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

Attachment B

The section 32AA assessment reports prepared, where necessary, as part of any rejection

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19 August 2016

S32AA TOPIC 006 AND 035 – B7 AND E14 AIR QUALITY

1. Background

IHP Recommendation

The Independent Hearings Panel has recommended in the *Report to Auckland Council Hearing Topics 006 and 035 Air quality* that:

i. All references to Auckland Ambient Air Quality Standards (**AAAQS**) be deleted
ii. Standard for $PM_{2.5}$ be removed
iii. Additional standard for NO_2 be removed
iv. Additional standard for SO_2 removed

The reason given is that "*reliance on the national standards provides sufficient regulation for management of air quality in Auckland*."

Justification for Council's Originally Proposed Provisions

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 ("**NES**") specify:

- six limits[1] (covering five pollutants); and
- the number of permissible exceedances over specified time periods for each of them.

The operative Auckland Council Regional Plan: Air, Land and Water ("ALW Plan") specifies 24 limits[2], acknowledging the six which are covered by the NES but also included an additional 18 limits (covering an additional 13 pollutants) as Auckland Regional Air Quality targets ("**ARAQT**"). The ARAQT were taken from the Ambient Air Quality Guidelines ("**AAQG**") published by the Ministry for the Environment.

The PAUP proposed retaining the ARAQT (and NES) but:

- renamed them as Auckland Ambient Air Quality Standards ("AAAQS"); and
- tightened the ARAQT limit for 24-hour $SO_{2;}$ and
- added a further two limits resulting in a total of 26 limits.

The basis for proposing specific AAAQS was that the NES have not been updated since 2004 and the AAQG have not been updated since 2002. The additional limits are necessary to maintain or enhance air quality in the region to reflect the latest international evidence from the World Health Organisation.

[1] Primarily focussed on short-term (acute) exposure to these pollutants
[2] Including short-term (acute) and long-term (chronic) exposure for critical pollutants. In the case of exposure to particulate matter (PM_{10} and $PM_{2.5}$) the health costs associated chronic exposure can be ten times those associated with acute exposure.

2. Reasons for rejecting the removal of the Auckland Ambient Air Quality Standards (AAAQS)

In summary, **this report proposes Council rejects the Panel's recommendation to delete all references to the Auckland Ambient Air Quality Standards, and the additional standards,** because this will:

1. Remove provisions which have been in the operative Air Land & Water Plan since 2001 and have resulted in an improvement in air quality in the region since that time.
2. Remove limits and criteria for a number of pollutants which may adversely affect air quality.
3. Reduce air quality in the region.
4. Not achieve Objectives B7.5.1(1), B7.5.1(3), E14.2(1) and E14.2(3) as it will not maintain and enhance air quality in the region nor protect human health from significant adverse effects from the discharge of contaminants.
5. Create uncertainty and inefficiency in the processing of resource consent applications.

These implications are discussed in more detail in the following subsections.

Overall Implications for Air Quality Management in Auckland

The NES only regulates management of five pollutants and only for short-term (acute) exposure.

This means:

(a) There will be no limits or controls for the additional 13 pollutants controlled in the operative plan nor will there be the additional limits proposed in the PAUP to cover both short-term and long-term exposure; and

(b) The removal of the AAAQS will reduce air quality in the region.

(c) In particular, the inclusion of the additional 13 pollutants and 18 limits in the operative ALW Plan since 2001 has resulted in improved air quality in the region, as discussed in the following examples:

   i. annual average PM_{10} levels have improved and now meet the PAUP target at most locations (this limit is <u>not</u> covered by the NES); and

   ii. annual average $PM_{2.5}$ levels[3] have improved and now meet the PAUP target at most locations (this limit is <u>not</u> covered by the NES).

(d) However, other limits are still of concern, e.g. annual average NO_2 levels[4], annual average benzene levels[5] and annual average arsenic levels[6]. These limits are also <u>not</u> covered by the NES.

[3] See Peter Nunns' 035 evidence at para 8.6

[4] See Peter Nunns' 035 evidence at para 8.10

(e) Removing the AAAQS will reduce the ability of Council to meet:

i. RPS Objective B7.5.1(1) as it will not improve region-wide air; and

ii. Auckland-wide Objectives E14.2(1) and E14.2(3) as air quality will not be maintained and human health will not be adequately protected from significant adverse effects.

Specific Implications for Assessing Discretionary Activities

(f) The Panel also bases its removal of the AAAQS on the conclusion that, as a consent authority, Council can consider the AAAQS under s104(1)(c)[7] of the Resource Management Act "*subject to sufficient scope in matters of discretion, when processing resource consent applications*."

(g) Without the AAAQS in the Unitary Plan, there are no standards additional to the NES and every application will have to involve a one-off assessment of whether, and to what extent, each of the pollutants not referred to in the NES should be controlled.

(h) That is an inefficient process that will create uncertainty and impose an unnecessary burden on both applicants and consent processing staff.

(i) Removing the requirement to meet the AAAQS and to use the AAAQS as assessment criteria for discretionary activities will also reduce the ability of Council to meet:

i. RPS Objective B7.5.1(3) as adverse effects from air discharges will not be adequately avoided, remedied or mitigated; and

ii. Auckland-wide Objectives E14.2(1) and E14.2(3) as air quality will not be maintained and human health will not be adequately protected from significant adverse effects.

Specific Implications for Assessing Restricted Discretionary Activities

(j) The Panel recommendation to remove reference to the AAAQS from the assessment criteria for restricted discretionary activities (sE14.8.2), and therefore the requirement to meet <u>any</u> health-based limit (whether it be the AAAQS, the NES or any other air quality limit) means that there is no 'scope' to assess the extent to which a discharge meets a health-based air quality limit for restricted discretionary activity applications for air discharges.

(k) Whilst Council can still consider "*the extent to which adverse effects are avoided, remedied or mitigated …*" as retained in E14.8.2 (2), this statement is about achieving

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[5] See Janet Petersen's 006 evidence at para 5.6

[6] See Janet Petersen's 006 evidence at para 5.6

[7] **104 Consideration of applications**
(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to- …..
(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

a relative improvement rather than meeting an absolute requirement (which is intended to guarantee a minimum level of health protection for everyone).

(l) For example, the following restricted discretionary activities may have control equipment or practices in place that reduce emissions appreciably but the resultant discharges may still be above recommended health-based limits. For these cases, the emissions of concern are hazardous air pollutants which can result in serious health effects in people exposed, including cancer.

i. the cremation of human or animal remains, where the discharges are through an afterburner (A54), can result in the release of mercury emissions from amalgam fillings.

ii. very large petrol storage facilities, greater than one million litres (A122), can discharge volatile organic compounds including benzene.

iii. large-scale demolition of buildings (A81) can discharge a range of pollutants, especially particulate matter (PM_{10} and $PM_{2.5}$).

(m) Removing the specific criterion for restricted discretionary activities to assess "*the degree to which Auckland Ambient Air Quality Standards are likely to be met*" will reduce the ability of Council to meet:

i. RPS Objective B7.5.1(3) as adverse effects from air discharges will not be adequately avoided, remedied or mitigated; and

ii. Auckland-wide Objectives E14.2(3) as human health will not be adequately protected from significant adverse effects.

Conclusions

1. The removal of all references to the AAAQS will result in Council no longer being able to set a minimum level of health protection for all Aucklanders. Air quality in the region will not be maintained and improved. Auckland-wide Objectives E14.2(1)[8] and E14.2(3)[9] will not be achieved.

2. For many of the pollutants which are included in the AAAQS there is a level above which adverse effects will occur. Without the AAAQS there is nothing in the Unitary Plan which says what that level is or requires applications to be assessed against that level.

3. In addition, the removal of the AAAQS will have significant impacts on the efficiency and efficacy of consent processing. Every application will have to involve a one-off assessment of whether, and to what extent, each of the pollutants not referred to in the NES should be controlled.

[8] E14.2(1) states "*Air quality is maintained in those parts of Auckland that have high air quality, and air quality is improved in those parts of Auckland that have low to medium air quality*".

[9] E14.2(3)states "*Human health, property and the environment are protected from significant adverse effects from the discharge of contaminants to air.*"

4. That is an inefficient process that will create uncertainty and inconsistency and impose an unnecessary burden on both applicants and consent processing staff.

3. Council's Alternative Provision

In light of the reasons outlined in the previous section, **this report proposes the re-instatement and re-inclusion of all references to the AAAQS in the Unitary Plan and the additional standards,** which the Panel has recommended be deleted as follows:

(a) Adding back in the following wording:

B7.5.1 Objective (Air)

(4) The Auckland Ambient Air Quality Standards are met and priority is given to meeting the standards for fine particles (PM_{10} and $PM_{2.5}$) and for nitrogen dioxide.

(b) Adding back in the following:

B7.5.2 Policies (Air)

(7) meet Auckland Ambient Air Quality Standards by giving priority to reducing PM_{10} and $PM_{2.5}$ discharges from combustion sources, such as domestic fires and motor vehicle emissions and industrial discharges to air

(c) Re-wording the following:

E14.2 Objectives (Air quality)

(2) Air discharges from use and development meet ~~national air quality standards~~ Auckland Ambient Air Quality Standards

(d) Adding back in the following:

E14.3 Policies (Air quality)

1. Protect human health by requiring that air discharges do not cause ambient air quality to exceed the Auckland Ambient Air Quality Standards in Table 1 for the specified contaminants.

(e) Adding back in the following wording:

E14.8.2 Assessment criteria (restricted discretionary activities)

(1) The degree to which Auckland Ambient Air Quality Standards are likely to be met.

(f) Adding back in the following table:

Table 1: Auckland Ambient Air Quality Standards (AAAQS)

Contaminant	***Standard***	***Averaging Time***	***Number of permissible exceedances per year***
Particles less than 10 microns (PM_{10})	*50 µg/m^3**	*24 hour*	*1*
	20 µg/m^3	*Annual*	*0*
Particles less than 2.5 microns ($PM_{2.5}$)	*25 µg/m^3*	*24 hour*	*0*
	10 µg/m^3	*Annual*	*0*
Nitrogen dioxide (NO_2)	*200 µg/m^3**	*1 hour*	*9*
	100 µg/m^3	*24 hour*	*0*
	40 µ/m^3	*Annual*	*0*
Carbon monoxide (CO)	*10 mg/m^3**	*8 hours (running mean)*	*one 8-hour period*
	30 mg/m^3	*1 hour*	*0*
Sulphur dioxide (SO_2)	*350 µg/m^3**	*1 hour*	*9*
	*570 µg/m^3**	*1 hour*	*0*
	20 µg/m^3	*24 hour*	*0*
Ozone (O_3)	*150 µg/m^3**	*1 hour*	*0*
	100 µg/m^3	*8 hour*	*0*
Lead	*0.2 µg/m^3*	*3 month moving average calculated monthly*	*0*
Benzene	*3.6 µg/m^3*	*Annual*	*0*
Benzo[a]pyrene	*0.0003 µg/m^3*	*Annual*	*0*
1,3-Butadiene	*2.4 µg/m^3*	*Annual*	*0*
Formaldehyde	*100 µg/m^3*	*30 minutes*	*0*
Acetaldehyde	*30 µg/m^3*	*Annual*	*0*
Mercury (inorganic)	*0.33 µg/m^3*	*Annual*	*0*
Mercury (organic)	*0.13 µg/m^3*	*Annual*	*0*
Chromium VI	*0.0011 µg/m^3*	*Annual*	*0*
Chromium metal and Chromium III	*0.11 µg/m^3*	*Annual*	*0*
Arsenic (inorganic)	*0.0055 µg/m^3*	*Annual*	*0*
Arsine	*0.055 µg/m^3*	*Annual*	*0*

*Asterisk * = AAAQS taken from the NES*

Refer to the attached tracked changes versions of the relevant sections for details:

1. *PAUP_B7 Natural resources_track changes_03Aug16.docx*
2. *PAUP_E14 Air quality_track changes_03Aug16.docx*

4. Cost Benefit Analysis

The following compares the costs and benefits of implementing the IHP recommendation with those for retaining the AAAQS as per the Council's original PAUP provisions. **The ratings are relative to existing practices.**

Category	IHP Recommendation to Reject AAAQS	Council Original PAUP Provision to Retain AAAQS
What is the **Effectiveness** of this method in achieving the purpose of the RMA and / or the plan objectives and policies?	**Low** Reduces ability to meet key RPS B7.5 and Region-wide E14.2 Objectives and Policies.	**High** Maintains and strengthens existing ability to meet all air quality objectives and policies.
What are the **Environmental Costs** of implementing this method?	**Moderate** Reduces air quality in the region.	**None** Maintains and enhances current air quality in the region.
What are the **Environmental Benefits** of this method?	**Low** Reduces ability to protect human health from adverse effects as fewer contaminant and exposure periods will be specifically covered.	**High** Maintains and strengthens existing ability to protect human health – especially given significant population growth and the fact that many of the contaminants covered by the AAAQS do not have a safe threshold below which adverse effects do not occur.
What are the **Economic Costs** of implementing this method?	**Moderate** Requires potentially more work to be undertaken by applicants in their response to s92 requests for additional information to address s104(1)(c) matters, such as consideration of other air quality limits, as appropriate. Council process on average 40 applications each year for restricted discretionary and discretionary activities requiring air discharge consents.	**None** Continues with the existing process that has been in place since 2001.
What are the **Economic Benefits** of implementing this method?	**Low to Moderate** Simplifies the process (especially assessment) for applying for a consent to discharge to air for restricted discretionary and discretionary activities.	**None** Continues with the existing process that has been in place since 2001.
What are the **Social Costs** of implementing this method?	**Moderate** Allows for potential degradation in air quality for contaminants that have significant health effects, such as particulate matter ($PM_{2.5}$ and PM_{10}) and hazardous air pollutants (e.g. benzene and arsenic). The revised (2013) assessment of the effects of air pollution in Auckland presented to the IHP[10] estimated associated	**None** Continues with the current level of health protections and existing process that has been in place since 2001.

[10] See Peter Nunns' 035 evidence at Attachment C

	costs of $1.1 billion per annum from PM_{10} alone.	
What are the **Social Benefits** of implementing this method?	**None to Low** Offers potentially more opportunities for employment from increase in industry.	**High** Provides greater certainty for consent applicants and clear direction to the community of air quality values.

Conclusions

The key benefits of retaining the references to the AAAQS are:

- **Effectiveness**: Meeting the RPS and Regional-wide objectives and policies for air quality thereby ensuring that:
    - air quality will be maintained or improved
    - adverse effects on human health will be avoided, remedied or mitigated
- **Efficiency**: Providing certainty and consistency for processing of discharge consents thereby avoiding:
    - one-off assessments of whether, and to what extent, each of the pollutants not referred to in the NES should be controlled
    - unnecessary burden on both applicants and consent processing staff
- **Costs**: Reducing the financial burden on the applicant and health burden for the community by minimising:
    - additional requests for information during consent processing
    - exposure of the public to levels of air pollution
- **Benefits**: Maintaining and strengthening existing ability to protect human health, especially given:
    - significant population growth in Auckland
    - many of the contaminants covered by the AAAQS do not have a safe threshold below which adverse effects do not occur

S32AA TOPIC 038 – E11, E12 AND E30 CONTAMINATED LAND

This report relies on information, assessments and evidence presented by Council and submitters, in particular:

- **Primary Evidence of Ian Bayliss on behalf of Auckland Council for Topic 038 Contaminated land, including his section 32AA analysis of moving and altering the accidental discovery rule to better address contaminated land matters**
- **Rebuttal Evidence of Ian Bayliss on behalf of Auckland Council, for Topic 038**
- **Primary Evidence of Robert Burden, on behalf of Auckland Council, for Topic 038**
- **Legal submissions of Auckland Council for Topics 38 Contaminated land**

	Panel's Recommendation – apply the NES standard of 25m3 of soil disturbed per 500m2 of site area and delete the limits of 200m3 per site, the 200m3 per project limit, and the 1 m permitted trenching in road and rail corridor provisions.	**Council's Alternative Solution (see tracked changes):**
Appropriateness	• Takes into account and aligns with the requirements of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 • No analysis undertaken of the differences between controls addressing human health from contaminated land with those for managing the effects discharges from land containing elevated levels of contaminants. • Appears problematic to apply in that roads do not fit within the definition of a site.	• Consistent with Panel recommended approach to land disturbance involving multiple projects • Broadly consistent with Panel recommended approach to utilities and works within roads • Consistent with agreement reached between Council and participants in the mediation and hearings for topic 038 – Contaminated Land • 200m3 of land disturbance has proven to be an appropriate threshold for triggering a resource consent for discharges from land containing elevated levels of contaminants in the Auckland development context • Provides for site specific and contextual responses to the local environment and the differences in managing discharges on the environment to addressing direct effects on human health.
Effectiveness & Efficiency	• Aligns triggers under the NES addressing human health to avoid regulatory confusion • Will reduce the consenting requirements for some activities on large sites and increase the consenting burden for activities in roads and on small sites.	• Ensures that small land disturbance activities involving land containing contaminants do not require consents unnecessarily. • Ensures that large land disturbance activities with the potential to have discharges that can have significant adverse effects on the environment require appropriate assessment and management through a consent regime • Some regulatory duplication with the NES for certain activities • Will increase the consenting burden for activities on large sites and

		reduce it for others in roads and on small sites.
Benefits	• Less regulation and lower consenting costs for large sites may result in savings for infrastructure providers and land owners and developers. • Lower regulation and costs may facilitate more development on large sites.	• Less regulation and lower consenting costs for small sites will result in savings for large numbers of infrastructure providers, land owners and developers. • Lower regulation and costs may facilitate more and faster development on the majority of small sites. • Provides a clearer approach to roads which may not fit the definition of a site. • Avoids the need for repetitive consents in the road and rail corridor for shallow trenching works by network utilities. • Allows potential adverse effects on local traffic network to be avoided, remedied or mitigated.
Costs and Risks	• Fails to enable minor works for that are unlikely to have more than minor adverse effects • Fails to manage large scale works with the potential for significant adverse effects on the environment • Fails to address the issue of	• Could create regulatory confusion with different controls designed to address human health under the NES • Could create regulatory confusion with different land disturbance controls designed to address sediment • More regulation and consenting requirements for developments on large sites may result in increased costs for developers and future landowners • Would avoid large numbers of consents for small scale land disturbance and identification of large numbers of sites as contaminated land. • Could allow discharges from land containing elevated levels of contaminants on small sites without adequate controls on contaminants or identification of contamination hazards.

In summary the section 32AA analysis shows:

- The Council's alternative solution is consistent with the proven existing approach to managing the regulation of discharges from land containing elevated levels of contaminants.
- The Panel's recommended solution is contrary to the agreement reached between mediation and hearing participants.

- The Panel's recommended solution is simple to apply and may result in reduced consenting costs and regulatory burden for some activities, but there is no assessment to substantiate that position.
- The Council's alternative solution may result in an increased consenting burden for infrequent land disturbance activities on large sites and will result in decreasing the burden for large numbers of activities on small sites.

S32AA TOPICS 043-044 – B3 AND E27 TRANSPORT

Section 32 information to support amendments to RPS B3.3.2 Policy 5:

Land use and transport integration – existing reports

Council evidence references

- Refer to Council RPS and Transport evidence in its entirety.
- Refer to paragraph 1.5 of Joshua Arbury's evidence dated 13 October 2014 for reference to s32 assessment reports
- Refer to paragraphs 6.17 – 6.19 and Table 2 of Kevin Wong-Toi's evidence dated 13 October 2014 for s32 assessment of RPS transport provisions.

Council s32 evaluation report references

- Refer to s32 evaluation – Urban form and land supply, paragraph 2.2 Objectives - Rural Urban Boundary growth management tool, Appendix 3.1.10 Discussion paper – transport issues
- Refer to s32 evaluation – Rural urban boundary location, Economic Effects Minimised infrastructure costs and impacts (pages 43 - 44), Social effects Improved infrastructure (pages 111 and 125)
- Refer to s32 evaluation – Residential zones, paragraph 2.1 Objective 2.2.1-3, paragraph 2.7 Objectives and policies – THAB Zone and paragraph 2.6 Objectives and policies - Mixed Housing Urban zone, paragraph 2.6.2 Costs and Benefits of Proposed Policies and Rules
- Refer to s32 evaluation – Business, paragraph 5.11 Objectives, Policies and Rules, paragraph 5.11.2 Policies, paragraph 7.11 Objectives, Policies and Rules, paragraph 7.11.2 Policies, paragraph 7.11.3 Rules and other methods, Tables 1, 5 and 6, Appendix 3.4.5 (Technical report – centres and corridors), paragraph 5.3 Principles for Centres and Corridors, paragraph 7.3 Draft Auckland Plan - Categorising Intensive Corridors, paragraph 9 Strategic Directives, Appendix 3.4.6 (Prioritising Centres – analysis for the centres and corridors workstream)

Land use and transport integration – s32 assessment

(1)(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
(i) identifying other reasonably practicable options for achieving the objectives; and
(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
(iii) summarising the reasons for deciding on the provisions; and

*(3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*

(a) the provisions and objectives of the amending proposal; and

- The broad objectives seek to achieve integration between the transport system and the patterns of urban development associated with the compact form of growth. The integration between different types of transport with land use growth and development provides opportunities to realise efficiencies in terms of the allocation of limited transport resources. The reasonably practicable options for achieving this objective were considered during the hearing process in terms of the emphasis given to particular modes, including the role of public transport.
- The provisions and objectives of the amending proposal (i.e. Council's alternative proposal) relate to providing an appropriate level of guidance to achieve efficient and effective levels of integration between land use and transport. This is achieved through-
  (a) The amended proposal Policy 5(ai) seeking to recognise the strategic Auckland-wide importance of managing the spatial relationship between land use

patterns and transport infrastructure to achieve wider network congestion relief benefits; and

(b) As a corollary to the overarching spatial direction proposed in Policy 5(ai), further amendments are proposed to Policy 5(b) concerning the activity based locational considerations to achieve land use and transport integration benefits. These amendments provide appropriate guidance to achieve integration objectives by focussing growth along "key" public transport routes and services and in locations where the density and diversity of land uses reinforces accessibility between surrounding activities such as those planned around centres. These locations and routes are more appropriately able to service and support growth in terms of the capacity, frequency and attractiveness of the level of public transport and the opportunities to encourage a wider range of travel choices such as walking and cycling trips.

(b) the objectives of the existing proposal to the extent that those objectives—
(i) are relevant to the objectives of the amending proposal; and

- The objectives of the existing proposal relate to a suite of policies seeking to improve the integration of land use and transport. The reasonably practicable options for achieving this objective were considered during the hearing process in terms of the relative levels of co-ordination between managing growth and the provision of transport infrastructure and the role of different modes of transport to improve accessibility (in the context of the planned growth). Associated with the existing proposal is the wider premise of enabling a development pattern to meet demand for the next 30 years and double the residential capacity to exceed 400,000 dwellings. Transport is an essential part of the infrastructure required to support this growth in dwellings and the planned growth in other activities such as the enabling of business and employment activities. In this regard, the existing proposal does not reflect the overarching objectives to align the Auckland-wide patterns of growth with managing the associated transport demands and allocation of resources to support these demands. The amending proposal seeks to provide an overarching level of guidance on this matter which is not otherwise addressed in the existing proposal.
- The objectives of the existing proposal indicate that land use and transport integration occurs between land use activities (high trip generating) and more broadly 'public transport'. The broader reference to 'public transport' has the potential to reduce the efficiency and effectiveness of the policy to realise land use and transport integration benefits by aligning high trip generating activities with any part of the 'public transport' network. This approach could potentially result in a more dispersed and a less efficient approach to servicing growth through public transport infrastructure and services. The amending proposal seeks to provide a greater level of clarity by qualifying that the alignment should focus along 'key public transport services and routes' and where there are potential benefits by locating near complementary activities.

(ii) would remain if the amending proposal were to take effect.

- The core intent of the objectives of the existing proposal in terms of improving the integration of land use and transport would remain, with the amending proposal providing a level of further guidance on integration to reflect a greater level of efficiency and effectiveness in the allocation of transport related resources to support land use growth.

Section 32 information to support amendments to E27.6.2.1 - City Centre parking rates

City centre parking rates – existing Reports

Council evidence references

- Refer to Council evidence in its entirety.
- Refer to paragraph 1.5 of Joshua Arbury's evidence dated 13 October 2014 for reference to s32 assessment reports
- Refer to paragraphs 3.4, 6.3 and Table 2 of Kevin Wong-Toi's evidence dated 13 October 2014 for reference to related s32 assessment reports and s32 assessment of RPS transport provisions
- Refer to paragraphs 1.5, 5.11, 6.8, 6.19, 6.23 and 6.34 of Joshua Arbury's evidence dated 2 June 2015 for reference to s32 assessment reports
- Refer to paragraphs 3.2, 6.9 – 6.14 and 7.1 of Kevin Wong-Toi's evidence dated 2 June 2015 for reference to related s32 assessment reports
- Refer to paragraph 14 of Mairi Joyce's evidence dated 2 June 2015 for reference to s32 assessment reports
- Refer to paragraphs 1.3, 3.1(b), 4.1(b) – (c), 5.3 and 8.1 of Stuart Donovan's evidence dated 2 June 2015 for reference to s32 assessment reports

Council s32 evaluation report references

- Refer to s32 evaluation – Accessory parking, paragraph 1.9 Proposed Provisions, paragraph 2.1.1 Policies (Transport - RPS level), paragraph 2.2 Objectives (District level) – Appropriateness, paragraph 2.2.1 Policies (District level), paragraph 2.2.2 Rules and other methods

- Appendices 3.9.1 (Resource 1 – Facts and figures), 3.9.2 (City Centre Masterplan 2012), 3.9.3 (Unitary Plan Parking Standards - Number of Parking and Loading Spaces Required), 3.9.4 (Number of Parking and Loading Spaces Required for the City Centre), 3.9.5 (Technical note – Future traffic flows in the Auckland City Centre), 3.9.6 (Unitary Plan Parking Provision Rules - Auckland City Centre Fringe), 3.9.8 (Technical note – Criteria for local centres), 3.9.9 (Technical note – Additional work), 3.9.11 (The Economic Impacts of Minimum Parking Requirements An Analysis of Dominion Rd, Takapuna, and Onehunga), 3.9.12 (Technical note – Parking provision rates for retail), 3.9.13 (The Economic Impacts of Parking Requirements in Auckland), 3.9.15 (Auckland Regional Parking Strategy)

City centre parking rates – s32 assessment

(1)(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
(i) identifying other reasonably practicable options for achieving the objectives; and
(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
(iii) summarising the reasons for deciding on the provisions; and

*(3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—*

(a) the provisions and objectives of the amending proposal; and

- The objectives seek to manage the supply of parking in the City Centre to support planned growth and intensification while recognising the high levels of accessibility to public transport, walking and cycling, and the constrained capacity of the road network. The management of parking supply provides opportunities to realise efficiencies in terms of the allocation of limited transport resources by encouraging the use of and supporting the investment in public transport infrastructure and services and encouraging intensification (through the provision of less on-site parking). Given the road network capacity constraints, future growth in person trips will need to be accommodated through increased vehicle occupancy and other modes such as public transport, walking and cycling. The reasonably practicable options for achieving this objective were considered during the hearing process in terms of reverting to the Operative City Centre parking controls and variations on these controls. In the absence of direct economic measures such as congestion charges or pricing, limiting the supply of parking in the City Centre is considered an appropriate method to achieve the objectives.
- The provisions and objectives of the amending proposal (i.e. Council's alternative provision) relate to the maximum accessory parking rates applying to activities in the City Centre Zone. A 'blanket' rate of 1 car park per 200m^2 GFA is proposed for non-residential activities and three 'tiers' of accessory parking rates for residential activities based on dwelling size design controls. The approach of the amending proposal is to recognise the significant limitations of the City Centre's road network capacity (as a physical resource) and as a response to these constraints, to encourage the use of public transport infrastructure and services available in the City Centre and to encourage walking and cycling. Constraining the supply of parking in the City Centre is recognised as part of the suite of policies to encourage the use of other transport modes such as public transport, walking and cycling. The provisions of the amending proposal are a more appropriate response to efficiently and effectively achieve objectives around accommodating future transport demands within a constrained and congested road network by applying maximum accessory parking rates which will potentially result in fewer vehicles on an already congested road network.

(b) the objectives of the existing proposal to the extent that those objectives—
(i) are relevant to the objectives of the amending proposal; and

- The objectives of the existing proposal (i.e. the Panel's recommendation) relate to a graduated approach for non-residential parking rates in the City Centre and single rate for residential activities. The existing proposal recommends a maximum rate of 1:125m^2 for non-residential activities within a proposed 'Outer core' parking area while applying a rate of 1:200m^2 within a proposed 'Inner core' parking area. A maximum rate of 1.5 car parks per dwelling (regardless of dwelling size) is proposed for residential activities. The objective of the existing proposal in regard to applying a parking maximum is to moderate traffic congestion. The objective of the existing proposal's specific parking rates for residential and non-residential activities is not explicit, however based on the options considered during the hearing process, it is reasonable to suppose that the objective of these parking rates relates to the design of parking rates which are linked to and determined by the road capacity of individual roads (based on the road hierarchy and road types identified in the Operative provisions of the City Centre).
- The objectives of the existing proposal are relevant to the amending proposal in respect to the potential effects of applying the parking rates of the existing proposal. The primary effect concerns the potential to provide more accessory parking than would be provided for under the amending proposal in the context of a constrained and congested road network. It is noted that the maximum parking rates of the existing proposal are higher (i.e. there is potential to provide more on-site parking) than those contained in the Operative City Centre provisions. The existing proposal is considered less efficient and effective in achieving transport objectives around managing future travel demands as there is a reduced alignment between the existing proposal's parking rates and: the high levels of accessibility to

public transport in the City Centre; and the levels of widespread peak period congestion of roads into and out of the City Centre.

- The objectives of the existing proposal have the potential to be less efficient and effective when compared to the amending proposal in terms of applying a consistent basis to manage the number of vehicles entering the City Centre. For example, in regard to the parking rate for non-residential activities, the parking rates of the existing proposal will involve localised variations where the levels of accessibility to public transport and levels of congestion are essentially the same. The amending proposal recognises that the most efficient and effective approach to managing the growth in transport demands in the City Centre is to treat the City Centre as an integrated network in its entirety while also acknowledging the diminished relevance of a parking regime based on a graduated hierarchy of road capacity.

(ii) would remain if the amending proposal were to take effect.

The objectives of the existing proposal would remain to the extent that the application of maximum parking rates has a role in managing traffic congestion. If the amending proposal were to take effect (noting that the proposal is already partially in effect in the Operative City Centre parking controls) it is expected that a consistent approach to the tightening of City Centre parking controls will more efficiently and effectively influence and achieve the related objectives of supporting intensification, encouraging the use of public transport and managing an already congested road network.

S32AA TOPICS 046-049 – E8&E10 COMBINED SEWER NETWORK

Cost Benefit Analysis – Combined Sewer Network

Policies and Methods

The following options are the main alternatives which the council has considered as a means of achieving the objectives:

E12(3) Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.

Which is supported by the following policy.

(20) Require land use and development in areas serviced by a combined sewer network to:

(a) avoid increasing stormwater flows to the combined sewer network, unless any increase is minor and there is no practicable alternative;

(b) where practicable, reduce stormwater flows from existing impervious areas to the combined sewer network at the time of urban intensification, redevelopment or subdivision; and

(c) discharge stormwater from new impervious areas and existing impervious areas to a separated stormwater system, or a suitable alternative, where one of those options is available.

Options

A rule framework is required to give effect to the policy requiring that increases in stormwater flows to the combined sewer network are avoided unless any increase is minor and there is no practicable alternative.

Option 1 – Retain IHP recommendations A1 as a permitted activity.

(A1)	Stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network

Cost	Benefit	Efficiency and Effectiveness
- All discharges to combined sewer network are permitted, significantly increasing the volume of stormwater that would need to be managed via	- Reduces obligation for landowners to obtain resource consent	- Would require controls to be imposed at building consent or connection stage. However this is very late in the process, and landowners may have already made significant investments.

the Central Interceptor project (currently costed at $880 million). Potentially capacity would need to be increased. Also would result in requirement to increase capacity at the Mangere Wastewater Treatment Plant. - Would impose additional cost for obtaining resource consent for land development in the combined network consent area. - Likely to lead to increase in wet weather overflows from the combined network with associated environmental and public health effects.		- May reduce consenting requirements on landowners but could impose significant infrastructure construction costs if stormwater is not effectively management.

Option 2 – Reintroduce Council position that provided for controls where land use development resulted in increased flows to the combined network.

(A2)	Stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network

(A3a)	Stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that

Cost	**Benefit**	**Efficiency and Effectiveness**
- Will require landowners undertaking development that will increase stormwater flows to the combined sewer network to obtain resource consent	- Likely to reduce wet weather overflows in the combined sewer area - Would minimise additional capacity requirement for the Central Interceptor	- Provides upfront trigger for landowners to consider effects of development on the combined network and identify appropriate stormwater management options.

	project and upgrades to the Mangere Wastewater Treatment Plant to cater for additional stormwater flows. - Provides greater certainty to landowners as to the requirements to manage stormwater flows from their development.	

The Risk of Acting or Not Acting

Option 1 as proposed by the Independent Hearing Panel does not recognise the adverse effects on the environment and on total infrastructure costs of enabling all stormwater flows to the combined sewer network. This is likely to lead to increased wet weather overflows and the requirement to construct infrastructure with greater capacity to cater for growth in the combined network areas. The combined network operator would need to rely on other methods such as the water and wastewater bylaw and the stormwater bylaw, these impose constraints at the end of the process, potentially imposing significant additional cost on landowners if they have failed to consider these effects in the site planning and development process.

Conclusion

Option 2 is recommended. Although it may impose a requirement for a consent, it is considered to be more efficient to require consideration of the effects on the combined sewer network at the design stage when appropriate stormwater management devices can be planned for. The overall benefit will be to reduce wet weather overflows to the environment, and reduce the overall infrastructure costs associated with managing stormwater within the wastewater network.

S32AA TOPIC 050 - I214 WYNYARD PRECINCT

Wynyard Precinct objective / policy direction	Panel's recommendation	Officer recommended alternative
Outline of approach	• Delete framework plan, and consequentially, the additional height and site intensity precinct plans that apply following approval of a framework plan • Exceeding the permitted height (based on the previous "pre-framework plan" allowances) is a restricted discretionary activity • Exceeding the site intensity control (based on the previous "pre-framework plan" allowances) is a non-complying activity	• Reinstate the additional height and site intensity precinct plans (i.e. the "post-framework plan" allowances). Use these as the basis for the height and site intensity controls. • Exceeding the "maximum height" control is a discretionary activity (added to activity table) • Exceeding the "maximum site intensity" control is a non-complying activity • Exceeding the "basic height" or "basic site intensity" allowances requires consideration of additional assessment criteria as part of the New buildings consent requirements
Social and economic	Significantly reduces the site intensity and building height potential in this key brownfields development area compared with the Operative Plan. This has significant costs, including a reduction in the potential for the social and economic objectives of the precinct to be achieved.	Reinstates the development potential of operative Wynyard Quarter by enabling additional site intensity and building height subject to additional assessment criteria for new buildings. A control infringement is not required to achieve the maximum site intensity and height of the Precinct Plans. This provides significant benefits, including in achieving the social and economic objectives of the precinct.
• Built form • Risk and public safety • Pedestrian access, street quality, safety • Transport • Integrated development	The assessment criteria requiring consideration of additional site intensity and building height in the context of the built form of the precinct; risk and public safety; pedestrian access, street quality and safety; transport; and overall integrated approach to development, as set out in Council's closing statement, have been deleted. This reduces the effectiveness and efficiency of the provisions in achieving the relevant objectives of the precinct.	The assessment criteria requiring consideration of additional site intensity and building height in the context of the built form of the precinct; risk and public safety; pedestrian access, street quality and safety; transport; and overall integrated approach to development, as set out in Council's closing statement, have been reinstated (with minor amendments to reflect the style and structure of the amended Plan). This provides an effective and efficient approach in achieving the relevant objectives of the precinct.
Summary	The Panel's proposed approach reduces the potential for the precinct provisions to achieve the objectives and policies of the	Reinstating the additional height and site intensity allowances, subject to consideration of additional assessment criteria, will more

Wynyard Precinct objective / policy direction	Panel's recommendation	Officer recommended alternative
	precinct, by removing height and site intensity incentives and assessment criteria that relate to the policy direction.	efficiently and effectively achieve the objectives and policies of the precinct. This is particularly important given this is a key brownfields site in Central Auckland.

S32AA TOPIC 058 – H7 OPEN SPACE ZONES

Introduction

The IHP has recommended a policy shift towards open space remaining as 'open' as possible and to provide greater protection from adverse effects for adjoining neighbours. The practical result is that most new buildings (apart from small scale public amenities and parks infrastructure) would require resource consent and to be assessed on a case by case basis.

Some of the development standards have been significantly reduced or removed altogether, namely gross floor area and height. The maximum gross floor area is 50m² for all Open space zones (except Community Zone). We consider that this is very low, particularly for the Sport and Active Recreation Zone, and compared to the Council Closing position which supported 500m^2.

The height control has also been removed, on reliance of the approach that each new building should be assessed on a case by case basis in the context of that site. However, the removal of the permitted height limit means there is no guidance in the plan about what would be an appropriate height for buildings within a particular zone. This could result in inconsistent and ad hoc approaches to managing height.

The recommended decision is for the Council to reject the IHP recommendations in part and decide an alternative solution that incorporates elements of the Panel recommendation and elements of the Council's Closing position. In summary, the proposed alternative solution will provide for new buildings as a permitted activity in all Open Space Zones but include development standards that limit the height and size of permitted buildings. The proposed height and GFA standards are more restrictive than the Council Closing position, but less restrictive than the Panel recommendations.

The reasons for the proposed change are:

- The Panel recommendations fail to appropriately balance the need to efficiently utilise public open space and need to manage pressure to use open spaces as population increases. The alternative solution more appropriately balances these competing interests.
- The Panel recommendation imposes a single approach across all zones but the alternative solution enables buildings, at a scale consistent with the values and purpose of each zone.
- The alternative solution will reduce consenting costs to Council parks department, community groups and sports clubs. Those savings can be used to fund services.
- The alternative solution will allow open space to be used more efficiently and increase the opportunity for new, multipurpose buildings to be constructed; notwithstanding that many of these buildings will still require resource consent as a discretionary activity.

Section 32AA Report

The section 32 analysis relies on a hybrid of information: that presented in existing evidence (references below) and the s32AA analysis in the following table:

	Panel's Recommendation – more restrictive activity status and lower development thresholds for new buildings and external additions	**Council's Proposed Position (see tracked changes):** - **Permitted activity status for new buildings** - **More appropriate development thresholds**	**Council's Case Position – permitted activity status and more lenient development thresholds**
Appropriateness	• Restrictive development standards, particularly for the Sport and Recreation Zone. Most new and existing buildings will be significantly larger than 50m² maximum GFA threshold. • Inconsistent with objectives (H7.6.2 objective 1) and policies (H7.6.3 policy 1 & 5), directive 5.3 of Auckland Plan "ensure recreation and sport facilities keep up with the needs of a growing population". • Does not recognise the different environmental outcomes sought for each zone; particularly the Sport and Recreation Zone. • Does not recognise the roles of other legislation such as the Reserves Act and Reserve Management Plans, or the Significance and Engagement Policy	• Varying development standards recognising the environmental outcomes sought for each zone. • Thresholds are more consistent with the revised objectives and policies for each zone, and directive 5.3 of the Auckland Plan. • Permitted activity status for new buildings provides an effects based approach, where consent is triggered if thresholds are not met • Still provides the ability for a full effects assessment through a discretionary consent if standards are not met. • Control over land uses still retained through land use activity statuses • Recognises the ability for public participation through other legislation such as the	• Better aligns with Council strategy of using open space more efficiently, particularly in terms of multi functional use of buildings. • Varying development standards recognise the environmental outcomes sought for each zone. • The development standards may have allowed over-sized buildings to establish on some of the smaller Sport and Recreation Zoned sites. • Permitted activity status provides an effects based approach, where consent is triggered if thresholds are not met. • Control is over inappropriate land uses still retained through land use activity status..

	• Distinguishing between buildings for public amenities and other buildings is not an effects based approach. • Key development thresholds are inconsistent with each other (such as GFA and site coverage). • The use of discretionary activity status is a blunt tool, and does not recognise the role of development controls such as site coverage in ensuring that open space remains "open". • The removal of height limits means there is no baseline or guidance in the Plan suggesting what might be appropriate in that zone.	Significance and Engagement Policy, and the Reserves Act. • A lower GFA and height for the Sport and Active Recreation Zone provides less risk of inappropriate development and impact on adjoining neighbours.	• Recognises the ability for public participation through other legislation such as the Significance and Engagement Policy, and the Reserves Act.
Effectiveness & Efficiency	• Potential for additional compliance costs (i.e. of resource consents for all new buildings) and inefficient use of funds for Council parks department, community groups and sport groups who use public open space. • These additional cost and time delays may reduce the number of new buildings that occur. This may result in fewer new activities being established, fewer new multipurpose buildings being built and less consolidation of existing uses and buildings.	• Key controls such as site coverage control the size of buildings, ensuring that open space remains 'open'. • Less compliance costs means funds could be spent elsewhere (such as for maintenance or acquisition of open space or services) • Permitted land uses within development control thresholds efficiently controls the size and scale of buildings particular to each zone, and provides an efficient effects based assessment.	• Key controls such as site coverage control the size of buildings, ensuring that open space remains 'open'. • Permitted land uses within development control thresholds efficiently controls the size and scale of buildings particular to each zone, and provides an efficient effects based assessment. • Less compliance costs means funds could be spent elsewhere (such as for maintenance or acquisition of open space or services)

	• Does not recognise that the Sport and active recreation zone already contains significant building and structures. • The retention of openness can be achieved through other controls, such as site coverage. • Does not provide guidance on an 'appropriate' level of development, may result in inconsistent application of size/scale of buildings across the region.	• Better provides for additions and alterations to existing buildings and structures .	• More permissive land uses within development control thresholds – less resource consents required but potential for adverse effects to not be properly assessed
Benefits	• Open space likely to be retained as public and non-exclusive., potentially allowing more people to access greater parts of the open space network. • Effects of each development are assessed on a case by case basis • Greater opportunity for public input through the resource consent process for new buildings. • Reduced effects on adjacent neighbours	• Less compliance costs means funds could be spent elsewhere (such as for maintenance or acquisition of open space or increase services) • More consistent application of building scale given the more appropriate development thresholds which act as a guide for appropriate scale of development. • Still provides an opportunity for public input through Discretionary consents for larger buildings and other legislation.	• Less compliance costs means funds could be spent elsewhere (such as for maintenance or acquisition of open space or services) • More consistent application of building scale given the more appropriate development thresholds. • Public input for very large buildings.
Costs / Risks	• Additional consenting and compliance costs may be hard for community and sport groups to meet, or may result in lower levels of service. • No control over buildings in Community Zone may result in inappropriate development.	• Consenting costs for larger buildings (i.e. greater than 150m^2) • Less ability for public participation for small scale buildings, but retains that participation for larger scale buildings	• Potential adverse effects on adjoining neighbours if buildings are too large in scale. • Potential loss of openness and open space values if there is a lack of control over new buildings. • Less opportunity for public

	• Parks department, community groups and sport clubs may lack funds to use elsewhere, e.g. in terms of maintenance. • May result in proliferation of several smaller buildings and not the development of larger multipurpose buildings		participation in approval process for new buildings • Lack of new reserve management plans means increased reliance on district plan provisions.

The existing evidence Council has relied on in support of the s32 analysis includes the following:

Independent Hearings Panel

1. Auckland Unitary Plan Independent Hearings Panel: Report to Auckland Council Hearing Topic 058 Open Space (July 2016)
2. Report to Auckland Council Recommended Plan: H7 Open Space zone (July 2016)

Auckland Council

3. 058 Post Hearing – Memorandum – Panel request to Auckland Council for additional information – Sport and Recreation Zone – Spatial Extent and Height (9 September 2015)
4. 058 Hearing – Closing Statement (23 July 2015)
5. 058 Hearing – Closing Statement - Attachment C1 (Marked up version (objectives and policies) (23 July 2015)
6. 058 Hearing – Closing Statement - Attachment C1 (Marked up version (rules) (23 July 2015)
7. 058 - Hrg - (Judi Longdill) – Sports Field Demand and Supply Analysis – REBUTTAL (25 June 2015)
8. 058 - Hrg - (Rebecca Eng) – Planning – Parks and Recreation Policy – REBUTTAL (25 June 2015)
9. 058 - Hrg - (Tony Reidy) – Planning – Zones Rules, Controls, Criteria and Definitions – REBUTTAL (25 June 2015)
10. 058 - Hrg - (Juliana Cox) – Planning – Objectives and Policies – REBUTTAL (25 June 2015)
11. 058 - Hrg - (Leo Jew) – Urban Design – REBUTTAL (25 June 2015)
12. 058 Hearing – (Rebecca Eng) - Planning – Parks and Recreation Policy (2 June 2015)
13. 058 Hearing (Tony Reidy) – Planning – Public Open Space Zone Rules (2 June 2015)
14. 058 - Hrg - (Tony Reidy) – Planning – Public Open Space Zones Rules – Attachment C – Examples of Buildings and Structures on Public Open Space in the Auckland Region (2 June 2015)
15. 058 - Hrg - (Tony Reidy) – Planning – Public Open Space Zones Rules – Attachment D – Legacy District Plan Combined Activity Table v PAUP Activity Table (2 June 2015)
16. 058 Hearing (Juliana Cox) – Planning – Public Open Space Zones – Objectives and Policies (2 June 2015)
17. 058 - Hrg - (Juliana Cox) – Planning – Objectives and Policies – Attachment C – Marked-Up Version – Legacy Zone Equivalents of Proposed Auckland Unitary Plan - Public Open Space Zones (2 June 2015)

Other submitters' evidence:

18. Sport New Zealand – 058 Hearing (Mark Vinall) – Planning (15 June 2015)
19. Alex and Andrea Broughton – 058 Hearing (and Attachments) (15 June 2015)
20. Allan H and Madge A Kirk – 058 Hearing (15 June 2015)

S32AA TOPICS 059-063 – H4&H5 RESIDENTIAL ZONES

Issue #1 - Dwelling threshold for resource consent in the MHS and MHU zones

	Option 1 – Development up to four dwellings subject to compliance with bulk and location development controls (five or more dwellings requires a resource consent) (Panel recommendation)	**Option 2 – Development up to two dwellings subject to compliance with bulk and location development controls (three or more dwellings requires a resource consent) (Proposed alternative option)***
Description	In this option, development up to four dwellings would be a permitted activity subject to compliance with development controls to manage the height, bulk and location of buildings. There are no controls recommended to manage the form or appearance of buildings, or the relationship of buildings with the street.	In this option, development up to two dwellings would be a permitted activity subject to compliance with development controls to manage the height, bulk and location of buildings. This is a proposed reduction in the "threshold" for a resource consent from four to two dwellings, compared with the Panel's recommendation. It is not proposed to add any development controls to the Panel's recommended version with this aspect to be addressed through the addition of one new policy.
Efficiency and effectiveness in achieving objectives	This option would not effectively achieve the character and quality amenity based objectives of the MHS and MHU because the proposed controls rules do not enable the design of the development of four or fewer dwellings to be assessed. Further, the Panel's recommendations provide no methods for achieving quality amenity of the street (as sought by Objective 3 of both the MHS and MHU zones). While unlikely to achieve the objectives, this option would be efficient because it would avoid the time and costs associated with obtaining resource consent for all developments with fewer than 5 dwellings, although consents will be required in some cases for development control infringements.	This option would efficiently and effectively achieve the objectives of the MHS and MHU zones by ensuring that the trigger for resource consent is commensurate with the scale of effects that the activity may have on the environment. More specifically: - The effects of small-scale development of one-two units on a site on residential character and amenity can be managed through compliance with the core bulk and location controls as most sites are large enough to ensure character and amenity values will be maintains with two permitted dwellings. - Larger scale development of three or more units has the potential adversely affect residential character and amenity, particularly on smaller sites where there are no density controls. Requiring a non-notified design assessment through a resource consent process will more effectively achieve the character and amenity related objectives of the residential zones.

	Option 1 – Development up to four dwellings subject to compliance with bulk and location development controls (five or more dwellings requires a resource consent) **(Panel recommendation)**	**Option 2 – Development up to two dwellings subject to compliance with bulk and location development controls (three or more dwellings requires a resource consent)** **(Proposed alternative option)***
Costs	This option may result in development that does not integrate well into the neighbourhood or achieve quality amenity within the site, for adjacent neighbours or the street, because the controls proposed do not address these design or contextual matters.	Time and costs associated with obtaining resource consent for three or more dwellings. However, it is noted that the resource consent requirement is proposed to be non-notified, and a restricted discretionary activity. This would reduce time and cost, including uncertainty cost, associated with the consent, while still enabling sufficient assessment to ensure that the objectives and policies of the zone were being achieved. All experts questioned at the hearing supported this threshold and the proposed approach to managing the quality of development, and stated that in their experience, a non-notified RDA consent requirement would not be a deterrent for providing additional housing capacity and choice in appropriate locations.
Benefits	This option avoids the time and costs associated with obtaining resource consent with developments up to (and including) four dwellings. The Panel considers that removing the consent requirement will remove a barrier to achieving small-scale residential development, and will therefore assist in achieving housing capacity and choice objectives (however no evidence was presented at the hearing to support this position). The Council's position is that this is not a barrier as consents are non-notified and based on limited matters of discretion. The main barrier to previous small scale development was density controls which potentially required applications to be publicly notified. The key barrier of density controls	Enables assessment of the interrelationship between a number of amenity attributes including safety, daylight, sunlight, privacy, functionality, and visual amenity for all multiple unit development, which will assist in achieving the quality amenity objectives of the Residential zones. Enabling assessment of a development will also assist in achieving the character objectives and policies. A focused assessment of a proposal can add value to a development by improving the quality and functionality of the development design. The main barrier to previous small scale development was density controls which potentially required applications to be publicly notified. The key barrier of density controls. Restricted discretionary activity consent (non-notified) based on limited matters of discretion is not a barrier to development.

	Option 1 – Development up to four dwellings subject to compliance with bulk and location development controls (five or more dwellings requires a resource consent) (Panel recommendation)	**Option 2 – Development up to two dwellings subject to compliance with bulk and location development controls (three or more dwellings requires a resource consent) (Proposed alternative option)***
Risks	Risk that development up to four dwellings will not achieve the planned character of the MHS and MHU zones, or for quality amenity within the site, for adjacent sites or the street (Objective 3 of both the MHS and MHU zones) because the rules do not enable consideration of the site and its context; the form or design of buildings; and do not address the relationship of buildings with the street. This is considered to be a moderate – high risk given that the average lot size in residential zones is around 800sqm, which generally facilitates development of four or less dwellings. Many site redevelopments would therefore be subject to no resource consent requirement.	Risk that development of up to two units will not achieve the planned character of the MHS and MHU zones, or for quality amenity within the site, for adjacent sites or the street (Objective 3 of both the MHS and MHU zones) because the rules do not enable consideration of the site and its context; the form or design of buildings; and do not address the relationship of buildings with the street. However, this risk is low given the scale of development permitted. There is a risk that this may deter "mum and dad" landowners from redeveloping suburban sites for three or four dwellings. However, this risk is considered to be very low given the relative small time and cost associated with a non-notified RDA resource consent, compared with the potential significant financial and personal gains from providing additional dwellings. Further, housing capacity and choice will still be enabled through the removal of the density control; significant upzoning recommended by the Panel; and the extension of the RUB.
Summary	This option is efficient but may not achieve the quality outcomes (including planned built character and amenity) sought in residential zones because the rules do not enable consideration of the site and its context; the form or design of buildings; and do not address the relationship of buildings with the street.	This option appropriately requires a design assessment for development that is most likely to affect quality of development and the character and amenity of residential zones. There is no evidence to suggest that a non-notified RDA consent for three or more dwellings will restrict housing capacity in residential areas.

*Refer to paragraphs 19.4-19.10 of Nick Roberts' primary statement of evidence for Auckland Council for Topics 051-054, and Attachment 7: s32AA to that evidence, for further analysis regarding the appropriate consent threshold in the MHS and MHU zones.

S32AA TOPIC 081 – I549 AKORANGA PRECINCT

This report relies on information, assessments and evidence presented by Council and submitters, especially the Auckland University of Technology, in Topics 055 and 080, in particular:

- **Evidence of Trevor Mackie on behalf of Auckland Council for Topic 055, including his section 32AA analysis of the policy shift from zoning tertiary sites as Tertiary Education Zone**
- **Evidence of Ian Bayliss on behalf of Auckland Council, for Topic 080**
- **Evidence of Greg Akehurst, on behalf of Auckland Council, for Topic 080**
- **Evidence of Justine Bray, on behalf of Auckland University of Technology, for Topic 080**
- **Legal submissions of Auckland Council for Topics 055 and 080**
- **Legal submissions of Auckland University of Technology for Topic 055**

	Panel's Recommendation – no precinct but retain Mixed Use Zone	**Council's Alternative Solution (see tracked changes):**
Appropriateness	• Takes into account the presence of the Auckland University of Technology Designation on the site • No analysis undertaking of the resource management implications of the deletion or how the potential adverse effects as identified by the Council, in its evidence, are to be addressed.	• Consistent with Council approach to tertiary education sites as developed and assessed through Topic 055 and Topic 080. • Consistent with Panel recommended approach to many other tertiary education sites. • Consistent with agreement reached between Council and Auckland University of Technology • Provides a site specific and contextual response to the local environment
Effectiveness & Efficiency	• Reduces regulatory duplication for activities that are provided for in the designation and the Mixed Use Zone • May reduce the consenting requirements for some activities that are regulated by the proposed precinct provisions. • May result in Auckland University of Technology having a different regulatory burden from other tertiary providers. Potential for the Plan to give a competitive advantage due to the different approach.	• Ensures that Auckland University of Technology has generally the same regulatory burden as other tertiary providers • Some regulatory duplication for certain activities • Will increase the consenting burden for certain activities
Benefits	• Less regulation and lower consenting costs may result in savings for Auckland University of Technology and future	• Provides for additional height for certain buildings • Provides for complementary tertiary activities which are not accessory

	land owners. • Lower regulation and costs may facilitate more development.	to tertiary education (as enabled by the designation) • Ensure integrated development of the precinct, especially if land is not needed by Auckland University of Technology and is divested. Although Auckland University of Technology is likely to prepare its own concept plan or development plan the risk is that parts of the site are divested and an integrated approach is not followed. • Allows potential adverse effects on the amenity and functioning of nearby town centres to be avoided, remedied or mitigated • Allows potential adverse effects on local traffic network to be avoided, remedied or mitigated.
Costs and Risks	• Fails to enable additional height for certain buildings • May fail to adequately provide for complementary tertiary activities which are not accessory to tertiary education (as enabled by the designation) • Fails to ensure integrated development of the precinct, especially if land is not needed by Auckland University of Technology and is divested. Although Auckland University of Technology is likely to prepare its own concept plan or development plan the risk is that parts of the site are divested and an integrated approach is not followed. • Increases potential for adverse effects on the amenity and functioning of nearby town centres • Increases potential for adverse effects on local traffic network	• More regulation and higher consenting costs may result in increased costs for Auckland University of Technology and future landowners. • More regulation and costs may inhibit development of the site.

In summary the section 32AA analysis shows:

- The Council's alternative solution is consistent with the Councils approach to other tertiary education sites and the approach applied to most other tertiary education providers on similar sites.
- The Panel's recommended solution was not sought by any party and is contrary to the agreement reached between
- The Panel's recommended solution may result in reduced consenting costs and regulatory burden, but there is no assessment to substantiate that position.

- The Council's alternative solution may result in increased the consenting burden
- The Council's alternative solution enables the range of activities and heights of buildings agreed between Auckland University of Technology and the Council while also avoiding, remedying or mitigating potential adverse effects on the amenity and functioning of nearby town centres and on local traffic network