

## Auckland City Centre Residents' Group

### Submission to the Independent Hearing Panel on Auckland Council's Plan Change 78 to accommodate the National Policy Statement Urban Development

According to the Ministry for the Environment, the purpose of the NPSUD is about -

***Ensuring New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.***

CCRG's submission will be built around how effectively Auckland Council's decisions on changes to their Unitary Plan deliver what the RMA and the NPSUD were designed to achieve.

To measure this, we will focus our submission on achieving the **Purpose** of the Resource Management Act, the **Purpose** of the Local Government Act 2002 and delivery off the **well-functioning urban environments** defined in Policy 1 of the NPSUD.

#### **Resource Management Act 1991 : Purpose**

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

#### **National Policy Statement : Policy 1**

*Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:
  - (i) meet the needs, in terms of type, price, and location, of different households; and*
  - (ii) enable Māori to express their cultural traditions and norms; and**
- (a) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (b) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

- (c) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (d) support reductions in greenhouse gas emissions; and
- (e) are resilient to the likely current and future effects of climate change.

### Local Government Act 2002 : Purpose

*The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act—*

- (a) states the purpose of local government; and*
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and*
- (c) promotes the accountability of local authorities to their communities; and*
- (d) provides for local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach.*

As the Auckland city centre is a relatively small space, we will also confine our comments to this area and the surrounding suburbs. We want to start with some scholarly articles about other world cities/ research in order to provide perspective to our submission, and to show that urban densification is not a New Zealand government one-off knee jerk reaction – it is happening all over the world!

The World Bank has this to say about Urban Development –

*Globally, over 50% of the population lives in urban areas today. By 2045, the world's urban population will increase by 1.5 times to 6 billion. City leaders must move quickly to plan for growth and provide the basic services, infrastructure, and affordable housing their expanding populations need. With more than 80% of global GDP generated in cities, urbanization can contribute to sustainable growth if managed well by increasing productivity, allowing innovation and new ideas to emerge. However, the speed and scale of urbanization brings challenges, including meeting accelerated demand for affordable housing, well-connected transport systems, and other infrastructure, basic services, as well as jobs, particularly for the nearly 1 billion urban poor who live in informal settlements to be near opportunities.*

From The Building & Cities website - <https://journal-buildingscities.org/articles/10.5334/bc.123>

*Infill development is promoted by the European Commission through the no-net land take goal adopted in 2011 (**Science for Environment Policy 2016**). In practice, it means all developments on non-previously urbanised land should be offset by returning brownfield sites back to a natural state before 2050. It acknowledges the need to limit the urban encroachment on land to ensure sufficient land is provided for other purposes (e.g. agriculture, forestry, ecosystem services, biodiversity, etc.). This constitutes an important paradigm shift in the field of urban planning: land is now considered as a non-renewable resource, and therefore needs to be processed in a circular, closed-cycle approach, rather than in a linear, open-cycle one (**Preuß & Ferber 2008**). This no-net land take policy has been gradually adopted by several member states and/or European regions, with different thresholds, time horizons and trajectories. Its implementation will require the densification of existing urban areas to accommodate new households, new economic activities and new infrastructures.*

*In this paper, we will delve into a somewhat unexplored element of urban densification – namely, people’s emotional responses to physically and socially densified neighbourhoods. Undoubtedly, there is a vast amount of scholarship on the advantages of dense and compact environments over urban sprawl. While scholars tend to highlight the environmental benefits, few studies scrutinise how people living in areas marked for intense urban development respond emotionally to densification strategies. Interviews with residents from urban neighbourhoods in Oslo demonstrate that densification can evoke emotions like insecurity, fear, anger and sadness over lost homes or altered place identity. This gap in scholarship calls for stronger academic and political engagement with people’s feelings about their urban surroundings, also when discussing the social dimension of sustainability.*

A second article from the Buildings and Cities website - <https://www.buildingsandcities.org/journal-content/special-issues/urban-densification2.html> <https://doi.org/10.5334/bc.70>

Urban densification and social capital: neighbourhood restructuring in Jinan, China

X. Li & M. Sunikka-Blank- <https://doi.org/10.5334/bc.70>

**Policy relevance:** *This research reveals the unintended impacts of urban densification on neighbourhood social capital and the division between ‘stayers’ and ‘newcomers’, underlying the importance of social sustainability when planning urban restructuring projects in China. Three recommendations are made for policymakers. First, residents’ lived experiences and social impacts are vital for planning urban restructuring. The utility of urban spaces can generate social capital, which improves the social sustainability of the project. The courtyard house typology encourages more outdoor activities and social interaction than the high-rise typology. Decisions made at the neighbourhood level and about density will impact the local residents. Second, the categories of ‘stayers’ and ‘newcomers’ can be used to better understand the diversity of practices and neighbourhood social capital, instead of limiting to demographic indicators, e.g. income levels. Third, residents’ appreciation of the gated communities makes it more difficult to implement the current government policy of opening the gates.*

## **Walkable Catchments:**

Auckland has one of the most favourable climates and landscape for walking. The average midday winter temperature in July is 14c and at night 7c. In summer the average midday temperature is 24c and nights 16c.

This indicates that active transport modes need to be promoted by central government and local authorities for sustainability, health and climate benefits.

To support this, walkable catchments need to be the same distance all over Auckland and be considerably larger than cities like London, whose climate is far less favourable for active transport. Compared to Auckland the average London midday winter temperature in July is 7 degrees and at night 2c. Summer is very similar to Auckland at 23 during the day and 15 at night. As a comparison, for transport purposes the walkable catchments in London is 8 minutes/640 metres walk for buses and for trains 12 minutes and 960 metres.

We note Auckland Councils comment that *'A larger walkable catchment for the city centre is proposed because it has the greatest number of jobs and the greatest concentration of activities and amenities'*. To be as polite as possible, CCRG can only describe this statement as nonsense. The length of a walkable catchment for transport purposes has nothing whatsoever to do with the number of jobs, activities or amenities that exist in a particular area – all citizens capable of walking should be treated in exactly the same manner in terms of the distance they are expected to walk.

For simplicity and consistency, CCRG are of the view that standard Walking Catchment distances should be applied across all of Auckland. Based on the comparison with London's climate, we believe the recommended 1,200m from the city centre zone, 800m from a Metropolitan zone is far too short. In a city of just 1.7m people, there is no justification for three different walkable catchments with three different walkable distances.

CCRG consider that a standard 2,000 metres is a more appropriate walkable catchment length applied across all areas of Auckland. This requires an average walking time of just 20 minutes and, for benefits related to health, the environment and accessibility to public transport we believe this is a more appropriate, and defensible distance, for Auckland.

CCRG recommend to the IHP that walkable catchments be a standard 2,000 metres across all of Auckland including the city centre.

### **Auckland City Centre Zone – proposed Unitary Plan Changes**

From Auckland Councils website, we are advised that the following Unitary Plan changes will be made to the city centre zone to accommodate the NPSUD requirements. For ease of reference, our comments will follow each of the proposed changes.

- Removal of the Floor Area Ratio (FAR) standards. These standards currently manage site intensity and the scale of development in the city centre. FAR varies throughout the city centre but typically allows for greater development capacity in key areas. Removing the standards will provide developers with more flexibility in building design but still within the constraints of other standards such as tower dimensions and set back controls.

CCRG understand the need for these changes and agree that the FAR's are contrary to the NPSUD objectives so should be removed in their present form. We note, and congratulate Auckland Council, for the constructive manner that the FAR provisions have been implemented in the city centre which has resulted in a very large number of public benefits to residents, visitors and workers who use our city centre streets daily. In particular, the shortcuts between streets, and particularly those of different heights, has made navigating the city centre much easier for pedestrians, and more specifically the young, disabled, parents with prams and the elderly.

CCRG would recommend to the IHP that provisions be made in the Unitary Plan for future developments in the city centre that provide for Resource Consent conditions to include public benefits within, and beyond, the envelope of a particularly building and that this process/methodology be used for negotiation with developers in terms of the type and extent of a particular development.

- Amendment of the general height control. This will enable:
  - ♣ unlimited building heights in the core city centre except where special height controls apply;

♣ heights up to 72.5 metres across the city centre, except where special height controls or other qualifying matters apply.

CCRG are supportive of unlimited height limits in the city centre but we would recommend to the IHP that specific changes are incorporated into the Unitary Plan so as to facilitate Auckland Council having the decision making authority as to the height, dimensions and form of different buildings, in different locations, spread across the city centre space, and including public benefits/space, sustainability and climate change initiatives together with traffic/transport considerations as considered appropriate by Council on a site by site basis.

• Changes to current standards (and some new standards) to ensure that tall buildings are of a form that fits the context of our city.

As with the previous proposed change, CCRG are supportive of this approach BUT we are not convinced that there is any general consensus or understanding of what the 'context of the city' means. These are not descriptions found in any of the key documents referred to at the start of this submission so we would recommend to the IHP that the phrase '**...are of a form that contributes to a well-functioning urban environment as determined on a site by site basis**' is more appropriate phrasing.

• Removal of the FAR bonus standards. These standards allow transfer of additional floor space between sites and buildings. However, all sites will have greater height and/or development capacity and so the transfer of floor space is no longer needed. What is proposed to stay?

Supported.

• The need for all new buildings in the city centre to go through the resource consent process. This process enables good design outcomes to be achieved for city centre buildings.

Totally supported. This provides for Council to give effect to the Purpose of the Local Government Act (d) "*provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach*". Auckland Council utilising this provision to its maximum extent will ensure that the very best outcomes are achieved for our city centre *as suggested in the previous two comments*. This is also particularly critical in terms of all residential properties having balcony/patio provisions to ensure a very high quality living environment for residents.

• The special height controls. These controls are important for limiting building height where certain things need to be protected. For example, a special height control is in place around Albert Park to ensure sunlight into the park.

CCRG supports this statement on the basis that it provides for special height controls within the entire city centre. We would expect to see for instance, the highest buildings located along the SH1 corridor so as to minimise shading to other city centre and surrounding properties. In addition, podium developments, narrowing as the height increases, also ensures maximum sunlight to all residential homes in the city centre. However, it needs to be Auckland Council who makes these decisions on a site by site basis given that Placemaking is the key means of achieving the Purposes of the Local Government Act 2002.

- Controls that set minimum dwelling size and minimum floor to ceiling ratio. It is important that we maintain these controls to ensure that dwellings are of an acceptable size for residents.

Supported. CCRG are of the view that previous standards for apartments in our city centre are totally inadequate so, to achieve the purpose of the NPSUD Policy 1, we expect that high quality natural ventilation is also provided to all dwellings within the city centre.

- The outlook control, to ensure light, outlook and privacy for dwellings.

Supported. We expect automatically that sunlight is included in these outlook controls as Council has advised it intends to enforce for areas surrounding the city centre. We all know that New Zealand law does not provide for some individuals to have more rights to sunlight, daylight, outlook and privacy than others. City Centre residents expect their council, and governments, to ensure that the same rights apply to every residential area across all of Auckland and that Council will ensure this is respected through adherence to, and application of, Policy 1 of the NPSUD.

- The maximum tower dimension, setbacks from the street, and tower separation distances are being kept and extended.

Supported subject to comments provided above in terms of ensuring a quality living environment for city centre residents.

- City centre precincts will continue to be managed with area specific outcomes, including height and development capacity.

Supported subject to earlier comments.

**Special Character Areas :** <https://charactercoalition.org.nz>

CCRG are aware of, and concerned with, the enormous amounts of time, effort and ratepayer funds that have been allocated by Council for the purpose of protecting what is essentially a Unitary Plan myth – Special Character Areas. We all know that some of these would, and probably should, have qualified for listed heritage protection had the properties been in a heritage state. Instead, the vast majority of them have been heavily modified and no longer bear any resemblance to something that qualifies for heritage protection.

In a similar vein, there is ample research across the globe to prove that a reliable and affordable public transport system is heavily dependent on the density of population in the suburbs surrounding a city centre. This is exactly the same spaces that Auckland Council suggests we should be protecting from development, and, where development is proposed, it be limited to terrace housing. Surely these are also the areas where we need to incorporate mixed-use developments into the catchments, i.e. allowing light commercial developments like shops and cafes underneath new apartment developments.

Auckland does not need 1,400 hectares of land surrounding our city centre closed off as some sort of reservation – it is an anathema to good planning and is contrary to the Purpose of the Resource Management Act 1996, the Local Government Act 2010, Objective 1 and Policy 1 of the NPSUD and Council's own Transport Emissions Reduction Plan (TERP) document - <https://ourauckland.aucklandcouncil.govt.nz/news/2022/09/terp-auckland-s-drive-to-drive-less>.

As the Auckland Character Coalition website advises –

*It is clear that many more homes need to be built for our people but it is the how and where that is crucial. There are three things that make Auckland a unique city – the Waitemata harbour, the volcanic cones, and the old kauri suburbs. These give the city its identity, they make it different from every other city in the world.*

While CCRG respect the rights of all citizens to hold differing views, and to be engaged with decisions councils and governments make, we have very rarely seen comments referring to Auckland's *identity and uniqueness* without reference to Tangata Whenua. This suggests either historical ignorance or a very high level of interest associated with asset protection rather than any concern over genuine heritage protection.

We also bring to the IHP's attention, that Policy 1 of the NPSUD makes specific reference to the standards quoted as being MINIMUM REQUIREMENTS. What Auckland Council are proposing in Plan Change 78 related to the protection of SCA's, are not MINIMUM REQUIREMENTS by any measurement – they are, from every perspective, in breach of most Objectives and Policies of the NPSUD. This is particularly concerning given that SCA's are not a requirement of any urban planning or heritage legislation. They are instead the epitome of NIMBYism – a well-known phobia that is largely responsible for the current lack of proper, quality housing for all New Zealand citizens. Every New Zealand property owners, include the above, has the option of selling or retaining their property. If a group of property owners on one street decide that they want to keep their street like it is, they are free to do so. Nobody needs a special area created for those decisions – New Zealand law already provides this freedom of choice.

It needs to be noted that there are some 85,000 villas in New Zealand and a vast number of bungalows. Very few of the houses within the SCA's are unique, they are common all over Auckland and New Zealand. In addition to the somewhat abbreviated history of Auckland in the above quote from the Character Coalition, reflection also needs to be made in terms of where the land came from for these SCA homes to be built in the first place in terms of Objective 5 of the NPSUD. We also want to make it clear that we are totally supportive of genuine heritage protection as outlined in the Heritage New Zealand Pouhere Taonga Act 2014 and implemented by Heritage NZ – [www.heritagenz.org.nz](http://www.heritagenz.org.nz)

Our recommendation to the IHP is that Auckland Council be required to accommodate maximum MDRS and mixed use developments in all of the surrounding suburbs of our city centre and that, for the purposes of giving effect to the NPSUD Objectives, Special Character Areas are not a Qualifying Matter under clause 3.32 or 3.33 of the NPSUD.

### **Qualifying Matters**

Auckland Councils work to accommodate the NPSUD requirements, along with amendments to its Unitary Plan, are been heavily influenced by the 'out' clauses contained in various sections e.g. 3.32 (h) of the Qualifying Matters references in the NPSUD. CCRG have been informed, unofficially, that these clauses were purposefully incorporated into the NPSUD legislative changes to accommodate the 'protection' of Special Character interests.

Be that as it may, clause (33.2 (1) (h) in particular has created a constant New Zealand wide battle field between governments statutory intentions and councils willingness to accommodate them. Non-

specific, open ended legislation is not helpful to anyone and, in this case, mitigates against achieving the outcomes and intent of the NPSUD.

CCRG would recommend to the IHP that Auckland Council relying on Section 3.32 (h) as a means of preventing developments in SCA's is in breach of both the objectives and intention of the NPSUD i.e. **Council has failed to remove overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.**

All current SCA's have access to existing services, public transport networks and infrastructure so exactly the right conditions exist for various MDRS options depending on location. CCRG accept, and understand, that at any given time there may be limitations placed on where/when development takes place, in terms of the timing of various infrastructure limitations/upgrades. However, this is never a reason to not build houses, it is only a reason to plan for when housing development takes place.

### **Auckland Light Rail Corridor**

CCRG are surprised and disappointed that Auckland Council have chosen to not incorporate the proposed ALR area into their deliberations and decisions required under the NPSUD. CCRG are of the view that this is a serious omission on behalf of Auckland Council and needs to be rectified. Irrespective of whether/what/where/when/if this project proceeds, Council still has an absolute duty to include all land within their boundary in their current NPSUD response decisions.

CCRG recommend to the IHP that Auckland Council be required to incorporate the land in Map 1 showing the Auckland Light Rail corridor (white area) into their current NPSUD so that decisions related to progress on the ALR corridor are supported by appropriate area maps showing intensification, zoning, walkable catchments and the required level of intensification around city, metropolitan and local centres. We accept that the ALR project may change some of these but that is the case with all land – very few things remain unchanged consequent to urban developments.

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