

**BEFORE THE AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991  
and the Local Government (Auckland  
Transitional Provisions) Act 2010

**AND**

**IN THE MATTER** of **TOPIC 081e** Rezoning and Precincts  
(Geographical Areas)

**AND**

**IN THE MATTER** of the submissions and further  
submissions set out in the Parties and  
Issues Report

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**EVIDENCE REPORT ON SUBMISSIONS BY BARBARA-ANN DOMINIQUE OVERWATER  
NEWMARKET 2 PRECINCT**

**27 JANUARY 2016**

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## TABLE OF CONTENTS

1. SUMMARY .....	3
PART A: OVERVIEW AND BACKGROUND .....	7
2. INTRODUCTION .....	7
3. CODE OF CONDUCT .....	8
4. SCOPE .....	8
5. INTERIM GUIDANCE FROM THE PANEL .....	9
6. PAUP APPROACH TO PRECINCTS .....	9
PART B: OVERVIEW OF NEWMARKET 2 PRECINCT .....	11
7. CONTEXT .....	11
8. PAUP FRAMEWORK .....	15
PART C: OVERVIEW OF SUBMISSIONS .....	17
9. SUBMISSION THEMES .....	17
10. PROPOSED AMENDMENTS OUTSIDE THE SCOPE OF SUBMISSIONS .....	19
11. INCORRECTLY CODED SUBMISSION POINTS .....	19
PART D: ANALYSIS OF SUBMISSIONS .....	19
12. PRECINCT ASSESSMENT .....	19
13. ANALYSIS OF PRECINCT PROVISIONS .....	20
14. ANALYSIS OF SUBMISSIONS .....	21
15. REVISED PRECINCT PROVISIONS .....	24
16. CONSEQUENTIAL AMENDMENTS TO OTHER PARTS OF THE PAUP .....	39
17. CONCLUSIONS .....	39
ATTACHMENT A: CV OF REPORT WRITER .....	40
ATTACHMENT B: PLANNING MAP .....	41
ATTACHMENT C: TRACK CHANGES FOR NEWMARKET 2 PRECINCT .....	42
ATTACHMENT D: AUCKLAND TRANSPORT TECHNICAL NOTE .....	43

## 1. SUMMARY

- 1.1 The purpose of this Evidence Report (**Report**) is to consider submissions and further submissions to the Proposed Auckland Unitary Plan (**PAUP**) Topic 081 Rezoning and Precincts (Geographical Areas) (**Topic 081**). This Report considers submissions and further submissions received by Auckland Council (**the Council**) in relation to Newmarket 2 precinct.
- 1.2 The Report includes proposals on whether, in my opinion, it is appropriate to support or not support the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.
- 1.3 The approach adopted by the Council, and outlined in my evidence, seeks to ensure that the precincts supported by the Council for retention and inclusion in the PAUP are clearly justified and meet the relevant statutory tests under the RMA.
- 1.4 The majority of the Newmarket 2 precinct was previously occupied by Lion Breweries and used for a brewery and associated manufacturing, warehousing and administrative activities.
- 1.5 The Newmarket 2 precinct was developed and included in the PAUP to create a policy and regulatory framework primarily in response to the University of Auckland (**UoA**) acquiring the former Lion Breweries site in 2013 to facilitate the strategic growth of the university and establish a Newmarket tertiary campus. Since 2013, the UoA has developed several tertiary education buildings and activities within the western part of the precinct. A large amount of vacant land remains in the eastern part of the precinct.
- 1.6 Land within the precinct, outside of the UoA ownership, bounded by Khyber Pass Road, Sutter Street and Kingdon Street comprises of four properties in separate ownerships with mixed use commercial buildings of varying age and quality containing retail and office space. These particular properties are located adjacent to the Newmarket Metropolitan Centre.
- 1.7 The precinct tool has been applied, in addition to the underlying zone provisions, to enable future co-ordinated redevelopment of these sites. The precinct emphasis is on enabling development which accommodates a range of activities to cater for the tertiary education requirements of the UoA.

- 1.8 The precinct provisions would also manage change more appropriately in this location to ensure the intensification on these sites integrate with and are complimentary to the wider environment, including the adjacent Newmarket Metropolitan Centre and the transport network.
- 1.9 I consider the notified underlying Mixed Use zone of the precinct is appropriate as it reflects the existing activities and built form on the sites within the precinct, whilst providing for a wide range of uses in the context of the precincts location adjacent to the Newmarket Metropolitan centre and its proximity to public transport including Grafton railway station. The Mixed Use zone provides for a diversity of development within the precinct with the potential for moderate to high intensity residential and employment opportunities which can support the Metropolitan Centre zone
- 1.10 The Mixed Use zone in the Newmarket area has been proposed around the entire periphery of the Newmarket Metropolitan Centre zone (with the exception of the THAB to the east of the Main Northern Trunk line). It acts as a transition area, in terms of scale and activity, between residential areas and the Metropolitan Centre zone.
- 1.11 The main differences between the precinct (as I propose it to be amended) and the relevant overlays, zones or Auckland-wide rules are set out in Table 1 below:

**Table 1**

<b>Newmarket 2 precinct</b>	<b>Difference from PAUP provisions</b>
<i>Place based objectives and policies that identify Newmarket 2 as particularly appropriate for tertiary education facilities and appropriate accessory activities, alongside complimentary businesses which contribute to and benefit from the co-location with tertiary education facilities</i>	<i>In the absence of a precinct there are no place based provisions.</i>
<i>Permitted activity status for a range of land use activities based on those in the Tertiary Education zone activity table. These include:  Student accommodation; Visitor accommodation accessory to tertiary</i>	<i>These activities are additional to the Mixed Use zone provisions and are therefore more enabling.</i>

<p><i>educational facilities; Licensed premises accessory to tertiary education facilities; Laboratories; Retail accessory to tertiary education facilities; Light manufacturing and servicing accessory to tertiary education facilities; Entertainment facilities accessory to tertiary education facilities; Office accessory to tertiary education facilities; Community use of education and tertiary education facilities; Informal recreation; Organised sport and recreation; Public amenities; Displays and exhibitions; Information facilities; Accessory buildings</i></p>	
<p><i>Discretionary activity status for a number of land use activities. These include:</i></p> <p><i>Retirement villages; Supported residential care; Commercial sexual services; Drive through restaurant; Funeral directors' premises; Service stations; Repair and maintenance services</i></p>	<p><i>The precinct provisions include a more restrictive activity status for these activities which are provided for as permitted activities in the Mixed Use zone.</i></p>
<p><i>Restricted development activity status and associated matters of discretion and assessment criteria for the development activity of 'Subdivision of less than four sites'.</i></p>	<p><i>The precinct provisions include a more restrictive approach which requires the matters of discretion for between 4 and 14 proposed sites as prescribed in table 13 of Chapter H5 Subdivision (as proposed to be revised) to apply for any subdivision of less than four sites in the precinct.</i></p>
<p><i>A Land use control to require an Integrated Transport Assessment for the whole precinct as part of the first subdivision resource consent application and/or for any development over a prescribed threshold (applied to restricted discretionary, discretionary or non-complying activities in</i></p>	<p><i>The precinct provisions include development thresholds to trigger the preparation of an Integrated Transport Assessment which are tailored to the precinct location.</i></p>

<i>the precinct or underlying Mixed Use zone).</i>	
<i>Development controls to manage the relationship of new buildings/additions to existing buildings with the street frontage to include:  Site frontage; accommodation at ground floor and; verandahs</i>	<i>The precinct location is not subject to the Key Retail Frontage or General Commercial Frontage layer on the planning map where the site frontage and verandah development controls apply in the Mixed Use zone.  The development control which restricts residential at ground floor in buildings fronting streets is not required in the Mixed Use zone.</i>

1.12 The proposed precinct provisions do not override any overlay applying to this area.

#### **Key submissions**

1.13 There are four submitters to the Newmarket 2 precinct provisions.

1.14 The requests made by UoA (5662) in its submission on the notified precinct provisions sought to introduce greater flexibility by applying additional and amended provisions which more accurately reflect current and future tertiary education activities for the Newmarket campus by:

- i. Replacing the objectives and policies with provisions based on the Tertiary Education Zone, with identified modifications.
- ii. Replacing the rules with provisions based on the Tertiary Education Zone, with identified modifications.

1.15 Peter G Buchanan (1054) seeks the precinct to address tensions between the Single House zone and the higher intensity zone (i.e. Newmarket 2 precinct) or remove tension by requiring a non-complying activity status for all activities.

1.16 Auckland Council (5716) seeks minor amendments to the precinct description and rules and a new objective and policy relating to the facilitation of a transport network and transport choices.

1.17 Westfield (New Zealand) Limited (2968) seek the retention of objective 2 and policy 2 within the precinct provisions.

- 1.18 Following consideration of the submissions, I support the UoA submission request to amend the precinct provisions to include the application of Tertiary Education Zone (TEZ) precinct provisions (as proposed to be revised) with modifications to address the precinct's place based characteristics. This is proposed on the basis that the notified underlying zone (Mixed Use) provides for some, but not all aspects of the university's existing and anticipated activities on its site, or the activities enabled in the Council's revised position for the TEZ activity table.
- 1.19 This Report relies on evidence to Topic 055 Social Infrastructure which principally addresses the UoA submission to apply tertiary education based precinct provisions to the Newmarket 2 precinct.
- 1.20 Topic 055 sets out the Council's position in addressing tertiary education sites throughout the region, and this position has changed since the PAUP was notified. It has been proposed through the Topic 055 evidence that base zones (reflective of the surrounding context) are applied to tertiary education sites and the development of the site is guided by the rezoning principles for the type of zone e.g. residential or business. Where the base zone does not facilitate tertiary education use and development, a place based tertiary education precinct would be applied to those sites to enable further tertiary provisions if required, in context to the scale, intensity, nature and character of individual campuses. I consider this approach is appropriate for the Newmarket 2 precinct.
- 1.21 The majority of changes I propose for the precinct are either consequential arising from Topic 055 Social Infrastructure, Topic 065 Definitions and Topics 051-054 Business, or consequential to the submissions, and also out of scope changes to address the change in the intensity of use of the site and to improve the legibility of the precinct provisions.

## **PART A: OVERVIEW AND BACKGROUND**

### **2. INTRODUCTION**

- 2.1 The purpose of this Report is to consider submissions and further submissions received by the Council in relation to the Newmarket 2 precinct.
- 2.2 The Report includes proposals on whether, in my opinion, it is appropriate to support or not support the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.

2.3 This Report has been prepared by Barbara-Ann Dominique Overwater.

2.4 The qualifications and experience of the Report writer are attached in **Attachment A**.

### **3. CODE OF CONDUCT**

3.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

### **4. SCOPE**

4.1 I am providing planning evidence in relation to Newmarket 2 precinct.

4.2 In preparing this statement of evidence I have relied on the Auckland-wide evidence of John Duguid to hearing Topic 080 Rezoning and Precincts (General) (**Topic 080**) and Topic 081 which sets out the statutory framework, methodology, principles and section 32 evaluations used to guide the development and application of zones and precincts.

4.3 The following expert statements of evidence and related material have also been relied upon in preparing my Report:

- a) Evidence of Trevor Mackie on Topic 055 Social Infrastructure - Special Purpose Tertiary Education zone (dated 5 May 2015);
- b) Evidence of Bruce Young on Topic 055 Social Infrastructure - Special Purpose Tertiary Education zone (dated 7 May 2015);
- c) Evidence of Jeremy Wyatt on Topics 051-054 Centre Zones, Business Park and Industries zones, Business activities and Business Controls (dated 28 July 2015);
- d) The Council's marked-up provisions for Topics 043-044 (Transport) H1.2 Transport Rules (dated 4 September 2015);
- e) The Council's marked-up provisions on Topic 051-054 Centre Zones, Business Park and industries zones, Business activities and Business controls (dated 29 September 2015);



- f) The Council's marked up provisions for Topic 055 Social Infrastructure – Special Purpose Tertiary Education Zone (dated 28 October 2015) (**the Revised Topic 055 TEZ Provisions**);
- g) The Council's marked up provisions for Topic 064 Subdivision (dated 19 November 2015);
- h) The Council's Definitions marked-up provisions for Topic 065 Definitions (dated 2 December 2015);
- i) Auckland Transport technical note by Martin Peake dated 26 January 2016.

## **5. INTERIM GUIDANCE FROM THE PANEL**

5.1 I have read the Panel's Interim Guidance direction and in particular those relating to:

- (a) Chapter G: General Provisions, dated 9 March 2015;
- (b) Best practice approaches to re-zoning and precincts, dated 31 July 2015;
- (c) Air Quality, dated 25 September 2015; and
- (d) Chapter G: Regional and District Rules, dated 9 October 2015.

## **6. PAUP APPROACH TO PRECINCTS**

6.1 The approach to precincts is detailed in the evidence of Mr Duguid. In particular Mr Duguid outlines the Plan structure and the relationship between overlays, zones, Auckland-wide and precinct provisions. Mr Duguid also provides an overview of the methodology for applying precincts and the types of precincts identified in the PAUP. I have read and agree with this evidence.

### **Tertiary education based precinct**

6.2 The Council's revised approach to enabling and managing tertiary education facilities in the PAUP is set out in the evidence presented by Trevor Mackie and Bruce Young in response to submissions related to the Tertiary Education Zone in Topic 055 Social Infrastructure (Special Purpose Tertiary Education Zone). I have read this evidence and I broadly agree with its approach.

6.3 In summary, the Topic 055 evidence proposed a revised approach to be included in the PAUP which included the following:

- i. Tertiary education sites outside the city centre, metropolitan and town centres be rezoned with an appropriate underlying zone or base zone with a tertiary education precinct applied (with the exception of the three larger campuses AUT (Akoranga1), Unitec (Waterview) and Massey (Albany 9));
  - ii. A place based tertiary education precinct would be developed and applied to all those sites to enable tertiary education facilities. The precinct would incorporate the same or similar provisions as the proposed Special Purpose-Tertiary Education zone as outlined in Topic 055 evidence;
  - iii. Tertiary education facilities confirmed as permitted activities in the metropolitan and town centres (including in the Mixed Use zone).
- 6.4 The proposed tertiary education precinct approach as set out in the Council's amended position will allow the use of the underlying zone activity and development controls, unless overridden by the precinct controls. The approach has been proposed to provide for tertiary education specific activities, and related activities such as community uses, and to also enable further development of existing tertiary education sites. Surplus land on these sites will have a greater certainty as to type of use and development, in the underlying zone provisions, but only if the precinct provisions note that they are set aside or uplifted. An underlying zone shows the type of land use and development that could occur if the tertiary education ceases. The amended position allows for activities not related to education, for example residential, with the precinct provisions able to be designed to control such land uses.

### **Section 32 and 32AA**

- 6.5 As outlined in the Auckland Unitary Plan Evaluation Report (**the Evaluation Report**), the Council has focussed its section 32 assessment on the objectives and provisions within the PAUP that represent significant changes in approach from those within the current operative Auckland RMA policies and plans. Whilst the Evaluation Report applies to the entire plan, the report targets the 50 topics where the provisions represent a significant policy shift. The Newmarket 2 precinct was not a specific topic within the Evaluation Report.
- 6.6 The precinct issues to which this Report relates have evaluation reports upon which I rely in this Report. These reports include:
- a) 2.4 - Business
  - b) 2.5 - Building Heights

c) 2.6 – Business building form and design

- 6.7 In the context of the Council's revised position set out above in paragraphs 6.3-6.4, no Evaluation Report was prepared for the Tertiary Education Zone as the notified provisions do not represent a major policy shift from the legacy plans.
- 6.8 In relation to my proposed changes to the Newmarket 2 precinct, I rely partly on the evidence presented at Topic 055 Social Infrastructure – Special Purpose Tertiary Education Zone, including the evidence of Mr Mackie and Mr Young on behalf of the Council. The Council's proposed change in approach to tertiary institutions agreed to by parties at mediation has a section 32AA analysis which has been incorporated into Mr Mackie's evidence.
- 6.9 I have also proposed changes to the precinct in response to the submissions and further consequential changes. I have evaluated these changes in accordance with s32AA in this Report.
- 6.10 I consider that the proposed precinct provisions give effect to the Regional Policy Statement provisions in a more appropriate manner than those in the notified Newmarket 2 precinct.

## **PART B: OVERVIEW OF NEWMARKET 2 PRECINCT**

### **7. CONTEXT**

#### Site characteristics

- 7.1 The Newmarket 2 precinct is bounded by Khyber Pass Road to the south, Park Road to the west, Sutter Street and Kingdon Street to the east and the western rail line to the north.
- 7.2 The precinct boundary applies to land within the UoA's ownership in addition to separate site ownerships in the eastern section of the precinct. The precinct location is contained in **Attachment B**.
- 7.3 The precinct comprises of:
- a) Land within the UoA ownership:
    - i. Former brewing and bottling warehouse buildings refurbished and used as tertiary education engineering research facilities;
    - ii. A new building used for tertiary education 'Civil Structures' engineering research;

- iii. Three buildings fronting Khyber Pass Road used for tertiary education activities;
  - iv. A building adjacent to Kingdon Street used for tertiary education activities;
  - v. Staff and visitor car parking areas;
  - vi. Cleared land in the eastern area of the precinct currently used as a public pay and display car park;
- b) Land outside of the UoA ownership bounded by Khyber Pass Road, Sutter Street and Kingdon Street:
- i. Four buildings containing retail and commercial activities.
- 7.4 The Newmarket University of Auckland campus was opened in May 2015 with tertiary education facilities currently occupying just over half of the approximately five hectares in the UoA's ownership.

#### Purpose

- 7.5 The purpose of the precinct is to enable the development and operation of a range of tertiary education and accessory activities to cater for the diverse requirements of the student population, employees and visitors. The precinct should integrate with and is complimentary to the Newmarket Metropolitan Centre.
- 7.6 The UoA acquired its land in 2013 to help facilitate the continued strategic growth of the university and help ensure the long term integration of the university's activities across its main campuses. The purpose of the precinct is to facilitate the tertiary education use of the land in addition to the underlying zone rules.
- 7.7 The proposed precinct provisions are contained in **Attachment C** and include my proposed changes.

#### Zoning

- 7.8 The underlying zoning of land in the Newmarket 2 precinct as notified is Mixed Use. The purpose of the Mixed Use zone is to act as a transition area in terms of scale and activity, between residential areas and the City Centre, Metropolitan Centre and town centres. The zone also provides for residential activity and smaller scale commercial activity that does not affect the function, role and amenity of centres.
- 7.9 There is a request from UoA (5662- 26) to delete the notified Mixed Use zone over the eastern half of the precinct extending from McColl Street to Kingdon Street and to rezone that land to Metropolitan Centre zone. There is also a similar request from KLC Properties (5011-2) to rezone 408 Khyber Pass Road (within the precinct) from Mixed Use zone to Metropolitan Centre zone.

- 7.10 As set out in other evidence to Topic 081e on zoning, a change in zone from Mixed Use to Metropolitan Centre zone over these particular areas of land is not supported by the Council. The evidence report of Hamish Scott contains the zoning changes proposed by the Council, with in scope and out of scope changes identified. I agree with the retention of the Mixed Use zone for the land and consider it is the most appropriate underlying zone.

#### Overlays

- 7.11 The following overlays apply to the Newmarket 2 precinct:

a) Infrastructure:

- General Vehicle Access Restriction: Applies to an area on the eastern side of Sutter Street, western side of Kingdon Street and fronting Khyber Pass Road;
- City Centre Fringe Parking area: No requirement for activities or development to provide car parking. Maximum limit set.
- High Land Transport Route Noise: Applies on the northern boundary of the site adjacent to the railway line and along Park Road, Khyber Pass Road, Sutter Street and Kingdon Street frontages;

b) Natural Heritage:

- Volcanic Viewshafts and Height Sensitive Areas: E8, E9, E11 Mt Eden

c) Built Environment:

- Air Quality Transport Corridor Separation: Applies along Park Road, Khyber Pass Road, Sutter Street and Kingdon Street frontages;
- City Fringe Office – Identifies areas around the city centre to allow for additional office space (*Proposed to be revised to a zone control (Topics 051-054)*);
- Special Character: The overlay specifies controls on the use, development demolition and alteration of buildings to retain and manage identified historic values in this area (*proposed to be revised to Historic Character (Topic 031)*)

- d) Additional Zone Height Controls – Maximum building height of 24.5m (*Proposed to be revised to a zone control and increased to 27m (Topic 078)*)

#### Surrounding characteristics

- 7.12 The Newmarket Metropolitan Centre zone sits adjacent to the precinct beyond Kingdon Street to the land on its eastern side. The zone covers the prime retailing and commercial area of Newmarket. Newmarket has historical value as an early

commercial centre largely due to the area's associations with strategic regional transport links. The built form of Newmarket is distinctive and varied, especially in terms of architecture, scale and massing.

- 7.13 The surrounding area to the south, west and north is characterised by low rise commercial and residential development. A range of commercial buildings zoned Mixed Use with varying heights of 1-5 storeys line the southern side of Khyber Pass Road opposite the precinct. The Mixed Use zone in this area extends further south from along McColl, Roxburgh and Melrose Streets. Beyond this zone is an area of low density housing (Single House zone) located along Maungawhau Road and Seccombes Road.
- 7.14 Beyond the western rail line which borders the north of the precinct are a number of five storey commercial buildings (also in the Mixed Use zone) which have access from Carlton Gore Road. An apartment building (within the Terraced Housing and Apartment Building zone (THAB)) abuts the railway line on the eastern side of Park Road and there is a commercial retail business (Mixed Use zone) on the corner of Carlton Gore Road. On the western side of Park Road is a three storey apartment building (THAB) situated adjacent to Outhwaite Park (Public Open Space zone). Further to the west of the precinct boundary is an area characterised by a mixture of THAB, Mixed Use and Single House zones.
- 7.15 St Peter's College is located to the south west, on the site on the corner of Khyber Pass Road and Mountain Road.

#### Transport network

- 7.16 Khyber Pass Road forms an important east-west Regional Arterial Road link within the Auckland Region connecting Newmarket Metropolitan Centre (at Broadway) to the east and the City Fringe centre of Newton (at Symonds Street). Auckland Transport has developed a Corridor Management Plan (CMP) for Khyber Pass Road, which sets out an implementation strategy with a 30 year time period, to achieve integration between the current and future transport function and land use activities of the Khyber Pass Road.
- 7.17 The eastern end of the Khyber Pass Road Corridor is part of the Central Connector, forming a key component of Auckland's Quality Transit Network. The Corridor is also identified as forming an existing component of the Auckland Regional Cycle Network, and as a cycle connector route within the proposed Auckland Cycle Network.

- 7.18 Grafton railway station is located adjacent to the western boundary of the precinct on Park Road. It is on the western line of Auckland's commuter rail network. Newmarket railway station is located approximately 600 metres from the eastern end of precinct.

## 8. PAUP FRAMEWORK

### *Regional Policy Statement*

- 8.1 The key sections of the PAUP RPS, as proposed to be amended by the Council, which need to be considered and given effect to include:

- (a) B2.1 'Providing for growth in a quality compact urban form'

This section seeks to focus residential and business growth in centres. **Objective 3** and **policy 2** seek to focus intensification within and adjacent to centres, within close proximity to the rapid and frequent service network.

- (b) B2.2 'A Quality Built Environment'

This section seeks to deliver a quality built environment. **Objective 1(c)** seeks a built environment which responds to and reinforces centres of activity and movement networks which are well connected and provide convenient access. **Objective 1(d)** seeks development to respond to and optimise the potential of a site's qualities. The provisions relate to matters of urban quality and design, and promote choices and opportunities in built form. These provisions are relevant in consideration of the function, role and amenity of the centres hierarchy, but also design expectations.

- (c) B2.3 'Development capacity and supply of land for urban development'

This section enables sufficient development capacity in the urban area and sufficient land for new housing and business to support population and business growth within the RUB to 2040. **Objective 1** ensures development capacity and land supply to accommodate projected population and business growth. Sufficient unconstrained business land within the RUB is required to accommodate a minimum of 5 years residential and business growth under **Policy 1**.

- (d) B2.7 'Social Infrastructure'

This section contains objectives and policies that provide the framework for the plan provisions that relate to social infrastructure. The objectives and policies relevant to Tertiary Education facilities are:

- i. Objective 1 which seeks a quality network of social infrastructure;
  - ii. Objective 3, which seeks to achieve the efficient development and use of social infrastructure;
  - iii. Policy 1c seeks to provide for tertiary education facilities where there is sufficient road capacity and where they are in close proximity to the public transport and walking and cycling networks;
  - iv. Policy 2 seeks to provide Auckland with sufficient social infrastructure to respond to population growth and demographic changes;
  - v. Policy 2a seeks to achieve this by enabling intensive use and development of social infrastructure sites;
  - vi. Policy 3 seeks to enable the efficient use of land and facilities by providing for accessory and complementary activities on social infrastructure sites;
  - vii. Policy 4 seeks to improve connections between social infrastructure and public transport, cycling and walking networks; and
  - viii. Policy 5 seeks to manage the transport effects of larger scale facilities in an integrated manner.
- (e) B3.1 'Commercial and industrial growth'

This section provides the regional framework for managing and developing the commercial and industrial aspects of Auckland's economy. **Objective 1** is concerned with ensuring opportunities for employment and business are provided to meet current needs and future growth. **Objective 2** seeks to focus commercial growth and activities in the hierarchy of centres and identified growth corridors that support the compact urban form.

**Policy 1** identifies that the city centre, metropolitan centres and town centres are important at a regional level while local centres and neighbourhood centres are important at a local level. **Policy 2** encourages commercial intensification in the city centre, metropolitan and town centres and enabled on Identified Growth Corridors. **Policy 4** seeks to sustain and enhance the function, role and amenity of centres by encouraging appropriate commercial activities to locate within centres and by ensuring (amongst others) that



development positively contributes to the character and form that supports or service compact mixed use environments and the centres' role as focal points for community interaction.

## **PART C: OVERVIEW OF SUBMISSIONS**

### **9. SUBMISSION THEMES**

9.1 A total of 8 primary submission points have been received requesting relief in relation to the precinct as notified.

9.2 The matters covered in the 8 submission points received and addressed in this evidence are:

- a) The University of Auckland (5662) submission points that are seeking:
  - i. Retention of the precinct (5662-25);
  - ii. Replacement of the Newmarket 2 precinct objectives and policies with provisions based on the Tertiary Education Zone, along with a number of modifications (5662-27);
  - iii. Replacement of the Newmarket 2 precinct rules with provisions based on the Tertiary Education Zone along with modifications in order to more accurately reflect current and future tertiary education activities in the precinct (5662-28).
- b) Peter G Buchanan (1054-9) seeks that the precinct address tensions between the Single House zone and the higher intensity zone (Newmarket 2 precinct) or remove tension by requiring a non-complying activity status for all activities;
- c) Auckland Council (5716- 1302, 1371) seeks a new objective and policy relating to the facilitation of a transport network and transport choices, and for the transport network to be designed and constructed in accordance with Auckland Transport requirements, relevant codes of practice and engineering standards;
- d) Westfield (New Zealand) Limited (2968-376, 377) seek the retention of objective 2 and policy 2;

9.3 There are 8 further submissions supporting, supporting in part and opposing in part Auckland Council's submissions (5716-1302, 1371). Further submission 2963

opposes in part Auckland Council's submissions on the basis that Auckland Transport's requirements, codes of practice and engineering standards are not subject to the RMA and should not be implemented through the PAUP. The remaining further submission points relate to Council's submission as a whole and have little relevance to the provisions being considered in this precinct.

9.4 Mediation for the Newmarket 2 precinct was held on 9 December 2015. The following parties attended:

- (a) Auckland Council;
- (b) University of Auckland (5662);
- (c) Peter G Buchanan (1054).

9.5 The agreed issues for discussion at the Mediation meeting included:

1. Vision for development of the campus
2. Activities being sought for the precinct
3. Alignment for tertiary education in campus development
4. Access through the site
5. Concerns raised by Mr Peter Buchanan

9.6 The only issues which were discussed at Mediation were those concerns raised by the submitter Mr Buchanan. These are recorded in the Mediation Joint Statement and related to:

- Parking issues in residential area (Seccombes Road area, especially Maungawhau Road), especially as a result of student and staff activity after-hours (evenings and weekend);
- Noise generation from activities on the university site, including licensed activities;
- General issues arising from the interface between mixed-use zone and single-house zone.

9.7 As an outcome the representatives for University of Auckland agreed to report to the University that Mr Buchanan would like there to be a direct discussion between the University of Auckland and Mr Buchanan with respect to measures to mitigate parking issues on Maungawhau Road, in particular, as well as other issues raised by him resulting from activities on the university site. The result of any discussion could resolve Mr Buchanan's concerns and he has indicated that he may withdraw his submission in this event.

9.8 Following mediation, there has been correspondence between the Council and the University of Auckland but no matters have been agreed relating to this precinct.

## **10. PROPOSED AMENDMENTS OUTSIDE THE SCOPE OF SUBMISSIONS**

10.1 As outlined in Mr Duguid's evidence, a number of amendments are proposed which are, or may be out of scope of the submissions. These amendments are relevant to this precinct and evidence as the amendments seek to ensure:

- a) that the most appropriate PAUP method is used to address the precinct matters;
- b) the removal of duplication following a comparison review of the precinct to the amended PAUP position as proposed in the Council's closing statements to the Panel;
- c) consistency in the organisation and terminology of all precincts;

10.2 Additionally I have proposed a number of amendments to the precinct to correct minor technical or editorial errors. There are no particular submissions to which these amendments respond. All amendments are shown in my track changes attached as **Attachment C**.

## **11. INCORRECTLY CODED SUBMISSION POINTS**

11.1 Auckland Council submissions points (5716-1096, 5716-1097, 5716-1098, 5716-1099, 5716-1100) were incorrectly coded to Topic 081 – Precincts Central-Newmarket 1 (rather than Newmarket 2). These submission points relate to minor amendments required to the precinct description, activity table, land use control and assessment criteria and addressed below in section 15.

## **PART D: ANALYSIS OF SUBMISSIONS**

### **12. PRECINCT ASSESSMENT**

12.1 The Newmarket 2 precinct was included in the notified PAUP to address the development opportunity offered by the former Lion Breweries site following its acquisition by the University of Auckland. The precinct was also developed to promote the location of and operation of tertiary education facilities on the site.

12.2 There has been no request through submissions for the deletion of the precinct.

12.3 I consider the retention of the precinct in the PAUP is appropriate in order to manage change in this area and consequential changes arising from the Council's evidence

position on the PAUP to date. The precinct is situated in the context of a predominantly commercial environment and part of the precinct already contains tertiary education facilities that require on-going management in the foreseeable future.

- 12.4 I support the retention of this precinct for the following reasons:
- i. The precinct will help enable development of a range of specific activities to cater for the operational requirements of the UoA on its Newmarket campus;
  - ii. The precinct will specify the provisions required to enable the effective redevelopment of the precinct within the underlying Mixed Use zone to accommodate the specific activities and accessory activities of tertiary education;
  - iii. The precinct will ensure any future development of the sites outside of the UoA Newmarket campus (adjacent to the eastern boundary of the precinct) respond to the context of the surrounding environment, including the tertiary education use of the UoA land and the adjacent Newmarket Metropolitan Centre.
- 12.5 I agree that the underlying Mixed Use zoning is the most appropriate underlying zone and rely also on the further evidence provided through Topic 081 relating to the zoning. In summary, I consider the precinct and the Mixed Use zone will give effect to the objectives and policies in the PAUP RPS that relate to sections B2.1 'Providing for growth in a quality compact urban form', B2.2 'A Quality Built Environment' and B3.1 'Commercial and Industrial Growth'.

### **13. ANALYSIS OF PRECINCT PROVISIONS**

#### *Notified Precinct*

- 13.1 The main differences between the notified PAUP precinct provisions and the relevant PAUP overlays, Mixed Use zone or Auckland-wide controls/ Chapter G provisions are detailed below.
- 13.2 The notified PAUP precinct provisions include:
- a) Objectives and policies which specifically address tertiary education facilities, urban design, transport and a framework plan for the precinct;
  - b) Additional activities to the Mixed Use zone which include:
    - i. Dwellings accessory to education facilities;
    - ii. Boarding house accessory to educational facilities;

- The Mixed Use zone provides for all types of residential development
- iii. Laboratories;
    - The Mixed Use zone provides for industrial Laboratories
  - iv. Development activities in the context of an approved framework plan;
  - v. Framework plans.
- c) A land use control addressing framework plans;
  - d) Matters of discretion and assessment criteria for the restricted discretionary and discretionary activities listed in the activity table related to the approval of a framework plan;
  - e) Matters of discretion for the discretionary activity of a framework plan;
  - f) Special information requirements related to framework plans.
- 13.3 I note that the Council's evidence position on Topic 051-054 (Centre Zone, Business park and industries zones, Business activities and Business controls) forms the baseline for the underlying zone of Mixed Use and the consequential changes I support to the precinct provisions. The Mixed Use zone provides activities, development controls and other provisions as a basis for land use and expected development potential in the area identified. The consequential changes arising from Topic 051-054 facilitate tertiary education facilities as a permitted use.
- 13.4 The provisions of Newmarket 2 precinct do not override any overlay applying to this area.
- 13.5 In the following sections I detail the amendments I propose to the precinct provisions in response to submissions and evidence heard at previous Topic hearings.

#### **14. ANALYSIS OF SUBMISSIONS**

##### Auckland Council (5716)

- 14.1 Auckland Council submissions (5716-1302, 1371) seek the addition of an objective and associated policy to recognise effects on the transport network as a result of development, and for transport networks to be designed and constructed consistent with the requirements of Auckland Transport, and any relevant code of practice and engineering standards (this submission related to the majority of the precincts).

- 14.2 The notified precinct provisions include an objective and associated policy which address transport considerations. However the Auckland Council proposed objective and policy are more detailed in nature. I support in part the submission and propose consequential changes to the objective and policy in the provisions which relate to transport. I do not consider it necessary to include reference to Auckland Transport requirements, codes of practice or engineering standards.
- 14.3 Auckland Council submissions (5716-1096, 5716-1100) seek minor editorial changes, including:
- a) Improving cross-referencing to other parts of the PAUP, and
  - b) Updating the activity table to replace 'education' with 'tertiary education'.
  - c) Other minor editorial changes to the precinct rules
- 14.4 In my view a) and b) are appropriate as they improve the legibility and consistency within the PAUP. Shortly before the PAUP was notified, the definition of 'education' was amended to exclude tertiary education activities. Other parts of the PAUP, including this precinct, were not updated to reflect this change at the time. It is appropriate to include reference to tertiary education within the provisions, and I propose consequential changes in line with Topic 065 Definitions.
- 14.5 With regard to c), the proposed modifications are very minor changes and relate to the numbering within the land use control clause and the assessment criteria clause. I do not support these editorial changes as a consequence of proposed changes which are detailed in section 16 below.

The University of Auckland (5662)

- 14.6 I support the request for the retention of the precinct (5662-25) for the reasons discussed above.
- 14.7 The UoA seek the replacement of the precinct objectives and policies with provisions based on the Tertiary Education Zone in the notified PAUP along with proposed modifications as set out within its submission (5662-27). The UoA has also proposed amendments to the precinct description which I have included consideration of these within the discussion of submission point 5662-27.
- 14.8 I support in part the UoA request to amend the precinct description to provide greater clarity within the provisions as to the purpose of the precinct. I have considered the proposed text outlined within the UoA submission attachment 2.2. However, I consider that only minor changes are appropriate.

- 14.9 I support in part the UoA submission to replace the objectives and policies with provisions based on the Tertiary Education Zone to more appropriately address the current and future tertiary education activities in the precinct.
- 14.10 I consider that there is merit in retaining some of the wording of the existing precinct objectives and policies to ensure that a place-based planning response to this precinct is retained. An analysis of the proposed precinct objectives and policies is provided in section 15.
- 14.11 The UoA (5662-28) also seek the replacement of the precinct rules with provisions based upon the Tertiary Education Zone, however with the following modifications:
- i. Delete the activities under “Land Use” in activity table 1.24.1 Special Purpose – Tertiary Education Zone;
  - ii. Add innovation and research activity to activity table 1.24.1 Special Purpose- Tertiary Education Zone;
  - iii. Delete pastoral farming activity;
  - iv. Delete “Land use controls” 1.24.1.2.1 (Community facilities) and 2.2 (Licensed premises); and
  - v. Delete Height in Relation to boundary rules.
- 14.12 The application of Tertiary Education Zone based precinct provisions with modifications to address place based characteristics is supported by the Council (as discussed in section 6) and I support in part the UoA submission request. Further analysis is provided in section 15.

Westfield (New Zealand) Limited (2968)

- 14.13 Westfield (New Zealand) Limited seek the retention of objective 2 (2968-376) and policy 2 (2968-377) of the precinct provisions. I support the submissions in part, however with proposed amendments to the relevant text.

Peter G Buchanan (1054)

- 14.14 Peter G Buchanan (1054-9) seeks the PAUP to address tensions between the lower intensity Single House zone and the higher intensity zones such as Newmarket 2 or to remove the tension by requiring a non-complying activity status for all activities.
- 14.15 As I understand Mr Buchanan's concerns (from the Mediation on 9 December 2015) primarily relate to the effects of development on the UoA site on after-hours and

weekend parking in Maungawhau Road which is located on the south side of Khyber Pass Road.

- 14.16 Further clarification was also provided in terms of the request for a non-complying activity status for all activities on the basis this would increase the chance of public notification.
- 14.17 While I do not support the relief sought in the submission of Mr Buchanan I have proposed changes to the notified precinct in relation to traffic requirements (discussed further below, and including the requirement for an Integrated Traffic Assessment) which may go some way to addressing his concerns.

## **15. REVISED PRECINCT PROVISIONS**

### **Application of Tertiary Education Zone provisions**

- 15.1 As discussed in section 6 of this Report, the Council's revised position outlined in Mr Mackie's evidence to Topic 055 Social Infrastructure supports removing the notified PAUP Special Purpose- Tertiary Education Zone (TEZ) from most tertiary education sites outside of the city centre, metropolitan and town centres and instead applying an appropriate base zone (i.e. residential, business or rural) augmented with a tertiary education precinct similar to the TEZ provisions.
- 15.2 The evidence of Mr Young to Topic 055 provides an analysis of the submissions to the D8.10/I24: Special Purpose-Tertiary Education zone and proposes a number of amendments to the TEZ provisions. I have relied on the Council's Revised Topic 055 TEZ Provisions in the remainder of this Report.
- 15.3 The Newmarket 2 precinct differs from other tertiary education sites in that it already has an underlying Mixed Use zone (as notified in the PAUP). In the context of the Topic 055 evidence and the UoA submissions (5662-27,28), I consider it is appropriate to propose modifications to the precinct provisions based upon the Council's Revised Topic 055 TEZ Provisions to enable additional activities that are provided for within the TEZ but not within the Mixed Use zone. This planning approach would better reflect the current and future use of the precinct for tertiary education activities and accessory activities.
- 15.4 The location of the precinct within a mixed use commercial environment, adjacent to the Newmarket Metropolitan centre, and with excellent accessibility to public



transport networks will support the potential for further intensification of development on the remainder of the precinct.

### **Removal of framework plan provisions**

- 15.5 I consider it is appropriate to delete the existing precinct provisions which relate to a framework plan (contained in the precinct's objectives, policies, development activities, land use control and assessment criteria).
- 15.6 This proposed modification is in scope of the UoA submission (5662-27, 28) which seeks the replacement of the precinct provisions with provisions based on the TEZ provisions. I support in part the UoA submission as discussed further in this Report.
- 15.7 The proposed modification is also consistent with the Council's Revised Topic 055 TEZ Provisions as these do not contain framework plan provisions.
- 15.8 The purpose of the framework plan provisions in the PAUP is to encourage the integrated and comprehensive development of greenfield land that is proposed to be urbanised, and brownfield land where regeneration or intensification is proposed.
- 15.9 I consider that the framework plan provisions are no longer necessary for this precinct. The context of the precinct is such that the land under the UoA ownership has been developed in the western half of the precinct to accommodate a range of tertiary education facilities to establish the UoA Newmarket campus. This development comprises of permanent new and refurbished buildings, internal access roads to the buildings and staff and visitor car parking areas.
- 15.10 The precinct is also not under single ownership, with the block between Sutter Street and Kingdon Street under separate land title ownerships. Generally, precincts should be in single ownership for framework plan provisions to be useful.
- 15.11 However, I note that the proposed deletion of the reference to framework plans in the precinct provisions removes the trigger for an Integrated Transport Assessment (ITA) to be undertaken (I refer to the Council's revised position set out in Topic 004 for Chapter G- 'General Provisions Framework Plans').
- 15.12 I consider that the effects on the transport network will need to be appropriately addressed within the proposed provisions through the preparation of an Integrated Transport Assessment (discussed further in section 16 below).

## Objectives and Policies

15.13 In response to the replacement objectives sought in Attachment 2.2 of the UoA submission (5662-27):

- i. Objective 1 is supported in part. I also propose that the existing precinct objective 1 is revised to align with the TEZ objective 1.
- ii. Objective 2 is supported in part. I propose that TEZ objectives 2 and 2A are included. These two objectives address the integration of tertiary education facilities with the wider community and environment, and also address the co-location of tertiary education and complementary business activities.
- iii. I do not support Objective 3. The request to rezone the underlying Mixed Use zone as Metropolitan Centre zone is not supported by the Council, as discussed in separate evidence to Topic 081. I consider that Objective 2 within the existing provisions appropriately addresses the potential for enabling a range of activities appropriate to the precinct location. However I propose to modify this objective to reflect wording from the Council's proposed to be revised provisions on Topics 051-054 (Centre Zones, Business Park and industries zones, Business activities and Business controls).
- iv. I do not support Objective 4. I propose that the existing Objective 3 be retained and modified to include wording from the TEZ objective 3. I consider that the intent of this objective (as proposed to be revised) will align with the UoA's suggested replacement objective.

15.14 In response to the UoA proposed replacement policies set out in Attachment 2.2 of its submission (5662-27) I support the overall intent of these policies however I propose alternative amendments to these policies as follows:

- i. Policy 1 is supported in part. I propose the existing precinct policy 1 is revised to align with the wording of the TEZ policy 1, with the inclusion of other activities listed in the Council's revised provisions on Topic 065 'Definitions' within the definition of 'Tertiary education facilities'.
- ii. Policy 2 is supported in part. I consider that it would be appropriate to include TEZ policy 3 to address the design of new buildings and structures.
- iii. Policy 3 is supported in part. The existing precinct policy 6 aligns with TEZ policy 4 and therefore I consider it is appropriate to retain the policy and its wording.

- iv. Policy 4 is supported in part. I propose to include policy TEZ policy 1A to address the provision of complementary businesses.
- v. Policy 5 is supported in part. I propose to amend the existing precinct policy 2 to align with the TEZ policy 5 which addresses the provision of a range of accessory activities.

15.15 I support in part the Westfield (New Zealand) Limited (2968) submission to retain Objective 2 and Policy 2. I propose to retain Objective 2, with minor modifications. I propose to retain policy 2 along with modifications to align with the TEZ policy 5. I consider that the overall intent of these provisions will remain following my proposed modifications.

15.16 I support in part the Auckland Council (5716-1302) submission seeking an objective relating to the transport network. I propose the deletion of the existing precinct Objective 5 and to replace this objective with the proposed a) and b) of the objective set out within the Auckland Council submission. I consider it is not necessary to include criteria c) as this is addressed in the Auckland-wide provisions.

15.17 I support in part the Auckland Council submission seeking a policy relating to the transport network (5716-1371). I consider it is appropriate to modify the existing precinct policy 9 which sets out to achieve integrated multi-modal transport planning. These modifications would align with the intent of the submission.

15.18 I have proposed further minor modifications to the objectives and policies in order to best achieve the purpose of the precinct and give effect to the RPS. The changes proposed are therefore all of out of scope.

### **Activities**

15.19 I support in part the UoA request (5662-28) to replace the notified precinct with provisions based on the TEZ in the PAUP.

15.20 The UoA request taking into account the following modifications in relation to the Tertiary Education Zone provisions:

- i. Delete the activities under "Land Use" in activity table 1.24.1 Special Purpose – Tertiary Education Zone;
- ii. Delete pastoral farming activity;
- iii. Add '*innovation and research*' to the activity table I.24.1 Special Purpose Tertiary Education Zone

- 15.21 The UoA proposed modification in i) above, aligns with the Council's Revised Topic 055 TEZ Provisions which has deleted the activities under "Land use".
- 15.22 I support deletion of the TEZ activity *'pastoral farming accessory to tertiary education facilities and on sites larger than 4ha, excluding pig keeping and pig farming'* given that this activity would not realistically be undertaken in this urban environment.
- 15.23 I do not support the UoA request (5662-28) to add *'innovation and research'* to the activity table I.24.1 Special Purpose Tertiary Education Zone (and consequently include it within the precinct provisions). The Council's Revised Topic 055 TEZ Provisions do not include this activity and also the Council's marked up provisions for Topic 065 Definitions (dated 3 November 2015) does not include a definition of this activity. The IHP best practice approaches for precincts guidance specifies that precincts must use the definitions in the PAUP. I do not consider that these precinct provisions should introduce a stand-alone definition which has not been used in the other tertiary education precincts. Furthermore, I consider that the proposed activities are implicitly included within tertiary education facilities and also Mixed Use zone activities (e.g. offices, industrial laboratories).
- 15.24 I support the inclusion of the activities and their statuses which are listed in the Council's Revised Topic 055 TEZ Provisions, into the precinct provisions (where they do not duplicate activities present in the underlying zone), with the exception of the following TEZ development activities:
- i. Conference facilities;
  - ii. Buildings, alterations, additions and demolition unless otherwise specified below;
  - iii. Buildings greater than 500m<sup>2</sup> GFA;
  - iv. Buildings, external alterations, additions and demolition within the site and where the work is visible from and located within 10m of a road or Public Open Space zone (excluding private roads);
  - v. Parking buildings;
  - vi. Parks maintenance.
- 15.25 With regard to i) above, the Revised Topic 055 TEZ Provisions include 'Conference facilities' as a permitted activity. Conference facilities are defined as:

*Facilities provided for the specific purpose of holding organised conferences, seminars and meetings. Includes:*

- *convention centres*
- *lecture halls*
- *seminar rooms and*
- *accessory restaurants and cafes.*

15.26 The definition is quite open and no limits are imposed on the scale of the facilities.

Within the Mixed Use zone, this activity has a discretionary status because the definition includes convention centres and the large scale of this activity would not necessarily be appropriate in this zone. I anticipate that any 'Conference facilities' located within the precinct would be accessory to the tertiary education facilities. However I consider that it is appropriate to default to the Mixed Use zone activity status in this regard to ensure any potential effects are comprehensively considered, in particular in relation to the impact on the transport network.

15.27 With regard to ii)-v) above (and the associated Revised Topic 055 TEZ Provisions for matters of discretion and assessment criteria), I consider that it is appropriate to rely on the underlying Mixed Use zone provisions in this respect.

15.28 With regard to vi) above, this development activity would not be applicable in this particular precinct given its overall size and the absence of a park amenity.

15.29 I propose additional activities to be included within the precinct provisions. There are no submissions seeking the following changes to the activity table. The changes proposed below are therefore all of out of scope.

15.30 I consider it is appropriate to include the following activities:

- i. Activities with a more restrictive activity status than provided for in the underlying Mixed Use zone:
  - I consider that a number of activities which have permitted activity status in the Mixed Use zone should not by default also be permitted activities within the precinct. This is on the basis that they may not be appropriate in the context of the precinct location and its primary purpose to enable the development and operation of a range of tertiary education and accessory activities.
  - The proposed discretionary activities include: Retirement villages; Supported residential care; Commercial sex premises; Drive-through

restaurants; Funeral directors' premises; Service Stations; and repair and maintenance services.

- ii. New development activity with associated restricted discretionary status:
  - a) Subdivision of less than four sites;
- iii. New development activity with associated discretionary status:
  - a) Any new vehicle crossing or changes to an existing vehicle crossing or new road.

15.31 Further analysis of ii) above is provided below.

15.32 The subdivision provisions (as proposed to be revised in Chapter H5 Subdivision) for the Mixed Use zone enable a more intensive form of development to occur. These provisions prescribe a minimum site size of 200m<sup>2</sup>. There is currently nothing to prevent the land in the precinct from being subdivided down to this level. I consider there is the potential that a cohesive approach to the built form will be diminished if the land is subdivided into smaller sites without additional direction.

15.33 Furthermore, the corresponding matters of discretion (as proposed to be revised in table 13 of the Chapter H5 Subdivision provisions) for the restricted discretionary activities listed in Table 1 and Table 2 of the provisions do not require all of the listed matters of discretion and assessment criteria to be applied to the category of 'Subdivision for up to 3 proposed sites'. I consider it important to ensure that any future subdivision within the precinct, regardless of the number of sites created, is fully considered given the potential effects of the wider range of activities on the transport network.

15.34 Therefore, I consider it is appropriate to include this new activity within the precinct provisions in order to ensure that quality urban design outcomes and resulting built development and amenity are achieved by requiring that the full range of matters of discretion listed in table 13 of Chapter H5 Subdivision (as proposed to be revised) are considered for any future subdivision in the precinct.

15.35 Further analysis of iii) above is provided below.

15.36 The precinct is well placed for access to public transport services with buses on Khyber Pass Road and Park Road (Frequent Service Network), and Grafton Rail Station (Rapid Service Network) immediately adjacent to the site. Minimising the

traffic effects of the precinct will be largely dependent on access to an efficient and effective public transport system. Any significant traffic generating development for the precinct would impact on the operation of these roads and therefore bus services to the precinct and for those bus services serving the CBD. It is therefore, important that any access or intersection is effectively managed to avoid as far as possible adverse effects on these roads.

- 15.37 I consider it is appropriate to include this new activity within the precinct provisions to ensure that the effects of development are adequately assessed with appropriate action to avoid, remedy or mitigate any adverse effects on this transport corridor.

#### Summary

- 15.38 I consider these additional activities are appropriate as they address the locational characteristics of the precinct and will enable a more detailed consideration of the potential impacts upon the surrounding environment.

#### **Land Use Controls**

- 15.39 I support in part the UoA request (5662-28) to replace the notified precinct with provisions based on the TEZ in the PAUP taking into account the following modification:
- i. Delete "Land use controls" 1.24.1.2.1 (Community facilities) and 2.2 (Licensed premises)
- 15.40 The UoA proposed modification in i) above, aligns with the Council's Revised Topic 055 TEZ Provisions which has deleted these land use controls. I support this request.
- 15.41 There are no submissions seeking the following proposed changes to the precinct provisions. The proposals are therefore out of scope.
- 15.42 I propose a new land use control to ensure that traffic generated by activities in the precinct are appropriately assessed to avoid, remedy and mitigate adverse effects on the safety and efficiency of the surrounding transport network.
- 15.43 The precinct is bounded by Khyber Pass Road (a Regional Arterial Road) and Park Road (a District Arterial Road) and these roads are key strategic transport links around the perimeter of Auckland City Centre and they provide connections to the strategic road network.

- 15.44 The precinct's location is well placed for accessibility to public transport, with buses on Khyber Pass Road and Park Road (Frequent Service Network), and Grafton Rail Station (Rapid Service Network) immediately adjacent to the site. In addition, Newmarket Station is within walking distance of the site. This provides a significant catchment that would be available for public transport users.
- 15.45 The proposed precinct provisions will enable major redevelopment. At this stage it is unclear what traffic will be generated by the wider range and scale of activities proposed in the precinct provisions and what impact they might have on the level of service on Khyber Pass Road and nearby intersections.
- 15.46 Auckland Transport has prepared a technical note to set out the key transport constraints and future transport infrastructure on the arterial road network. This note is contained in **Attachment D** of the Report.
- 15.47 Maintaining the movement function of the Khyber Pass Road and Park Road strategic transport links involves the managed integration of high trip generating activities with the transport network, including public transport. Also, where appropriate, encouraging transport options such as walking and cycling to reduce the reliance on private vehicles (which in turn can contribute to the management of potential effects on transport infrastructure).
- 15.48 In consideration of the overall size of the precinct, its location on the Khyber Pass Road and Park Road corridors, and consideration of the potential consequential impacts on the wider transport network enabled by the proposed precinct activities, in my view a mechanism needs to be in place within the provisions to trigger the preparation of an ITA for the whole precinct prior to any subdivision and /or substantive development. With the implementation of this approach, any mitigation can be linked to the development of the precinct as a whole. Such mitigation may include provision for walking and cycling, intersection design and form, and any mitigation measures required on the wider transport network. This approach would ensure that there is a comprehensive assessment undertaken of both the requirement for on-site transport provision as well as for the wider road network and enable a more comprehensive approach to the management of transport related effects.
- 15.49 The Council's position in the relation to other tertiary education precincts in the PAUP is to ensure that an Integrated Transport Assessment (ITA) is prepared so that any



adverse traffic effects are avoided, remedied and mitigated as required by the policies of the precinct.

15.50 I consider that the inclusion of a land use control is appropriate which would require an ITA to be prepared in accordance with Chapter H.1.2 of the PAUP (as proposed to be revised) for the whole precinct as part of the first subdivision resource consent or for any development that is over 2500m<sup>2</sup> GFA for tertiary education or accessory activities or over 1000m<sup>2</sup> GFA for other precinct and Mixed Use zone activities. This would ensure that there is a comprehensive assessment undertaken of both the requirement for on-site transport provision as well as for the wider road network and enable a more comprehensive approach to the management of transport related effects.

### **Development controls**

15.51 I support in part the UoA request (5662-28) to replace the notified precinct with provisions based on the TEZ in the PAUP taking into account the following modifications:

- i. Delete Height in Relation to Boundary rules.

15.52 I support the UoA request to omit the inclusion of the TEZ development control 'Height in Relation to boundary' from the precinct provisions. I note that this development control has been retained in the Council's Revised Topic 055 TEZ Provisions. I consider the inclusion of this particular development control is not necessary due to the context of the precinct's location and surrounding environment. The precinct boundary does not directly adjoin a site in another zone outside the precinct. However it does adjoin the railway line on its northern boundary. In this respect the precinct will be able to rely on the Auckland-wide provisions related to 'Building setback from the Rail Corridor' to assess the safety and design related considerations for developments adjacent to the rail corridor.

15.53 I do consider that the application of the TEZ provisions relating to building height and yards are necessary because these particular development controls only apply to buildings close to a residential zone or public open space. The precinct is bordered by the railway line on its northern boundary and bordered by roads along the remaining boundaries.

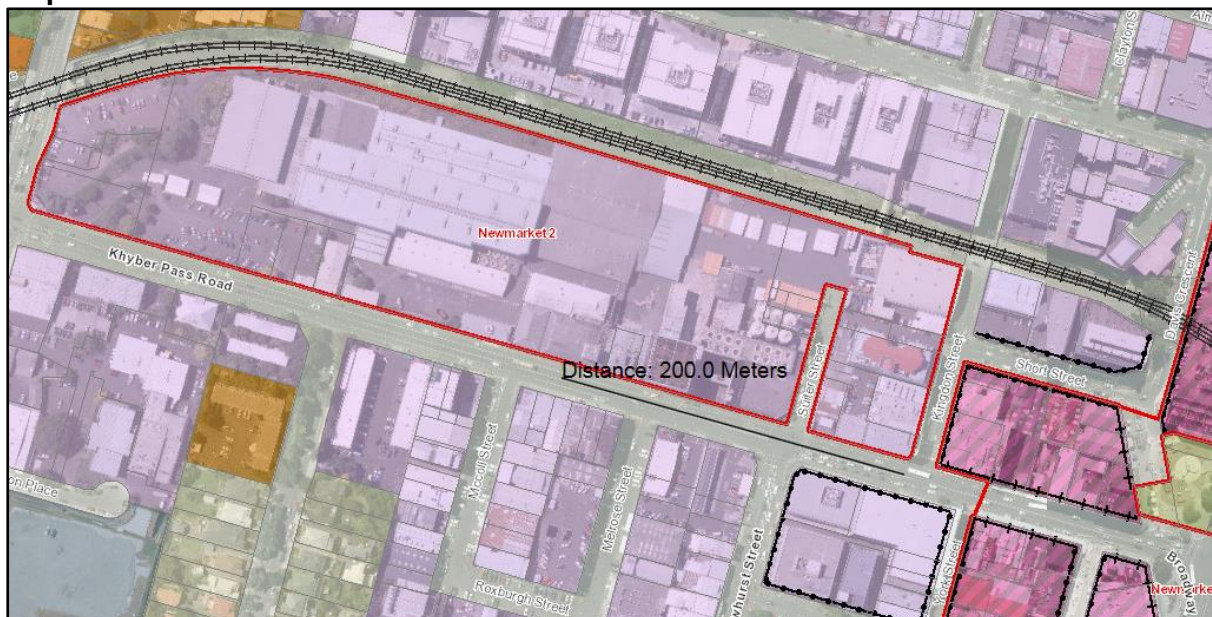
15.54 In my view building height within the precinct can be appropriately assessed through the underlying Mixed Use zone provisions.

- 15.55 I consider that the application of the TEZ development control for screening is also unnecessary given that the Mixed Use zone would control development in this regard.
- 15.56 There are no submissions seeking the following proposed changes to the precinct provisions. The proposals are therefore out of scope.
- 15.57 I propose additional development controls to address site-specific design opportunities and limitations are as follows, with those relating to:
- i. Site frontage;
    - The Mixed Use zone is subject to a policy which requires those parts of buildings with frontages subject to the Key Retail Frontage to maximise street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality. Furthermore, a similar policy for this zone requires those parts of buildings with frontages subject to the General Commercial Frontage to achieve street activation, building frontage, pedestrian amenity and safety and visual quality.
    - The Mixed Use zone provisions (as proposed to be revised rules 4.6 and 4.9) require new buildings to adjoin the entire length of the site frontage if the site frontage is subject to the 'Key Retail Frontage' layer in the planning maps. Additionally, the ground floor of a building subject to the 'Key Retail Frontage' layer must have clear glazing for at least 75 per cent of its width and 75 per cent of its height.
    - The Mixed Use zone provisions also require new buildings to adjoin at least 70 per cent of the site frontage if the site frontage is subject to the 'General Commercial Frontage' layer in the planning maps. The ground floor of a new building subject to the 'General Commercial Frontage' layer must have clear glazing for at least 50 per cent of its width and 50 per cent of its height where the elevation of the building fronts a street (excluding service lanes) or other public open space. 'General Commercial Frontage' streets support the role of 'Key Retail Frontage streets'.
    - Furthermore, the Mixed Use zone provisions require a minimum floor to floor height for the ground floor of a new building subject to the Key Retail Frontage or General Commercial Frontage layer in the planning maps.

This must be a minimum finished floor to floor height of 4m for a minimum depth of 6m. This is to ensure that buildings are adaptable to a wide variety of uses over time and provide adequate daylight access.

- However there is no part of the notified precinct boundary that is subject to the 'Key Retail Frontage' or 'General Commercial Frontage' layer. Some street frontages in the adjacent Metropolitan Centre zone and Mixed Use zone are subject to the Key Retail and Commercial Frontages. Map 1 below provides context to the location of these frontages. A Key Retail Frontage applies to the Khyber Pass Road frontage located in the Metropolitan Centre zone to the east of the precinct. A General Commercial Frontage applies to the eastern side of Kingdon Street in the Metropolitan Centre zone, and the Khyber Pass Road and Crowhurst Street frontages in the Mixed Use zone.

**Map 1**



- The TEZ provisions (as proposed to be revised) include assessment criteria aa- '*Contributing to sense of place*' which is applied to buildings greater than 500m<sup>2</sup> GFA. This criteria includes sub-criteria ii) which states '*Buildings and open spaces that front the streets should positively contribute to the public realm and pedestrian safety*'.
- While the TEZ provisions do address this matter to a certain extent, I consider it is appropriate to apply a site frontage development control to the Khyber Pass Road frontage based upon the Mixed zone provisions

(relating to the Key Retail Frontages and General Commercial Frontage layers in the planning map), to ensure there is greater specificity in the provisions. This would include provisions which address new development along the precinct's Khyber Pass Road frontage.

- As part of this development control I consider that it is appropriate to require development within 200m of the Metropolitan Centre zone to adjoin the street frontage and incorporate clear glazing. Beyond 200m from the Metropolitan Centre zone I consider it appropriate to require clear glazing where the elevation of a building fronts the street. Furthermore, I consider it is also appropriate for development fronting the street frontage to comply with the minimum floor to floor height rule in the Mixed Use zone.
- The purpose of these changes is to promote a more attractive streetscape, enhance pedestrian amenity, ensure buildings in this part of the precinct become more accessible by providing convenient and direct access between the street and building and promoting visibility between the street and building interior.
- The 200m threshold is a standard distance which has been used elsewhere in the PAUP of walkability from the Metropolitan Centre for activities that attract higher volumes of pedestrian (retail and food and beverage). The provision of active frontages within a 200m distance from the Metropolitan Centre would create continuity with the existing active frontages along Khyber Pass Road (see Map 1) and would provide the opportunity for an inviting gateway into Newmarket Metropolitan Centre from the west.

ii. Residential at ground floor

- The Business zone provisions (as proposed to be revised in rule 4.11) restricts dwellings on the ground floor of a building located in the Metropolitan Centre, Town Centre, Local Centre and Neighbourhood Centre zone where the dwelling has a frontage to public open spaces including streets. The purpose of the control is to protect the ground floor of buildings within centres for commercial use and to avoid locating activities that require privacy on the ground floor of buildings.

- There is no similar provision in the precinct as notified. The TEZ provisions (as proposed to be revised) include assessment criteria aa- *'Contributing to sense of place'* which is applied to buildings greater than 500m<sup>2</sup> GFA. This criteria includes sub-criteria iii) which states *'Include activities that engage and activate streets and public spaces at ground and first floor levels'*.
  - I consider it is appropriate to include a development control which specifically restricts residential accommodation on the ground floor of buildings which have a frontage to Khyber Pass Road and Park Road based on these Business zone provisions. This purpose of the proposed development control is to preserve the ground floor space of buildings fronting the main roads for commercial uses and also to retain an appropriate level of street activation.
- iii. Verandahs
- The Mixed Use zone provisions (as proposed to be revised in rule 4.13) requires the ground floor of a building which is subject to the 'Key Retail Frontage' on the planning map to provide a verandah along the full extent of the frontage. The Key Retail Frontage is an area where there is expected to be high volumes of pedestrian movement and the purpose of this control is to provide pedestrians with weather protection, safety and amenity on the frontages of sites.
  - There is no provision in the precinct as notified or in the TEZ zone that requires pedestrian walkways to be covered. I consider that it is appropriate to apply a development control requiring a verandah for new development or additions to an existing building that adjoins the frontages of Khyber Pass Road and Park Road based upon these Business zone provisions. This approach would help to promote an attractive streetscape and enhanced pedestrian environment.
  - In order to encourage greater uptake of alternative transport modes particularly the potential of pedestrians to connect to public transport and cyclists to connect through the precinct to new cycle links being provided in the area I consider it is also necessary to require provision of a covered walkway system through the precinct and connecting to the proposed Frequent Services Network;

- For consistency any verandah should comply with the requirements of the Mixed Use zone.

### **Matters of Discretion and Assessment criteria for restricted discretionary activities**

15.58 There are no submissions seeking the following proposed changes to the precinct provisions. The proposals are therefore out of scope.

15.59 I proposed the addition of consequential matters of discretion and assessment criteria for the proposed restricted discretionary development activity of 'Subdivision of less than 4 sites' and to cross reference to the matters of discretion and assessment criteria as proposed to be revised in Chapter H.5 Subdivision.

### **Special information requirements**

15.60 In the context of the new activity 'Subdivision of less than 4 sites', I consider it is appropriate to also include a requirement in the precinct provisions for the preparation of a design statement for the subdivision of less than 4 sites.

15.61 The PAUP Chapter H.5 Subdivision – Special Information Requirements (as proposed to be revised in table 15- Design Statements) sets out the information requirements for the activity of 'Creation of fee simple sites in the General Business, Light Industry, Mixed Use and Business Park zones, in the City Centre, Metro Centre, Neighbourhood Centre, Town Centre and Local Centre zones'. A design statement is only required for the creation of 4 or more sites.

15.62 Therefore, I consider it is appropriate to include a cross reference to this part of the PAUP in order to ensure that the information requirements listed in table 15 of Chapter H5 Subdivision (as proposed to be revised) are considered for any future subdivision in the precinct.

### *Conclusion on proposed changes*

15.63 My proposed amendments to the precinct provisions are set out in **Attachment C**. Having regard to the requirements of section 32 and 32AA of the RMA, and the other statutory criteria of the RMA outlined in the evidence of Mr Duguid and the matters raised by submitters, I consider that the proposed set of provisions as marked up are appropriate for the reasons discussed above.

**16. CONSEQUENTIAL AMENDMENTS TO OTHER PARTS OF THE PAUP**

16.1 There are no consequential amendments required to other parts of the Plan as a result of my evidence.

**17. CONCLUSIONS**

17.1 Having had regard to the Council's own criteria for precincts and the IHP's interim guidance, I support the retention of the Newmarket 2 precinct in the PAUP with my revised provisions.

17.2 I have considered the submissions received on the Newmarket 2 precinct. I consider that the map included within **Attachment B** and the proposed set of provisions, as marked up in **Attachment C**, most appropriately meet the purpose of the Act.

Barbara-Ann Overwater

27 January 2016

**ATTACHMENT A: CV of Report Writer****Career Summary**

Auckland Council	Principal Planner	(Nov 2015- Present)
Southwark Council, London, UK	Senior Planning Policy Officer	(2008 –2015)
RPS Planning, Bristol, UK	Senior Planner	(2005- 2008)
Central government, London, UK	Planner	(2004-2005)
Hillingdon Council, London, UK	Planner	(2003- 2004)
Haringey Council, London, UK	Planner	(2002-2003)

**Qualifications**

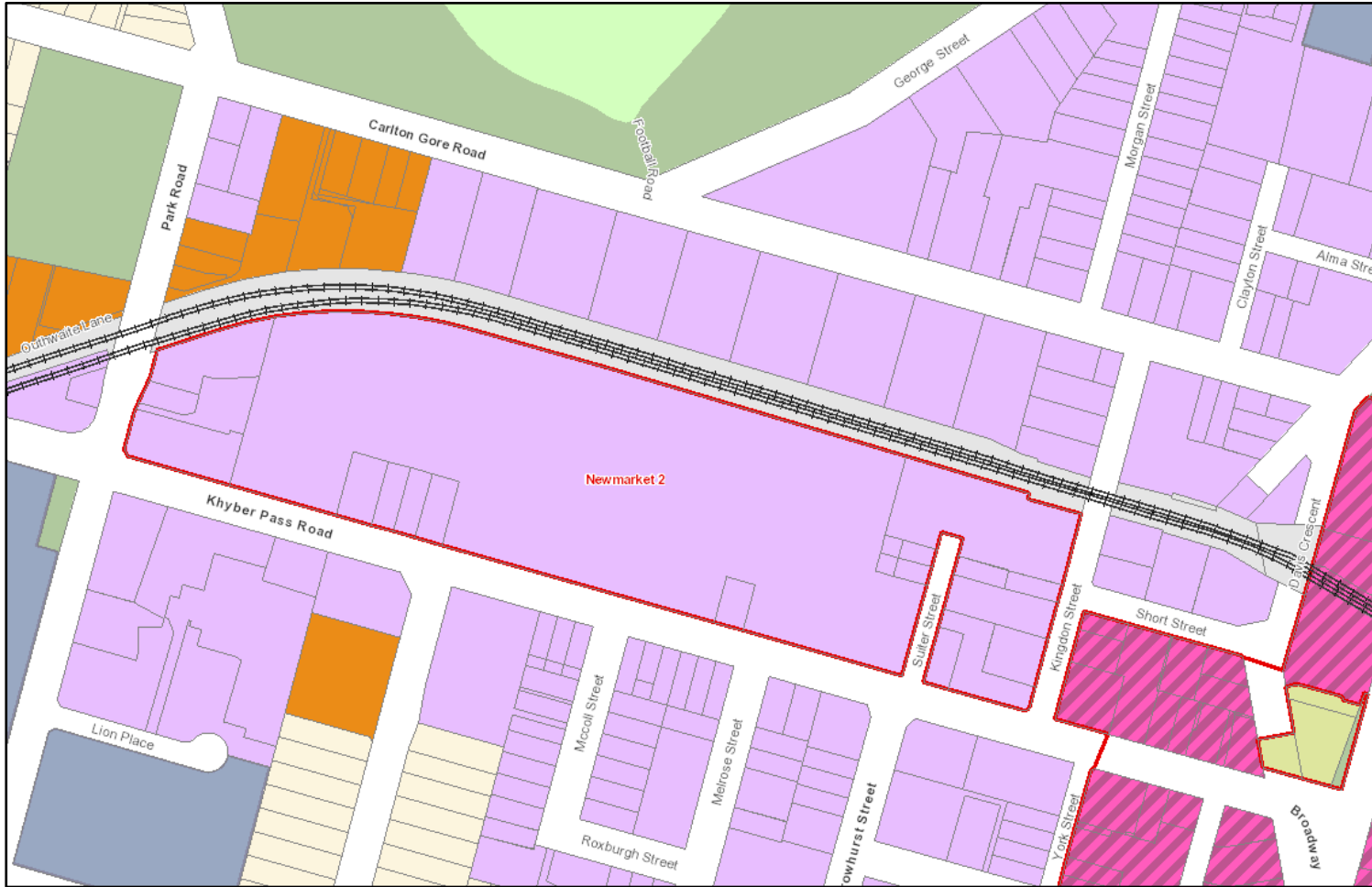
Bachelor of Social Sciences (Resources and Environmental Planning and Geography)  
(2000)

**Affiliations**

Chartered member of the Royal Town Planning Institute (RTPI) (UK) (2014)



# ATTACHMENT B: Planning map



**ATTACHMENT C: Track changes for Newmarket 2 precinct**

**Editorial notes:**

Council's proposed changes are shown in ~~strike through~~ and underline

Black text changes record amendments proposed in track changes version

**Yellow highlighted text changes** record amendments that are considered to be outside the scope of submissions

**Grey highlighted text changes** records amendments that are consequential amendments from previous hearings/evidence. Any additional changes to consequential amendments are **highlighted in pink**.

Numbering of this precinct will be reviewed as part of the overall review of the UP numbering protocols.

## 2.1 Newmarket 2 precinct

~~The objectives and policies of the underlying Mixed Use zone apply in the following precinct unless otherwise specified. Refer to the planning maps for the location and extent of the precinct.~~

### 1 Precinct description

The Newmarket 2 precinct is located on the corner of Khyber Pass Road and Park Road and is bounded to the east by Sutter and Kingdon Streets and to the north by the western rail line. ~~The underlying zone of the precinct is Mixed Use – Area A. The precinct has a design and development height overlay of 24.5m.~~

The purpose of the precinct is to enable development and operation of a range of tertiary education and accessory activities to cater for the diverse requirements of the student population, employees and visitors high-quality education campus with predominantly research focussed character, that integrates with and compliments the Newmarket Metropolitan Centre. The University of Auckland own the majority of the precinct site and have established a campus and identified it as a future innovation centre for the co-location of research and innovation facilities.

Community use of some of the tertiary education facilities within the precinct is also provided for.

The precinct is close to the Newmarket Metropolitan Centre and has access to good public transport links, both bus and rail. Grafton railway station is located adjacent to the western boundary of the precinct. ~~The existing building stock is solid and robust, and the precinct rules enable the adaptive re-use of these buildings consistent with the educational identity of the precinct.~~

~~To facilitate the integrated and coordinated redevelopment of the precinct, landowners are encouraged to prepare a framework plan before individual buildings are constructed.~~

## 2 Objectives

~~The objectives are as listed in the Mixed Use zone except as specified below:  
The underlying zone and Auckland-wide objectives apply in this precinct, in addition to those specified below:~~

1. Tertiary education facilities ~~to~~ meet the education needs of their students, ~~facilities facilitate~~ research and ~~economic~~ development, and provide for the well-being of ~~employees staff~~, students and visitors.
  - 1A. ~~Tertiary education facilities integrate positively with the wider community and environment and mitigate potential adverse effects.~~
  - 1B. ~~Tertiary education and complementary business activities both benefit from co-location on tertiary education sites.~~
2. Commercial and retail activities are enabled at a scale and intensity which ensures that adverse effects on the function, ~~role and amenity~~ of the Newmarket ~~mMetropolitan eCentre~~ are avoided.
3. ~~New building and structures are~~ ~~The precinct is~~ designed and developed in an integrated and comprehensive manner to:
  - a. enhance the precinct's built character and urban form.
  - b. ~~integrate positively with the wider environment, including the Newmarket mMetropolitan eCentre.~~
  - c. ~~incorporate high-quality urban design which avoids, mitigates and remedies adverse effects on the environment and existing stormwater, wastewater and road/s infrastructure~~
  - d. ~~respond to and~~ contribute positively to the amenity value of ~~public open spaces and~~ streets, including Khyber Pass and Park Roads, ~~and the surrounding context thereby reinforcing sense of place.~~
4. Open spaces, ~~cycling~~ and pedestrian linkages within and from the precinct are provided for and enhanced.
5. ~~Development is integrated with transport networks and supports pedestrian, cycle and public transport usage.~~
5. ~~Development and/or subdivision within the precinct facilitates a transport network that:~~
  - a. ~~Integrates with, and avoids, remedies or mitigates adverse effects on the safety and efficiency of the transport network in the surrounding area, including providing any upgrades to the surrounding network~~
  - b. ~~Facilitates transport choices by providing for pedestrians, cyclists, public transport facilities, and vehicles.~~

## 3 Policies

~~The policies are as listed in the Mixed Use zone except as specified below:  
The underlying zone and Auckland-wide policies apply in this precinct, in addition to those specified below:~~

1. Enable a wide range of tertiary education activities ~~and ancillary activities~~ to occur within the precinct, including tertiary education, administrative, cultural, research, health, recreation, retail, accessory-residential accommodation, communality facilities and other appropriate accessory activities.
  - 1A Provide for those complementary businesses which clearly contribute to and benefit from the co-location with a tertiary education facility including research, innovation, learning or related work experience.
2. ~~Enable~~ Provide for a range of accessory activities to ~~establish within the precinct~~ meet the needs of employees, students and visitors without a. undermining the ~~viability and vitality~~ function of the Newmarket metropolitan centre as the primary location for business activities, or b. ~~adversely affecting the safe and efficient operation of~~ and while avoiding, remedying, or mitigating adverse effects on the transport network.
3. ~~Encourage comprehensive and integrated development of the precinct in accordance with an approved framework plan.~~
  - 3A. Require new buildings, structures and significant additions and alterations to be designed in a manner that:
    - a. Makes efficient use of the site;
    - b. Contributes to the amenity of the public realm where development is located adjacent to a street and enhances the gateway locations of the Precinct and
    - c. Responds positively to the existing and planned future urban form and quality of the precinct and integrates with the adjacent Metropolitan Centre and surrounding area; and
    - d. Responds and contributes positively to the sense of place.
4. ~~Encourage the development of framework plans for the precinct prior to the construction of new buildings or development within the precinct to:~~
  - a. ~~promote distinctive high quality design for new development to enhance the precinct's urban form and integrate with the adjoining metropolitan centre and surrounding neighbourhood.~~
  - b. ~~require the design and external appearance of new buildings and structures to respect existing buildings, be sympathetic to the amenity values and historic character of the surrounding area, and enhance the streetscape and gateway locations of the precinct.~~
  - c. ~~limit building height in parts of the precinct to protect identified volcanic view shafts, and to provide a transition from lower buildings adjacent to the boundary of residential or public open space zoned land to higher buildings in the core of the precinct to internalise adverse effects such as visual dominance, overshadowing and wind.~~
5. Protect and enhance the visual amenity values and safety of adjacent public open spaces through the appropriate site layout and design and external appearance of buildings and other structures including encouraging building frontages and activities to interact with the street and other public places where appropriate.
6. Require screening ~~or~~ landscaping of waste management facilities service areas/buildings and car parking to enhance their appearance when viewed from adjacent areas or the public realm.

7. Require buildings adjacent to publicly accessible private open spaces, and pedestrian linkages and through sites to be designed and located to overlook these spaces and contribute to their safety.
8. Require development to maintain and provide an integrated network of key pedestrian and cycle linkages, open space and plazas within the precinct campus, consistent with tertiary education activities and campus operations.
9. ~~Encourage~~ Require subdivision and development to incorporate integrated multi-modal transport planning that:
  - a. ~~provides promotes and enhances opportunities for~~ bicycle facilities and integration with public transport including bus facilities and providing for integration to the Grafton rail station
  - b. identifies and provides for a network of pedestrian, cycle and vehicular linkages to and through the precinct campus
  - c. avoids, remedies and mitigates adverse traffic effects on the transport network and pedestrian and residents' safety and amenity.
  - d. restrict new vehicular access points into the site to avoid adverse effects on the transport network, particularly the safe and efficient operation of public transport on Khyber Pass Road.
  - e. avoids new signalized access/roads/intersections onto Khyber Pass Road to avoid adverse effects on the transport network, particularly the safe and efficient operation of public transport on Khyber Pass Road
  - f. stages subdivision and development with necessary transport infrastructure and upgrades where adverse effects on the transport network cannot be avoided, remedied and mitigated.
10. The expected traffic generated by activities in the precinct should be managed to avoid, remedy and mitigate adverse effects on the safety and efficiency of the surrounding transport network
11. Require an integrated transport assessment (ITA) to be developed for the precinct as part of the first subdivision (other than controlled activities) and/or any new development that is a high traffic generator or greater than 2500m<sup>2</sup> GFA for tertiary education or accessory activities and over 1000m<sup>2</sup> GFA for other precinct and Mixed Use Zone activities.

## Precinct Rules

### 2.1 Newmarket 2 precinct

The underlying zoning of land within this precinct is Mixed Use zone. Refer to the planning maps for the location and extent of the precinct.

The provisions in Chapter I for the underlying zone and Auckland-wide provisions of Chapter H apply in this precinct unless otherwise specified below

The rules in this section implement the objectives and policies in Chapter F, section 2.12

## 1. Activity table

The activities in the Mixed Use zone apply in the Newmarket 2 precinct unless otherwise specified in the activity table below.

The underlying zone and Auckland-wide activity tables apply in this precinct unless otherwise specified below.

Activity table Newmarket 2 precinct	Activity Status
Activities not provided for	<u>D</u>
<b>Accommodation</b>	
Dwellings accessory to <u>Tertiary educational facilities</u>	P
<u>Student accommodation</u>	<u>P</u>
<u>Visitor accommodation accessory to Tertiary educational facilities</u>	<u>P</u>
Boarding house accessory to <u>Tertiary educational facilities</u>	P
<u>Retirement villages</u>	<u>D</u>
<u>Supported residential care</u>	<u>D</u>
<b>Commerce</b>	
<u>Commercial sex premises</u>	<u>D</u>
<u>Drive through restaurant</u>	<u>D</u>
<u>Funeral directors' premises</u>	<u>D</u>
<u>Licensed premises accessory to Tertiary education facilities</u>	<u>P</u>
Laboratories	P
<u>Service stations</u>	<u>D</u>
<u>Repair and maintenance services</u>	<u>D</u>
<u>Retail accessory to Tertiary education facilities</u>	<u>P</u>
<u>Light manufacturing and servicing accessory to Tertiary education facilities</u>	<u>P</u>
<u>Entertainment facilities accessory to Tertiary education facilities</u>	<u>P</u>
<u>Offices accessory to Tertiary education facilities</u>	<u>P</u>
<b>Community</b>	
<u>Community use of education and Tertiary education facilities</u>	<u>P</u>
<u>Informal recreation</u>	<u>P</u>
<u>Organised sport and recreation</u>	<u>P</u>
<u>Public amenities</u>	<u>P</u>
<u>Displays and exhibitions</u>	<u>P</u>
<u>Information facilities</u>	<u>P</u>
<b>Development</b>	
<u>Additions to buildings established before the date of plan notification but prior to the approval of a framework plan that are less than 10 per cent of the existing GFA or height of the building</u>	<u>RD</u>

Alterations to buildings established before the date of plan notification but prior to the approval of a framework plan that are: - less than 10 per cent of the total surface area of the building façade, or - 15m <sup>2</sup> whichever is the lesser	RD
Any buildings or development complying with an approved framework plan	RD
Any buildings or development, except for alterations and additions provided for as permitted activities in this precinct, not complying with an approved framework plan or prior to the approval of a framework plan	NC
Accessory buildings	P
Subdivision of less than four sites	RD
Any new vehicle crossing or changes to an existing vehicle crossing or new road	D
<b>Framework plans</b>	
A framework plan, amendments to an approved framework plan or a replacement framework	D
A framework plan, amendments to an approved framework plan or a replacement framework plan not complying with clause 3.1 below	NC

## 2. Notification

Restricted discretionary resource consent applications for framework plans, and amendments to approved framework plans, will be considered without the need for public notification. However, limited notification may be undertaken, including notice being given to any land owner within the precinct who has not provided written approval to the application.

## 3. Land use controls

1. Any activity that does not comply with the land use controls is a non-complying activity unless otherwise stated.

2. Except as specified, the land use controls in the underlying Mixed Use zone apply in the precinct

The underlying zone and Auckland-wide land use controls apply in this precinct, unless otherwise specified below.

### 3.1 Framework plans

1. A resource consent application for a framework plan, amendments to an approved framework plan or a replacement framework plan must:

a. apply to all of the precinct; or

b. apply only to land that the applicant is the owner of, or for sites in multiple ownership where the owners make a joint application; and

c. comply with:

i. the general rules and information requirements applying to framework plans specified at clauses 2.6 and 2.7 of the general provisions; and

ii. the special information requirements for framework plans specified in clause 5 below.

d. seek consent for the following land uses:



- ~~i. earthworks associated with the development~~
- ~~ii. the location of building platforms~~
- ~~iii. building envelopes~~
- ~~iv. the location of land uses activities within the development~~
- ~~v. the location, physical extent and design of public open spaces, streets and pedestrian connections~~
- ~~vi. the location and capacity of infrastructure servicing~~
- ~~vii. the location and number of car parking and vehicle access to and through the site.~~

~~2. Where a concurrent application is made to infringe building height, the status of framework plan will be the same status as the development control infringement.~~

~~3. In circumstances where an approved framework plan applies, any subsequent application to infringe the building height will require an application to either amend the framework plan or an application for a new framework plan. In these instances, the activity status of the development control infringement will apply.~~

### **3.1 Transport**

1. The applicant is required to produce an Integrated Transport Assessment for the whole precinct in accordance with Chapter H.1.2 of the PAUP (in addition to the criteria specified for the relevant restricted discretionary activities in the precinct or Mixed Use zone):

- a) as part of the first subdivision resource consent application (other than for controlled activities) and/or
- b) for any development for a restricted discretionary, discretionary or non-complying activity in the precinct or Mixed Use Zone that is:
  - i. over 2500m<sup>2</sup> GFA for tertiary education or accessory activities to tertiary education or
  - ii. over 1000m<sup>2</sup> GFA for non-tertiary education related activities

### **4. Development controls**

The underlying zone development controls and Auckland-wide controls apply in this precinct, unless otherwise specified below

#### **4.1 Site frontage**

1. Any new building or additions to an existing building within 200m from the Metropolitan Centre zone must adjoin the street frontage and the ground floor must have clear glazing for at least 75 per cent of its width and 75 per cent of its height.
2. The ground floor of a new building more than 200m from the Metropolitan Centre zone must have clear glazing for at least 50 per cent of its width and 50 per cent of its height where the elevation of the building fronts a street (excluding existing vehicle access).
3. Any building fronting the street frontage must comply with the requirements of Rule 4.8 in the Mixed Use zone.

## **4.2 Accommodation at ground floor**

1. Accommodation activities must not locate on the ground floor of a building that adjoins the frontages to Khyber Pass Road and Park Road.

## **4.3 Verandahs**

1. Any new building or additions to an existing building that adjoins the frontages to Khyber Pass Road and Park Road must provide a verandah along the full extent of the frontage.
2. Any new building or additions to an existing building that adjoins any internal pedestrian network through the site must provide a verandah along the full extent of the frontage.
3. Any verandah in 1 and 2 above must comply with the requirements of Rule 4.13 in the Mixed Use zone.

## **4.4 Dwellings accessory to a tertiary education facilities, visitor accommodation accessory to tertiary education facilities, boarding house accessory to tertiary education facilities and student accommodation.**

1. Dwellings accessory to tertiary education facilities must comply with the Terraced Housing and Apartment Building zone provisions.
2. Visitor accommodation accessory to tertiary education facilities, boarding house accessory to tertiary educational facilities and student accommodation must comply with outlook space in the Terraced Housing and Apartment Building zone provisions.

## **5. Assessment – Restricted discretionary activities**

### **5.1 Matters of discretion**

For ~~activities or~~ development that is a restricted discretionary activity in the Newmarket 2 precinct, the council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary activities in the Mixed Use zone.

- ~~1. Alterations and additions to buildings prior to the approval of a framework plan~~
  - ~~a. Building design and external appearance.~~
  - ~~b. Design of parking, access and servicing.~~
- ~~2. Buildings complying with an approved framework plan~~
  - ~~a. The matters of discretion for new buildings in clause 3.6.1.5 of the Business Zones apply.~~

1. Subdivision of less than 4 sites

- a. Refer to table 13 in Chapter 5.4 for the matters of discretion for subdivision for between 4 and 14 proposed sites

### **5.2 Assessment criteria**

For ~~activities or~~ development that is a restricted discretionary activity in the Newmarket 2 precinct, the following assessment criteria apply, in addition to the criteria specified for the relevant restricted discretionary activities in the Mixed Use zone.

- ~~1. Alterations and additions to buildings prior to the approval of a framework plan.~~

- a. ~~building design and external appearance~~
  - i. ~~the proposed alteration or addition to an existing building should be designed with consideration to the architecture of the existing building and respond positively to the visual amenity of the surrounding area.~~
  - ii. ~~buildings should have clearly defined public frontages that address the street and public open spaces to positively contribute to the public realm and pedestrian safety.~~
  - iii. ~~alterations and additions should be designed as a coherent scheme and should demonstrate an overall design strategy that contributes to the visual quality of development in the precinct~~
- b. ~~design of parking, access and servicing~~
  - i. ~~Carparking should be located to the rear of the building or separated from the street frontage by uses that activate the street.~~
  - ii. ~~Vehicle crossings and access ways should be designed to reduce vehicle speed, be visually attractive and clearly signal to pedestrians the presence of vehicle crossings or access ways.~~
  - iii. ~~suitable provision should be made for on-site rubbish storage and sorting of recyclable material that is:~~
  - iv. ~~of sufficient size to accommodate the rubbish generated by the proposed activity~~
  - v. ~~accessible for rubbish collection~~
  - vi. ~~located in an area not visible from the street or public open spaces.~~

#### 1. Subdivision of less than 4 sites

- a. Refer to 4.2 Assessment Criteria in Chapter 5.4 for the relevant assessment criteria
- b. Refer to the additional assessment criteria 11 to 12a applying to subdivision between 4 or more additional sites in chapter C.6.4.2.2

## 6. **Assessment – Development control infringements**

### 6.1 **Matters of discretion and assessment criteria**

- 1. In addition to the general matters set out in clause G2.3 of the General Provisions and the specific matters set out for infringements in the Mixed Use zone and Auckland-wide rules, the council will restrict its discretion to the matters below for the relevant development control infringement.

a. Outlook space, outdoor living space, minimum dwelling size, minimum dimension of principal living rooms and bedrooms, storage, servicing and waste, daylight to dwellings, separation between buildings within a site, and universal access

- i. Refer to the relevant matters in Chapter I Zone rules, Section 1.11
- ii. Refer to the relevant assessment criteria in Chapter I Zone rules, Section 1.11

## 5. **Assessment – Discretionary activities**

### 5.1 **Matters of discretion**

While not limiting the exercise of its discretion, the council may consider the particular matters specified for the discretionary activities listed below.

- 1. ~~Framework plans, amendments to an approved framework plan and replacement framework plans~~
  - a. ~~integration of the development with neighbouring areas~~
    - i. ~~a framework plan should demonstrate how the development achieves the overall objectives of the precinct, including the integration of streets, pedestrian connections and entry's, open spaces, transport connections and other infrastructure that will serve the development.~~

- b. the relationship of land form/site contours with building levels
  - i. the proposed finished contour levels across the subject land area should avoid variations between the ground floor level of future buildings and adjoining existing buildings and streets, lanes and proposed public open space
- e. the location and form of buildings (building footprints and envelopes)
  - i. building footprints, profiles and heights (as opposed to detailed building design) should establish an integrated, legible and high quality built form and spatial framework across the subject land area while also:
  - ii. avoiding monotonous built form when viewed from public open space through variation in building footprints, height and form.
  - iii. enhancing and activating proposed open space areas within the site.
  - iv. enhancing the form and function of existing and proposed streets, and lanes (including through site links) within and outside of the site
  - v. maximizing views, outlook and sunlight access for future site occupants.
  - vi. where changes are intended, the relationship of views from surrounding volcanic cones to existing and proposed buildings, open space, lanes and streets shown.
- d. the location of land use activities within the development
  - i. the location and staging of anticipated activity types and/or the location, orientation or layout of buildings should avoid or mitigates potential conflicts between activities within the subject land area.
  - ii. opportunities to establish community facilities for future occupants of the site and for the wider community are encouraged within the development.
- e. the location, physical extent and design of open space, streets and pedestrian connections
  - i. the framework plan should demonstrate a network of pedestrian and vehicular linkages is provided within the precinct that enhances its permeability and connectivity between the existing street network such as Khyber Pass and Park Road and public transport networks.
  - ii. the framework plan should demonstrate how the proposed street layout provides logical, convenient and attractive connections with other streets, pedestrian connections and open spaces within the precinct.
  - iii. the layout of buildings should ensure well-connected, legible and safe vehicular and pedestrian routes with appropriate provision for footpaths, servicing, infrastructure services and landscape treatment.
  - iv. safe, practical and efficient 24hr through-site links should be proved through the block.
  - v. the layout and design of public open space should meet the demand of future occupants of the site and be of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area.
- f. the location and capacity of infrastructure servicing
  - i. stormwater, wastewater, water supply, electricity and telecommunication infrastructure will need to be provided to adequately service the nature and staging of anticipated development within the application area.
  - ii. stormwater management methods that utilise low impact stormwater design principles and improved water quality systems are encouraged.
- g. the staging of development

- i. the framework plan should detail the methods by which the demolition and development of the site will be staged and managed to compliment the proposed open space, road and lane network and to avoid, remedy or mitigate adverse effects associated with vacant disused areas of the site.
- ii. the location and physical extent of carparking areas and vehicle access
- iii. car parking, loading and servicing areas should be integrated within the application area taking account of location and staging of anticipated activity types

## 7. Special information requirements

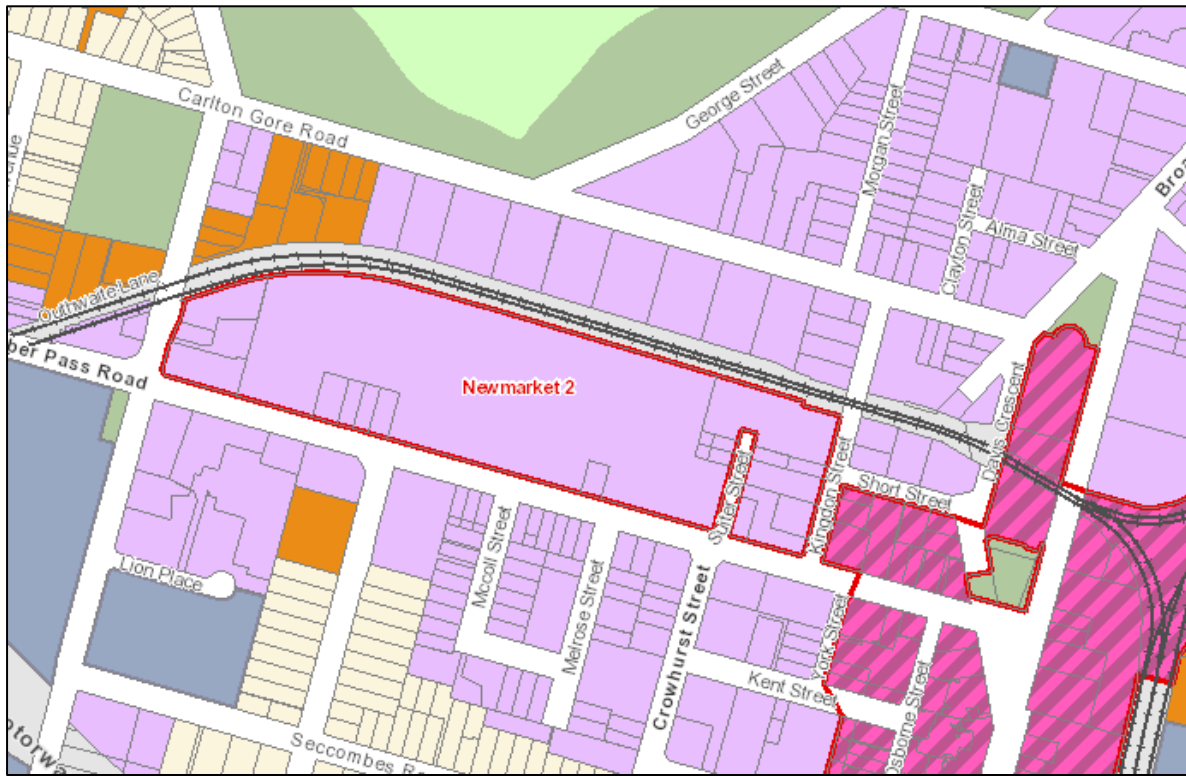
**The special information requirements in the underlying zone and Auckland-wide provisions apply in this precinct, unless otherwise specified below:**

1. An application for a framework plan, amendments to an approved framework plan or a replacement framework plan must be accompanied by the information requirements for framework plans in the general provisions and the following information:
  - a. Plans showing the proposed building profile and height as viewed from all existing and proposed street and lane frontages and existing and proposed public open spaces. Building profile means two dimensional and three dimensional building block elevations and building cross sections showing:
    - i. overall building form and height (as opposed to detailed design)
    - ii. indicative proposed floor to floor heights of each building storey
    - iii. areas at ground level adjoining existing and proposed street and public open space intended to be available for active uses
    - iv. areas of walls likely to contain windows for principal living areas of accommodation units to demonstrate how the outlook space development control will be met.
  - b. Where changes to site contours are intended, the relationship those site contours to existing and proposed streets, lanes, any adjacent coastal environment, and, where information is available, public open space.
  - c. Identification of the main pedestrian routes through the precinct area, showing how they are integrated with public transport nodes and the Newmarket metropolitan centre.
  - d. The location of stormwater, wastewater and water supply infrastructure.
  - e. The location and dimensions of vehicle access and car parking areas, and where relevant loading or service bays for all proposed activities.
  - f. The location of building platforms and land use activities.
  - g. The landscaping concept for the precinct.
  - h. Plans showing the general location of activity types which have potential to influence the staging and design of development across the subject land area

An application for subdivision of less than 4 sites must be accompanied by:

1. A design statement is required for subdivision of less than 4 sites. The design statement is required to include as a minimum the matters indicated for the creation of 4 or more fee simple sites in the Mixed use zone set out in table 15 in Chapter H.5 Subdivision

## Appendix 1: Notified PAUP zone map



**ATTACHMENT D: AUCKLAND TRANSPORT TECHNICAL NOTE**



To:	Alastair Lovell		
From:	Martin Peake		
Project:	<b>Khyber Pass Road and Park Road</b>	<b>Project No.</b>	<b>P15006</b>
Subject:	<b>Transport Network Constraints</b>		
Date:	26 <sup>th</sup> January 2016		

## 1. Introduction

- 1.1. This technical note has been prepared to set out the key transport constraints on the arterial road network in the immediate vicinity of the Proposed Auckland Unitary Plan's Newmarket 2 Precinct.

## 2. Network Context

- 2.1. The Newmarket 2 precinct is bounded by Khyber Pass Road (a Regional Arterial Road) and Park Road (a District Arterial Road). These roads are key strategic links around the perimeter of Auckland CBD and provide connections to the strategic road network with on-ramps to the Southern Motorway (State Highway 1) just to the west of the proposed Precinct. Khyber Pass Road links the proposed Metropolitan Centre of Newmarket to the State highway, with Park Road providing access to the hospital and the CBD.
- 2.2. The most recent traffic counts in March 2007 show that Khyber Pass Road carries around 29,700 vehicles per day and Park Road 14,600 vehicles per day.
- 2.3. Both Khyber Pass Road and Park Road are part of the Frequent Service Network. With the proposed New Bus Network, Park Road and Khyber Pass Road are anticipated to carry 62 buses per hour in 2018 and 74 buses per hour by 2036 past the Newmarket Precinct in the peak periods. It is a key part of the Central Connector for buses providing access to the hospital, universities and Auckland CBD.
- 2.4. There are morning and evening peak bus lanes along Khyber Pass Road providing priority for buses services. The possibility of extending the hours of operation of these lanes is being considered. There are already bus lanes on Park Road that operate 24 hours per day, 7 days per week.
- 2.5. Grafton Train Station is located on the corner of Khyber Pass Road / Grafton Road. The frequency of trains through the station is currently every 15 minutes per direction. Following construction of the Central Rail Link the frequency of trains is forecast to be at least every 10 minutes at peak.
- 2.6. The Gillies Avenue / Crowhurst Street corridor is an arterial road with around 15,000 vehicles per day. It provides access to the State highway network (State Highway 1) and is a significant link to the airport. Land uses along the corridor are primarily residential with numerous schools and a campus of the University of Auckland.

### 3. Future Development of Corridors

- 3.1. Auckland Transport has prepared Corridor Management Plans (CMP) for various arterials in the vicinity of Newmarket. CMPs set out the long term (30 year) strategic direction for the management of key arterial roads and identify a range of future transport infrastructure. They consider the corridor deficiencies and issues in combination with the proposed lane uses and anticipated growth, as identified in the PAUP. The CMPs set out a vision of outcomes for the corridor and the required transport objectives to achieve them.
- 3.2. There have been a number of CMPs in the vicinity of Newmarket including, Khyber Pass, Park Road, Gillies Avenue, Broadway, and Manukau Road.
- 3.3. For the sections adjacent to the proposed Newmarket 2 Precinct, the Khyber Pass and Park Road CMPs are the most relevant. The CMP identifies the following transport outcomes:
  - Bus lanes in both directions and a general traffic lane in each direction. This is to improve bus operation on the Central Connector (by establishing a central bus lane in the westbound direction).
  - Corridor wide improvements for cyclists and pedestrians. This is to be achieved by widened kerbside lanes for cyclists and widened footpaths.
  - Optimise performance of the route as an arterial.
  - Minimising provision of new access points or intersections with traffic movements consolidated at existing accesses and intersections.
  - Eliminate on-street car parking.
  - Consider establishing a mid-block pedestrian crossing across Khyber Pass Road (between Park Road and Crowhurst Street).
  - Upgrade Crowhurst Street intersection (long term).
- 3.4. Although the Gillies Avenue - Crowhurst Street corridor does not abut the proposed precinct, it is likely to be affected by traffic generated from it. The CMP for Gillies Avenue recognises the importance of pedestrians and the need for walking in the corridor. This is due to the corridor being immediately adjacent to Newmarket and with the presence of a significant number of students to the schools and university. Various improvements are identified for the corridor, all with a significant emphasis on enhancing the urban design and walkability of the corridor.
- 3.5. The Gillies Avenue CMP also identifies the issues of congestion linked to accessing the motorway and around the schools.
- 3.6. The Broadway CMP had a significant focus on Public Transport with provision for buses a high priority to better connect to the Newmarket train station and to be more coherent for public transport users. There is also a strong emphasis on the urban design elements, particularly to improve the environment along the corridor for pedestrians moving both along and across Broadway. General traffic was considered to be the lowest priority for the corridor although it is noted that bus would be sharing lanes with general traffic.

- 3.7. The above shows that the road network in the vicinity of the Newmarket 2 Precinct is a critical part of the transport network. Traffic generated from the precinct will likely result in traffic effects on these key corridors particular for public transport and for pedestrians.

#### 4. Conclusions

- 4.1. Due to the volume of buses and the strategic nature of these services, it is considered critically important that buses are protected from disruption on the route from Newmarket to the hospital and CBD.
- 4.2. Minimising the traffic effects of the Newmarket 2 Precinct will be largely dependent on access to an efficient and effective public transport system. Any significant traffic generating development for the Newmarket 2 Precinct would impact on the operation of these roads and therefore bus services to the precinct and for those bus services serving the CBD. It is therefore, important that any access or intersection is effectively managed to avoid as far as possible adverse effects on these roads.
- 4.3. Any new access or intersection should be avoided if at all possible, with traffic movements consolidated at existing accesses or intersections.

A handwritten signature in blue ink that reads "Martin Peake".

Martin Peake

26 January 2016