less building bulk than the rear sites, to reduce dominance and shading effect over side and rear boundaries.
- Requiring building setbacks and landscaping private share driveways and pedestrian footpaths
- Maintaining outlook space do not cause privacy issues.

I strongly believe and submit that those outcomes sought by Council for walkable catchments should also apply to our properties if the THAB zones are to remain on the adjoining properties to us to ensure consistency, equality and fairness when considering the needs of adjoining site owners. Why should there be a difference between the walkable catchments.?

Similar to the outcomes that the Council is seeking to achieve in THAB zones within the walkable catchment areas I see there is no logical reason why the above outcomes cannot be brought to both walkable and non-walkable catchment areas.

TDR'S

I have not seen anywhere any comment on the use of TDR's to enable preservation of special character areas and to allow for more intensification in areas closer to town centres which the Council might consider more appropriate for more intensive development.

I suggest that the use of transferable development rights may have a useful part to play in relation to protecting special character areas. This system would allow for owners who are unable to develop their site because they are in special character areas to "bank" their development rights, and for developers to be able to buy those rights to enable more intensive development closer to town centres, with Council controlling discretion over the form of the more intensive developments in those areas.

I would be happy to elaborate on this further if required.

Other Qualifying Matters

Auckland Council has invited comment on adding additional qualifying matters (a feature or characteristic which can reduce the three storey and six-storey building height limits) that should apply in Auckland.

In my view the following matters should be qualifying matters.

Infrastructure
Transportation
Topography and Site Ecology
Viewshafts from public places
Wind
Soil conditions on adjoining sites

Infrastructure constraints

I support Council's proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter. The proposed intensification of the city will, for the short, medium and long-term, bring with it serious issues about the ability to meet infrastructure needs as a result of the land intensification.

Within the special character areas many of those areas are older in terms of water, wastewater and sewage connections. Can the current infrastructure meet the potential short-term and medium needs within those areas? If the answer is negative, then development should not proceed until those matters are determined.

Anecdotally Remuera is already badly affected by freshwater flooding after heavy rainfall. Increased intensification will only make that worse because more building site coverage means more stormwater run-off, particularly in relation to those areas which are below the level of the adjoining neighbouring sites.

I have made enquiries with Watercare, the organisation responsible for water, wastewater and sewage connections and supplies. They were unable to tell me their medium and long-term plans to meet the upgrading that will be required. I have no confidence that they will be able to have that advice available prior to the promulgation of the plan change.

Transportation

Within the Remuera catchment there is already intense demand on its transportation routes. On the Remuera Road link where I have spent much of my adult life, I have seen the increasing backlog of traffic as a result of increasing development, particularly the Stonefields development. It is nearly impossible to get out onto Remuera Road during peak hour traffic and even outside of those hours the road is always busy.

Increasing intensification will result in increasing amounts of traffic on the road network. I do not believe, and it would be a massive assumption to say, that public transportation is the answer to that problem.

An ancillary problem with the increase in public transportation and other users of the road network is that of noise and vibration. It is not that well known that on Remuera Road there is often vibration caused by buses going along the network. Increases in buses and heavy transportation movements using the road network will result in further vibration through the soil structure affecting adjacent neighbouring properties.

Site specific transportation question

With the increase in the number of lots allowable within the THAB zone, that will create issues in relation to existing private right of ways and covenants. Currently under the AUP and subdivision rules the Council applies restrictions on the number of people that can use a right-of-way driveway. For example, in my own context myself and my next-door neighbours are concerned with the potential that our private right of way which currently services four lots will now potentially have six or more lots utilising the same right-of-way.

It is no answer to say that the new development rules do not require parking and that there won't be an increased utilisation of the right-of-way. That is an assumption that cannot be validated, and it beggars belief that people will not use cars within Auckland to travel outside Auckland. It goes without saying that many Aucklanders use their cars for multiple uses and see the use of a car as being an integral part of their lives which affords them the opportunity and flexibility of travelling to other locations. Developers I would suggest, at least within Remuera, would be keen to provide for car parking. If that desire remains, then how will the Council manage that process given that there is no requirement for a resource consent for the development?

Topography, and Site-specific ecology

Auckland is not flat, and Remuera is no exception.

Within the Remuera catchment there are a series of ridgelines and valleys where development has taken place.

My neighbours and I are seriously concerned about the impact of the THAB development rules on sites adjacent to us. For context, our sites sit well below the road level and well below the level of adjacent sites which front Remuera Road. The impact of potentially three to six new houses sitting well above our existing sites will only accentuate the building dominance and shading effect on our sites, but will very likely lead to a loss of privacy and enjoyment for us all, and increase stormwater and sewage issues on our downhill sites, which fall to the north-east towards a stream at the bottom of properties, which is the last place at the bottom of the hill between Remuera Road and Waiatarua Road for the stormwater run-off and connection installed by Watercare which runs through to the Orakei Basin.

I should add that at the rear of my property and those of my neighbours there is a significant ecological area which I understand was previously an access link for the removal of kauri. From my property and almost to Waiatarua Road there are many mature scheduled native tree specimens including Totara, and Pohutukawa together with other non-natives such as mature gum and redwood trees, and other varieties, which are visible from the public domain but will be lost if properties adjacent to Remuera Road are rezoned to THAB zoning.

Council is aware of the local initiative called the Eastern Bays Songbird Project which includes Orakei and Mission Bay suburbs amongst others. Our properties are also a short distance away from ecological zone to the north-east of our respective properties, and to the south-east one of the largest, if not the largest, urban wetland in Auckland (Waiatarua Park). I believe that the rear of our properties and adjacent properties are a natural stop off for bird life between those areas. I feel that our properties have special ecological significance and the area might be considered as a special purpose area in relation to those matters.

Viewshafts from public places

in the context of our properties at 704 to 706 Remuera Road, if the special character overlays are retained I suggest that there will be potential for a view shaft for the public to view the valley, notable and scheduled trees at the rear of our properties moving up the valley. Distant landforms and cityscape will potentially be lost if the new mixed house urban zone is to be applied. Thus, I support view shafts from public places over special character area overlays so that people can gain a context of the form and characteristics of the immediate and surrounding neighbourhood.

Wind

It is interesting that Mount Hobson (Ohinerau) is an ancient name for the Maunga and means the place of Hinerau, goddess of whirlwinds. A telling reminder.

With respect, whilst shading has been identified as a potential adverse effect which needs to be considered in the context of the THAB zone, I have not seen, nor am I aware that any analysis of the impact of wind with the proposed intensification within Remuera has been undertaken by Council, or any other statutory body.

The insertion of development of ridgelines and along the roadway will create potential wind tunnels and adverse environmental effects.

Has the Council done modelling on the impact of that environmental element?

This should be a qualifying matter to be considered in the context of the development within Remuera.

Hazard - Soil conditions on sites and adjoining sites

Soil conditions in Remuera are mainly clay based. The soil conditions on site and for the adjoining site should be a qualifying matter in the context of development within THAB and mix housing urban zones. All too often and too late, development takes place next door to sites with soil conditions which are not properly considered or dealt with.

If there is an adjoining site with soil issues noted on the Auckland Council register or LIM report, then this should be a qualifying matter for development to ensure that there is no consequential impact on adjoining sites by virtue of the development.

With my own property there is a concern that development above my property will cause significant stormwater and sewer run-off to the bottom of my site, onto those of my next-door neighbours' properties and into the stream running behind our properties which flows into a Watercare drain at the bottom of my property.

Process and final thoughts

Protection of special character areas is as progressive and important to assess the success of the city as providing for intensification.

The impact of the intensification changes will be long lasting and generational and lasting well beyond the timeframe of any unitary plan or district plan.

The special character area summaries in my view are flawed, and have proceeded almost on a mathematical basis, ignoring considering other important characteristic of the special character areas. That, with respect, is not what planning or living in a city is about.

In my submission, the retention of the special character areas is important. I suggest the retention of special character areas until the review of the AUP is carried out in 2025/26 at which time Council can assess the impact of the intensification brought about by the Government mandates. I suggest Council won't lose anything by doing so because there is so little left to protect, noting that there is only 3.6% of houses across the Auckland region that will be affected by the retention of those special character areas.

A balance needs to be objectively struck and I believe is yet to be found. I suggest the balance to be struck lies (at least in Remuera which has been the focus of my submission) to changing the underlying zoning within the special character areas to allow for some further limited but sensitive intensification. This would allow for a proper assessment of the impact of the development on neighbouring adjoining sites, and I suggest a streamlined resource consent process may be appropriate to strike the right balance.

Many owners of properties within these current special character areas and Remuera have spent considerable sums of money to enhance and beautify their properties and have complied with all Council requirements in relation to obtaining resource consents and building consents for those works. I feel it would be unfair to now simply ignore those matters within the special character areas particularly against a background of there being very few homes statistically in Remuera which were within the current special character areas.

Perhaps unintentionally, very little time has been given to submitters to respond to what has been a very complex and difficult task. Information has been difficult to obtain and has been presented on a piecemeal basis. More time is required to better analyse and provide expert evidence.

It is also unfortunate that voting on such a significant plan change will be made by councillors so close to the October election and who may not be taking an additional term. It is hoped that voting will not be on party lines and that the best outcome for making Auckland thrive as a liveable city will result.

In terms of the special character areas, there was no statute obligation to reconsider the current special character areas set out the AUP and I feel there has been too little time and not enough consideration of the effects that will occur on neighbouring adjoining sites.

He tangata, he tangata, he tangata it is the people the people the people for all of their various guises and needs, be it the need for intensification, or the need to be afforded privacy or simply to live in Auckland.

Thank you for affording me the opportunity of making this submission. I welcome your thoughts and comments and can be contacted as follows:

- via email: markandrews@wilsonmckay.co.nz
- or phone: (09) 523 0755
- or mobile: 021 471 278.

From: Bianca Tree <Bianca.Tree@minterellison.co.nz>

Sent: Monday, 9 May 2022 5:50 PM

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

Cc: Henry Sullivan <Henry.Sullivan@minterellison.co.nz>

Subject: Viaduct Harbour Bodies Corporate feedback on Auckland Council's preliminary response to intensification requirements [MERWNZ-MERWLIB.FID642228]

Good evening

We act for The Parc Bodies Corporate, The Point Body Corporate, Lighter Quay North Body Corporate, Lighter Quay Halsey Body Corporate, The Quays Body Corporate, and Sebel Body Corporate (**Bodies Corporate**). Please see **attached** feedback on behalf of the Bodies Corporate 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

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VIADUCT HARBOUR BODIES CORPORATE JOINT 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 Submitters: The Parc Bodies Corporate
The Point Body Corporate
Lighter Quay North Body Corporate
Lighter Quay Halsey Body Corporate
The Quays Body Corporate
Sebel Body Corporate

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

bianca.tree@minterellison.co.nz

Introduction

1. This is a joint submission on behalf of The Parc Bodies Corporate, The Point Body Corporate, Lighter Quay North Body Corporate, Lighter Quay Halsey Body Corporate, The Quays Body Corporate, and Sebel Body Corporate (**Bodies Corporate**) 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 Bodies Corporate represent the owners of residential apartments and accommodation buildings located in the Viaduct Harbour. The details of the Bodies Corporate are set out in **Appendix A** to this submission.
3. 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.

4. 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.
5. 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.
6. The Preliminary Response proposes changes to zoning within walkable catchments of the city centre, metropolitan centre, rapid transport stops, and across the City in other residential zones, to allow for 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 allow the Council to modify or reduce building heights or density required by the NPS-UD and the Act.

Background to the Viaduct Harbour Precinct and the Bodies Corporate

7. The Bodies Corporate are all located in the Viaduct Harbour Precinct (**Precinct**), within the City Centre zone under the Plan (see **Appendix B**).
8. The Precinct is characterised by its enclosed water space, proximity to the core of the city, and areas of low-rise buildings.¹ The success of the Precinct, in both built form and its mixed use, is due to the planning provisions that have applied to this area since its establishment and are now embodied in the Precinct.
9. The Precinct plan includes building height, bulk, and design controls that encourage well defined edges to public open spaces, a sense of enclosure at the built edges of public space, and a visual transition in the height of built form

¹ Auckland Unitary Plan I211. Viaduct Harbour Precinct, page 1.

extending from the water's edge of the Viaduct Harbour to the established central commercial area.²

10. The Bodies Corporate are located within Sub-precincts A and C of the Viaduct Harbour Precinct (see **Appendix B**). Sub-precinct C is a residential area that recognises the established high quality residential environment and the benefits that a permanent residential population provides to the character, vitality, safety, and amenity of the Precinct.³
11. The Bodies Corporate buildings are all modern, high quality, residential developments. The Bodies Corporate are part of an established residential community within the Viaduct Harbour that in total provides approximately 673 residential units, 338 short-term accommodation rooms, and is home for approximately 1,500 people. A schedule of the residential and accommodation units located in the Viaduct Harbour is provided in **Appendix C**.
12. The land on which the residential apartments and accommodation buildings are established is subject to a ground lease rent from Viaduct Harbour Holdings Limited (**VHHL**). The individual leases are generally subject to a term of 99 years, and with rights to renew in perpetuity. The rent that the Bodies Corporate pay to VHHL is subject to periodic review and typically the determination of rent is based on the highest and best use of the land. The highest and best use of land is not determined by the current use of the land, but how the land could be developed under the provisions of the Plan.

Scope of feedback

13. In its Preliminary Response, the Council proposes that city centre precincts will continue to manage area specific outcomes including height and density.⁴ The city centre precincts play a very important role in recognising the different character and values within this area. It is important for the amenity and function of the city centre that the precinct areas are retained.
14. The Bodies Corporate support the continuation of the Precinct and consider that the current height and density provisions for the Precinct must be retained

² Auckland Unitary Plan I211. *Viaduct Harbour Precinct*, page 1.

³ Auckland Unitary Plan I211. *Viaduct Harbour Precinct*, page 1.

⁴ Auckland Council *Information Sheet #8 – The City Centre Zone*, page 3.

to ensure the ongoing character, vitality and amenity of this precinct is maintained.

15. In particular, the Bodies Corporate consider that the current height and density provisions for the Precinct should be retained because:
 - (a) The current building height controls protect the amenity values of the open space provided for public use in the Precinct and local public views to the harbour;
 - (b) Providing for greater building height in the Precinct is contrary to Objective 2 of the NPS-UD; and
 - (c) Further intensification should not be provided for in areas subject to potential coastal inundation.

16. We expand below.

The current building height controls protect the amenity values of the open space provided for public use in the Precinct and local public views

Open space provided for public use in the Precinct

17. Under the Act and the NPS-UD “open space provided for public use, but only in relation to land that is open space” is a specified qualifying matter.
18. In its Preliminary Response, the Council has identified areas within the Conservation zone, Informal Recreation zone, Sports and Active Recreation zone, and Civic Spaces zone as open spaces for public use.⁵ However, these zones do not cover the whole extent of open space provided for public use in Auckland.
19. The Precinct provisions are clear that Sub-precinct B is open space provided for public use. The Precinct description states that, “the open space network, identified as Sub-precinct B, incorporates a range of different sizes, widths and shapes to cater for varying recreational needs.” Objective 1 of the Precinct provides for “an attractive public waterfront and world-class visitor destination that is recognised for ...public open spaces, recreational opportunities...”⁶

⁵ Auckland Council *Information Sheet #6 – Qualifying matters (Part 1)*, page 4.

⁶ Auckland Unitary Plan 1211. *Viaduct Harbour Precinct, Objective 1211.2(1)*.

Precinct plan 2 identifies specific open spaces within the Precinct such as Waitemata Plaza, Market Square, and the walkways and promenades around the harbour edge that form part of Sub-precinct B. (see **Appendix D**).

20. In its Preliminary Response, the Council has included proposals to protect certain open spaces in the city centre provided for public use. For example, the Council proposes special height controls around Albert Park to ensure that the park is not shaded from sunlight.⁷ It is important that the Council also recognises and provides protection to the public open spaces in the Precinct. To maintain the amenity value of these public open spaces it is essential to retain the existing building height limits around the water's edge. This height limit seeks to avoid domineering building bulk and form, create a human scale built environment, and enables sunlight access to these spaces.
21. The public open spaces in the Viaduct Harbour are enjoyed by the local residents, city centre workers, visitors to Auckland, and residents of the wider city who come into the area for recreational and social activities. It is critical that the amenity values of these spaces are maintained.

Local public views

22. The Council has also identified "local public views" as an additional qualifying matter.⁸ Local public views are described as individual viewing points, and their locally significant viewshafts from public places, that contribute to the unique character of some of Auckland's neighbourhoods.
23. Objective 2 in the Precinct seeks to "maintain and enhance the Viaduct Harbour land and adjacent water space as a special place of character in the City Centre and retain significant views of the water and areas within and adjacent to the precinct".⁹ The views to the water within and adjacent to the Precinct is achieved by the height controls in the Precinct provisions which require a step down in building height closer to the water's edge (see **Appendix E**). These views contribute to the amenity both within the Precinct and the surrounding city centre area, they are important local public views, and should be recognised and retained.

⁷ Auckland Council *Information Sheet #8 – The City Centre Zone*, page 3.

⁸ Auckland Council *Information Sheet #7 – Qualifying matters (Part 2)*, page 2.

⁹ Auckland Unitary Plan 1211. *Viaduct Harbour Precinct, Objective 1211.2(2)*.

Maintaining the current Precinct provisions

24. The Council has stated that it will provide flexibility and opportunity for developers in the city centre while maintaining and enhancing open spaces and local views that link the city with the harbour.¹⁰ The Precinct is a location where the open spaces and public views should be maintained and enhanced in order to ensure that the area continues to be an attractive public waterfront and world-class visitor destination that is recognised for its distinctive character, quality buildings, public open spaces, recreational opportunities, community and cultural facilities, and events.¹¹
25. Open space provided for public use and local public views are both qualifying matters that allow the Council to modify the heights and density required under the NPS-UD and the Act. The best way to ensure that the open space provided for public use in sub-Precinct C and the local public views provided by the Precinct are provided for is to maintain the current height and density controls in the Precinct provisions.

Providing for greater building height in the Precinct is contrary to Objective 2 of the NPS-UD

26. Objective 2 of the NPS-UD requires “planning decisions to improve housing affordability by supporting competitive land and development markets”.
27. As noted above, the Bodies Corporate are subject to a ground lease rent from VHHL. The rent that the Bodies Corporate pay to VHHL is subject to periodic review and is typically based on the highest and best use of the land. An increase in building height for the land occupied by the residential apartments and accommodation buildings would (on the basis that the rents have been assessed previously) result in an increase in the highest and best use of the land and therefore a substantial increase in ground rent payable.
28. Allowing greater building height on the Body Corporate sites will not result in new more intensive development as these are already modern, high-quality, residential buildings. Therefore, increasing the allowable building height will cause an increase in ground lease rents and have a material and unintended

¹⁰ Auckland Council *Information Sheet #8 – The City Centre Zone*, page 2.

¹¹ Auckland Unitary Plan I211. *Viaduct Harbour Precinct*, Objective I211.2.

consequence of making the ground rent and therefore the cost of housing within the Precinct more expensive. This is contrary to an important objective of the NPS-UD of improving housing affordability.

29. Increased rent may also result in the Bodies Corporate not being financially able to maintain the buildings to the high standards expected in the Precinct. Over time, this could reduce the amenity of the established residential area.
30. Reducing affordability of housing in an area is not a specified qualifying matter in the NPS-UD or the Act. However, it is “any other matter” that makes it inappropriate to allow greater building height and density on the Bodies Corporate sites. Therefore, when the Council is preparing its evaluation report for the plan change, to give effect to the NPS-UD and the Act, under section 32 of the Resource Management Act 1991 (**RMA**), the Council should:
 - (a) identify that consequential increases in ground lease rent for the Bodies Corporate as a characteristic that makes an increase in height and density in the Precinct inappropriate;
 - (b) explain that increasing the allowable height and density for buildings subject to ground lease rents is contrary to Objective 2 of the NPS-UD; and
 - (c) identify the Body Corporate sites where this characteristic applies.

Further intensification should not be provided for in areas subject to potential coastal inundation

31. Areas of the Precinct may be subject to coastal inundation in the future (see **Appendix F**). It is inappropriate to allow greater building heights and density in the Precinct in areas that are at risk from coastal inundation.
32. The management of significant risks from natural hazards is a matter of national importance under section 6 of the RMA and is therefore a qualifying matter under the NPS-UD and the Act. Auckland Council has also identified coastal inundation as a qualifying matter in its Preliminary Response.¹² Therefore, the Council may modify the heights and density required under the

¹²

Auckland Council Information Sheet #6 – Qualifying matters (Part 1), page 3.

NPS-UD and the Act and maintain the current height and density controls in the Precinct provisions.

Summary of feedback

33. The Bodies Corporate seek that the Viaduct Harbour Precinct provisions be retained, including the current controls on building heights, density, and identification of open space and local views.
34. Representatives of the Bodies Corporate would appreciate the opportunity to meet with the Council to discuss the matters raised in this submission if it would be of assistance.

DATED this 9th day of May 2022

The Bodies Corporate by its solicitors and
duly authorised agents
MinterEllisonRuddWatts



B J Tree

Address for service of submitter

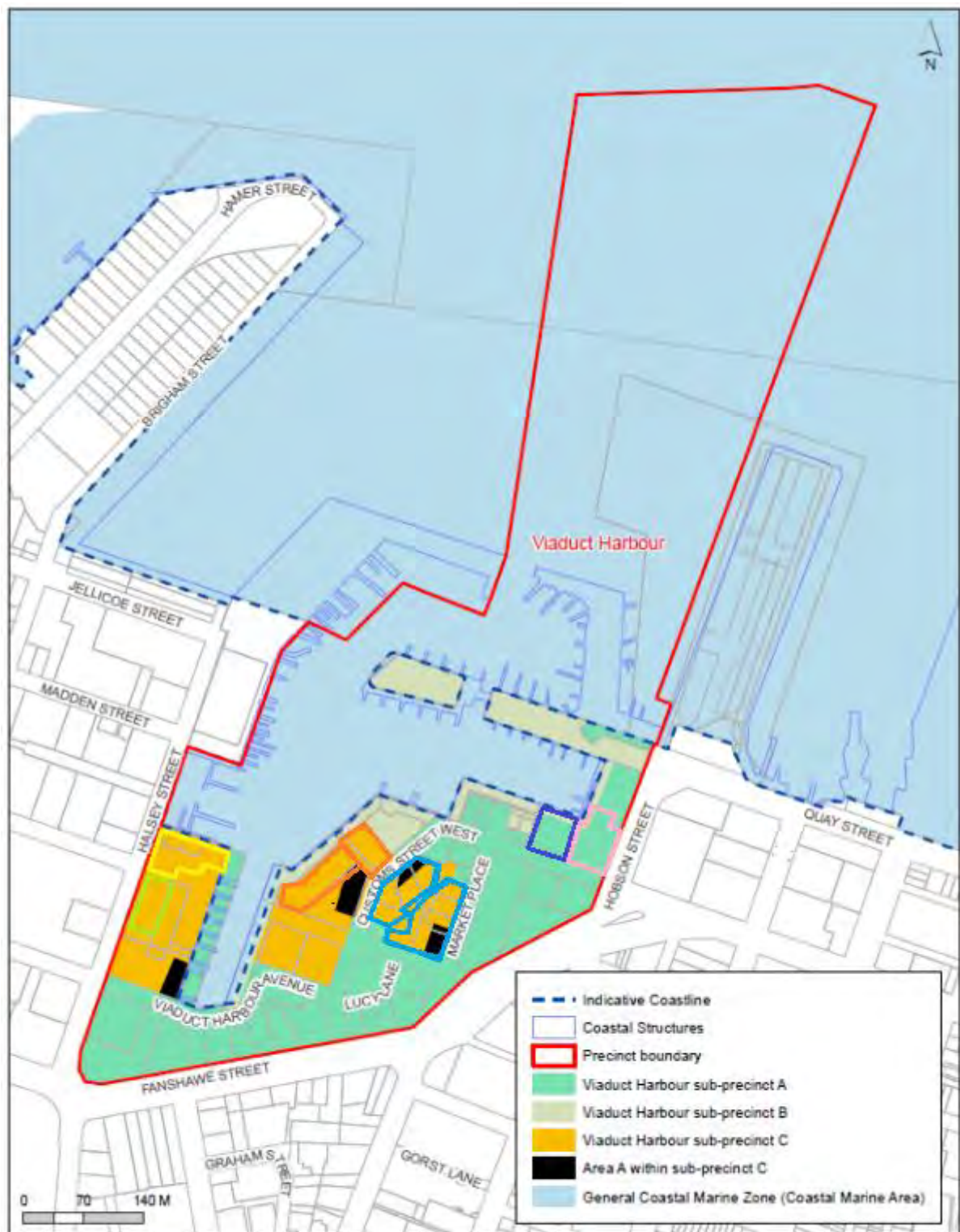
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AUCKLAND 1143
Attention: Bianca Tree

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

Appendix A – Details of Bodies Corporate

Body Corporate name	Body Corporate number	Body Corporate Address
The Parc	BC 336460	128 Customs Street West
	BC 321390	124 Customs St West
	BC 321391	120 Customs St West
	BC 336459	132 Customs Street West
	BC 383524	11-15 Market Place
	BC 378969	16 Market Place
	BC 323876	20 Market Place
	BC 321393	24 Market Place
	BC 321389	28 Market Place
The Point	BC 199318	101-121 Customs Street West
Lighter Quay North	BC 326496	87 - 89 Halsey Street
Lighter Quay Halsey	BC 358939	81 Halsey Street
The Quays	BC 198900	99 Customs Street West
Sebel	BC 199380	85-89 Customs Street West

Appendix B – Viaduct Harbour: Precinct plan 1 - Precinct and sub-precincts



 The Parc
 The Point
 Lighter Quay North
 Lighter Quay Halsey
 The Quays
 Sebel

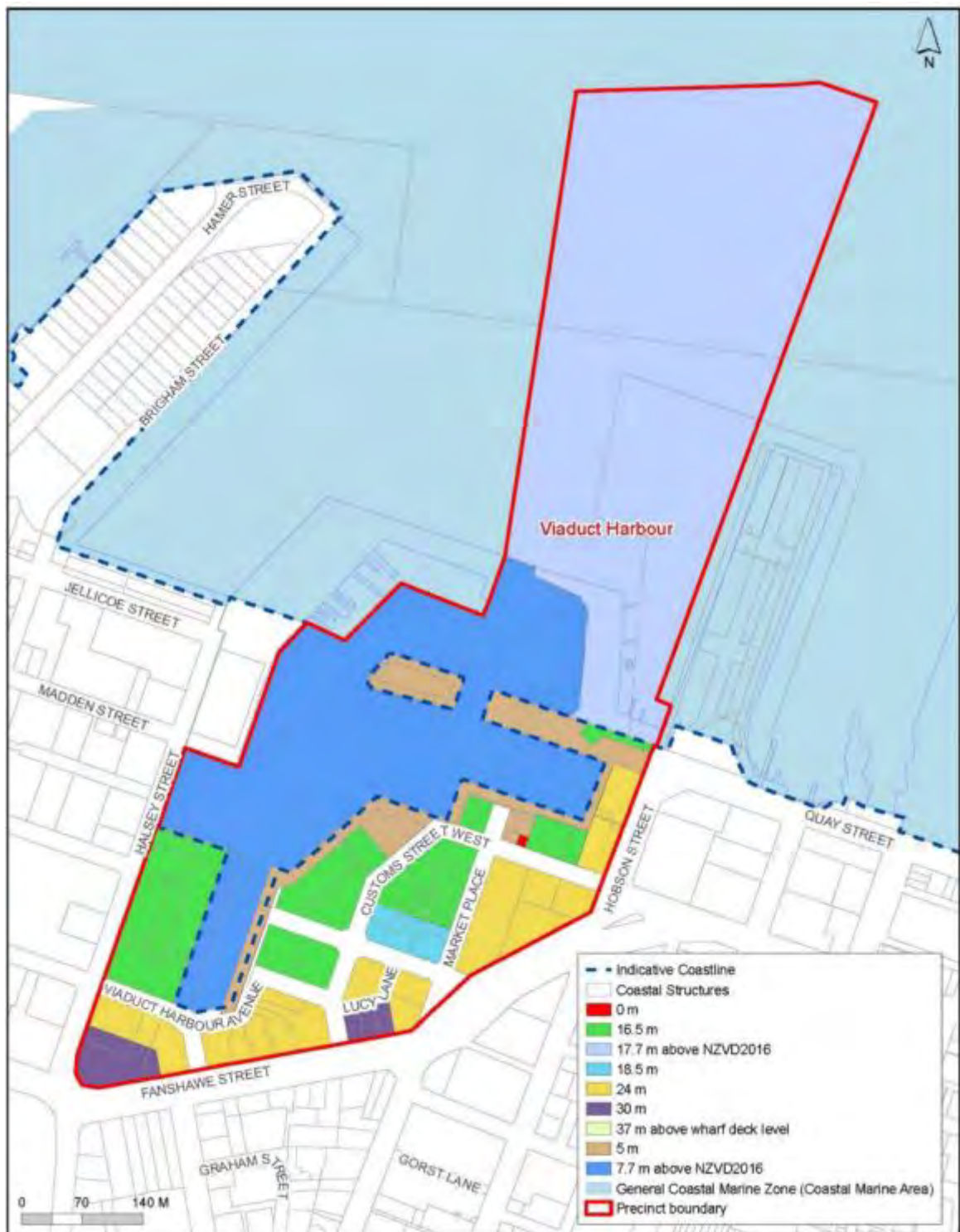
Appendix C – Viaduct Harbour Residential and Accommodation

Body Corporate name	Body Corporate Address	Number of apartments / rooms	Approximate number of residents
The Parc	120, 124, 128 and 132 Customs Street West 11-16, 20, 24 and 28 Market Place	124 apartments	400 residents
The Point	101-121 Customs Street West	85 apartments	170 residents
Viaduct Point		81 apartments	150 residents
Latitude 37		95 apartments	180 residents
Lighter Quay North	87 - 89 Halsey Street	39 apartments	78 residents
Lighter Quay Halsey	81 Halsey Street	118 apartments	230 residents
Lighter Quay Stratis	85 – 89 Halsey Street	72 apartments	140 residents
Lighter Quay Sofitel	21 Viaduct Harbour Avenue	191 rooms	n/a
The Quays	99 Customs Street West	59 apartments	118 residents
Sebel	85-89 Customs Street West	147 rooms	n/a

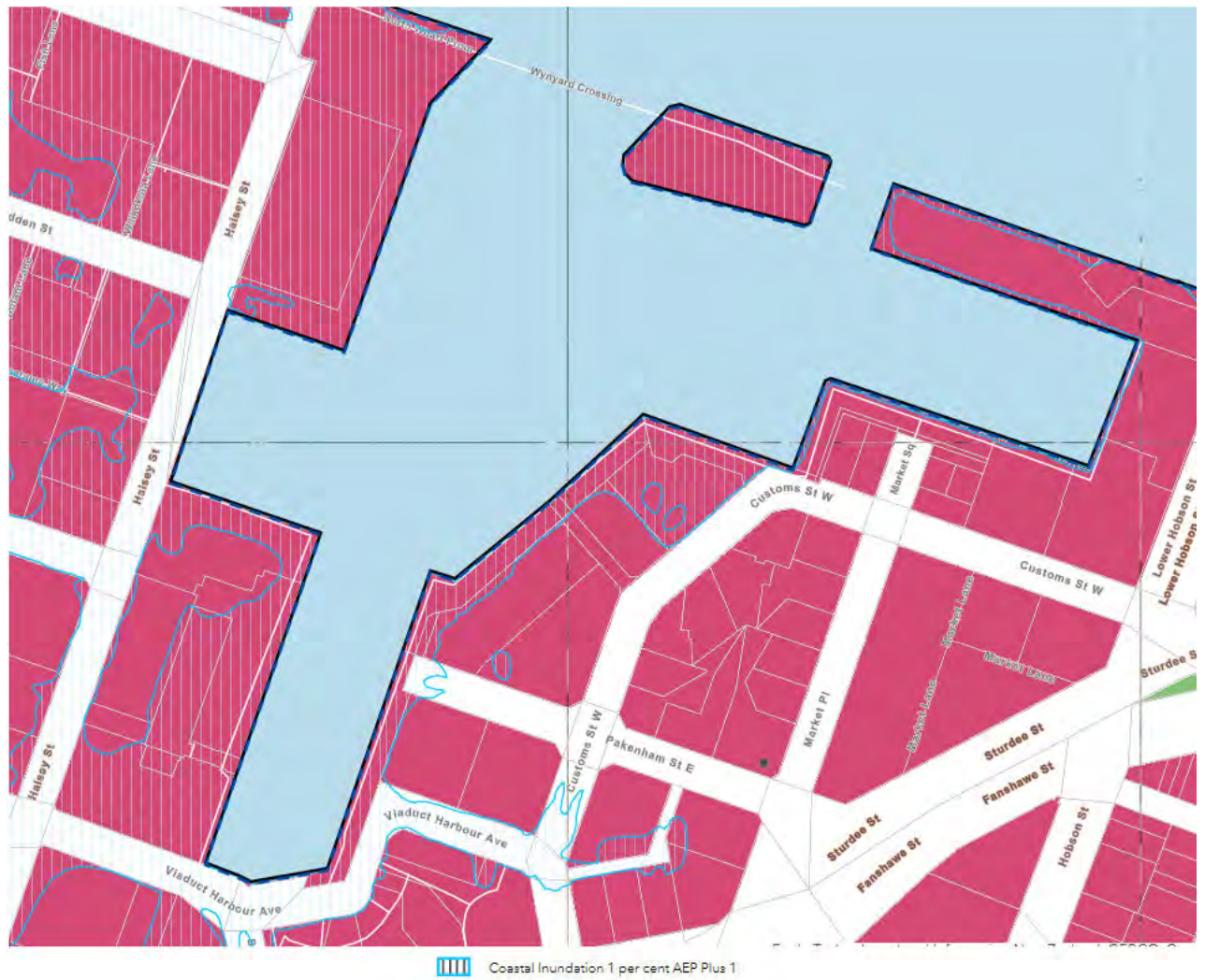
Appendix D – Viaduct Harbour: Precinct plan 2 - Wharves and open spaces



Appendix E – Viaduct Harbour: Precinct plan 3 - Building height controls



Appendix F – Preliminary Response draft planning maps - coastal inundation



Subject: proposed aup changes

Submission /comments

Regards

John



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Date: 9 May 2022

The Chief Executive
Auckland Council
Private Bag 92516
Wellesley Street
AUCKLAND

COMMENTS ON PROPOSED AUP CHANGES

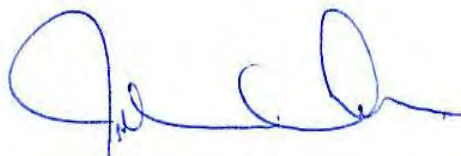
Mount Albert Historical Society
P O Box 77002
MOUNT ALBERT 1350

1. The Society was set up in 2006 to;

Protect preserve and educate on all matters historical in and relating to Mount Albert

2. By Mount Albert is meant areas in the former Mount Albert City and includes Kingsland, Sandringham, St Lukes , Mount Albert and Owairaka
3. The area is largely made up of low scale housing including villas, particularly in Kingsland and bungalows in the other areas except Owairaka. There is limited infill housing and little medium rise development. The last mentioned being largely located on main roads. The Maunga is the main physical feature dominating the area with much of the surrounding land rising up to it.
4. The Society has concerns about the proposed AUP changes in particular the location of the medium density and similar zones in the society's area . In particular in areas away from main roads and in the vicinity of the Maunga.
5. The Society requests that the zoning changes /medium density housing be limited to main roads, on sites away from the Mountain and not in the following areas;
 - in the area east of New North Rd between Alberton Ave, the Grammar School and Richardson Road including Allendale Road. This is because the area has a fine collection of bungalows and other special housing usually set in a spacious and established tree setting.

- In Kingsland on the west side from New Bond Street to School Road.
 - In Sandringham Road West side between the Kingsland Railway Station and St Lukes Road,
 - Also any heritage or character overlays/special height limits that currently apply should be retained
5. In relation to Mount Albert Road and Richardson Road it is critical that the physical dominance of the Maunga is not compromised by buildings above 8 metres.
6. The Society does support the Business Special Character provisions for the Kingsland Commercial area as it recognises the C19 and early C20 buildings in this location.
- 6 We are happy to meet to discuss the above requests,



Signed

John Childs

Immediate Past President

9 May 2022

From: Jeff Morrison <jeff@jeffmorrison.nz>
Sent: Monday, 9 May 2022 6:13 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: NPS-UD and MDRS

Please see attached

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Jeff Morrison
& Associates Ltd.



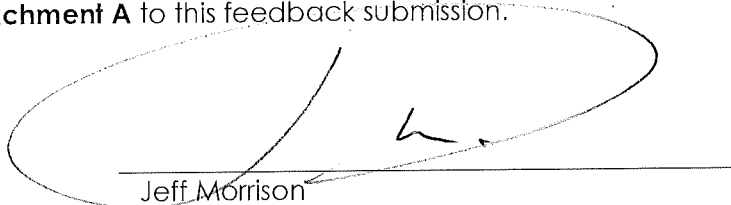
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FEEDBACK ON AUCKLAND COUNCIL PRELIMINARY RESPONSE TO THE NPS-UD AND MDRS

TO: AUCKLAND COUNCIL
SUBMITTER: JEFF MORRISON

1. I strongly oppose the proposals set out in Auckland Council's preliminary response to the National Policy Statement for Urban Development (**NPSUD**) and the Medium Density Residential Standards (**MDRS**) (overall, the **Response**).
2. I am concerned that the communities within Auckland will be significantly adversely affected by the blanket approach taken in this Response. In my view more thought needs to go into the areas that are modified so that over-crowded spaces and an unwelcoming, dark, and low amenity 'concrete jungle' is not created. Council should target specific areas to increase density instead of the blanket approach to all town and local centres as is currently proposed in the Response. The targeted approach should consider the intention behind the intensification, such as , providing for higher density housing around an education hub (like a university), and should consider the ability for the area to absorb the intensification.
3. In addition it is my view that Auckland does not have the roading, water, public transport or public amenity infrastructure to support such extensive changes in density. The proposed THAB Zone and MDRS will reduce amenity, specifically sunlight and daylight to buildings and public spaces, and will put extensive strain on an already groaning existing infrastructure.
4. The changes proposed in the Response will ultimately make Auckland an un-liveable city and cut across the outcomes of the Auckland Plan 2050, in particular those relating to Belonging and Participation, Homes and Places, and Environment and Cultural Heritage.
5. I have responded to Auckland Council's focus questions in the online feedback form, but for completeness also attach those responses in the table included in **Attachment A** to this feedback submission.

DATE: 9 May 2022



Jeff Morrison

ATTACHMENT A –RESPONSES TO FOCUS QUESTIONS

Question	Response	Comment
Intensification inside walkable catchments		
What do you think of our proposed walkable catchment of 1200 metres from the edge of the city centre?	Do not support – I think it should be closer	1,200m from the edge of the city centre is too far. Allowing such high intensification in this area will remove all amenity surrounding the city, including significant amounts of existing green spaces, trees, quiet streets, peaceful surrounds, and all different sorts of aspects which are highly valued by city dwellers and neighbouring residents alike. Introducing high intensification density into this area will also place strains on infrastructure and will irrevocably and negatively alter the character not only of the central city but all surrounding neighbourhoods. Further, 1,200m is not what the majority of the population would consider a 'walkable distance'. This distance needs to be a walking distance for all people including the elderly, young people, families, children and those with disabilities. 'Walking distance' should reflect the needs of the population and be reduced to 500m.
What do you think of our proposed walkable catchment of 800 metres from the edge of the metropolitan centres?	Do not support – I think it should be closer	800m from the edge of metropolitan centres is too far. Allowing such high intensification in this area will remove all amenity surrounding the metropolitan area, existing green spaces, trees, quiet streets, peaceful surrounds, and all different sorts of aspects which are highly valued by city dwellers and neighbouring residents alike. Introducing high intensification density into this area will also place strains on infrastructure and will irrevocably and negatively alter the character not only of the central city but all surrounding neighbourhoods. Further, 1,200m is not what the majority of the population would consider a 'walkable distance'. This distance needs to be a walking distance for all people including the elderly, young people, families, children and those with disabilities. 'Walking distance' should reflect the needs of the

What do you think of our proposed walkable catchment of 800 metres around rapid transit stops?	Do not support – I think it should be closer	population and be reduced to 500m. 800m around rapid transit stops is too far. This distance needs to be a walking distance for all people including the elderly, young people, families, children and those with disabilities. 'Walking distance' should reflect the needs of the population and be reduced to 500m.
Intensification around town and local centres		
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 – I think it should be closer	Introducing greater residential capacity to large town centres will not only place large burdens on existing infrastructure and services which are unable to cope with such a dense influx of people, it will also remove the character and amenity of those town centres. The only way to prevent this is to reduce the area of zoning or recognize heritage and amenity protections. Therefore I support a reduction of the THAB Zone to 200m around large town centres with high accessibility, and the increasing heritage protection to areas included in the district plan, rather than only heritage orders.
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	Introducing greater residential capacity to large local centres will not only place large burdens on existing infrastructure and services which are unable to cope with such a dense influx of people, it will also remove the character and amenity of those town centres. The only way to prevent this is to reduce the area of zoning, therefore I support the reduction of the THAB Zone to 200m around large local centres with high accessibility.
Qualifying matters – Special Character Areas		

What do you think of our proposal to include identified special character areas as a qualifying matter?	Support in part – Special Character Areas should all be carried through and extended.	I strongly support the proposal to include special character areas as a qualifying matter, and think it is vital for the Council to include identified special character areas as a qualifying matter. The heritage areas of Auckland are special, unique, and must be protected. These areas are beautiful and they are a part of our history and are a link to our culture, heritage, and wider context. Destroying these character areas in Auckland would result in poorer outcomes for the city, with the irrevocable loss of special and important elements of the character and culture. There is already sufficient development being enabled in other areas and in existing apartment buildings. The Special Character Area Overlay is key to maintaining some form of character and amenity in Auckland. I do not support the areas noted in red on the Special Character Area Overlay in the maps. These should all be blue, and all Special Character Areas need to be carried through, and ideally extended, in the new Overlay.
What do you think of the proposed residential special character areas that we have identified?	Support in part – Special Character Areas should all be carried through and extended.	I support the residential special character areas identified, and particularly think the identification of Grey Lynn, Ponsonby, and Parnell as Special Character Areas with the Special Character Areas Overlay is vital. These heritage areas of Auckland are special, unique, and must be protected. These areas are beautiful and they are a part of our history and are a link to our culture, heritage, and wider context. Destroying these character areas in Auckland would result in poorer outcomes for the city, with the irrevocable loss of special and important elements of the character and culture. There is already sufficient development being enabled in other areas and in existing apartment buildings – the current restrictions on development in Grey Lynn and Ponsonby must be recognized and maintained, if not strengthened, in the Special Character Areas Overlay. However, I do not support the exclusion of the red areas in the maps from

		being a part of the Special Character Area Overlay. These should be included. I also do not support the exclusion of other old, and/or strong character areas of the city, including Freemans Bay, Remuera, Newmarket, Kohimarama, and areas along the Tamaki Drive waterfront.
What do you think of the proposed business special character areas that we have identified?	Do not support – I think more areas or parts of areas should be identified as a qualifying matter	The proposed business special character areas are important to preserve. Many of these areas, for example Ponsonby and Remuera, are not capable of providing the necessary infrastructure or support for the proposed level of development – such development would destroy amenity and history of beautiful and unique parts of our city. It is vital to preserve special character areas of our city, and the use of the business special character area is important to achieve this.
Infrastructure Constraints		
What do you think of our proposal to include areas in Auckland with long-term significant infrastructure constraints as a qualifying matter?	Support	Infrastructure constraints are a valid consideration and I believe they should constitute a qualifying matter. The strain put on neighbourhood infrastructure from this intensification demand will be significant, and the responsibilities for that will flow directly to Council. Where Council recognises there are infrastructure constraints that should act as a qualifying matter and reduce the need for intensification in that unsuitable area.
Other qualifying matters		
Do you have feedback on any other qualifying matters? (please be clear which proposal you are talking about)	No	Sunlight and amenity for all buildings, apartments, and terraced housing (both existing and new) should be included as a qualifying matter. If a concrete jungle is created, especially in the city, Auckland will no longer be a desirable city to live or work in, or visit.

From: Kylie Yin <Kylie.Yin@tattico.co.nz>

Sent: Monday, 9 May 2022 6:24 PM

Subject: MHUD - Submission to preliminary response to NPS-UD and MDRS

Dear Sir/Madam,

This submission (see attached) is made by the Ministry of Housing and Urban Development (MHUD) in response to Council's invitation and consultation on the preliminary response to the NPS-UD and MDRS.

If there is any opportunity to discuss this, we would welcome that.

Thank you for your consideration,

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

tattico



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9 May 2022

Auckland Council

Dear Sir/Madam

Submission on Auckland Council's preliminary response to the NPS-UD and MDRS

Thank you for the opportunity to comment on this preliminary response. This submission is made on behalf of the Land for Housing Programme within Te Tūāpapa Kura Kāinga – the Ministry of Housing and Urban Development (MHUD) which administers the land held for housing within the Wairaka Precinct. In preparing submissions on the planning provisions for this area, Tattico and MHUD officials have been working with the Rōpū of Ngāti Whātua, Marutūāhu and Waiohua-Tāmaki.

1. Land subject to this submission

This submission relates to two areas:

- (1) the Crown land, which comprises properties at Carrington Road known as 1-99, 119B and part of 139 Carrington Road, including parts of the former Unitec campus;
- (2) land on the eastern side of Carrington Road between Fifth Avenue and Great North Road proposed to be retained as Mixed Housing Urban.

These two areas and the current Council proposal for the areas, as extracted from the preliminary response viewer, are shown in **Diagram 1** below.

Diagram 2 shows the suggested rezoning.

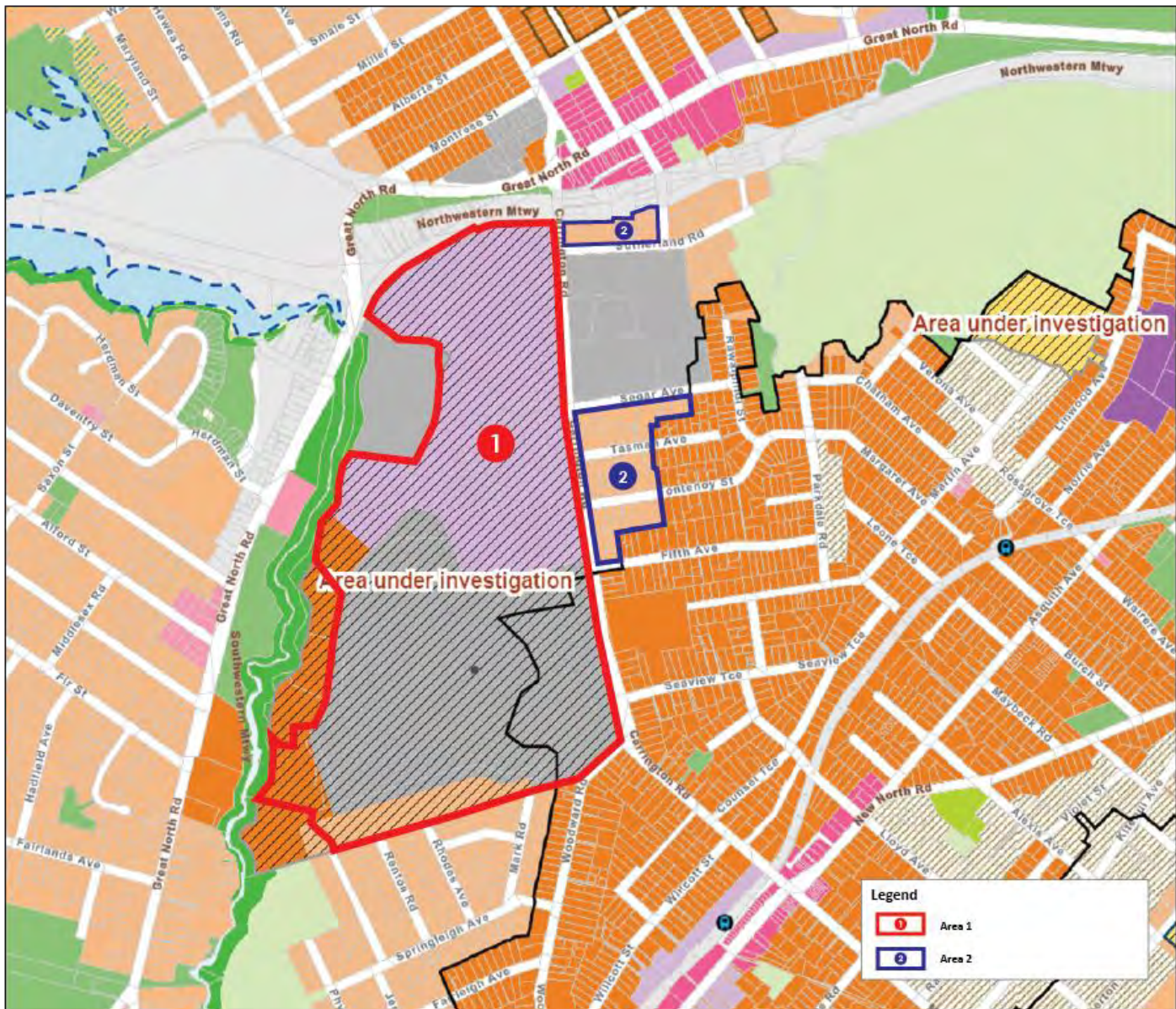
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Diagram 1: Land subject to this submission (Area 1 and Area 2)



2. Area under investigation

The first matter relates to the Crown properties and the Unitec land within the Wairaka Precinct itself. We note the preliminary response identifies this Precinct as being an “area under investigation”. We accept Council is still working through the zoning of this area, and other Precincts or special areas. We are happy to assist in the analysis for this ‘investigation area’.

We are preparing a private plan change request in respect of the Precinct which will shortly be lodged with the Council. This will address a number of critical issues within the Wairaka Precinct. The plan change will include a request to rezone land currently zoned for Special Purpose - Tertiary Education but now being transferred to the Crown for on sale to the Rōpū. This land is intended be used for residential purposes, and the plan change will therefore seek that a mixed use zone be applied, consistent with the current zoning of the adjoining land within the Wairaka Precinct.

Notably, a key part of the land we intend to request be rezoned is the blocks on the western side of Carrington Road immediately north of Woodward Road and south of Farm Road. This area is shown on Diagram 2.

This land is demonstrably appropriate for higher density residential activity consistent with the rest of the Crown land along Carrington Road. We consider that the rezoning of this area should be undertaken as part of this Council process for the following reasons:

- It is consistent with the policy changes on which the Council-proposed zoning under this consultation approach is based.
- This land is within 800m, and therefore the walkable catchment, of the Mt Albert station, an identified “Rapid Transit Stop”.
- All other land at this distance is zoned THAB.
- The only reason this block appears to remain as Tertiary Education Zone is due to its historic land usages and therefore zoning decisions that are now superseded.
- There are no qualifying matters that apply to this area.

We would welcome talking through these issues with Council as Council pursues further investigation of this Precinct. Certainly, our view is that there are compelling reasons for rezoning land within the Wairaka Precinct for a combination of residential and mixed-use purposes and for providing additional height in appropriate locations.

3. Height

The private plan change request will also address matters of height. We agree with Council that additional height is appropriate along Carrington Road frontage in recognition of the NPS-UD. Further, the topography of the Wairaka Precinct creates the opportunity to provide additional height in certain parts of the central and northern precinct.

The core current zoned height of the Precinct land is 27m. However, an 18m height limit applies along the Carrington Road frontage for a setback of 20m.

Carrington Road is to be widened from its current approximately 20m to 28m. This will enable dedicated busways on each side of the road and dedicated cycleways.

Carrington Road is serviced by the ‘outer link’ service travelling in both an east and west direction at high frequency, and by other bus routes. It is also in walking distance to the Mount Albert and Baldwin Avenue train stations, and also accesses Great North Road and its high frequency bus routes.

Demonstrably, Carrington Road is an appropriate transport corridor to support higher density housing and other urban opportunity.

Policy 3(d) of the NPS-UD requires Council to enable 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 activities and community services.

With reference to this policy:

- there are strong public transport connections in this corridor,
- homes have walkability to Point Chevalier, Mt Albert and the future local retail hub that will be part of the Carrington development; and
- there will be open space, green corridors and amenity in the site as part of the future development.

Therefore, this land meets the policy direction of the National Policy Statement. The height control along Carrington Road should be lifted from 18m to 27m.

The private plan change request will deal with other more specific height opportunities within the Precinct. The Precinct is uniquely placed, because of the topography of the land, to accommodate additional height in the central and northern parts of the Precinct. The steep drop-off in the land means that taller buildings in this location will be well removed from other properties on the eastern side of Carrington Road or in Waterview. It provides additional housing opportunity in an area suitable for higher densities. We would welcome the opportunity to work these matters through with the Council as part of the Council's future considerations on the rezoning of this area to align it with the NPS-UD.

4. Land on the eastern side of Carrington Road

The third matter relates to the adjacent zoning along the eastern side of Carrington Road.

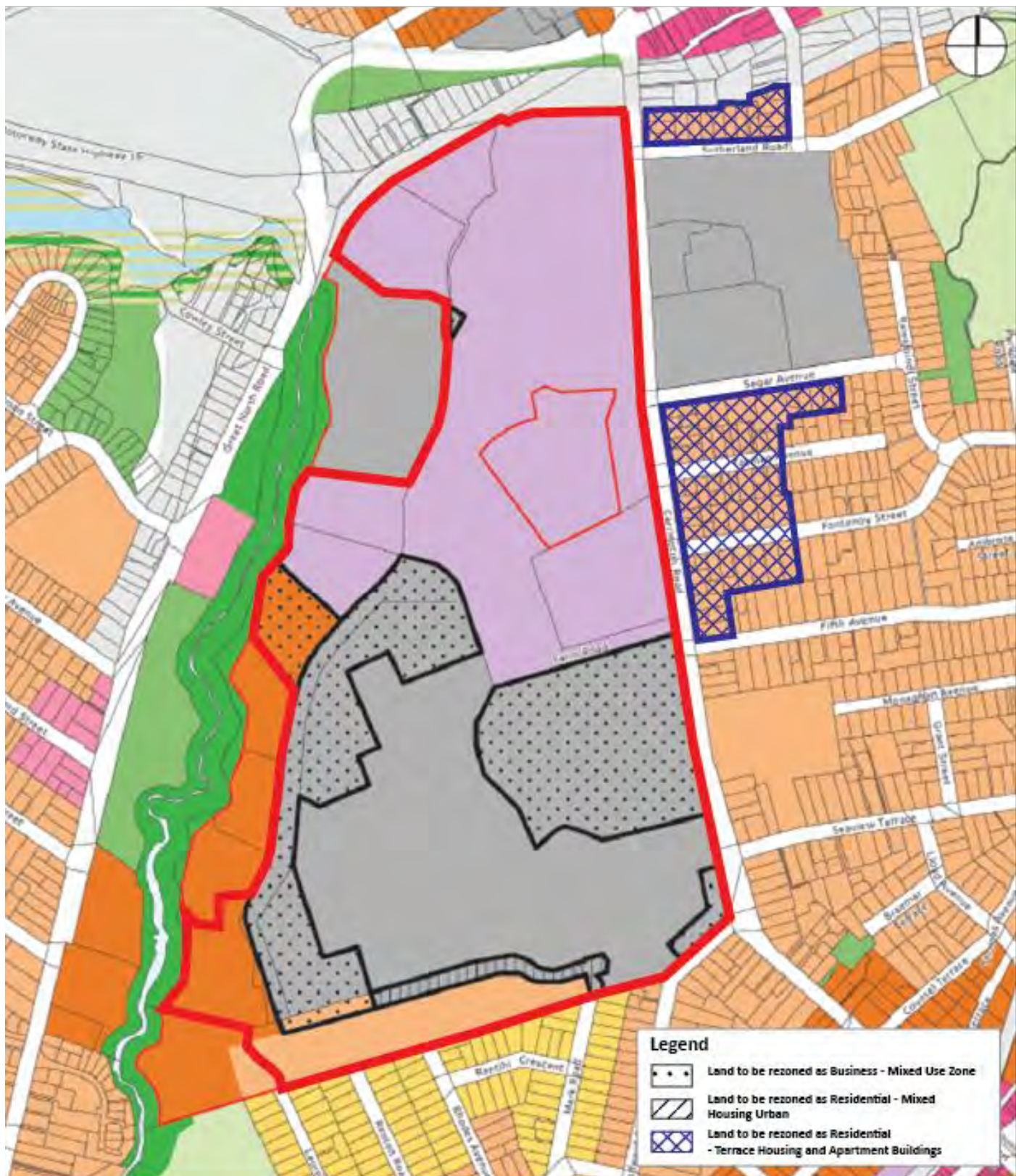
This land is currently largely zoned Mixed Housing Urban, although the Auckland District Health Board block between Segar Avenue and Sutherland Road is zoned Special Purpose – Healthcare Facility and Hospital, and for 27 metres in height. The Council's preliminary response is to rezone the portion of land south of Fifth Avenue to THAB, together with most of the eastern end of the side streets off Carrington Road. Only the blocks closest to Carrington Road in Fifth Avenue, Fontenoy Street, Tasman Avenue and Segar Avenue are zoned Mixed Housing - Urban. Equally, Sutherland Road is zoned Mixed Housing - Urban.

The Council's preliminary response has been predicated on an 800m walking distance from either the Mount Albert rail station or the Baldwin Avenue rail station. However, these 800m distances are subject to site specific circumstances. Recent resolutions of Auckland Council's Planning Committee indicate that the guidance provided by the MfE on walkable catchments notes that walkable catchments are subject to modifying factors and will vary across different locations due to a range of location-specific factors which include (but are not limited to) topography, levels of access and connection, and the draw of particular amenities and transportation choices within centres.

The same attributes which warrant rezoning the western side of Carrington Road to residential activity at a 27m height equally apply to the eastern side. Carrington Road is to be widened to around 28 metres with dedicated bus and cycle lanes and is on the Link bus service route as well as other bus services. It is within good distance of both the Mount Albert and Baldwin Avenue Rail Stations and the frequent bus services that run along Great North Road through to Point Chevalier.

In our opinion, the entire eastern side of Carrington Road from Fifth Avenue through to the Northern Motorway should be zoned THAB (excluding the ADHB hospital site which should retain its current zoning).

Diagram 2: Suggested rezoning



The reasons for this rezoning are:

- (a) The distance from the edge of the Point Chevalier town centre to Fifth Avenue is approximately 800m. While technically the Carrington Road end of the side streets is outside the 800m walkable distance from the Baldwin

Avenue train station, there is strong planning and urban design logic why a side street coming off a strategic arterial route such as Carrington Road should have consistent zoning along its length.

- (b) There is otherwise an inconsistency with the land adjoining Carrington Road having a lower zoning than the properties further down these side streets. The widening of Carrington Road with high quality streetscapes, dedicated busways and cycleways between (at least) Woodward and Great North Road is very certain as to outcome. The land is being made available to the Council and vested alongside the Carrington development. Carrington Road will become a high quality road, with dedicated public transport, making it appropriate for higher density zoning.
- (c) The Sutherland Road block is within easy walking distance of the Point Chevalier town centre (within the 400m pedshed). Similar distance properties to the north of the Point Chevalier centre are zoned THAB and that THAB zoning is to be extended. It is logical to also zone for higher density the catchment on Sutherland Road, for the same reasons.
- (d) This land is appropriate for apartment typologies. It would be west-facing land across a high amenity street. The side streets would offer north-facing apartment or terrace typology enabling an east-west configuration on sections. This is appropriate land for rezoning to THAB and for allowing, on the Carrington Road frontage, heights up to 27m.

We would welcome the opportunity to discuss these matters with Council.

Regards



John Duthie

Tattico

From: Tony Watkins

Sent: Monday, 9 May 2022 6:19 PM

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

Subject: Response to your invitation to comment on Auckland City Council's response to 3x3 Intensification Bill.

Dear vast array of Civil Servants

I realise that you will ignore these comments.

Thus there is really no need for you to read any further.

However I feel I need to place on record the issue of the relationship between intensification and climate change, so that when the Britomart Station goes under water (just like the New York subway during Cyclone Sandy) you will remember this email.

The boffins on the 99th floor in Wellington will have to admit that their intensification theory had a few flaws, but they will be long gone.

Those boffins may have done an excellent job of convincing those in power that density is a good thing. They have however not convinced me.

In my opinion there comes a time when the Auckland City Council needs to take a stand.

The ecological footprint of a city is not reduced by density.

It is a complex discussion, but one we need to have.

The government has ignored any intelligent discussion about the contribution of density to the climate crisis, but that does not mean we can do the same.

No one with any architectural or urban design expertise was involved with the 3x3 Bill.

The carrying capacity of land, or the planet, has limits. We have actually overshoot those limits, but let's not go into that.

When everything goes to custard, do get back to me and I will be happy to explain.

Meanwhile some thoughts on the climate crisis, just in case anyone is interested.

Tony



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“Falling in love with the climate crisis.”

A field guide for beginners in simple easy to understand language.

A distillation of the essence of complex ideas to avoid getting lost in the detail.

A path through the labyrinth.

“You may say I’m a dreamer, but I’m not the only one. I hope someday you’ll join us. And the world will live as one.”

John Lennon

A change of attitude away from anthropocentric thinking, and a change in our way of seeing our social, economic and political structures, are the first necessary moves to deal with the climate crisis.

You cannot deal with a crisis by using the same way of thinking that has created the crisis.

Most of the current responses to the climate crisis are little more than an excuse for avoiding fundamental change to a consumer growth economy.

Seeming to be doing something has become not a tactic for both avoiding and delaying effective action. An excuse for doing nothing.

The good news is that changing our way of seeing and thinking would cost nothing, and both people and governments could do it immediately.

The really good news is that changing our way of seeing and thinking could dramatically improve our quality of life.

If you disagree with the logic of this thesis then by all means come up with some better ideas. However avoid mere criticism. Negative criticism is a waste of everyone’s time. In the game of life one rule should be that an idea can only be beaten by a better idea.

However remember that the problem with convincing arguments is that no one is convinced by them.

Deep down almost everyone is convinced that the climate crisis could not possibly bring about the extinction of the human species. Surely all that music, art, architecture, and technology will live on, somehow?

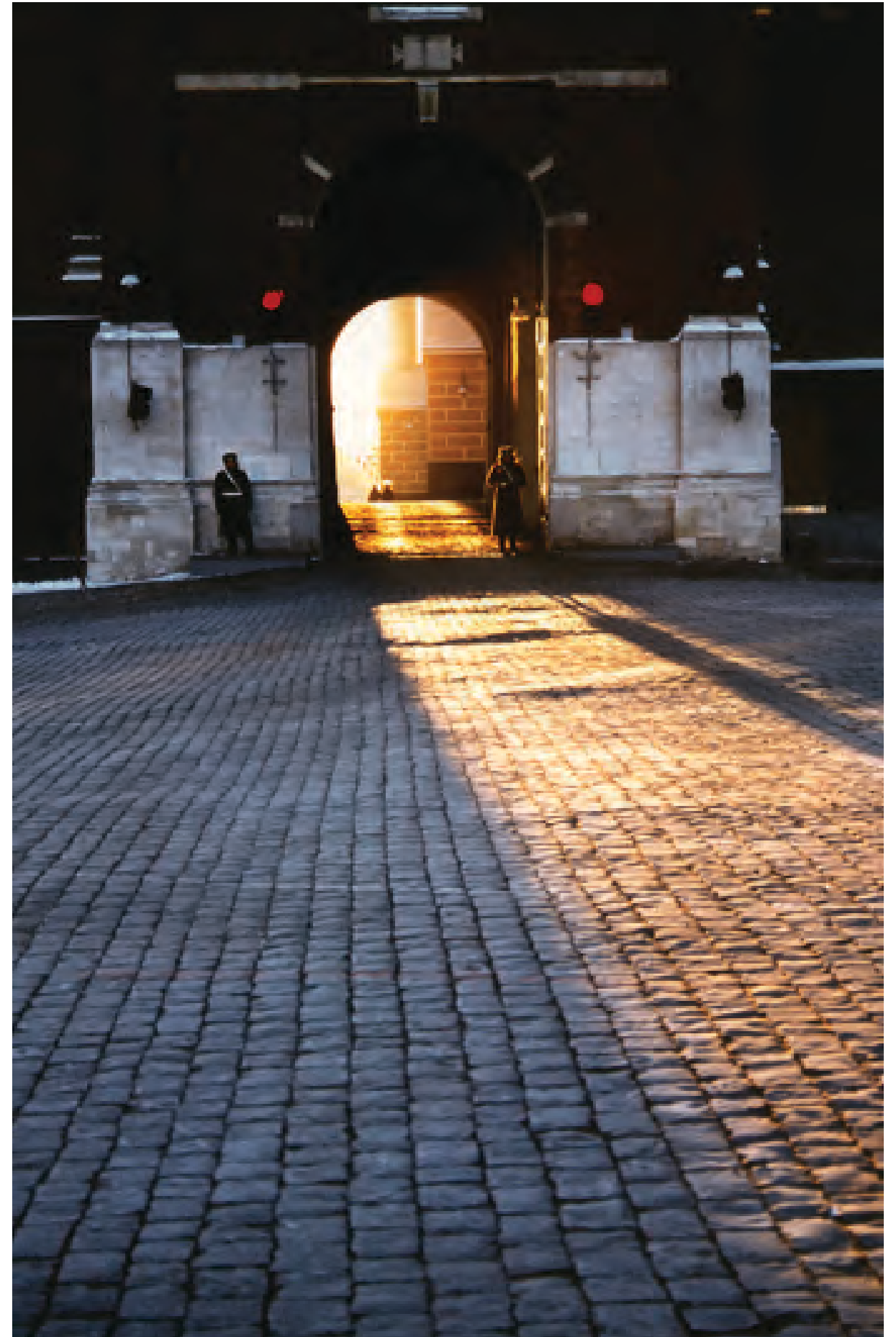
If you agree with the logic of this thesis then begin making immediate changes in your life.

You might, for example, take back the “right to build” that you have given away to those wanting only to make money out of the climate crisis.

Take control of your life, and your architecture, and begin having fun, while being both alive and ethical.

Leave making money to Midas, Monopoly and the Growth Economy. More money is the cause of the climate crisis, not the solution.

Density is a brain disorder.



Raping the planet is not a criminal offence.

Our anthropocentric legal system is a significant contributor to the climate crisis.

“If the law supposes that” said Mr Bumble, squeezing his hat emphatically in both hands, “the law is such an ass - a idiot”

Charles Dickens, Oliver Twist, 1838

It seems odd that raping the planet is not a criminal offence. It is perhaps even more odd that women, in general, do not have a problem with raping the planet. It seems that rape of the planet is not a gender issue. Over time our anthropocentric legal system has been developed to regulate the rape of the planet. Our legal system divides up the spoils with expensive lawyers haggling over who gets to rape. Our legal system, like our economic system, assumes that the planet comes free and has no value.

Human beings are the great predators. We have turned exploitation into an art form. We begin with a world of exquisite beauty and then we celebrate destroying it by giving awards to architecture. We justify our destructiveness by calling it development. We reward those who exploit and take advantage of the planet.

It is lawyers who have destroyed the idealism of the RMA.

Giving the Whanganui River legal standing has been hailed as a significant step forward. In fact it was a step backward. It gave credibility to anthropocentric thinking. We allowed the river to be just like us. Giving the river the right to employ a lawyer to defend itself against exploitation misses the point.

Our anthropocentric legal system assumes that human beings are the measure of all things. Lawyers haggle over who shall have the right to exploit the natural world. In fact no one has the right to exploit anything.

The Labour government made an error of judgement in taking away the democratic principle of public participation and then asking Judge Randerson to recommend new legislation to replace the RMA. It was the wrong question. Judge Randerson should have been asked to recommend a new legal system to replace our antiquated anthropocentric British law. It is past its use-by date. We should debate whether a judge is the right person to do that job, or even capable of understanding the issues. Asking Judge Randerson to redesign the RMA was rather like asking a fox to design an enclosure to protect ducks from other foxes.

We need a nature centred legal system that values all life and recognises that humans are a species like any other species.

Anthropocentric law is part of the climate problem not part of the solution.



We need to completely replace our entire anthropocentric legal system
with an earth-centred legal system
before we can begin to address the climate crisis.

The planet will win the global war between people and the planet.

The climate crisis is just a symptom of a broken relationship between people and the planet.

“I am deeply impressed with the designer of the universe: I am confident I couldn’t have done anywhere near such a good job.”

Buckminster Fuller

In life everything is interconnected.

Healthy relationships are a necessary foundation for a positive healthy life.

In a healthy person, or a healthy planet, all relationships are in perfect harmony.

We are currently at war with ourselves. The natural environment continues to give us all air to breath, water to drink and food for nourishment, as it always has done. It surrounds us with astonishing beauty and filled us with wonder. However with greed and selfishness we have wanted more, regardless of the cost.

The cost of the growth economy has been air not fit to breathe, water not fit to drink, and the failure of crops. We blame nature for not being able to satisfy our desires in the manner to which we have become accustomed. We have forgotten that there are limits. We have initiated the sixth great era of extinctions, and moved from the Holocene to the Anthropocene.

Nature is the best friend we will ever have. “Doing no harm” is not enough. We need to fall in love.

Good relationships do not need lawyers. Lawyers thrive on bad relationships. They love adversarial combat fuelled by greed, envy and anger. Lawyers should be kept well away from the climate crisis.

Peace is much more than the absence of war. Peace is a positive idea.

We need to declare peace with ourselves. No one else can do that for us.



To address the climate crisis we need to declare peace
between people and the planet.

Architecture gives physical form
to the relationship between people and the planet.

The climate crisis is essentially an architectural question.

“Since my house burnt down I have a better view of the rising moon.”

Japanese haiku.

When we build we give form to our relationship with nature. If you want to know about a person’s relationship with nature you only need to look at their architecture. Buildings give form to our attitudes and values. We are what we build.

If we are afraid of nature we cower in fear, and worry about shelter. We hide from life. We never realise our potential.

A passive house protects us from a world that we have come to see as an enemy. Nature is not destroying us. We are destroying ourselves.

Our egocentric cities protect us from an awareness of nature. Relationships are concealed. Food comes from somewhere, and rubbish goes to somewhere. We do not know, and we do not care. We lose our grip on who we are. We welcome water only when it comes in pipes, because we have lost our awareness of the sacred water cycle. We never see the stars.

More than half the world’s population now live in cities. The power of the democratic vote is focused on an unreality of an artificial, anthropocentric world. Any government that does what needs to be done will be voted from power.

If we embrace nature our architecture strengthens that relationship. We become more sensitive. We become more aware. We develop wisdom and understanding. We become more alive as we become whole. We belong, just as our architecture belongs. We find joy in the gentle breeze.

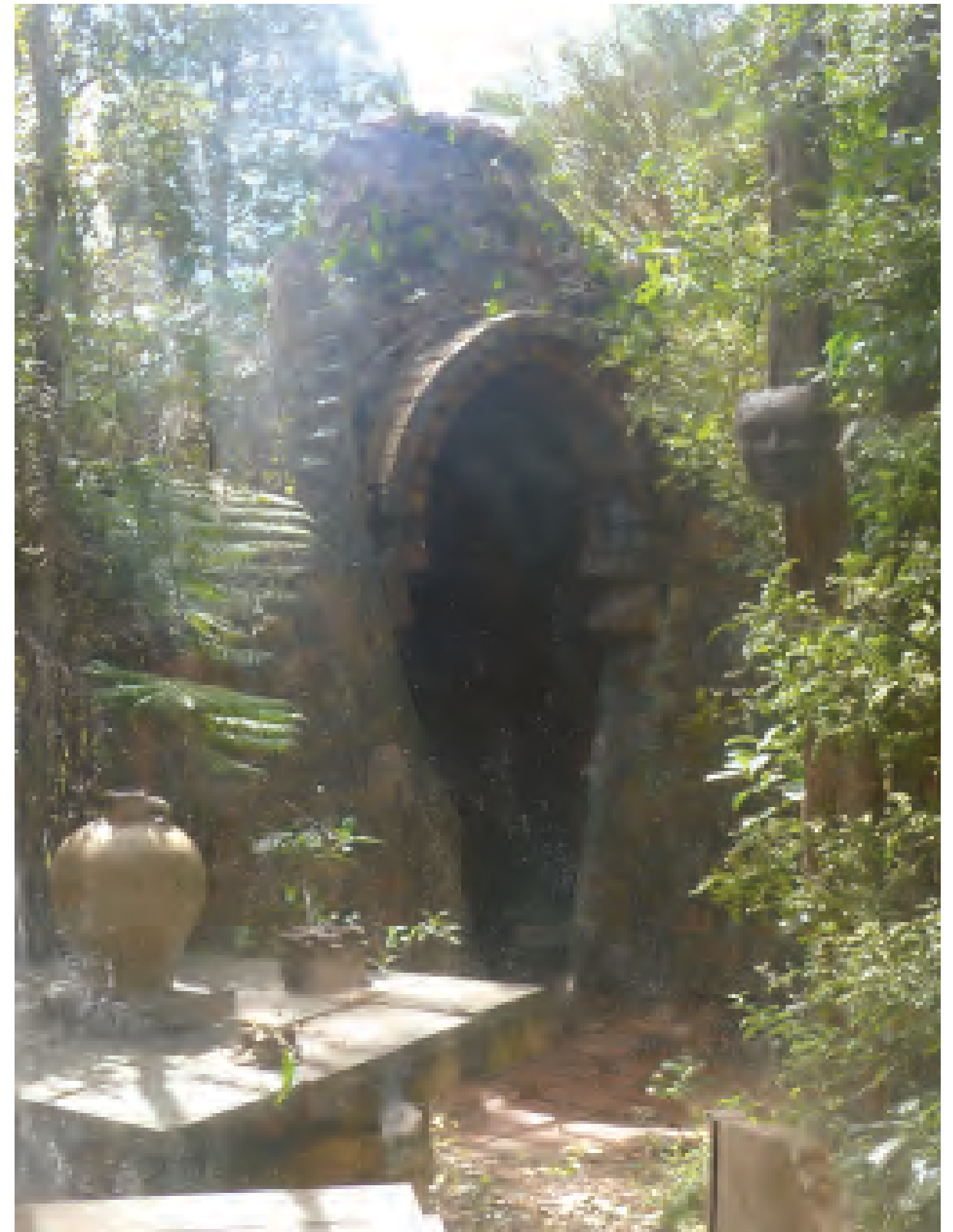
Earth-centred architecture is an attitude. A way of going. A way of being. A way of seeing. A way of becoming. Earth centred architecture begins with belonging. Belonging in place. Belonging in history. Belonging in community. Vernacular architecture belongs.

Building is both a verb and a noun. Life however is a journey, not a conclusion.

In a climate crisis world we need less things, and more involvement.

When others build for us we live out our lives crippled by someone else’s, too often woefully inadequate, relationship to nature.

We need to recognise that the built environment is not only the most significant cause of the “climate crisis”, but also offers the most immediate, and most significant, options for overcoming the “climate crisis”.



To address the climate crisis we need architecture
that belongs to the earth and enhances
a peaceful relationship between people and the planet

Traditionally most architecture has attempted to make certain an uncertain world.

The climate crisis is a consequence of our failed attempts to “manage” the planet.

“I met a traveller from an antique land who said - Two vast and trunkless legs of stone stand in the desert... Near them on the sand Half sunk a shattered visage lies, whose frown, And wrinkled lip, and sneer of cold command, Tell that its sculptor well those passions read Which yet survive, stamped on these lifeless things, The hand that mocked them, and the heart that fed: And on the pedestal these words appear: My name is Ozymandias, King of Kings; Look on my Works ye Mighty, and despair! Nothing beside remains. Round the decay Of that colossal Wreck, boundless and bare The lone and level sands stretch far away.”

Percy Bysshe Shelly (The Examiner of London 11 January 1818.)

More than anything else most architecture throughout history has been driven by the myth that we can make certain the uncertainties of a dynamic and constantly changing world.

Architecture students study the monuments left behind by forgotten civilisations, and develop the skills they will need to build monuments to be left behind by our civilisation.

The anthropocentric view that we are able to “manage” the natural world, as found for example in the mandate for DoC, finds its ultimate expression in architecture.

Our architecture has embraced the certainty of death rather than the uncertainty of life.

Most great civilisations became victims of their own success. They became paralysed because they were very good at what they did. They were not overcome by some external force. They lost their ability to be responsive to change, and quietly died. Western civilisation is following a familiar pattern.

We are being paralysed by the urban form of our cities, along with the financial and organisational structures which create and profit from that urban form. A mortgage paralyses your ability to think and to make changes. Our passive architecture creates passive people. We are being paralysed by our dead architecture and our dead planning. The Built and Natural Environment Bill is a dead document, embracing death rather than life.

The passive houses we are building have bedrooms rather than workshops. We cut down trees because we are afraid they will grow.

Life is a dynamic journey through an uncertain world. Our current built environment is not only the primary cause of the climate crisis. It also takes away most of our options for doing anything about the climate crisis.

Vernacular architecture is living architecture. It gives constantly changing form to dynamic and living cultures.



We need to delight in architecture that embraces the uncertainty of a dynamic planet.

Spatial planning also attempts to make certain an uncertain world.

The climate crisis is but a response to failed management, ignoring the inevitable consequences of action.

“It is not the strongest of the species that survives, nor the most intelligent, but rather, the one most adaptable to change.”

Credited to Clarence Darrow, rather than Charles Darwin.

A wise person plans for the unexpected and delights in the challenge of the unknown.
The only certainty is that tomorrow will be uncertain.
Our predictions are always going to be wrong.

Planners embrace computers without thinking that no one planned for them, or that the first computer did not even exist less than a brief lifetime ago. Planners spend most of their time trying to stop tomorrow from happening.

Modern planning has been driven by the myth that we can make certain the uncertainties of a dynamic world.

From being a way of going, planning came to be seen as a point of arrival.

New Zealand’s 1953 Planning Act confused planning and design.

Zoning was a perceived design objective, limiting other possibilities. Closing off options rather than welcoming change.

The planning profession became concerned with making plans, not with planning.

Modern planning offers the elusive dream, always over the horizon, driven by anthropocentric thinking.

The Auckland Unitary Plan, for example, is not a plan at all. It is a road map to attempt to achieve the idle dreams and fads of planners. It is a document to empower incompetent planners, along with developers, and disempower everyone else.

Over time a new breed of planners came to believe that they were competent designers. Self-proclaimed visionaries with personal visions they felt were superior to those of other people. Anthropocentric gods.

The planning profession is now devoted to the idea of one group of people controlling the lives of another group of people. Planning began with the romantic idea of building a better world, but quickly morphed into a better world for a few. Lawyers with Ferraris telling other people to catch electric buses to save the planet

We need to give up trying to manage the natural environment, and move beyond anthropocentric thinking.

Human beings are not the centre of the universe. We cannot even control our lives.

We need to plan for uncertainty and welcome the unexpected. We need to be alive.



We need to completely replace our entire anthropocentric planning process with an earth-centred planning process before we can even begin addressing the climate crisis.

Peace between people and the planet needs to begin with peaceful architecture and peaceful cities.

The climate crisis conflict between people and the planet becomes visible in our architecture and cities.

“What if a building were more like a nest? If it were, it would be made out of local abundant materials. It would be specific to its site and climate. It would use minimal energy but maintain comfort. It would last just long enough and then would leave no trace. It would be just what it needed to be.”

Jeanne Gang

We have become so accustomed to architecture beginning with anger and aggression that no one notices any more. We move in with a bulldozer to destroy the topsoil that has taken tens of thousands of years to form. We chainsaw down any trees or vegetation. If other generations have enriched the land we send their embodied energy off to landfill. We destroy our stories, our heritage, the accumulated knowledge written in our buildings, the love of past generations and our memories.

Our architecture has become counterproductive because in destroying the planet we are destroying ourselves.

We need to ask why we build. Are greed, ego and a lust for power the only possible motivations, or are there better options? Could we caress the planet with gentleness? If we want to look at the climate crisis we need to first look our own lives and values.

The United Nations adopted the concept of Peaceful Cities at Habitat II in Istanbul in 1996. It was a New Zealand initiative.

The urban form of a peaceful city enhances peaceful relationships. Cities, like people, filled with anger, resentment and selfishness, are in a poor position to address the climate crisis.

Destroying the planet has resulted in vast amounts of capital sloshing around in the world looking to give form to egos. It provides the economic foundation for most of our cities. Cities that give form to greed and selfishness are not fit for human beings. Spending money fighting the climate crisis only makes the crisis worse.

The climate crisis has been caused by too much money, the desire for more money and the unequal distribution of money. We do not need more money to respond to the climate crisis.

Building less architecture of a higher quality is like improving your diet by eating only high quality food. Lifting the curve of counterproductivity.



Peaceful cities are a necessary foundation for peace between people and the planet.

Life is an opportunity to be embraced, not a problem to be solved.

The climate crisis, like life, is also an opportunity to be embraced,
not a problem to be solved.

“Heaven preserve me from littleness and pleasantness and smoothness. Give me great glaring vices and great glaring virtues, but preserve me from the neat little neutral ambiguities. Be wicked, be brave, be drunk, be reckless, be dissolute, be despotic, be an anarchist, be a suffragette, be anything you like, but for pity’s sake be it to the top of your bent. Live fully, live passionately, live disastrously.”

Voilet Trefusis 1918

We each have but one chance to explore the meaning of life. No one else can do it for us.

Only by living life to the full can we discover what life might be. Fortunately getting on with life, although it requires dedication, commitment and tenacity, is not only rewarding and fulfilling, but also fun. Just being alive can provide all the excitement, drama and trauma any person can want or handle.

Being concerned about the impact of your life on the lives of other people and the planet only makes it all the more interesting.

Of course, along the way, we need to take our chances and break the rules. We need to question and explore. We need to fall in love with the beauty of nature all around us, and to be filled with awe and wonder at the cosmos. We need to learn from the wisdom of those who have gone before. while recognising that their world is not our world. We need to treat with caution those who tell us they have all the answers. Discovery is in the doing. A wise person listens to everyone but holds their own counsel.

Human development is concerned with releasing potential. Being more alive. Seeing what might be. Taking opportunities. Acting with creative harmony. Going around difficulties rather than overcoming them. Along the way releasing everyone else’s potential for goodness within the context of ethical responsibility.

The climate crisis is a species issue. We are all involved. This is not a time for competition. As a species we are not as alive as we might be. We need to rise above the mess we have made of our planet.



We need to boldly take the climate crisis in our stride,
just like any other crisis.

For a fulfilling life we need to celebrate what is right,
not complain about what is wrong.

With the climate crisis we need to focus on improving what is right,
rather than wasting resources becoming resilient to what is going wrong.

“Upon the upland road, Ride easy stranger; Surrender to the sky, Your heart of anger.”
James K Baxter

In seeking to find meaning in life it is important to avoid both negative people and negative institutions.

People who complain about everything, and criticise everyone, make poor travelling companions. They assume that they can lift themselves up by putting everyone else down. It is possible to drown in their negativity. For them the climate crisis is something other people ought to do something about.

Negative institutions invite us to participate in helping them solve what they have defined to be problems. They weave a web to empower themselves and disempower those caught in their web. Everyone needs to be cautious of the person who says “I’m from the government and I’m here to help you”. Bureaucrats who are arrogant enough to assume a right to run other people’s lives are dangerous. Those who want to lead your life for you have no desire to set you free.

Self-centred individuals and self-centred institutions are also to be avoided. The climate crisis is not a personal issue. Negative and self-centred institutions tend to employ negative and self-centred people, which compounds a problem best avoided. Selfishness, greed and the lust for power have caused the climate crisis.

A positive approach to life is essential. Seeing the climate crisis as a problem rather than an opportunity paralyses effective action. Solving problems becomes an excuse for not taking necessary action. Energy and resources wasted on negative actions or protest is not available for creative and positive action.

Boredom creates a need for escapism and distractions. The consumer society thrives on bored people. Someone else has all the fun, making, doing and being creative.

Architecture has been captured by the consumer society. The constant need to escape from boring architecture provides victims for the market. Real people build houses for themselves. Bored people cut the grass. The need to escape from architecture indicates a failure of process. The need to “get away from it all” indicates a need to address systemic failures.

As we exit life there is only one key question we need to ask. Has our life left the world a little richer or a little poorer?



We need positive, creative, enjoyable responses
to the climate crisis.

In life it is wise to associate with people who are enabling,
not disabling.

The climate crisis is exacerbated by political structures that are disabling,
not enabling.

“Bureaucracy is like a fungus that contaminates everything.”

Jaime Lerner

The second phase of the modern global environmental movement was the recognition that our existing political structures could not answer the ecological questions being asked. Fifty years later the situation has deteriorated even further. Democracy is in decline. Neoliberalism has not helped.. The move from an egalitarian society to a society with the greatest gap in the world between rich and poor has created government by the rich for the rich. The only question being asked by the rich is how they can make money out of the climate crisis.

The government has done away with public participation. The media has done away with debate and discussion. The universities have been corporatized so that they are no longer “the critic and conscience of society”.

You will always lose when you are playing someone else’s game and they are making the rules. The game needs to be changed.

A positive local or national government, appropriate for dealing with the climate crisis would be enabling.

If there really is a housing crisis, for example, it would be possible to assist those wanting to build themselves a house rather than disabling them by putting obstacles in their way.

More rules and regulations are not going to solve the climate crisis. We need less.

Life, like the planet, is not simple and its complexity and diversity are to be celebrated. Reductionism is always to be avoided.

Strong communities begin with the mutual respect of strong individuals.

Bureaucrats need to earn the respect they do not have.

The climate crisis needs civil servants, not bureaucratic masters.



We need to replace our anthropocentric,
disabling political structures
before aware people can begin to address the climate crisis.

Kaitiakitanga is the keystone of responsible, ethical planning and architecture.

The climate crisis is a result of ignoring the precepts of Kaitiakitanga.

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development , and protection of natural and physical resources, shall have particular regard to Kaitiakitanga.”

Resource Management Act, 1991, 7 (a)

Human beings are part of the natural world. We are not set apart.

Kaitiakitanga sees human beings as belonging within the natural world.

Kaitiakitanga was introduced into the RMA because it could not be translated into English. It is a completely different way of seeing from “stewardship” or “guardianship”. These are anthropocentric terms that see human beings as the centre of the universe. We need to do away with anthropocentric thinking.

The Resource Management Act was at first ignored, and then destroyed, by lawyers, over the last 30 years. Anthropocentric lawyers could not understand it.

The ultimate absurdity has been to ask a lawyer to create legislation to destroy the Resource Management Act. It has not been tried and found wanting. It has never been tried.

New Zealand’s legal system is adversarial. There are winners and losers rather than any attempt to build a better world. The legal system rewards the rich and powerful. It is totally inappropriate when considering either the natural or the built environment.

The RMA introduced the concept of kaitiakitanga into law in 1991. The RMA declared that we belonged to the planet. The planet did not belong to us. It was a first step in addressing the climate crisis. It was also a challenge to anthropocentric thinking.

Judge Randerson recommended to government in 2021 that the concept of kaitiakitanga should be removed from New Zealand law.

We need to have particular regard to Kaitiakitanga.



Kaitiakitanga is a necessary foundation for addressing the climate crisis.

In life you need to grasp the present moment.

With the climate crisis we need to grasp the present moment, and act now.

There is a tide in the affairs of men, Which taken at the flood, leads on to fortune. Omitted all the voyage of their life is bound in shallows and miseries. On such a full sea are we now afloat. And we must take the current where it serves, or lose our ventures.

William Shakespeare

The time to deal with the climate crisis is now, not in 2030 or 2050.

Today's opportunities are tomorrow's history. Getting life right today is the best way to prepare for life tomorrow. Dealing with the climate crisis today is the best way to prepare for dealing with the climate crisis tomorrow.

If it is well designed and well built the architecture we are building now can reasonably be expected to still be around in a hundred years. For all that time it will be determining how we live our lives, and limiting our options.

Demolition and rebuilding to some different standard is not an option.

In the 1960s we were talking about long-life, low-energy, loose -fit architecture. It was recognised that what we were building then would remain long after the reasons for building it had passed away.

All building should be functionally non-specific.

Fashionable fads should be treated with caution. Density, for example, does not reduce the ecological footprint of a city. It simply increases the carbon emissions of transportation, and the cost of infrastructure.

The toxic slums we are building now will continue giving form to the relationship between people and the planet in 2050, and far beyond. Trashing them will not erase the environmental debt created by their construction.

Being alive should not be postponed.



In 2030 or 2050 everyone will ask what we did, or failed to do, in 2022.

In life clear thinking is needed to avoid getting lost in the detail.

With the climate crisis clear thinking is needed to avoid getting lost in the detail.

“Why do you dwell on the things that don’t matter when there are so many things that do.”
Dennis Sharpe. Destroyer of Worlds.

There is nothing wrong with renewable energy it itself, but there is a problem when asking where energy comes from becomes an excuse for failing to ask where energy goes to. It is incorrect to say that energy is always “a good thing”. Energy can be used to do great harm. Coal and oil transformed architecture when the built environment was set free from human labour. You could argue that freely available energy not only depersonalised architecture and destroyed craftsmanship, but also desensitised human understanding and fractured the relationship between people and architecture. Building was once a verb. Freely available energy, and the consumer society, reduced building to a noun, and fractured the relationship between people and the built environment. Renewable energy has contributed, and continues to contribute, to the climate crisis.

There is nothing wrong with electric vehicles in themselves if you can ignore the environmental cost of producing them and the insoluble problems of lithium batteries. However there is a further problem when the means of going becomes an excuse for failing to think about the idea of journey. It is incorrect to say that electric vehicles are always “a good thing”. They can make it possible to avoid human interaction. When you cycle through a country like Italy it is the ease of stopping to share a meal or stay for the night that enhances the experience of journey. If there was a Tamaki Estuary Regional Park within walking distance you would not need an electric vehicle to get there. Analysis of the enormous environmental cost of producing and disposing of electric vehicles would not be necessary.

There is nothing wrong with insulation, but there is a problem when insulation is seen as “a good thing”, and no one stops to ask if insulation is one cause of the climate crisis. How can you understand a violin if you are insulated from ever hearing music? There is a time to avoid contact and there is a time to embrace. Architecture that insulates people from the natural world destroys the joy of being alive. There are millions of stars in the cosmos, but Aucklanders never see them. Over time it is possible to forget they exist. Dulling the sensitivity of Aucklanders leaves them struggling for artificial delights. The synthetic replaces the real.

The climate crisis is an intellectual challenge. It is an invitation to every person the think more clearly, and to question assumptions. To move beyond opinions and the conventional wisdom to be more fully alive.

Nothing is as simple as it first appears. Doing something is not the same as doing what needs to be done.



We need to move beyond fine tuning the way of life
 that has caused the climate crisis.

Gerard Thompson <GerardT@barker.co.nz>

From: >

Sent: Monday, 9 May 2022 7:06 PM

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

Subject: Feedback on Preliminary Response - Stride

Hi there,

Please find feedback on the preliminary response to the NPS-UD and the Act attached, provided on behalf of Stride Investment Management Limited.

Ngā mihi | Kind regards

GERARD THOMPSON

Director

029 474 6660

Gerardt@barker.co.nz

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This email and any attachments are confidential. They may contain privileged information or copyrighted material. If you are not an intended recipient, please do not read, copy, use or disclose the contents without authorisation.

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: Gerard

Last name: Thompson

Email address or postal address: gerardt@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: Stride Investment Management Limited

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

What gender are you?



Male



Female



Another gender (please specify): _____

What age group do you belong to?



Under 15



15-17



18-24



25-34



35-44



45-54



55-64



65-74



75+

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



Pākehā/NZ European



Other European



Māori



Cook Islands Māori



Samoan



Tongan



Indian



Chinese



Southeast Asian



Other (please specify): _____

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

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

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

We are proposing:

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

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

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

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

Tell us why

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

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

Tell us why

Please refer to attachment.

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

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

Tell us why

Please refer to attachment.

Intensification around town and local centres

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

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

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

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

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

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

Tell us why

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

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

Tell us why

Qualifying matters

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

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

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

Special Character Areas

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

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

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

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

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

Tell us why

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

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

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

Tell us why

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

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

Tell us why

Infrastructure constraints

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

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

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

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

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

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

Tell us why

Other qualifying matters

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

These additional qualifying matters include:

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

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

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

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

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

9 May 2022

Auckland Council

Via email: unitaryplan@aucklandcouncil.govt.nz

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

Introduction

Stride Investment Management Limited ('Stride') is part of Stride Property Group. Stride is a specialist real estate investment manager, and holds a number of investments in centre locations in Auckland.

Stride's feedback on Auckland Council's preliminary response to the NPS-UD is set out below and relates to the extent of walkable catchments around metropolitan centres and the future approach to managing activities in centres.

Walkable Catchments

Policy 3(c) requires a minimum of six storeys within walkable catchments of the city centre, metropolitan centres, and rapid transit stops. The NPS-UD also contains broader objectives and policies that are relevant:

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

A walkable catchment of 800m appears to have been applied across all metropolitan centres. Stride considers that some metropolitan centres will have the potential to support larger walkable catchments based on individual characteristics, therefore providing the best opportunity to use land efficiently in accordance with Policies 1, 2, and 3 of the NPS-UD.

Stride encourages the Council to consider place specific qualities when determining walkable catchments as opposed to applying the same walkable catchment to all metropolitan centres. Relevant considerations for determining the extent of walkable catchments include existing amenities and employment opportunities within the centre and the combined benefits where major public transport hubs or interchanges are located within or within close proximity to centres, providing ease of access to other centres and amenities.

Similarly, Stride encourages the Council to analyse the areas for intensification identified around Town Centres, taking into account factors like public transport accessibility. Silverdale Town Centre in particular should be evaluated, as no intensification is indicated around the centre.

Management of Existing Centre Network

The existing hierarchy and spatial extent of centres and development standards for centre zones were developed through the Auckland Unitary Plan process. The new Medium Density Residential Standards ('MDRS') create significant opportunities for intensification in the surrounding urban residential areas of these centres. Policy 1 of the NPS-UD seeks well-functioning urban environments that enable sites suitable for different business sectors in terms of size and location and provide for good accessibility between housing and jobs, community services.

Stride therefore considers that it would be appropriate review the existing approach to centres, having regard to the opportunities presented by the MDRS for intensification and population growth within existing urban areas when considering:

- Whether the provisions for height and densities within existing centres provide a sufficient offering of commercial and community activities to contribute to well-functioning urban environments, including meeting the needs of growing communities.
- Whether the provisions for activities and built form, including building height within existing centres enable them to provide for a range of activities and serve as a focal point for local communities, as envisaged under Policy B2.2.2(6)(b) of the RPS.
- With regard to the above and where heights within suburban centres are to be retained, Stride seeks that the section 32 report include the reasons and justification for not providing further intensification within suburban centres, and the methodology used to determine that centres already provide for sufficient building heights and densities.
- Whether the size and spatial extent of centres are sufficient to meet the long term needs of communities.

Summary

Stride consider that the objectives of the NPS-UD provide scope to provide for greater development potential around metropolitan centres and rationale to review the existing approach to centres. Stride therefore encourage Auckland Council to consider:

- (a) Extended walkable catchments around metropolitan centres that are well placed to support greater intensities of development and contribute to well-functioning urban environments; and
- (b) A review of the existing planning approach to centres, including the provisions for building height and densities within centres, to ensure that are fit for purpose in light of the objectives and directions of the NPS-UD and the implementation of the MDRS.

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

Sent: Monday, 9 May 2022 7:20 PM

To: Unitary Plan <unitaryplan@aucklandcouncil.govt.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 - Willis Bond

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](#)

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

To: Auckland Council

Name of submitter: Willis Bond Limited

This submission provides feedback on the proposed changes to the Unitary Plan to address the National Policy Statement: Urban Development and the Housing Enabling Act 2021. In particular, this feedback relates to land located both at 40 Anzac Street, Takapuna which falls within the Devonport-Takapuna local board, and 143 Beaumont Street, Wynyard Quarter which falls within the Waitematā Local board.

FEEDBACK ON 40 ANZAC STREET, TAKAPUNA

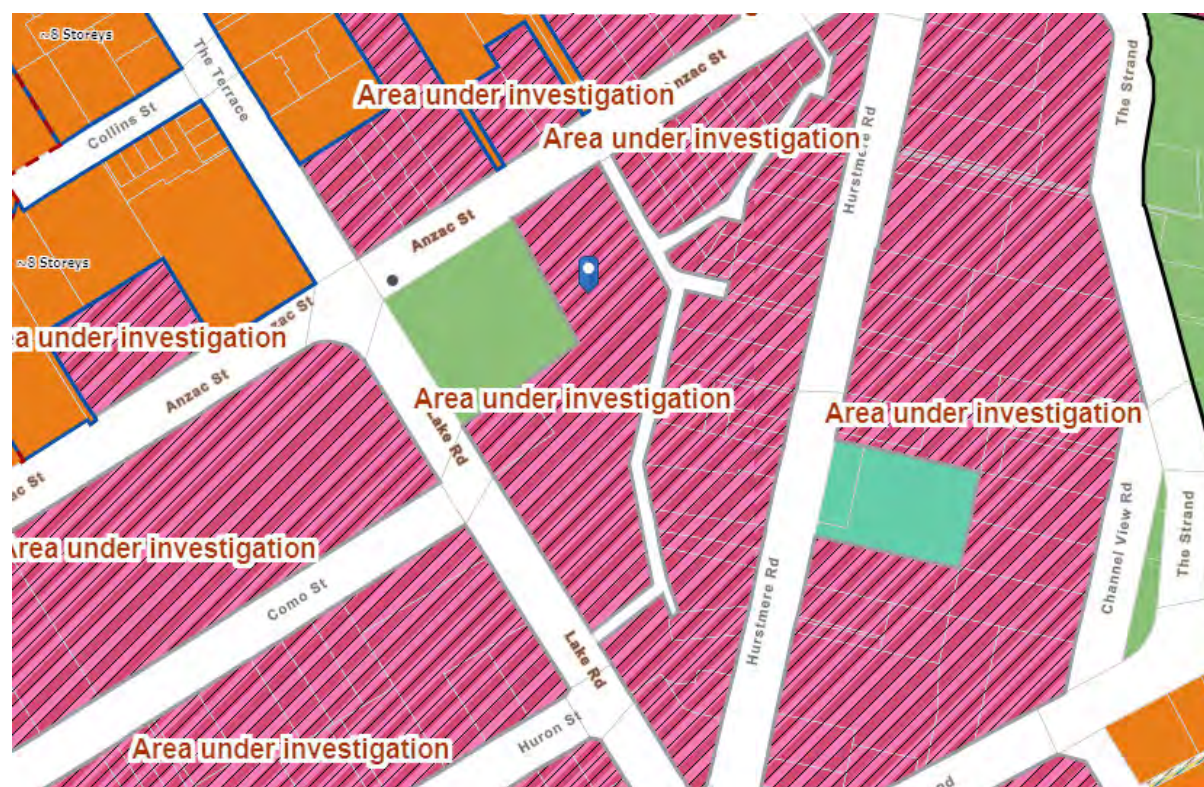


Figure 1 – NPSUD viewer (site 'pinned' in blue)

The specific provisions addressed by this feedback are as follows:

- a) The above area of Takapuna is subject to the Takapuna 1 Precinct (I540) sub-precinct B of the Auckland Unitary Plan – Operative in Part ('AUP(OP)'), and is therefore identified as being 'under investigation' as a 'qualifying matter' under Policy 4 of the NPSUD (refer Figure 2 below).

- b) This feedback relates to potential implications of the NPSUD and the requirements of Policy 3(b) in relation to the existing I540 Takapuna 1 precinct building heights.

The submitter has the following feedback in relation to building heights:

- a) In accordance with Policy 3(b) of the NPS UD, the sites are within a Metropolitan Centre zone 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” (emphasis added).
- b) The submitter notes that Policy 6(b) of the NPS:UD also states that that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes *“may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect.”*
- c) The central location of the land lends itself to policies that seek to maximise building heights and density in an area that clearly has demand for additional housing. Being located within the Metropolitan Centre zone itself, the sites are located within a close walk of existing frequent (FTN) bus services to the Takapuna Centre (the Hurstmere bus stops adjacent to Shore City Galleria), as well as the Akoranga Station to the southwest which provides access to the Northern Busway RTN service. In addition, the RTN (while slightly beyond a 1,200m walkable catchment distance) is connected by extensive cycleways that make micro mobility transportation a viable choice. ‘Micro mobility’ and ‘active’ transport modes (i.e., scooters, bikes etc) are expanding traditional ‘walkable’ distances and this is acknowledged by the MfE guidance on walkable catchments. The guidance notes that:¹

...not all places are equal and different locations with different characteristics may often have different-sized walkable catchments [...] a city or a metropolitan centre with a rapid transit stop located within or close by, is also likely to have a larger walkable catchment than a centre without a rapid transit stop.

- d) The use of such alternative modes and their relationship to ‘walkability’ is also acknowledged within Auckland Transport’s ‘Urban Street and Road Design Guide’ in which it is noted in relation to increased density of residential occupation:²

Density (and a diversity of housing choices) gives people the opportunity to live in neighbourhoods that meet their lifestyle preferences and economic means. The goal should be to provide residents with the choice to live in amenity-rich neighbourhoods where they are a short walk or bike ride away from shopping, parks, schools and cafés, and take public transport or drive to work and regional destinations. Density allows for more options for more people. Prioritising investment in frequent, high-capacity public transport to support density is a mutually supportive strategy that can rapidly shift people from private cars to public transport and active modes [emphasis added].

¹ Ministry for the Environment, *Understanding and implementing intensification provisions for NPS-UD*, clause 5.5.3 Different locations will have different-sized walkable catchments. <https://environment.govt.nz/publications/understanding-and-implementing-intensification-provisions-for-the-national-policy-statement-on-urban-development/>

² Auckland Transport ‘Urban Street and Road Design Guide’, page 51.

- e) As such, the site is well-located to benefit from the high levels of service-amenities within the existing Takapuna Centre and its general access to transportation options. Consideration of the appropriateness of heights within the existing Takapuna 1 Precinct provisions are therefore, in my view, appropriate in light of the NPSUD requirements.

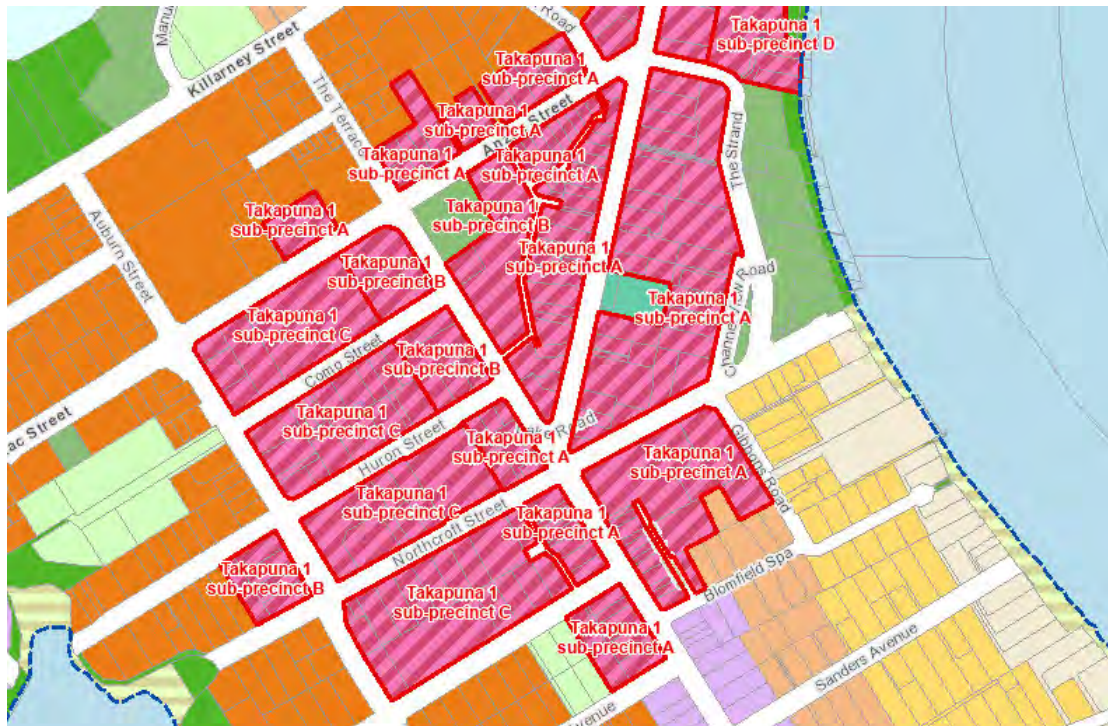


Figure 2 – AUP(OP) Takapuna I549 sub-precincts

- f) In terms of height, the I540 precinct provisions apply the following heights to sub-precincts identified in Figure 2 above:

I540.6.1. Building height

(1) Buildings must not exceed the height limits set out in Table I540.6.1.1 below.

Table I540.6.1.1 Building height

Sub-precinct	Maximum height
Sub-precinct A	24.5m
Sub-precinct B	36.5m
Sub-precinct C	Unlimited
Sub-precinct D	12.5m

Table 1: I540 Precinct Height areas

- g) As it presently exists, sub-precinct C provides for unlimited building heights, with sub-precincts B, A and D providing a stepped reduction in heights to the Takapuna Beach reserve area and the coast.
- h) The nature of the land located within sub-precinct A means there is an opportunity for greater building heights without significant detriment to surrounding sites, being bounded by roads. Any potential shading as a result of added height in this area would be limited to existing road reserve to the west, and The Strand to the east. Notwithstanding, additional shading through increased height (in reference to Policy 6(d) of the NPSUD and purpose of the Business - Metropolitan Centre zone) is considered appropriate in an area that anticipates significant scale of development. Retention of staggered building heights to the coast (while allowing for

some increases in height) will maintain the gradation in building heights from sub-precincts A – C. This would also necessitate a proportionate height increase within sub-precinct B wherein the subject-land is located.

- i) The Takapuna 1 precinct is 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 overall centre, and particularly along Hurstmere Road. 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), 33 metres for 8 storey buildings and 44.5m (11 storeys with 2m allowance for roof form).
- j) In our opinion, the existing 36.5m height allowance in sub-precinct B does not provide for a *minimum* of efficient development on the sites in question, or the balance of sub-precinct B areas. This is not consistent with Policy 3(b) of the NPSUD and reflects sensitivities to the operative MHU and MHS zoning surround the Takapuna Centre which will change to THAB under the proposed zoning changes. Evolution of amenity values in light of the mandated NPSUD changes are codified under Policy 6(b).
- k) As outlined earlier, it is appropriate that strategic locations such as the Takapuna Metro Centre enable meaningful intensification commensurate with their accessibility to services, amenities and transportation options. We therefore consider it appropriate that 8 storey development be enabled in sub-precinct A, along with a proportionate increase in height for sub-precinct B to 44.5m (11 storeys with 2m allowance for roof form). We reiterate that there is presently an unlimited height allowance for sub-precinct C.

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

- a) That sub-precinct A be provided with a height overlay of up to 8 storeys (33 metres), with a proportionate increase in heights within sub-precinct B to 11 storeys (44.5 metres).
- b) Consideration that the land to the south of The Strand which is bounded by Gibbons Road and Lake Road, maintain the existing 24.5m height limitation to better-accommodate a transition to the THAB zone land proposed under the NPSUD (no additional height overlay has been proposed in Council's preliminary GIS viewer).
- c) Any other changes that would address the concerns raised in this feedback.

FEEDBACK ON 143 BEAUMONT STREET, WYNYARD QUARTER



Figure 3 – NPSUD viewer (site 'pinned' in blue) – hatched area in the CBD is 'under investigation' related to the Light Rail Corridor.

The specific provisions addressed by this feedback are as follows:

- a) The above area of Wynyard quarter is within the 'Wynyard Precinct' (I214) sub-precinct D of the Auckland Unitary Plan – Operative in Part ('AUP(OP)'). Unlike other areas where precincts apply, the site is not identified as being within an 'area under investigation' and a 'qualifying matter'.
- b) This feedback relates to potential implications of the NPSUD and the requirements of Policy 3(a) in relation to the existing building heights enabled within the precinct.
- c) This feedback also addresses the proposal to remove Floor Area Ratio (FAR) restrictions within the City Centre.

The submitter has the following feedback in relation to building heights:

- a) In accordance with Policy 3(a) of the NPSUD, the site is within the City Centre zone and should be provided with *"building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification"*.
- b) The submitter notes that Policy 6(b) of the NPSUD also states that that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes *"may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types and are not, of themselves, an adverse effect."*

- c) The central location of the land lends itself to policies that seek to maximise building heights and density in an area that clearly has demand for additional housing. Being located within the City Centre zone itself, the site located within a close walk of the various business, service, employment and leisure activities the City Centre benefits from. Existing frequent and rapid (RTN) bus services connecting to the Northern Busway are located along Fanshaw Street which have not been identified on the GIS viewer. Consideration of the appropriateness of heights within the existing Wynyard Precinct provisions are therefore, in our view, appropriate in light of the NPSUD requirements to maximise the benefits of intensification.

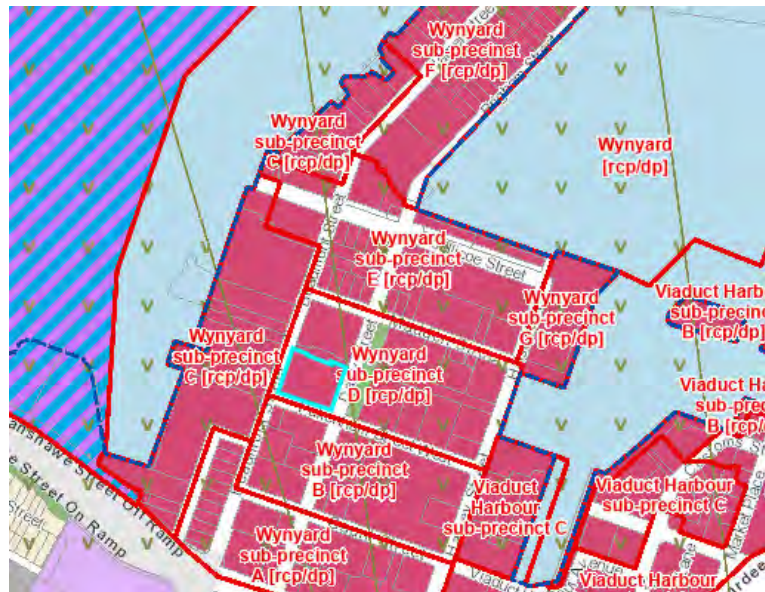


Figure 4 – AUP(OP) planning maps and site identified in blue.

- d) In terms of height, the I214.6.6 Building Height standard applies two maximum height standards to the site, being 25m on the western half of the site fronting Beaumont Street, and 31m on the eastern side of the site fronting Daldy Street. This is shown on Precinct Plan 5 as follows:



Figure 5 – I214 Precinct Plan 5 (site circled in yellow).

- e) In light of the NPSUD requirements under Policy 3(a) to provide “building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification”; we consider that the existing height limits that apply within the Wynyard precinct do not efficiently or effectively achieve such an outcome given the precinct is located within the City Centre zone itself.
- f) While it is accepted that the existing Wynyard Precinct applies a bespoke set of provisions to manage the unique environmental constraints of the area, its relationship to the coastal environment and a transition of built form and scale into the Auckland CBD; there is opportunity to better-align the precinct with the directives of the NPSUD. We also note that while a greater scale of built form may result, this is accepted as a necessary consequence of intensification generally under Policy 6(b) of the NPSUD.
- g) As such, we consider that the 52m height limit that is applied to select areas of the Wynyard Precinct (as identified in Figure 5 above) should be extended to cover the entirety of the Precinct to deliver building heights and density of urban form to realise as much development capacity as possible, and to maximise benefits of intensification. This acknowledges that in some cases this may be constrained by the regionally significant volcanic viewshaft overlay that applies (shown in Figure 4 above).
- h) We consider it appropriate that a reduced height limit apply to the edges of the precinct to manage a transition in height to the coastal environment and the planned park within sub-precinct F. We note that the City Centre zone would otherwise provide an unlimited height allowance under the proposed changes signalled by Council³, and that applying a 52m height limit in the Wynyard precinct will provide a transition to the CBD and ensure the overall effects of shading and building bulk are managed, particularly in relation to planned and existing open spaces within the precinct such as the Daldy Street Linear park. This would ensure consistency with the purpose of the I214.6.6. Building height standard which is to “ensure the height of buildings complements and reinforces key public open spaces within Wynyard Precinct and development within the Viaduct Harbour precinct while providing an appropriate scale and transition in relation to the street network, the harbour and coastal environment and the core central business district”.

The submitter has the following feedback in relation to City Centre FAR and height limitations:

- i) The Council has identified⁴ that within the City Centre Zone the following changes are proposed:
 - a. Removal of the Gross Floor Area (GFA) standard. The GFA standard currently manages the scale of development in the city centre. It varies throughout the city centre but typically allows for greater building height in key areas. It is noted that removing the standard will provide developers with more flexibility in building design but still within the constraints of other standards such as tower dimensions and set back controls.
 - b. Removal of the general height control. This will enable unlimited building heights in the city centre except where special height controls apply.

³ Noted in ‘Information Sheet #8 – The City Centre Zone’
<https://akhaveyoursay.aucklandcouncil.govt.nz/housing>

⁴ Ibid.

- c. Removal of the GFA bonus standards. These standards allow transfer of additional floor space between sites and buildings. However, all buildings will have greater height and so the transfer of floor space is no longer needed.
 - d. The outlook space control is proposed to be extended. This will ensure that there is enough privacy between buildings and access to both sunlight and daylight for residents.
- j) The Wynyard Precinct contains a number of GFA and Floor Area Ratio (FAR) standards that, similar to those within the City Centre Zone generally, would otherwise constrain the level of intensification available within the precinct and consequently the land owned by the submitter. Those standards being:
- a. I214.6.2. Maximum office gross floor area. The stated purpose of the standard is to “limit office activity, because of its potential to generate traffic during morning and evening peak travel times and particularly in the direction of peak traffic flow”.
 - b. I214.6.7. Maximum site intensity. The stated purpose of the standard is to “manage the scale, form and intensity of development in the Wynyard precinct”.
- k) In our view, the Wynyard Precinct is an extension of the City Centre and indeed located within the City Centre Zone. As such, it is appropriate that the changes proposed by the Council as outlined above and also made to the Wynyard Precinct provisions to ensure consistency with Policy 3(a) of the NPSUD. As noted by the Council, there are a range of other development standards both within the Wynyard Precinct and the City Centre zone provision that would also manage design and built form outcomes, including through site link requirements.

The submitter’s concerns would be addressed if Unitary Plan was amended in the following way:

In relation to the Takapuna 1 Precinct (I540) and land at 143 Beaumont Street, Wynyard Quarter

- a) That sub-precinct A be provided with a height overlay of up to 8 storeys (33 metres), with a proportionate increase in heights within sub-precinct B to 11 storeys (44.5 metres).
- b) Consideration that the land to the south of The Strand which is bounded by Gibbons Road and Lake Road, maintain the existing 24.5m height limitation to better-accommodate a transition to the THAB zone land proposed under the NPSUD (no additional height overlay has been proposed in Council’s preliminary GIS viewer).
- c) Any other changes that would address the concerns raised in this feedback.

In relation to the Wynyard Precinct (I214) and land at 40 Anzac Street, Takapuna

- d) That a 52m height limit that is applied to the entirety of the Precinct to deliver building heights and density of urban form to realise as much development capacity as possible, and to maximise benefits of intensification.
- e) That a reduced height limit apply to the edges of the precinct to manage a transition in height to the coastal environment and the planned parks within sub-precinct F.
- f) The removal of site intensity and GFA/FAR controls within the City Centre Zone (as proposed by Council) are applied to the Wynyard Precinct provisions to ensure consistency with Policy 3(a) of the NPSUD and the balance of the City Centre itself.
- g) 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 Willis Bond as its duly authorised agent.

Date: 9 May 2022

Address for service of submitter:

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From: Jo Michalakakis <jmichalakakis@align.net.nz>
Sent: Monday, 9 May 2022 7:45 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Cc: Rachel Bilbe <Rachel.Bilbe@countiesenergy.co.nz>; Mira Narula <mnarula@align.net.nz>
Subject: Feedback on Auckland Council's preliminary response to the NPS-UD and MDRS:

Good evening

Please find attached feedback on Auckland Council's preliminary response to the NPS-UD and MDRS from Align on behalf of Counties Energy Limited.

Please let us know if you have any questions.

Kind regards

Jo Michalakakis
Auckland Manager – Planning

Align

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COUNTIES ENERGY

Auckland Unitary Plan

Auckland Council's preliminary response to the NPS-UD and MDRS: Invited feedback

09 May 2022

Bringing places and communities to life.

QUALITY CONTROL SHEET

Submitter:	Counties Energy Limited
Asset:	Counties Energy Electricity Distribution Network
Plan:	Auckland Unitary Plan – Auckland Council’s Preliminary response to the NPS-UD and Medium Density Residential Standards (MDRS)
Document:	Invited Feedback
Client contact:	Rachel Bilbe, Land Access Co- ordinator
Consultant contact:	Jo Michalakakis, Auckland Manager – Planning, Align Ltd
File reference:	COUNT060

Version:

Issue: 1.0	Date: 5 May 2022	For internal review
Issue: 2.0	Date: 9 May 2022	For client review
Issue 3.0	Date 9 May 2022	Final issue

Distribution:

Name: Rachel Bilbe	Counties Energy	Email
AC Policy Team	Auckland Council	Online submission

Counties Energy



Produced by: Mira Narula/Rachel Bilbe

Reviewed by: Jo Michalakakis

A handwritten signature in black ink, appearing to read "Jmichalakakis".

Align Ltd

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1 Introduction

- 1.1 This feedback is prepared by Align Limited (399 New North Road, Kingsland 2021) on behalf of Counties Energy Limited (14 Glasgow Road, Pukekohe 2120, New Zealand).
- 1.2 This document provides feedback on Auckland Council's preliminary response to the NPS-UD and MDRS. This document draws particular attention to the possible implications the MDRS and new zoning changes across Auckland will have on existing electrical infrastructure and the provision of new electrical infrastructure.

2 About Counties Energy

- 2.1 Counties Energy Limited (CEL) is an electricity operator under the Electricity Act, a network operator under the Telecommunications Act, and a network utility operator under the Resource Management Act. CEL is a requiring authority in respect of its electricity network.
- 2.2 The Civil Defence and Emergency Management Act also cites electricity distribution as a lifeline utility.
- 2.3 CEL owns, manages, and operates an electricity distribution network in southern Auckland, Waikato and Hauraki District areas with a system length of 3,200km covering an area of approximately 2,250km². The Auckland Council portion of their network covers 830km² and makes up 37% of the CEL network. In the Auckland Region, this includes urban centres such as Pukekohe, Waiuku and Southern Papakura; rural residential areas like Hunua; and rural areas with very low customer density. CEL also serves customers who are critical to the region as well as businesses, households, and community services in the network area.
- 2.4 CEL supply power to nearly 45,000 homes, farms and businesses in the southern Auckland and northern Waikato areas. Its network is one of the fastest growing electricity distribution networks in New Zealand with connection growth in the order of 2-3% per annum. This is largely driven by the growth of Auckland and its location within the 'golden triangle' of urban growth between Tauranga, Hamilton and Auckland.
- 2.5 By length, 72% of the CEL network is rural overhead, however the urban networks supplying Pukekohe, Waiuku, Tuakau, Pokeno, Drury and parts of Papakura comprise a split of overhead and underground assets. Generally, the eastern part of the network is newer, higher in network connection densities and subject to high levels of growth in the areas adjacent to motorway and state highway corridors. The western side of the network is older, more remote, lower density and subject to little growth. The Counties Energy network is exposed to a range of environmental conditions, including weather – particularly the harsh coastal

environment around the Awhitu peninsula, and vegetation – most notable in the areas around Hunua Ranges, but with effects across the entire network.

- 2.6 Electricity is essential infrastructure that enables development to occur. CEL receives power from the national grid at Bombay and Glenbrook Grid Exit Points either at 110kV or 33kV then conveys it to nine substations for conversion to either 22kV or 110kV before being distributed via an extensive network of lines, cables, transformers, and other equipment for use by local people, businesses and industry. CEL has high criticality fibre networks above and below ground to control the operation of network equipment.
- 2.7 As with any other technology, future proofing to meet the needs of the communities and businesses is a priority for CEL. Key to this is the integration of land use and infrastructure planning, to identify, protect and provide existing and future electricity network infrastructure to ensure that the existing and future needs of the South Auckland area are met in light of pressures from urban growth.
- 2.8 A detailed map of the Counties Energy Network can be found here: <https://www.countiesenergy.co.nz/articles/network-map?rq=map>

3 Counties Electricity Network Operation and Location

- 3.1 Counties Energy's network is made up of both High Voltage (HV) and Low Voltage (LV) lines made up as follows:

HV network comprises:

- Sub-transmission lines (33kV and 110kV) which carry electricity from the Grid Exit Point (GXP) to zone substations or between zone substations. Typically serving 500 to 12,000 customer connections.
 - Feeder lines (11kV and 22kV) which carry electricity from zone substations to transformers or in some cases direct to customers with a large demand (e.g. some industrial customers). These typically serve 80 to 2,500 customer connections.
 - LV Network (400V) comprises lines from transformers to individual connection points, typically serving 1 to 20 customer connections.
- 3.2 More than 20 years ago, Counties Energy decided to provide for future growth by converting the backbone of its network from 33kV (for sub-transmission) and 11kV (for feeders) to 110kV and 22kV respectively. These voltages carry significant loads with a reasonably unobtrusive overhead line network and have provided the consumer-shareholders of Counties Energy with a network that is cost effective to construct, flexible and resilient.

4 Invited Feedback

Protection of existing infrastructure

- 4.1 Of particular interest to CEL is that the protection of existing key infrastructure is ensured, and new infrastructure can be practicably provided to satisfy the increased demand generated by new areas of high-density development.
- 4.2 The underlying Medium Density Residential Rules that will apply to most of Auckland's residential zones raise some concerns for CEL around how those residential areas subject to the new MDRS rules will ensure that new and existing infrastructure can continue to be provided for and protected.
- 4.3 One of the core changes Auckland will see as a result of Council's response to the MDRS is an increased number of residential developments in the Auckland region, with significantly taller building heights. These greater heights can potentially interfere with the ability to comply with NZECP34:2001 – New Zealand Electrical Code of Practice for Electrical Safe Distances. NZECP34:2001 is a regulation under the Electricity Act 1992, containing mandatory requirements relating to development near existing lines. It specifies the minimum safe distances for people, buildings and structures, mobile plant and earthworks from overhead lines and their support structures.
- 4.4 All development must demonstrate compliance with NZECP34:2001 regardless of the residential zone setback along the boundary of an affected property. Where compliance with NZECP34 cannot be achieved, the developer will be expected to pay for the relocation and/or undergrounding, and any associated costs, legal fees and registration of suitable easements where relevant. This requirement will also apply to the relocation of underground assets where applicable.
- 4.5 The minimum safe distance varies according to a number of factors, one of which is the voltage of the overhead line. Longer span lengths have greater separation requirements. Given the newly enabled height limits for buildings within residential zones, it is likely that future buildings may not be able to comply with these regulations. CEL seek to proactively prevent encroachment of their infrastructure.
- 4.6 Suitable access will also be necessary to maintain the safety and reliability of existing electricity infrastructure to supply the demand associated with residential intensification.

Relief Sought:

- 4.7 A mechanism could be introduced regarding notification to CEL at the building consent stage CEL where new development is near existing infrastructure e.g. transformers at the road front.
- 4.8 For Auckland Council to take account of high voltage lines when rezoning land.

New infrastructure requirements

- 4.9 The AUP permits the installation of electricity infrastructure in the road reserve as a Permitted activity (subject to compliance with standards). However, the rules which require footpaths, cycleways, landscaping, parking bays etc within the road corridor of new subdivisions, generally don't allow room for this. As such, most distribution transformers and switchgear associated with underground electricity reticulation are either located within road setbacks of specified dimensions or, more often, on private property within a legal easement. The reduced minimum yard setbacks which will likely bring development closer to road boundaries, further risking compliance with electrical safe distances for dwellings. A typical easement measures 3.6m x 6.3m and is set a minimum of 3.6m into the front of a residential lot, occupying the zone setback and effectively reducing the developable area. Further safety aspects require additional setback and/or the use of non-combustible building materials within the vicinity of this equipment. These separation requirements and legal easements are already under pressure but will become unworkable where the front yard setback is reduced through rezoning. This is a particular concern within the THAB zone where the front yard setback is 1.5m.
- 4.10 Where infill developments in an area make it necessary to add or upgrade equipment to satisfy the demand for electricity, CEL anticipate pushback from developers faced with losing land to electricity infrastructure, and an inability to install the equipment in established road reserves where there is competition from existing utilities and vegetation for space.

Network Planning

- 4.11 New substations/lines and line upgrades will be required to serve the increased demand – this requires land and network corridors to be planned for well in advance. In terms of capacity, the increased ability for greater density developments could lead to sporadic development where potential dwelling numbers are unknown.
- 4.12 Counties Energy's Asset Management Plan (AMP) is published annually, showing the proposed ten year plan. The AMP relies on preparing load forecasts based

on available information to guide how CEL invest in the network to ensure that electricity supply to existing and future customers is safe and reliable. Previous AMPs were developed based on information regarding anticipated dwelling numbers and timing of development-ready land published in documents such as the Future Urban Land Supply Strategy and Structure Plans relevant to the CEL network area. The uncertainty regarding the timing, location, and magnitude of the proposed residential intensification within urban areas will have the most significant impact on CEL's ability to provide accurate load and budget forecasts and, consequently, how CEL can meet demands placed on the network.

- 4.13 From an initial review, it seems likely that the impact of the proposed intensification will take effect towards the end of the AMP ten year planning window. Based on their current AMP, CEL should be able to accommodate development in the areas of the network identified for increased density urban residential zoning. However, this will be subject to review once figures become available regarding potential dwelling numbers in each location.

Relief sought

- 4.14 CEL request that the expected dwelling numbers be shared by Auckland Council at an early date so that they can confirm that they can supply the required infrastructure in a timely manner.

5 Conclusion

- 5.1 CEL request that Auckland Council give consideration to the points raised above in their proposed roll out of new residential zones across Auckland.

From: Vanessa Evitt

Sent: Monday, 9 May 2022 8:04 PM

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

Subject: Feedback on Preliminary Response to draft NPS-UD/MDRS - 18 Seaview Avenue Northcote - notable tree notation error

Tell us what you think of our preliminary response

Hi

I'm generally comfortable with the MDRS response for my local area and I support the reduced intensification around Le Roys bush and SEA overlay as a qualifying matter provided it is applied consistently to all affected properties.

My property is currently subject to an SEA overlay which I am comfortable with and support the retention of. I note however on the preliminary response viewer that you've also made a note of a grove of notable trees/notable tree notation on our property. This is not the case. We have the SEA bush at the eastern boundary but not an additional grove of notable trees. We made a similar submission in the AUP process and the Council experts agreed that was the case and the notable tree notation was removed. I attach a copy of that agreement for your records. I would be grateful if you could remove that notation so we don't have to repeat the submission process again. I can confirm that no notable trees have grown in the intervening period.

Many thanks

Vanessa

https://akhaveyoursay.aucklandcouncil.govt.nz/housing/survey_tools/draft-npsud

AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Outcome of direct discussion

Topic:	025 - Trees		
Submitter Name:	Dean Evitt	Sub. No.:	6490-1
Submitter Representative:	Dean Evitt		
Council officer:	Rebecca Sanders, Planner – Unitary Plan Authorised by: Mark Tamura, Team Leader – Unitary Plan	Date:	16 June 2015

Outline of discussion and record of agreements

Matter(s) the submitter discussed with Auckland Council

By email, the parties (Rebecca Sanders and Dean Evitt) discussed the trees listed for protection at 18 Seaview Avenue, Northcote (ID 1122). In particular the parties discussed:

- The findings of Council's arborist, Nick Stott, who undertook a site visit to review the scheduled trees listed at 18 Seaview Avenue, Northcote in light of issues raised in the submission of Dean Evitt. Mr Stott has confirmed that the SEA overlay is a more appropriate control for this site. Mr Stott supports the removal of the Notable Tree Overlay from 18 Seaview Avenue, Northcote.

Ms Sanders wished to record in this form that:

- There are two associated further submissions to submission 6490-1. These parties have not been included in discussions with the primary submitter.

Matter(s) still in dispute

- No matters still in dispute.

Matter(s) agreed

- The Council supports the submission 6490-1 Dean Evitt and agrees that the Notable Tree Overlay should be deleted from 18 Seaview Avenue, Northcote.
- This will be reflected in the 'track changes' versions of Council evidence and involves the following amendments:

- Delete the Notable Tree Overlay from 18 Seaview Avenue, Northcote.

1122		All trees on the defined land with a height of more than 3.5 metres or a trunk circumference of more than 0.5 metres measured at 0.5 metres above the ground level.	North Shore		Fairfax Avenue, Northcote Point	Lot 3 DP 46191, Lot 1 DP 58542, Lot 2 DP 46191, Lot 2 DP 210164, Lot 13 DEEDS T 57, Lot 1 DP 46191, Lot 4 DP 411588, Lot 1 DP
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		The defined land is generally the land on the slopes rising from Little Shoal Bay.				87426, Lot 2 DP 91154, Lot 6 DP 38840, Lot 2 DP 122255, Lot 1 DP 122255, Lot 9 DP 57607, Lot 2 DP 52237, Lot 4 DP 49140, Lot 7 DP 155996, Lot 1 DP 137862, Lot 1 DP 137190, Lot 14 DEEDS T 57, Lot 15 DEEDS T 57 Pt Lot 16 DEEDS T 57, Lot 2 DP 191332, Lot 5 DP 49140, Lot 3 DP 145694, Lot 6 DP 36343, Lot 5 DP 37792, Lot 2 DP 61711, Lot 4 DP 155996, Lot 2 DP 73427 Lot 1 DP 116566, Lot 5 DP 36343, Lot 2 DP 51722, Lot 1 DP 49140, Lot 3 DP 191332, Lot 7 DP 38840, Lot 1 DP 210164, Lot 2 DP 46776, Lot 5 DP 111588, Lot 1 DP 103078, Pt Lot 1 DP 61241, Pt Allotment 54 PSH OF Takapuna, Lot 3 DP 75040, Lot 11 DEEDS T 57, Lot 3 DP 44200, Lot 1 DP 210568, Lot 1 DP 352988, Pt Allotment 54 PSH OF Takapuna, Lot 10 DP 38840, Lot 2 DP 407784
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Note – Agreements between parties do not limit the ability of the Hearings Panel to make recommendations or the ability of the Council to make decisions on these recommendations.

Signatures

I confirm that I have read and agree that the summary above of the discussion held between Auckland Council and the submitter named is correct.

Name of submitter and/or their representative:	
Signature of submitter and/or their representative:	
Name of Council officer:	Rebecca Sanders, Planner - Unitary Plan Authorised by: Mark Tamura, Team Leader - Unitary Plan
Signature of Council officer:	

From: Brian Putt <brian@metroplanning.co.nz>
Sent: Monday, 9 May 2022 8:30 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Submission on NPS-UD Proposed Change to AUP

Please find attached the submission of the St Mary's Bay Association. The lodgement consists of:

- The Submission
- The Annexure A
- The Photos accompanying Annexure A

Regards,

Brian Putt
Metro Planning Ltd
P O Box 90273 Victoria Street
AUCKLAND 1142
P: 09 303 3457
M: 021 902 744
E: brian@metroplanning.co.nz



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

1. St Marys Bay Association (SMBA)

- 1.1 SMBA is a community-based incorporated society that has been serving the physical, social, economic and cultural interests of the suburb of St Marys Bay since 1975. SMBA has existed continuously since that time and at present has over 200 financial members.
- 1.2 This submission covers the SMBA interests in the draft preliminary proposals prepared by the Council in response to the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS). In addition, in our area, the intensification model for land within a “walking catchment” of a city centre is of vital concern.

2. History of St Marys Bay

- 2.1 St Marys Bay is one of the three oldest suburbs of Auckland dating from 1850. The other suburbs – Parnell and Grafton – have a similar history and cultural connection to the development and growth of Auckland as New Zealand's largest urban centre.
- 2.2 As a result of this early settlement pattern, St Marys Bay is a broad mixture of houses, business buildings, community buildings, open spaces, schools and religious institutions. The variety of housing is extensive and well recognised in the Council's records as set out in the report: *Summary Findings for Area 20 – St Marys Bay*.
- 2.3 The built environment and open space networks of St Marys Bay define its character. The mix is eclectic and historic. Together these two characteristics give our suburb a special quality like no other part of Auckland that is fundamental to the wellbeing of our community in physical, economic, social and cultural terms. Together these elements form the basis of any assessment under the Resource Management Act 1991 (RMA). These characteristics are fully recognised as being the basis for the sustainable management of urban life as defined by Part 2 RMA and in particular Section 5 and Section 6(f).
- 2.4 The history of St Marys Bay as a founding suburb of Auckland, is well documented and is without challenge.

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

- 3.1 Through this Amendment Act, the NPS-UD has been implemented with a series of changes to the RMA to impose the MDRS and intensification policies across Auckland. Importantly, the Amendment Act did not alter the fundamental structure of the RMA, in particular its purpose and the identification of matters of national importance and significance set out in Part 2 RMA remain paramount. The management of these methods of achieving the sustainable management purpose of the RMA has been protected through the ability to identify “Qualifying Matters”. This is the open door available to the Council to continue the legacy of protection and stewardship – kaitiakitanga - towards the historic heritage of Auckland as it exists in St Marys Bay as well as many other parts of Auckland. This opportunity must be grabbed firmly to protect a built heritage that, if it is lost, will never be replaced.
- 3.2 The heritage houses of St Mary’s Bay are mainly constructed of kauri which was harvested in Tai Tokerau and milled in Freemans Bay. The remaining houses contain the mana and wairua of those ancient forests and to that extent they are taonga. Respect for this spiritual dimension is part of the kaitiangi/stewardship to be afforded the heritage houses.
- 3.3 This SMBA submission focuses on the means of using the Qualifying Matters opportunity as the appropriate planning mechanism to protect our heritage suburb remembering that the Amendment Act additions do not supersede the Part 2 purpose of the RMA.

4. **St Marys Bay – Historic Heritage and Special Character**

- 4.1 The importance of retaining and protecting the Victorian and Edwardian housing stock of St Marys Bay has been a primary objective of Auckland’s planning instruments (legacy district schemes and district plans) for almost 50 years. This planning technique has ensured that additions, alterations, and improvements to existing houses have been given a thorough examination by the Council’s heritage team to ensure the compatibility and integration of any new built form with the streetscape context. Proactive planning management has provided for, not only the maintenance, but the enhancement and improvement of the St Marys Bay housing stock. This has been a highly successful focus of kaitiatikanga and stewardship provided through the AUP.
- 4.2 The result is that of the 409 separate properties in St Marys Bay, 226 are rated “6” or “5” under the Council’s Historic Heritage and High-Quality Special Character ranking system. That is more than half of the suburb falls within the Historic Heritage category.
- 4.3 We challenge the ranking of many of the properties with a “4” rating. The time available to lodge this submission has not allowed us to apply our detailed expert and local knowledge over the whole suburb but we attach (Annexure A) as a cameo example an area based on Hackett Street where three “4” properties can be firmly analysed as falling within the “5” ranking. The identified Sub-area A then reaches the 75% threshold set by the Council. We intend to complete this analysis across St Marys Bay

using the Council's Area 20 summary findings and will provide a complete review by the end of May 2022.

Review Purpose

- 4.4 The purpose of this review is to demonstrate that the Council's technique set out on the St Marys Bay map within the summary report for Area 20, depicting with a yellow outline, areas proposed for Historic Heritage and High-Quality Special Character protection as a Qualifying Matter, can be used as a technique identifying sub-areas across the entire St Marys Bay suburb. We accept that the balance of the suburb outside of the sub-areas is to be zone Mixed Housing Urban under the new regime.
- 4.5 We ask that the Council accepts this approach as an appropriate way of responding to the Auckland Unitary Plan (AUP) Regional Policy Protection for Historic Heritage and Special Character as set out in Chapter B5 AUP. This approach successfully updates the present *Special Character Area Overlay* system which ranks St Marys Bay as *Residential Isthmus A*.

RMA Section 6(f) Validation

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

5. Walkable Catchments

- 5.1 The NPS-UD stipulates that within walkable catchments of the City Centre the intensification model of six storey development should apply unless a Qualifying Matter prevents intensification. The SMBA knowledge of residents' activities (from discussions and surveys) confirms that St Marys Bay is **not** a walkable catchment in relation to the City Centre.
- 5.2 It is acknowledged that some St Marys Bay residents daily walk to work within the City Centre. It is important to note that many of them return home by bus if it is dark when they finish work. That is because the convenient route back to St Marys Bay from Fanshawe Street to the St Marys Bay walkway with access to Jacob's Ladder, St Marys Road, the Boylan Street staircase, and Pt Erin, are part of a public walking network that is **not** illuminated. This means to walk back to St Marys Bay safely, pedestrians must use Victoria Street/Beaumont Street leading to College Hill. The typography of this route is a challenge for anyone but active fit walkers.
- 5.3 The other important consideration in the walking catchment debate is the purpose of visiting the City Centre. For St Marys Bay residents who wish to make use of retail facilities, professional services, entertainment facilities, restaurants/café's, or the transport hub at Britomart and the future Aotea Station,

the walking time and distance is 30-40 minutes over 1.2-1.5 kilometres. It is not reasonable or realistic to suggest that this is a walkable catchment for the majority of the St Marys Bay population.

- 5.4 **SMBA submits** that the St Marys Bay suburb west of St Mary's College, is not within a walkable catchment as envisaged by the NPS-UD. The definition of walking catchment cannot be determined by the fittest cohort in the community ; it must embrace the majority.
- 5.5 This conclusion has important ramifications for the consideration of the clustering of Historic Heritage and Special Character properties where the threshold drops from 75% rated "6" or "5" down to 66%. Again, this outcome confirms that the majority of St Marys Bay falls to be treated as a Qualifying Matter and thereby exempt from the implications of the Amendment Act changes to the RMA and the NPS-UD except on properties where the Qualifying Matters do not apply.

6.0 Infrastructure

- 6.1 St Marys Bay is one of the old Auckland suburbs still relying on a combined sewer and stormwater infrastructure system. Funding has been approved to commence the separation of stormwater and sewerage reticulation in St Marys Bay. This project, firmly supported by SMBA, is designed to accommodate the existing development potential of the suburb under the operative provisions of the AUP.
- 6.2 If the intensification model is imposed across St Marys Bay, the design and capacity of the separation systems will need to be vastly increased which will therefore significantly increase the cost of construction. This will prevent the project from advancing under its present planning and funding arrangements. This matter has not been considered in the Council's preliminary proposals.
- 6.3 The **SMBA submits** that the outdated and inadequate wastewater and stormwater infrastructure in St Marys Bay is a limiting factor that must be considered as a Qualifying Matter.

7.0 Coastal Hazards

- 7.1 The north edge of St Marys Bay is formed by the old Waitemata Harbour coastal cliff geology. It is well known that these cliffs are fragile and development close to the coastal edge risks collapse. There is no recognition that this hazard has been taken account of in the Council's preliminary intensification promotion for St Marys Bay. If this matter is to be considered carefully as it has been in other parts of coastal Auckland, then a setback of 50 - 100 metres limited to two storeyed developments should occupy the coastal hazard risk area.
- 7.2 The **SMBA submits** that the coastal hazard risk be recognised within an appropriate medium density development within 50 - 100 metres of the old St Marys Bay coastal cliff formations.

Provision for Growth

- 7.3 SMBA considers that there remains ample opportunity for growth in St Marys Bay in the ridgetop high density development zones unaffected by Historic Heritage or Special Character. The Terrace House Zone penetrates parts of St Marys Bay along the Jervois ridge and to the west of Shelly Beach Road. Opportunities for intensification close to the City Centre exist through the business zones located to the east of St Mary's College from College Hill north to the motorway.
- 7.4 **SMBA submits** that the Historic Heritage and Special Character protection being sought across St Marys Bay will not adversely affect development capacity overall in the inner-city suburbs of Auckland.

8 Conclusion

- 8.1 In summary **SMBA submits**:

- Over half the houses of St Marys Bay have historic heritage status and should be protected as Qualifying Matters.
- Using the Council's sub-area system, SMBA requests the placement of sub-areas around clusters of Historic Heritage and Special Character properties throughout St Marys Bay based on the Council's 66% methodology.
- SMBA concludes that St Marys Bay is not a walkable catchment.
- SMBA considers that infrastructure limitations in St Marys Bay are a Qualifying Matter.
- SMBA submits that the coastal hazard of the St Marys Bay coastal cliff edge is a Qualifying Matter to be considered.

- 8.2 SMBA requests the opportunity to meet with the Heritage Team after SMBA has submitted final plans reconciling the heritage status of "4" rated properties across St Marys Bay.
- 8.3 SMBA remains open to any future consultation and discussion which the Council may wish to initiate.
- 8.4 SMBA thanks the Council for the opportunity to lodge these submissions for consideration in the preparation of a plan change to implement the Amendment Act and the NPS-UD.

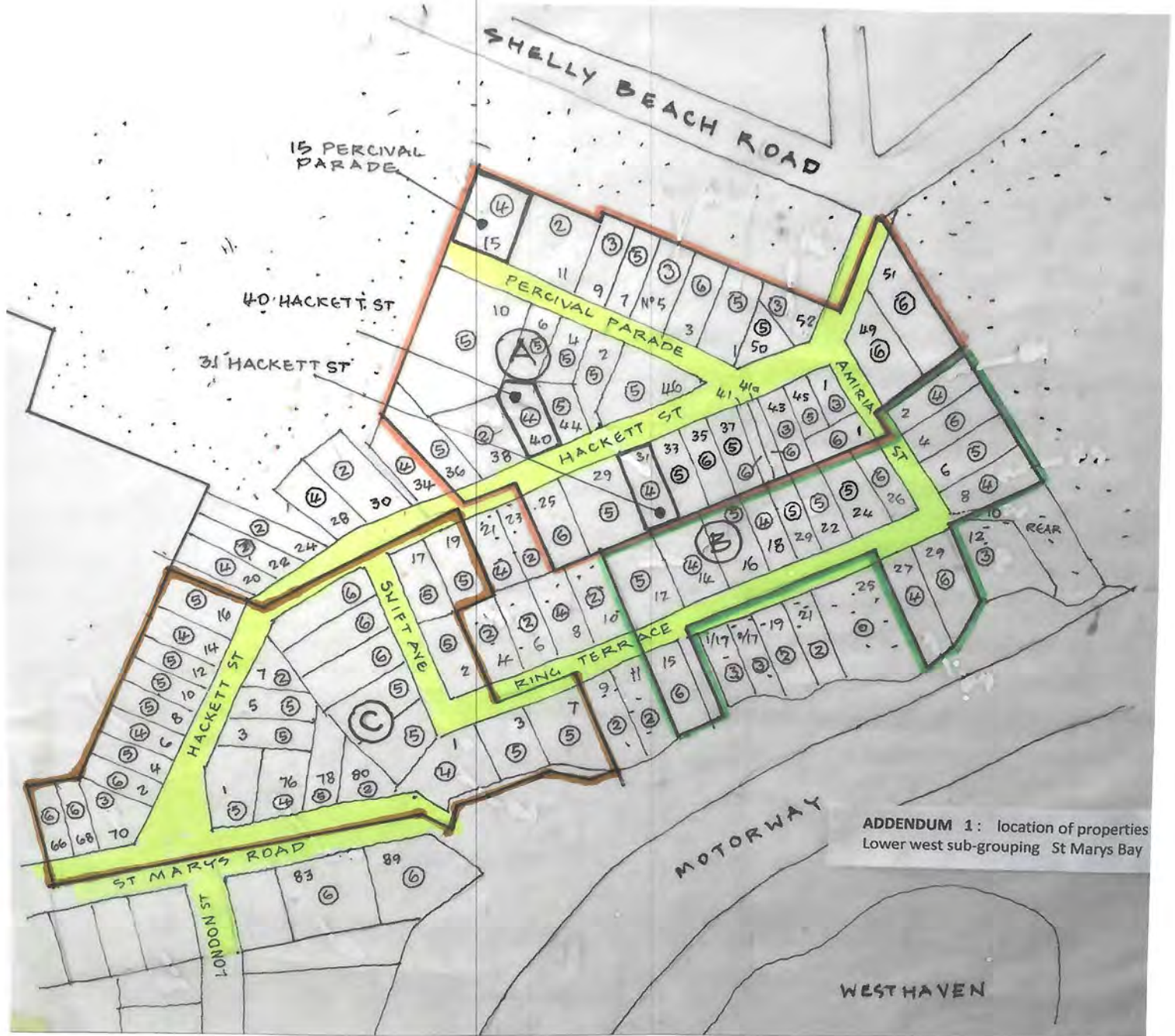
Submission prepared by Brian William Putt, Town Planner

And authorised by David Abbott, Chairperson, SMBA

5 May 2022

Address for Service:

brian@metroplanning.co.nz or dabbott@xtra.co.nz





3
could
be 5



5 should be 6

view to west of
parade...



31



33

5



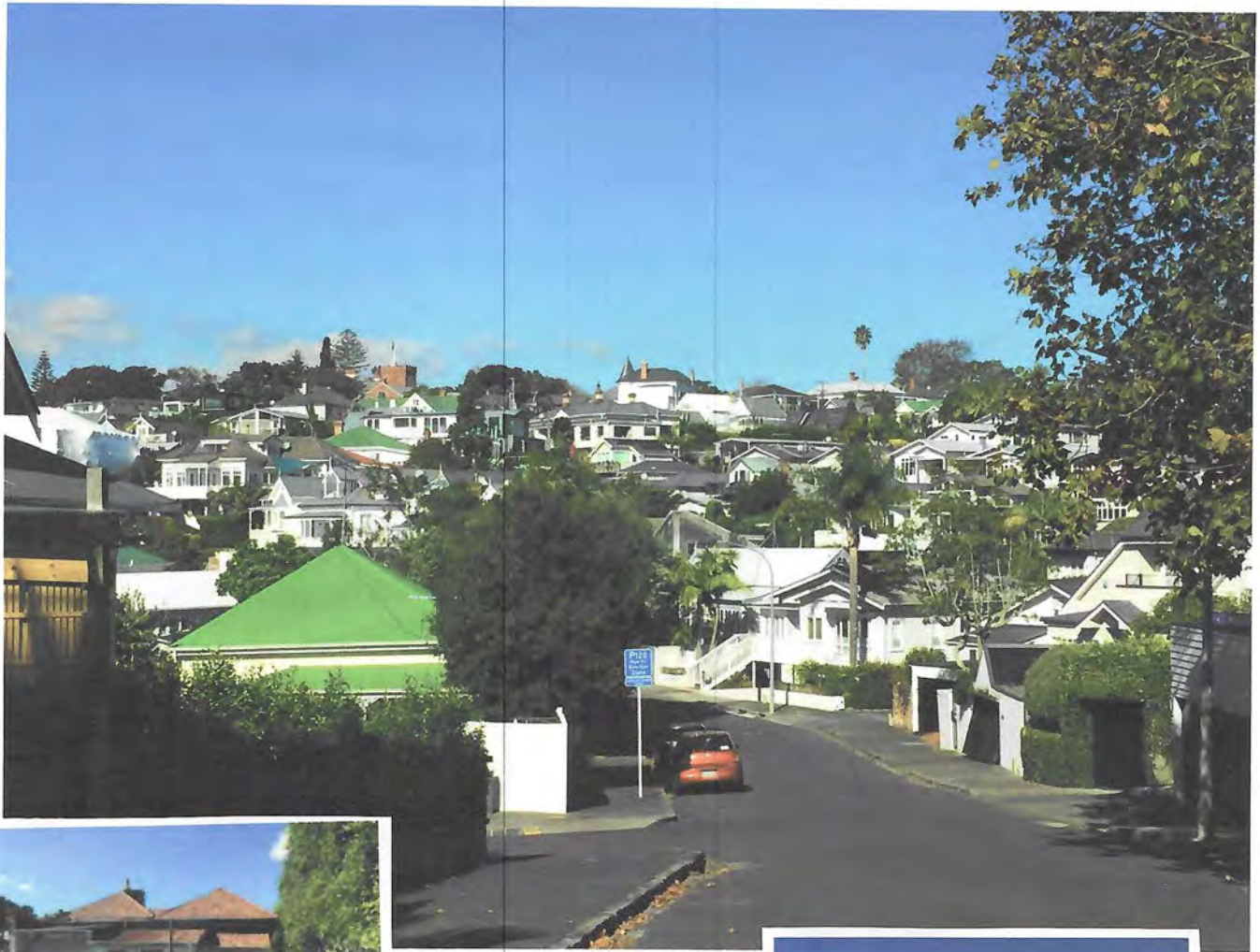
4
should
be 5



Nº 38 modern
interpretation
rated 2 ...



Nº
— 44
a 5



the upper Bay



No 89
St Marys
Road



No 27
Ring
Terrace

No 43
a 3 41a 41 both 6's

No
45
a 5



ANNEXURE A: SUBMISSION OF ST MARYS BAY ASSOCIATION

COMMENTARY ON CHARACTER ASSESSMENTS – AREA 20

Heritage Rating System

Council has rated our properties from 0-6 in an endeavour to establish those properties that exhibit “strongly contributing character” to our historic suburb. The methodology adopted considers only properties rated 5 or 6 as contributing to a 75% target that somehow defines this character. This target relates to the assertion the St Mary’s Bay is within a “walkable catchment” of the City Centre. SMBA opposes this assertion.

While a dilapidated house at 89 St Marys Road rates a 6 (we understand Council has issued a demolition notice), a classic and rare American Arts & Craft 1914 property at 27 Ring Terrace somehow drops to a 4 and is declared to have “average integrity.”

The time available to lodge this submission has not allowed us to apply our detailed expert and local knowledge over the entire suburb but we have reviewed a typical sample of the catchment. We note that some properties drop to a 5, while others slip down to the “no contribution” category of 4.

A heritage/character assessment has been made by Council assessors that somehow judges the integrity of the home based upon how original it remains and what changes have been made, good or bad. Many houses have been lovingly upgraded under a resource consent based upon the planning policies and criteria of their time. Since 1992 the residents have been made to meet the detailed demands of the Auckland Council Heritage Team.

To make these character old timber villas and bungalows habitable for modern times, owners have built up into the steep roof spaces and brought cars off the road into front yard or basement garages. From our initial review it seems that many of these upgraded properties have been downgraded in these assessments by Council simply because of the approved and consented works.

New Sub-Areas

The sub-areas of properties we have chosen to review is identified as Areas A, B, and C on the attached plan (sheet 1). Accepting the current Council ratings, the 5 and 6’s in sub-group A total 22 which represents a percentage of 68.75% of the total of 32 properties. There are three 4 rated properties in this selected group:

- **15 Percival Parade** - an almost original transitional villa/bungalow that sits quietly at the end of the cul-de-sac. **SMBA says** should be a 5.
- **31 Hackett** - a bungalow altered to provide bedrooms in the roof and car parking in the front yard. **SMBA says** should be a 5.
- **42 Hackett Street** - an almost original run-down villa and garage that is being fully altered and renovated as we speak. **SMBA says** should be a 5.

If two of these properties are elevated to a 5 this brings the total to 75%, while all three lift us to 78%. We believe that the assessment process is too sensitive to error and value judgements that do not reflect expert heritage opinion. We discuss each property on the attached (sheets 2,3,4.)

The sub-area B has 15 properties with 10 5/6's i.e., **66.7%**; while sub-area C with 28 properties and 22 5/6's i.e. **78.6%**.

Further we consider that the properties rated 1,2, and 3 also contribute to and strengthen the character of our suburb. We are reviewing how these contributions could be added to the assessment. Refer to sheet 5 where photos introduce this contextual argument, that is how a property rated 3 does contribute to a group of 4,5 and 6's.

We will complete this analysis across St Marys Bay using the Council Area 20 summary findings and will provide a complete review by the end of May.

This analysis is important because the properties rated 5 & 6 represent historic heritage in terms of s6(f)RMA. These buildings are required to be protected.

Heritage Architectural Assessment complied by

John Hill

Registered Architect and Heritage Architect

Contact: john@johnhillarchitect.co.nz

09 May 2022

From: John Burns
Sent: Monday, 9 May 2022 8:44 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Character Coalition preliminary response to Council Plan Change Proposals
Importance: High

Unfortunately, I think the copy of the attachment to the feedback form I have just sent you (acknowledgement below) may have been a track changes version rather than the final copy.

If that is the case, please discard that copy and replace it with the copy attached.

I also attach in addition the two documents referred to in that attachment, which are:

1. The list of members of the Character Coalition Incorporated; and
2. A letter from Mr Jeremy Salmond dated 31 March 2022.

Regards,

John Burns

From: Auckland Council Engagement Team [mailto:notifications@engagementhq.com]
Sent: Monday, 9 May 2022 8:25 p.m.
To: jaburns@xtra.co.nz
Subject: Thank you for completing Tell us what you think of our preliminary response

Hi,

Thanks for completing the survey.

Your responses are listed below.

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

Do not support - I think it should be closer

Tell us why

1. All Special Character Areas in walkable catchments should be a qualifying matter. 2. Making all Special Character Area overlays a qualifying matter will not compromise the development potential of walkable catchments . 3. The Unitary Plan, together with the additional intensification this proposal will enable, provides more than enough residential capacity for Auckland's needs for at least the next thirty years.

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

Do not support - I think it should be closer

Tell us why

1. All Special Character Areas in walkable catchments should be a qualifying matter. 2. Making all Special Character Area overlays a qualifying matter will not compromise the development potential of walkable catchments . 3. The Unitary Plan, together with the additional intensification this proposal will enable, provides more than enough residential capacity for Auckland's needs for at least the next thirty years.

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

Do not support - I think it should be closer

Tell us why

1. All Special Character Areas in walkable catchments should be a qualifying matter. 2. Making all Special Character Area overlays a qualifying matter will not compromise the development potential of walkable catchments . 3. The Unitary Plan, together with the additional intensification this proposal will enable, provides more than enough residential capacity for Auckland's needs for at least the next thirty years.

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 - I think it should be closer

Tell us why

1. All Special Character Areas in walkable catchments should be a qualifying matter. 2. Making all Special Character Area overlays a qualifying matter will not compromise the development potential of walkable catchments. 3. The Unitary Plan, together with the additional intensification this proposal will enable, provides more than enough residential capacity for Auckland's needs for at least the next thirty years.

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

1. All Special Character Areas in walkable catchments should be a qualifying matter. 2. Making all Special Character Area overlays a qualifying matter will not compromise the development potential of walkable catchments. 3. The Unitary Plan, together with the additional intensification this proposal will enable, provides more than enough residential capacity for Auckland's needs for at least the next thirty years.

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

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

Tell us why

All special character areas should be identified as a qualifying matter for the reasons set out in the attachment.

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

Do not support – I think there are more areas that should be identified as a qualifying matter

Tell us why

All special character areas should be identified as a qualifying matter for the reasons set out in the attachment.

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

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

Tell us why

All special character areas should be identified as a qualifying matter for the reasons set out in the attachment.

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

1. There is no point enabling intensification in places where the infrastructure to serve it is inadequate or does not exist. 2. Enabling intensification in such areas before infrastructure is provided will result in unacceptable sociological and environmental risks. 3. If and when current infrastructure constraints are removed (particularly connection to costly underground services such as trunk sewage), access should be sequenced in a planned manner, prioritising those areas where intensification is already enabled by current zoning controls, areas where the intensification process is already underway and where overall infrastructure costs can be minimised.

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

1. We support the inclusion of all these qualifying matters. 2. Enabling intensification in these areas will result in unacceptable sociological and environmental risks.

Upload any supporting information you have

If you have more files to attach, you can email them to unitaryplan@aucklandcouncil.govt.nz

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First name

John

Last name

Burns

Are you giving feedback on behalf of an organisation?

Yes - I am the official spokesperson for the organisation

Organisation name

Character Coalition Incorporated

Email

Your Local board

If you don't know your local board area, see [Find your local board](#) for more details.

Albert-Eden

How easy did you find the process of having your say?

Quite easy

How could we improve the process of having your say?

No Answer

Thanks again

Auckland Council Planning Team

▪



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AUCKLAND'S SPECIAL CHARACTER AREAS – SUBMISSION ON BEHALF OF THE CHARACTER COALITION

9 May 2022

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1 The Character Coalition

- 1.1 The Character Coalition Inc. is an umbrella group representing heritage, historical and other Auckland groups who care deeply about their city. It currently has 64 member groups who are listed in an attachment to this document.
- 1.2 It was established in 2016 out of a sense of frustration that precious buildings and areas were destroyed to make way for what were often inappropriate and unsightly new developments. Its goals are to preserve the character and heritage of Auckland, while at the same time promoting high quality development and design which does not compromise heritage and character values.

- 1.3 The Coalition took an active part in the process of forming the Auckland Unitary Plan. This was an exhaustive process. We were successful in ensuring that the Unitary Plan retained the Special Character Area (SCA) protection for those parts of Auckland where the existing form, buildings and amenity values give the city its character. We are now concerned that those areas may again be under threat as a result of new Government policies.
- 1.4 We recognise the need for affordable housing, and support in principle the Unitary Plan aim of intensification to achieve a compact city. We agree that everyone in Aotearoa New Zealand should live in a healthy, safe, secure, and affordable home that meets their needs, within a thriving, inclusive and sustainable community.
- 1.5 However, we are concerned that this should not be at the expense of what remains of Auckland's heritage and character. Not only would that be devastating for Auckland, but it is also quite unnecessary. These comments are directed at that issue, and at urging the Council to ensure that Auckland's special character remains protected in the face of the Government dictates in the NPS –UD (the NPS) and the RM (Housing) Amendment Act 2021 (the Act) .

2 Historical and Cultural Importance - Residential Areas

- 2.1 Auckland's historic timber houses are highly valued as a significant part of the city's identity and character. Auckland has one of the best-preserved collections of Victorian and Edwardian timber houses in the world. Their historical importance has been well recognised in successive planning instruments due to their coherence and global rarity.
- 2.2 The timber houses are a cultural taonga and a present embodiment of the trees that once stood in Auckland and New Zealand's landscape, including kauri, rimu, totara, matai, rewarewa and more. The current wooden housing stock, together with the landscape component of mature trees, constitutes a carbon sink that contributes to climate change mitigation as compared to their removal and replacement with new materials that generate additional carbon emissions.
- 2.3 Auckland's special character areas were often developed within a short period of time and therefore represent significant geographical areas of architectural similarity. This means that these larger groupings of housing contribute to distinctive characteristics within each neighbourhood as it has developed. Over time, these areas have been very well preserved, and Auckland is now in the fortunate position of having a significant historical resource which contributes to the character, appeal, and distinctiveness of the City.
- 2.4 These areas are currently protected in the Auckland Unitary Plan (AUP) as Special Character Areas. Schedule 15 to the plan contains detailed descriptions and an analysis of the values of these areas and their qualities. It says that the Special Character Overlay:

“seeks to retain and manage the character of traditional town centres and residential neighbourhoods by enhancing existing traditional buildings, retaining

intact groups of character buildings, and designing compatible new building infill and additions.” (p.1)

2.5 Schedule 15 includes statements as to the importance of these areas in the following categories:

a) Summary of historical, physical and visual qualities

b) Built form, including:

- a. the period of development;
- b. scale of development;
- c. form and relationship to the street;
- d. density/pattern of development;
- e. types; and
- f. Visual coherence.

c) Architectural values, including:

- a. styles; and
- b. materials and construction – built fabric.

d) Urban structure, including:

- a. subdivision;
- b. road pattern;
- c. streetscape; and
- d. vegetation landscape characteristics.

2.6 Each special character area is distinct as it represents a particular period of development and architectural expression, and is supported by distinct patterns of development. For example the Residential Isthmus 2B special character area comprises smaller individual subdivisions, sometimes grouped collectively, largely on those parts of the Isthmus where larger section sizes were available, often with the northern aspect due to undulating topography, and where all expression reflected growing wealth in the city. Larger homes set back from the street with well landscaped and generous front yards and street tree planting created Auckland’s expression of the garden suburb. These areas include many of the affluent parts of the city, as well as cottage style state housing of the 1930s and 40s which emulated the design trends of the time. Many of these areas are well preserved and are now some of the most highly valued areas of the City.

- 2.7 Similarly, the Residential Isthmus A area comprises early development around the city centre, where development occurred across large areas within a short space of time. This led to a uniformity of design – largely villas with consistent setbacks and scale, on small to medium-sized sites. These properties often have narrow front yards, and larger back gardens, with ornamentation to the street.
- 2.8 While the Residential Isthmus A and Isthmus B areas are protected for similar reasons, they differ in their built form and pattern of development. This is the case with each individual Special Character Area.
- 2.8. The SCAs with their collections of villas and bungalows and gardens with mature native trees tell the visual story of Auckland’s development. They tell us where we have been and give present and future generations a sense of place.

3 Framework

- 3.1 The NPS directs Auckland Council to intensify all parts of the city which are within a walkable catchment of a Rapid Transit network, except in areas where a qualifying matter applies. The Act directs Council to allow three houses up to three-storeys (11 metres plus 1 metre for roofline) on every residential site, without resource consent and with minimal design standards, again unless a qualifying matter applies. Sites may be further subdivided to allow for additional development above three units on each parent lot.
- 3.2 We recognise that these dictates place Council in a difficult situation. Central Government has chosen to direct Council how to plan its city, without any prior consultation, and only five years after the Unitary Plan came into effect.
- 3.3 However, if these dictates are implemented within the SCAs in Auckland, there will be permanent and damaging effects on the City. Now is the time for Council to stand up for Auckland, and not to allow itself to be bullied into submission by a Government that wrongly thinks it knows what is best for Auckland.
- 3.4 The Unitary Plan came into effect only five years ago. It followed prolonged consultation with the community and cost upwards of \$50 million. It represents community consensus on their future form and direction of Auckland.
- 3.5 Part of that consensus was what areas would be SCAs. The outcome did not please everyone – some thought there should be more, a few thought less. But five years ago the Council, the Unitary Plan Hearings Panel, and the Auckland community accepted all these areas should be protected as SCA’s.
- 3.6 Apart from the Government dictates, what has changed that now means they do not warrant that protection? The answer is nothing. If anything, the strength of the Unitary Plan rules has provided greater scrutiny to development within SCAs and has further strengthened their position as a significant part of Auckland’s heritage assets.

4 Threshold for Qualification

- 4.1 The Government dictates provide for Council to specify what are qualifying matters. They do not set any threshold which a SCA, or anything else for that matter, must pass. This is something which is left entirely to Council's discretion.
- 4.2 Council decided in July last year that the threshold for a SCA to be a qualifying matter would be that it was of "high quality". It decided that to be of high quality, 75% of properties within an area must score 5 or 6 on a scale which it adopted.
- 4.3 The NPS and the legislation do not require that a SCA be of high quality, or that it achieve any particular level on a scale, in order to be a qualifying matter. These are Council policy decisions, not a legal requirement.
- 4.4 We have seen no evidence or analysis that supports only "high quality" SCA's, or only those which score 5 or 6 on a scale, should be qualifying matters. Council could equally have decided that "medium quality" SCA's, or those which score 4, 5 or 6 on the scale, should be qualifying matters.
- 4.5 Subsequently, last month, Council decided that for SCA's outside a walkable catchment the threshold should be reduced to 66%. While the Coalition supports that, again we have seen no evidence or analysis to support it.
- 4.6 The only explanation we have seen in support of Council's position is a concern that, if it makes all SCA's a qualifying matter, the Panel that will hear submissions on its proposed plan change after it is notified in August may not uphold its position.
- 4.7 **Council's role is not to second-guess what a Panel might, or might not, do. Council's role is to stand up for Auckland by upholding the provisions of its own Unitary Plan. It can only do this by making all existing SCA's a qualifying matter. Anything less is betraying Auckland, and its own Unitary Plan.**
- 4.8 There is another reason why Council must make all SCA's a qualifying matter at this stage of the process.
- 4.9 Under the Act, upon notification of the plan change in August the so-called Medium Density Residential Standards (MDRS) will have immediate effect except in areas which Council has made a qualifying matter. So those areas which are presently SCA's, but which Council does not propose as a qualifying matter will immediately lose their Unitary Plan protection.
- 4.10 The fact that the community in those areas has made strong submissions in support of them, which will at that stage be yet to be heard, will have no effect. Even if the Panel, having heard those submissions, agrees that the area in question should be a SCA, it will be too late. The MDRS will have been implemented, three-storey houses with minimal design standards will have been constructed randomly in those SCAs and their character will have been severely impacted or lost altogether.

- 4.11 This draconian provision is unprecedented in planning law, and makes a farce of the submission process. People will be having submissions heard about something that has already happened, and is happening around them, while the submission process is still occurring.
- 4.12 **Council has a duty to the people within all SCA's to at least preserve the status quo by including them as a qualifying matter in its proposed plan. They have a legitimate expectation that Council will seek to uphold its Unitary Plan provisions. If a Panel or a Minister subsequently decides to exclude a SCA, that will be the responsibility of the Panel or the Minister, and they will be accountable for it.**
- 4.13 Council should not allow the Panel or the Minister to shirk their responsibility. It is Council that has been elected by the people of Auckland, and Council must do the right thing by them. Neither the Panel nor the Minister were elected to represent Auckland's interests. The Council was, and its citizens are entitled to look to it to do that now.

5 Implications of Losing Auckland Special Character Areas

- 5.1 Unless they are made a qualifying matter in the Proposed Plan Change, these Special Character Areas will be destroyed. If three storey developments are allowed in SCAs, old villas, cottages and bungalows will be either demolished or squeezed between monolithic concrete and glass housing blocks. These areas are about scale and cohesiveness, and to have them interrupted by brutal, over-scale developments will be the death knell of the historic fabric of the city.
- 5.2 **It is simply not enough to protect only individual heritage houses and buildings through the Heritage Schedule. Most houses in SCA's are not on this schedule yet collectively they represent Auckland's growth as a city and contribute enormously to its unique identity.**
- 5.3 Once lost, these areas will be gone forever. The Proposed Plan Change should ensure the continued protection of all of our Special Character Areas by including them as qualifying matters to which the intensification provisions of the Plan Change will not apply.

6 Intensification

- 6.1 The Coalition realise that Council does not need persuading that the Unitary Plan already provides enough residential capacity to cater for Auckland's needs in the short, medium and long term. This is a point that Council made strongly, and well, in its submission to Government on the Bill (now the Act) last year. Unfortunately, though it could not counter it, the Government chose to ignore it.

- 6.2 But in summary, we emphasise that there is no need to destroy Auckland's SCA's to provide more housing. As the Council's capacity analysis carried out last year shows, the Unitary Plan already provides for sufficient capacity for at least 30 years housing development. Those figures show there is enough existing development capacity under the Unitary Plan for up to 900,000 more dwellings in Auckland now, with up to 100,000 within the CBD.
- 6.3 The SCAs cover only 3.6% of land zoned residential in the AUP. That leaves plenty of other land available for intensification, in places where the AUP has determined are appropriate for more intensive development.**
- 6.4 It is noted that there is already potential outside of SCAs close to the CBD for development to occur, in areas such as Westmere, parts of Herne Bay, Newmarket, Mt Eden and Grey Lynn. That these areas haven't undergone extensive redevelopment like areas such as Avondale and Onehunga speaks more to the economics of land development than it does to the existing framework of planning provisions.
- 6.5 Further, the Single House Zone, which underlies the SCAs, allows for the use of an existing home in two units, and also for minor dwellings. Sites are generally not extensively used in this manner in the central suburbs. This is because the scale of preservation and high amenity has led to a premium on land values and these areas are now highly desirable for higher income individuals. This is a significant change for some SCAs which were once the workers cottages of the early 1900's.
- 6.6 As well, the AUP is already achieving intensified housing in Auckland. It eased height and density requirements, and resource consent numbers in Auckland are at record levels. 66% of these are for high-density homes, in appropriate locations which are identified in the AUP. Simply driving along streets such as Dominion Road, Sandringham Road, Great North Road and New North Road shows that the Unitary Plan is working.
- 6.7 Intensification is happening now as envisaged by the Unitary Plan – in locations which are properly service by infrastructure and well served by public transport. In contrast, the development enabled by these proposals will occur randomly throughout residential Auckland, even if there is no, or inadequate, infrastructure to serve it.
- 6.8 Council may be powerless to prevent that happening throughout most of Auckland, but it can and should, prevent it from happening in our SCAs.

Zoning

- 6.9 The proposal shows a new zoning of "Two-Storey Single Dwelling Residential" zone, which will replace the Single House Zone as the underlying zone for most SCAs. It is important that this zone has appropriate standards (including subdivision standards) that ensure the continued protection and enhancement of SCAs. The standards of the Single House Zone of the AUP may be appropriate to adopt as these were relatively recently agreed through the AUP process. Alternatively, SCA development standards could apply, without the overarching requirement for a resource consent for any new building. This would lead to consistency in setback, building scale, and relationship between built form and open space.

7 Affordable Housing

- 7.1 We recognise the need for affordable housing, and support the Unitary Plan aim of intensification to achieve a compact city. However, this intensification must be in appropriate places, and that is where the Unitary Plan already provides for it. When we examine the proposed changes to SCAs in the context of the cyclical nature of property demand and the long-term growth and decline of cities, the preservation of heritage and character in the few areas which are SCAs should be our highest priority.
- 7.2 Council should not allow a short-term housing crisis, which has been caused by other factors than SCA's, to trump character and heritage when ample land for housing supply can be found in other areas of the City which are still within good proximity to the CBD, and when significant intensification is already happening in the CBD and central isthmus areas.
- 7.3 We have seen the suggested feedback from the Coalition for More Homes, which seems to be the main opponent of retaining SCAs. That group say they want Council to:

"Apply Mixed Use Zoning and Remove Special Character Areas in Walkable Catchments, to enable the growth of centres & more local living. Retain and improve listed Heritage protections and high quality, continues [sic] SCAs outside of Walkable Catchments."

- 7.4 They contend that:
- 7.5 *"Special Character Overlays in central suburbs –the areas with the greatest access to transport and existing amenities –are significantly limiting sustainable housing development."*
- 7.6 This appears to be the main, indeed the only, argument put forward by those who wish to destroy our parts of Auckland SCAs. It is well encapsulated in a recent email received from one such proponent, who says:

"For my friends and siblings in the 25-35 cohort, the kiwi home-ownership dream is almost dead, and tearing down villas to make room for our growing population sounds great."

- 7.7 But the statement from the Coalition for More Homes is quite wrong, and that assumption that destroying our SCAs will lead to more affordable homes is misguided.
- 7.8 The Character Coalition has seen no evidence that intensification in SCA's will provide affordable homes. Council has none, and neither does Government. In fact, what happens is that an uplift in value occurs with the rezoning, and sites are redeveloped with similar sized homes. These homes are often approximately the same value as, or even more expensive than, the original dwelling. Additionally, where development potential is increased, individual owners extend their homes, further increasing property values. The Coalition has evidence of home renovation projects already going on hold while owners wait for new planning provisions so they can build larger homes than previously allowed.

- 7.9 Not only that, but as far as we are aware, neither Council nor Government has carried out any research or analysis to show (or try to show) that the extensive intensification which has been, and is being ,carried out in Auckland in the five years since the Unitary Plan came into effect has provided affordable housing.¹
- 7.10 We cannot understand what makes the Government believe developers will build affordable homes in the likes of St Mary's Bay, Parnell, Remuera and Northcote Point. Even if they wanted to (which they won't) they couldn't, because of the land values. Instead, the character of these neighbourhoods will be ruined without providing a single affordable home.
- 7.11 Part of the history of SCA's is that many were often formed in modest areas and some houses in them have been divided into flats. These are of various shapes and sizes, and in various stages of renovation, but they provide a greater degree of housing choice than in some of the more recently developed areas of the City. As these areas have risen in value due to their high degree of amenity and desirability, there is more pressure on these dwellings to be extended into larger family homes.
- 7.12 In the absence of any evidence, or analysis of data from existing intensification, the case for the proposed intensification is completely unproven. It is founded on a house of cards. We can't respond to these claims in any detail, because there isn't any case.
- 7.13 Unless Council protects our SCA's now, villas, bungalows and cottages will be torn down, not to create affordable housing, but rather to create profits for developers and substantial housing for the wealthy. This is the very antithesis of what Auckland needs.

8 Analysis of Council Assessment

Methodology

- 8.1 The Coalition appreciates that it has been a large undertaking to collect data for individual sites, to assess that data and make draft recommendations. Our comments that follow are not meant as a criticism of the Council staff who carried out this work, which was made more difficult by the unrealistic timeframes set by Government, and by Government's unreasonable failure to make any allowance for the pressures placed on Auckland, and the Council, and by Covid restrictions.
- 8.2 However, we do have some issues with the data scoring methodology which include:
- a) The criteria used, because they exclude some values which contribute to special character;
 - b) The data collected, because there appear to be anomalies with some scores, and there is no evaluation of rear sites;

¹ We also note that Auckland is now in population decline (Stats NZ 2021) and dispersed employment that has arisen post-covid reduces the relevance of concentrating as many people in city centric areas.

- c) The methodologies used, because the scores applied to properties do not recognise the differences between “neutral” and “detracting” assessments, some properties described as “character contributing” are excluded from the final percentage calculations, and the IPA/integrity score (particularly the -1 score) is applied to some records and not others which means that it skews the overall result.
- 8.3 With respect to the methodologies, there is a range of alternatives that all can be usefully modelled, alone and in combination, in particular:
- a) including 4s which are “character contributing,” and/or
 - b) scoring “neutral” attributes “1/2” rather than “0,” recognising that they can make a contribution to the overall character of an area, and/or
 - c) reviewing the values applied to IPA/integrity assessments and how they might be combined with the architectural style score.

Alternative Modelling

- 8.4 Modelling of these alternatives would be straightforward and could be done quickly with existing data at little expense for both the areas already modelled and alternative sub-areas.
- 8.5 We have done some provisional modelling with data provided by Council, and this changed scores by up to 15% in the SCAs modelled and resulted in them meeting the 66% and 75% thresholds.
- 8.6 The Coalition understands the main SCA’s that do not meet the threshold Council has set, using the methodology it has applied, are;
- a) Birkenhead
 - b) Northcote Point
 - c) St Mary’s Bay
 - d) Remuera
 - e) Parnell
 - f) South Epsom
- 8.7 In addition, there are parts of other SCA’s, including Freemans Bay and Herne Bay, which are affected as well.
- 8.8 We urge Council to carry out alternative modelling now of at least these areas. Council owes that to the residents of those areas who are relying on it to uphold the Unitary Plan provisions to protect the character of their areas and their quality of life.**
- 8.9 There are a number of other ways in which the methodology adopted by Council should be improved as well.

Heritage New Zealand / Pouhere Taonga Sites

- 8.10 Areas that contain Heritage NZ listed buildings, automatically protected pre-1900 protected sites, or scheduled trees, should require a lower threshold for assessment to support retention of historical forms. In addition, these sites should receive additional “points” to contribute to the value of the overall SCA.

Visibility

- 8.11 Where a site is not visible from the street due to fencing or vegetation, particularly from Google Street View, an in-person assessment on site is required. This is because features like vegetation are temporary, but the condition and character of a building may contribute to the wider SCA. Where a site was not visible it did not score any points and so detracts from the overall score.

Rear Sites

- 8.12 Rear contributing sites have not been taken into account, but where these are adjacent to other SCA sites they may support the SCA. These should not be excluded altogether but should contribute in some way to the overall score, perhaps as bonus points.

Separate Street Assessments

- 8.13 Each street should be assessed for its value separately, and where there are gaps between streets that qualify, these areas could revert to SHZ as a qualifying matter, so as not to prevent intensification, but also to protect the scale of the SCA. If one side of the street qualifies highly, consideration should be given to use a lower threshold to preserve the overall character of the street. This flexibility would allow special character streets to be preserved, while allowing new development of a compatible scale within those neighbourhoods, but where not highly visible from the SCA.

Aggregation

- 8.14 At present 75% or 66% of sites need to be strongly supporting depending on whether they are in or out of a walkable catchment. If the points for a whole area were aggregated and averaged, that may change the balance of areas. Areas with fewer lower contributing sites, but a lot of averagely contributing sites, may be more worthy of protection than areas with a greater diversity of scores.

Landscape/Landforms/Topography/Cultural concerns

- 8.15 The SCAs in the Unitary Plan are not limited to matters related solely to the individual buildings within the zones, nor just their individual qualities as buildings. Rather, as well as the seeking to preserve buildings themselves, the inclusion of residential SCA's seeks to recognise and retain historic patterns of land use and development, and built responses to these which occurred within a reasonably well-defined time frame, at the end of which each area could be seen to have been substantially developed with housing, in streets that were fully formed and in which much of the early planting had matured.
- 8.16 This is recognised in the Schedule 15 which says that, in addition to built form, the attributes that contribute to the character of each area include:

- a) *Historical context and*
- b) *Physical and visual qualities*
- c) *Urban structure*
- d) *Subdivision*
- e) *Road pattern*
- f) *Streetscape*
- g) *Vegetation and landscape characteristics*

- 8.17 It is the recognition of these identified historic forms and patterns which has resulted in the inclusion of those areas as SCAs in the Unitary Plan, and these are required to be protected. This means protection of not just the buildings themselves, but also the historic forms and patterns of subdivision, historic forms and patterns of buildings and historic forms and patterns of streetscape, and landscape characteristics.
- 8.18 Unfortunately, the criteria used by Council in its methodology do not recognise this, and there are a number of landscape characteristics which ought to be included in the scoring system and are not. Landscape qualities, particularly of the “garden suburbs”, are referred to many times in Schedule 15 of the Unitary Plan but are not included at all in the assessment criteria.
- 8.19 Separate assessment criteria should have been developed for each type of Special Character Area, particularly Residential Isthmus B, which relies strongly on landscape elements such as mature trees, including street trees, stone walls, complimentary fencing, paths and well landscaped front lawns that add to the garden suburb feel of these areas. Adding a landscape criterion for the Residential Isthmus B Areas, as well as the North Shore – Birkenhead Areas would alter the results significantly.
- 8.20 There are other features as well which should be taken into account in assessing the value of a SCA. These include:
- a) The underlying landform and geology, particularly where a SCA, or part of one, is on a volcanic field, with associated lava caves, flows and artesian recharge and drainage.
 - b) The cultural significance of the landscape and landform, in particular, its relationship with Maunga, and views to and from Maunga, which will be compromised if higher density development is allowed in SCA's in the vicinity of Maunga.
 - c) The presence of stands of native trees, such as puriri, cabbage trees, karaka, pohutakawa and kohekohe which often relate back to the Maunga.
 - d) The relationship of a SCA with Special Ecological Areas.

- 8.21 The presence of a SCA contributes to landscape protection in many areas, especially where there are valleys with bush and streams with significant landscape on privately owned properties, such as Le Roys Bush in Northcote/Birkenhead and parts of Remuera, Parnell, Newmarket and Meadowbank.
- 8.22 Taking into account all these matters, rather than just the built form, will give a more comprehensive assessment of the character of any area, and result in the conclusion that the areas Council proposes be excluded are in fact of such quality that they should be included, and continue to be protected, as qualifying matters.
- 8.23 Finally, we attach the report that we obtained from Mr Jeremy Salmond which has already been provided to Council. This supports our position that, if these wider matters are taken into account, all the SCA's should be retained.

9 Conclusion

- 9.1 The Character Coalition would like to further engage with Auckland Council and related agencies on this issue. We have heritage architects, planners, and other professionals available to assist the Council.

This is a watershed moment in Auckland's history. Council must stand up for Auckland now and make all our SCA's a qualifying matter. Future generations will thank you for it. They will not thank you for allowing their destruction.

Action Grafton
Art Deco Society
Avondale Waterview Historical Society
Balmoral Residents Association Inc
Birkenhead Heritage Association
Birkenhead Historical Society
Birkenhead Residents' Association
Castor Bay Ratepayers' & Residents' Association. Inc
Civic Trust Auckland
Clevedon & District Historical Society
Devonport Heritage
Devonport Historical and Museum Society
Eden Park Neighbours' Association
Ellerslie Residents' Association Inc
Epsom & Eden District Historical Society Inc.
Forparks
Franklin Heritage Forum
Freemans Bay Residents' Association
Friends of Maungawhau (Mt Eden)
Friends of St Davids Trust
Grey Lynn Residents Association
Herne Bay Residents Association Inc
Heritage NZ Auckland Tamaki Makaurau
Hill Park Residents Association
Howick & Districts Historical Society
Howick Residents and Ratepayers' Association
Kinder House Society
Laingholm & District Citizens Association
Mainline Steam Heritage Trust
Mangere Bridge Residents and Ratepayers
Mangere Historical Society
Manurewa Historical Society
Massey & Birdwood Settlers Association Inc
Milford Residents Assoc
Mission Bay Kohimarama Residents Assn.
Mount St John Residents Group Inc
Mt Albert Residents' Association
Mt Eden Village Centre / Mt Eden Methodist Church Charitable Trust
New Lynn Protection Society Inc
Northcote Point Heritage Preservation Society Inc
Northcote Residents Association
Onehunga Fencible & Historical Society
Orakei Community Association
Orewa Ratepayer and Residents Association
Parnell Heritage
Protect Piha Heritage

Pukekohe East Church Preservation Society
Puketapapa (Mt Roskill) Historical Soc.
Remuera Heritage Inc.
Silverdale & Districts Historical Society
Snells Beach Ratepayer and Resident Association
South Epsom Planning Group
South Kaipara Residents & Ratepayers' Association
St Heliers/Glendowie Residents Assoc
St Mary's Bay Association Inc
Tamaki Drive Protection Society
Te Atatu Residents and Ratepayers Association Incorporated
The Tree Council
Three Kings United Group Inc
Titirangi Residents and Ratepayers Assn.
Warkworth Area Liaison Group
Western Bays Community Group
Westmere Heritage Protection Association

AUCKLAND UNITARY PLAN

SPECIAL CHARACTER AREAS – CRITERIA FOR ASSESSMENT - OPINION

introduction

My name is Jeremy Salmond. I am an architect and the founder of the company Salmond Reed Architects Limited. I have been in professional practice as an architect since 1972. I hold the degree of Master of Architecture (Auckland) and I am a Fellow of the New Zealand Institute of Architects.

I am a member of the Association for Preservation Technology International, and a past Chairman of the New Zealand Committee of the International Council on Monuments and Sites (ICOMOS); I contributed to the development of the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value. I have acted as a member of the Auckland City Urban Design Panel and I was a founding Trustee of the North Shore Heritage Trust. I have received the Queen's Service Order for Public Service for my work in heritage conservation and advocacy, and in 2018 I was awarded the NZIA Gold Medal for Architecture.

I have been asked by the Auckland Character Coalition to provide an opinion on the proposed criteria for assessment of potential residential areas in Auckland City for designation as Special Character Areas of high quality.

The method of assessment (which I understand has already been undertaken) relies on the qualifying matters set out in 15.1.1 of Schedule 15 to the AUP, which gives the following criteria:

The attributes that contribute to the character of each area include:

Historical context

Physical and visual qualities

Built form

- *Period of development*
- *Scale of development*
- *Form and relationship to the street*
- *Density/Pattern of development*
- *Building types*
- *Visual coherence*

Architectural values

- *Styles*
- *Materials and construction*

Urban structure

- *Subdivision*
- *Road pattern*
- *Streetscape*

Vegetation and landscape characteristics

I understand that the proposition is that, for a defined area to be recognised as a SCA, 75% or more of all properties within the prospective area should be found, on inspection, to score highly against all 5 of a limited set of criteria numbered 1-5 below, and that an

additional score (or deduction) will be assessed by reference to the physical condition of a given property:

1. Scale
2. Relationship to the street
3. Period of development
4. Typology
5. Architectural style
6. Level of physical integrity

It is not clear to me why the criteria given in Schedule 15 have been recast and abbreviated in the way that they have, nor what assessment or consideration has been given such matters as urban structure, vegetation or landscape characteristics – matters which seem to me to be fundamental to our present understanding of special character areas.

Material published by the Council states that the assessments already undertaken were carried out as follows:

- Individual properties have been assessed for their value(s)
- Criteria are based on SCA values set out in the AUP
- Of the 5 stated criteria, these have been scored as either :
- A bonus score has been added (or subtracted) according to the perceived “integrity” of a dwelling
- Each property achieves a score up to a maximum of 6
- The aggregate scores will determine the assessed value of the area overall

In addition, if the whole of a defined area does not satisfy the 75% threshold, consideration will be given to identification of a sub-area of high quality, or it may be possible to flag potential historic heritage areas within the defined area.

This last strategy seems to me to confuse the distinction made in the AUP between areas of historic heritage value and areas of special character.

how did we survey SCA residential?

- individual properties assessed for their value(s)
- criteria based on values of SCA identified in AUP
- five criteria – each marked contributing, neutral or detracting
- a bonus point (or loss of a point) for integrity
- each individual property gets an overall score of up to six
- scores will determine overall value of an area



CONFIDENTIAL

commentary

I have been asked by the Auckland Character Coalition to comment on the criteria used, and the threshold proposed by the Council to determine whether Special Character Areas (SCA's) should be a "qualifying matter" under the recent Government Housing Act.

By way of background, I was the Council's advisor and expert heritage witness in the Environment Court hearing on Plan Change 163, which was a change to the former Auckland City Council's District Plan (the forerunner of the Unitary Plan) that established the objectives and policies for the Special Character Areas in that Plan.

My comments are based on, and are consistent with, the advice I gave to the Council and the Environment Court during that process.

As noted above, for the current process, the Council has set as a benchmark for a SCA to become a "qualifying matter" that 75% of the buildings in it meet all 5 of the stated criteria (see above), with a further possible point added (or subtracted) by reference to the condition of a property.

The Act does not specify any particular threshold, so I infer that this to be a policy decision made by the Council.

I note also that the SC areas in the Unitary Plan are not limited to matters related solely to the individual buildings within the zones, nor just their individual qualities as buildings. Rather, as well as the seeking to preserve buildings themselves, the inclusion of residential Special Character Areas in the Unitary Plan seeks to recognise and retain historic patterns of land use and development, and built responses to these which occurred within a reasonably well defined time frame, at the end of which each area could be seen to have been substantially developed with housing, in streets that were fully formed and in which much of the early planting had matured.

This is recognised in the Schedule 15 which says that, in addition to built form, the attributes that contribute to the character of each area include:

"Historical context" and

"Physical and visual qualities

Urban structure

Subdivision

Road pattern

Streetscape

Vegetation and landscape characteristics"

It is the recognition of these identified historic forms and patterns which has resulted in the inclusion of those areas as SCAs in the Unitary Plan, and these are required to be protected. This means protection of not just the buildings themselves, but also the historic forms and patterns of subdivision, historic forms and patterns of buildings and historic forms and patterns of streetscape.

It is not surprising then that, within a single street in a SCA , there will potentially be a wide diversity of architectural styles within an otherwise uniform pattern of subdivision and development. Nor is it inconsistent with the notion of historic forms and patterns of subdivision to find differing property sizes, as a result of subdivision or historical investment

decisions. These too are part of the complex inherited patterns of land use in the zone, and which contribute positively to the character values for which the SCA is protected.

In my view, an assessment of SCAs which considers only the buildings in it, without reference to both the immediate and wider context, is incomplete and ignores the specific purpose of identifying the SCAs. A focus on buildings alone ignores other important urban design matters which are fundamental to an understanding of character, and will result in too few areas being assessed as “qualifying matters” under the Act.

I understand also that, as a result of the proposed 75% threshold, some parts of SCAs that would otherwise have been included as having met the threshold, or otherwise qualifying for inclusion, have been excluded because some buildings of low quality may be interspersed among them - for example, early workers’ cottages, villas or bungalows which have been degraded over the years through unsympathetic alterations and additions, or are simply in poor physical state - or because more recent buildings and building types have been inserted within an otherwise qualifying defined area.

I have been a practising architect for about 50 years. Much of my career has been concerned with assisting owners to restore neglected, altered or otherwise degraded buildings in such a way that both their appearance and the character of the area in which they are located are enhanced, while at the same time providing a living environment that meets contemporary expectations.

I am well acquainted with the process of gentrification, which generally originates in suburbs where environmental and building values have diminished over time, but which then have risen in value by virtue of market demand, which itself recognises the intrinsic qualities of the associated urban environments resulting from both the particular qualities of the setting and location, and from the collective actions of many residents.

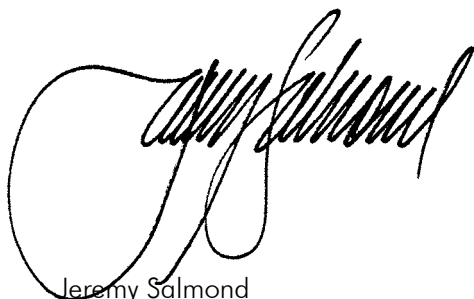
It is in fact a true social phenomenon, in which economics plays a part. Historically, renovation of older dwellings has been found to be a cheaper cost option for young families of relatively small means, and the process of renovation of older building stock has led directly to significant rises in capital value – linked also to the generally agreeable character of older suburbs.

This process has led to the current situation, where widespread use of renovation is a preferred strategy in all the residential SCAs in Auckland and, in my opinion, will continue. The cost of renovation and restoration of even the most degraded house in a SCA is likely to be only a small proportion of the overall market value of the property, given that land value is now the most significant component of an Auckland property’s value.

I would add also that the presence of (an often quite high proportion of) non-qualifying buildings within an SCA does not necessarily diminish the values for which it has been defined. If this were the case, there would be no reasonable prospect of introducing new construction within an SCA if this could be shown to alter the 75% qualifying threshold.

Such a limitation correspondingly ignores the possibility of mitigating the perceived adverse effect of incompatibility with the purposes of the area by careful and imaginative design of replacement buildings on such sites. While age – or period and style of construction – are criteria for qualification, there is no reason (and there are many exemplars to show) why an imaginative contemporary design may not positively reinforce and enhance the identified character of a defined SCA.

I have difficulty in understanding the necessity of redefining Auckland City's special character areas, other than to see this as a strategy for reducing the aggregate extent of these within the AUP and hence remove the protections over those areas which have been so arbitrarily redefined.

A handwritten signature in black ink, appearing to read 'Jeremy Salmond'. The signature is fluid and cursive, with a large loop at the beginning.

Jeremy Salmond
QSO, MArch, FNZIA

31 March 2022

From: Amanda Coats <amanda@proarch.co.nz>
Sent: Monday, 9 May 2022 9:33 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Feedback on Auckland Council's preliminary response NPS-UD and MDRS
Importance: High

To the Auckland Unitary Plan team,

We attach Feedback on Auckland Council's preliminary response to the NPS-UD and MDRS on behalf of North Eastern Investments- Limited and Heritage Estates (2000) Limited.

Kind regards, Amanda



Amanda Coats On behalf of Proarch Consultants Limited
DIRECTOR

P: 06 356 9549

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AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

IN THE MATTER of the Resource Management Act 1991

AND Feedback on Auckland Council's preliminary response
viewer for NPS-UD and MDRS

FROM **NORTH EASTERN INVESTMENTS LIMITED & HERITAGE
ESTATES (2000) LIMITED ("NEIL")**

Submitter

TO **AUCKLAND COUNCIL**

Local Authority

FEEDBACK BY
NORTH EASTERN INVESTMENTS LIMITED & HERITAGE ESTATES (2000) LIMITED ("NEIL")
ON AUCKLAND COUNCILS PRELIMINARY RESPONSE TO THE MANDATORY
IMPLEMENTATION OF THE NATIONAL POLICY STATEMENT URBAN DEVELOPMENT 2020
AND RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY & OTHER MATTERS) ACT

Service Address: **North Eastern Investments Limited & Heritage Estates (2000) Limited**
c/- Proarch Consultants Limited
by email: amanda@proarch.co.nz
Phone: +6421517955

To the Unitary Plan Team at Auckland Council by email to: unitaryplan@aucklandcouncil.govt.nz

- [1] North Eastern Investments Limited & Heritage Estates (2000) Limited (“**NEIL**”) provides feedback on Auckland Council's preliminary response for National Policy Statement Urban Development 2020 (“**NPS-UD**”) and Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**MDRS**”) specific to the land at 56 Fairview Avenue and 129 Oteha Valley Road (“**56 Fairview Avenue**”).
- [2] NEIL is the consent holder of multiple unimplemented regional and land use consents reliant on plan changes granted in favour of NEIL by the Environment Court between 2011 and 2016 in relation to the land at 56 Fairview Avenue.
- [3] At the date of this Feedback, NEIL awaits a rehearing of its February 2014 submission on the PAUP before the Independent Hearings Panel as directed by the Court of Appeal in 2018 to resolve the submitters request for a Precinct with extra height and mixed-use zoning. Between November 2016 (when the AUP became Operative in Part) and the 9 May 2022 Feedback, AC has made extensive changes to the AUP (Operative in Part) that NEIL submitted on in February 2014.
- [4] The notified version of the Proposed Auckland Unitary Plan (“**PAUP**”) that NEIL submitted on was designed to give effect to the Auckland Plan 2012, a high-level strategic plan that Auckland Council replaced with the Auckland Plan 2050 (adopted in 2018) because:

1.1 The Auckland Plan

The first Auckland Plan was adopted in 2012, less than 18 months after Auckland Council was established. It was a landmark document for Auckland, covering every aspect of Auckland life and economy. One of its provisions was for review after six years.

Over the past five years, the plan has provided direction in some significant areas. For example, it set the growth model for Auckland. The Unitary Plan took its direction from this and enabled the model through its zoning. It also built the strategic case and the momentum for the City Rail Link. Inclusion of this in the plan was not simply about agreeing to a project but about creating the framework for Auckland's future transport strategy.

While these are significant achievements, the 2012 plan had shortcomings which became evident through implementation (see Table 1). This meant that, the current plan could not adequately continue to provide the support for decision-making that legislation intends.

Table 1 Issues with existing Auckland Plan

Issues	Description
Out of date data	- Majority is based on 2006 census data - Does not reflect strategic work carried out since the plan was adopted
Hard copy document	Unable to update document to reflect significant changes
Integration/Development Strategy	Development Strategy sits separately from other strategic directions
Complex structure	- Contains too many layers and components - People find it hard to work with, which affects implementation - Limited integration between different components
Mixed content	- Includes range of strategic and operational content - Detailed content better addressed in other plans and processes
No prioritisation	Does not prioritise across the large number of strategic directions in the plan
Targets	- Too many targets and many unmeasurable - Unclear ownership of targets - Difficult to track progress as a result

To illustrate the issue on the out-of-date data, Auckland's rate of population growth has exceeded the growth projections of the 2012 plan. This could have created significant implications for Auckland if these out-of-date projections continued to be used into the future. The estimated population figures were revised after the 2013 Census. The Auckland Plan 2050 Evidence report, Demographic trends for Auckland: Data sources and findings, provides further detail around Auckland's continued anticipated population increase. The Auckland Plan 2050 will help to build a better understanding of how to plan for and fund this level of growth.¹

- [5] NEIL intends to amend (under s127 of the RMA) and implement its granted land use consents and apply for a new land use consent for the balance of the land at 56 Fairview Avenue to the south of Medallion Drive but awaits a hearing on its PAUP submissions.
- [6] In accordance with the NPS-UD² the government requires Auckland Council ("AC") 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.
- [7] AC is a Tier 1 authority and therefore has the greatest obligations of the 3 tiers under the NPS-UD. This feedback will form part of the Councils proposed plan change notified in August 2022 and is understood to be part of that process that the Council is required to consider under its Schedule 1 process and the NPS-UD.

¹ Auckland Council (2018). Auckland Plan 2050: Developing the Auckland Plan 2050 ISBN 978-1-98-856441-8 (PDF)

² The NPS-UD was gazetted on 20 July 2020 and became operative on 20 August 2020. It replaced the 2016 NPS on Urban Design Capacity.

- [8] AC must comply with specific policies; Policies 3 and 4 (see Part 3 and subpart 6) of the NPS-UD not later than 2 years after the commencement date, no later than 20 August 2022.³

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*
- (b) in metropolitan centre zones, 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; and*
- (c) building heights of least 6 storeys within at least a walkable catchment of the following:*
 - (i) existing and planned rapid transit stops*
 - (ii) the edge of city centre zones*
 - (iii) the edge of metropolitan centre zones; and*
- (d) in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
 - (ii) relative demand for housing and business use in that location.*

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.⁴

- [9] NEIL (see Figure 1, page 5) agrees with AC and their depiction of the NEIL land in the Preliminary Response Viewer at Figure 26 (on page 30). NEIL agrees with AC (see Table 1 on pages 31-32) that there are no qualifying matters relevant to prevent the council enabling 6 stories on the NEIL land in accordance with the NPS-UD 2020, Policy 3.

³ [2021] NZEnvC082 Eden-Epsom Residential Protection Society Incorporated v Auckland Council and others.

⁴ MfE NPS-UD2020

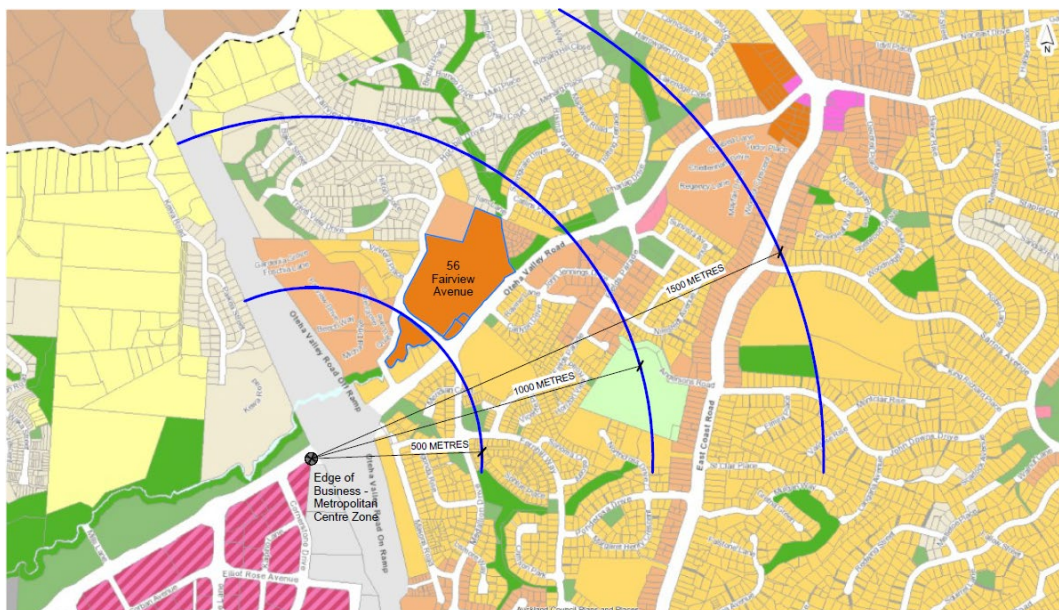


Figure 1: NEIL land at 56 Fairview Avenue is identified in the NPS-UD2020 as being within 800m walkable distance of the edge of the Metropolitan Zone at Albany.

- [10] The NEIL land at 56 Fairview Avenue has always been within the walkable catchment of the Albany Park and Ride frontage (see Figure 2 below) to Oteha Valley Road and the edge of the metropolitan area (Figure 1 above). The land is adjacent to Oteha Valley Road. A Road referred to as a rapid and frequent network (“RTN”) prior to and during the PAUP plan review 2012-2016.

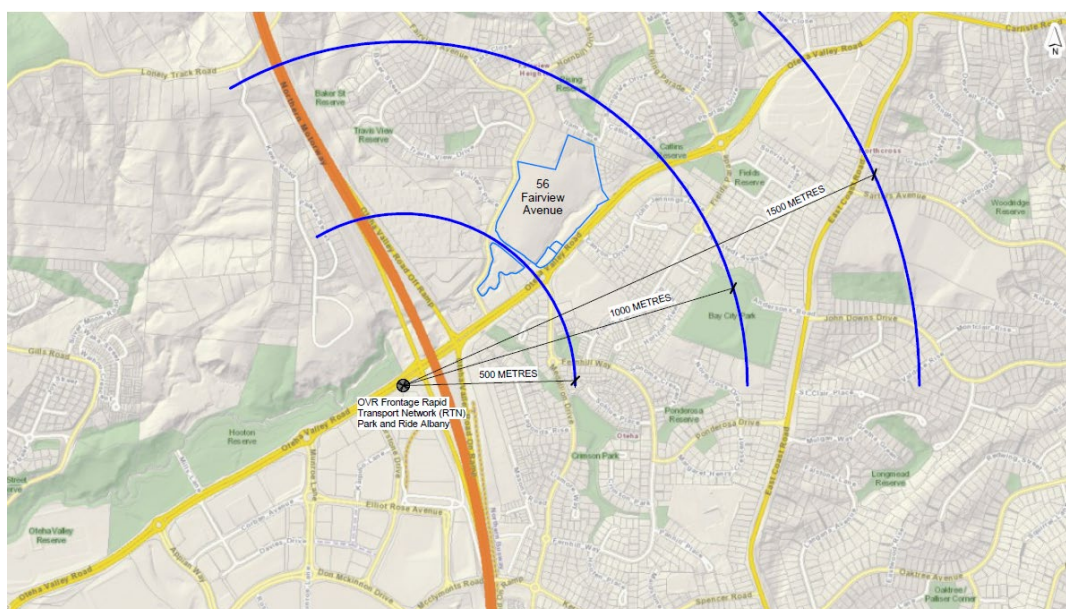


Figure 2. Diagram locating the NEIL land and its proximity to the Oteha Valley Road RTN frontage to the park and ride at Albany.

- [11] Auckland Council’s Planners, the Planning Committee, Upper Harbour Board, and the Council were aware that the NEIL land was zoned for highest intensity of development in this catchment (circa 2002 -2016) in the North Shore City Council Operative District Plan prior to the PAUP process. During that period the was zoned *Area D: Varied Residential Zone* with a *Mixed-Use Overlay* and site-specific development parameters⁵ obtained from the Environment Court Consent Orders⁶. An AC expert recorded the following statement before the Environment Court in relation to the 56 Fairview land, from the evidence of Andreas Theodorus de Graaf on behalf of Auckland Council 28 September 2012

“[2.9] By way of overview I note the following. NEIL has put forward the general argument that the site is appropriate for a higher form of density. I agree that the site offers this opportunity, which at a high level is supported by the ACRPS², ACRGS³ and the Auckland Plan as a guiding document for future growth of the Auckland region...”

[4.2] The site is well located in terms of accessibility, with Oteha Valley Road in close proximity to the South East, and Northern Motorway slightly further away to the South West. The proposed Medallion Drive extension, linking Fairview Avenue and Oteha Valley Road would further enhance its accessibility and address.

In 2012 the Auckland Council Regional Policy Statement (“**ACRPS**”) and the Auckland Council Regional Growth Strategy (“**ACRGS**”) were different, but the Auckland Plan 2012 referred to by Mr de Graaf had been adopted by the Council.

- [12] The PAUP’s purpose was promoted by AC to give effect to the Auckland Plan 2012. In 2012 the Auckland Plan identified a 10-minute walk as an example of an easy walking distance but noted that there would be variations based on the size, the role and function of different centres in the region. The Auckland Plan 2012 considered that the actual walkable catchment will be influenced by subdivision, street and block pattern and topography, or simply put, that refined to reflect any constraints to accessibility to these centres should set the walkable catchment parameters.

⁵ Akin to today’s AUP (Operative in Part) Precincts

⁶ NSCC Operative Plan Changes 22, 23-25 and 32. PC22 became operative 7 July 2011, NSCC PC23 became operative 28 June 2012, PC32 became operative 7 February 2014.

[13] In the 2018 review of the Auckland Plan 2012⁷ the Council recognised:

“the 2012 plan had shortcomings which became evident through implementation (see Table 1⁸). This meant that, the current plan could not adequately continue to provide the support for decision-making that legislation intends”

This recognition was because the rate of population growth for Auckland, Tamaki Makaurau had exceeded the growth projects of the Auckland Plan 2012⁹. Armed with this knowledge (and having granted NEIL consent to intensively develop its land at 56 Fairview Avenue for residential and mixed use on most of its land in 2016) the AC Planners, Planning Committee and Council did not identify changes in the Auckland Plan 2050 to enable or prioritise growth or intensification in the Fairview Heights catchment¹⁰ existing urban areas north of Oteha Valley Road and east of the State Highway.

NEIL notes that the Auckland Plan 2012 Map D.1 Development Strategy Map (Auckland-Wide)¹¹ and Map D.2 Development Strategy Map (Urban Core)¹² identified the NEIL land with a colour for “some change” where:

Some Change = Areas not identified as priorities for growth. Some intensified development expected to occur. May include some small lot detached and semi-detached housing. The Unitary Plan will explore innovative ways of allowing high-quality residential infill and redevelopment in these areas.

⁷ Auckland Council (2018). Auckland Plan 2050: Developing the Auckland Plan 2050, ISBN 978-1-98-856441-8 (PDF)

⁸ Table 1 in this instance refers to the Table 1 in the fuller quote from the 2018 review on page 3 of this document.

⁹ Auckland Council (2018). Auckland Plan 2050: Developing the Auckland Plan 2050, page 6, June 2018

¹⁰ Noting that the Council previously proposed growth through the former North Shore City Council (NSCC) Plan Change 32 process in the Fairview Heights catchment. Auckland Transport advised the Environment Court (2012, 2013 and 2016) that the Medallion Drive Link was required to enable growth in the Fairview Avenue catchment.

¹¹ Auckland Plan 2012, page 54

¹² Auckland Plan 2012, page 55

NEIL has previously questioned the appropriateness of the Auckland Plan 2012 and its depiction of the development capacity of the 56 Fairview Avenue land based on the historic zoning of the land and the Environment Courts decisions prior to the Draft AUP that should have informed zoning in the PAUP process. Today the Auckland Plan 2050, “Node-Albany” makes the following statement:

“Albany is the node for the north and has been identified for significant growth and intensification over the next 30 years”¹³

- [14] The “Node Albany” map in the Auckland Plan 2050¹⁴ indicates that the growth should occur within the dashed blue line boundary shown on the Node-Albany¹⁵ for the next 30 years and not enable or promote intensification on the eastern side of the motorway in an area with the closest walking proximity to the Albany Park and Ride (see Figure 3).

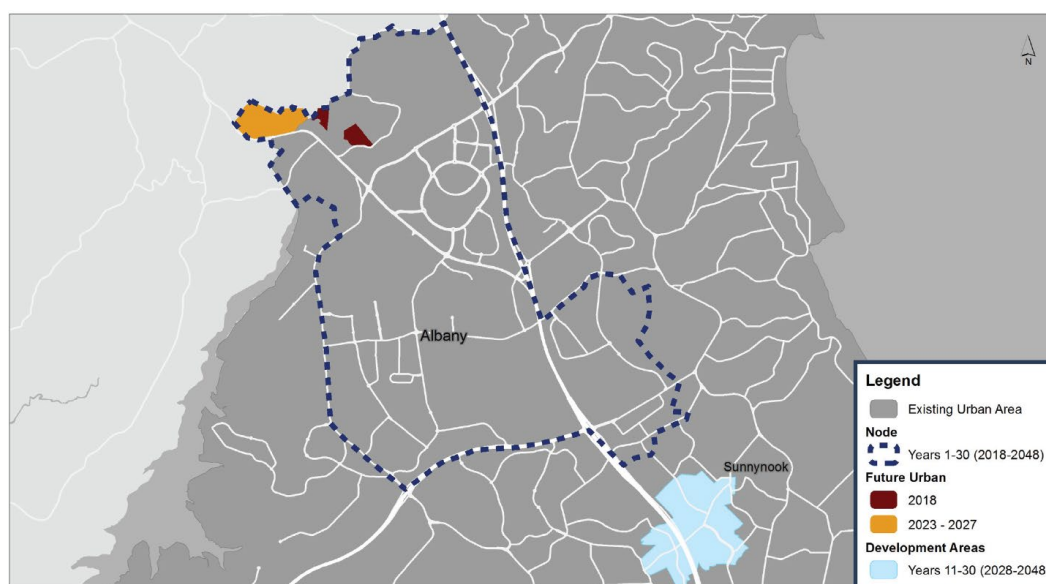


Figure 3: Auckland Plan 2050 Node-Albany 30-year Growth Plan excludes properties in close walking proximity of the Albany Park and Ride and edge of the Metropolitan Zone.

¹³ Auckland Plan 2050, page 254

¹⁴ The Auckland Plan 2050 was adopted by the Auckland Council Planning Committee on 5 June 2018.

¹⁵ The source cited (in the Auckland Plan 2050) for enabled housing capacity and feasibility development capacity are based on the housing and business development capacity assessment for Auckland (December 2017). NEIL understands this to be the former National Policy Statement on Urban Development Capacity 2016: Housing and business development capacity assessment for Auckland December 2017. A document that relied on a methodology for calculating urban plan enabled capacity is based on that detailed in the Capacity for Growth Study 2013 (CfGS) Methodology and Assumptions Report (Balderston & Fredrickson, 2014), using the provisions Auckland Unitary Plan – Operative in Part (AUPOIP) To calculate the enabled capacity, the AUPOIP provisions are utilised and translated into a variety of key parameters, contained in ‘lookup’ tables (Appendix B) and numeric constants (Appendix E). These parameters and constants are then mathematically and spatially tested and analysed across all residential and some business and mixed-use zoned parcels to generate the plan enabled capacity for residential dwellings.

- [15] In July 2016, Judge Thompson¹⁶ said the following of the NEIL land use applications for intensive residential and mixed-use commercial development inclusive of over height buildings of 6 stories on the land at this address:

[2] In a decision given in late 2012 ([2012] NZEnvC266) the Court, in dealing with an appeal about an earlier iteration of the same overall proposal, noted that the two parts of the proposal were not involved in the hearing. The decision recorded that:

Issues about them have been resolved between the parties since the Councils decision, and the Consent Orders disposing of those parts of the appeal are to be presented in due course.

And,

[19] At the conclusion of evidence on 26 July, and having heard Mr Casey and Mr Maassens close for NEIL, we conferred and were quite satisfied, from all of the available material, that the following conclusions were not just available but were all but inevitable on an informed review (ie under s104D, s104, and Part 2 of the Act) of issues and the evidence relating to them.

- [16] “Inevitable” that a design for intensive residential and mixed use with over height building on this highly connected, fully serviced land, near the Albany Park in Ride is appropriate.



Figure 4: [2016] NEIL consented development with over height proposed buildings exceeding the THAB zone height of 16m.

- [17] In a question by Judge Smith for the same land at 56 Fairview Avenue put to Mr Farquhar in 2016 Notice of Requirement for Medallion Drive Link at page 646:

¹⁶ [2016] NZEnvC139 NEIL v AC, Judge CJ Thompson, Environment Commissioners KA Edmonds and D Bunting.

Q. Well, can I put it to you another way, it seems to me that if I was trying to find a site that met the regional objectives and the objectives of the Plan and even the PAUP for intensification site [sic] that was appropriate for intensification, I would have to go a far way to find one that was more suited than this site.¹⁷

This is not an authority but rather a quote from another context where the proposition from Smith, J which demonstrates that the site attributes advanced by NEIL to AC and former NSCC were worthy of serious consideration for intensification.

- [18] Approximately nine years ago, in 2013 Auckland Council's Research, Investigations and Monitoring Unit (**RIMU**) undertook a "Walkable Catchments Analysis at Auckland Train and Northern Busway Stations"¹⁸. The study is essentially a survey of various busway stations and train stations. Importantly, the study asked this question:

"...are train¹⁹ users prepared to walk further than a 10minute/800m design feature being promoted without much scrutiny or evidence"?²⁰

- [19] The report was authored by Lindsay Wilson. It was peer reviewed by the 'Peer Review Panel' using the Panels terms of reference, and reflects that it was reviewed by 2 reviewers, and approved for Auckland Council publication by Greg Holland, the Manager for RIMU on 20 December 2013. The author highlighted the variance in walkable distance a person was prepared to walk in terms of the number of hectares of land area that falls within the busway or trainway catchment as follows:

"While the distances may only vary by walking an additional 200-400m (or 2½ – 5 minutes) an additional 200m walk is a significant factor given that an 800m walkable catchment potentially includes 200ha of land and a 1000m walkable catchment potentially includes 300ha of land and a

¹⁷ ENV-2014-AKL-003 NEIL v AT Transcript at page 646.

¹⁸ Walkable Catchments Analysis at Auckland Train and Northern Busway Stations - 2013 Technical Report 2013/014, ISBN 978-1-927266-63-2 (PDF)

¹⁹ And bus users, as the study also surveyed bus users

²⁰ Ibid, section 1.2 Reasons for surveying busways and rail service users, page 5.

1200m walkable catchment potentially includes 450ha of land.²¹

[Emphasis Added]

- [20] The 2½ -5-minute walk time adds a 200-400m distance to the walkable length to a busway or train station increases walkable catchment from 200 hectares to 450 hectares. The reports' "Executive Summary" concluded:

*"Overall, the results from the survey show that an 800-metre radius is accurate for some stations **but underestimates the actual walking distance for others.**"*²² [Emphasis added in bold]

- [21] It is a generally accepted urban design principle that creating higher density urban environments near public transport encourages walking and public transport use and less dependence of private motor vehicles.

*A well-designed urban form may be an effective tool to improve accessibility, increase social cohesion and promote well-being in urban areas. It requires: ensuring a sufficient level of density to make the most of the agglomeration benefits; integrating land use and transport policies through transit-oriented development strategies; building the infrastructure for pedestrian-friendly cities to improve connectivity; and offering different mobility alternatives (transport solutions) by promoting public transit, **walking and cycling.***²³ [Emphasis added in bold and where underlined]

- [22] The sites surveyed in the "Walkable Catchments Analysis at Auckland Train and Northern Busway Stations" report included the Albany Busway Station within a walkable distance of the land at 56 Fairview Avenue (see Figure 1 on page 5). The survey was undertaken on Wednesday the 13th of March 2013²⁴ and recorded on Excel spreadsheets. The walkable

²¹ Ibid, section 1.1 Walkable catchments and centres, page 5.

²² Ibid, page ii.

²³ <https://www.oecd-ilibrary.org/sites/08790c97-en/index.html?itemId=/content/component/08790c97-en>

²⁴ Walkable Catchments Analysis at Auckland Train and Northern Busway Stations - 2013 Technical Report 2013/014, ISBN 978-1-927266-63-2 (PDF), page17, the same date as all other busway stations were surveyed.

catchment maps resulting from the survey were generated from the survey using Network Analyst.²⁵ In 2013 the survey²⁶ of 627 individual respondents found:

<i>Bus Station</i>	<i>Car</i>	<i>Walk</i>	<i>Bus</i>	<i>Cycle</i>	<i>Total</i>
<i>Albany</i>	<i>358</i>	<i>42</i>	<i>223</i>	<i>4</i>	<i>627</i>

- [23] In comparison to other stations at that time, Albany had the highest proportion of people arriving at the busway station in cars (57%) and by bus (36%) and only (13%) walked. Of the 42 people who walked to the Albany Park and Ride none of them walked less than 800m, in fact 8% walked between 800m and 1200m, 17% walked between 1200-1600m, 17% walked between 1600-2000m and 58% walked between 2000-5000m to get to and from the Albany Park and ride based on the 2013 report. In summary the report records that:

“The graph line for Albany is significantly further to the right than the other stations; (over 50 per cent walked further than 2700m) suggesting customers are walking from a larger catchment.”²⁷

- [24] When compared with the overall findings for the five bus stations surveyed the report found that:

*“At five of the stations, **50 per cent of respondents walked further than 800m**. The exception was the Akoranga Station, where over 80 per cent of respondents walked between 400m -800m. Overall, the results from surveys show **that an 800 metre radius** is accurate for some stations, but **underestimates the actual walking distance** for others.”²⁸* [Emphasis added in bold]

- [25] The Kōmiti Whakarite Mahere/Planning Committee Open Attachment A. Workshop Notes: National Policy Statement Urban Development-Definitions (**Attachment A**) presented to the Auckland Council Planning Committee in March 2021²⁹ where the following statement is made:

²⁵ Ibid, page 17,

²⁶ Ibid, information from Table 10, page 33, section 3.4 Busway survey results

²⁷ Ibid, 3.7 Results for individual busway stations, page 42

²⁸ Ibid, 4.0 Summary and Recommendations, page44-45

²⁹ Kōmiti Whakarite Mahere / Planning Committee meeting Thursday 4 March 2021, 10am, held at the Reception Lounge Auckland Town Hall 301-305 Queen Street, Auckland Open Attachment A: National Policy Statement on Urban Development Workshop one, Planning Committee Workshop 17 February 2021

*“Some people will walk long distances to access rapid transit; in some cases much further than 800m. **The median distance is usually around or a little under 800m.**”* [Emphasis added in bold]

Where Attachment A reflected that this position statement was informed by: *“Literature, some evidence from Auckland, overseas examples and Waka Kotahi work on walking”* but without specific references or authorities.

[26] There is a final comment in the [2013] RIMU report that is considered important:

“Walkable catchments for centres are not fixed and should not be, as over time the centres will evolve and change.” [Emphasis added in bold and where underlined].

[27] This is an important statement because not all the busway stations surveyed nine years ago for metropolitan centres resided in high density catchments with well-established pedestrian friendly walking environments. The Albany Park and Ride was established after the primary roading infrastructure and part way through conversion of retiring the surrounding land from Greenfield (formerly rural land) to urban land under the former North Shore City Council Operative District Plan. The urban growth up to the point of the study in this catchment is visually explained in figures 5 to 8³⁰ below. There is significantly more development in this catchment in 2022 (see Figure 10 on page 16).



Figure 5: Aerial Photograph circa 2001 -Source Auckland Council GIS

³⁰ Although the aerial photograph is dated 2015 the catchment from 56 Fairview Avenue and the Albany Park & Ride survey of 2013 had altered little and the 2015 photograph is considered representative only of the catchment at the earlier date.



Figure 6: Aerial Photograph circa 2003/2004 -Source Auckland Council GIS



Figure 7: Aerial Photograph circa 2008 – Auckland Council GIS



Figure 8: Aerial Photograph circa 2015 – Auckland Council GIS

- [28] NEIL's 2016 consented development (see Figure 9 below) was designed to provide walking and cycling paths throughout the development and between Oteha Valley Road (and a new bus stop on that frontage supported by Auckland Transport) and Fairview Avenue, these connections were generally at a gradient of 1 in 20 or 1 in 12 because the at grade pathway connections are benched into the topography. Throughout the six (6) year Environment Court process to achieve land use consent NEIL demonstrated that contoured land can be developed in an integrated manner to promote walking and cycling environment near rapid and frequent public transport routes and within walking distance of rapid transit stops, i.e., the Albany Park and Ride.



Figure 9: [2016] EnvC139, NEIL Consented Development – Oteha Valley Road at the bottom of the drawing, Medallion Drive Link to the left-hand side of the drawing and Fairview Avenue to the top of the drawing.



Figure 10: Aerial Photograph circa 2017– Auckland Council GIS



Figure 11: Auckland Transport³¹ wider view of Medallion Drive link through 56 Fairview Avenue

³¹ Auckland Transport's stated objectives for the Medallion Drive Link include:

Project objectives

Growth - Facilitate future growth in the residential areas north of Oteha Valley Road.

Capacity - Increase capacity of the transport links between Oteha/Pinehill and Fairview Heights/Northcross.

Efficiency - Improve the efficiency of existing intersections at SH1, Medallion Drive and Rising Parade.

Safety - Improve safety for traffic accessing Oteha Valley Road from Fairview Avenue.

Travel Choice - Improve walking and cycling connections between Medallion Drive and Fairview Avenue.

Cultural - Enhancing the environment through stormwater management/treatment, planting, landscaping and re-establish of the cultural footprint within the area.

Sourced from - <https://at.govt.nz/projects-roadworks/albany-developments/medallion-drive-link/#>

[29] Auckland Transport's project overview of the Medallion Drive link includes:

*Auckland is experiencing major population growth, which is placing huge demand on housing and transport infrastructure. To support this growth, Auckland Transport (AT) is developing its transport network to ensure communities have access to an integrated high quality transport system. This rapid growth is evident in the Albany area, which over the past 20 years has changed from a primarily rural settlement on the fringe of Auckland city, to a growing urbanised environment with a number of residential developments. Three key roading projects are planned in the area, including the Medallion Drive Link. The road will improve connectivity and safe access for the growing residential areas served by these roads as well as providing improved walking and cycling facilities. The project involves constructing a new 2-lane road, including a new bridge, approximately 200 metre long with footpaths and cycle facilities to link Fairview Avenue with Oteha Valley Road. **Extending Medallion Drive will allow vehicles, cyclists, and pedestrians to move safely and efficiently around the area and will improve access between the residential community, public transport, schools, retail precinct and the future designated growth area north of Oteha Valley Road.** [Emphasis added in bold and underlined]³²*



Figure 12: Image adapted from NZTA Norther Corridor Improvement website.³³

[30] The Auckland Plan 2050 Development Strategy Monitoring report December 2021³⁴ and records the following key findings from 2020/2021:

³² <https://at.govt.nz/projects-roadworks/albany-developments/medallion-drive-link/> website accessed 9 May 2022.

³³ Figure 9 is adapted from the NCI Map at <https://www.nzta.govt.nz/assets/projects/auckland-northern-corridor/docs/nci-project-map-march-2022.pdf>

³⁴ Auckland Council (2021). Auckland Plan 2050 Development Strategy Monitoring Report 2021

- apartments and townhouses etc. accounted for 62 per cent of all dwellings consented in 2020/2021 compared with 52 per cent in 2019/2020
- 4,793 dwellings were consented within 1,500m catchments of train stations¹ and the Northern Busway stations. This is 25 per cent of the total dwellings consented

[31] In early 2022 the Medallion Drive Extension (Figure 11, page 16) through the 56 Fairview Avenue property has opened³⁵ and the Northern Corridor Improvement project (Figure 12, page 17 above) are complete.

[32] The NEIL land at 56 Fairview Avenue is within the 800m walkable catchment of the edge of the Metropolitan centre to Albany (Figure 1, page 5) but the appropriateness of enabling additional intensity in this location has always been based on attributes of the site. It is in close walkable proximity to schooling, recreational and minor convenience shopping, such as obtaining milk, bread, and a newspaper from the Mobil Station.

PRE-SCHOOL CHILDREN, DAY CARE AND KINDERGARTEN

[33] The NEIL land is within 200m to 400m walking distance of the existing Kindercare facility at 141 Oteha Valley Road³⁶, Fairview Heights, Auckland.

Walking distance from the top end Fairview Avenue (56 Fairview Avenue) to the Kindergarten	560m
	

ISBN 978-1-99-110100-6 (PDF)

³⁵ on the 14 March 2022

³⁶ Kindercare, 141 Oteha Valley Road, Fairview Heights, Auckland 0632. The facility advertises that it is open Monday to Thursday from 7.30am to 5.30pm and 7.30am to 5.00 on Fridays. Phone 094792828 and albany@kindercare.co.nz.

Walking distance from the lower 56 Fairview Ave land on Medallion Drive to the Kindergarten at 141 Oteha Valley Road	
 	72m
Walking distance from the 97 OVR adjacent to 56 Fairview Ave land on OVR to the Kindergarten at 141 Oteha Valley Road	520m
 	

Figure 13: Walkable distances from the NEIL land to the existing Kindergarten.

SCHOOLS WITHIN WALKING DISTANCE OF 56 FAIRVIEW HEIGHTS

- [34] **Oteha Valley Primary School** is located at 2 Medallion Drive. The Schools Restricted Zone on the Auckland Council GIS 2021 covers approximately eighty percent of the NEIL land, Figure 14.

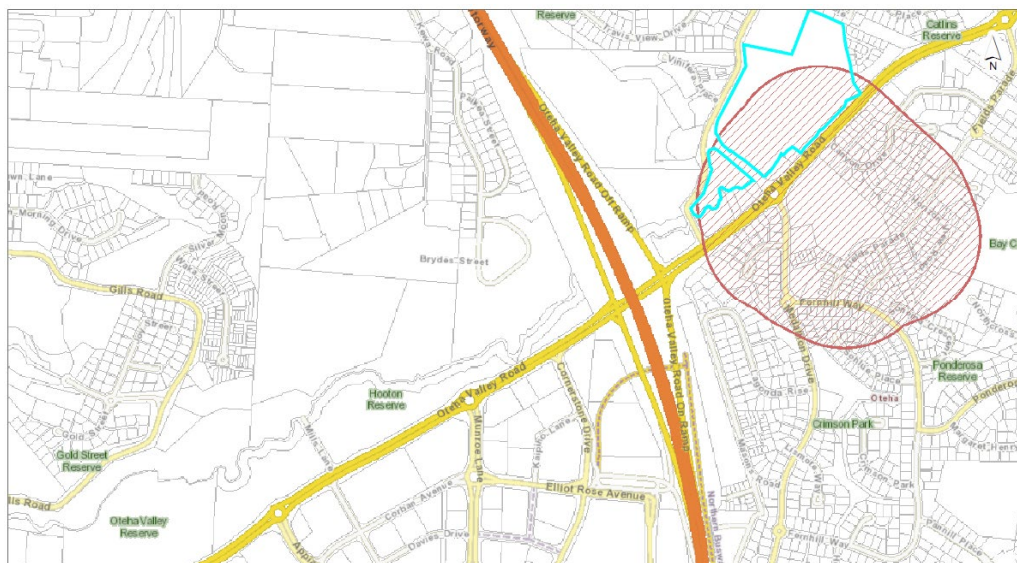


Figure 14: Oteha Primary School - Schools Restricted Zone Primary Schools. Source Auckland Council GIS 2021 non-statutory

Schools Restricted Zone

Primary Schools

 Primary Schools

- [35] Based on the Oteha Valley School website the NEIL land resides within the middle of their red outline on the map (taken from their website), the school zone covers the area at Figure 15, below and includes 100% of the NEL land area within its home zone boundaries. The NEIL land is in close walking proximity to the school at less than 400m in many instances subject to the route taken through the NEIL land once the 2016 land use consented portion of the site is developed.

Our home zone boundaries are:

Starting from the intersection of Kewa Road (included) and Lonely Track Road travel east along Lonely Track Road to East Coast Road. Turn south along the centre of East Coast Road (even numbers 816-1050) until turning west into Ponderosa Drive. Include Margaret Henry Crescent before turning south into Fernhill Way (include numbers 71,70 and above). At the intersection of Crimson Park turn west across country to the end of Lismore Way and into Medallion Drive (include numbers 61,88 and below). Turn south along the centre of Medallion Drive, then west along the centre of McClymonts Road to the Northern Motorway overbridge. Head north along the northern motorway to the Lonely Track Road overbridge. There is currently an agreement with Albany Primary School's Board of Trustees that the subdivisions

in the Gills Road/Albany Heights area are a shared part of both schools' zones. - Silver Moon Rd - Mangrove Lane - Makamaka Lane - Paieka Street.

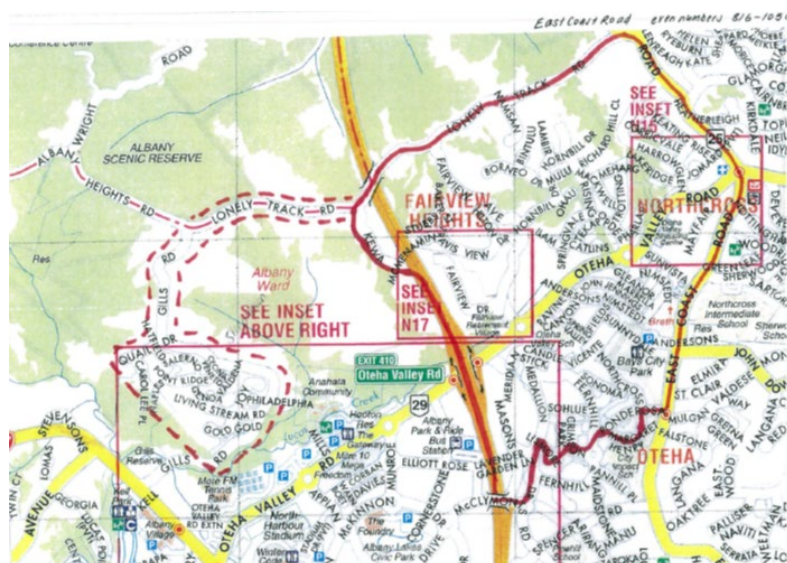


Figure 15: Oteha Primary School boundary catchment for students³⁷

- [36] Walking distances from 56 Fairview Avenue to the Oteha Primary School as illustrated in the following table, Figure 16. The NEIL 2016 consented development provides connectivity through the site between Fairview Avenue and Oteha Valley Road and between Ilam Lane and Oteha Valley Road.

Walking distance from the lower portion of 56 Fairview Avenue to the Oteha Primary School via Medallion Drive		492m

³⁷ <https://www.oteha.school.nz/> -website retrieved/access on the 7th of May 2021

Walking distance from the top end of 56 Fairview Ave land via Medallion Drive to the Oteha Primary School		606m
		
Walking distance through the NEIL 2016 consented development from Ilam Lane to the Oteha Primary School		819m
		

Figure 16: Walkable distances from 56 Fairview Avenue to Oteha Primary School

- [37] Frontage The NEIL land is outside the schools restricted zone Intermediate shown on the Auckland Council GIS 2021, (Figure 17) based on the Councils non-statutory layer information.



Figure 17: Schools Restricted Zone Intermediate and Secondary Schools – Source Auckland Council GIS 2021

- [38] Northcross Intermediate School is located at 10 Sartors Avenue. The school's catchment area (taken from the school's website) indicates 100% of the NEIL land is within the Northcross Intermediate Zone, see Figure 18.

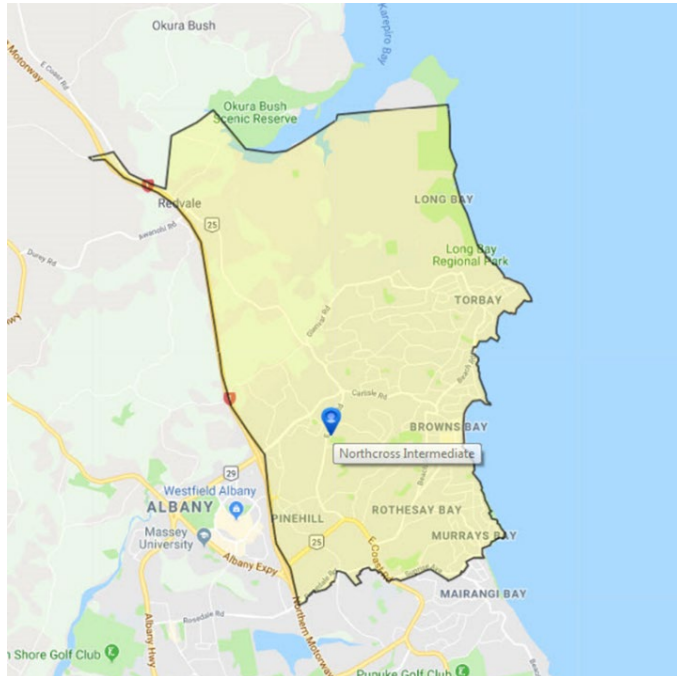


Figure 18: Northcross Intermediate School catchment area

- [39] There are several variations on viable walking routes to and from the NEIL land to Northcross Intermediate School from the 56 Fairview Avenue land, Figure 19 illustrates one of the longer routes. It is feasible to walk through the labyrinth of streets and find a shorter route of about 1500m. When the NEIL 2016 consented development is complete the walking routes from Fairview Avenue will be shorter and more direct as pedestrians will be able take shorter walking routes through the development to Oteha Valley Road.

Walking distance the upper portion of 56 Fairview Avenue to Northcross Intermediate		1850m

Figure 19: Maximum walking route from upper Fairview Avenue to Northcross Intermediate School before the NEIL consented development is completed

- [40] There are no secondary schools close to the site. Most secondary students will travel by public transport to reach Rangitoto College and others. It is envisaged that secondary students will either carpool or take a bus from the Albany Park & Ride. The Albany bus station frontage on Oteha Valley Road is within catchment, see Figure 1 & 2 (page 5) where walking, and cycling (shared paths) have been upgraded as part of the Northern Corridor Improvement project in 2021/2022. From the Albany Park and Ride there are multiple options for bus routes through to other parks of Auckland and to the Central City, see Figure 22 (page 26) for the Auckland Transport (AT) bus network map.
- [41] With reference to Figure 1 (page 5), the edge of the Business -Metropolitan Centre Zone is also the approximate location of the pedestrian access to the Albany Bus Station from Oteha Valley Road, see Figure 2 (on page 5).



Figure 20: 2018 Auckland Transport photograph

- [42] The Albany Busway Station resides in the Whaka Kotahi (NZTA) designation in the AUP. Whaka Kotahi, Auckland Council and Auckland Transport have recently completed the Northern Corridor Improvement (NCI) project. The EPA decision for the NCI included footpaths and cycleways to improve the connectivity of this project with Oteha Valley Road. A stated benefit of the project is to ***“Create new reliable, safe services for bus users, walkers, and cyclists”*** - refer to Figure 21 below for an overview of the area with the NCI nearing the end of construction in 2021. The NEIL land is located to the top right-hand side of this photograph just out of view.



Figure 21 - October 2021 Waka Kotahi photograph³⁸ of progress at the Albany Busway Station and associated walkways and cycleway progress linking to eastern side Oteha Valley Road

- [43] The land at 56 Fairview Avenue fronts to Oteha Valley Road, a rapid and frequent transit route with a consented bus stop on the subject site side of the land and a long-established bus stop on the opposite side of the road adjacent to Oteha Primary School. There are multiple buses traversing Oteha Valley Road.
- [44] Based on the legend of the AT network map (Figure 22, page 26, below). Bus 83 is a frequent service at least every 15 minutes, 7am -7pm, 7 days a week. Lower frequencies early morning and evening, Bus 83 picks up Massey University, Albany Station, Browns Bay, Mairangi Bay, Constellation Station, Smales Farm Station, and Takapuna. Bus 856 is a connector service operating at least every 30 minutes, 7am -7pm, 7 days a week. Lower frequencies early morning and evening. Bus 856 picks up Albany Station, Torbay, Browns Bay, Beach Road, Milford, Smales Farm Station, North Shore Hospital and Takapuna. Bus 861 is also a lower frequency early morning and evening service and picks up Long Bay, Torbay, Galmorgan Drive, Albany Station, Massey University, Bush Road, and Constellation Station.

³⁸ <https://www.nzta.govt.nz/projects/the-western-ring-route/auckland-northern-corridor/gallery>

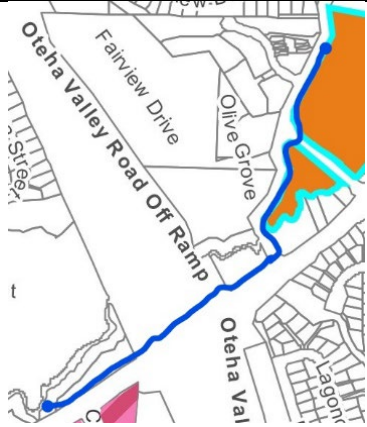
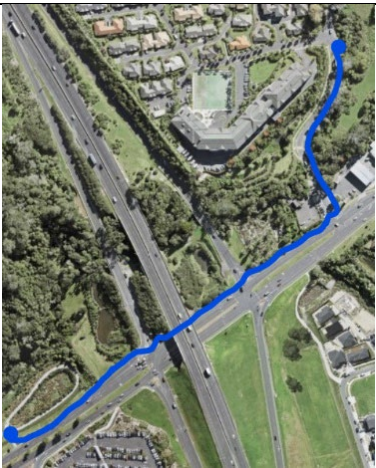
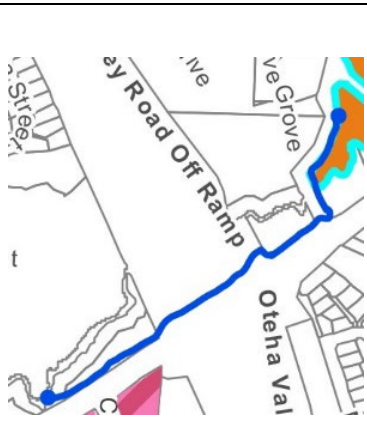
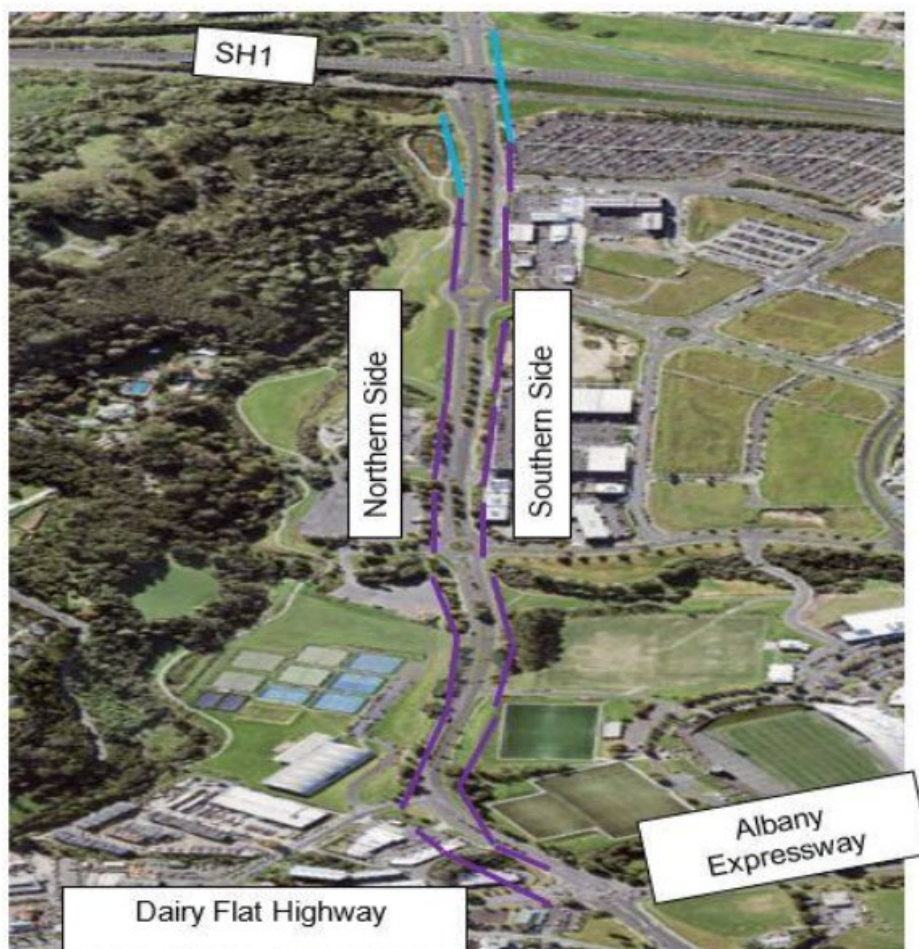
Walking distance from the upper end of Fairview Ave of the 56 Fairview Ave land to Hooton Reserve		900m
		
Walking distance from 56 Fairview Ave near Margaret Drive below the Retirement Home		670m
		

Figure 23: Walking distance from 56 Fairview Avenue to Hooton Reserve



(AT approved methodology – full replacement)

Legend:

- 3m wide path – 3m wide path
- Waka Kotahi-funded shared path (out of scope)

Figure 24: Upper Harbour Board Minutes 21 October 2021 -Allocation of 2021-2023 Local Board Transport Capital Fund³⁹

- [46] The Upper Harbour Board are exploring options to further improve the shared paths between the interchange on Oteha Valley Road as per Figure 24 (above).
- [47] It is a short walk from 56 Fairview Avenue to the existing Mobil Station on Oteha Valley road from various parts of the NEIL land for convenience shopping, see Figure 25 (page 29). Post the completion of Medallion Drive Link and the Northern Corridor Improvement project there are extensive shared paths surrounding the site.

³⁹ Upper Harbour Board Minutes 21 October 2021 -Allocation of 2021-2023 Local Board Transport Capital Fund, pages 49 to 52

Walking distance from 56 Fairview Avenue to the Mobil Station to get a bottle of milk or other items.	210m
 	
Walking distance from 56 Fairview Avenue (top end of FA) to the Mobil Station to get a bottle of milk or other items.	575m
 	
Walking distance from 56 Fairview Avenue (near 97 OVR) to the Mobil Station to get a bottle of milk or other items.	430m
 	

Figure 25: Walking distance from 56 Fairview Avenue to the Mobil Service Station.

- [48] In April 2022 Auckland Council (AC) released its preliminary response to the NPS-UD and MDRS⁴⁰. The viewer for 56 Fairview Avenue places the land at 56 Fairview Avenue within the black boundary of land walkable catchment up zoned and without qualifying matters on site as shown at Figure 26 below. NEIL agrees that AC should enable 6 stories on the land at 56 Fairview Avenue, Fairview Heights, Albany.
- [49] NEIL agrees that there are no qualifying matters applicable relevant to its land at 56 Fairview Avenue that would prevent the Auckland Unitary Plan being amended to enable 6 stories on this land in accordance with the NPS-UD.

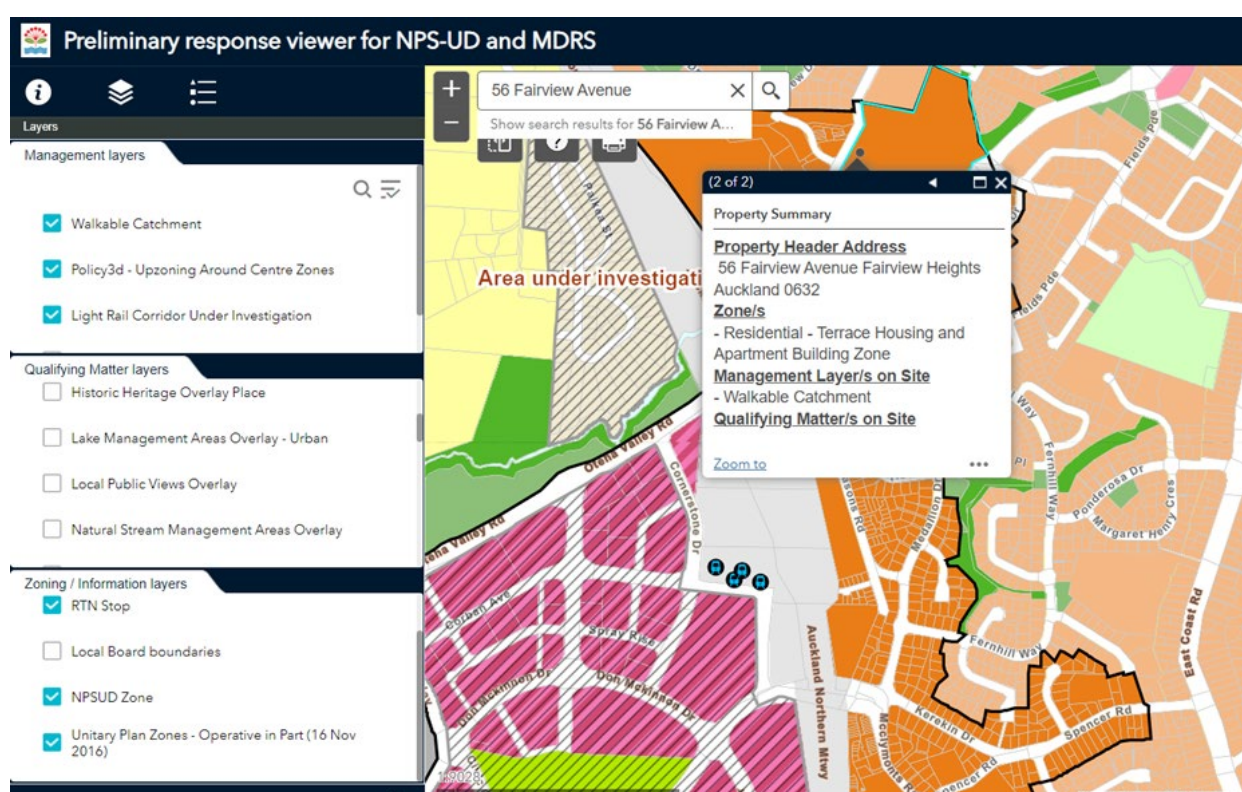


Figure 26: Screenshot of the AC Preliminary response viewer for the NPS-UD and MDRS

- [50] The Auckland Council identified proposed qualifying matters which are tabulated below in Table 1 (page 31-32)⁴¹. It is noted that the proposed qualifying matters are not canvassed in the feedback sought by the Council today. Nevertheless, NEIL has assessed and considers none of the proposed qualifying matters apply to the NEIL land at 56 Fairview Avenue.

⁴⁰ Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

⁴¹ Based on earlier AC and AC Planning Committee meeting minutes in 2021

TABLE 1: Assessment of NEIL's 56 Fairview Avenue land and proposed qualifying matters

Proposed qualifying matters of Auckland		
	Qualifying matters that may apply to the land	Applicable to 56 Fairview Avenue (Yes/No)
Matters of national importance	Areas in the following overlays: • D3 High-use Stream Management Areas • D4 Natural Stream Management Area • D6 Urban Lake Management Area • D8 Wetland Management Areas • D9 Significant Ecological Areas • D10 Outstanding Natural Features and Outstanding Natural Landscapes • D11 Outstanding Natural Character and High Natural Character • D12 Waitakere Ranges Heritage Area • D14 Volcanic Viewshafts and Height Sensitive Areas • D17 Historic Heritage • D21 Sites and Places of significance to Mana Whenua Significant natural hazards: controls for coastal inundation, coastal erosion, flooding, land instability Areas providing public access to CMA, lakes and rivers Areas within Precincts that protect matters of national importance	NO NO NO NO NO NO NO NO NO NO NO NO NO
Gives effect to other NPS	Areas in the following overlays: • D1 High-use Aquifer Management Areas • D2 Quality-sensitive Aquifer Management Areas • D3 High-use Stream Management Areas • D4 Natural Stream Management Area • D6 Urban Lake Management Area • D8 Wetland Management Areas • D9 Significant Ecological Areas • D10 Outstanding Natural Features and Outstanding Natural Landscapes • D11 Outstanding Natural Character and High Natural Character • D26 National Grid Corridor	NO NO NO NO NO NO NO NO NO NO
Nationally significant infrastructure	• D26 National Grid Corridor Overlay • Emergency management areas for Wiri Oil Terminal and Wiri LPG Depot • Strategic Transport Corridor zone • Oil refinery pipeline • Gas transmission pipelines • Auckland International Airport • Ports – Auckland, Onehunga	NO NO NO NO NO NO NO

Open space for public use	Open Space zoned land (except Open Space – Community zone): • Conservation zone • Informal Recreation zone • Sports and Active Recreation zone • Civic Spaces zone	NO NO NO NO
Designations & heritage orders	Land subject to: • Designations • Heritage orders	NO NO
Business land suitable for low density uses	Land in the following zones (to be confirmed by Housing and Business Assessment): • General Business • Heavy Industry • Light Industry	NO NO NO
Any other matter	• D13 Notable Trees Overlay • D15 Ridgeline Protection Overlay • D16 Local Public Views Overlay • D18 Special Character Areas Overlay that is of high quality • D19 Auckland War Memorial Museum Viewshaft • D20A Stockade Hill Viewshaft • D23 Airport Approach Surface Overlay • Character buildings in City Centre zone and Queen Street Valley Precinct • Some of the existing built form controls in City Centre (e.g., Admission of sunlight into public places, Aotea Square height control) • Natural hazards that are less than significant if any • Areas with long-term significant infrastructure constraints	NO NO NO NO NO NO NO NO NO NO

- [51] If Auckland Council fails to notify the land at 56 Fairview Ave and 129 Oteha Valley Road on or before the 20th of August 2022 with an enabled development potential of six storeys (because there are no applicable qualifying matters pertinent to this land and the land is within the 800m walkable edge of the metropolitan zone), then NEIL's feedback is that the Council will not have complied with the National Policy Statement Urban Development 2020 and its duties under the Local Government Act, Resource Management Act 1991 and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
- [52] NEIL's Completed AC Feedback Form follows (in the AC format requested) and is in addition to NEILs Feedback above, both should be read together.

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.

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

1. ☒

NEIL Supports a proposed walkable catchment of 1200 metres from the edge of the City Centre. This is essential for efficient use of land and infrastructure

2. ☐

Do not support - I think it should be further

3. ☐

Do not support - I think it should be closer

4. ☐

Other

5. ☐

I don't know

Tell us why

As above

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

1. ☐

Support

2. ☒

NEIL does not support – NEIL considers the proposed walkable catchment of 800m from the edge of the metropolitan centres is too short and that it should be further as demonstrated in the 2013 Auckland Transport Study.

3. ☐

Do not support - I think it should be closer

4. ☐

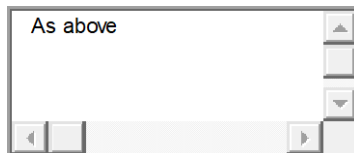
Other

5. ☐

I dont know

Tell us why

As above



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

1. ☐

Support

2. ☒

NEIL does not support – NEIL considers the proposed walkable catchment of 800m from the edge of the metropolitan centres is too short and that it should be further as demonstrated in the 2013 Auckland Transport Study.

3. ☐

Do not support - I think it should be closer

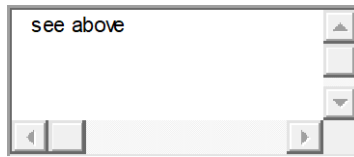
4. ☐

Other

5. ☐

I dont 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.

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?

1. ☒

NEIL Supports the efficient use of Land and Infrastructure

2. ☐

Do not support - I think it should be further

3. ☐

Do not support - I think it should be closer

4. ☐

Other

5. ☐

I dont know

Tell us why

See above

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?

1. ☒**NEIL Supports the efficient use of land and infrastructure**2. ☐

Do not support - I think it should be further

3. ☐

Do not support - I think it should be closer

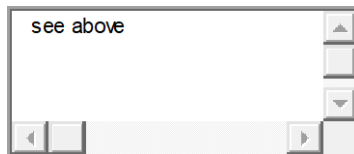
4. ☐

Other

5. ☐

I dont 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.

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

1. ☐

Support

2. ☐

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

3. ☐

Do not support – I do not think special character areas should be a qualifying matter

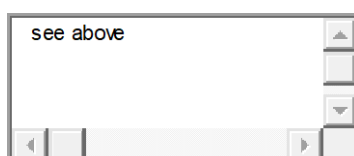
4. ☐

Other

5. ☒

NEIL does not know and would like to consider more information before deciding about this.

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).

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

1. ☐

Support

2. ☐

Do not support – I think there are more areas that should be identified as a qualifying matter

3. ☐

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

4. ☐

Do not support – I do not think special character areas should be a qualifying matter

5. ☐

Other

6. ☒

NEIL is researching its understanding on these matters currently.

Tell us why

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

1. ☐

Support

2. ☐

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

3. ☒

NEIL does not support – NEIL considers that less areas should be identified as a qualifying matter

4. ☐

Do not support – I do not think special character areas should be a qualifying matter

5. ☐

Other

6. ☐

I dont 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.

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

1. ☐

Support

2. ☐

Do not support

3. ☐

Other

4. 

I dont know

Tell us why



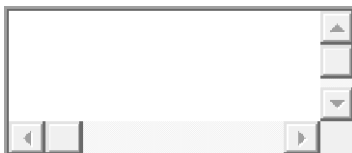
Other qualifying matters

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).

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



Upload any supporting information you have

If you have more files to attach, you can email them to unitaryplan@aucklandcouncil.govt.nz

All fields marked with an asterisk (*) are required.

Your details

Your name and feedback maybe included in public documents. [North Eastern Investments Limited and Heritage Estates \(2000\) Limited \(NEIL\)](#).

All other personal details will be kept private.

First name*

see above

0/50

Last name*

see above

0/50

Are you giving feedback on behalf of an organisation?

1. ☒

~~Yes – I am the official spokesperson for the organisation~~

The feedback is on behalf of [North Eastern Investments Limited and Heritage Estates \(2000\) Limited \(NEIL\)](#). The feedback has been prepared by Proarch Consultants Limited. We are not an official spokesperson for any organisation.

2. ☐

No - these are my own personal views

Service Address Email* amanda@proarch.co.nz

Your Local board – [Upper Harbour](#)

Some more information about you

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

All questions are optional and this information will be kept private. **The remainder of the questions are not required and are optional and have not been completed.**

What gender are you? What age group do you belong to? Which ethnic group(s) do you feel you belong to? No feedback is supplied on these questions or on the experience of providing Auckland Council with feedback.

APPENDIX A – Auckland Council website information on Feedback requested

<https://akhaveyoursay.aucklandcouncil.govt.nz/housing>

Government's new housing rules: what it means for Auckland**Changing the way Auckland grows**

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.

The government's changes will enable higher-density housing, such as apartments and townhouses, across our city including in areas close to public transport and urban centres with shops, jobs and community services.

In April, Auckland Council will be seeking feedback on several proposed changes to the Auckland Unitary Plan based on these new rules.

You can have your say from Tuesday 19 April until Monday 9 May 2022.

Understanding the new rules

There are two significant central government planning reforms that we are required to implement.

1. The National Policy Statement on Urban Development (NPS-UD) was introduced in August 2020. For Tāmaki Makaurau, it requires us to enable greater housing density – with buildings of six storeys or more within walkable distances to our city centre, our ten metropolitan centres, and rapid transit stops (train stations and rapid busway stops). Greater building heights and density is also required within and around neighbourhood, local and town centres across Auckland.
2. The government's Medium Density Residential Standards (MDRS) allow three homes of up to three storeys to be built on most residential sites without a resource consent. The MDRS changes are part of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The law requires us to enable a greater supply of housing. The Act also requires us to replace our design rules for developments, including height-to-boundary ratios and outdoor space provisions.

What these changes could mean for our city

While the NPS-UD focuses on housing of six storeys or more in and around our largest urban centres and rapid transit stops, the MDRS enables medium density housing (up to three storeys) to be built on most residential sites across the city.

The requirements from the MDRS and NPS-UD combined will mean much of Auckland's urban area will enable medium and high density housing and there will be changes to the rules for how properties can be developed (land zoning).

Implementing the new rules

The changes set out in the NPS-UD and the MDRS are not optional. By law, we must change the Auckland Unitary Plan (our planning rulebook) to put these new rules in place.

However, the NPS-UD allows us to make some limited decisions to help shape the future of our city.

We can decide:

- The distances of walkable catchments where buildings of six storeys or more are required. These are the areas around the city centre, rapid transit stops, and the ten metropolitan centres (Albany, Takapuna, Westgate, Henderson, New Lynn, Newmarket, Sylvia Park, Manukau, Botany and Papakura).
- The building heights and density to enable within and next to other suburban centres – neighbourhoods centres, local centres, and town centres.
- The “qualifying matters” that will apply in Auckland, or the characteristics within some areas that may allow the council to modify (or limit) required building heights and density. Qualifying matters may include such reasons as protecting special character and public open space.

Central government has already identified a number of qualifying matters. The council is also allowed to include other ‘qualifying matters’ that are important for our city.

What you can have your say on

We will be seeking feedback on the proposed changes to the Auckland Unitary Plan that we have scope to make limited decisions on.

We are not seeking feedback on the mandatory changes the Government has directed us to make, such as having walkable catchments or six-storey building heights.

When you can have your say

You can have your say in two separate ways:

1. In April 2022, we will be asking for feedback on the council's preliminary response to the NPS-UD and MDRS. This feedback will help inform our proposed changes to the Auckland Unitary Plan. You can have your say from Tuesday 19 April until **Monday 9 May 2022**.

2. In August 2022, you can make a submission on the publicly notified plan change, so that your views are considered during the statutory decision-making process. We must publicly notify the plan change by 20 August 2022.

What happens next

Once the submissions process has closed, an Independent Hearings Panel (IHP) will consider all submissions and hear directly from people who submitted. They will then make recommendations to us on the necessary changes to the Auckland Unitary Plan.

We must then decide to accept or reject the IHP recommendations. If a recommendation is rejected, the Minister for the Environment makes the final decision.

This statutory process does not allow for appeals to the Environment Court.

This website will be updated as the process detailed here progresses.

Tell us what you think of our preliminary response

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

We recommend you read the consultation document and supporting information before having your say.

You can also view the information in Auckland Council's preliminary response viewer for NPS-UD and MDRS: [view the draft planning maps](#). *We recommend you view the maps on a laptop and not a mobile device.*

Your name and feedback may be published in Auckland Council reports and online. All other personal details will remain private.

By using this platform, you have agreed to Auckland Council's [Privacy Policy](#).

From: K de Courcy
Sent: Monday, 9 May 2022 9:48 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Housing rules

Please find attached our feedback on the government's new housing rules.

Katherine de Courcy and Greg Smith



CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility 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.

Government's new housing rules:

Feedback

Your details

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

Name: Greg Smith and Katherine de Courcy

Email address or postal address:

What age group do you belong to?

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

Feedback:

Our principal concern with the proposed plan change relates to the changes in the Height Sensitive Areas which are in place to protect visually Auckland's volcanic cones.

The Height Sensitive Areas (HSAs) have already been pared back by Plan Change 8 of the old Auckland Regional Policy Statement and the subsequent Unitary Plan. There was much public participation about this and extensive expert advice. It went on for years.

Now for there to be further changes, in particular higher building allowances in the HSAs, makes an overwhelming mockery of the whole process and public participation a nonsense.

While the city may have grown the volcanoes have not. Visually the city will be losing them as they sink in development.

From: Trevor Lund
Sent: Monday, 9 May 2022 10:20 PM
To: Unitary Plan <unitaryplan@aucklandcouncil.govt.nz>
Subject: Haveyoursay - SUBMISSION ON AUCKLAND COUNCIL'S PRELIMINARY RESPONSE TO NPS-UD AND MRDS

Please receive the Freemans Bay Residents Association Submission
Please confirm receipt of this email submission

Trevor Lund
Co-Chair, Freemans Bay Residents Association

CAUTION: This email message and any attachments contain information that may be confidential and may be LEGALLY PRIVILEGED. If you are not the intended recipient, any use, disclosure or copying of this message or attachments is strictly prohibited. If you have received this email message in error please notify us immediately and erase all copies of the message and attachments. We do not accept responsibility 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.

FREEMANS BAY RESIDENTS ASSOCIATION
SUBMISSION ON AUCKLAND COUNCIL'S PRELIMINARY
RESPONSE TO NPS-UD AND MRDS
9 MAY 2022

1. Freemans Bay Residents Association (FBRA)

- 1.1 FBRA was founded in 2013. It is a community-based incorporated society serving the interests of the residents of Freemans Bay including social, recreational, economic, cultural, environmental and infrastructure interests. Freemans Bay is one of the earliest settled suburbs in Auckland and the association has over 260 members.
- 1.2 This submission covers FBRA's interest in the draft preliminary proposals prepared by Auckland Council in response to the National Policy Statement on Urban Development (NPS-UD) and the Medium Density Residential Standards (MDRS).

2 Overview of FBRA submission

- 2.1 **Walking catchment:** Given the distance and the accessibility and topography of the historic character/heritage area (Freemans Bay North and South), this area is not within a practical walking catchment of the City Centre and the transport hub at Britomart and the future Aotea Station.
- 2.2 **Infrastructure:** infrastructure constraints, narrow streets and the steep contour of this historic character/heritage area make it further unsuitable for redevelopment.
- 2.3 **Heritage:** The whole of the historic character/heritage area of Freemans Bay (Freemans Bay North and Freemans Bay South) should be retained as an historic heritage precinct of high overall integrity in its current form, as this is crucial to Auckland's history and sense of place.
- 2.4 **Intensification:** Under the current Unitary Plan, there is an existing Terrace Housing and Apartment Building (THAB) zone in Freemans Bay that covers approximately 40% of Freemans Bay and already provides adequately for intensification within Freemans Bay.

3. History of Freemans Bay

3.1 Freemans Bay historic character/heritage area

Freemans Bay is one of the earliest settled areas in Auckland within a very well recognised and tightly defined geographic area. The historic character/heritage precinct is comprised mainly of housing from different eras from 1850 to the early 1900's and includes villas, heritage housing, grand villas and rows of worker's cottages (examples include Ireland and Renall Streets).

Examples of individual historic properties which highlight the historic heritage nature of Freemans Bay are in Appendix 1.

3.2 Freemans Bay intensification

Freemans Bay THAB and business mixed-use zones under the Unitary Plan already provides adequately for intensification within Freemans Bay (over 50%).

The historic character/heritage represents (40-45%).

4. Freemans Bay Historic heritage/character precinct (Freemans Bay North and South)

- 4.1 We support Auckland Council determination that special character should be a qualifying matter
- 4.2 FBRA has had the scoring system used by Council assessed by Graeme Burgess, registered architect and member of the Auckland Council Advisory Board. Graeme Burgess highlighted a number of flaws and inconsistencies.

FBRA submits the only practical solution is to have some category 4 properties rescored. Some category 5 should also be reviewed to category 6 and a historic rating should also be included in the assessment scores. The time for submissions has been so short that the FBRA will submit further evidence by the end of May.

- 4.3 Auckland Council has divided the historic character/heritage area of Freemans Bay into Freemans Bay North and Freemans Bay South. Auckland Council has determined that to meet the designation of 'high quality special character', each area needs to meet a threshold of 75% of houses rated '5' or '6' under Auckland Council's recently developed assessment tool. Freemans Bay North overall score with this tool is 67%, Freemans Bay South 78%.

We query the rankings of properties in the Freemans Bay North zone. Individual assessments in some cases appear to have been unduly harsh with seemingly minor blemishes counting against properties. Architectural perfection and street visibility seem to have been given undue weight. In addition, important historic value has not been taken into account for houses with such value (including the need for protection around these properties).

FBRA requests the Council recognise the historic character/heritage area of Freemans Bay as a whole (both Freemans North and Freemans Bay South) as a qualifying matter.

- 4.4 Some small narrow streets have proposed divided zoning with one side (in part or whole) being protected and the other side not e.g. Ryle Street and Ireland Street are examples.

- 4.5 Overall streetscape does not seem to have been taken into consideration. An example is iconic Franklin Road. Historic housing above Wellington / England Streets has been proposed for protection, however the block between England and Middle Street is a clear deviation, yet it contains a large number of pre 1900 / early 1900 houses with one house of historic significance.
- 4.6 FBRA believes that while assessments have been undertaken on individual properties, there should also be an assessment of the streetscape and area as a whole.

Finally, it appears that Historic Heritage Extent of Place Schedule D property is proposed to be rezoned contrary to the Auckland Council Planning committee resolution of 1 July 2021 as a matter of national importance included in Appendix A of the related agenda item.

5. Freemans Bay Walking Catchment/Topography

Currently residents from the historic character/heritage area tend to be recreational rather than workers walking to the City Centre. Most residents travel to the City Centre from the historic character/heritage areas by public or private transport. The topography in the historic character/heritage areas of Freemans Bay is relatively inaccessible and off-putting to pedestrians. Intensifying these areas will in fact result in additional vehicle movements rather than an increase in walking.

The historic heritage areas in Freemans Bay are not proximate to the main Auckland City Centre (offices, waterfront, entertainment, transit rail and bus stations). To reflect this, it would be more appropriate to set the walking catchment at the standard 800m rather than 1.2 km, otherwise it would artificially extend an already overly widely defined CBD walking catchment area.

Further the Auckland Council Planning Committee resolution of 1 July 2021 requires the walking catchment to be adjusted for modifying factors such as topography and physical barriers such as motorways. This does not appear to have been done.

6. Freemans Bay Infrastructure/Soil Stability

Much of Freemans Bay North and South has very old and limited infrastructure including sewage/stormwater and streets and are not suitable for redevelopment. Even the recent upgrade to infrastructure in Franklin Road was planned on the basis of existing density in the Unitary Plan. Both from an environmental and financial point of view zoning should prioritise development in areas where existing infrastructure supports intensification.

FBRA is aware the historic character/heritage areas of Freemans Bay are moderate to steep slope with potential soil stability issues. The slopes in this area are understood to be moving slowly.

7. Buffer zones

In the event an MPS-UD THAB zone abuts an historic character/heritage area, there is obviously a need for transition or a buffer zone to “soften” the height difference between the 6 storey plus, and the neighbouring one or two storied historic character/heritage dwelling . FBRA suggests this could take the form of MUD (as modified by the MPS-UD and MDRS) as the development zone

8. Closing remarks

FBRA welcomes further consultation with Auckland Council.

FBRA thanks Auckland Council for the opportunity to lodge this submission

FBRA will be submitting further information after the 9th May 2020

Submission authorised by Trevor Lund, Co-Chairperson FBRA, on behalf Freemans Bay Residents Association 9 May 2022

Address for service: trevorlund@xtra.co.nz

Appendix 1: FBRA: Historic Places/Character housing

The following table is list of some of the historic / character examples supporting FBRA submission to Auckland Council Street. Please note this is only a few examples of houses in the area with a historic interest due to the short timeframe to complete.

2 Elizabeth Street	This house was one of the earliest wooden houses built in the area. It was built around 1860 and was the home of Mr Michael Wood, who oversaw the earliest subdivision of Freemans Bay. The subdivision was known as Brookville estate (1854), which consisted of the first 121 sections in the area. The house was designed with the concept of a gold town hotel. The present owner has the deeds
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	from the initial subdivision. The house today looks the same as the early photos
3 Elizabeth Street	1900 villa
9 Ireland Street	An example of houses on Ireland Street. Built circa 1900 (similar to many properties on Ireland Street built mid to late 1800s and early 1900s) from native timbers such as kauri and totara
72 Franklin Road	One of the oldest houses on the street rolled in on solid Kauri logs in 1862. Originally number 15 when the Waitemata Harbour ended at the Birdcage. Also, previously a parliamentary building
19 Collingwood Street	There is no Historic Heritage Extent of Place overlay, however it is a Heritage New Zealand Category 2 registered villa, built in 1879 (https://www.heritage.org.nz/the-list/details/4514). It is the only Category 2 Victorian villa in either Freemans Bay or Ponsonby. This villa has all its fully original layout, original kauri floors, totara partitions, original windows, 3 original fireplaces (still working), original Carpenter locks that would have been produced around 1870. Part of the garden actually qualifies as an archaeological site. There is an old dump pit and a well, as water only reached that street around 1882.
40 Wood Street	This house built in 1880 was the home of painter Charles Blomfield from 1880 to 1926. It has a plaque outside stating "City of Auckland Historic Plaque. From the street, you see a beautiful reasonable intact two-story villa.
50 Wood Street	This was the house of noted architect Mr John Currie. The City of Auckland Historic Place plaque states his local designs include the Birdcage Tavern and the Grey Lynn Fire Station. It is a perfect double bay villa and beautiful from the outside
65 Wood Street	One of 3 kauri c 1890's villas (only rated '5')
1-3 Pember Reeves Street	These two small single bay villas were previously a group of three. They were built by the harbour master who lived at 29 Arthur Street and remain in their original form
12, 14, 19 Costley Street	Three tiny cottages barged back from Thames after the gold rush ended
5 Russell Street	built in 1869 and one of the best preserved of the few remaining story and a half houses of the 1860's and 1870's. The old bakery at the top of Russell Street and the three 1920's houses below it built on what was the bakery's horse paddock
21 Arthur Street	1900 Edwardian Villa, that used to front to Wood Street. This means the grand front entrance of the house, with sweeping veranda, now faces the back of 45 Wood Street. Our home is detailed on Auckland council 1919 maps. Only scored a '4'
24 Arthur Street	On the Pember Reeves frontage to our site is a famous building /structure called "Studio 22". This outbuilding was a dwelling and is reportedly one of the oldest if not the oldest building in Freemans Bay/Ponsonby and is in original exterior condition. It warrants identification.
29 Arthur Street	The house has been modernised but still has a most unusual widow's walk on the top floor. This house was built by a local harbour master, and the widow's walk was constructed so that he could watch the sea traffic coming into the Port of Auckland. The rating was only 'neutral'

25 Georgina Street	One of the first cottages in the area
39 Georgina Street	here are three houses including ours were designed and even built by one of NZ iconic architects, David Mitchell. This house and one on Heke Street were his former residence. His works explored and represented NZ's own unique 'shed' architectural style and has huge value and influence on NZ's modern architecture. He and some other artists lived in Freemans Bay (some of the families are still living here) certainly formed part of the local history in 70's and 80's, which is recorded in a Freemans Bay chronicle in Leys Institute's collection.
11 Ryle St	Built around 1880 and we found newspaper dated 1884 glued to the scrim. There are the remains of a large historic well in the basement – outlined in brick, its diameter is 1.9metres.
25 Georgina Street	One of the first cottages in the area, it is called George Cottage.

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

From:

Sent: Monday, 9 May 2022 10:17 PM

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

Subject: Submission - re Council Preliminary Response to NPS

Hi

Please find attached my submission re the Council's Preliminary Response to the NPS.

Regards

Simon Terry

[Can you candidate? You can. Visit

voteauckland.co.nz.]<<https://www.aucklandcouncil.govt.nz/elections/Pages/default.aspx>>

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SUBMISSION ON AUCKLAND COUNCIL'S PRELIMINARY
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7. Buffer zones

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8. Closing remarks

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FBRA thanks Auckland Council for the opportunity to lodge this submission

FBRA will be submitting further information after the 9th May 2020

Submission authorised by Trevor Lund, Co-Chairperson FBRA, on behalf Freemans Bay Residents Association 9 May 2022

Address for service: trevorlund@xtra.co.nz

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9 Ireland Street	An example of houses on Ireland Street. Built circa 1900 (similar to many properties on Ireland Street built mid to late 1800s and early 1900s) from native timbers such as kauri and totara
72 Franklin Road	One of the oldest houses on the street rolled in on solid Kauri logs in 1862. Originally number 15 when the Waitemata Harbour ended at the Birdcage. Also, previously a parliamentary building
19 Collingwood Street	There is no Historic Heritage Extent of Place overlay, however it is a Heritage New Zealand Category 2 registered villa, built in 1879 (https://www.heritage.org.nz/the-list/details/4514). It is the only Category 2 Victorian villa in either Freemans Bay or Ponsonby. This villa has all its fully original layout, original kauri floors, totara partitions, original windows, 3 original fireplaces (still working), original Carpenter locks that would have been produced around 1870. Part of the garden actually qualifies as an archaeological site. There is an old dump pit and a well, as water only reached that street around 1882.
40 Wood Street	This house built in 1880 was the home of painter Charles Blomfield from 1880 to 1926. It has a plaque outside stating "City of Auckland Historic Plaque. From the street, you see a beautiful reasonable intact two-story villa.
50 Wood Street	This was the house of noted architect Mr John Currie. The City of Auckland Historic Place plaque states his local designs include the Birdcage Tavern and the Grey Lynn Fire Station. It is a perfect double bay villa and beautiful from the outside
65 Wood Street	One of 3 kauri c 1890's villas (only rated '5')
1-3 Pember Reeves Street	These two small single bay villas were previously a group of three. They were built by the harbour master who lived at 29 Arthur Street and remain in their original form
12, 14, 19 Costley Street	Three tiny cottages barged back from Thames after the gold rush ended
5 Russell Street	built in 1869 and one of the best preserved of the few remaining story and a half houses of the 1860's and 1870's. The old bakery at the top of Russell Street and the three 1920's houses below it built on what was the bakery's horse paddock
21 Arthur Street	1900 Edwardian Villa, that used to front to Wood Street. This means the grand front entrance of the house, with sweeping veranda, now faces the back of 45 Wood Street. Our home is detailed on Auckland council 1919 maps. Only scored a '4'
24 Arthur Street	On the Pember Reeves frontage to our site is a famous building /structure called "Studio 22". This outbuilding was a dwelling and is reportedly one of the oldest if not the oldest building in Freemans Bay/Ponsonby and is in original exterior condition. It warrants identification.
29 Arthur Street	The house has been modernised but still has a most unusual widow's walk on the top floor. This house was built by a local harbour master, and the widow's walk was constructed so that he could watch the sea traffic coming into the Port of Auckland. The rating was only 'neutral'

25 Georgina Street	One of the first cottages in the area
39 Georgina Street	here are three houses including ours were designed and even built by one of NZ iconic architects, David Mitchell. This house and one on Heke Street were his former residence. His works explored and represented NZ's own unique 'shed' architectural style and has huge value and influence on NZ's modern architecture. He and some other artists lived in Freemans Bay (some of the families are still living here) certainly formed part of the local history in 70's and 80's, which is recorded in a Freemans Bay chronicle in Leys Institute's collection.
11 Ryle St	Built around 1880 and we found newspaper dated 1884 glued to the scrim. There are the remains of a large historic well in the basement – outlined in brick, its diameter is 1.9metres.
25 Georgina Street	One of the first cottages in the area, it is called George Cottage.