

IN THE MATTER

of the Resource Management Act 1991 and the
Local Government (Auckland Transitional
Provisions) Act 2010

AND

IN THE MATTER

of the Proposed Auckland Unitary Plan

**JOINT PLANNING STATEMENT OF EVIDENCE FOR
MULTIPLE PARTIES
TOPICS 043/044 - TRANSPORT**

16 JUNE 2015

1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

1.1 This is a joint statement prepared by the following qualified planners (in alphabetical order) on behalf of the listed submitters (together the Key Retailers Group or "**KRG**").

- (a) Michael Foster - Progressive Enterprises Limited ("**Progressive**")
- (b) Craig McGarr - Scentre (New Zealand) Limited ("**Scentre**")
- (c) Matthew Norwell - Bunnings Limited ("**Bunnings**")
- (d) Vaughan Smith - The National Trading Company of New Zealand Limited ("**NTC**") and The Warehouse Limited ("**The Warehouse**")
- (e) Gerard Thompson - Kiwi Income Property Trust ("**Kiwi**")

1.2 A complete list of our relevant qualifications and experience is attached as **Appendix 1** to this statement.

1.3 Although our respective qualifications and experience have been outlined in our previous statements of evidence presented to the Hearings Panel, we consider it pertinent to reiterate that we have each had extensive experience and involvement with the various KRG parties. Planning for retail development is an area in which we all have vast knowledge and understanding, both in the broader New Zealand context and in the specific Auckland context. This has enabled us to help craft a workable set of provisions in relation to transport as it applies to large format retail, supermarkets and integrated shopping centres.

1.4 We consider the provisions proposed by the KRG will enable and promote the functional and operational viability of retail in Auckland, which is necessary in order to provide for the expected growth over the next 30 years and assist in achieving the Auckland Plan's vision of making Auckland the "world's most liveable city".

Code of conduct

- 1.5 We confirm that we have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. We have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Hearings Panel. Except where we have stated that we are relying on the evidence of another person, this written evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 1.6 This statement addresses Clause G1.4B, and Chapters C1.2 and H1.2 ("**transport provisions**") of the Proposed Auckland Unitary Plan ("**Unitary Plan**").

Key Retailers Group

- 1.7 The parties listed above in paragraph 1.1 have formed the KRG. The establishment of the KRG is, in our, view significant and novel. Each member of the KRG recognises the importance of the Unitary Plan and the need to provide workable provisions for Auckland over the coming decades. The purpose of the KRG is to work together to focus on the requirement in the Resource Management Act 1991 to promote the sustainable management of natural and physical resources by enabling people and communities to provide for their social and economic well-being. The KRG has narrowed issues raised in the individual entities' submissions and provided, where possible, consolidated relief in order to ensure an efficient and streamlined approach to the Unitary Plan hearing process.
- 1.8 Prior to the mediation sessions on the transport provisions, the KRG met several times to agree a consolidated version of their proposed changes to the transport provisions. Additional meetings were held with Auckland Council ("**Council**") to endeavor to further narrow the

differences between the two groups. This included both formal and informal expert conferencing between the traffic experts.

- 1.9 The KRG's consolidated relief was provided without prejudice to the Council on 23 February 2015. Council provided its proposed track changes to the transport provisions on 15 April 2015. Some areas of disagreement were resolved through this process.
- 1.10 At the mediation sessions held on 23 - 24 April and 6, 14 - 15, 20 - 22 May 2015, the parties resolved further issues. However, throughout the informal and formal mediation sessions, there remained a fundamental disagreement between the KRG and the Council as to the approach that should be taken to parking in the Unitary Plan; specifically, whether the Unitary Plan should only specify maximum parking rates, or whether it should also include minimum rates for certain activities.
- 1.11 The Council's track changes, attached to the evidence of Kevin Wong-Toi, are an improvement on the notified version, however, the KRG still has a number of serious concerns, which are addressed in this Joint Planning Statement. Consolidated relief sought by the KRG is set out in **Appendix 2** to this evidence.
- 1.12 Argosy Property Limited, Goodman, McDonalds Restaurants (NZ) Limited, Todd Property and University of Auckland also support the KRG's approach and endorse this evidence.
- 1.13 Additionally, the KRG's traffic experts have prepared joint traffic evidence, Mr Colgrave has prepared economic evidence on behalf of the KRG, and the KRG members have provided individual corporate evidence briefs. These statements should be read and considered collectively.

2. EXECUTIVE SUMMARY

- 2.1 In our opinion, and for the reasons set out in this statement, the Hearings Panel should accept the relief sought by the KRG, as set out at **Appendix 2** to this evidence.

2.2 To summarise our position:

Parking

- (a) Adequate parking supply is essential for retail activities in particular because the car is, and will continue for the foreseeable future to be, the preferred transport mode to access those activities.
- (b) Ideally, all activities in centres should contribute to the overall parking supply; or at least, the effects (positive as well as adverse) of a shortfall in parking compared with a minimum requirement should be assessed.
- (c) A balanced approach is required to the provision of parking in centres and parking minima should apply to most activities. A lack of parking minima, leading to an inadequate parking supply over time, will adversely effect the viability of businesses and of centres.
- (d) Maxima may be appropriate for some other activities in centres but solely applying maximum limits to parking will lead to an undersupply of parking.
- (e) Creating an undersupply of parking in centres will also have adverse consequential effects on the street environment in surrounding residential areas and on the ability of residents (and their visitors) in those areas to park outside their properties.

Integrated Transport Assessments

- (f) The KRG is seeking the deletion of clause G1.4B to make clear that the provision of an integrated transport assessment ("ITA") when applying for a resource consent is not mandatory. The KRG considers schedule 4 of the Resource Management Act ("RMA") provides clear guidance as to what is to be included in a consent application, and that clause

G1.B4 may have the effect of duplicating and, in some circumstances, contradiction the requirements of schedule 4.

Trip Generation

- (g) The KRG considers that the trip generation thresholds as notified were too low and the criteria by which applications were to be assessed were inappropriate. The KRG still seek changes to the thresholds, but considers the assessment criteria are now appropriate.

Cycle Parking

- (h) The KRG accepts that provision of cycle parking for cyclists is important. However, the KRG is seeking the removal of "secure", given the absence of a definition for this term. The KRG also considers the short-stay and long-stay rates for offices are too high and that these should be reduced.

End of Trip Facilities

- (i) The KRG is seeking the deletion of 'offices' in relation to end of trip facilities in Activity Table 7. The KRG considers these should not be mandated in the Unitary Plan.

Parking and Loading

- (j) The KRG is seeking the inclusion of 'operational' in relation to Objective 4 and Policies 12, 14 and 15. The KRG considers that the term 'functional' does not adequately recognise the operational requirements of retailers.

Access

- (k) The KRG is also seeking the inclusion of operational in relation to Objective 4 as it relates to access.
- (l) Regarding Key Retail Frontages, the KRG supports the amendments made by the Council to Activity Table 12 and Rule 3.4, as these address the KRG's concerns.

- 2.3 The version of the transport provisions set out at **Appendix 2** to this evidence fully resolves our concerns.

3. INTEGRATED TRANSPORT ASSESSMENTS

- 3.1 In the notified version of the Unitary Plan, Rule G2.7.9 stipulated a number of circumstances where integrated transport assessments were required. The rule as notified was not supported by the KRG.
- 3.2 In the amended version of the transport provisions that was released prior to mediation, Council has amended its stance so that the rule stipulating when an ITA is required was deleted. It was instead replaced with a new clause, G1.4B, under the overall heading “Information requirements for resource consent applications”.
- 3.3 The intended effect of this change is that ITAs are no longer to be mandatory, rather, the Unitary Plan now gives guidance as to the circumstances when Council thinks an ITA should be prepared.
- 3.4 Whilst the KRG considers the revised approach to be preferable, the language of clause G1.4B remains directive and includes the passage (emphasis added):

Auckland Council supports these recommendations [the AT ITA guidelines] and in general **will require** that an ITA be lodged in the following circumstances:

- 3.5 Clause G1.4B.3 and its reference to clause H1.2.6 is particularly problematic in that the wording is effectively cast as a rule (emphasis added):

4A. Any activity which is not specifically provided for in the activity tables for the zone, and which will generate 100 vehicles or more (any hour) **must** include an Integrated Transport Assessment prepared in accordance with the Auckland Transport ITA Guidelines in force at the time of the application.

- 3.6 The guidance, therefore, continues to read as a rule and, in the KRG’s experience, many processing planners are likely to interpret it as such. The preparation of an ITA can be a significant undertaking, both in

terms of time and cost. The circumstances, however, when an ITA is appropriate vary considerably and the KRG is reluctant to see any provisions in the Unitary Plan that mandate when one might be required.

- 3.7 The mandatory nature of the ITAs is more concerning given that, under the policy, it needs to be in accordance with Auckland Transport ("**AT**") ITA guidelines "in force at the time". This implies the guidelines could change and that ITAs might be held up by AT updating its models etc.
- 3.8 In the KRG's view, Schedule 4 of the RMA provides clear guidance as to what information needs to be included with an application. This includes all of the requirements set out in clause 2, and in particular clause 2(3)(c) which requires that information be submitted that "includes such details that corresponds with the scale and significance of the effects that the activity may have on the environment."
- 3.9 The KRG, therefore, consider it unnecessary to provide further guidance in the Unitary Plan (particularly in such a directive manner), that duplicate and, in some circumstances, may contradict the requirements of RMA Schedule 4.
- 3.10 The preference of the KRG is that clause G1.4B be deleted. If the clause is to be retained, the KRG considers that clause H1.2.6 should be amended so that the word "must" is replaced with the word "may" as set out below:

4A. Any activity which is not specifically provided for in the activity tables for the zone, and which will generate 100 vehicles or more (any hour) ~~must~~ may include an Integrated Transport Assessment prepared in accordance with the Auckland Transport ITA Guidelines in force at the time of the application.

- 3.11 Using the word "may" instead of the word "must" will make it clear that the guidance is not intended to be read as a rule and will minimise the risk of processing planners requesting that ITAs be prepared unnecessarily. It also recognises that a traffic assessment may be

made without it being an ITA prepared in accordance with AT guidelines.

- 3.12 If the above change was adopted, the provisions would be more consistent with the requirements of clause 2(3)(c) of RMA Schedule 4.

4. TRIP GENERATION

- 4.1 The notified version of the Unitary Plan included a trip generation rule (H1.2.3.1) for out-of-centre activities that triggered an assessment against a range of matters set out in H1.2.5.2.9 as a restricted discretionary activity.
- 4.2 The KRG accept that it is appropriate that, beyond a certain threshold, the traffic effects of some out-of-centre activities be assessed. The KRG, however, considered that the thresholds as notified were too low and that the criteria by which applications were to be assessed were inappropriate.
- 4.3 The trip generation provisions were discussed extensively at mediation and the KRG considers that it would be more appropriate to use 100 vehicle trips per hour as the trigger for a traffic assessment rather than the 60 vehicle trips per hour.
- 4.4 Notwithstanding that the KRG considers that changes should be made to the thresholds, they do support the restricted discretionary activity assessment criteria now set out in clause H1.2.5.2.1A as being an appropriate basis on which applications should be assessed.
- 4.5 In addition to the above, the KRG seek that the following underlined words be added to clause 1B to clarify when a previously-prepared ITA can be relied upon:

1B this rule does not apply where:

- i. development is being undertaken with trip generation characteristics in accordance with a consent or provisions previously approved on the basis of an Integrated Transport Assessment.

- 4.6 As presently worded, the exemption only applies if the development or activity as a whole is being undertaken in accordance with an approved consent or ITA. It is often the case, however, that approved developments get varied for reasons that have nothing to do with trip generation (eg tenancy changes or design changes to a building that do not alter overall GFA but trigger a need for a s127 application).
- 4.7 The KRG considers that the provisions would be improved if it was made clear that an approved consent or ITA can be relied upon unless the trip characteristics of the development or activity are altered (as opposed to any other aspect of the development or activity being altered).

5. CAR PARKING

Characteristics and requirements of retail activity in relation to parking

- 5.1 Most shops and shopping centres are accessed most conveniently and practically by private motor vehicle. The typical shopping trip is not necessarily compatible with public transport timetables; often undertaken by a parent and children or groups of adults; and often involves multiple destinations. Multiple destination trips can include visits to other retail destinations as well as travel associated with other activities such as social functions and sports events, education, entertainment and dining. Frequently, a shopping trip involves the purchase of multiple items (such as with supermarket or department store shopping) or bulky goods (as sold by many large format stores). As well as being the most practical and convenient way of accessing shops, in a “time-poor” society the car is usually the most time-efficient means of travel to visit these activities.
- 5.2 For these reasons, public transport is far less likely replace car travel to a significant extent for accessing retail destinations irrespective of the quality of public transport services.
- 5.3 Regardless of whether centres are aesthetically attractive, the main reason centres are attractive destinations for retail customers is that,

by visiting a centre, multiple activities or services can be accessed in one location. Because most visits are made by car, the provision of adequate short-term parking is absolutely essential for the viability of individual activities within a centre, and of the centre itself.

- 5.4 If a centre is more attractive than other nearby centres a shortage of parking will lead to adverse effects on neighbouring residents due to overflow parking on the surrounding streets. If other centres are equally attractive, or more attractive (as a consequence of the availability and convenience of parking) although further away, a proportion of potential customers will simply bypass the centre with an inadequate parking supply and travel to a centre that is more convenient to visit. Other factors being equal, a parking shortfall in a centre also has the effect of making an out-of-centre shopping destination more attractive to visit than one in a centre.
- 5.5 In contrast to retail activities, which require short-term parking, office and tertiary education activities require a supply of long-term parking. Most visits to these activities comprise daily commuting to and from places of work, and daily trips associated with attending schools and other educational facilities. In general, these trips are predictable and recurring. Because of those trip characteristics, car travel for these activities is relatively amenable to replacement by public transport and a policy of restricting parking can be effective in encouraging the use of public transport rather than the use of the private motor vehicle. However, it must be acknowledged that restrictions on commuter parking also generate adverse effects associated with parking restrictions such as spill over effects on surrounding streets, an increased cost of travel for those for whom public transport is unavailable or unattractive, and an increase in the attractiveness for office activities (in particular) located in areas where there is not an undersupply of parking.
- 5.6 The cost of providing parking is a natural restraint on the supply of parking associated with developments. The total cost of forming one on grade parking space can be as much as \$10,000. With commercial land in Auckland's suburbs costing about \$500/m² (at the

low end of the range), the total cost of one on grade parking space (including 30m² of land) can exceed \$25,000. Each parking space in a purpose-built parking building can cost \$20,000 – \$25,000 (excluding land cost) and basement parking can cost in the order of \$40,000 per space (excluding land cost). Given the high cost of providing parking, it is our view that requiring a minimum level of parking with development with no maximum limit is unlikely to lead to an oversupply of parking.¹

Council's approach to parking – notified provisions

5.7 The Council's approach to parking is to remove parking minima and apply parking maxima to development in the Metropolitan, Town Centre, Local Centre (except "Rural Satellite Centres"), Mixed Use and Terraced Housing and Apartment Buildings zones, as well as to the area to which the City Centre Fringe overlay applies. This reflects the approach to parking in the legacy district plan applying to the City Centre over a number of years (and which is continued for that area in the Unitary Plan). For all other zones, minimum parking rates are retained except for office activities, for which maximum rates apply regardless of location.

5.8 The rationale for this approach has its basis in the following list of matters in the Council's section 32 report:²

- "Parking occupies land which may be more optimally used in another way" and "can be expensive to provide" (efficient use of land and cost of development).
- "Parking can have an adverse effect on the built environment by being aesthetically unpleasant or breaking up the character of areas" (effects on urban amenity).
- "Parking availability can be an important determinant of transport mode choice" (increased use of public transport and other modes as alternatives to car use).

¹ Construction and land cost information has been provided by NTC, Kiwi and Scentre Group.

² Accessory parking – section 32 evaluation for the Proposed Auckland Unitary Plan, paragraph 1.2

- “Parking availability can impact upon congestion levels” (through discouraging the use of cars).

5.9 However, although this does not appear to have been a significant determinant in the development of the parking provisions, it is acknowledged that “parking availability can be important to the economic well-being of businesses (e.g. short-term parking for retail customers)”.³

5.10 In summary, the rationale for the notified approach to parking is that it will support urban amenity and the efficient use of land, and support the reduction in car use and increasing use of public transport.

The Council's Justification for its Approach

5.11 Mr Wong-Toi reflects this rationale in his statement of evidence when he explains that the Council’s approach to the application of parking maxima and the removal of parking minima in some Business zones is two-fold:⁴

- the removal or relaxation of minimum parking requirements is “intended to encourage more efficient use of land, reduce development costs and contribute to improved housing affordability”; and
- limits on the provisions of parking by the application of maxima is intended to manage the oversupply of parking in areas identified to accommodate intensification and growth.

5.12 In Mr Arbury’s evidence on behalf of the Council he provides “strategic background to the approach the PAUP takes to requiring or restricting parking for vehicles”.⁵ He explains that the “region-wide approach to the application of parking maximums and minimums is intended to support the efficient use of land, reduce development costs, encourage better urban design outcomes and support public transport”.

³ Ibid
⁴ Evidence of Kevin Wong-Toi, paragraph 4.2(a)
⁵ Evidence of Joshua Arbury, paragraph 3.1.

Efficiency and cost

- 5.13 In paragraphs 6.4 to 6.14 of his evidence, Mr Arbury focuses on enabling growth and the efficient use of land by removing parking minima or requiring fewer parking spaces to be provided. He notes that “parking occupies land which may be more optimally used in another way”⁶ and that removing minima, or requiring fewer parking spaces, will “encourage and enable development and intensification of existing urban areas”. This premise fails to acknowledge that parking is an integral part of a development and, although costly to provide, are an essential component of a viable retail enterprise. In our opinion, it is illogical to say the provision of parking is an inefficient use of land when it is vital for the viability of an activity.

Management of an oversupply

- 5.14 No evidence has been provided by the Council to demonstrate that there is currently a problematic over supply of parking in any particular area.
- 5.15 At paragraph 6.40 of his evidence, Mr Arbury states that minimum parking requirements are “a regulatory intervention that seeks to increase the supply of parking above what would be provided by new developments if they were free to choose themselves”. The cost of providing parking spaces has been identified above and, in our combined experience, developers cannot afford to provide more parking than is necessary to meet the anticipated demand for parking of a particular development. Applications for resource consent for a parking shortfall under the operative district plans are regularly made and are regularly granted.

Urban design outcomes

- 5.16 Mr Arbury contrasts the built form of “high quality walkable centres” (such as Ponsonby Road, Mt Eden and Kingsland) with more recent developments (such as Manukau City Centre, Lunn Avenue and Wairau Park). He links the difference in form to the introduction of

⁶ Ibid paragraph 6.4

parking minima or dispensations granted for parking shortfalls. Of course the existence of parking minima in the region's district plans has nothing to do with the form of those centres. Quite simply, the so-called "high quality" centres cited by Mr Arbury were constructed at a time when few people had access to private motor vehicles, whereas developments occurring from the 1960s on reflect the growing affluence of the population and increasing car ownership from that time. In fact none of the more modern centres, or other clusters of retail activity, would exist if sufficient parking to meet demand from customers had not been provided.

- 5.17 The Unitary Plan includes a large number of objectives, policies, rules and assessment criteria seeking an improvement in urban design outcomes. If submissions made by the members of the KRG are accepted, these provisions will be tempered by an acknowledgement of the operational and functional requirements of the larger format retail activities, resulting in the establishment of viable enterprises and a design quality appropriate to the location of the development.

Increased use of public transport

- 5.18 Mr Arbury considers that limiting parking availability in centres will create a "disincentive to single occupant car use" and "encourage use of alternatives such as public transport, cycling, walking and carpooling".⁷ His evidence largely refers to the application of parking maxima in the City Centre, which is a unique centre with little in common with Auckland's other centres. As noted above, some categories of trip are particularly well suited to public transport because they are predictable and recurring (for example those which involve daily commuting) while other trips (such as for shopping) are far less likely to be made by public transport regardless of the quality of public transport services.
- 5.19 At paragraph 4.1(c)(iii) Mr Donovan states that removing minimum parking requirements will have "significant direct and indirect transport benefits" by directly reducing traffic congestion and indirectly

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Ibid, paragraph 6.30

supporting the use of non-car transport modes. Because of the propensity of people to undertake shopping trips by car, it is our view that a reduction in the supply of parking in centres is likely to increase traffic congestion (and distance travelled) as customers focus their shopping on centres with sufficient parking and travel further in many cases than they would otherwise. Although public transport usage is likely to increase to some extent, for the reasons stated above, that increase is highly unlikely to be significant.

Conclusions regarding Council's justification

5.20 In justifying its parking proposals in terms of maxima and minima for development in centres, the Council appears to be assuming that:

- there is currently an oversupply of parking in centres;
- this is affecting the rate and intensity of development;
- retail customers will patronise centres with an inadequate parking provision;
- removing minima and applying maxima will lead to a significant use of other modes of travel, particularly public transport;
- development will be cheaper and sites will be used more efficiently;
- spill over effects will be managed without adversely affecting the viability of centres or creating restrictions on the ability of residents and their visitors to use on-street parking in neighbouring residential areas; and
- overall, the viability of centres and activities within centres will not be adversely affected by the proposed approach.

5.21 For the reasons given above, we consider that these assumptions are erroneous.

Implications of Council approach

5.22 The KRG considers that the Council's desire to utilise controls on parking to assist with goals such as intensification and increased public transport patronage has been pursued based on theoretical assessment, without due regard to the practical implications on the

viability of retail activity and centres, or impacts on the wider community. These practical implications are of considerable concern to the KRG.

- 5.23 In our view, if the Council's approach is accepted, there will be three main impacts. The first two have been termed "spill over effects" in the evidence prepared on behalf of the Council. If there is no rule requiring a minimum level of parking to accompany new development in centres, the parking demand generated by that development will have to be accommodated off-site either in the streets surrounding centres or through the illegitimate use of parking provided by others. The third impact relates to the ongoing viability of centres and activities in centres.

Overspill into residential areas

- 5.24 If there is no requirement for parking on-site for individual developments in centres and in other areas identified for intensification, pressure will come on the surrounding neighbourhood from staff, customers and other visitors utilising parking spaces on the streets in what are predominantly residential areas. We are aware that this is a very important matter currently affecting the residents of St Marys Bay and Freemans Bay, as a result of the limits placed on parking supply in the City Centre. The same problem is occurring in other residential areas close to the City Centre. The under-provision of parking, which will occur in many centres over time, will become an increasing source of frustration for those living in close proximity to the centres and will continue to adversely affect the quality of the environment in those areas.
- 5.25 In paragraphs 110 to 114 of her evidence on behalf of the Council, Ms Joyce addresses these parking overspill effects. She acknowledges that "increased demand for on street parking" may result from the removal of minimum parking rates and that parking management plans, prepared by Auckland Transport, may increasingly be needed. On behalf of Auckland Transport, it is Mr Ebbett's view that Auckland Transport has the ability to manage the local effects of spill over

parking in relation to public streets, presumably through neighbourhood parking restrictions (such as resident only parking). This has limited benefit and largely transfers the problem further afield.⁸

- 5.26 This problem has been caused, in the main, by the Council's parking policies as they have been applied to the fringes of smaller local centres, which historically have not had the ability to provide parking. In our opinion, it is not good resource management practice to facilitate the exacerbation of this adverse effect through the implementation of parking maxima in centres and other zones that are expected to intensify over time.

Illegitimate use of parking areas

- 5.27 Under the legacy district plans (with a small number of exceptions), all activities within a centre have been required to provide parking, or to apply for resource consent for approval for a shortfall. The minimum parking requirement has been set at a rate that reflected the anticipated demand generated by the activity. This provided a degree of fairness with all activities treated equitably. The current Council proposal has no quality of equity associated with it because only those retailers who must provide parking for their own viability will provide it, while others will not. Those larger retailers will then be required to bear the cost of managing the parking provided in order that its customers are able to utilise it.
- 5.28 The operators of larger retail formats (including members of the KRG) must provide sufficient parking spaces for their customers in order to ensure the viability of a store or the overall viability of a shopping centre. As noted above, parking spaces are very expensive to provide and it is our combined experience with the consenting of retail developments that retailers will only provide as many parking spaces as are required to meet demand. With a stand-alone store, although there may be a degree of sharing between adjacent activities, an operator should only have to provide parking for its own customers. In

⁸ Evidence of Scott Ebbett, paragraphs 6.1 and 6.2

Auckland's traditional shopping centres the larger format retailers often provide a pool of parking that is utilised by visitors to the centre in general. This can be acceptable when there is other parking available, such as in Council owned or privately operated parking areas or buildings that are shared, in turn, by all of the centre's visitors. However, when new development occurs with no recognition of the parking demand it generates, private parking areas will increasingly be utilised by visitors to other activities or facilities.

- 5.29 At paragraph 7.25 of his evidence on behalf of the Council, Mr Wong-Toi acknowledges the retailers' concern that parking provided by larger retailers will be used by the customers of retailers who have not provided any parking, however he states that this is not supported by evidence. We disagree. The Joint Transport Statement⁹ and corporate evidence,¹⁰ provide examples of where this situation occurs. Even so, we consider that neither empirical evidence nor theoretical modelling is required to demonstrate this point. Logically it is clear that the most conveniently located available parking spaces will be used by the customers of businesses that do not themselves provide parking.
- 5.30 In the same paragraph, Mr Wong-Toi concludes that this is "an enforcement matter that is managed by the retailer (as is the current situation)".¹¹ The implication here is that, while the Council acknowledges that its parking policies will generate adverse effects, private property owners (larger retailers in this case) are expected to carry the cost of mitigating those effects. On behalf of Auckland Transport, Mr Ebbett states that "any operator of a large car park with public access should expect to have to manage their parking to ensure proper use".¹²
- 5.31 We are aware that many owners of large parking spaces do, out of necessity, manage their parking areas, primarily through time limits and enforcement. As Mr Ebbett notes, even under the legacy plans,

⁹ At [4.23].

¹⁰ Evidence of Adrian Walker, on behalf of Progressive at paragraph 3.11; Evidence of Linda Trainer on behalf of Scentre, at paragraph 5.13.

¹¹ Ibid, paragraph 7.25

¹² Ibid, paragraph 5.30

this has proved to be necessary. At Westfield Manukau, which Mr Ebbett identifies as an example, the District Court development included very little provision for parking, resulting in the parking area serving the shopping centre being utilised by visitors to that facility. Visitors to the Council offices also make use of the Westfield parking area. The use of this publicly accessible parking area is an ongoing issue for the operators of the shopping centre.¹³ Retailers are reluctant to actively police the use of their parking areas because of the cost and the adverse publicity that enforcement can bring. The management of the use of parking spaces will become increasingly necessary, however, and the retailer will bear the cost of providing additional parking spaces to accommodate longer stays by customers shopping at other premises other than the facility served by the parking area.

- 5.32 In order to achieve outcomes from restricting the parking supply in centres (which are theoretical outcomes), the Council is proposing that the costs of mitigating the effects of their policies (which are real effects) should fall on the providers of private parking. The providers of parking will not only incur monetary costs but also costs in terms of customer relations by potentially penalising genuine customers as well as those utilising the parking area but not patronising the retailer providing the parking spaces.

Negative impact on the viability of centres and activities

- 5.33 There is another matter which we consider to be an important long-term implication of the Council's approach to parking in centres. With the implementation of parking maxima and the removal of minima, there will be a disincentive for new developments within centres to provide parking sufficient to meet the demand generated by those developments. The Council proposes that over spill parking in the surrounding streets resulting from an undersupply of parking will be controlled by Auckland Transport to give priority to residents' parking. The Council also expects that the use of existing parking areas in the centre will be tightly controlled by the owners of that parking. The

¹³ Evidence of Linda Trainer, on behalf of Scentre, at paragraph 5.13(a).

reasons why a dramatic shift to public transport for accessing retail activities is unlikely to occur have been outlined above and in the Joint Transport Statement.

- 5.34 As a consequence of this chain of likely outcomes, the viability of the centres will be impacted as customers patronise other centres, or other locations, where a greater supply of parking is available. In addition, those centres will become less capable of meeting Council's expectations for intensification.
- 5.35 Furthermore, travel congestion is likely to increase rather than decrease and the overall transport system will be less efficient than it would otherwise be, as retail customers travel longer distances to visit those centres with the most generous parking supply. In our opinion, there will also be a propensity for larger retailers to seek to establish in locations, including out of centre locations where the parking that is provided will be available for its customers to utilise.¹⁴
- 5.36 The benefits of the proposed parking provisions are theoretical and, although economic modelling has been carried out to show the overall benefits will off-set costs, if the benefits don't accrue as hoped for, the net costs of the Unitary Plan provisions will be significant.
- 5.37 In the table in paragraph 6.7 of his evidence, on the costs of providing a minimum requirement for parking, Mr Donovan has included "reduces value of development". The value of retail development is directly related to its profitability (and should not be confused with the cost of development). A retail development with an adequate parking supply either on-site or in a shared facility will be more profitable than one with constrained parking and the value of that development will be increased. In that regard it is also erroneous to assume that building development and the provision of parking spaces are mutually exclusive. There are many examples of multi-level development incorporating parking and these will become more feasible with the increased height limits provided for in the Unitary Plan, the increasing

¹⁴ This is also discussed in the Joint Transport Statement, at paragraph 4.19.

land value around centres and the deletion of the floor area ratio controls across most of the business zones.

Provisions proposed by Key Retail Group

- 5.38 The KRG has not taken a position on the parking provisions applying to the City Centre and City Centre Fringe areas, but has proposed both minimum and maximum rates for specific activities in the Metropolitan Centre, Town Centre, Local Centre, Mixed Use and Terrace Housing and Apartment Buildings zones (by separating the provisions applying to those zones onto a new Table 4). It considers that the minimum parking rates applying to all other zones are appropriate in relation to the activities of particular interest to the KRG.
- 5.39 Amendments are proposed to the Background and Objectives and Policies in section C1.2 of the Unitary Plan that reflect the KRG's proposal. In order that the provisions adequately reflect reality, the KRG propose that the Background to C1.1 read as follows (KRG changes shown in ~~strike through~~ and underline):

~~The current predominance of private vehicle travel and the accompanying requirements for parking is recognised in terms of both the positive and adverse effects associated with accommodating these parking requirements.~~

~~Parking is an essential component of Auckland's transport network and the management of parking as it can have major implications for the convenience, economic viability, design and layout of an area and the function of the transport network, as the private motor vehicle is the preferred mode of travel for many activities.~~ It is important that sufficient and conveniently located parking is ~~managed and provided for~~ in a manner that supports urban amenity, and the efficient use of land and the operational and functional requirements of activities.

- 5.40 Minimum parking rates have been proposed in Table 4, as set out at Appendix 2 to this Joint Planning Statement, for those activities most likely to contribute to overspill effects at times of peak parking demand in centres and mixed use areas. These include retail activities, commercial services, recreation facilities, entertainment facilities and community facilities. The rates chosen are not as onerous as those in the legacy plans, as it is acknowledged that since the legacy requirements were established, the extent of parking required has

been refined. However, they will be triggers for resource consent to ensure that an assessment of effects is carried out when it is proposed to provide no parking or inadequate parking for a new activity.

- 5.41 The KRG proposes that some activities are exempt from the minimum parking requirements. It is unrealistic to expect on-site parking to be provided for very small developments, on small sites, or for the redevelopment of sites within traditional centres. The latter have generally been identified in the Unitary Plan by the application of a character overlay (such as Kingsland and Mt Eden) or a character statement associated with precinct provisions (such as St Heliers).
- 5.42 Resource management practitioners are aware of the frustration felt by property owners when a resource consent is required for a change of use between activities with similar parking demands. A further exemption from the minimum parking requirement is therefore proposed when it is proposed to change from a retail activity (as defined in the nesting table, ie including food and beverage) to a commercial services activity or vice versa.
- 5.43 Although the KRG considers that it is extremely unlikely that any developer will provide more parking than is necessary to meet the demand from its staff and customers, the KRG is prepared to accept maximum parking rates to apply to those same activities at a rate that accommodates variability in demand. The rate proposed reflects the particular trip generating characteristics of each activity. No parking maximum has been proposed for residential activity in order to encourage mixed use (retail / residential) development in centres.
- 5.44 The rationale for the parking rates proposed by the KRG is given in the Joint Transport Statement prepared on its behalf.

Conclusions on car parking

- 5.45 The KRG considers that a balanced approach is required to the provision of parking in centres and that solely applying maximum limits to parking will adversely affect the viability of businesses and of the

centres themselves. An adequate parking supply is essential for retail activities in particular because the car is, and will continue for the foreseeable future to be, the preferred transport mode to access those activities. While the use of public transport and active transport modes will increase, it is our opinion that the use of cars to access these activities is unlikely to be substantially reduced because of the trip characteristics discussed above.

5.46 Ideally, all activities in centres should contribute to the overall parking supply, or at least the effects (positive as well as adverse) of a shortfall in parking compared with a minimum requirement should be assessed. However, some justifiable exemptions have been identified in order to encourage the efficient development of small sites and to maintain the recognised character of identified centres.

5.47 Parking is very expensive to provide and it is very unlikely that an oversupply of parking would result from applying minimum rates to development. Nevertheless, the KRG is prepared to accept the application of realistic maxima as well as minimum parking requirements within centres in order to, at least partially, allay the fears that Council has that an oversupply will result if only minima apply.

6. CYCLE PARKING

6.1 The KRG accepts that the provision of cycle parking for cyclists is an important component of providing for a multi-modal transport system. To date, however, it has been relatively uncommon for district plans to include rules requiring minimum numbers of cycle parks. It has been more usual for district plans to include the consideration of cycle parking as part of an overall resource consent assessment of the building design.

6.2 Table 6, under rule H1.2.3.2, sets out a relatively complex set of requirements for the minimum provision of cycle parking. The requirements are set out under the headings:

(a) Visitor (short-stay).

(b) Secure (long-stay).

6.3 Whilst not explicitly made clear in the provisions, the intent is that the requirements are to only apply for new developments and it is not intended for the rules to apply retrospectively.¹⁵ Given that intention, it is considered that an explanatory note should be added to the top of Table 6 to clarify that this is the case. Such an approach would be consistent with the approach that Council has taken with Table 7 relating to end-of-trip facilities.

6.4 In terms of the provisions themselves, the KRG understands that the requirements for short-stay and long-stay parking may be different but considers that these differences are more likely to be associated with the location where the parking is to be provided rather than whether or not it is “secure”. In the KRG’s view, all cycle parking should have the ability for cycles to be secured.

6.5 Nowhere in the Unitary Plan is there a definition of what constitutes “secure” parking and in the absence of any definition, the KRG is concerned that processing planners may require all long-stay parking to be placed in locked cages, cycle rooms, or some other similar facility. In reality, however, there are a number of ways in which secure cycle parking can be provided.¹⁶ Examples include racks located in:

- (a) locked cycles cages or rooms;
- (b) basements;
- (c) access controlled loading or service areas;
- (d) within buildings or individual tenancies; or
- (e) outside buildings.

¹⁵ Evidence of Christopher McLean paragraphs 18 and 23.

¹⁶ This fact appears to be acknowledged by Christopher McLean in his evidence which at paragraph 28 states “A “Sheffield Stand” classic bike stand which securely provides for two bikes can cost under \$100 installed. Sheffield stands are often suitable for **both short and long term spaces.**” (emphasis added)

- 6.6 In the absence of a clear definition of what is meant by “secure”, the KRG consider the use of the word to be problematic in that it may require applicants to provide extensive and expensive facilities that are not otherwise required to meet the functional requirements of their users.
- 6.7 In the KRG’s view, it would be preferable that the word “secure” be deleted and that that cycle parking simply be described as being:
- (a) Short-stay (visitor).
 - (b) Long-stay.
- 6.8 The KRG notes that the notified version of the Unitary Plan contained a list of requirements that cycle spaces needed to meet in order to be permitted. Many of these were, in the KRG’s view, problematic and their deletion as proposed by Council is supported.
- 6.9 In terms of numbers of parking spaces to be provided, the tables provide a variety of rates depending on the activity being undertaken. Of particular interest to the KRG are the rates applying to office and retail activities.
- 6.10 The following rates are currently proposed for office activities:
- (a) Short-stay: 1 space + per 1000m² GFA of office.
 - (b) Long-stay: 1 per 300m² of office.
- 6.11 The following rates are currently proposed for retail activities:
- (a) Short-stay: 1 space per 500m² GFA between 500m² and 5000m² and 1 per 750m² thereafter (and 1 per 350m² per GFA above 350m² for food and beverage).
 - (b) Long-stay: 1 per 300m² of office (and 1 per 300m² for food and beverage).
- 6.12 The KRG consider that both the short-stay and long-stay rates for offices are too high and will typically result in an over-supply of cycle

parking. They therefore propose the following alternative rates for office activities:

- (a) Short-stay:
 - (i) 200m^2 GFA nil required.
 - (ii) 201m^2 - 1000m^2 : 1 space > 1000m^2 GFA: 1 plus 1 space per 3000m^2 GFA.
- (b) Long-stay: 1 per 600m^2 of office.

6.13 In terms of retail activities and food and beverage activities, the KRG consider these to be generally acceptable.

6.14 As is acknowledged in Mr McLean's evidence, imposing minimum requirements for cycle parking is a relatively new initiative and "currently there is little quantitative research looking at demand for cycle parking within New Zealand or overseas".¹⁷

6.15 In the absence of hard data, in his evidence Mr McLean simply considers the percentage of workers who cycled to work in 2013 and then factors in a doubling of those numbers over a period of 20 years to estimate cycle parking requirements. In the KRG's view, using aggregate data in this way is a relatively crude way of estimating likely uptake of cycling. In reality there is likely to be considerable variability in the uptake of cycling across different sectors and geographical locations.

6.16 There is also a lack of clarity as to the data that Mr McLean relies on. For example, in paragraph 27 he refers to between 1% and 3% of work trips being undertaken by cycle. Statistics NZ, however, report an overall average rate of only 1% in Auckland based on their Household Travel Survey. The 1% - 3% that Mr McLean sites is therefore highly variable and, by his own admission, is subject to locational variation. On that basis, the KRG considers it inappropriate to then rely on this highly variable data to provide a blanket cycle parking requirement across the entire Auckland region.

¹⁷ Evidence of Christopher McLean paragraph 27.

- 6.17 Having established that 1% - 3% of work trips are undertaken by cycle, in paragraph 40 of his evidence, Mr McLean goes on to say that cycle facilities should be provided for between 5% and 10% of students and employees. This is at odds with his assertion in paragraph 27, that only a doubling of cycle use should be provided for. Based on Mr McLean's own figures, the percentage increases potentially being provided for range from 66% (ie from 3% to 5% of trips) to 900% (ie from 1% to 10% of trips). There are, therefore, significant questions around the data and methods that Mr McLean relies upon to justify the proposed cycle parking rates.
- 6.18 The approach also appears to assume that, whilst growth in cycle use will occur over a 20-year period, applicants will need to provide a full complement of cycle parking immediately, despite the fact the demand may not be fully realised for two decades.
- 6.19 In the case of long-stay parking, Mr McLean quotes the Christchurch District Plan requirements a number of times.¹⁸ Whilst he acknowledges that the Council's proposed cycle parking rates are lower than Christchurch's,¹⁹ the Christchurch rates are still used as a means to benchmark the proposed Auckland rates.²⁰
- 6.20 In the KRG's view, the use of Christchurch as an example to benchmark likely rates of cycling uptake in Auckland is inappropriate because it fails to adequately take account of the following:
- (a) Other than the Port Hills, Christchurch is almost entirely flat. Auckland by contrast has relatively steep topography and there are relatively few routes that do not involve needing to contend with hills. For casual commuter cyclists, hills are likely to act as a significant disincentive to cycling.
 - (b) Christchurch is a much smaller city than Auckland and its more compact and regular urban form means that average

¹⁸ Evidence of Christopher McLean see for example paragraphs 40, 44, and 47.
¹⁹ Evidence of Christopher McLean paragraph 40.
²⁰ Evidence of Christopher McLean see for example paragraph 44.

journey for work trips are less than they are in Auckland.²¹
 Longer trips are likely to be a disincentive to cycling.

(c) The climatic conditions in Christchurch and Auckland are quite different. Average annual rainfall in Christchurch for example is in the order of 572mm whereas Auckland almost double that at 1065mm per year.²² The significance of this is that the higher rainfall in Auckland is likely to also disincentivise cycle use.

6.21 For all of these reasons, it is likely that the barriers to cycle use in Christchurch would be significantly less than they are in Auckland. The NZ Household Travel Survey 2011-2014, for example, reports that 8% of work trips in Christchurch are undertaken by cycle but the corresponding figure for Auckland is only 1%.²³ For all of these reasons, therefore, drawing a comparison between the two cities in order to determine appropriate parking rates is problematic.

6.22 Given the lack of empirical data around the provision of cycling parking, Kiwi Property has undertaken a survey of the short and long-stay parking and shower facilities at its various office and retail developments. The results of that survey, along with the proposed Unitary Plan requirements are shown in Table 1 below:

Table 1: Actual cycle facilities compared with PAUP requirements

Building	Short Stay Actual	Short Stay Required	Long Stay Actual	Long Stay Required	Showers Actual	Showers Required
205 Queen St 32,000m ² GFA	3	33	44	107	4	9
ASB North	0 ²⁴	25	94 ²⁵	72	20 ²⁶	5

²¹ The NZ Household Travel Survey 2011-14 reports that the average length of the journey to work trip in Auckland is 11.2km whereas it is only 8km in Christchurch (sourced from Statistics NZ website on 9 June 2015).

²² Sourced from MetService website on 9 June 2015.

²³ Sourced from Statistics NZ website on 9 June 2015

²⁴ All short stay parks are provided by Waterfront Auckland in the surrounding streets

²⁵ These cycle parks were a mandatory requirement as a condition of consent based on the ARTA requirements. The tenants reports that the spaces are significantly under-utilised.

Wharf 20,000m ² GFA plus 1700m ² F&B						
Vero Centre 69,000m ² GFA	3	70	30	230	16	19
Sylvia Park 75,000m ² GFA	88	91	Combined with short stay	35	1	- N/A
LynnMall 38,000m ² GFA	12	47	Combined with short stay	8	1	- N/A

6.23 As can be seen in the above table, the proposed Unitary Plan requirements are generally significantly in excess of what is currently provided. Kiwi Property also report that there is spare capacity in all of the facilities such that, even when taking into account that it is currently winter, existing facilities could still cater for significant growth in future demand.

6.24 Overall then, the KRG consider that the proposed requirements for cycle facilities are excessive and should be reduced in accordance with the marked up provisions attached to this evidence

7. END-OF-TRIP FACILITIES

7.1 Table 7, under rule H1.2.3.2, sets out the requirements for end-of-trip facilities for offices, education facilities, and hospitals. Prior to mediation, Council also proposed that the end-of-trip facility provisions should apply to retail activities, however, this proposal has since been abandoned. The KRG support this, along with the deletion of the requirement for secure lockers.

7.2 As is shown in Table 1 above, Kiwi Property already provide shower facilities in its office buildings. It is understood that the provision of showers is common place in commercial office buildings and these

²⁶ These are provided in conjunction with a 440m² gym.

are provided as an amenity to tenants and their staff. On occasion they may be used by cyclists but they are not provided exclusively for that purpose. There is also considerable variability in how showers are provided: sometimes there are consolidated facilities provided on a single floor; whilst other times they can be distributed throughout a building on every floor or every second floor. On occasion, tenants provide additional showers as part of their fitout.

7.3 The KRG are of the view that showers are not something that need to be mandated in the Unitary Plan. They are routinely provided as part of the construction of new office buildings, with exact numbers and distribution of showers designed to meet the requirements of the future tenants.

7.4 The KRG consider that the provisions relating to end-of-trip facilities are an example of over-regulation and is a matter that can appropriately be left to the market (ie landlords and their tenants) to provide. For this reason, the KRG consider that these provisions should be deleted.

8. PARKING & LOADING AREAS

8.1 Objective 4 and Policies 12 to 17 deal with parking and loading.

8.2 As notified, Objective 4 and Policies 12, 14 and 15 completely failed to recognise the functional and operational requirements of integrated shopping centres, department stores, supermarkets and large format retail activities and placed too much emphasis on other factors such as amenity. While quality design, and particularly safety, are important considerations, the objectives and policies also need to be practical to provide for the realities of these types of retail.

8.3 We consider the Council track-change version, set out at Attachment C to Mr Wong-Toi's evidence, is a significant improvement on the notified version, as it is considerably more balanced and recognises the need to provide for the functional requirements of the types of retail mentioned above.

- 8.4 We consider the minor amendments shown in the consolidated KRG relief provide useful clarity.
- 8.5 The Council does not support the addition of the word "operational" in Objective 4 and Policies 12, 14 and 15, and has taken the position that "functional" incorporates "operational". In our opinion, "functional" and "operational" are two distinct concepts. The KRG consider that functional matters relate to utilitarian or service-relate aspects of activities, whereas operational refers to how the function works and can be accomplished. Integrated shopping centres, department stores, supermarkets and large format retail activities almost without exception have particular operational requirements for their respective loading docks to function effectively. Department stores and large format retail activities are generally serviced by both articulated and rigid trucks, and supermarkets are often serviced by B Trains. The function of delivering goods needs to be recognised, as well as the operational requirements of each truck type, as the vehicles have their own particular turning radius and backing characteristics.
- 8.6 The KRG are also seeking the inclusion of "where practicable" in Policy 12. This is because it is not realistic for all sites to provide for access to on-site loading facilities. While supermarkets and integrated shopping centres will almost always provide loading areas, there are some instances (especially in centres) where these loading areas are shared (due to sizing constraints etc) and so on-site loading is not always practical or desirable.

9. ACCESS

- 9.1 The notified objective and policy approach taken in respect of access to/from the transport network did not sufficiently balance the operational, functional, or locational requirements of activities. These activities need to be well serviced and provided with suitable and sufficient opportunity for access to / from the transport network, in a manner that is efficient and effective (fit for purpose).

- 9.2 The notified version of the Unitary Plan also placed too great an emphasis on the operation of the transport network, the prioritisation of pedestrians, and the function of the road network. This lack of balance and acknowledgement of the necessity for suitable and sufficient access to be enabled to facilitate the development and intensification that the Unitary Plan is encouraging, does not properly reflect the practicalities associated with functioning and servicing of business activities (and their intensification) which are inherent to such an outcome.
- 9.3 It is imperative for activities throughout the region to be able to be easily accessed. Vehicle access and service access are a practical necessity that must be provided for, especially in the case of commercial sites reliant on customer access by private vehicle.
- 9.4 It is not appropriate therefore for the Unitary Plan provisions to 'avoid' or unnecessarily seek to 'restrict' vehicle access to sites as absolute measures. Rather it is appropriate for the provisions to be sufficiently flexible to accommodate the wide range of circumstances that occur. It will not be possible to avoid vehicle access to and from all sites to which the key retail frontage applies, and it is appropriate to acknowledge this, as well as enable the continuation of existing access arrangements when sites are redeveloped.
- 9.5 In this regard, it is appropriate for the Unitary plan to seek to exercise a level of control on how access is enabled, and the degree to which the nature and location of access needs to be managed while serving the operational and functional requirements of the activity that is being serviced. Such a level of control needs to have regard to context and:
- the implications to the safe and efficient functioning of the transport network; and
 - pedestrian amenity and safety.
- 9.6 In seeking to address these matters, the access provisions, and in particular Objectives 4, 5, and 6 and the related Policies 20, 21, 22, and 23 were discussed extensively at mediation.

9.7 The KRG consider that subject to some further amendments, which are discussed below, that these objectives and policies have arrived at the right 'balance'.

9.8 Objective 4 and Objective 5 have now been merged, as set out below, to create a new Objective 4, and amendments have been made to Policies 19-23, with two further Policies (21A and 21B) added. The KRG seek those further amendments as shown in underline and: ~~strikethrough~~.

Objectives

- 4 Parking and loading and access is designed and located to:
- a. facilitate the safe and, efficient and effective operation of the transport network.
 - b. prioritise pedestrian safety and amenity along public footpaths.
 - c. enable the safe and, efficient and effective movement of pedestrians and vehicles within and outside the site.
 - d. contribute to the quality of the built environment.
 - e. recognise the operational and functional requirements of activities

Policies

- 19 Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.
20. Restrict or manage vehicle access to and from sites adjacent to intersections, adjacent motorway interchanges, and on arterial roads, so that the:
- a. the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the ~~and~~ road network
 - b. any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated.
21. Discourage vehicle access across the Vehicle Access Restriction general within the City Centre zone to:

- a. give high priority to pedestrian movement, safety and amenity along the main pedestrian streets in the City Centre zone
 - b. provide for continuity of building frontage and associated activities at street level.
- 21A. Provide for the continued use of existing vehicle access affected by the Key Retail Frontage (Zone controls, Building Frontage maps) and Vehicle Access Restriction – General in the City Centre zone where the effects of the activity and use of the vehicle access are the same or similar in character, intensity and scale which existed at the date of notification.
- 21B. Control alterations to or rationalisation of existing vehicle access affected by the Key Retail Frontage (Zone controls, Building Frontage maps) and Vehicle Access Restriction – General in the City Centre zone where there is a change in the character, intensity or scale of the activity and use of the existing vehicle access.
22. Discourage the proliferation of new vehicle access across the Key Retail Frontage (Zone controls, Building Frontage maps) in the Metropolitan Centre, Town Centre and Mixed Use zones to:
- a. give high priority to pedestrian movement, safety and amenity
 - b. provide for continuity of building frontage and associated activities at street level.
23. Limit vehicle access across the to and from sites subject to the General Commercial Frontage (Zone controls, Building Frontage maps) in Metropolitan Centre, Town Centre and Mixed Use zones to:
- a. support pedestrian safety and amenity
 - b. provide for of building frontage and associated activities at street level.
- 9.9 The KRG seek that, in addition to recognition being given to the 'functional' requirements of activities (which is appropriate), the Objective also include recognition of the 'operational 'requirements' of activities. This has been discussed in detail at paragraph 8.5 above.
- 9.10 The KRG support the amendment proposed to Policy 22 by the Council, which acknowledges that it is not appropriate to seek to 'avoid' vehicle access to key retail frontages, as there will be circumstances where this will continue to occur, and where it may be appropriate for new (or relocated) crossings to be located on these

frontages when sites are redeveloped and intensified. The KRG accept the approach to generally discouraging new crossings in these areas, but consider that the language of the policy remains too absolute. With reference to the Transport Rules (and the corresponding Business Zone rules) the key retail frontage is applied to areas which seek to provide an attractive streetscape, which positively contributes to street definition and enclosure and enhances pedestrian amenity. That is not to say that it is not appropriate for some crossings to be developed (or for existing crossings to be relocated) where it is necessary for sites (as a consequence of limited or no opportunity for alternative access) to be serviced via a key retail frontage.

- 9.11 Therefore, rather than discourage new crossings across the full extent of the key retail frontage overlay areas, it is appropriate for the Policy to acknowledge the prospect of crossings being relocated, and new crossings established, but in doing so signal that a proliferation is plainly not appropriate. This policy change is consistent with the associated change to the key retail frontage rule discussed below.

Vehicle Access Restrictions (Key Retail Frontages)

- 9.12 In the notified version of the Unitary Plan, the development controls for 'access' required non-complying activity resource consent to be obtained for vehicle crossings across any part of a site subject to a key retail frontage control.
- 9.13 The concern of the KRG was that such a rule did not make a distinction between a new crossing, an extension or modification to an existing crossing, or the prospect of the relocation of an existing crossing, with all scenarios falling under the non-complying activity umbrella.
- 9.14 The rule also prevented the opportunity for a site which had no other alternative frontage from being provided with access.
- 9.15 Additionally, the wording of the rule was ambiguous, as it could be read to apply to any part of a site, irrespective of the extent of the

overlay. Such a blanket constraint on the opportunity to access substantial sites which are implicated by the overlay is not appropriate, and introduces an unreasonable consent burden.

9.16 The extent of the overlay as notified implicated significant lengths of street frontages, and did not acknowledge the presence of existing crossings, or acknowledge circumstances where thorough analysis had already been undertaken (by way of resource consent) which determined the suitability of new crossings being developed.

9.17 The KRG consider that the amendments made to the Activity Table 12 and Rule 3.4 as proposed by Council are appropriate in terms of when a non-complying activity is required, being a 'new' vehicle crossing on *that part* of the site boundary that is subject to the overlay.

9.18 The KRG also supports the specific recognition (as a restricted discretionary activity) in Rule 3.4, which provides for the opportunity to:

- Continue to use an existing crossing for a new activity or change in activity.
- For a new crossing to be constructed on a site affected by the overlay, where: that involves a relocation and/or amalgamation of an existing crossing; or where there is no other means of accessing the site.

9.19 In support of the restricted discretionary activity status, amendments have been proposed by Council to the associated assessment criteria. These criteria suitably reflect the nature of the effects to be considered and are supported.

16 June 2015

Michael Foster

Craig McGarr

Matthew Norwell

Vaughan Smith

Gerard Thompson

Appendix 1 - Qualifications and experience

Michael Foster

1. I am an independent Planning Consultant and Director of Zomac Planning Solutions Ltd. I have a Bachelor of Arts (Massey) and a Diploma in Town Planning (Auckland). I am a fellow of the New Zealand Planning Institute and a member of the Planning Institute of Australia. For sixteen years from 1995 to 2001 I was Director of Planning at Beca Carter Hollings & Ferner Ltd, consulting planners and engineers. I was chairman of the 2010 Infrastructure Technical Advisory Group advising the Minister for the Environment with respect to the Phase 2 changes to the Resource Management Act 1991. I was also a member of the 2009 Streamlining and Simplifying Technical Advisory Group.
2. I have over 30 years experience in planning and resource management fields and over the last 20 years I have had specific and extensive experience in retail planning. During this 20 year period, I have been responsible for the planning and resource management inputs for a range of major retailing clients on a number of proposed and operative district plans and a wide range of developments. A large number of these developments have been and are multi-million dollar projects of large scale and have involved relatively complex and multiple consenting paths. Key town centre and retail developments I have been involved with over the years include:
 - (a) St Lukes Shopping Centre;
 - (b) Henderson Square Redevelopment;
 - (c) Glenfield Shopping Centre;
 - (d) Manukau City Centre;
 - (e) Albany Sub-Regional Centre;
 - (f) Sylvia Park Sub-Regional Centre;

- (g) Albany Town Centre Stages 1 & 2;
- (h) Countdown Albany Mixed Use Development; and
- (i) Beachlands Mixed Use Development.

Craig McGarr

3. I am a planner and resource management consultant with Bentley & Co Limited, an independent planning consultancy based in Auckland. I have been with this company since 1994, and am a Director of the company. Prior to this, I held the position of senior planner with the Auckland City Council.
4. I graduated from the University of Auckland with a Bachelor of Planning qualification in 1989, and I am a member of the New Zealand Planning Institute.
5. I have provided resource management advice to Scentre since 2000, when I was initially engaged to provide advice in respect of their landholdings in Newmarket. Since that time I have assisted Scentre with the consenting of multiple projects for the redevelopment of its landholdings, together with advice and assistance in respect of the evolution of relevant planning provisions. Our involvement has informed the now operative Auckland Isthmus District Plan provisions as they relate to Newmarket (derived from Plan Modification 196).

Matthew Norwell

6. I am a resource management planner and director of Barker & Associates Limited, an independent, specialist planning consultancy based in Auckland. I hold the Degree of a Bachelor of Planning from the University of Auckland and I am a full member of the New Zealand Planning Institute. I have 22 years' experience covering a wide range of land use planning matters on behalf of local authorities, government departments and private entities in New Zealand.
During that time I have been involved with many aspects of resource management including preparation and lodgement of resource consent applications, submissions and presentation of evidence to local authorities in respect of proposed plans and plan changes.

Vaughan Smith

7. I am a sole practitioner resource management consultant. I hold the qualifications of Master of Planning Practice (First Class Honours) and Bachelor of Engineering (Civil) from the University of Auckland. I am a full member of the New Zealand Planning Institute.
8. Before entering the planning profession, I had approximately 15 years' experience in the construction and development sectors of the property industry, primarily working on retail projects. The most recent of these developments was Kiwi Income Property Trust's Sylvia Park project which I managed through a private plan change process and the preliminary design phase for the retail component.
9. Since obtaining my planning degree in 2004, my experience as a resource management consultant has encompassed a wide range of projects with an emphasis on the preparation of resource consent and plan change applications for retail and mixed use development. My current retail sector clients include The Warehouse Limited, The National Trading Company of New Zealand Limited, Scentre (New Zealand) Limited and Tonea Investments (NZ) Limited.

Gerard Thompson

10. I am a Principal of Barker & Associates Limited, an independent planning consultancy based in Auckland. I hold a Master of Science degree in Geography from Canterbury University and a Master of Environmental and Resource Planning degree from Massey University. I have practiced as a planner for 12 years and am a full member of the New Zealand Planning Institute.
11. I have advised Kiwi Property in respect of Sylvia Park since 2003 and in that time have prepared more than 40 resource consent applications and two plan changes for the centre. I have also advised Kiwi with respect to LynnMall since 2010.
12. In terms of the other organisations that are party to this evidence, I have provided advice to Goodman in respect of The Crossing development at Highbrook since 2008 and Todd Property in respect of the Ormiston Town Centre development since 2012.