

Decision following the hearing of Plan Change 79 to the Auckland Unitary Plan under the Resource Management Act 1991



PROPOSAL – Amendments to the Transport Provisions - Proposed Plan Change 79 makes amendments to the Auckland Unitary Plan including requiring accessible parking, addressing safety issues for on-site loading/un-loading, catering for greater use of bicycles and enabling on-site electric vehicle charging. It also prioritises pedestrian access and safety along shared driveways in residential zones (including providing adequate lighting) and ensuring heavy vehicles can safely enter and exit shared driveways. It also enables assessments of the trip generation effects of development/land uses on the function and efficient operation of the transport network.

This plan change is **APPROVED, SUBJECT TO MODIFICATIONS**. The reasons are set out below.

Plan Change:	PC 79: Amendments to the transport provisions
Hearing Commenced:	Tuesday 17 October 2023, 9.30 a.m.
Hearing Panel:	Karyn Kurzeja (Chairperson) Dr Stephanie Mead Juliane Chetham Richard Knott Sarah Shaw
Appearances:	For Council: <ul style="list-style-type: none"> • Matthew Allan / Rowan Ashton / Felix Drissner-Devine, Legal Counsel • Tony Reidy (Auckland Council), Reporting Planner • Ruth Andrew (Auckland Council), Reporting Planner • Nicholas Lau (Auckland Council), Reporting Planner • Rory Power (Auckland Transport), Reporting Planner • Russell Brandon, Traffic Engineering / Transport Planning • Dr Julie Chambers, Pedestrian Safety • Elise Copeland, Universal Design • Dr Douglas Fairgray, Economics - with input from: <ul style="list-style-type: none"> ○ Chad Hu, Economics (on call) • Christopher Freke, (Auckland Transport), Transport Planning • Monique Jones, Terrace Housing Testing (on call) • Andrew Gill (Auckland Transport), Parking Strategy • Melanie McKelvie, Urban Design, with input from:

- Jeff Fahrenson, Manager Field Surveying (Building Consents) (on call)
- Jess Romhany, Policy Planner (on call)
- Kathryn Ovenden, RIMU (on call)
- Michael Roth, Transport Planning/Policy
- Madeline Sharpe, Architectural Apartment Testing (on call)
- Dr Esther Woodbury, Disability/Accessible Parking
- Glen Wright, Lighting

For the Submitters:

- Geoffrey Beresford
- Traffic Planning Consultants Ltd
 - Anatole Sergejew, Planning
- Fire and Emergency New Zealand
 - Graeme Roberts, Planning
 - Geoff Purcell, District Manager Waitemata Fire District
- Ockham Group Limited
 - Jethro Joffe, Planning
- John Dare
- Kāinga Ora – Homes and Communities
 - Jennifer Caldwell, Legal
 - John McCall, Planning
 - Brendon Liggett, Corporate
- Sentinel Planning
 - Simon O'Connor
- Beachlands South Limited Partnership
 - Bill Loutit / Tracey Turner, Legal
 - Vijay Lala, Planning
 - Leo Hills, Transport
- Ryman Healthcare Limited / Retirement Villages Association of New Zealand Inc
 - Luke Hinchey / Alice Hall, Legal
 - Leo Hills, Transport
- Fletcher Residential Limited
 - Leo Hills, Traffic
 - Rachel Morgan, Planning
- Simplicity Living / The Neil Group / Universal Homes / Classic Group / Evans Randall Investors / Mike Greer Homes / NZ Housing Foundation
 - Michael Campbell, Planning
 - Mark Thode, Planning

	<ul style="list-style-type: none"> • North Eastern Investments Limited (online) <ul style="list-style-type: none"> ○ Amanda Coates • Port of Auckland (online) <ul style="list-style-type: none"> ○ Mark Arbuthnot, Planning • Templeton Group / Winton Land Limited / Gibbonsco Management Limited <ul style="list-style-type: none"> ○ Tom Morgan, Planning • John Mackay • Red Rhino Limited and Airport Rent A Car Limited / Matakana 2020 Limited and Conrad Robertson / Charles and Nancy Liu / Paul Culley and Annette Kann / J&S West Limited / The Kilns Limited / Ferndale Estate / Matvin Limited / Robyn Alexander and Katherine Heatley / Matvin Group Limited / Brampton House Design Limited / The Kingsway Trust / MJ Thorogood and Cheng-Kwang Yang / Gel Architects Ltd <ul style="list-style-type: none"> ○ Diana Bell, Planning • Property Council New Zealand <ul style="list-style-type: none"> ○ Logan Rainey • Laurie Knight / The Subdivision Company Ltd / Arkcon Ltd <ul style="list-style-type: none"> ○ David Wren, Planning • Urban Planning Consultants <ul style="list-style-type: none"> ○ Scott Macarthur, Planning <p>Hearings Advisor: Sam Otter</p>
Hearing Adjourned	Wednesday 19 October 2023
Hearing Closed:	Monday 22 January 2024

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (“the Council”) by Independent Hearing Commissioners Karyn Kurzeja (Chairperson), Dr Stephanie Mead, Juliane Chetham, Richard Knott and Sarah Shaw appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 79: Amendments to the transport provisions (“**PC 79**”) to the Auckland Council Unitary Plan Operative in Part (“**AUP-OP**”) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers

for the hearing and evidence presented during and after the hearing of submissions.

3. PC 79 is a Council-initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is - the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. PC 79 was one of five plan changes and two variations notified¹ on 18 August 2022. The plan change was publicly notified on 18 August 2022 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1.
5. The submission period closed on 29 September 2022. A total of 129 submissions were received. A summary of submissions was notified for further submissions on 5 December 2022 with further submissions required by 20 January 2023. A total of 34 further submissions were made on the plan change.

SUMMARY OF PLAN CHANGE

6. The proposed plan change was described in detail in the section 42A hearing report. Specifically, Auckland Council prepared PC 79 to address two broad sets of issues, as identified in the section 32 evaluation report for PC 79:
 - a) First, issues relating to the removal of car parking minimums (required by Policy 11 of the National Policy Statement on Urban Development 2020, May 2022 (NPS-UD) with consequential amendments effected by PC 71), in conjunction with the greater intensification enabled by PC 78 (Auckland's Intensification Planning Instrument), and the need to address climate change by supporting the transition to cleaner, more sustainable transport options (e.g. low/no emission options). In this regard, PC 79 proposes new / amended provisions relating to:
 - Accessible parking – PC 79 introduces new accessible parking requirements to enable all Aucklanders, including disabled people and older adults, to participate in their communities, and provide housing choice;
 - Pedestrian only access – with the number of developments without vehicle access and onsite parking likely to increase with the removal of minimum car parking requirements from the AUP, PC 79 proposes standards to address the increased risk of poorly designed and unsafe pedestrian only access;
 - Loading spaces – with new requirements proposed for loading spaces in residential developments;

¹ Plan change 79: Amendments to the transport provisions, Plan change 80: RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters, Proposed Plan Change 81: Additions to Schedule 14 Historic Heritage Schedule, Proposed Plan Change 82: Amendments to Schedule 14 Historic Heritage Schedule, Proposed Plan Change 83: Additions and amendments to Schedule 10 Notable Trees Schedule, Variation 4 to PC60: Open Space and Other Rezoning Matters and Variation 5 to PC66 (Private): 57 and 57A Schnapper Rock Road.

- Heavy vehicle access – provisions are proposed to ensure that, where heavy vehicle access is needed on a residential site (e.g. for waste collection), it is safely managed;
- Bicycle parking and access – provisions are proposed to require secure and covered bicycle parking and safe access;
- Electric vehicle charging – provisions are proposed to assist with the response to climate change, by future-proofing electric vehicle supply equipment in residential developments to support the modal shift towards low/no-emission transport options;
- Effects on the transport network – amended trip generation provisions are proposed to enable greater consideration of the effects of activities on the transport network.

b) Second, issues relating to the safety, efficiency and convenience of pedestrian and vehicle access provisions for private accessways in residential zones. In this regard, PC 79 proposes new / amended provisions to address concerns relating to:

- Lack of prioritisation of pedestrian safety and convenience in the design of accessways resulting in poor outcomes as a result of:
 - Inadequate minimum footpath width;
 - Inadequate separation of footpaths from trafficable areas;
 - Steep footpath gradients and steps within footpaths;
 - Obstruction of footpaths by lighting poles, letterboxes, utility boxes, rubbish bins etc;
 - Poor provision of footpaths in longer accessways, and accessways serving larger numbers of residential units;
 - Absence of provisions to require artificial lighting during the hours of darkness.
- Design of accessways for vehicles:
 - Inadequate speed management measures increase safety risks for all users;
 - Whether private vehicle accessways are designed for Fire and Emergency New Zealand (FENZ) vehicles, as required by the Building Code and recommended in FENZ guidance.
- Lack of integration of the transport provisions in Chapters E27 Transport and E38 Subdivision – Urban of the AUP.
- Removal of car parking minimums creates a risk that developments may underestimate the accessway requirements for larger developments with low parking provisions per dwelling.

7. PC 79 proposes amendments to the following Chapters in the AUP(OP):

- Chapter E24 – Lighting
- Chapter E27 – Transport
- Chapter E38 – Subdivision (Urban)

- Chapter J – Definitions
 - Chapter M – Appendices (amendments to Appendix 17: Documents incorporated by reference and a new Appendix 23: Parking demand guidelines to calculate the number of required accessible car parking spaces).
8. Section 1 - Background to and Development of the Plan Change, Section 2 Hearings and Decision-making considerations as well as Section 3 – Statutory and Policy Framework of the section 42A Hearing Report have clearly addressed the matters referred to in the section headings – and we have not repeated them further here.
9. In addition to the above, an analysis of the submissions and the further submissions received was undertaken in Section 9 of the Hearing Report. That discussion focussed on submission themes that are common to more than one topic.

MAIN ISSUES RAISED BY SUBMISSIONS

10. The main issues or topics raised in the submissions included:
- Transport General (Coded as All Other Miscellaneous Issues)
 - Topic 024 – Accessible Parking & Topic 037 – Parking Demand Guidelines & Topic 040 – Definitions and Abbreviations (relevant to Topic 024)
 - Topic 025 – Pedestrian Only Access and Topic 031 – Pedestrian Access
 - Topic 026 – Loading Spaces & Topic 027 - Heavy Vehicle Access & Related Material Incorporated by Reference (Topic 036)
 - Topic 028 – Bicycle Parking and Access & Topic 036 – Material Incorporated by Reference (relevant to Topic 028)
 - Topic 029 – Electric Vehicle Charging, Topic 036 – Material Incorporated by Reference (relevant to Topic 029) & Topic 040 – Definitions and Abbreviations (relevant to Topic 029)
 - Topic 030 – Trip Generation & Topic 040 - Abbreviations and Definitions (relevant to Topic 030)
 - Topic 033 – Vehicle Access, Topic 034 - Speed Management, Topic 035 - Vehicle Crossing and Access Widths and Topic 039 - Vehicle Access to Rear Sites
 - Topic 032 – Lighting, Topic 038 – Artificial Lighting & Topic 036 – Related Material Incorporated by Reference.
11. An in-depth analysis of each of the above topics is discussed in the Section 42A Hearing Report.

LOCAL BOARD VIEWS

12. The section 42A Hearing Report advised that a number of workshops took place with all Local Boards (except for Aotea Great Barrier) during February and June 2022 and individual feedback (from each board) was summarised and collated. All feedback was considered and used to help shape the options².
13. A summary of consultation undertaken in preparation of PC 79 is provided in section 9 of the section 32 evaluation report, attached as Attachment 2 to the section 42A Hearing Report.

EXPERT CONFERENCING

14. Prior to the hearing, expert conferencing took place over four separate days being:
 - 19th May 2023 – Topics covered included: electric vehicle charging, bicycle parking, accessible parking, parking demand guidelines, and related abbreviations/definitions;
 - 12th June 2023 – Topics covered included: amended standard E27.6.1, Amended assessment criteria E27.8.2(3) and Abbreviation of “vehicles per hour”;
 - 21st July 2023 - Topics covered included: lighting, artificial lighting, related material incorporated by reference, pedestrian only access, pedestrian access, vehicle access, speed management, vehicle crossing and access widths, vehicle access to rear sites; and
 - 24th July 2023 - Topics covered included: loading spaces, heavy vehicle access, related material incorporated by reference and transport general.
15. During the hearing it became evident to the Hearing Panel that there would be value in additional expert conferencing on two aspects of the plan change; specifically:
 - Matters relating to width and functional access (with respect to emergency services); and
 - The assessment criteria relevant to infringements of the amended trip generation thresholds standard in Table E27.6.1.1.
16. A fifth day of expert conferring was subsequently held on the above topics on 9th November 2023.
17. The Panel wishes to acknowledge the inputs of all experts who attended the expert conferencing sessions. The efforts made by all resulted in a significant narrowing of the remaining matters in contention. This was reflected in the amount of

² Section 42A Hearing Report, paragraphs 67 - 69

evidence that was prepared and a reduction in the days initially set down to hear the evidence.

THE HEARING PROCESS AND EVIDENCE

18. The hearing was held on 17th - 19th October 2023.
19. Council's legal counsel, Mr Matthew Allan and Mr Rowan Ashton provided opening legal submissions. Mr Allan briefly addressed the legal and planning framework relevant to the Panel's decision for PC 79 before making several observations on scope matters and then provided legal comment on several specific legal issues. The section 42A reporting team then took the Panel through an introductory PowerPoint presentation during which the specific matters addressed by PC 79 were addressed. In doing so, the Council officers explained in each case: (a) the problem identified through Council investigations and section 35 monitoring; and (b) PC 79's proposed response to the problem.
20. The s 42A Hearing Report was prepared by four reporting officers, which considered memoranda from the group of specialists listed as a part of the Council team on page one of this decision report. Several of these experts also prepared rebuttal memoranda in response to the submitters' evidence received. Details of their expert evidence is set out under the respective topic discussions.
21. Several submitters attended the hearing and presented to us.
22. Mr Geoffrey Beresford provided evidence seeking to retain and strengthen the assessment criteria that seeks to integrate car-parking with development, specifically to ensure that new driveways and/or carparking spaces are sufficient to avoid vehicle encroachment into public spaces.
23. Mr Anatole Sergejew is an experienced traffic engineer but provided evidence in a personal capacity. He outlined the potential conflicts between the requirements for accessible parking under PC 79 and those of the Building Act 2004 and sought amendments to PC 79 so that the proposed requirements for accessible parking are consistent with the legal requirements of the Building Act.
24. Mr Graeme Roberts provided expert planning evidence on behalf of Fire and Emergency New Zealand. Mr Roberts supported Council's opening legal submissions that any actual and potential adverse effects on the health, safety and general well-being of residents within developments are valid RMA considerations. He considered that development should only be permitted if certain health and safety minimums are met and stated that the provision of practical and functional access for emergency services is a critical element of a well-functioning urban environment. Mr Roberts was accompanied by Mr Geoff Purcell, District Manager Waitemata Fire District and Mr Jeremy Gibbons, Strategic Advisor, who responded to operational questions posed by the Panel.
25. Kāinga Ora – Homes and Communities (Kāinga Ora) provided legal submissions by Ms Jennifer Caldwell who outlined the case for the remaining matters in

contention for Kāinga Ora relating to electric vehicle charging; bicycle parking; accessible parking; artificial lighting; pedestrian access; loading spaces and heavy vehicle access; vehicle access and speed management; and trip generation. Mr Brendon Liggett presented corporate evidence while Mr John McCall provided planning evidence in support of Kāinga Ora's submission.

26. Beachlands South Limited Partnership ("BSLP") was represented by Mr Bill Loutit who provided legal submissions. Mr Leo Hills provided transport evidence and Mr Vijay Lala provided planning evidence. Mr Loutit advised that BSLP is generally supportive of PC 79 as amended through expert conferencing and the reporting officer's recommendations. However, BSLP remains concerned about proposed controls relating to: (a) Electric Vehicle (EV) Supply Equipment and charging capability; (b) Accessible parking; (c) Lighting for residential access; and (d) Trip generation and seeks further amendments. Mr Hills considers the trip generation assessment for public transport modes should keep with the intent of the Standard and there should be no accessible parking space requirement for residential dwellings as it is impractical. Mr Lala was concerned that the proposed changes have had little regard to how the changes will be addressed by applicants as part of resource consent applications and how such applications will be processed by the Council's reporting planners, including what sort of technical analysis will be required by applicants and by the Council's reporting planners to confirm or otherwise compliance with parts of PC 79. Mr Lala also considered that there was very little assessment of the costs associated with the proposed changes, individually or when considered cumulatively. He further considered that the proposed provisions are overly complex and complicated for inclusion within the AUP and are not the most efficient or effective and therefore are not the most appropriate.
27. Mr Leo Hills presented transportation evidence on behalf of Ryman Healthcare Limited and the Retirement Villages Association of New Zealand Inc. Mr Hills considered the trip generation Standard E27.6.1 is appropriate subject to further clarification on the assessment for non-vehicular travel modes to ensure the assessment criteria for public transport modes keeps with the intent of the Standard and that the accessible parking space requirement for integrated residential developments should be in accordance with existing legislation, specifically NZS4121:2001 and the Building Act. He supported a theoretical parking provision given that parking minimums have been removed.
28. Mr Leo Hills presented transportation evidence and Ms Rachel Morgan presented planning evidence on behalf of Fletcher Residential. Mr Hills reiterated his opinion that the trip generation provisions need to be amended to ensure the assessment criteria for public transport modes keeps with the intent of the Standard and that there should be no accessible parking space requirement for residential dwellings as it is impractical. He considered the pedestrian provisions should be amended including removal of the requirement for a separated pedestrian path for sites with less than 20 parking spaces. Ms Morgan supported removing the accessible parking and electric vehicle charging standards, and she proposed amendments to

the trip generation standard to provide greater clarity on the nature and level of assessment sought when the thresholds are exceeded.

29. Mr Michael Campbell and Mr Mark Thode presented a joint planning statement on behalf of several submitters; including: Simplicity Living, The Neil Group, Universal Homes, Classic Group, Evans Randall Investors, Mike Greer Homes and NZ Housing Foundation. They recommended a number of further amendments to PC 79, including that the special information requirements for lighting under E24.9 be deleted and that the trip generation standard assessment should focus on the immediate transport environment adjacent to a development site and the infrastructure supporting those transport modes (rather than the modes themselves). They support the relief sought by the submitters and recommend that the E27.6.6 standard be deleted in its entirety, or insofar as it relates to 'primary pedestrian access', and they support the amended provisions proposed by the reporting officers relating to electric vehicle supply equipment.
30. Ms Amanda Coates presented planning evidence on behalf of North Eastern Investments Limited. She disagreed that the submission point which sought that PC 79 should be withdrawn and re-notified with the decision text of PC 71 available to submitters is out of scope. This was due to the text of the AUP being altered by PC 79 creating uncertainty to the submitter due to the dual RMA Schedule 1 processes utilised for PC 71 and PC 79, where both affect Chapter E27 Transport. Ms Coates also does not accept that S47.1 should be rejected. She considered the E27.6.1 text should not be changed to impose restrictions on maximum parking and/or maximum limits that are contrary to the intent of the revised wording of the Consent Order Policy E27.3 (6) and (6AA) or to require greater consenting time due to a requirement for land use consents. She also opposed PC 79 text changes that require or include requirements for further reduction in speed limits and the application of traffic calming devices. She considered further controls on parking restrictions are unnecessary and she does not agree with the changes sought to Chapter E24 with regards to the level of information required for lighting. Ms Coates does not agree with the amended trip generation text, and she does not support the amended wording of Policy E27.3(14) with the addition of the wording "including within a dwelling".
31. Mr Mark Arbuthnot provided planning evidence on behalf of Ports of Auckland. Mr Arbuthnot supports the submissions of those parties that are seeking the deletion of Standard E27.6.3.2(A) from the Business – City Centre Zone. In the alternative, if Standard E27.6.3.2(A) is to be retained, he recommended that: a. for the purposes of good plan-making, it is moved to rule E27.6.2 (number of parking and loading spaces); and b. that Appendix 23 is amended to provide for a "no minimum" requirement for the Port of Auckland in recognition of the operational requirements of POAL's marine and port activities and the need to ensure the efficient use of its land and coastal marine area resources. The Panel received a memo from Mr Arbuthnot³ stating that subject to the amendments described in

³ Memorandum on behalf of Port of Auckland Limited dated 16th October 2023

Council's planning experts' rebuttal evidence to Standard E27.6.3.2(A) and Appendix 23, POAL advises that it no longer wishes to be heard, but still requests that the Hearing Panel consider their further submission, Mr Arbuthnot's evidence and the Joint Witness Statements he was signatory to.

32. Mr Tom Morgan presented planning evidence on behalf of Gibbonsco Management Limited, Winton Land Limited and Templeton Group Limited – collectively referred to as 'the Tattico group'. He supported a number of the amendments proposed by Council's specialists through evidence, including in relation to the following matters: (a) Topic 028: Standard E27.6.2.(6) – Number of Parking and loading spaces (bicycle parking), (b) Topic 026 and 027: Standard E27.6.3.5 – Vertical Clearance and (c) Topic 025 & 031: Deletion of Rule T56(E) in Table E27.6.6.1- Primary Pedestrian Access Width & Separation Requirements (Standard E27.6.6(3)). He considered that amendments can be made to proposed provisions relating to trip generation through amended assessment criteria. He does not support the other amendments proposed to the Unitary Plan provisions through PC 79, including Chapter E27-Transport, E24-Lighting, Chapter E38-Subdivision (Urban), Chapter J-Definitions and Chapter M Appendices and noting they address topics (025-038) he considers they undermine the purpose and outcomes of the NPS-UD and Housing Supply Act and will not effectively or efficiently give effect to the sustainable management purpose of the RMA or the NPS-UD.
33. Mr John Mackay provided a personal statement of evidence drawing on his urban design experience. He concluded that he was generally in full agreement with the analysis and conclusions within Council's final section 42A Hearing Report. He would nevertheless prefer that accessible carparking could only be required within developments where the applicants choose to provide other parking on-site.
34. Ms Diana Bell presented planning evidence on behalf of the following group of submitters: Red Rhino Limited and Airport Rent A Car Limited, Matakana 2020 Limited and Conrad Robertson, Charles and Nancy Liu, Paul Culley and Annette Kann, J&S West Limited The Kilns Limited, Ferndale Estate, Matvin Limited, Robyn Alexander and Katherine Heatley, Matvin Group Limited, Brampton House Design Limited, The Kingsway Trust, MJ Thorogood and Cheng-Kwang Yang and Gel Architects Ltd. She challenged the section 42A Hearing Report (Section 9.2.1.4) which included all submitters she represented, with the exception of GEL Architects Limited, as submissions that are 'out of scope'. She described the challenges of achieving separated pedestrian paths from vehicle access and concluded that the proposed pedestrian access and access to rear sites standards should be amended, as they are overly prescriptive, unduly restrict development and are matters that should be addressed through assessment criteria.
35. The Property Council New Zealand was represented by Mr Logan Rainey. He provided oral corporate evidence, and he considers the proposed requirements for mandatory accessible car parking, loading zones, bicycle parking, heavy vehicle access and access to rear sites will all have an impact on intensification by reducing yields, increasing impervious areas and providing for more limited urban

design outcomes while reducing onsite amenity. He is also concerned about mandating the installation of EV charging. He considers all of these matters should be left for the market to determine.

36. Mr David Wren provided planning evidence on behalf of Laurie Knight, The Subdivision Company Ltd and Arkcon Ltd. He considers the proposed rules in relation to pedestrian access to new dwellings are overly prescriptive and impracticable to implement. Further, the rules that require pedestrian access to be separated from vehicular access will effectively prevent the future development of rear sites (and many other sites) as many existing access drives and rights of way (ROW) are simply not wide enough to provide the space required by the new standards. It is Mr Wren's view that the proposed standards will impact overall residential yield and that the application of standards is not the most efficient way to improve safety on driveways and the rule should be deleted. He considers the standard in relation to heavy vehicle access is vague, noting there is no definition for the term making it difficult to implement in practice. In relation to access to rear sites, he considers rule E38.8.1.2 should only be applied to new vacant sites to avoid the effect the rule has on preventing new development on existing rear sites. Mr Wren also agrees with Mr Knight's submission that the exemption provided in E27.6.3.2(A)(2) in relation to accessible car parking should be extended to the THAB Zone, which only applies where car parking is not provided on-site.
37. Mr Scott Macarthur provided planning evidence in a personal capacity. He was satisfied with the changes that the Council has made to PC 79, other than with respect to lighting and subdivision provisions. His view is that the new lighting standards were overly complex and would place a high administrative burden on both applicants and the Council in administering the proposed provisions. He was also not satisfied that the new standards met the test of s32 of the RMA. Mr Macarthur also considers that PC 79 should take the opportunity to remedy issues with standard E38.8.1.2(1), which due to poor drafting, is resulting in a large number of applications defaulting to a discretionary activity status. He considers that the specifics of Table E38.8.1.2.1 – Access to Rear Sites are overly complex and he provided alternative drafting for our consideration.
38. The following submitters tabled evidence in relation to the submission relief sought:
- CivilPlan Consultants Ltd, Planning evidence, A Grey
 - Hugh Green Limited, Planning evidence, A Grey
 - The Fuel Companies, Hearing Statement
 - Golden Bay Cement, Hearing Statement
 - Ockham Group Limited, Planning, J Joffe
39. As stated earlier in this decision, at the completion of hearing the submitters' evidence, the Panel directed additional expert conferencing in relation to the following two matters:

1. Matters relating to width and functional access (with respect to emergency services) being new Standard - E27.6.6 (3)(a) and (g) and (4)(a),(b) and (e) including the note, Table E27.6.6.1 Primary Pedestrian Access width and separation requirements including Note 1 as well as Figure E27.6.4.3.1 Vertical separation of pedestrian access, Table E27.6.4.3.2 Vehicle crossing and vehicle access widths including Note 1, and E38.8.1.2(3) and (4)(a) and (c) Access to rear sites, including Table E38.8.1.2.1 Access to rear sites, as well as Note 1; and 2.
 2. The assessment criteria in E27.8.2 (3A) which consider infringements of the amended trip generation thresholds in Table E27.6.1.1. New development and subdivision thresholds.
40. The further expert conferencing was held on 9 November 2023 and a Joint Witness Statement was prepared. The Panel note that full agreement was able to be reached on the matter in relation to Assessment Criteria E27.8.2(3A). Specifically, upon discussion in the meeting, all experts agree with the wording of the new standard E27.8.2 (3A)(c). Further, all experts agree with the amendment to Standard E27.8.2(3A)(a) in reference to the “local” transport network.
41. In relation to the second matter – width and functional access, all experts agree with the proposed new standard E27.6.6(4) and (4A), except for the clear height. FENZ has a preference for unlimited clear height for the formed and clear width, however it recognises the practical considerations and understands this may not be achievable. Further, FENZ agrees with the provisions for pedestrian access adjacent to vehicle access. The Panel notes that Mr McCall maintained the position in his evidence. He is not opposed to a 3m clear width, however, he opposes the threshold of four or more dwellings without a specified length. Mr McCall considers length is an appropriate trigger for clear width regardless of the number of dwellings. We note that further agreement was also able to be reached on other matters relating to the FENZ submission.
42. The Council provided its closing remarks on 8 December 2023. It specifically addressed matters raised during the hearing in relation to the following topics:
- a) General matters;
 - b) Accessible parking;
 - c) Trip generation;
 - d) Artificial lighting;
 - e) Pedestrian access;
 - f) Electric Vehicle charging;
 - g) Bicycle parking;

- h) Heavy vehicle access;
- i) Speed management;
- j) Loading space; and
- k) Integration of E27 and E38.

43. The Council's closing remarks outlined the officers' response to matters raised during the hearing and made further recommended changes to the PC 79 provisions to address the issues raised at the conclusion of each topic. The reporting officers' final set of recommended provisions were included in the provisions annexed to the closing remarks.

RELEVANT STATUTORY PROVISIONS CONSIDERED

44. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. We do not need to repeat the contents of the Plan Change Request and the section 32 Assessment Report in any detail, as they were set out in the section 42A Hearing Report, and we address the merits of those below. We accept the appropriate requirements for the formulation of a plan change have been satisfactorily addressed in the material before us.
45. We also note that the section 32 Evaluation Report, and the section 32AA Evaluation Report prepared by the council planners, states that the analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having considered the notified plan change and the evidence, we are satisfied that PC 79 has been developed in accordance with the relevant statutory requirements.
46. Clauses 10 and 29 of Schedule 1 require that this decision must include the reasons for accepting or rejecting submissions. We address these matters below, as well as setting out our reasons for accepting or rejecting the submissions.
47. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out⁴. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes⁵.
48. With regard to that section, the evidence presented by the reporting officers (including the section 32AA prepared by the reporting officers - which we adopt), as well as the evidence from the Council's specialist team, and the submitters, together with this report, which among other things addresses the modifications we have made to the provisions of PC 79, effectively represents that assessment.

⁴ RMA, section 32AA(1)(a)

⁵ RMA, section 32AA(1)(c)

OUR DECISIONS/FINDINGS ON THE SUBMISSIONS

Submissions and our decisions

49. We address the submissions below – with any amendments to PC 79 addressed as follows (for ease of understanding) the amendments made:
- Changes in the notified PC 79 are shown in ~~strikethrough~~ and underline; and
 - **Pink text changes** show amendments to PC 79 that we have made based upon submissions received and are shown as ~~strikethrough~~ and underline.
50. The amendments to PC 79 are collated and shown in **Attachment A** (Amendments to proposed Plan Change 79).
51. With respect to further submissions, they can only support or oppose an initial submission. Our decision on the further submission points reflects our decisions on those initial submissions having regard to any relevant new material provided in that further submission. For example, if a further submission supports a submission(s) that opposes the Plan Change and we have determined that the initial submission(s) be rejected, then it follows that the further submission is also rejected.
52. With respect to the evidence we heard, and before moving to the detailed consideration of submissions below, we consider it important to record at the outset a matter addressed by Mr Allan in the Council's closing remarks:

“Of those submitters that attended the hearing, expert evidence was given primarily by planners, with one transport engineer, Mr Hills, also giving evidence. No experts in other relevant specialist disciplines (e.g. universal design, lighting, pedestrian safety, urban design, economics etc) were called by any submitter.”⁶

SUBMISSIONS ON TOPIC 023 - TRANSPORT GENERAL (CODED AS ALL OTHER MISCELLANEOUS ISSUES)

53. The submissions in Topic 023 addressed the following themes:
- Theme 1 - Overall Support/Support with Amendments
 - Theme 2 - Overall Opposition
 - Theme 3 - Opposing PC 79, Give Effect to the NPS-UD
 - Theme 4 - Out of Scope Submissions
 - Theme 5 - Submissions on Emergency Services/Vehicle Access

⁶ Council's closing remarks – paragraph 2.4

- Theme 6 - Parking – Onsite Parking, Parking Minimums. Parking Maximums, Future Parking Restrictions & Parking and Manoeuvring Dimensions
 - Theme 7 - Submissions on Consistency of Language, Grammar and Formatting
 - Theme 8 – Wrongly Coded Submissions
 - Theme 9 – Delete Appendix 17: Proposed materials incorporated by reference
54. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main themes raised in the above submissions.
55. The submissions provide both opposition as well as support to PC 79, although in most cases support is offered subject to amendments being made as outlined in the respective submissions.

Rationale for PC 79

56. We note that the rationale for PC 79 is set out in the Section 32 Evaluation Report (refer, for example, to Section 4 Objectives). In summary, the intent of PC 79 is to address the issues of safety, efficiency and convenience of pedestrian and vehicle access provisions for private accessways in residential zones, parking, loading, trip generation, and emissions reduction as a result of intensification. The high-level outcomes sought from the proposed plan change are:
- address adverse environmental effects, including effects on the health and safety of people;
 - achieve well-functioning urban environments;
 - future proof the city for changes in transport modes and higher levels of intensification; and
 - contribute towards addressing climate change issues.

Removal of Parking Minimums

57. Policy 11 of the NPS-UD required the removal of parking minimums from the AUP(OP). Territorial authorities around the country were required to do this without using the plan change process (Schedule 1 of the RMA). The timeframe for doing so was no later than 18 months after the commencement date of the NPS-UD (20 July 2020):

Policy 11: In relation to car parking:

- (a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

58. Parking minimums were removed from the AUP on 11 February 2022.
59. Technical “tidy up” plan changes – Plan Change 71 and Plan Modification 14 – were publicly notified on 24 February 2022. The decision was released by the Independent Hearing Panel on 1 December 2022. One appeal was received, which has subsequently been resolved by consent order.

Section 32 Analysis

60. A section 32 Report accompanied PC 79 (Attachment 2). In addition, the section 42A Hearing Report, together with the appended expert / specialist reports, as well as the section 32AA assessment of changes provided by all parties, are all part of the section 32 analysis before the Panel.
61. Incorporated documents that form part of PC 79 (i.e. which are incorporated by reference) were publicly notified prior to the notification of the plan change as required under the RMA.
62. We consider that the Section 32 report and related documents described above are appropriate and adequate, and provide sufficient section 32 analysis of the proposed provisions, including changes proposed post-notification. These collectively fulfil the section 32 and section 32AA requirements of the RMA.

Effects on Intensification/Site Yield and Impervious Areas

63. Council officer comments on the effects on yield, urban intensification and housing affordability are in Section 9.1.1 of the section 42 Hearing Report. A number of submitters (e.g. Templeton Group) raise a concern that PC 79’s standards will affect development yield. To assist in assessing PC 79’s potential impact on yield, updated apartment testing (undertaken by Ms Madeline Sharpe) and terrace house testing (undertaken by Ms Monique Jones) was completed, and Dr Douglas Fairgray undertook a regional capacity analysis, which was informed by modelling undertaken by Mr Chad Hu, a Senior Spatial Analyst at Auckland Council’s Research and Evaluation Unit (RIMU).
64. Based on the assessment of the testing and modelling undertaken by Ms Sharpe, Ms Jones, Dr Fairgray and Mr Hu, the reporting officers concluded that PC 79’s controls (particularly as amended post-notification) are expected to have a very small effect on yield, and thus housing affordability. The testing shows that, while in some instances there are minor theoretical reductions in yield, overall, the application of the PC 78 (as notified) and PC 79 (s42A version) provisions either maintain or slightly increases yield. Dr Fairgray’s analysis concluded there is ample housing capacity, with PC 79 only anticipated to result in a very minor decrease: a theoretical reduction of 1.4% on PC 78’s very high level of plan-enabled capacity.
65. The evidence of Mr Morgan states¹⁷ that the modelling and apartment testing detailed in Attachment 17 to the section 42A Hearing Report includes a number of assumptions, including not identifying site constraints such as trees or underground assets, and there is also no or inadequate provision for private

residential parking in the modelled scenarios. Mr Lala's evidence makes a similar criticism that the site layouts have not been ground-truthed by the development community and as a result he does not consider these to be reliable examples.¹⁸ Mr Wren's evidence suggests that no testing has been undertaken in respect of rear site developments, whereas we note that Mr Hu's rebuttal memorandum addresses how rear site constraints were factored into his assessment.

66. The section 42A Hearing Report authors concluded that any theoretical reduction in yield as a result of PC 79's proposed requirements, e.g. for accessible parking and practical and functional and safe pedestrian access, is considered to be consistent with the intent of the NPS-UD for a well-functioning urban environment.
67. Moreover, the extent of impervious surfaces is managed via the maximum impervious area, building coverage and landscaped area standards in the respective residential zones.
68. We prefer the evidence of Ms Sharpe, Ms Jones, Dr Fairgray and Mr Hu which is based upon the thorough testing and modelling assessment they have undertaken.

Contrary to the NPS-UD & Enabling Act

69. One key / overarching outcome sought in PC 79 is achieving a well-functioning urban environment. The expression "well-functioning urban environment" is defined in Policy 1 of the NPS-UD as:

... 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**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) 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*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.*

70. Achieving good accessibility for all people, including those with disabilities, between housing, jobs, community services, natural spaces and open spaces (the outcome in Policy 1(c)) and reducing greenhouse gas emissions (the outcome in Policy 1(e)) have particular relevance.
71. PC 79 seeks to address matters relating to pedestrian access, loading spaces, heavy vehicle access and loading. Effects of activities on the transport network and

vehicle access involve addressing actual or potential adverse effects on the environment, people and communities, including their health and safety.

72. Issues relating to bicycle parking and access and EV charging equipment relate more to future-proofing and enabling the Auckland Region's shift to more sustainable transport modes and reducing greenhouse gas emissions.
73. We note that Ms McKelvie provides discussion of the concept of “*well functioning urban environment*” in section 3 of her specialist urban design memo. Ms McKelvie notes (para 3.13):

... the NPS-UD requires that PC79 contribute to a WFUE which provides for the social, economic, and cultural wellbeing, and for the health and safety, of residents, including movement networks that:

i) Are more than the bare minimum and provide a satisfactory level of non-vehicular access enabling safe, convenient, reliable and efficient access from dwellings to the surrounding street network so that people have opportunities for employment, education, health care and other social services within their neighbourhood;

ii) Provides for the health and safety of users, including active forms of transport such as walking, cycling and mobility aids such as wheelchairs so that equitable access is provided for all transport modes, not just vehicles.

74. We agree with Ms McKelvie's assessment and rather than being contrary to the NPS - UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (RMAEHS), we find based on the evidence before us that PC 79 is complementary to and consistent with relevant provisions of those instruments.
75. PC 79 gives effect to, and is not in conflict with, the NPS-UD policy framework. It proposes changes to the operative AUP which improve the safety and efficiency of non-vehicular access, and enable safer, reliable and convenient access from developments to the wider public transport network. It also proposes to improve the safety of vehicular movements within developments, and enables active forms of transport such as walking, cycling and mobility aids so that equitable access is provided for all transport modes, not just vehicles. A focus on on-site pedestrian and user safety is also prioritised particularly by adequate footpath widths, appropriate gradients for all users and the requirement for adequate lighting for way-finding and safety. The over-arching outcome sought by PC 79 is thus aligned with achieving a well-functioning urban environment.
76. Qualifying matters are not considered to be relevant to PC 79. Qualifying matters are dealt with in PC 78 and have separate hearing topics, the majority of which are awaiting hearing dates yet to be set.⁷

⁷ Due to two extensions of time sought by Auckland Council and approved by the Minister.

77. Furthermore, amendments are recommended to the notified PC 79 provisions as a result of the consideration of all submissions and discussions at expert conferencing.

Out of Scope Submissions

78. The issue of the scope of submissions (if they are “on” the plan change) has been well canvassed in legal submissions and evidence before the Hearing Panel, from both the Council and various submitters in this and other ‘related’ plan changes (e.g. PCs 78 and 80).
79. The legal principles relevant to determining whether a submission is “on” a plan change (in scope) are well-settled. We addressed the ‘legal tests’ in relation to scope in some detail in our Interim Guidance on PC 78⁸. As the majority of submitters to PC 79 (certainly those who appeared before us) are the same/similar as those to PC 78, we have not repeated those ‘legal tests’ in any detail here. However, very briefly, determining the issue of scope involves addressing the following two questions (referred to as the *Clearwater* ‘limbs’):
- (a) Whether the submission addresses the change to the status quo advanced by the plan change; and
 - (b) Whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.
80. Determining the first question requires an understanding of the status quo affected by the plan change. This must be derived from a review of the relevant section 32 report and the changes actually proposed to the plan, by reference to the nature and context of the notified change.
81. In the case of PC 79, we have set out the nature of the changes proposed in paragraphs 37 to 40 of this decision. In summary they relate to discrete parts of several chapters of the AUP(OP) including Chapters E24 Lighting, E27 Transport, E38 Subdivision – Urban, Chapter J – Definitions, Chapter M - Appendices, Appendix 17 – Documents incorporated by Reference, and proposed Appendix 23 - Parking Demand Guidelines to Calculate the Number of Required Accessible Carparking Spaces.
82. The section 32 report records that the amendments proposed in PC 79 are intended in part to address some of the flow on effects of the significant increases in intensification / development potential across the region realised through PC 78, but also seeks to address existing issues with the AUP identified through monitoring.
83. The formal Notice for PC 79 stated:

⁸ Refer to our PC 78 Interim Guidance on this matter

Proposed Plan Change 79 – Transport proposes changes to Chapters E27 – Transport, E38 – Subdivision (Urban) and Chapter J – Definitions in the Auckland Unitary Plan (Operative in Part). It is a proposal that seeks to manage the impacts of development on Auckland’s transport network, with a focus on pedestrian safety, accessible car parking, loading and heavy vehicle management, and catering for EV-charging and cycle parking.

84. Council’s opening legal submissions made the following observations with respect to the change to the status quo proposed by PC 79⁹.

(a) PC79 proposes amendments to specific parts of the AUP ... (Chapters E24, E27, E38, J and M, and Appendix 17 and a proposed new Appendix 23);

(b) It is focused on particular provisions / sections within each of those Chapters (e.g. in the case of Chapter E38 – Subdivision - Urban, amendments are only proposed to discrete aspects of Standard E38.8.1.2); and

(c) PC79 does not propose any amendments to any other Chapters (e.g. the residential zone sections of the AUP).

85. It is those amendments to the AUP(OP) that in our view define the status quo being changed and the nature of the changes.

86. Several submitters sought amendments beyond the notified provisions of PC 79. Section 9.2.1.4 of the section 42A Hearing Report addresses submissions identified by officers as ‘out of scope’. Mr Allan in the Council’s opening legal submissions addressed each of these.

87. The submissions of The Kilns Limited and others, addressed in the planning evidence of Ms Diana Bell, sought amendments to several provisions of Chapter E38: amend Rule E38.4.2 (A30), (A31) and (A13F) to change the activity status from Discretionary to Restricted Discretionary; review and amend Standards E38.8.1.2.1, E38.8.1.2(1) and E38.8.1.2(2) to increase the number of sites sharing a joint access lot or right of way and to increase the minimum legal width of an accessway for rear sites; and amend E38.12 and E38.12.1 to add matters of discretion and related assessment criteria to provide for infringements to the access to rear sites rules. The operative E38 provisions referred to are not the subject of change under PC 79. We accept Mr Allan’s legal submissions that these requests do not address the alteration of the status quo advanced by the plan change and do not satisfy the first *Clearwater* limb. The only changes to Chapter E38 under PC 79 are changes consequential from the changes to pedestrian access standards, intended to eliminate inconsistencies between the Transport Chapter E27 and the Urban Subdivision Chapter E38. While PC 78 makes amendments to Table E38.4.2 Activity table – Subdivision in residential zones, PC

⁹ Council’s opening legal submissions at paragraph [2.40].

79 does not. Neither PC 79 nor PC 78 propose to make amendments to the existing activity statuses in Table E38.4.2. Further, we are satisfied that readers of the notified plan change and section 32 report would not have anticipated amendments to substantially amend the operative rear site standards and in particular to amend activity statuses when only consequential amendments were proposed by PC 79, and that such amendments represent “submissional sidewind” and therefore do not satisfy the second *Clearwater* limb.

88. The planning evidence of Ms Amanda Coats on behalf of North Eastern Investments Limited (NEIL) states that the Panel should withdraw PC 79 and renotify it as it should have been notified after PC 71 became operative. We accept Mr Allan’s legal submissions that this request does not address the alteration of the status quo advanced by the plan change and does not satisfy the first *Clearwater* limb. Rather the request challenges the procedural decision to notify PC 79, which is not within the Panel’s jurisdiction.
89. Mr Scott Macarthur’s lay evidence, and Mr David Wren’s planning evidence on behalf of The Subdivision Company and others, seek relief amending existing standards E38.8.1.2(1) and E38.8.1.2(2) to limit the application of those standards to vacant (rather than all) rear site subdivisions. We accept Mr Allan’s legal submissions that these requests do not address the alteration of the status quo advanced by the plan change and do not satisfy the first *Clearwater* limb. The proposed amendments to operative standard E38.8.1.2 only propose discrete amendments to accommodate a minimum width grade separated pedestrian access adjoining a vehicle access serving between 4 and 10 rear sites. Further, we are satisfied that readers of the notified plan change and section 32 report would not have anticipated amendments to significantly limit the operative rear site standard and that such amendments represent “submissional sidewind” and therefore do not satisfy the second *Clearwater* limb.
90. CivilPlan Consultants and Hugh Green Ltd seek that an additional standard be added at E38.8.1.2(6) (or similar) so that access serving front sites must have a minimum legal and carriageway width. The operative standard only applies to access to rear sites. We accept Mr Allan’s legal submissions that these requests do not address the alteration of the status quo advanced by the plan change and do not satisfy the first *Clearwater* limb. The amendments to the operative standard do not seek to alter its application with regard to front sites. Further, we are satisfied that readers of the notified plan change and section 32 report would not have anticipated amendments to significantly extend the operative rear site standard to apply to front sites and that such amendments represent “submissional sidewind” and therefore do not satisfy the second *Clearwater* limb.
91. The Panel considers that while the matters referred to in the above two paragraphs may be valid concerns, the matters outlined are more appropriately dealt with in the future Unitary Plan review which we understand is due to begin in 2026.
92. CivilPlan Consultants and Hugh Green Ltd seek removal of proposed standard E27.6.4.3 or alternative relief with respect to the minimum distance between speed

management devices and that a detailed definition of “speed management measure” is included in the AUP. Mr Grey’s evidence on behalf of CivilPlan Consultants and Hugh Green Ltd proposed a controlled activity rule so that the design of speed management measures is controlled by the Council. We accept Mr Allan’s legal submissions that this relief now proposed in evidence - a change to a more onerous activity status - was not “reasonably and fairly raised” in the submissions that sought deletion of the standard, amended spacing of devices or a definition of “speed management measure”. We find that the proposed controlled activity, while “on” PC 79, is out of scope of the submission.

93. Finally, we note that PC 80 was subject to one matter of appeal which dealt with the matter of scope, addressed in the Environment Court strike out decision *Beachlands South Limited Partnership v Auckland Council* [2024] NZEnvC 035 released in March 2024 (two months after the close of the PC 79 hearing). PC 80 amended the AUP RPS by adding policy to address NPS-UD matters relating to well-functioning urban environment, resilience to the effects of climate change, and qualifying matters. While the Environment Court declined to strike out the appeal, finding that the submission and appeal were within the scope of PC 80 “in general terms”, the decision recorded that consideration of any particular change on appeal would be subject to arguments as to scope as well as merit on an individual basis and the Court “sound[ed] several notes of caution”:

[62] The first is that to the extent that the proposals deviate from the three headings of well-functioning urban environment, climate change resilience, and qualifying matters, they will be increasingly difficult to justify before the Court.

[63] Secondly, the provisions that were in frame include B2, B7, B8 and B10. Where changes are sought beyond these, these are going to be increasingly difficult to establish before the Court.

[64] We accept that the Court has jurisdiction, if it is considering the core issues, to consider that there could be consequential or other changes elsewhere. Those almost always lead to a [section 293] notification requirement and the Court has proven reluctant to undertake this broader investigation unless it is clearly signalled by the submissions and cross-submissions themselves.

94. We note that the Court in considering scope concluded that “at its heart” PC 80 was a consequence of the NPS-UD, and that higher court decisions on scope (*Clearwater* and *Motor Machinists*) related to plan changes where the Council exercised full discretion on the plan change content as there was no obligation to give effect to any national documents. In contrast to PC 80 sitting at the strategic RPS level, PC 79 is a technical plan change with a dual purpose of addressing both “flow on effects” of NPS-UD / PC 78 intensification and existing issues with the AUP identified through monitoring.

95. We also note the Court's finding that scope of submissions on PC 80 was not determined by wording in the section 32 report which purported to confine scope, given that the section 32 report can be no more than an evaluation that cannot alter the terms of the notified plan change. We record that for PC 79 we have not looked to the section 32 report for any statements purporting to confine scope. Rather we have undertaken the first limb analysis described in *Motor Machinists* as seeking to establish the "*breadth of alteration to the status quo entailed in the proposed plan change*" or the "ambit" of the plan change by considering (among other factors) whether the submission raises matters beyond those addressed in the section 32 report, and whether the particular management regime in the AUP is altered by the plan change.
96. Our findings on scope of submissions and evidence are set out above. In the event that we may be wrong about any submission however, we have followed the section 42A Hearing Report in also considering the merits of the submissions in the remainder of our decision below.

Parking Maximums

97. PC 79 does not amend any of the AUP's parking maximums. Parking maximums were also able to be retained under Policy 11 of the NPS-UD and were not affected by PC 71.
98. Parking maximums are intended to give effect to the following objectives and policies in E27 - Transport:

E27.2. Objectives

(3) Parking and loading supports urban growth and the quality compact urban form.

(4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.

E27.3. Policies

(4) Limit the supply of on-site parking in the Business – City Centre Zone to support the planned growth and intensification and recognise the existing and future accessibility of this location to public transport, and support walking and cycling.

(5) Limit the supply of on-site parking for office development in all locations to: (a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and (b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.

Car Parking in Multiunit Developments – Unbundled from Individual Unit

99. Options for allocating car parking in multi – unit development such as terraced housing or apartment buildings could include:
- A dedicated car park associated with a residential dwelling/unit

- A car park(s) in a shared common area/communal parking area

100. It is up to the developer to determine what works best for the particular form of development and, under the NPS-UD, whether car parking is to be provided. Central government has directed councils to remove mandatory minimum car parking requirements (apart from accessible parking) from district plans.

Parking Dimensions

101. Parking dimensions have been retained in the AUP and are unaffected by Policy 11 of the NPS-UD which required the removal of car parking minimums (except for accessible parking).
102. The dimensions are in section E27.6.1.3 – Size and location of parking spaces. Parking dimensions are still necessary for those situations where landowners/developers choose to provide car parking.

Consistency of language, grammar and formatting

103. The submitters raise issues associated with consistency of language, grammar and formatting throughout PC 79. The reasons for the submissions are stated in the relief sought – to ensure the provisions are clear, unambiguous, complete and achieve the stated purpose of the plan change.
104. The changes made to PC 79 will ensure the provisions are clear, unambiguous, complete and achieve the stated purpose of the plan change.

Wrongly Coded Submissions

105. Three submissions were coded as “Transport General” (All Other Miscellaneous Issues).
106. We find that the submissions are not transport related or are beyond the scope of the plan change, e.g. concerning light rail for Auckland or PC 78 outcomes. We note that PC 79 submission 4.1 is already in the PC 78 Summary of Decision Requested as submission 132.1. PC 79 submission 7.1 does not have an equivalent in PC 78 and PC 79 submission 46.1 is already in the PC 78 Summary of Decisions Requested as submission 2128.8.

Appendix 17: Proposed materials incorporated by reference

107. The submitters seek the deletion of proposed Appendix 17: proposed materials incorporated by reference (relating to E24 Lighting, and E27 Transport).
108. The reasons for the submissions are:

Reference to National Standards unreasonable at resource consent stage, given any development has an obligation to comply with the respective National Standards as part of any Building Consent/EPA process

regardless (26.34, 27.34, 28.34, 41.34, 67.34, 69.34, 90.34, 102.34, 108.34, 109.34, 111.34, 117.34)

109. PC 79 proposes to incorporate the following documents relating to transport:
- Australian/New Zealand Wiring Rules AS/NZS 3000:2018 (entire document)
 - SNZ PAS 6011:2021 Electric Vehicle Charges for Residential Use (Sections 1-3 & Tables 1 & 2)
 - SNZ PAS 6011:2012 Electric Vehicle Chargers for Commercial Applications (Sections 1-4 & Appendix A)
 - WorkSafe - Electric Vehicle charging safety guidelines, May 2019 2nd addition plus addendums 1 and 2 (entire document)
 - Auckland Code of Practice for Land Development and Subdivision, (Chapter 3 Transport) Codes of Practice, Auckland Design Manual 2022
 - Land Transport New Zealand Road and Traffic Guidelines: RTS 18: New Zealand on-road tracking curves for heavy motor vehicles (2007) (entire document).
110. We agree with the Council that the incorporation of the standards and guidelines into Appendix 17 of the AUP supports the technical requirements of the standards relating to electric vehicle supply equipment, bicycle parking and loading spaces.

Decision

111. That submissions coded to **Hearing Topic 023 – Transport General (Coded as All Other Miscellaneous Issues)** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 024 – ACCESSIBLE PARKING, TOPIC 037 – PARKING DEMAND GUIDELINES & TOPIC 040 – DEFINITIONS AND ABBREVIATIONS RELEVANT TO TOPIC 024)

112. The submissions in Topic 024, Topic 037 and Topic 040 addressed the following themes:
- Theme 1 – Overall Approach – Accessible Car Parking
 - Theme 2 – Objectives E27.2.(3) & E27.2.(4) be Retained, Amended or Deleted
 - Theme 3 – Policy E27.3(3) be Deleted or Amended
 - Theme 4 – Support Standard Standards E27.6.3.1 and / or E27.6.3.2(A)
 - Theme 5 – Standards E27.6.3.1 and E27.6.3.2(A) be deleted
 - Theme 6 – Standard E27.6.3.2(A) be amended
 - Theme 7 – Matters of Discretion and / or Assessment Criteria

- Theme 8 – Submission on Definitions and Abbreviations
- Theme 9 – Other Matters

113. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main themes raised in the above submissions.

Discussion

114. Dr Woodbury for Auckland Council gave evidence that, for many disabled people *“private vehicle use and the ability to park their vehicle has a significant role in facilitating fundamental aspects of social participation and inclusion”*. The Council’s closing remarks reiterated the Council’s concerns with the likely increase in impaired mobility in Auckland’s aging population, stating that one in 10 Aucklanders have impaired mobility and that figure is likely to increase. Mr Allan submitted that this, together with an increase in car free developments, resulted in a need to ensure that an adequate volume of accessible parking is available in new developments. Dr Woodbury considered that without access to accessibility parking spaces the significant benefits of private vehicle use by disabled people are eliminated. We note that these matters were not challenged by any submitter at the hearing and the evidence focused on the appropriate method to make adequate provision for accessible parking. The Panel is also aware that Dr Woodbury and Ms Copeland were the only disability / accessibility parking and universal design experts to give evidence at the hearing.
115. Submitters against E27.6.3.1 and/or E27.6.3.2(A) were concerned that the proposed provision for accessible car parking was problematic and would impact on residential intensification, result in unused parking spaces and the uneconomic use of land, as well as limiting design options and potentially increasing costs and land inefficiency.
116. The experts in attendance at the expert conferencing held on 19 May 2023 discussed accessible car parking. Mr Reidy for Auckland Council confirmed that under the NPS-UD Auckland Council is able to set car parking minimums for accessible parking. He confirmed that the proposed standard applies to developments of 10 dwellings or more. Mr Lala, Mr Hills, Ms Morgan, Mr Morgan, Mr McCall and Mr Joffe agreed that accessible parking provisions are most appropriately addressed through the Building Code, as opposed to within the AUP(OP). Mr Macarthur suggested four or more dwellings as an appropriate threshold for E27.6.3.1(A)(3) whereas Mr Lowe questioned if the provision should be related to movements or dwelling numbers. Ms Copeland confirmed that this was based on international comparisons and New Zealand disability statistics and noted Council and disability organisations would be accepting of a lower threshold as suggested by Mr Macarthur. We note that no areas of agreement or disagreement were recorded in the Joint Witness Statement.
117. We note that in response to submitter concerns, in their rebuttal memorandum the reporting officers proposed an exemption from accessible parking requirements

within areas of the THAB in walkable catchments (except where parking is proposed to be provided by developers).

118. Ms Caldwell, in her legal submissions for Kāinga Ora raised the issue of whether the proposed exemption for THAB walkable catchments is enduring, noting that walkable catchments are part of the ongoing PC 78 process, with the mapping of walkable catchments yet to be confirmed through that process.
119. The Council's closing remarks acknowledged in response to Kāinga Ora's concerns that the mapping of walkable catchments remains a matter in contention in the context of PC 78. Specifically, while Policy 3(c) of the NPS-UD refers to 'walkable catchments' generically, the reporting officers agree that if the proposed exemption remains, it would most likely have to be mapped or defined in some way, to ensure a workable standard (and to avoid debate as to the application of the exemption). However, there is a sequencing issue with this given the status of PC 78. Since PC 78 has not progressed to hear the topic covering walkable catchments, Mr Allan submitted that the Panel will need to make a finding that enables PC 79 to stand on its own.
120. We note that Dr Woodbury maintains her opinion that accessible car parking should be required for all residential developments in the THAB zone involving 4 or more dwellings, regardless of whether parking is otherwise provided. However, given the difficulties with defining walkable catchments in a sufficiently certain way, the reporting officers have recommended exempting the entire THAB zone where no parking is otherwise provided (but still requiring accessible parking where parking is provided). Mr Wren agreed that the exemption provided in E27.6.3.2(A)(2) should be extended so that the entire THAB zone is excluded unless carparking is provided onsite.
121. Mr Liggett and Mr McCall on behalf of Kāinga Ora support the provision of accessible parking spaces where developments have more than 10 dwellings on a site and parking is provided. They also support the exclusion of accessible parking requirements from the THAB zone. However, both Mr Liggett and Mr McCall consider the proposed provisions should provide for more flexibility to achieve compliance. This includes the Council having the ability to consider site constraints when providing accessible car parking, such as site topography and the scale of the development. They consider this should also include the ability to provide accessible dwellings on a site when assessing any non-compliance with proposed accessible parking standards. Mr McCall suggested this was necessary to reduce complexity and ensure flexibility. We note that both Mr Liggett and Mr McCall support the overall intent of the proposed provisions to ensure an equitable approach to participation and achieve a well-functioning urban environment.
122. Mr Mackay submitted that accessible parking should only be required in developments where the applicants choose to provide parking. Whereas, Mr Rainey for the Property Council considered that the proposed accessible parking provisions will reduce intensification opportunities and limit design outcomes. He stated that parking spaces are tied to individual units making the provision of

accessible parking inappropriate. He believed that the provision of accessible parking should be left to market demand.

123. It was Mr Hills' opinion that there should be no accessible parking space requirements for residential dwellings deeming it impractical – this viewpoint was shared by Ms Morgan. Mr Hills also raised concerns that in developments that do not provide common car parking, it would be difficult to provide accessible parking without effectively removing units. Furthermore, he noted that the only way to ensure accessible parking spaces are available to those requiring them would be to create additional communal spaces which are not assigned to specific units. Mr Hills considered that standard E27.6.3.2(A) would mean a development with 10 units or more would need to provide an accessible space regardless of what other parking spaces are required and irrespective of location (rather than promoting other forms of transport). In response to Mr Hills's evidence, we note that a threshold of 10 or more dwellings is now proposed by the reporting officers to apply for accessible parking.
124. Ms Copeland stated that in developments that do not provide for common car parking, garaging can be designed to enable accessible car parking, provided that sufficient dimensions are met. Ms Copeland considers that public transport is not a full substitute for private vehicle use for those with impaired mobility due to the disadvantages and impracticalities of public transport for those with impaired mobility. Ms Copeland also stated that it is inappropriate to let market demand determine accessible housing and/or car parking on the basis that the market is already failing to deliver adequate supply to meet the current and future needs of Auckland's population. She also made the point that a wide and diverse range of people use accessible parking, and accessible parking does not need to be aligned with "accessible units" i.e. people may require accessible parking without requiring an accessible unit, for example people that have sustained a temporary injury.
125. Mr Lala suggested that management of accessible parking would be a challenge for residents associations or body corporates. We note that the section 42A Hearing Report addressed the range of options for allocating accessible parking. Mr Lala also, on behalf of BSLP, repeated a concern in his summary statement that the testing undertaken for PC 79 was not reliable to inform the impacts of accessible parking requirements on development yield. We note that Ms Sharpe and Ms Jones state in their joint rebuttal memorandum that their work was based on typical Auckland sites and on apartment and terrace housing scenarios which they understand were based on data collated by Auckland Council on typical site dimension and size. We were told that the spatial requirements of accessible parking spaces were accurately depicted in the models to test their implications on development yield.
126. Ms Coates on behalf of NEIL stated that she didn't support the inclusion of the NPS-UD definition for accessible car parks. Mr Allan in the Council's closing remarks has advised that 'accessible carpark' is not defined in NZS4121. Instead, "accessible" is defined in NZS4121 as "having features that permit use by people with disabilities". Whereas he pointed out, the NPS-UD defines 'accessible car

park' as "a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility".

Findings

127. The Panel concluded that accessible parking needs to be specified in a standard rather than as assessment criteria to be appropriately provided for, and accepts the expert evidence of Dr Woodbury that adequate provision of accessible carparking is fundamental for disabled people's social participation and inclusion. On this basis, the Panel agrees with Dr Woodbury and Ms Copeland that it is not appropriate to let market demand determine the provision of accessible parking and disagrees with Mr Rainey on this point. The Panel also accepts the evidence of Dr Woodbury and Ms Copeland that public transport is not a full substitute for private vehicle use for those with impaired mobility.
128. The Panel notes in the Council's monitoring from 2017 to 2023, 92% of a sample of consented apartment buildings in the THAB zone have provided some parking, which would trigger accessible parking requirements under E27.6.3.2(A)(2). In regard to exclusions, we agree with the reporting officers' rebuttal amendment for the THAB zone to be excluded from the provision of accessible parking (where no parking is otherwise provided), and we note that this outcome is supported by various experts including Mr Wren, Mr Liggett and Mr McCall. The Panel agrees with the reporting officers that exempting the entire THAB zone where no parking is otherwise provided (but still requiring accessible parking where parking is provided) is appropriate given that PC 79 has now been decided prior to PC 78, which is still at the hearing stage.
129. We also agree with the threshold of 10 or more dwellings as now proposed by the reporting officers to apply for accessible parking. The Panel has concluded that this provides an appropriate balance between the benefits to society (including those with impaired mobility) and the costs involved in providing accessible parking. We are satisfied that the threshold of 10 or more units adequately addresses submitter concerns raised about the economic viability of developments where accessible parking is required (and avoids impacts on the economic viability of smaller scale developments if accessible car parking was required). We also consider that this threshold will appropriately reduce any perceived impact on intensification opportunities and ensure the requirements are functional and practical, while still ensuring there is an adequate amount of accessible parking available in new developments.
130. The Panel is satisfied that there are sufficient practical and economically viable options for the management of accessible car parking in both multi-unit developments and freehold scenarios and we accept the evidence of Ms Sharpe and Ms Jones on the reliability of the testing undertaken on the implications of accessible parking spaces on development yield. Further the Panel is not persuaded by Mr Lala's or Mr Rainey's concerns about parking spaces being tied to individual units and considers the threshold of 10 or more units strikes an

appropriate balance. We therefore disagree with Mr Liggett and Mr McCall's evidence that accessible parking standards should be tied to the ability to provide accessible dwellings on a site, and that additional flexibility is required to achieve compliance.

131. The Panel is satisfied that the restrictions on the provision of accessible parking (as discussed above) are sufficient to make adequate provision for accessible parking while recognising impact on development yields. The Panel does not agree that introducing accessible parking provisions would unduly restrict residential intensification, given the balance being achieved in the provisions. The Panel considers that the provisions provide flexibility in how accessible parking can be provided for and notes that if a developer wants to depart from the accessible parking requirement, then this can be determined via the resource consent process.
132. Lastly, based on the Council's closing remarks, we find that it is appropriate for PC 79 to give effect to the NPS-UD by utilising the recent and RMA-specific definition for 'accessible car-parking'.

Decision

133. That submissions coded to **Hearing Topic 024 – Accessible Parking & Topic 037 – Parking Demand Guidelines & Topic 040 – Definitions and Abbreviations (relevant to Topic 024)** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 025 – PEDESTRIAN ONLY ACCESS & TOPIC 031 – PEDESTRIAN ACCESS

134. The submissions in Topic 025 and Topic 031 addressed the following themes:
- Theme 1 – Overall Support
 - Theme 2 – Support Objective E27.2.(5A)
 - Theme 3 – Amend Objective E27.2.(5A) / New Objective
 - Theme 4 – Oppose Objective E27.2.(5A)
 - Theme 5 – Support Policy E27.3.(20B)
 - Theme 6 – Amend Policy E27.3.(20B)
 - Theme 7 – Oppose Policy E27.3.(20B)
 - Theme 8 – Support Standard E27.6.6(1)
 - Theme 9 – Amend Standard E27.6.6(1)
 - Theme 10 – Oppose Standard E27.6.6(1)

- Theme 11 – Matters of Discretion E27.8.1(9) and Assessment Criteria E27.8.2(8)
- Theme 12 – Design Guidelines and Development Incentives

135. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main themes raised in the above submissions.

Discussion

136. Section 3.2.2 of the Section 32 Evaluation report outlines the issue that PC 79 seeks to address in terms of pedestrian only access:

49. Where a land use consent is sought in a residential zone, the AUP requires pedestrian access if there is vehicle access serving 10 or more parking spaces. The existing AUP standards for pedestrian access relate to circumstances where the pedestrian access is provided alongside a much wider vehicle access. The pedestrian access is required to be one metre wide and can be located within the formed driveway. Where a subdivision consent is sought in a residential zone, accessways serving six or more rear sites must provide separate pedestrian access which may be located within the formed driveway. The minimum width for the pedestrian access is again one metre and it must be distinguished from the vehicle carriageway. However, where no vehicle access is provided, there are currently no standards in the AUP for pedestrian access.

50. Evidence is emerging of residential developments with pedestrian only access routes of poor quality and safety. Issues include inadequate footpath access widths, poor safety outcomes (in terms of steep gradients, lack of passive surveillance and inadequate lighting), and cluttered footpaths (waste bins and other obstructions).

51. The number of developments without vehicle access and onsite parking is likely to increase across all zones as minimum car parking requirements have been removed from the AUP. Without specific standards in the AUP, there is an increased risk of poorly designed and unsafe pedestrian only access. This presents a number of challenges in terms of practical access for occupants and visitors, universal access, emergency services access and egress (fire, police and ambulance), furniture deliveries, personal and public safety, convenience and general amenity.

137. We note that the technical specialist urban design memo of Ms McKelvie (Attachment 14 to the section 42A Hearing Report) further outlines the key issues and provides examples of these issues.

138. In order to address the issue above, objectives, policies and standards were proposed as a part of PC 79, together with matters of discretion and assessment criteria. The Panel noted that the notified provisions apply to residential zones only. We understand that this is based upon the discussion of case law on scope in Section 8 of the Hearing Report, where the Council considers there is no scope to expand the provisions beyond the residential zones.

139. The Council's position is that all pedestrian access should be designed and located to provide for safe and direct movement, minimising potential conflicts between pedestrians and other users. If there are unsafe pedestrian access routes, these would undermine the achievement of the objective and policies of the AUP(OP).
140. In response to matters raised by Ms McKelvie, the reporting officers agreed with Ms McKelvie's view on the need to distinguish between primary pedestrian access and other secondary pedestrian access(es). Hence, PC 79 addresses two types of pedestrian access to residential sites:
- i. Pedestrian – only access, where there is no vehicle access onto a site; and
 - ii. Pedestrian access adjacent to vehicle access
141. The proposed provisions were discussed in some detail at the expert conferencing session held on 21 July 2023. We note that no areas of agreement or disagreement were recorded in the Joint Witness Statement but that a number of potential text changes were discussed to address the issues identified in submissions that the proposed provisions are overly prescriptive and impracticable to implement.
142. In response to submissions and as a result of this expert conferencing, further changes were proposed by the reporting officers to further distinguish between vehicle access and pedestrian access policies and to make the policies consistent with the NPS-UD definition of a 'well-functioning urban environment'. A new definition for 'primary pedestrian access' was also proposed to be added to PC 79 by the reporting officers. We also note that the reporting officers have removed the reference to "any dwellings which have separate pedestrian access provided directly from the front door to the road". Further, the revised standard was amended to be based on the concept of primary pedestrian access and distinguishes between pedestrian access not adjacent to a vehicle access and pedestrian access that is adjacent to a vehicle access. This was in response to Kāinga Ora's submission.

Findings

143. Several experts have recommended that the proposed pedestrian access standard would be best addressed as assessment criteria. In addition, it was Ms Morgan's opinion that the "*assessment criteria proposed through PC78 for four or more dwellings will ensure that safe pedestrian connections are provided*". Further, we note that Ms Morgan suggested amendments to a proposed PC 78 assessment criterion.
144. The Panel agrees with the Council's closing remarks, with regards to the matter of scope in transferring the management of pedestrian access to the residential zone chapters in the AUP(OP). We therefore find that this recommendation of Ms Morgan is out of scope. We also note that with the current uncertainty with the future of PC 78 and the fact that the PC 78 hearing has not progressed to consider

zone specific topics; and as PC 79 is being decided ahead of PC 78, the PC 79 provisions must stand on their own.

145. Notably, we were told by the Council's pedestrian safety expert Dr Chambers that there is a significant body of evidence which demonstrates the increased risk of injury or death to pedestrians due to driveway runover events on shared driveways, with the grade separation of pedestrians from vehicles being shown to result in a two-fold reduction in driveway runover injuries and deaths. Dr Chambers' report refers to the high death and injury rates among younger tamariki / children (e.g. with 4 to 5 tamariki / children aged five years or younger dying each year), while noting that older children and adults are also affected.
146. As Mr Allan noted in the Council's closing remarks, the above expert evidence is essentially uncontested; no pedestrian safety expert has provided evidence to the contrary on behalf of the submitters. We therefore accept the expert evidence of Dr Chambers. We were also mindful that in Council's opening legal submissions dated 13 October 2023, Mr Allan provided in paragraph 3.56 onwards a fulsome explanation of why standards are the more appropriate mechanism, rather than assessment criteria alone. For the reasons set out in these opening submissions, the Panel disagrees with Ms Morgan, Mr McCall and Ms Bell and instead agrees with the Council that permitted activity standards are the most effective and efficient method for achieving safe and functional pedestrian access.
147. It was Mr Wren's opinion that the suite of rules across PC 78 and PC 79 regarding pedestrian-only access and refuse collection mean that developments of four or more dwellings on rear sites with constrained access would not be possible without infringing the standards. Ms Bell was also concerned that the standards are too prescriptive and will not be suitable for, or able to be implemented, on many existing residential sites. She considered the standards will prevent and/or restrict the future development of rear sites (and many other sites) as many existing vehicle crossings and accessways/entrance strips are not wide enough to provide the additional width required by the proposed standards. We note that Mr Allan in the Council's closing remarks acknowledged that *"Mr Wren is correct in that the notified PC 78 refuse collection standards requiring adequate site frontage for bins if kerbside rubbish collection as proposed may present an issue for undertaking pedestrian-only development on certain rear sites. However, the possibility that some sites may not comply with a rule is not a sound argument against that rule"*.
148. Mr Allan emphasised that *"rear sites can have site access constraints, which – much like other site constraints, e.g. flood hazard constraints – may reasonably limit the degree of intensification that may be achieved on a site. These sites are a result of legacy subdivision patterns that did not anticipate the density now provided for by AUP zones"*.
149. Nonetheless, we note that these standards proposed by PC 79 (and PC 78) do not preclude consent being sought for alternative solutions on a case-by-case basis. We note that Mr Wren accepted that amalgamation of adjoining sites was a possible solution. Ms McKelvie's rebuttal memorandum in paragraph 15 notes that

there are solutions available for sites reliant on pedestrian-only access, including private waste management arrangements where waste trucks load from the street, with bins wheeled to the truck by the contractor. While it would not be uncommon for the constraints of these standards to be encountered, we find that design solutions remain available that would need to be assessed on a case-by-case basis.

150. In their evidence, both Mr Grey and Mr Wren outlined their concerns in relation to rear lot access and the clarity of drafting of Standard E27.6.6(3). Mr Grey was concerned that the existing provisions do not provide adequate guidance for vacant site subdivisions which include vehicle accessways that serve a combination of front sites and rear sites, and considered that the existing AUP operative standard E38.8.1.2 should be amended so that it applies to both rear sites and front sites. It was Mr Wren's opinion that the proposed standard was unclear and incompatible with the diagram which shows the primary pedestrian access as being the main shared access that does not extend necessarily to the dwelling. Mr Wren also had concerns about stairs and lift doors in relation to application of Standard E27.6.6(4).

151. The Panel notes that in response to Mr Wren's evidence, the reporting officers have recommended simplifying E27.6.6, by combining E27.6.6(1) and E27.6.6(3) to make it clear that there is a requirement to provide primary pedestrian access (subject to the exclusions stated in what is now E27.6.6(4)). Further, rather than amending E27.6.6, the reporting officers have proposed an amendment to the definition of "primary pedestrian access" to now specify:

Primary Pedestrian Access:

The main pedestrian route serving two or more dwellings in any residential zone providing pedestrian and micro-mobility access from the road to **the individual paths accessing** the front doors of the dwellings (or, where applicable, the shared front door serving more than one dwelling).

152. We agree that the above amendments now address the matters raised by Mr Wren. However, with regard to the views expressed by Mr Wren in relation to parking behaviour and the efficiency of raised kerbs, the Panel prefers the evidence of Dr Chambers in her specialist report and rebuttal memorandum which supports the view that grade separated footpaths materially reduce driveway risk. Ms Copeland also identified that, in terms of increased safety, a range of users benefit from grade separation, and we note that Mr Hills also appeared to agree that separated access reduces risk.

153. In response to Mr Grey's evidence the reporting officers have noted that all proposed sites are required to provide adequate legal and physical access to the road under standard E38.6.2. We also note that the Council can also utilise section 106(1)(c) of the RMA to impose subdivision consent conditions if they are considered necessary to ensure sufficient provision has been made for legal and physical access to proposed sites, and this may include specifying minimum vehicle access widths serving proposed front sites. The reporting officers also told

us that the key determinant regarding the sufficient provision of vehicle access to front sites is the associated frontage length, which is generally more than sufficient to accommodate vehicle access to the adjoining road. We note that Mr Brandon has also confirmed the appropriateness of this approach from a transport engineering perspective in his transport rebuttal memorandum. We prefer the evidence of the reporting officers and Mr Brandon.

154. Mr McCall on behalf of Kāinga Ora raised concerns that proposed rule E27.6.6.(2) which requires a 1.2m wide path around the edge of grouped parking areas was complex. He noted that in conjunction with the standard only applying to four or more dwellings in residential zones this standard applies to pedestrian access - not primary pedestrian access - between parking spaces (albeit only parking spaces consisting of four or more car parks served by the same vehicle access).
155. We note that the AUP(OP) does not manage pedestrian access from a grouped parking area to a dwelling. Further, Council's s 35 monitoring found that there are safety issues for pedestrian access in developments with parking for four or more dwellings, particularly where multiple grouped parking areas may exist on one development site. Some forms of parking such as centralised communal parking areas are not adequately designed for pedestrian safety within the site. These developments often fall below the AUP threshold (based on the number of car parks) which require a footpath and consequently people are required to walk through the active parking and manoeuvring areas, in the absence of any footpaths. We consider that such an outcome would be contrary to Kāinga Ora's own design guidelines, which supports the provision of separated pedestrian access to car parking areas¹⁰. We prefer the evidence of Dr Chambers and Ms McKelvie and consequently find that proposed Standard E27.6.6(4) which requires a 1.2m wide footpath where there are four or more dwellings is necessary to ensure the safety of users.
156. Mr Hills recommended that the threshold for requiring a primary pedestrian access adjacent to a vehicle access to be vertically separated should be 20 car parking spaces. This was based on a defined term with vehicle accessways accommodating 200 or more vehicle movements per day being a "high volume driveway" in RTS6, which he considered to be an appropriate threshold.
157. Conversely, Council's traffic expert, Mr Brandon, does not agree that the definition and commentary on high use driveways in these references provide a relevant threshold for when a vertically separated primary pedestrian access is and is not required. His reasoning for this position was set out in paragraph 6.44 in Council's closing remarks. He stated that RTS6 is a standard primarily providing guidance on visibility for drivers at vehicle crossings (vehicle crossings being the vehicle connection over the berm and footpath between a private property boundary and the road carriageway). It is not a document that considers pedestrian safety and

¹⁰ Tāone Ora Urban Design Guidelines, Kāinga Ora, March 2023, at page 18:
<https://kaingaora.govt.nz/assets/Publications/Design-Guidelines/Taone-Ora-Urban-Design-Guidelines.pdf>

accessibility within a site which is what the primary pedestrian access requirements address. He also considered that RTS6 (first published in 1993) was no longer a relevant document, and instead referred to more recent design guidance such as that provided in Austroads Guides. He remained of the view that the thresholds proposed for pedestrian access are appropriate. We agree.

158. In his opening legal submissions, Mr Allan confirmed that matters broadly relating to health and safety are undoubtedly valid RMA considerations¹¹. Mr Allan went on to say that:

“... an argument could be advanced that the use of relevant land for residential purposes should, for specified reasons relating to emergency access requirements to provide health and safety, only be permissible subject to certain requirements (e.g. as to width of paths) first be met.

It is also arguable,... that the provision of practical and functional access for emergency services is a critical element of a well-functioning urban environment.¹²”

159. During the hearing, Mr Roberts on behalf of FENZ indicated that the submitter could potentially work with a 3-metre access ‘corridor’ with a 1.8m or 2m formed width, on the basis that these requirements would only be needed over a certain threshold of dwellings or access length. The reporting officers subsequently confirmed that they would be able to support a change to the pedestrian access standard to facilitate a 1.8m formed width within a 3m wide corridor.
160. As a consequence of Council’s position set out above, which now accepted that the PC 79 provisions should provide for emergency access requirements, as well as the evidence of Mr Roberts in response to this amended position, on 20 October 2023, the Panel directed that there be further expert conferencing held on matters relating to width and functional access (with respect to emergency services) in an attempt to see if the experts could reach any further agreement with the provisions.
161. The additional expert conferencing occurred on 9 November 2023 where the invited experts discussed the width and functional access (with respect to emergency services). All experts at the further witness conferencing agreed with the wording of proposed new standards E27.6.6(4) and (4A), except for the clear height proposed by FENZ. The JWS records that FENZ has a preference for unlimited clear height for the formed and clear width, however recognises the practical considerations and understands this may not be achievable. Mr McCall for Kāinga Ora maintained the position in his evidence on the basis that he is not opposed to 3m clear width, however, opposes the threshold of four or more dwellings without a specified length. Mr McCall also considers that length is an appropriate trigger for clear width regardless of the number of dwellings. The Panel accepts the wording of new standards E27.6.6(4) and (4A) agreed at conferencing as set out in Attachment A to Council’s closing remarks. Further, while under E27.6.6(3) the clear width can contain landscape treatment, the Panel is satisfied

¹¹ Opening Legal Submissions dated 13 October 2023, paragraph 3.38(a).

¹² Ibid, paragraphs 3.38(c) and (d).

that the restriction of this to a height of 600mm will minimise risk of impediment for emergency responders.

Decision

162. That submissions coded to **Hearing Topic 025 – Pedestrian Only Access and Topic 031 – Pedestrian Access** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 026 – LOADING SPACES & TOPIC 027 HEAVY VEHICLE ACCESS & RELATED MATERIAL INCORPORATED BY REFERENCE (Topic 036)

163. The submissions in Topic 026, Topic 027 and Topic 036 addressed the following themes:
- Theme 1 – Overall Approach for Loading Spaces
 - Theme 2 – Support Standards E27.6.2(8) & E27.6.2.7 & / or E27.6.3.3(2A) & E27.6.3.4 & E27.6.3.5
 - Theme 3 – Amend or Oppose Standards E27.6.3.2, E27.6.3.3(2A), E27.6.3.4, E27.6.3.4A, E27.6.3.5, & E27.6.2(8) & Table E27.6.2.7
 - Theme 4 – Amend Standard Table E27.6.2.7 & Standards T111A & T111B
 - Theme 5 – Matters of Discretion E27.8.1.(9)
164. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main themes raised in the above submissions.

Discussion

165. PC 79 introduces a small loading space requirement for developments of greater than nine dwellings and up to the 5,000m² threshold.
166. The rationale for the introduction of a small loading space standard derives from the removal of parking minimums, which the reporting officers consider will mean that the possibility of an informal loading space (i.e. using unoccupied car parks or the vehicle accessway) can no longer be guaranteed, unless a developer is providing car parking.
167. The Section 32 Evaluation Report associated with PC 79 identifies the issue as:

Developments or land uses that do not have vehicle access for servicing, pick up and drop off (including ride share and future potential for autonomous vehicles) and deliveries will be reliant on roadside access. This may lead to conflicts with transport network functions (parked cars blocking the carriageway or parking on the footpath) and may have safety effects (such as visibility constraints, unsafe vehicle manoeuvres and effects on pedestrian safety). (p. 13)

168. In addition, the reporting officers note that there has been significant growth in e-commerce as outlined in the Section 32 Evaluation Report (p.14). This matter was discussed in further detail in the Technical Specialist Report of Mr Brandon on traffic engineering and transport planning matters (Attachment 6 to the s 42A Hearing Report).
169. The Panel also noted that at expert conferencing on 24 July 2023, Auckland Council experts proposed amendments to the loading standards. The most significant change proposed is that the “small loading space” requirement only applies to sites with frontage to an arterial road as identified on the planning maps. This was on the basis that arterial roads typically have the greatest demands on the use of road space e.g. they carry the highest traffic volumes, are used for public transport, high vehicle occupancy lanes, and cycle lanes. We were told that the manoeuvring areas associated with a small loading space are significantly less than for a larger truck. In addition, there is scope through the assessment criteria to consider alternative loading solutions.
170. We note that the amendments proposed to E27.6.2(8)(b) as well as the addition of new Table E27.6.2.7A Minimum small loading space requirements, including consequential amendments to the assessment criteria substantially addressed the concerns raised by the majority of submitters. This was confirmed by the experts (Mr Hills, Mr McCall, Ms Smart¹³ as well as Mr Reidy and Mr Brandon) who were in attendance at the expert conferencing held on 24 July 2023 as recorded in the joint witness statement.
171. With regard to heavy vehicle access, proposed Standard E27.6.3.4A requires sufficient space on a site in a residential zone to ensure an 8m heavy vehicle does not need to reverse onto or off the site with a maximum reverse manoeuvring distance of 12m. We note that heavy vehicle access and manoeuvring areas must comply with the tracking curves in Land Transport New Zealand Road and Traffic Guidelines.
172. No changes were recommended to the proposed standard as a result of expert conferencing, except that the deletion of (1)(b) is proposed by reporting officers as there is no longer a specific standard relating to pedestrian access on sites serving heavy vehicles.
173. We note that the proposed standard is in response to a requirement in the residential zone provisions for onsite waste management collection under PC 78. We acknowledge that this matter has not yet progressed to a hearing, however, standard E27.6.3.4A is drafted in such a way that it applies “where” a site in a residential zone provides heavy vehicle access. Notably, the standard does not require the provision of heavy vehicle access, but where such access is proposed it sets out reverse manoeuvring requirements to achieve safety outcomes. In other

¹³ With the exception of E27.6.3.5(3)(cb) Vertical Clearance, where Ms Smart considered a dimension of 4m clearance (as opposed to 3.8m) was more appropriate for FENZ.

words, the PC 79 standard is stand-alone and does not depend on the outcome of the PC 78 process.

Findings

174. The Panel noted that the agreed changes to the proposed standards resulted in limited evidence being presented to us at the hearing on Topic 026. Mr Grey in his evidence helpfully pointed out a remaining cross-referencing error in proposed provision (T137A) in Table E27.6.3.2.1 that required amendment. This has now been corrected by the reporting planners. Kāinga Ora also supported the overall intent of the proposed amendments but sought further modification to the agreed loading standard. Specifically, Mr Liggett and Mr McCall considered further amendment is required to the notified provisions to ensure land use efficiency and optimisation are not “unduly compromised”. They sought that standard E27.6.2(8)(b) be further amended to reflect that loading spaces should not be required in cases “*where developments are established on sites with more than one street frontage and one or more of those roads is a lower order road*”.
175. In his rebuttal memorandum, Mr Brandon considers that the proposed standards are similar in nature to the way current standards for matters such as vehicle access are addressed. It is his experience that these standards function in an efficient and effective manner. We note that the reporting officers have discussed the above matter further with Mr Brandon and in the Council’s closing remarks Mr Allan submits that Kāinga Ora’s proposed amendment should not be adopted because:
- a) *“The frontage a site has to another road could range in length significantly, and it is unknown how a development is going to be designed in relation to that side road frontage.*
 - b) *The demand for use of an arterial (i.e., parking) tends to spill onto side roads, and corner sites are the most likely dual frontage scenario.*
 - c) *The provision has been pared back significantly from all sites to just sites that have frontage to arterial roads.*
 - d) *Were the provisions unamended, Council would be able to consider departing from the loading space standard on a site-by-site basis against the assessment criteria.”*
176. We consider that the loading space standards are necessary. We acknowledge the extent to which the provision has been amended to respond to submitters’ concerns. We agree with the latest amendments proposed as set out in Appendix A to Council’s closing remarks for the reasons set out above, and on that basis, we disagree with Mr Liggett and Mr McCall that further modification to E27.6.2(8)(b) is required or appropriate as it has the potential to lead to conflicts with traffic and pedestrian safety.
177. Mr Wren gave evidence that the heavy vehicle standard is vague and lacks a definition for the term “heavy vehicle”, making it difficult to implement in practice. He suggested that a definition might avoid confusion by specifying the vehicle which the proposed standard is aimed towards.

178. While there is existing guidance within the AUP as to the meaning of heavy vehicle, the reporting officers agree with Mr Wren that a specific definition of heavy vehicle has merit. They subsequently have recommended that the following heavy vehicle definition be included (based on Waka Kotahi's definition), which is similar to that included in other plans:

Heavy vehicle

A motor vehicle that has a gross vehicle mass exceeding 3,500 kilograms.

179. In the Council's closing remarks Mr Allan submitted that the above amendment increases the certainty of the standard and excludes its application to light delivery vehicles. He noted that the reporting officers are accordingly satisfied that there is sufficient scope to make this amendment, in response to the submissions received. We agree with the inclusion of the above definition for "heavy vehicle" and consider this addresses the matter raised by Mr Wren.

Decision

180. That submissions coded to **Hearing Topic 026 – Loading Spaces & Topic 027 Heavy Vehicle Access & Related Material Incorporated by Reference (Topic 036)** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 028 – BICYCLE PARKING AND ACCESS & TOPIC 036 – MATERIAL INCORPORATED BY REFERENCE (RELEVANT TO TOPIC 028)

181. The submissions in Topic 028 and Topic 036 addressed the following themes:

- Theme 1 - Overall Support
- Theme 2 - Overall Opposition
- Theme 3 - Support Policy E27.3 (14)
- Theme 4 - Amend Policy E27.3 (14)
- Theme 5 - Oppose Policy E27.3 (14)
- Theme 6 - Support Standard E27.6.2.6
- Theme 7 - Amend Standard E27.6.2(6) and Table E27.6.2.5
- Theme 8 - Delete Standard E27.6.2(6) and Table E27.6.2.5
- Theme 9 - Amend Assessment Criteria E27.8.2(6)

182. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main issues raised in the above submissions.

Discussion

183. The Section 32 Evaluation report outlines the reasons for changes to the AUP's bicycle parking provisions. The report includes the following observations:

63. The AUP currently does not require on-site bicycle parking until relatively high development thresholds are reached. For example, residential development of 20 or more residential units where there is no dedicated garage.

...

66. Furthermore, there are no provisions in the AUP relating to the design of on-site bicycle access and secure, sheltered parking facilities for bicycles. There are numerous benefits for cyclists in providing secure and sheltered bicycle storage facilities, especially where residents do not have access to a garage.

67. Current provisions don't ensure that quality outcomes are provided for residential bicycle parking facilities.

68. Transport is Auckland's largest source of emissions. Transitioning to a sustainable transport system is critical to give effect to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan, which aims to halve regional emissions by 2030 and transition to net zero emissions by 2050. Increasing the uptake of cycling and micromobility is a priority in Te Tāruke-ā-Tāwhiri.

...

71. Accelerating the delivery of safe and connected cycling and micromobility networks in Auckland will enable more people to undertake more of their daily trips through sustainable active modes, leading to reduced transport emissions and greater wellbeing. It also enhances community and transport resilience by providing affordable, fossil-fuel free travel options for people and goods.

184. In summary, the Council's position is that the current threshold for bicycle parking for residential development is set too high, quality outcomes for residential bicycle parking facilities are not always being achieved, and an increase in cycling is required if climate change goals are to be achieved. Further, safe, secure and covered bicycle parking is required if cycling is to be encouraged/enabled.
185. The Technical Specialist Report by Mr Michael Roth on bicycle parking (Attachment 16 to the section 42A Hearing Report) addresses the role of cycling in achieving climate change goals.
186. We note that a key action to reducing reliance on cars and supporting people to walk, cycle and use public transport, includes increasing support for walking and cycling, including initiatives to increase the use of e-bikes. Mr Roth notes in his transport planning memo on bicycle parking that PC 79's proposed bicycle parking and access provisions directly support this action.
187. Recommended changes were put forward by the Council at the first expert conferencing session held on 19 May 2023 to allow for more flexibility, with key bicycle parking requirements being shelter from weather, security and access.

Further changes to assessment criteria were also proposed by the Council based upon Waka Kotahi guidance on design details for bicycle parking which relate to both public and private provision. During the conferencing Mr Michael Lowe agreed about the need for flexibility but raised concerns that there isn't enough bicycle parking provision proposed to support mode shift. Mr Hills, Mr Lala, Ms Morgan, Mr McCall and Mr Morgan noted that it is a minimum requirement, but agreed there needed to be flexibility to provide bicycle parking within the dwelling, as many residents may not want to use communal parking (e.g. due to the value of e-bikes). The Panel notes that no consensus was reached on the proposed changes to the activity table, being Table E27.6.2.5.

188. The Panel also notes the evidence of Ms Coates which opposes the recommended change to Policy E27.3(14) by adding the words "*including within a dwelling*". The basis for her opposition is the increase in e-bikes causing fatal fires due to higher energy lithium-ion batteries.
189. The evidence of Mr McCall on behalf of Kāinga Ora advised that the proposed amendment to Policy E27.3.(14) (which he supports) has not been carried through into the proposed standard.
190. The proposed standard Table E27.6.2.5 Required bicycle parking rates requires one secure (long-stay) bicycle park per dwelling where there is no dedicated garage or basement carpark. We note that an internal bicycle parking space is one of the options proposed for providing bicycle parking.
191. In response to the evidence of Mr McCall, the Council's rebuttal memoranda proposed that bicycle parking within a dwelling be included as a means of complying with the standard, provided that this is not within a "habitable room". The rebuttal memo of Mr Roth addresses requirements for internal bicycle parking spaces. He states that bicycle parking within dwellings should not be provided for in habitable rooms. In light of Mr Roth's comments, the reporting planners concluded that habitable rooms should be excluded. This matter remained the main outstanding matter in this topic.
192. Kāinga Ora's legal submissions and hearing presentation raised concerns with PC 79's intention to exclude bicycle storage in habitable rooms from the ways in which the bicycle parking can be complied with. Ms Caldwell submitted that the proposed provisions relating to bicycle parking do not make appropriate provision for bicycles to be stored indoors in certain circumstances, in a way that reflects individual preferences. Kāinga Ora sought a further amendment to the standard E27.6.2.(6) to clarify that the standard can be complied with via provision for bicycle parking within a dwelling or an exemption to bicycle parking requirements in respect of dwellings located at ground level.

Findings

193. We questioned the certainty and enforceability of the proposed amendment to the standard allowing for bicycle parking provision within dwellings, excluding habitable rooms. The main issues we raised were:
- a) How compliance would be demonstrated at the resource consent stage; and
 - b) How any monitoring and enforcement would or could occur of the internal spaces of dwellings.
194. These issues were acknowledged by the reporting planners who responded that enforcement of this rule is not something they could ensure or that the Council would in fact pursue beyond the imposition of a consent condition. Mr Allan addressed this matter further in the Council's closing remarks (paragraph 8.6) as follows:
- “Officers consider that the only way that the standard could practically function in this regard would be for bicycle parking within dwellings to be specifically identified on the consented plans associated with an application, and a condition imposed that those facilities be provided. Compliance with this requirement could be monitored in conjunction with final Building Act inspections prior to occupation of dwellings. From this point on, any monitoring or enforcement of activities occurring within dwellings would be inappropriate and unnecessary. The purpose of the standard would be met at this stage as a space would be provided for residents to store a bicycle if they wish.”*
195. We were not convinced that the proposed amendment was sufficiently certain, and remained concerned about the enforceability and monitoring of precluding bicycle parking within non-habitable rooms of dwellings. Consequently, we have deleted this clause of the standard.
196. The Panel has also made one further amendment to this standard to require the bicycle parking to be “sheltered from weather” (as opposed to “fully sheltered from weather”) in E27.6.2.(6)(aa)(iii) as we find that to be ‘fully’ sheltered from the weather results in a standard that is possibly open to interpretation.

Decision

197. That submissions coded to **Hearing Topic 028 – Bicycle Parking and Access & Topic 036 – Material Incorporated by Reference (relevant to Topic 028)** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 029 – ELECTRIC VEHICLE CHARGING & TOPIC 036 – MATERIAL INCORPORATED BY REFERENCE (RELVANT TO TOPIC 029) & TOPIC 040 – DEFINITIONS AND ABBREVIATIONS (RELEVANT TO TOPIC 029)

198. The submissions in Topic 029, Topic 036 (relevant to Topic 029) as well as Topic 040 (relevant to Topic 029) addressed the following themes:

- Theme 1 - Support Overall Approach/Objective E27.2.(7)
- Theme 2 - Amend Objective E27.2.(7) / New Objective
- Theme 3 - Oppose Objective E27.2.(7)
- Theme 4 - Support Policy E27.3(30)
- Theme 5 - Support Policy E27.3(30)
- Theme 6 - Oppose Policy E27.3(30)
- Theme 7 - Oppose Policy E27.3(30)
- Theme 8 - Amend Standard E27.6.7 /New Standard
- Theme 9 - Oppose Standard E27.6.7 and/or Table E27.4.1 – Activity Table
- Theme 10 - Matters of Discretion E27.8.1.(16)
- Theme 11 - Assessment Criteria E27.8.2.(14)
- Theme 12 - New Definition - Electric vehicle supply equipment

199. The submission points are set out in the section 42A hearing report and are grouped into the above theme headings. Below is a discussion on the main issues raised in the above submissions.

Rationale for Requiring Electric Vehicle Supply Equipment (EVSE)

200. Objective 1 of the NPS-UD states:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

201. A well-functioning urban environment is defined in Policy 1 of the NPS-UD as including:

... urban environments that, as a minimum:

...

(e) support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.

202. Objective 8 of the NPS-UD states:

Objective 8: New Zealand’s urban environments:

(a) support reductions in greenhouse gas emissions; and

(b) are resilient to the current and future effects of climate change.

203. Mr Loutit, in his legal submissions on behalf of Beachlands South Partnership Limited told us that we must give greater weight to the specific and (relatively) directive requirement to “limit as much as possible” constraints on the competitive operation of development markets. Whereas, the more general ambitions “to support” reductions in GHG emissions do not justify the imposition of prescriptive EV supply equipment and charging controls at the individual dwelling scale.

204. Mr Allan, in the Council's closing remarks pointed out that Mr Loutit's submission does not accurately capture the actual wording of Policy 1(d), which is: "*support, and limit as much as possible, adverse impacts on, the competitive operation of land and development markets*". He stated that Policy 1(d), like Policy 1(e), employs the word "support". We note that the term "well-functioning urban environment" is defined in Policy 1 in a non-exhaustive manner, with the listed elements being minimum requirements, and all linked by the conjunctive "and". It was Mr Allan's submission it follows that all elements of Policy 1 are to be achieved and there is no hierarchy between them. We agree.
205. The section 42 Hearing Report advises that New Zealand's transition to electric vehicles is a key component of efforts to significantly reduce transport emissions. For example, Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan anticipates 40 percent of light vehicles to be electric or zero emission by 2030, and 80 percent by 2050. As charging electric vehicles typically takes several hours, and ideally occurs at night to take advantage of off-peak power, future residential developments will need to provide spaces and charging facilities to support uptake of electric vehicles. Even if no formal car parking is provided, it is still expected that most households will own a vehicle for the medium term at least and therefore some shared charging facilities will be required. It is Mr Roth's opinion in his transport planning memo on EV charging (Attachment 15 to the section 42A Hearing Report), that the proposed EV charging provisions directly support this action.
206. The Section 32 Evaluation Report states in section 4.1 that one of the key reasons for requiring electric vehicle supply equipment is: "*Auckland's transport infrastructure is future-proofed to cater for emerging changes in transport, including greater use of bicycles, including e-bikes, micro-mobility devices and electric vehicles*". In this regard we noted that Ms Morgan for Fletcher Residential suggested that the market is addressing the issue of EV charging, and we acknowledge that this is happening in some instances. However, we agree with the reporting officers that the market cannot be solely relied upon to deliver electric vehicle supply equipment to enable future EV charging.
207. The Panel observed that several submission points were received on notified objective E27.2.(7) and policy E27.3(30) as well as the subsequent standard and assessment criteria. According to the section 42A Hearing Report, the intention of proposed Objective (7) and Policy (30), as notified, was to provide the necessary infrastructure to enable the future installation of electric vehicle supply equipment.
208. Notably, in response to submissions, it was proposed by Auckland Council experts at expert conferencing on 19 May 2023 to amend the objective and policy to reflect the above intention, moving from a position of 'requirement' to one of 'enablement'. Changes were also put forward to the notified proposed standard. The intent remains the same – that for new residential dwellings (excluding detached dwellings), with covered carparking, there is provision made for the future installation of electric vehicle supply equipment.

209. The recommended revised standard that was presented at expert conferencing clarifies that the EV charging:
- a) Applies to any new dwelling with car parking;
 - b) Only applies to undercover car parks;
 - c) Would not apply to new detached dwellings; and
 - d) Would not apply to any car parking permanently allocated to visitors.
210. Consequential amendments were also proposed to the assessment criteria and a new definition of ‘Electric Vehicle Supply Equipment’ (EVSE) was proposed to assist in interpretation and application of the standard.
211. The Panel understands that the above proposed amendments were not discussed in any detail, as the bigger issue of whether the AUP should contain provisions relating to EV charging was the only issue discussed at expert conferencing.
212. In addition to the above amendments, the reporting officers also introduced a new objective, policy, activities and standard relating to electric vehicle charging stations in response to submissions received on PC 79, after the expert conferencing occurred. The standard was further amended by the reporting officers in their rebuttal memorandum, in response to the Fuel Companies hearing statement.
213. Some submitters – BSLP included – have expressed general concerns in relation to the costs involved with the standard. In his summary statement Mr Lala advised he did not agree with the responses provided by Council that there would be little if any additional costs associated with these new provisions, such as EV supply equipment. Specifically, it was not clear to Mr Lala what information would be required for resource consent applicants, or how Council’s resource consent reporting planners could confirm compliance with the proposed provisions. It was his view that:
- “resource consent applicants would need a statement (or certification) from an electrician that the development complies with the future proofing of capability requirement at the resource consent stage. Similarly, the Council’s resource consent reporting planners would most likely require their own technical specialists to confirm or otherwise such compliance. In my view, the costs associated with this process (including any time delays) outweigh the benefits, particularly when no actual EV charging infrastructure will result. Therefore, I consider the proposed changes are not the most appropriate as they will result in inefficiencies in the resource consent process and will be ineffective in improving New Zealand’s EV charging infrastructure¹⁴.”*
214. Mr Lala did not provide us with any evidence on the costs associated with having to retrofit EV charging to existing developments at a later date. We note that Mr Roth’s EV charging report (Attachment 15) contains further information on the costs of retrofitting EVSE as opposed to installation at the time of development. The Panel also notes a key distinction that the proposed standard does not

¹⁴ Summary Statement of Vijay Lala, paragraph 1.12

prescribe a specific technology or equipment. It seeks that there are no substantial constraints or impediments to the installation of future EV charging. We accept Mr Roth's opinion that it is cheaper and more efficient to provide for EV charging at the time of development, rather than retrofitting at a later date. We also agree that these amendments will "future-proof" Auckland's transport infrastructure and cater for emerging changes in transport, including greater use of electric vehicles.

215. We agree with Council's closing remarks that what is now proposed is a very low-cost minimum enabling provision for future installation of Electric Vehicle Charging Equipment. The approach is technology agnostic and does not preclude further EV charging solutions or alternative technologies being adopted (if these eventuate).

216. While Kāinga Ora considers that the most appropriate mechanism to require electric vehicle supply equipment is through the Building Regulations 1992 (Building Code), it acknowledges that there does not appear to be any amendment to the Building Code currently "in the pipeline". Other submitters, such as Beachlands South Limited Partnership were also in agreement with Kāinga Ora on this matter. In this regard we observed the record of expert conferencing from 19 May 2023 discussion on the EV charging provisions records the following statement:

All experts, except Sarah (Sarah Westoby (Planning) – representing The Fuel Companies, Z Energy Limited), agreed that the requirements would be better located in the building code, however, given the fact this hasn't happened, Auckland Council has taken a risk averse position to ensure provision is contained within the AUP.

217. Kāinga Ora considers it is clearly necessary to have some form of regulatory framework around electric vehicle supply equipment, and accepts the value of enabling the future installation of this equipment, so as to avoid costly retrofitting exercises further down the track.

218. Ms Caldwell for Kāinga Ora stated that PC 79 represents an opportunity to provide greater certainty, and ensure that an appropriate, enabling framework is established, to allow for a smooth and efficient transfer to electric vehicles. However she submitted, it is important that this framework does not become overly rigid or prescriptive and thereby risk putting developers to unnecessary and inappropriate costs.

219. Mr Liggett in his statement of evidence, considers there is currently a disconnect between the more enabling approach taken in the Objectives and Policies and the relevant standards /assessment criteria which require EV charging to be provided for in all undercover car parking within residential developments. Consequently, he considers the specific amendments sought by Kāinga Ora are necessary to maintain flexibility for developers whilst balancing the need for such equipment to be provided.

220. We note that Mr Roth confirmed that the provisions do not require that EV charging facilities are installed. Instead, the provisions enable the future installation of such

equipment, by ensuring designated space for the necessary conduit, circuit, and metering to be provided between each car park and an electrical distribution board; i.e., all that is required to be provided is space and an electrical distribution board.

221. We note that Mr Campbell and Mr Thode in their summary statement on behalf of multiple submitters stated that their evidence supported the proposed section 42A amendments to the EV charging standards, on the understanding that their purpose is to provide the ‘capability’ to install Electrical Vehicle Supply Equipment, but that the physical infrastructure need not be supplied at the same time, and could be done so at a future date without contravention of the standard.
222. In Council’s closing remarks, Mr Allan considered that the standard does not prevent Kāinga Ora (or other developers) from providing other EV charging solutions, which go beyond what the standard would require. He also pointed out that Mr McCall, Ms Morgan and Mr Lala referred to the possibility that technology might change as a reason for rejecting the standard. However, in his rebuttal Mr Roth stated that no changes are expected to residential supply technology beyond the increasing use of communication and software for load management. He reiterated that the proposed standard does not prescribe a specific technology or equipment. Instead, it ensures that there are no substantial constraints or impediments to the installation of future EV charging.
223. We agree with the Council and find that the amended EV charging provisions are appropriate and will give effect to the NPS-UD, including Policy 1.

Decision

224. That submissions coded to **Hearing Topic 029 – Electric Vehicle Charging and Topic 036 – Material Incorporated by Reference (relevant to Topic 029) and Topic 040 – Definitions and Abbreviations (relevant to Topic 029)** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 030 – TRIP GENERATION & ABBREVIATIONS AND DEFINITIONS TOPIC 040 (RELEVANT TO TOPIC 030)

225. The submissions in Topic 030 – Trip Generation & Abbreviations and Definitions Topic 040 (relevant to Topic 030) addressed the following themes:
- Theme 1 - Overall opposition
 - Theme 2 - Support Standard E27.6.1
 - Theme 3 - Oppose Standard E27.6.1
 - Theme 4 - Amend Standard E27.6.1
 - Theme 5 - Support Table E27.6.1.1
 - Theme 6 - Amend Table E27.6.1.1

- Theme 7 - Support E27.8.2(3) Assessment criteria
 - Theme 8 - Oppose E27.8.2(3) Assessment criteria
 - Theme 9 - Further analysis required
226. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main issues raised in the above submissions.
227. The Council proposed changes to the trip generation provisions to reflect that the mandatory residential intensification provisions under the NPS-UD and MDRS will result in additional demands and effects on the transport network. Through lowering the trip generation (Standard E27.6.1) thresholds, the section 42A Hearing Report states that appropriate thresholds will ensure that the effects of an increased number of residential developments are considered, and where necessary mitigated. This therefore reduces pressure on the transport network. The issue of increased consenting costs and challenges was noted by the Council, and they indicated in the section 32 report this will only impact a small number of applications.
228. The Panel notes that this is not the first attempt at a travel demand rule. Proposed Plan Change 71 – NPS-UD Removal of Car Parking Minimums – Consequential Technical Amendments included a proposed “travel demand standard” and associated changes. The purpose of this standard was to enable a fuller assessment of the effects of activities on the transport network (than the existing trip generation standard did). We further note that after opposition this was withdrawn from PC 71 on 28 July 2022.
229. Expert conferencing held on 12 June 2023 highlighted that all experts agreed lower thresholds are an appropriate mechanism to consider trip generation. Furthermore, it was agreed that the existing trip generation threshold was appropriate for consideration of vehicle-related trips, but that assessing the effects on other modes of transport, such as walking, cycling and public transport trips is appropriate at a lower threshold.
230. All experts agreed that in terms of the threshold notified at 60 dwellings, for active modes the 60 dwelling threshold seems to be appropriate. For a lower threshold to be considered (some submissions are seeking 40 dwellings), further research would be required to validate this. We note that Mr McCall was neutral on this matter.
231. A revised set of trip generation provisions was prepared by the Council in response to expert conferencing. Mr Chris Freke’s specialist report (Attachment 11 to the section 42 Hearing Report) sets out the detailed explanation for these changes, and describes the two tiers of threshold in the amended provisions, with lower thresholds for consideration of active modes and public transport. There are also distinct matters of discretion (E27.8.1) and assessment criteria (E27.8.2) proposed to distinguish between the two tiers of thresholds.

232. The evidence of Mr Campbell and Mr Thode, Mr Lala, Mr Hills, Mr McCall, Mr Morgan, and Ms Morgan expressed similar views that the recommended Standard and Assessment Criteria for active and public transport modes should be further amended to provide greater clarity on the nature and level of assessment sought when the thresholds are exceeded, particularly with regard to public transport modes.
233. These experts consider there is a lack of clarity in relation to the proposed provisions that could result in an assessment being requested that goes beyond what they understand to be intended, i.e. to provide an assessment of the local network in regard to likely active mode demands and routes taken to key areas, including public transport.
234. As such, for the public transport mode assessment, these experts considered the assessment criteria should be limited to the active mode connectivity to existing or proposed facilities, and basic public transport infrastructure (such as bus stops, seating, and shelter). These experts considered this assessment should not include information regarding patronage or capacity of the public transport system which are beyond the control of any applicant and the sole responsibility of Auckland Transport.
235. Ms Morgan, Mr Hills, Mr Campbell and Mr Thode and Mr Morgan also presented similar evidence that it would be more efficient and effective to focus the assessment on the immediate transport environment adjacent to a development site and the infrastructure supporting those transport modes (rather than the modes themselves), and as a means to limit the scope of any assessment (keeping in mind that comprehensive assessment would otherwise be required for development under the operative thresholds). The experts jointly recommended amendments to the assessment criteria under E27.8.2.
236. Mr Freke acknowledged that the primary focus of the lower trip generation thresholds is around local active mode networks and supporting passenger transport infrastructure, such as indicated within the evidence of Mr Hills. He was comfortable with limiting the scope to “infrastructure” for these activities subject to minor wording amendment being made as set out in his rebuttal evidence.
237. He considered that the trip generation assessment can be applied to a wide range of scenarios and that the context is very important. He therefore considered that the scope of assessment shouldn’t be unduly fettered as this would tend to result in the provisions not being able to be applied where they should be.
238. Mr Freke in his rebuttal memorandum agreed with the submitters that there needs to be some limitation on the effects for which mitigations can be required. This should reflect the general position that applicants are not required to address wider network issues that are not directly related to the effects from their proposed activity. Mr Freke was of the opinion that that this is already the case as assessment criteria E27.8.2(3)(b) limits potential network mitigations to those that relate to the “local transport network”. He considered that either of “local” or

“immediate” local transport requires consideration of mitigation works beyond the adjoining frontage of a site. Therefore, he did not support the amendment suggested limiting assessment and any mitigation measures to those within or adjoining a site.

239. The evidence of Mr McCall on behalf of Kāinga Ora did not support the idea of a public transport or active modes of transport assessment using the proposed new threshold system. Mr McCall considers that the requirement for an applicant to assess the adequacy of the surrounding public transport and active mode infrastructure is inappropriate. This, in his view, is because developers and landowners do not have control over the operation and/or infrastructure relating to public transport and/or active modes of transport. Further, it was Mr McCall’s opinion, if such an assessment was undertaken and it was determined that there are effects on the capacity of the surrounding public transport and/or active modes of transport, it is unclear what mitigation measures could be proposed by the applicant. Mr Freke disagreed with Mr McCall’s view that the provision or enhancement of active mode infrastructure beyond a site is beyond the control of developers. He cited several examples of provisions within the AUP which are underpinned by an ability to require changes within existing road reserves to address the effects from an activity or proposal.
240. During the hearing it became evident to the Hearings Panel that there would be value in additional expert conferencing on the assessment criteria which consider infringements of the amended trip generation thresholds standard in Table E27.6.1.1. This was directed by the Panel on 20th October 2023¹⁵ and additional expert conferencing was held on 9th November 2023.
241. The additional conferencing was successful in that upon discussion in the meeting, all experts in attendance agreed with the drafting of a new clause E27.8.2(3A)(c) to define the scope of the local transport network. Further, all experts agreed with the amendment to Standard E27.8.2(3A)(a) in reference to the “local” transport network.
242. In Council’s closing remarks, Mr Allan noted that it is important, from a legal perspective, to consider how the Environment Court typically approaches the assessment of the traffic effects of development. He pointed out several pertinent findings in *Laidlaw College Inc v Auckland Council*¹⁶ and that the operative trip generation assessment criterion E27.8.2(3)(b) refers to “contributing to improvements to the local transport network”. He submitted that this criterion aligns with the decision of the Environment Court in *Laidlaw* and was not proposed to be changed by PC 79. As such:

“While the experts agreed at conferencing to define the “local transport network” for the purposes of the new lower threshold provisions, counsel submit that the wording of the provisions should leave no room for doubt

¹⁵ Direction (20 October 2023) from the Hearing Panel – Further Expert Conferencing – Plan Change 79 – Transport Provisions.

¹⁶ *Laidlaw College Inc v Auckland Council* [2011] NZEnvC 248 at [38].

that the agreed limitation does not apply to the existing trip generation provisions otherwise, including assessment criteria E27.8.2(3)(b).”

243. To make this clear, Counsel submitted that the wording for new clause E27.8.2(3A)(c) agreed at conferencing should be amended further by the addition of the following bolded text:

*c) For the purpose of assessing **E27.8.2(3A)** (a) and (b) **only***, the local transport network refers to the area in the immediate vicinity of the site. For the purpose of this assessment, public transport infrastructure includes infrastructure associated with **public transport stops**, and excludes bus lanes. Any mitigation measures must relate to the effects of the proposal on the environment, demand on public transport infrastructure and active mode journeys from the site.*

**** Note: this does not alter the meaning of ‘local transport network’ in any other context.***

244. The amended wording above includes one further change recommended by Mr Freke and Mr Power, which is to refer more generically to “public transport stops” rather than “bus stops” (to provide for possibilities other than buses, e.g. shuttle vans etc).

Findings

245. The Panel finds that new clause E27.8.2(3A)(c) agreed at conferencing should be amended as set out above, as we agree it needs to be clear that the new clause applies for the assessment of E27.8.2(3A) (a) and (b) only. We also agree that the additional wording change sought by Mr Freke and Mr Power would ‘future proof’ this criterion to include other forms of public transport stops.
246. Lastly, in relation to the matters concerning thresholds, we note that all submitters, with the exception of Kāinga Ora, appeared to accept the new proposed provisions, with Mr Lala and Mr Hills confirming that the thresholds are agreed, subject to amendments to the related criteria (subsequently agreed at conferencing). We are also mindful that Kāinga Ora did not call expert transport evidence. Further, the expert transport and transport planning evidence before us confirms the appropriateness of the new lower thresholds for consideration of active modes and public transport. We agree with the expert transport evidence of Mr Hills and in doing so, we find that the new threshold provisions are appropriate, as outlined above.

Decision

247. We find that submissions coded to **Topic 030 – Trip Generation & Abbreviations and Definitions Topic 040 (relevant to Topic 030)** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 033 – VEHICLE ACCESS, TOPIC 034 SPEED MANAGEMENT, TOPIC 035 VEHICLE CROSSING AND ACCESS WIDTHS & TOPIC 039 VEHICLE ACCESS TO REAR SITE

248. The submissions in Topic 033, Topic 034, Topic 035 and Topic 039 addressed the following themes:

- Theme 1 – General Support
- Theme 2 – Support Policy E27.3.(20A)
- Theme 3 – Amend Policy E27.3.(20A)
- Theme 4 – Oppose Policy E27.3.(20A)
- Theme 5 – Amend Standard E27.6.4.3
- Theme 6 – Retain or amend Standards in Table E27.6.6.3 and associated relief with reference to Figure E27.6.4.3.1
- Theme 7 – Delete Table E27.6.6.3
- Theme 8 – Amend Standard E38.8.1.2

249. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main themes raised in the above submissions.

Discussion

250. PC 79 proposes a package of provisions (objective, policies, standard, matters of discretion and assessment criteria) that address the issues identified in the Section 32 report relevant to these topics, which are set out below:

- Inadequate footpath widths / separation of footpaths from trafficable areas;
- Speed management devices for private accesses;
- Carriageway widths; and
- Lack of integration between Chapters E27 and E38.

251. In the s42A Hearing Report, the reporting officers acknowledged that proposed policy E27.3(20A) was overly prescriptive and impracticable to implement. Amendments to the notified version of the policy were put forward by the Auckland Council experts at expert conferencing on 21 July 2023. We note that the amendments generally reflect those sought in submission point 91.4 from the Aedifice Property Group. The reporting officers consider that the amendments assist in clarifying and simplifying the policy's intent and in turn, address common and specific issues relating to vehicle and pedestrian access (including pedestrian safety), as identified above.

252. The reporting officers also consider that amended policy E27.3(20A) and the desired outcome of providing for the safe on-site movement of pedestrians adjacent to a vehicle access is consistent with existing policies in Chapter E27 of

the AUP which seek to achieve a range of pedestrian safety outcomes in different transport environments, particularly existing policy E27.3(20) which complements proposed policy E27.3(20A) by providing for the safe movement of pedestrians along the interface between a vehicle crossing and the adjoining road network.

253. Proposed standard E27.3.(20A) requires vehicle access to be designed and located “to provide for low speed environments and for the safety of pedestrians and other uses, and the functional access for emergency responders”. Table E27.6.6.1 (formerly E27.6.6.3 when notified) provides primary pedestrian access width and separation requirements, and provides minimum formed primary pedestrian access widths where not adjacent to vehicle access and minimum formed primary pedestrian access width and separation where adjacent to vehicle access. This has been discussed further in Topic 031 pedestrian access. We also note that proposed standard E27.6.4.3.1 provides a diagram of vertical separation of pedestrian access.
254. Standard E27.6.4.3(1)(c) and Table E27.6.4.3.3 address speed management requirements. The amended standard provides that every on-site parking and loading space must have vehicle access from a road, with the vehicle access meeting “the minimum speed management measure spacing” specified in Table E27.6.4.3.3. In residential zones where the length of the vehicle access exceeds 30 metres, the location of minimum speed management measures should be “not more than 10 metres from the site boundary with the legal road” and “not more than 30 metres spacing between speed management measures”. Where heavy vehicle access and speed management measures are required, the speed management measures design should take into consideration heavy vehicle requirements.
255. Expert conferencing occurred on these topics on 21 July 2023. In response to submissions received the reporting officers introduced a definition for ‘Speed Management Measures’ to the experts in attendance which sought to provide certainty around expectations during the consenting process as follows:

“The application of engineering and other physical measures to a vehicles access to reduce vehicle speeds and provide for the safety of users of the vehicle access and adjoining road network. Includes:

- *speed humps*
- *raised tables*
- *side islands*
- *lane narrowing*
- *chicanes*
- *lateral shifts*
- *surface treatments*
- *landscaping.”*

256. In addition, PC 79 proposes to amend Table E27.6.6.3 (now Table 27.6.6.1) to require a minimum 1.8m wide pedestrian access adjoining a vehicle access for existing rear lots to ensure the key elements of a safe and direct pedestrian route

between a public road and the front door of a dwelling is being provided for. We note that consequential amendments have been recommended by the reporting officers to notified Table E27.6.6.3 for the purpose of ensuring consistency with the notified pedestrian access requirements in Standard E38.8.1.2 which was specifically sought by submission point 40.7.

257. Furthermore, notified Standard E38.8.1.2 seeks a 0.4m wide increase in the required minimum legal accessway width serving 6-10 rear sites. We note that the minimum formed 5.5m width between the operative and notified Standard E38.8.1.2 required for accessways serving 6-10 rear sites remains unchanged. The reporting officers consider that if a residential development requires dispensation for not being able to comply with the 6.9m minimum legal accessway width serving 6-10 rear sites stated in amended notified Standard E38.8.1.2, the merits of any requested dispensation should be subject to a robust and thorough assessment through a discretionary activity resource consent process, as is presently the case for any residential developments which are unable to comply with the operative minimum 6.5m legal accessway width requirement in Standard E38.8.1.2.
258. The reporting officers also consider that accessways serving rear sites enable safe pedestrian access for residents to adequately access the wider pedestrian movement network, including recreational opportunities which provides for their health and wellbeing. By doing so, this would then give effect to NPS-UD Policy 1 which is one of the key objectives of PC 79.
259. Submission point 40.2 sought to ensure the minimum legal accessway widths stated in notified Table E38.8.1.2.1 are consistent with those in operative Standard E27.6.4.3, which was accepted by the reporting officers and therefore amendments have been made to notified Table E38.8.1.2.1 so that an additional tier is created for 4-5 rear sites and the minimum formed 3.0m width requirement in operative Table E38.8.1.2.1 is retained for these site numbers. Consequently, this ensures the minimum formed accessway width serving 4-5 rear sites remains consistent with the minimum 3.0m wide vehicle access width in operative Table E27.6.4.3.1 required to serve between 3-9 parking spaces proposed by a residential development.
260. We note that, as recorded in the joint witness statement response from expert conferencing on 21 July, the AUP Practice and Guidance note Urban Subdivision – Residential (August 2022) (AUP Practice and Guidance note) states that operative Standard E38.8.1.2(2) applies to both vacant lot subdivision, as well as subdivision around an existing development and subdivision in accordance with an approved land use consent. Consequently, the intent of notified Standards E38.8.1.2(3) and E38.8.1.2(4) is to complement operative Standard E38.8.1.2(2) and its existing application to all types of rear site subdivision.

Findings

261. The Panel finds that amended E27.3(20A) as agreed at expert conferencing on 9 November 2023 to provide for emergency providers is an appropriate policy. We agree with the Council evidence, including the expert evidence of Dr Chambers and Mr Brandon in relation to the need for vehicle accesses to provide for pedestrian safety. The Panel also agrees that providing functional access for emergency responders is necessary (as discussed elsewhere), and appropriately reflects the matters discussed with FENZ during expert conferencing. The Panel rejects Kāinga Ora's submission that policy E27.3(20A) should be incorporated into policy E27.3.(20) and agrees with reporting officers that both policies are sufficiently distinct from each other to warrant separate but complementary policies. The Panel agrees with the reporting officers that having separate policies is appropriate to ensure that due consideration is given to all elements of on-site safety in the design of vehicle access and adjacent pedestrian accesses.
262. We note that the evidence of both Ms Bell and Mr Wren sought that the proposed AUP standard E27.6.6.1 be deleted, as they consider that the requirement for a minimum 1.4m wide pedestrian access adjoining a vehicle access serving existing rear sites would prevent / or restrict the future development of sites for the purpose of accommodating four or more dwellings with vehicular access. This is on the basis that many existing accesses and rights of way are not wide enough to provide the space required by the new standards. The reporting officers, relying on the evidence of Ms McKelvie consider that there are various development options available for rear sites that cannot comply with the proposed combined requirements for vehicle and pedestrian access. These include amalgamation of adjoining sites, constructing three complying dwellings under the MDRS (where the accessway standards are unaffected by PC 79), pedestrian only access developments, and seeking RDA consent to infringe the standards for a specific site. Ms McKelvie, in her rebuttal memorandum (page 7) provided site examples and dwelling typologies to demonstrate that in her experience *"in the review of resource consent applications, site amalgamation is a common development approach as it provides greater design flexibility in terms of both site layout and dwelling typologies, as well as access arrangements and ultimately yield."*
263. The Panel understands that rear sites which are unable to comply with the PC 79 standards have a restricted discretionary activity pathway, which includes both a matter of discretion (E27.8.1(9)(aa)) and an assessment criterion (E27.8.2(8)(d)(i)) that specifically provides for consideration of site limitations. Ms McKelvie remains of the opinion that the proposed standards are appropriate and necessary to achieve the broader NPS-UD objectives of a well-functioning urban environment with good accessibility as well as providing for residential intensification. We agree with Ms McKelvie that while some rear sites may not be able to comply with the PC 79 standards (as well as the operative AUP access standards), there are several development options available that still enable a level of intensification commensurate with the constraints of a site. We also continue to prefer the expert pedestrian safety opinion of Dr Julie Chambers when considering provisions that

seek to provide solutions for pedestrian safety, such as grade separated pedestrian access.

264. The speed management provisions were amended in response to submissions to define complying speed management measures, in order to provide certainty around expectations during the consenting process. We note that the Council officers stated at expert conferencing, they would provide accompanying practice and guidance notes and technical guidance documents to support resource consent assessments and the resulting implementation of speed management measures throughout relevant resource consent application processes. The Panel understands that the supporting AUP Practice and Guidance note would be used to set out general principles which may be used as guidance for any matters relating to the interpretation and application of the recommended “speed management measures” definition.
265. The evidence of Mr Morgan considered that the proposed permitted activity standards for speed management will add cost to a resource consent process and deny the opportunity for a contrary opinion to be provided by a traffic engineer, noting that depending on the characteristics of a site and a given accessway, a traffic calming device may not be warranted. He considered that instead this matter could be addressed by way of resource consent conditions or through the Engineering Plan Approval process. Mr Brandon does not agree. He considers that the standard defines the spacing required, and because the definition outlines a wide range of common devices that may be used, certain devices can be selected and designed to align with the context of the particular site. Further, if an applicant considers that a vehicle accessway does not require speed management, this could be assessed as a restricted discretionary activity. And, if it can be demonstrated that the vehicle accessway will still operate safely and there is a valid reason for not providing speed management, then he considered such a design could be granted consent. The other reasons he provided included that developing a speed management design after resource consent is granted will not make for a more efficient process, as the design still needs to be approved to ensure it is adequate for the site and if left until after resource consent, it is possible that a satisfactory design cannot be achieved without resulting in changes to the consented design, in turn, requiring a variation. We prefer the evidence of Mr Brandon and agree the standards are appropriate and that speed management on driveways is not more appropriately addressed by way of resource consent conditions.
266. Mr Grey’s evidence sought that proposed Table E27.6.4.3.3 be amended so that the distance between speed management devices is increased to 60m and a “speed management measure” definition is included in the AUP. He also requested that specific design criteria are added to the speed management standard to ensure a permitted design is clear and has referred to the requirements in the Auckland Transport Design Manual. It was Mr Brandon’s experience that there are a range of factors in speed management design that impact on the ability to comply with the standards. This can include matters such as stormwater, vehicle

manoeuvring, pedestrian access, gradients, road widths and visibility. He therefore considered that providing specific design requirements in the speed management standard will likely create challenges in providing a compliant design with these other design requirements. He considers that a practice note on private accessway speed management will provide further guidance on acceptable design and that will assist applicants in providing compliant speed management. The Panel agrees with Mr Brandon. We note that Mr Hills also considered that the definition is appropriate to apply in practice.¹⁷

267. The planning evidence of Mr McCall addresses submission 102.28 which requested the deletion of all proposed speed management provisions from PC 79. Mr McCall is now recommending that the provisions be retained, but that speed management measures would only need to be implemented for a vehicle access exceeding 30m in length where it serves 10 or more car parking spaces.
268. Mr McCall also considers that requiring speed management measures based on vehicle access length alone is problematic and does not adequately address the outcome sought. He noted that a 30m driveway serving one to two dwellings will require a speed management device, however a driveway serving 10 dwellings at 25m would not. He considered that the risk of collisions (with both pedestrians and other vehicles) is higher in the latter example.
269. It was Mr Brandon's opinion that while 60 metres may be appropriate for a residential street, he supported the Flow Section 32 Technical Report that traffic calming devices with a spacing of 30 metres (as per Table E27.6.4.3.3) should typically achieve a speed environment of 20-30km/hr. He stated that speed is a key factor in the likelihood of and the outcome of crashes, with lower speeds i.e. below 30km/h, reducing the seriousness of injury. He remained of the opinion that speed management measures will improve safety for pedestrians and cyclists by reducing vehicle speeds (refuting submissions stating that rules are unnecessary). This is because over this short distance drivers are unlikely to accelerate enough to exceed 30 km/hr. He considered that a greater device spacing results in higher vehicle speeds between the devices which in turn increases the likely level of harm if a crash occurs.
270. Mr Brandon also considers that low volumes of vehicle traffic travelling at higher speeds are still a safety risk, especially if there are higher volumes of pedestrians. An additional threshold of 10 parking spaces for a speed management requirement would not take into account a scenario where there is a high number of dwellings generating greater pedestrian volumes. He outlined that in the scenario Mr McCall set out above, the vehicle accessway may also have a vertically separated footpath which will improve pedestrian safety, this is because where a primary pedestrian access is adjacent to a vehicle accessway, if the vehicle accessway serves 4 or more dwellings or car parking spaces it will require a vertically separated footpath.

¹⁷ Leo Hills primary evidence, paragraph 5.36

271. The Panel prefers Mr Brandon's evidence that 30 metres is appropriate, given the spacing of speed management measures should achieve a lower speed environment than what 60 metres may achieve. The Panel also agrees there is an expectation from pedestrians and bicycle users that a vehicle access way is different from a residential street, particularly in regard to children's perceptions. The Panel agrees with Mr Brendon's evidence that speed is a key factor in the likelihood of crashes and the severity of any resulting injury and concludes that proposed standard E27.6.4.3(1)(c) and Table E27.6.4.3.3 are appropriate to address pedestrian and cyclist safety hazards.
272. We note that the planning evidence of Mr Campbell and Mr Thode, and Ms Morgan, which they have prepared for a number of submitters who originally sought the deletion of all proposed speed management provisions from PC 79, now accept their appropriateness and recommended inclusion in the AUP.
273. The Panel also notes that Table E27.6.6.1 (formerly E27.6.6.3 when notified) has been discussed further in Topic 031 Pedestrian Access. The Panel finds that the Council evidence in relation to the proposed primary pedestrian access width and separation requirements are appropriate. The Panel further agrees that the vertical separation of pedestrian access diagram in proposed standard E27.6.4.3.1 will appropriately address matters relating to pedestrian safety.
274. In regard to Topic 39 vehicle access to rear sites, both Mr Macarthur and Mr Wrens' planning evidence considered that the existing AUP operative standard E38.8.1.2 should be amended so that it only applies to vacant sites. In their rebuttal memorandum (paragraph 157) the reporting officers stated:
- “Putting aside the matter of scope, and for the reasons outlined in the Section 42A Report which respond to other submissions seeking similar relief, we do not agree with the requested relief. If the relief was granted it would significantly undermine the AUP's integrity by preventing the application of urban subdivision provisions to the most common subdivision types; those being either an application for subdivision consent being sought concurrently or subsequent to a land use consent being granted, which in the context of residential development proposal, generally involves land use consent being sought for multiple dwellings.”*
275. The reporting officers consider that the amendments proposed to E38.8.1.2 are seeking to ensure consistent pedestrian access requirements between the notified E27 and E38 standards. They also stated that subdivision rules must address land use matters where a subdivision consent application is subject to existing AUP Standards E38.8.1.1(1) and/or E38.8.2.1(1). They noted that Standard E38.8.1.1(1) is particularly relevant in terms of requiring subdivision consent applications to comply with AUP Chapter E27 access and manoeuvring requirements.
276. The evidence of Mr Grey on behalf of Hugh Green Limited was that standard E38.8.1.2 should be amended to include front sites as well as rear sites. His

concern was that the existing provisions do not provide adequate guidance for vacant site subdivisions that include vehicle accessways that serve a combination of front sites and rear sites. Further, it was Mr Grey's experience, that the vehicle access requirements for front sites in vacant subdivision applications are effectively considered against the requirements of Chapter E27. He therefore considers if a front site has enough frontage to accommodate a compliant vehicle access for the likely land use, he did not consider that additional requirements in Chapter E38 are necessary.

277. In their rebuttal memorandum, the reporting officers considered that it is unnecessary to grant the relief sought by submissions 72.17 and 76.8. They considered that this requested relief would "*inappropriately fetter the application of existing AUP operative standard E38.8.1.2 for the purpose of ensuring rear sites with limited frontage lengths can be adequately and safely accessed from the adjoining road network*".
278. We have already addressed the scope aspects of these submissions. As per the reasons discussed in the pedestrian access section of this decision, the Panel agrees with Dr Chambers and Mr Brandon that amendments will improve pedestrian safety and reduce the risk of pedestrian and vehicle related incidents.

Decision

279. That submissions coded to **Hearing Topic 033 – Vehicle Access, Topic 034 Speed Management, Topic 035 Vehicle Crossing and Access Widths and Topic 039 Vehicle Access to Rear Site** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

SUBMISSIONS ON TOPIC 032 – LIGHTING, TOPIC 038 – ARTIFICIAL LIGHTING & TOPIC 036 – RELATED MATERIAL INCORPORATED BY REFERENCE

280. The submissions in Topic 032 – Lighting, Topic 038 – Artificial Lighting & Topic 036 – Related Material Incorporated by Reference addressed the following themes:
- Theme 1 – Overall Support
 - Theme 2 – Overall opposition to all proposed amendments to E24 - Lighting
 - Theme 3 – Amend new policy E24.3.(1A)
 - Theme 4 – Support or Opposition for proposed standard (E24.6.2 and E27.6.3.7(2)), matter of discretion, assessment criteria, information requirement and Inclusion of AS/NZS 1158.3.1 to Appendix 17
 - Theme 5 – Submissions seeking an alternative/ or alternative wording to new Lighting Standard – E24.6.2 and E27.6.3.7(2)

- Theme 6 – Matters of Discretion and Assessment Criteria
- Theme 7 – Special Information Requirements

281. The submission points are set out in the section 42A Hearing Report and are grouped into the above theme headings. Below is a discussion on the main themes raised in the above submissions.
282. The AUP(OP) currently has no requirement for the provision of outdoor lighting for any residential properties, other than Section E27 which mandates that any site with more than 10 carparks requires ‘adequate’ lighting for parking and manoeuvring and to associated pedestrian paths (Standard E27.6.3.7(1)). This standard does not address development providing fewer (or no) carparks or pedestrian only typologies which we heard are growing in number in recent years. PC 79 introduces a new rule framework for the provision of lighting to developments. The memorandum of Ms McKelvie has stated that the lack of ‘adequate’ lighting requirements has led to an inadequate and inconsistent range of lighting solutions for developments, which in turn leads to poor safety, wayfinding and wellbeing of residents and visitors.
283. The findings in Ms McKelvie’s memorandum (Attachment 14 to the section 42A Hearing Report) outline the Council’s monitoring work. Ms McKelvie provided examples of inadequate lighting during the hearing which included examples of solar bollards (poor lighting in a low position is insufficient for way-finding or security) and wall-mounted lighting. It was Ms McKelvie’s opinion that the findings show the poor quality of lighting in many developments, including examples of footpaths obstructed with lighting.
284. Notably, Ms McKelvie’s memorandum also indicates that fewer than half of all pedestrian-only developments, and only half of developments with vehicle accessways, provide adequate lighting. It is Ms McKelvie’s opinion that:
- “Lighting is necessary for safety of users and wayfinding for residents, visitors and emergency services personnel. ... Lighting has a positive effect on personal safety and on reducing levels of crime, and PC79 requires that lighting is a primary consideration and integral to the overall design of residential developments.”*
285. The reporting officers conclude that the standards introduced provide for clear expectations around what is considered to be ‘adequate’ and refer to AS/NZ Standard 1158.3.1 which sets out the technical parameters for illumination in various circumstances. We note that the additional information requirements proposed allow for consideration of site-specific elements, and also require that a lighting plan be prepared by a qualified lighting expert.
286. Council’s lighting engineer Mr Glen Wright, in his memorandum attached at Attachment 19 to the section 42A Hearing Report, supports the proposed PC 79 lighting provisions, which are based on compliance with the requirements of AS/NZS1158.3.1 in accordance with best and accepted practice in Australasia. Mr Wright, has advised that the lighting performance criteria in Standard

AS/NZS1158.3.1 provides appropriate night-time visual conditions for use in residential, private and public realms. He considers that the proposed provisions will ensure that appropriate artificial outdoor lighting is provided to private pedestrian access, including shared driveways, access and car parking.

287. Mr Wright, in his memorandum sets out the rationale for inclusion of the subcategories at paragraphs 10 and 12, and references the importance of the AS/NZS as follows:

10. It is common practice and considered best practice in New Zealand to make reference to AS/NZS 1158.3.1 for lighting performance recommendations and requirements for public spaces. The "Forward" of this standard states:

This Standard sets out performance and design requirements for Category P lighting schemes having regard to the safe movement of pedestrians, degree of activity (of pedestrians and vehicles), the fear of crime and the need to enhance the amenity of the locality."

Category P lighting is acknowledged to be an effective counter measure to the fear of crime.

For each lighting subcategory described in this Standard, the light technical parameters (LTP's) and their prescribed values are necessary and sufficient for the application. Conformance to this standard will be achieved by meeting all the required values of the LTPs for the designated lighting subcategory.

...
12. To achieve appropriate lighting outcomes not only requires compliance with AS/NZS 1158.3.1 but equally requires the use of the appropriate subcategory. Too often a lower performance subcategory is selected than is required resulting in poor safety and amenity outcomes for the public.

288. Some submitters contended that, even if the current AUP(OP) provisions are deficient, the costs of the provisions promoted by Council outweigh the benefits. Some submitters also suggested that the proposed lighting standards are overly complicated and technical in nature. A common approach by submitters was that the provision of lighting should be left up to the conditions of resource consent. This view is not supported by the reporting officers who consider that lighting is a comprehensive aspect of the design of a development. They consider lighting to be part of the overall design with other key elements such as landscaping, building positions, footpath/accessway locations and parking layouts. Lighting design left to a condition of consent is not efficient in their opinion, and can result in poor outcomes with variable standards of lighting resulting. The reporting officers acknowledge that the proposed standard may add additional up-front costs as part of a consent, but consider there are also additional costs and time associated with additional assessments that may be required at the consent-monitoring stage if a clear lighting plan has not been provided.

289. Mr Wright notes at paragraph 26 of his memorandum:

It is my experience that lighting needs to be considered early in the design process to ensure sufficient space is provided for the lighting solutions (both for the lights, poles, foundations and cabling). Coordination of the lighting design with the landscape design is also important to ensure the light is not excluded from accessways by planting, screening, or fencing. Often the space planning is very tight and if no provision has been made for lighting, the later addition of lighting results in poor lighting outcomes that cannot be adequately addressed at these later design stages.

290. During the expert conferencing held on 21 July 2023, the experts in attendance discussed the proposed lighting provisions, posed questions and provided feedback. We note that no areas of agreement or disagreement were recorded in the Joint Witness Statement.
291. The evidence of Mr Lala was that the lighting standards in general are overly detailed and he considers the operative provisions in respect of lighting are sufficient. Similarly, the evidence of Mr McCall is that the minimum P subcategories and several standards are unnecessarily onerous and not commensurate with the effect needing to be managed.
292. In response to concerns raised by Ms Caldwell, Counsel for Kāinga Ora, about the lighting standard only being available “behind a paywall”, with the suggestion being that this does not represent “best practice plan-making”, in the Councils’ closing remarks Mr Allan advised that “*the RMA expressly envisages that standards such as AS/NZS 1158 may be incorporated by reference, notwithstanding that many standards are not freely available for download*¹⁸.” He also advised that many district plans around the country refer to NZS standards, which normally involve a cost, while Mr Wright noted that many district plans throughout the country already refer to AS/NZS1158 in a range of contexts. Mr Allan made the further point that lighting design and assessment is a specialist discipline, and as Mr Wright says in his rebuttal memorandum, all lighting specialists will have a copy of the standard.
293. The evidence of Ms Morgan disagrees with the need to provide a lighting plan as part of a resource consent application, and that the operative approach should remain (whereby lighting is assessed schematically at the consent stage and thereafter as a condition of consent). Ms Morgan also considers that requiring a lighting plan would increase the up-front costs. She provided us with a figure of \$8,000 for a lighting plan based on a current Albany development being undertaken by her client, but did acknowledge upon questioning that the example provided did involve new roading (and would introduce additional Auckland Transport road lighting plan requirements), and therefore was subject to additional requirements not amended by PC 79.
294. The evidence of Mr Morgan, Ms Coates, Mr Campbell and Mr Thode, and Mr McCall also reject the inclusion of special information requirements and the

¹⁸ Council’s closing remarks, paragraph 5.11(a)

provision of a lighting plan at the consent application stage. They generally consider 'upfront' lighting plans in the form of special information requirements are unnecessary, too prescriptive, and should be addressed via other means such as through conditions of consent which also allows for the deferment of those costs until later in the development process. They all considered that in their experience, the approach of lighting design being deferred to a condition of consent is working well.

295. During the hearing we asked Mr Wright to provide us with an indication of costs for a lighting plan. He noted that some providers provide lighting plans free of charge, provided that their product is used. Otherwise, Mr Wright referenced a range of \$2,000–\$3,000 for a lighting plan, depending on the scale of the development. He therefore did not agree with Ms Morgan that her figure provided was typical for a lighting plan. Ms Morgan also suggested that a developer would incur a cost of approximately \$3,000 for a peer review. This contrasts with Mr Wright's advice that peer reviews, when undertaken, are generally in the range of \$800-\$1,000. We also noted that Ms McKelvie advised us that lighting plans are reviewed by Council officers internally, and it's not a common occurrence for Council to seek a peer review, which generally tends to occur with the larger scale, more complex developments.
296. Mr Campbell and Mr Thode also state that special information requirements may lead to restrictive conditions being imposed on resource consents, with an unintended consequence of changes to lighting plans being required as a 'variation' under section 127 RMA. The evidence of Mr McCall similarly describes the special information requirements as being overly onerous and at odds with the effects being managed.
297. The evidence of Mr Lala also disagrees that the provisions for residential lighting should be 'retrofitted' to a section of the AUP which his evidence argues is designed to deal with artificial lighting for outdoor activities including entertainment, recreation and night-time working. Mr Lala instead maintains that the planning approach should be to amend the matters of discretion and assessment criteria for four or more dwellings within the residential zones to include lighting, so that an appropriate assessment and analysis can be made for such applications.
298. The evidence of Mr Morgan also discusses the location for residential lighting provisions in a chapter that deals with the light spill from non-residential activities and its effect on adjacent sites, and argues that lighting internal to a development does not need to be subject to the same level of technical prescription.
299. Other submitters' evidence also discuss the alternatives to the location of, or approach to, achieving adequate lighting for residential developments. The evidence of Mr Morgan, Ms Morgan and Mr Campbell and Mr Thode argues that the lighting standards would be more appropriately located in the relevant residential zones as assessment criteria, for example, or that the operative provisions are adequate to deal with lighting in developments. It is also pointed out in this evidence that provisions have been proposed as part of PC 78 to ensure the

adequate provision of lighting of pedestrian connections at the resource consent stage.

300. Conversely, the evidence of Mr McCall agrees that Chapter E24-Lighting is the appropriate location for lighting standards as this is in accordance with the National Planning Standards 2019. However, Mr McCall disagrees with the amendment to standard E27.6.3.7 and seeks that the operative standard is retained, and also argues that the operative matters of discretion and assessment criteria are adequate to deal with lighting in developments.
301. We note that the reporting officers recommended one amendment to Table 24.6.2.1 to clarify which level of P subcategory would apply to a pedestrian pathway adjacent to a carpark, in response to a matter raised in Mr Lala's evidence.
302. Furthermore, the evidence of Mr McCall maintains the relief sought of Kāinga Ora in terms of an amendment to the policy framework by rejecting the addition of new policy E24.3.(1A) because he considers it repeats the operative policy E24.3.(1). In their rebuttal memorandum, the reporting officers respectfully disagreed with Mr McCall's point. Although subtle, they considered that the addition of the new policy serves to provide appropriate support for the suite of new provisions, as explained in the Section 42A Hearing Report. They therefore considered a stand-alone policy which reflects the revised proposed intent of Chapter E24 is appropriate. This is because the standards, matters of discretion and assessment criteria, which have also been amended to reflect a focus on safety and access, are able to give effect to a bespoke policy which supports these changes per se, rather than one which is a combination of the overall intent of the provisions. As outlined in their rebuttal memorandum, the focus of the operative Chapter E24-Lighting is on the effects of light spill from sites (particularly as a result of non-residential activities) and the proposed amendments to the chapter introduce a suite of new provisions which require specific lighting to residential developments for reasons of safety, wayfinding and amenity. They state this adds a new focus to the Chapter which was previously missing, and they consider that an accompanying (separate) policy is therefore appropriate.
303. The evidence of Mr McCall maintains that proposed assessment criteria E24.8.2.(1A)(b) which references solar lighting should be deleted on the basis that lighting (regardless of type) will either comply with the standard or not, and all applications requiring lighting under the standard will need to demonstrate the ability to comply with the lighting performance levels in Table E24.6.2.1.
304. During the hearing, Mr Wright explained that where solar lighting is to be provided, it requires early consideration in the design because solar panels have to be located where they can receive adequate photons (from the sun) to charge their batteries, particularly during the depths of winter. Placing solar panels where they are in the shadow of buildings, fences or trees can result in insufficient charging and loss of light through the night which he considers to be a poor outcome.

305. In addition to the above matter, the reporting officers did accept that the ability to assess the “longevity” of solar powered lighting solutions over a “50 year period from the date that it is installed” may be problematic, for the technical reasons set out in the rebuttal memorandum of Mr Glen Wright. Consequently, they proposed an amendment to Assessment Criteria E24.8.2(1A)(b) to more reasonably reflect the typical lifespan of good-quality solar lighting panels from a 50 year period to a 25-year period.

Findings

306. Having heard all of the evidence, we find in favour of the Council’s case. Based on the evidence of Ms McKelvie, we find that the operative provisions do not adequately require that artificial lighting is considered and assessed as part of a resource consent application, and this is leading to poor outcomes, including negative safety outcomes for pedestrians and poor amenity for many residential developments. We conclude that the proposed lighting standards are necessary to improve outcomes for all developments across the region.
307. We also find that the most appropriate location for the proposed lighting provisions is within Chapter E24 Lighting. This is a comprehensive chapter found in the ‘Auckland-wide’ set of provisions in the AUP, where all the provisions that apply regionally are located. We do not consider it to be an efficient approach to apply individual rules for lighting within the respective zone chapters as sought by Mr Lala, Mr Morgan, Ms Morgan and Mr Campbell and Mr Thode and we prefer the evidence of Mr McCall and the Council officers on this matter. We also note that this approach is consistent with the National Planning Standards 2019.
308. The Panel considers that a new stand-alone policy E24.3.(1A) which reflects the revised proposed intent of Chapter E24 is appropriate. This is because the standards, matters of discretion and assessment criteria, which have also been amended to reflect a focus on safety and access, are able to give effect to a bespoke policy which supports these changes, rather than one which is a combination of the overall intent of the provisions as a whole.
309. We noted the results of the Council’s monitoring of lighting on rear sites, as well as on pedestrian only developments, which was reiterated to us in Council’s closing remarks. While we heard from the experts in front of us that the status quo was working well, the results of the monitoring appear to say otherwise. We found ourselves in agreement with Mr Allan’s conclusions on the reasons for this difference in opinion, which is the submitters in attendance at the hearing have competent design teams and therefore generally deliver developments of a good quality; whereas, the Council reviews thousands of resource consent applications each year, which when reviewed on the whole, demonstrates that poor outcomes are occurring as evidenced in Ms McKelvie’s memorandum and the section 42A presentation.
310. Some submitters also suggested that the proposed lighting standards are overly complicated and technical in nature. We find in reliance on the evidence of Mr

Wright, that the standards introduced provide for clear expectations around what is considered to be 'adequate' and refer to AS/NZ Standard 1158.3.1 which sets out the technical parameters for illumination in various circumstances and will ensure that appropriate artificial outdoor lighting is provided to private pedestrian access, including shared driveways, access and car parking. We were also told by Mr Wright that these standards are readily accessible to lighting specialists who carry out these lighting designs and assessments.

311. Some submitters contended that, even if the current AUP provisions are deficient, the costs of the provisions promoted by Council outweigh the benefits. The Panel observes that the costs of lighting design need to be incurred at some point in the development process (for four or more dwellings). The matter before us is whether these costs are altered by having the lighting design undertaken at an earlier stage in the process and whether this results in superior amenity outcomes.
312. We note that the Officers' assessment, having taken advice from Mr Wright, is that costs to applicants will be no greater than at present (and may be reduced), while lighting outcomes will be improved. The Panel also notes that no evidence to the contrary from a lighting expert has been provided by any of the submitters. We find that there is the risk of increased costs when deferring the lighting design to a consent condition and the relationship between proposed lighting and other elements of a development have not been adequately considered. This can require significant back and forth with an applicant and 'negotiation' to re-design elements which may already be finalised. We also conclude there is little difference in cost whether lighting plans are provided as part of a resource consent application or as a condition of consent, the fact remains, a lighting plan should be produced. We therefore conclude that the inclusion of a special information requirement requiring the provision of a lighting plan at the consent application stage is the most appropriate method for achieving adequate lighting within developments.
313. The Panel acknowledges the concerns of Mr Campbell and Mr Thode that this special information requirement may lead to restrictive conditions being imposed on resource consents, with an unintended consequence of changes to lighting plans being required as a 'variation' under section 127 RMA. We accept that this could be an unintended outcome, however we find that the benefits of this special information provision outweigh the associated costs.
314. We agree with the recent amendment made by Council officers to Table 24.6.2.1 to clarify which level of P subcategory would apply to a pedestrian pathway adjacent to a carpark. In addition, we find in reliance on Mr Wright's evidence, that a specific assessment criterion is appropriate relating to solar lighting, given its specific technical nature which requires positioning and orientating in terms of the sun. Therefore, we agree with the recent amendment by the reporting officers to Assessment Criteria E24.8.2(1A)(b) to more reasonably reflect the typical lifespan of good-quality solar lighting panels from a 50 year period to a 25-year period.

Decision

315. That submissions coded to **Topic 032 – Lighting & Topic 038 – Artificial Lighting & Topic 036 – Related Material Incorporated by Reference** are **accepted** or **accepted-in-part** to the extent that the amended PC 79 provisions satisfy the relief sought in the submissions, or where the submissions supported this aspect of PC 79; and **rejected** where the relief sought has not been granted.

OVERALL DECISION

316. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 79 to the Auckland Unitary Plan (Operative in Part) is approved, subject to the modifications as set out in this decision - amendments to the text of the Unitary Plan as set out in **Attachment A** to this Decision report.
317. Submissions on the plan change are accepted, accepted in part, and rejected in accordance with this decision. The reasons for the decision are those addressed above in the body of the Decision report.
318. The adoption of PC 79, with its amendments:
- Is consistent with the Auckland Unitary Plan (Operative in part) Regional Policy Statement; and
 - Is the most appropriate way to achieve the overall purpose of the Resource Management Act 1991.



Karyn Kurzeja, Chairperson

Date: 31 July 2024

Attachment A

Independent Hearing Panel's Plan Change 79 decision on provisions

Auckland Unitary Plan (Operative in Part)

Auckland Unitary Plan Operative in part

PROPOSED PLAN CHANGE 79 (Decision version)

Amendments to the transport provisions

Public notification: 18 August 2022

Close of appeals: 29 September 2022

This is a Council initiated plan change

Explanatory note – not part of proposed plan change

The proposed plan change seeks to manage impacts of development on Auckland's transport network, with a focus on pedestrian safety, accessible car parking, loading and heavy vehicle management, and catering for EV-charging and cycle parking.

Plan Change 79: Amendments to the transport provisions

Amendments to:

Chapters E24 Lighting,

E27 Transport,

E38 Subdivision – Urban,

Chapter J – Definitions,

Chapter M – Appendices,

- Appendix 17 – Documents incorporated by Reference,
- Appendix 23 - Parking Demand Guidelines to Calculate the Number of Required Accessible Carparking Spaces

PC79 Decision:

Key

- Notified text added (underlined)
 - Notified text deleted (~~struck-through~~)
 - Any additions to notified text, or operative text, made by Independent Hearing Panel (double-underlined)
 - Any deletions to notified text made by Independent Hearing Panel (underlined and struck-through)
 - Any deletions to operative text made by Independent Hearing Panel (~~double-struck-through~~).
-

E24 Lighting amendments

1. Amend E24.1. Background as follows:

Artificial lighting enables work, recreation, ~~and~~ entertainment and associated activities to occur beyond normal daylight hours. It also provides additional safety and security to sites for access and wayfinding. ~~and associated activities.~~ However, unless used with care, it can adversely affect adjoining properties through light spill and glare. If screening or aiming of light is poorly controlled this can result in light pollution causing adverse changes to the view of the night sky.

The provisions for artificial light provide for adequate lighting to support activities and enable safety and security for participants, while minimising potential adverse effects.

2. Add a new Policy E24.3.(1A) as follows:

(1A) Provide for appropriate levels of artificial lighting for pedestrian safety, and to enable access and wayfinding.

3. Add a new Standard E24.6.2 as follows:

E24.6.2. Artificial lighting standards for pedestrian access in residential zones

(1) Any pedestrian access serving two or more dwellings where there is no vehicle access or where there are 10 or more parking spaces or 10 or more dwellings (excluding dwellings which have separate pedestrian access provided directly from the front door to the road) must: When lighting for access in residential zones is required by Standard E27.6.3.7(2), it must:

- (a) have lighting limits measured and assessed in accordance with Australian/New Zealand Standard Lighting for roads and public spaces (Part 3.1: Pedestrian Area (Category P) lighting – Performance and design requirements Lighting for Roads and Public Spaces (AS/NZS1158.3.1)
- (b) must be lit to the appropriate P subcategory for pedestrian access as set out in AS/NZS1158.3.1
- (c) meet the minimum P subcategories specified in Table 24.6.2.1 below:

Table 24.6.2.1 Minimum P subcategories

<u>Access</u>	<u>P Subcategory</u>
<u>Pedestrian access only</u>	<u>PP3</u>
<u>Pedestrian access adjacent to vehicle access</u>	<u>PR2</u>
<u>Connecting elements, steps, stairwells and ramps</u>	<u>PA3</u>
<u>Parking spaces and adjacent pedestrian access</u>	<u>PC2</u>
<u>Vehicle access for 4-9 parking spaces or dwellings</u>	<u>PR5</u>

<u>Vehicle access for 10-19 parking spaces or dwellings</u>	<u>PR4</u>
<u>Vehicle access for 20 or more parking spaces or dwellings</u>	<u>PR2</u>

- (d) All light fittings must not project any light at or above the height of their light source.
- (e) All light emitted from light fittings must have a correlated colour temperature of 3000K (Kelvin) or less.
- (f) Spill light and glare from the lighting must meet the specifications of E24.6.1(8).
- (g) The lighting must have automatic daylight controls such that the lights are on during the hours of darkness. ~~Where A~~automatic presence detection or sensor lighting is ~~to be avoided and where proposed, this~~ must be supported by a safety assessment.
- (h) Lighting required by Standard E27.6.3.7(2) must be supplied from a common electrical supply ~~which cannot be disabled.~~

4. Add new Matter of discretion E24.8.1 as follows

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

...

- (3) the adequacy of artificial lighting to provide effective way-finding, ~~security safety~~ and ease of access for all pedestrians

5. Add a new Assessment Criteria E24.8.2(1A) as follows:

E24.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1A) the effects of lighting on pedestrian safety, wayfinding and access;
 - (a) whether the number, location, design and orientation of light fittings and light support structures provide adequate lighting for the safety and wayfinding of people, including pedestrians moving, residing, working or visiting sites or neighbourhoods.

Note: Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least 15m

- (b) the extent to which any solar powered lighting solution meets the lighting subcategory performance levels outlined in Table 24.6.2.1 throughout the hours of darkness and the longevity of this solution over the following 5020-year period from the date that it is installed.

6. Amend E24.9 Special information requirements as follows:

E24.9. Special information requirements

~~There are no special information requirements in this section.~~

- (1) Lighting plans for applications in residential zones, serving two or more dwellings where there is no vehicle access or where there are 10 or more parking spaces or 10 or more dwellings (excluding dwellings which have separate pedestrian access provided directly from the front door to the road). When lighting is required for use or development in residential zones, a lighting plan must be prepared by a suitably qualified lighting specialist and must:
 - (a) Include a lighting assessment for all areas of the site where lighting is required by the relevant standards. Include all accessible areas of the site where movement of people is expected. Such locations include, but are not limited to vehicle and pedestrian access, shared driveways, building entrances, storage areas, building frontage, outdoor or undercroft parking spaces.
 - (b) Include proposed locations, lux levels, and types of lighting (i.e. manufacturers specifications) and any light support structures required to control the timing, level of lighting, or to minimise light spill, glare and loss of night-time viewing.
 - (c) Demonstrate design compliance as required by AS/NZS1138.3.1
 - (d) Provide an assessment of each pedestrian access, vehicle access and parking area against the relevant lighting requirements in Table E24.6.2.1. Demonstrate that all lighting meets the minimum P categories for each access type as set out in Table 24.6.2.1.
 - (e) Demonstrate that the lighting plan has been designed for safety, and in the case where solar lighting is proposed, that an assessment of its effectiveness and durability has been established.

E27 Transport amendments

7. Amend E27.1 Background

Activities or subdivision which generate higher amounts of traffic trip volumes by any mode, and which seek to locate outside of the most intensive centres and residential zones, are required to demonstrate how the proposal would integrate with the transport network. This includes managing the transport impacts of the proposal on the effective, efficient and safe operation of the local transport network.

8. Amend Objective E27.2.(3) as follows:

(3) Parking, including accessible car parking and loading supports urban growth, ~~and~~ and a the quality compact urban form.

9. Amend Objective E27.2.(4) as follows:

(4) Parking, including accessible car parking, loading and access is safe and efficient and, where parking is provided, it is commensurate with the character, scale and intensity and alternative transport options of the location.

10. Add a new Objective E27.2.(5A) as follows:

(5A) Safe, and direct, and continuous on-site access for pedestrian and other users is provided to dwellings, in residential zones.

11. Add a new Objective E27.2.(7) as follows:

(7) The necessary eElectric Vehicle Supply Equipment vehicle supply equipment is provided for enabled to facilitate use of electric vehicles.

12. Amend Policy E27.3(1)

(1) Require subdivision, use and development which:

...

(c) [deleted] do not already require an integrated transport assessment or have been approved based on an integrated transport assessment.

13. Amend Policy E27.3.(3) as follows:

(3) Manage the number, location and type of parking, including accessible car parking, and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:

...

(e) the recognition of different activities having different trip characteristics; ~~and~~

(f) the efficient use of on-street parking, and

(g) full participation in society for people with disabilities that impact on mobility.

14. Amend Policy E27.3.(14) as follows:

(14) Support increased cycling and walking by:

(a) requiring larger non-residential developments and all residential developments without a dedicated garage or basement car parking space to provide secure and covered bicycle parking, including within a dwelling;

...

15. Add a new Policy E27.3.(20A) as follows:

(20A) Require vehicle accesses to be designed and located to provide for low speed environments and for the safety of pedestrians and other users, and functional access for emergency responders, and require pedestrian access that is adjacent to a vehicle access to be designed and located to provide for safe and direct movement, minimising potential conflicts between pedestrians and other users.

16. Add a new policy E27.3(20B) as follows:

(20B) Require pedestrian access that is the sole means of access between residential zoned dwellings and the public road, to be designed and located to provide for safe and direct and continuous movement, minimising potential conflicts between pedestrians and other users, and to provide functional access for emergency responders.

17. Add a new Policy E27.3.(30) as follows:

Electric vehicle charging

(30) RequireEnable provision for Electric Vehicle Supply Equipment electric vehicle supply equipment for new residential unit developments that provide carparking.

18. Amend Standard E27.6.1 Trip generation as follows:

(1) Where a proposal (except where excluded in Standard E27.6.1(2)) exceeds one of the following thresholds:

(a) a new development or subdivision in Table E27.6.1.1;

- (b) ~~100 v/hr vehicles per hour~~ (any hour) for activities not specified in Table E27.6.1.1 requiring a controlled or restricted discretionary land use activity consent in the applicable zone where there are no requirements for an assessment of transport or trip generation effects. This standard does not apply to development activities provided for as permitted in the applicable zone; or
- (c) ~~[deleted] a proposed subdivision of land which has capacity under this Plan to accommodate more than 100 60 dwellings~~

resource consent for a restricted discretionary activity is required.

Table E27.6.1.1 New development and subdivision thresholds

Activity			<u>New development or subdivision</u>
<u>(TA1)</u>	Residential	<u>Dwellings – threshold 1</u>	<u>40 dwellings</u>
(T1)		<u>Dwellings – threshold 2</u>	400 60 <u>100 dwellings</u>
<u>(T1A)</u>		<u>Integrated residential development – threshold 1</u>	<u>100 units</u>
(T2)		<u>Integrated residential development = threshold 2</u>	500 100 <u>500 units</u>
<u>(T2A)</u>		<u>Visitor accommodation – threshold 1</u>	<u>60 units</u>
(T3)		<u>Visitor accommodation = threshold 2</u>	400 60 <u>100 units</u>
<u>(T3A)</u>		<u>Residential subdivision – threshold 1</u>	<u>Capacity to accommodate more than 40 dwellings</u>
<u>(T3B)</u>		<u>Residential subdivision – threshold 2</u>	<u>Capacity to accommodate more than 100 dwellings</u>
(T4)		Education facilities	Primary
(T5)	Secondary		333 students
(T6)	Tertiary		500 students

(T7)	Office		5,000 m ² GFA
(T8)	Retail	Drive through	333 m ² GFA
(T8A)		Retail activities (non-drive through)	1,667 m ² GFA
(T9)	Industrial activities	Warehousing and storage	20,000 m ² GFA
(T10)		Other industrial activities	10,000 m ² GFA

(2) Standard E27.6.1(1) does not apply where:

- (a) a proposal is located in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone, or Residential – Terrace Housing and Apartment Building Zone or Centre Fringe Office Control as shown on the planning maps;
- (b) [deleted] development is being undertaken in accordance with a consent or provisions approved on the basis of an Integrated Transport Assessment where the land use and the associated trip generation and transport effects are the same or similar in character, intensity and scale to those identified in the previous assessment;
- (c) the activity is permitted in the [H7 Open space zones](#); or
- (d) there are requirements to assess ~~transport, traffic or trip-generation~~ effects for the activity in the any applicable zone rules or precinct rules for any controlled or restricted discretionary land use activities

19. Amend activity rules in Table E27.4.1 Activity Table as follows:

Table E27.4.1 Activity table

Activity		Activity status
(A1)	Parking, loading, and access <u>and Electric Vehicle Supply Equipment electric vehicle supply equipment</u> which is an accessory activity and complies with the standards for parking, loading, and access <u>and Electric Vehicle Supply Equipment electric vehicle supply equipment</u> .	P
(A2)	Parking, loading, and access <u>and Electric Vehicle Supply Equipment electric vehicle supply equipment</u> which is an accessory activity but which does not comply with the standards for parking, loading, and access <u>and Electric</u>	RD

	<u>Vehicle Supply Equipment</u> electric vehicle supply equipment,	
...

20. Amend Standard E27.6.2.(6) as follows:

E27.6.2 Number of parking and loading spaces

...

(6) Bicycle parking:

(e) the activities specified in Table E27.6.2.5 must provide the minimum number of bicycle parking spaces specified; ~~and~~

(aa) for residential developments, the required secure long-stay bicycle parking must be located and designed in a manner that (is):

i) provided in either:

- ~~a) a non-habitable room; or~~
- ~~b) a storage or garden shed or equivalent; or~~
- ~~c) A dedicated cycle parking facility; or~~
- ~~d) Any combination of the above.~~

ii) can accommodate a bicycle(s) with the following dimensions — 1.9m length x 1.25m height x 0.7m width

i) not part of any required outdoor living space or landscaped area

ii) in a location directly accessible from either the road, vehicle access, pedestrian access or car parking area;

iii) fully sheltered from the weather;

iv) lockable and secure;

v) if located within a dwelling, not within a habitable room

In addition, communal bicycle parking facilities must be designed to have:

vi) spacing between racks of a minimum of 1.2m;

vii) clearance to a wall or edge of a minimum of 0.9m;

~~viii) width of an access aisle between rows of a minimum of 1.2m (3.0m stand centre to centre);~~

~~ix) mains outlets for charging electric bicycles at a minimum ratio of 1/10 bicycle parks;~~

Two-tiered bicycle stands must be designed to have:

~~x) a spacing between bikes of a minimum of 0.4m;~~

~~xi) access aisles of a minimum of 2.2m to allow access to the second tier;~~

xii) the following bicycle parking requirements apply to new buildings and developments.

Table E27.6.2.5 Required bicycle parking rates

Activity			Visitor (short-stay) Minimum rate	Secure (long-stay) Minimum rate
(T81)	Residential	<u>All residential developments</u> Developments of 20 or more dwellings	1 per 20 <u>for developments of 20 or more dwellings</u>	1 per dwelling without a dedicated garage or <u>basement car parking space</u>
...

Note: Further guidance on bicycle parking design can be found in the Auckland Code of Practice for Land Development and Subdivision 2022. Also see the Waka Kotahi Cycling Network Guidance Technical Note, Cycle Parking Planning and Design December 2022.

...

21. Amend Standard E27.6.2(8) as follows:

(8) Number of loading spaces:

(a) all activities must provide loading as specified in Table E27.6.2.7.

(b) residential activities where part of the site has frontage to an arterial road as identified on the planning maps, must provide loading as specified in Table E27.6.2.7A.

Reinstate Existing Table E27.6.2.7 Minimum loading space requirements

Table E27.6.2.7 Minimum loading space requirements

Activity		GFA/Number of dwellings	Minimum rate
...
(T111A)	Residential activities where vehicle access is provided		The same rates as for "All other activities, except for activities within rural zones" must apply
(T111B)	Residential activities where vehicle access is not otherwise provided	Developments where all dwellings have individual pedestrian access directly from a public road	No loading space required
		Up to 9 dwellings without individual pedestrian access directly from a public road	No loading space required
		Greater than 9 dwellings up to 5,000m² without individual pedestrian	1*

		<u>access directly from a public road</u>	
		<u>Greater than 5,000m² dwellings up to 20,000m²</u>	<u>1</u>
		<u>Greater than 20,000m² up to 90,000m²</u>	<u>2</u>
		<u>Greater than 90,000m²</u>	<u>3 spaces plus 1 space for every additional 40,000m²</u>
...

* Refer to T137A of Table E27.6.3.2.1 Minimum loading space dimensions

Add New Table E27.6.2.7A Minimum small loading space requirements

<u>Activity</u>	<u>GFA/Number of dwellings</u>	<u>Minimum rate</u>
<u>(T111B)</u>	<u>Developments where all dwellings have individual pedestrian access directly from a public road</u>	<u>No loading space required</u>
	<u>Up to 9 dwellings without individual pedestrian access directly from a public road</u>	<u>No loading space required</u>
	<u>Greater than 9 dwellings up to 5,000m² without individual pedestrian access directly from a public road</u>	<u>1*</u>
	<u>Greater than 5,000m²</u>	<u>NA</u>

* Refer to T137A of Table E27.6.3.2.1 Minimum loading space dimensions

22. Amend Standard E27.6.2.(9) as follows:

(9) Fractional spaces:

- (a) where the calculation of the permitted parking results in a fractional space, any fraction that is less than one-half will be disregarded and any fraction of one-half or more will be counted as one space. If there are different activities within a development, the parking permitted for each activity must be added together prior to rounding.

Note: Where parking is provided, parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the

~~associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001).~~

23. Amend Standard E27.6.3.1. as follows:

E27.6.3.1. Size and location of parking spaces

(1) Every parking space must:

- (a) comply with the minimum dimensions given in Table E27.6.3.1.1 and Figure E27.6.3.1.1; except accessible parking dimensions and accessible route requirements must be designed in accordance with the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001); and

...

24. Amend Standard E27.6.3.2 as follows:

E27.6.3.2. Size and location of loading spaces

(1) Every loading space must:

...

- (d) comply with the following when any yard of a site is used to provide the loading space (where it is permitted within the zone):

...

- (ii) the use of the loading space does not create a traffic hazard on the road at any time; and

- (e) have a maximum crossfall of 1:50 (2%) in all directions.

Table E27.6.3.2.1 Minimum loading space dimensions

Activity		Length of loading space (m)	Width of loading space (m)
...
(T137A)	<u>Activities requiring a small loading space under Standard E27.6.2(8)(b)</u> <u>Residential activities denoted with a (*) in Table E27.6.2.7</u>	6.4	3.5
...

25. Add a new Standard E27.6.3.2(A) as follows:

E27.6.3.2(A) Accessible Parking

- (1) Accessible parking must be provided for all new activities, changes of activity type, and / or the expansion or intensification of an existing activity in all zones, except for those listed below in E27.6.3.2(A)(2);
- (2) Accessible parking is not required in the following zones, unless car parking is provided on site, in which case the required number of accessible parking spaces must be determined in accordance with Table 1 or Table 2 below, whichever is relevant:

Business Zones:

- (a) Business – City Centre Zone;
- (b) Business – Metropolitan Centre Zone;
- (c) Business – Town Centre Zone;
- (d) Business – Local Centre Zone;
- (e) Business – Mixed Use Zone;
- (f) Business – Neighbourhood Centre Zone.

Residential zones:

- (a) Residential - Terrace Housing and Apartment Buildings Zone.

- (3) For residential developments in residential zones (excluding the Terrace Housing and Apartment Buildings Zone unless car parking is provided on site), accessible parking spaces must be provided for developments of 10 or more dwellings on a site.
- (4) The required number of onsite accessible parking spaces provided must be calculated using the following method:
 - (i) For non-residential land uses;

Step 1 - Use the Parking Demand Guidelines in Appendix 23 to determine the theoretical parking demand

Step 2 - Use Table 1 – Number of accessible parking spaces – Non-Residential, below to determine the required number of accessible car park spaces based on either the number of parking spaces that are proposed to be provided or the theoretical parking demand calculated in step 1, whichever is the higher.

Table 1 – Number of accessible parking spaces – Non-Residential land uses

<u>Total number of parking spaces provided or theoretical parking spaces, whichever is the higher</u>	<u>Number of accessible parking spaces</u>
<u>1 – 20</u>	<u>Not less than 1</u>
<u>21 – 50</u>	<u>Not less than 2</u>
<u>For every additional 50 parking spaces or part of a parking space</u>	<u>Not less than 1</u>

(ii) For retirement villages, supported residential care, visitor accommodation and boarding houses

The same method for calculating the required number of onsite accessible parking spaces for non-residential uses in 4(i) applies.

(iii) For residential land uses

The required number of accessible parking spaces provided must be in accordance with Table 2 below:

Table 2 – Number of accessible parking spaces – Residential land uses

<u>Number of dwellings</u>	<u>Number of accessible parking spaces</u>
<u>10 - 19</u>	<u>Not less than 1</u>
<u>20 – 29</u>	<u>Not less than 2</u>
<u>30 – 39</u> 50	<u>Not less than 3</u>
<u>For every additional 40-25 dwellings or units</u>	<u>Not less than 1</u>

26. Amend Standard E27.6.3.3 as follows:

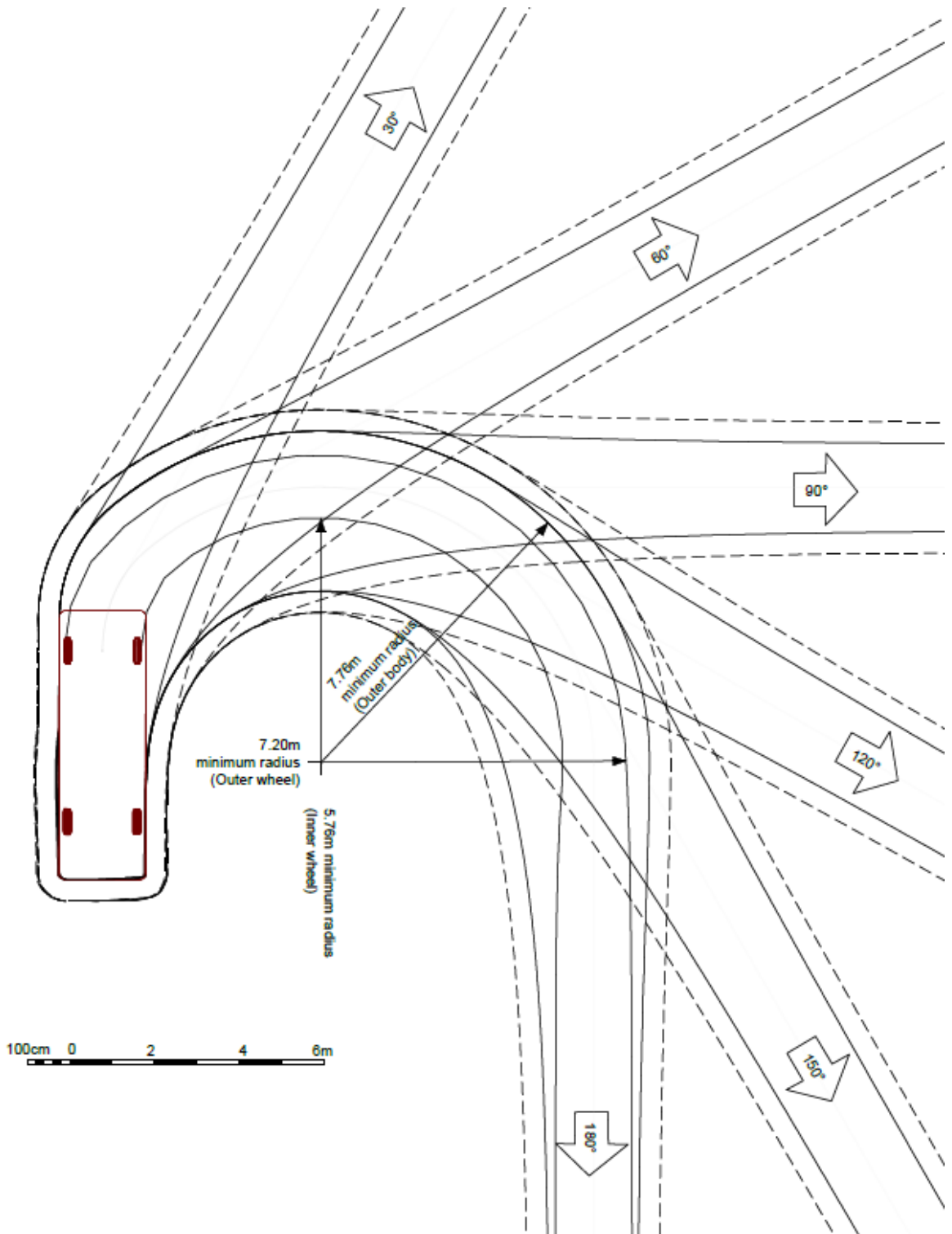
E27.6.3.3 Access and manoeuvring

...

(2A) For every loading space required by Table E27.6.3.2.1.(T137A) the access and manoeuvring areas associated with that loading space must accommodate the 6.4m van tracking curves set out in Figure E27.6.3.3.3.

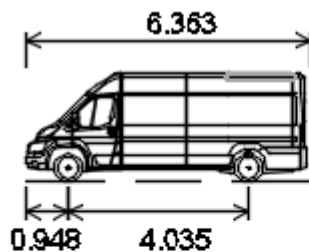
...

Figure E27.6.3.3.3 - 6.4m van tracking curve



Note 1: The dotted line about the vehicle depicts a 300mm clearance about the vehicle. See following key in Figure E27.6.3.3.4

Figure E27.6.3.3.4 Key for 6.4m van tracking curve



Delivery Van

Overall Length	6.363m
Overall Width	2.050m
Overall Body Height	2.432m
Min Body Ground Clearance	0.206m
Track Width	1.810m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	7.200m

27. Amend Standard E27.6.3.4. as follows:

E27.6.3.4 Reverse manoeuvring

- (1) Sufficient space must be provided on the site so vehicles do not need to reverse off the site or onto or off the road from any site where any of the following apply:
 - (a) four or more parking spaces are served by a single access;
 - (b) there is more than 30m between the parking space and the road boundary of the site; or

- (c) access would be from an arterial road or otherwise within a Vehicle Access Restriction covered in Standard E27.6.4.1 ~~or~~
- (d) ~~vehicle access is required in accordance with E27.6.3.4.A.~~

28. Add a new Standard E27.6.3.4A as follows:

E27.6.3.4A Heavy vehicle access

- (1) Where a site in a residential zone provides heavy vehicle access it must:
 - (a) provide sufficient space on the site so an 8m heavy vehicle does not need to reverse onto or off the site or road, with a maximum reverse manoeuvring distance within the site of 12m; and
 - (b) ~~provide pedestrian access in accordance with E27.6.6.2.~~
- (2) Heavy vehicle access and manoeuvring areas associated with access required by E27.6.3.4A.(1) must comply with the tracking curves set out in the Land Transport New Zealand Road and traffic guidelines: RTS 18: New Zealand on-road tracking curves for heavy motor vehicles (2007).

29. Amend standard E27.6.3.5 as follows:

E27.6.3.5 Vertical Clearance

- (1) To ensure vehicles can pass safely under overhead structures to access any parking and loading spaces, the minimum clearance between the formed surface and the structure must be:
 - (a) 2.1m where access and/or parking for cars is provided for residential activities;
 - (b) 2.3m where access and/or parking for cars is provided for all other activities;
 - (c) 2.5m where access and/or accessible parking ~~for people with disabilities~~ is provided and/or required; ~~or~~
 - (ca) 2.8m where loading is required for residential activities denoted with an asterisk (*) in Table E27.6.2.7A; or
 - (cb) 3.8m where heavy vehicle access in Standard E27.6.3.4A is provided; or
 - (d) 3.8m where loading is required in Table E27.6.2.7 ~~for all other activities.~~

30. Amend new standard E27.6.3.7 as follows:

E27.6.3.7 Lighting

(1) Lighting is required where there are 10 or more parking spaces which are likely to be used during the hours of darkness. The parking and manoeuvring areas and associated pedestrian routes must be adequately lit during use in a manner that complies with the rules in Section [E24 Lighting](#).

~~(2) Lighting is required, in residential zones, serving two or more dwellings where there is no vehicle access or where there are 10 or more parking spaces or 10 or more dwellings (except for dwellings which have separate pedestrian access provided directly from the front door to the road), Pedestrian access must be adequately lit during the hours of darkness in a manner that complies with the rules in Section [E24 Lighting](#).~~ Lighting is required, in residential zones to primary pedestrian access, vehicle access, parking and manoeuvring areas, where any of the following apply:

(a) There are four or more dwellings accessible from a primary pedestrian access which is not adjacent to a vehicle access;

(b) There are 10 or more parking spaces; or

(c) There are 10 or more dwellings.

Adequate lighting must be provided during the hours of darkness in a manner that complies with the rules in Section [E24 Lighting](#).

31. Amend Standard E27.6.4.3 as follows:

E27.6.4.3 Width of vehicle access, ~~and queuing~~ and speed management requirements

(1) Every on-site parking and loading space must have vehicle access from a road, with the vehicle access complying with the following standards for width:

(a) passing bays are provided in accordance with Table E27.6.4.3.1; and

(b) meeting the minimum formed access width specified in Table E27.4.3.2; and

(c) meeting the minimum speed management measure spacing specified in Table E27.6.4.3.3; and

(d) meeting the minimum requirements specified in E38 Subdivision — Urban Table E38.8.1.2.1 for minimum legal width, minimum vertical clearance from buildings and structures, and minimum inside turning radius for bends.

...

Table E27.6.4.3.2 Vehicle crossing and vehicle access widths

Location of site frontage		Number of parking spaces served	Minimum width of crossing at site boundary ¹	Maximum width of crossing at site boundary ¹	Minimum formed access width
...
(T151)	Residential zones	Serves 10 or more parking spaces	5.5m (two-way)	6.0m (two-way)	5.5m (providing for two-way movements) The formed width is permitted to be narrowed to 2.75m if there are clear sight lines along the entire access and passing bays at 50m intervals are provided. 1.0m pedestrian access for rear sites which may be located within the formed driveway
...

¹ Width of crossing at site boundary excludes any adjacent pedestrian access.

* Provided that a maximum width of 9.0m is permitted where the crossing needs to accommodate the tracking path of large heavy vehicles

Note 1

Minimum vehicle crossing widths to the State Highway network may be greater than those above. All access to the State Highway network requires the approval of the New Zealand Transport Agency under the Government Roding Powers Act 1989. Applicants are advised to contact the New Zealand Transport Agency's Auckland Office.

~~Where vehicle accessways are provided, consideration of fire emergency vehicle access is required by the New Zealand Building Code Clause C6.~~

~~Emergency responder access requirements are further controlled by the Building Code. Plan users should refer to the Building Code to ensure compliance can be achieved at building consent stage. Granting of a resource consent does not imply that waivers of Building Code requirements will be granted. Fire and Emergency New Zealand publishes guidance in the context of Building Code requirements.~~

Table E27.6.4.3.3 Speed management requirements

<u>Activity</u>		<u>Length of vehicle access</u>	<u>Location of minimum speed management measures</u>
(T156A)	<u>Residential zones</u>	<u>Exceeds 30m</u>	<u>Not more than 10m from the site boundary with the legal road; and</u> <u>Not more than 30m spacing between speed management measures.</u>

Note: Where heavy vehicle access and speed management measures are required, the design of speed management measures should include consideration of heavy vehicle requirements.

32. Add new Standard E27.6.6 as follows:

E27.6.6 Design and location of pedestrian access in residential zones

- (1) Any pedestrian access, in residential zones, serving two or more dwellings, where there is no vehicle access must ~~Where two or more dwellings are proposed in residential zones, primary pedestrian access must be provided which meets the following:~~
- (a) have the minimum pedestrian access width and separation specified in Table E27.6.6.1 for its full length ~~have a minimum formed access width of 1.8m;~~
 - (b) ~~[deleted] provide passing bays in accordance with Table E27.6.6.1;~~
 - (c) ~~meet the maximum gradient, in accordance with Table E27.6.6.2~~ have a gradient no greater than:
 - (i) 1 in 12 for pedestrian access which is not adjacent to vehicle access;
 - (ii) the maximum vehicle access gradient as specified in Table E27.6.4.4.1 where the pedestrian access is adjacent to vehicle access;
 - (d) ~~[deleted] provide artificial lighting in accordance with Standard E24.6.2;~~
 - (e) have a surface treatment which is firm, stable and slip resistant in any weather conditions;
 - (f) provide direct and continuous access to the dwellings from a public footpath;
 - (g) be free from permanent obstructions and have a clear height of at least 2.1m unobstructed for its full length; ~~and~~

(h) ~~[deleted] where the pedestrian access is not adjacent to vehicle access and includes steps, provide a step-free option as specified in NZS 4121:2001 Design for access and mobility: Buildings and associated facilities.~~

~~*Except that a primary pedestrian access is not required for 2-3 dwellings where vehicle access is provided to dwellings.~~

(2) A minimum clear width of 3m and a minimum clear height of 2.1m for its full length is required for primary pedestrian access where not adjacent to vehicle access and serving:

(a) up to three dwellings and has a length greater than 50m; or

(b) four or more dwellings.

(3) For the purposes of (2) above, the clear width may include:

(a) the minimum 1.8m formed primary pedestrian access width;

(b) landscape treatment with a maximum mature height of 600mm;

(c) lighting infrastructure.

(4) Standards E27.6.6(1), (2) and (3) above do not apply where:

(a) up to three dwellings are proposed on a site and vehicle access is provided to each dwelling; or

(b) a dwelling directly fronts and has direct access to a street.

(5) For four or more dwellings in residential zones, pedestrian access must be provided to each parking space within a parking area (excluding garages) consisting of four or more parking spaces served by the same vehicle access and:

(a) have a minimum width of 1.2m;

(b) be vertically separated from trafficable areas as shown in Figure E27.6.4.3.1;

(c) connect to the primary pedestrian access or the dwellings associated with those parking spaces;

(d) have a surface treatment which is firm, stable and slip resistant in any weather condition; and

(e) be free from permanent obstructions and have a clear height of 2.1m for its full length.

This standard does not apply where the pedestrian access forms part of a primary pedestrian access.

~~(2) [deleted] Any pedestrian access in residential zones that is adjacent to a vehicle access serving 10 or more parking spaces or 10 or more dwellings (except for dwellings which have separate pedestrian access provided directly from the front door to the road), whichever is the greater, must:~~

~~(a) meet the minimum pedestrian access width and separation specified in Table E27.6.6.3;~~

~~(b) not exceed the maximum gradient, specified in Table E27.6.6.2;~~

~~(c) have a surface treatment which is firm, stable and slip resistant in any weather conditions;~~

~~(d) be unobstructed for its full length; and~~

~~(e) where the pedestrian access includes steps, provide a step-free option as specified in NZS 4121:2001 Design for access and mobility: Buildings and associated facilities.~~

~~(3) [deleted] Any pedestrian access in residential zones that is adjacent to a vehicle access serving, to up to nine dwellings (except for dwellings which have separate pedestrian access provided directly from the front door to the road), which require heavy vehicle access in accordance with E27.6.3.4A must:~~

~~(a) meet the minimum pedestrian access width and separation specified in Table E27.6.6.3;~~

~~(b) meet the maximum gradient, specified in Table E27.6.6.2;~~

~~(c) provide artificial lighting in accordance with Standard E24.6.2;~~

~~(d) have a surface treatment which is firm, stable and slip resistant in any weather conditions;~~

~~(e) be unobstructed for its full length; and~~

~~(f) where the pedestrian access includes steps, a step-free option must be provided as specified in NZS 4121:2001 Design for access and mobility: Buildings and associated facilities.~~

Note: Emergency responder access requirements are further controlled by the Building Code. Plan users should refer to the Building Code to ensure compliance can be achieved at building consent stage. Granting of a resource consent does not imply that waivers of Building Code requirements will be granted. Fire and Emergency New Zealand publishes guidance in the context of Building Code requirements.

Table E27.6.6.1 Pedestrian access passing bay requirements

<u>Length of access</u>	<u>Maximum interval between passing bays</u>	<u>Passing Bay Width</u>
<u>Exceeds 50m</u>	<u>50m</u>	<u>Increase formed width of pedestrian access to 2.5m over a 3.5m length (to allow pedestrians and cyclists to safely pass each other)</u>

Table E27.6.6.2 Maximum pedestrian access gradient requirements

<u>Maximum pedestrian access gradient</u>	<u>Required rest area at either end of the gradient</u>
<u>Up to 1 in 33.3 (3 percent)</u>	<u>No rest area required</u>
<u>Between 1 in 33.3 (3 percent) and 1 in 20 (5 percent)</u>	<u>Rest area with a minimum length of 1.2m and with a maximum gradient of 1 in 33.3 (3 percent) must be provided at intervals not exceeding 45m</u>
<u>Between 1 in 20 (5 percent) and 1 in 12.5 (8 percent)</u>	<u>Rest area with a minimum length of 1.2m and with a maximum gradient of 1 in 33.3 (3 percent) must be provided at intervals not exceeding 9m</u>

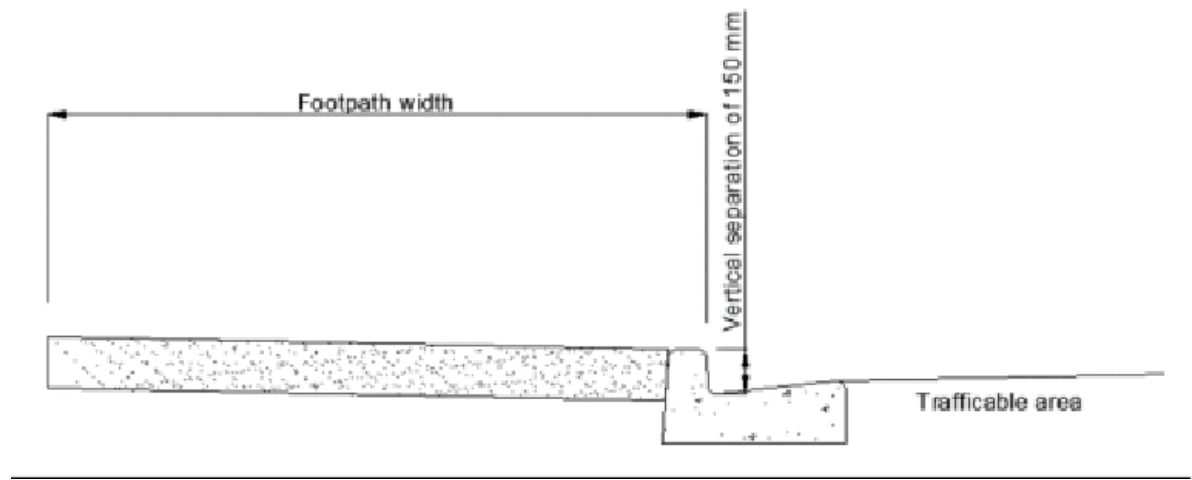
Table E27.6.6.13 Primary Pedestrian Access width and separation requirements adjacent to a vehicle access

<u>Location of site frontage</u>		<u>The total nNumber of parking spaces or dwellings served by a vehicle and/or Primary Pedestrian Access</u>	<u>Minimum formed Primary Pedestrian Access width where not adjacent to vehicle access</u>	<u>Minimum formed Primary Pedestrian Access width and separation where adjacent to vehicle access pedestrian access width and separation</u>
<u>(T156A)</u>	<u>Residential zones</u>	<u>Any development where all dwellings have separate pedestrian access provided directly from the front door to the road</u>		<u>No pedestrian access required adjacent to the vehicle access</u>
<u>(T156B)</u>		<u>Serves 1-9 parking spaces or 1-9 dwellings, whichever is the greater</u>		<u>No pedestrian access required adjacent to the vehicle access</u>
<u>(T156A)</u>		<u>Serves 2 – 3 dwellings</u>	<u>1.8m</u>	<u>No requirement under E27.6.6(1) to (3)</u>
<u>(T156B)</u>		<u>Serves 4 to 19 parking spaces or 4 to 19 dwellings, whichever is the greater, excluding any dwellings which have separate pedestrian access provided directly from the front door to the road</u>	<u>1.8m</u>	<u>1.35 to 1.4m (including the kerb), which must be vertically separated from trafficable areas and designed to be clear of obstructions, as shown in Figure E27.6.4.3.1,</u>
<u>(T156C)</u>		<u>Serves 20 or more parking spaces or 20 or more dwellings, whichever is the greater, excluding any dwellings which have separate pedestrian access provided directly from the front door to the road</u>	<u>1.8m</u>	<u>1.8m (including the kerb) which must be vertically separated from trafficable areas and designed to be clear of obstructions, as shown in Figure E27.6.4.3.1 and connected to every dwelling</u>

<u>Location of site frontage</u>		<u>The total nNumber of parking spaces or dwellings served by a vehicle and/or Primary Pedestrian Access</u>	<u>Minimum formed Primary Pedestrian Access width where not adjacent to vehicle access</u>	<u>Minimum formed Primary Pedestrian Access width and separation where adjacent to vehicle access pedestrian access width and separation</u>
(T56E)		Serves 1-9 dwellings and requires heavy vehicle access in accordance with E27.6.3.4A		1.35m which must be vertically separated from trafficable areas and designed to be clear of obstructions

Note 1: Works within the legal road, such as connections to public footpaths, require prior approval from Auckland Transport as the road controlling authority. This approval is separate and additional to any land use or subdivision approval required.

Figure E27.6.4.3.1 Vertical separation of pedestrian access



33. Add a new Standard E27.6.7 as follows:

E27.6.7 Electric vehicle supply equipment Provision for electric vehicle charging

- ~~1. Any dwelling with dedicated car parking must provide the following for each car parking space to support the charging of electric vehicles:~~
- ~~a) Sufficient space on the switchboard(s) for RCD; and~~
 - ~~b) Appropriately sized mains; and~~
 - ~~c) The necessary conduit, cable route and/or cable ladders whichever is appropriate.~~

~~Note: this standard does not apply to visitor car parking.~~

~~Purpose: to ensure that any undercover car parks for new semi-detached dwellings or for new dwellings within a terrace or apartment building are provided with the capability to install Electric Vehicle Supply Equipment.~~

~~(1) Any new dwellings with car parking (with the exception of new detached dwellings) must provide each undercover car park with the capability to install Electric Vehicle Supply Equipment with designated space for the necessary conduit, circuit and metering between the car park and an electrical distribution board on the same building storey, or ground level if the car parking space is at ground level.~~

~~Note:~~

- ~~(a) This standard applies to all new dwellings, with the exception of new detached dwellings~~
- ~~(a) This standard does not apply to any car parking permanently allocated to visitors.~~

~~Refer to the following standards and guidelines:~~

- ~~- Australian/New Zealand Wiring Rules AS/NZS 3000:2018~~
- ~~- SNZ PAS 6011:2021 Electric Vehicle Charges for Residential Use~~
- ~~- SNZ PAS 6011:2012 Electric Vehicle Chargers for Commercial Applications~~
- ~~- WorkSafe EV charging safety guidelines 2nd addition plus addendums 1 and 2~~

34. Amend Matters of discretion E27.8.1 as follows:

E27.8.1 Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

...

- (4) any activity or subdivision which exceeds the trip generation thresholds under Standard E27.6.1, with the exception of the thresholds (TA1), (T1A), (T2A) and (T3A) in Table E27.6.1.1:
 - (a) effects on the transport network.

(4A) any activity or subdivision which exceeds the thresholds (TA1), (T1A), (T2A) and (T3A) in Table E27.6.1.1:

(a) effects on the transport network relating to active (walking and cycling) and public transport modes.

(5A) any activity or development that provides less than the required number of accessible parking spaces under Standard ~~E27.6.2(a)~~ E27.6.3.2(A):

(a) adequacy for the site and the proposal;

(b) site limitations;

(c) effects on the transport network; and

(d) alternative proposals for accessible parking.

...

(9) any activity or development which infringes the standards for design of parking and loading areas or access under Standards E27.6.3, E27.6.4.2, E27.6.4.3, ~~E27.6.4.3A~~ and E27.6.4.4 and E27.6.6:-

(a) adequacy for the site and the proposal;

(aa) site limitations;

(ab) effects on the function and the safe and efficient operation of the transport network;

(aaa) adequacy of emergency responder access;

(b) design of parking, loading and access;

(ba) effects on pedestrian safety and accessibility;

...

(15) Any activity or development which does not meet the requirements for electric vehicle supply equipment under Standard E27.6.7:

(a) adequacy for the site and the proposal; and

(ab) site limitations; and

(b) alternative proposals.

35. Amend Assessment criteria E27.8.2 as follows:

(3) any activity or subdivision which exceeds the trip generation thresholds under Standard E27.6., with the exception of the thresholds (TA1), (T1A), (T2A) and (T3A) in Table E27.6.1.1:

- a) the effects on the function and the safe and efficient operation of the transport network ~~including pedestrian movement~~ with consideration of all modes of transport, particularly at peak traffic times;
- b) the implementation of mitigation measures proposed to address adverse effects which may include, but are not limited to, the following measures:
 - i. ~~such as~~ travel planning;
 - ii. providing alternatives to private vehicle trips including accessibility to public transport;
 - iii. staging development;
 - iv. providing or contributing to improvements to the local transport network across all modes; ~~or~~
- c) the trip characteristics of the proposed activity on the site.

(3A) any activity or subdivision which exceeds the thresholds (TA1), (T1A), (T2A) and (T3A) in Table E27.6.1.1:

(a) the effects on the function and the safe and efficient operation of the transport network as they relate to active modes (walking and cycling) and public transport infrastructure, particularly at peak times; and

(b) the assessment criteria at E27.8.2(3)(b) and (c) above apply, but with consideration of the implementation of mitigation measures and trip characteristics focused on active modes (walking and cycling) and public transport infrastructure; and

(c) for the purpose of assessing E27.8.2(3A) a) and b) only*, the local transport network refers to the area in the immediate vicinity of the site. For the purpose of this assessment, public transport infrastructure includes infrastructure associated with public transport stops, and excludes bus lanes. Any mitigation measures must relate to the effects of the proposal on the environment, demand on public transport infrastructure and active mode journeys from the site.

* Note: this does not alter the meaning of 'local transport network' in any other context.

(4A) any activity or development that provides less than the required number of accessible parking spaces under Standard E27.6.3.2.(A):

- (a) the trip characteristics of the proposed activities on the site requiring accessible parking spaces;
- (b) the extent to which it is physically practicable to provide the required accessible parking spaces on the site including in terms of the existing location of buildings, the type of the existing building(s) site dimensions, topography and the availability of access to the road;
- (c) the availability and capacity of alternative accessible parking in the immediate vicinity, including on street and other public accessible car parking, with an accessible route to and from the building designed in accordance with New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001), to provide the additional parking sought for the proposal;
- (d) mitigation measures to provide accessible parking which may include measures such as by entering into a shared accessible parking arrangement with another site or sites in the immediate vicinity
- (e) the availability of alternatives to private vehicle trips in the immediate vicinity with access to public transport by an accessible route designed in accordance with New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001) and a maximum distance of 200m.

...

Note: Accessible parking requirements are further controlled by the Building Code. Plan users should refer to the Building Code to ensure compliance can be achieved at building consent stage. Granting of a resource consent does not imply that waivers of Building Code requirements will be granted.

(6) any activity or development which infringes the standards for bicycle parking and end-of-trip facilities in Standard E27.6.2(6) and Standard E27.6.2(7):

...

- (b) the provision made for cyclists and active modes is:
 - (i) readily accessible, secure, provides locking points for different sizes and shapes of bicycle, provides adequate protection from all weathers, provides mains outlets for the charging bicycles and is designed for safety; and

(ii) practicable and adequate given site limitations and layout, arrangement of buildings and activities, users and operational requirements.

(7) any activity or development which provides fewer than the minimum number of loading spaces under Standard E27.6.2(8):

(aa) the extent to which it is physically practicable to provide the required loading space(s) on site in terms of the characteristics of the site, including its location in relation to the transport network, site dimensions, topography, and existing development;

- (a) effects of the loading arrangements proposed for the site, including the non-provision of any required loading space, on the safe and efficient operation of the adjacent transport network;
- (b) the specific business practice, operation or type of customer associated with the proposed activities;
- (c) the extent to which an accessible and adequate on-street loading space is available nearby or can be created while having regard to other demands for kerbside use of the road; ~~or~~
- (d) the extent to which loading can be provided informally on site or on another site in the immediate vicinity and its use shared; ~~or.~~ ~~Or~~
- (e) the extent to which the reduction in loading spaces will contribute to the efficient use of land and the growth and intensification provided for in this Plan. ~~the extent to which the reduction in loading spaces will contribute to the efficient use of land and the growth and intensification provided for in this Plan.~~

(8) any activity or development which infringes the standards for design of parking and loading areas or access under Standard E27.6.3, E27.6.4.2, E27.6.4.3, ~~and E27.6.4.4~~ and E27.6.6:

- (a) effects on the safe and efficient operation of the adjacent transport network having regard to:
 - (i) the effect of the modification on visibility and safe sight distances;
 - (ii) existing and future traffic conditions including speed, volume, type, current accident rate and the need for safe manoeuvring;

(iii) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; ~~or~~

(iv) existing community or public infrastructure or facilities located in the adjoining road, such as bus stops, bus lanes, footpaths and cycleways; ~~and~~
and

(v) the extent to which the management plan for the development identifies and mitigates risk to all site and road users.

...

(d) the safety and practicality of pedestrian access, in residential zones, having regard to:

(i) site limitations, configuration of buildings and activities, user requirements and operational requirements;

(ii) the number of dwellings / future occupants that a primary pedestrian access is serving;

(iii) the extent to which a primary pedestrian access is direct, continuous, obstruction free and safely accommodates different users and abilities including minimisation of gradients, provision of landing areas and avoidance of steps;

(iv) space limitations and constraints within basement parking areas;

(v) the safety of pedestrians where a pedestrian access crosses trafficable areas, considering the design of the crossing, visibility between drivers and pedestrians, and vehicle speeds;

(vi) the extent to which the design incorporates Crime Prevention Through Environmental Design principles;

(vii) the extent to which the design incorporates Universal Design principles, including the extent to which a primary pedestrian access is slip resistant under all conditions and where primary pedestrian access is not adjacent to vehicle access and includes steps, provides a footpath and/or ramps as specified in NZS 4121:2001 Design for access and mobility: Buildings and associated facilities;

(viii) the need to separate pedestrian areas from vehicle access, parking, manoeuvring and reversing areas; and

(ix) the avoidance of conflict between users.

(e) The safety and functionality of emergency responder access.

...

(14) any activity or development which infringes the standards for electric vehicle supply equipment under Standard E27.6.7:

(a) the practicability and adequacy of the electric vehicle supply equipment arrangements considering:

(i) site limitations, arrangement of buildings and activities and operational requirements;

(ii) the extent to which the site can reasonably be served by different electric vehicle supply equipment arrangements

E38 Subdivision – Urban Amendments

36. Amend Standard E38.8.1.2. as follows:

E38.8.1.2. Access to rear sites

(1) A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites.

(2) Vehicle access to proposed sites without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land, or by a combination of these mechanisms, provided the total width and other dimensions of the access comply with the standards in Table E38.8.1.2.1 Access to rear sites below.

Table E38.8.1.2.1 Access to rear sites

	Total number of rear sites served			
	<u>1</u>	<u>2 – 3 5</u>	<u>4-5</u>	<u>6-64 - 10</u>
Minimum legal width	3.0m	3.5m	<u>4.4m</u>	<u>6.9m75 6.5</u>
Minimum formed width	2.5m	3.0m	<u>3.0m</u>	5.5m
Minimum service strip	0.5m	0.5m	<u>0.5m</u>	1.0m
Maximum length	50m	50m	<u>50m</u>	100m Note 1 <u>Note 1</u>
Maximum gradient	1 in 4	1 in 5		
Minimum vertical clearance from buildings or structures	3.8m			

Minimum inside turning radius for bends	6.5m
---	------

Note 1

~~For accessways greater than 50 metres in length speed management measures should be considered. Where vehicle accessways are provided, consideration of fire emergency vehicle access is required by the New Zealand Building Code Clause C6.~~

Emergency responder access requirements are further controlled by the Building Code. Plan users should refer to the Building Code to ensure compliance can be achieved at building consent stage. Granting of a resource consent does not imply that waivers of Building Code requirements will be granted. Fire and Emergency New Zealand publishes guidance in the context of Building Code requirements.

- (3) Accessways serving ~~six or more~~ four to ten rear sites must provide separated pedestrian access, which may be located within the formed driveway.
- (4) The pedestrian access required by E38.8.1.2(3) must meet all of the following:
 - (a) have a minimum width of 1.435m metre;
 - (b) can include the service strip; and
 - (c) ~~be distinguished from the vehicle carriageway through the use of a raised curb or different surface treatment~~ the requirements of Table E27.6.4.3.3 and Figure E27.6.4.3.1 be vertically separated from the vehicle carriageway through the use of a raised kerb as shown in; and
 - (d) ~~the requirements of Table E27.6.6.2.~~ have a maximum gradient not exceeding the vehicle access gradient standard in Table E38.8.1.2.1.
- (5) Accessways exceeding 30m in length must meet the speed management measures specified by Table E27.6.4.3.3.

37. Amend Appendix 17 Documents incorporated by reference, as follows:

...

E24 Lighting

AS/NZS1158.3.1:2020 Australian/New Zealand Standard Lighting for roads and public spaces (Part 3.1: Pedestrian Area (Category P) lighting – Performance and design requirements

...

E27 Transport

...

Australian/New Zealand Wiring Rules **AS/NZS 3000:2018** (entire document)

SNZ PAS 6011:2021 Electric Vehicle Charges for Residential Use (Sections 1-3 & Tables 1 & 2)

SNZ PAS 6011:2012 Electric Vehicle Chargers for Commercial Applications (Sections 1-4 & Appendix A)

WorkSafe - Electric Vehicle charging safety guidelines, May 2019 2nd addition plus addendums 1 and 2 (entire document)

Auckland Code of Practice for Land Development and Subdivision, (Chapter 3 Transport) Codes of Practice, Auckland Design Manual 2022

Land Transport New Zealand Road and Traffic Guidelines: RTS 18: New Zealand on-road tracking curves for heavy motor vehicles (2007) (entire document)

...

38. Add a new Appendix 23 in Chapter M Appendices as follows:

Appendix 23 - Parking Demand Guidelines to Calculate the Number of Required Accessible Car Parking Spaces

<u>Activity</u>		<u>Minimum rate</u>	
	<u>Retirement village</u>		<u>0.7 per unit plus 0.2 visitor space per unit plus 0.3 per bed for rest home beds within a retirement village</u>
	<u>Supported residential care</u>		<u>0.3 per bed</u>
	<u>Visitor accommodation</u>		<u>1 per unit or, where accommodation is not provided in the form of units, 0.3 per bedroom</u>
	<u>Boarding houses</u>		<u>0.5 per bedroom (except that parking is not required for boarding houses which accommodate school students within the H29</u>

			<u>Special Purpose – School Zone)</u>
<u>Offices</u>			<u>A minimum of 1 per 45m2 GFA</u>
<u>Commercial services, excluding the following: veterinary clinics, storage and lockup facilities</u>			<u>1 per 25m2 GFA</u>
<u>Retail</u>	<u>Motor vehicle sales</u>		<u>1 per 10 vehicle display spaces, plus 1 per additional 50m2 GFA</u>
	<u>Trade suppliers</u>		<u>1 per 50m2 GFA plus 1 per 100m2 of outdoor storage or display areas</u>
	<u>Large Format Retail (excluding supermarkets and department stores)</u>		<u>1 per 45m2 GFA</u>
	<u>All other retail (including food and beverage)</u>		<u>1 per 25m2 GFA</u>
<u>Industrial activities and storage and lock-up facilities</u>	<u>Repair and maintenance services</u>		<u>4 per repair / lubrication bay, plus 1 per additional 50m2 GFA</u>
	<u>Warehousing, storage and lock up facilities</u>		<u>1 per 100m2 GFA, or 0.7 per FTE employee (where the number of employees is known), whichever results in requiring a lower amount of onsite parking</u>
	<u>All other industrial activities</u>		<u>1 per 50m2 GFA, or 0.7 per FTE employee (where the number of employees is known), whichever results in requiring a lower amount of onsite parking</u>
<u>Entertainment facilities and community facilities</u>			<u>0.2 per person the facility is designed to accommodate</u>

<u>provided that, for places of worship, the 'facility' shall be the primary place of assembly (ancillary spaces such as prayer rooms, meeting rooms and lobby spaces not separately use shall be disregarded)</u>			
<u>Emergency services</u>			<u>1 per employee on site plus 1 per emergency service appliance based at the facility</u>
<u>Care centres</u>			<u>0.10 per child or other person, other than employees plus 0.5 per FTE employee</u>
<u>Educational facilities</u>	<u>Primary and secondary</u>		<u>0.5 per FTE employee plus 1 visitor space per classroom</u>
	<u>Tertiary</u>		<u>Massey University at Albany Campus: 0.32 per EFT student Other tertiary education facilities: 0.5 per FTE employee plus 0.25 per EFT student the facility is designed to accommodate</u>
<u>Medical facilities</u>	<u>Hospitals not shown on the Parking Variation Control planning maps</u>		<u>1 per 50m2 GFA</u>
	<u>Grafton Hospital 2 Park Road, Grafton</u>		<u>No minimum</u>
	<u>Greenlane Clinical Centre 210 Green Lane West, Epsom</u>		<u>1 per 55m2 GFA</u>
	<u>Mt Albert 50 Carrington Road, Mt Albert</u>		<u>1 per 60m2 GFA</u>

	<u>Mercy Hospital 98 Mountain Road, Epsom</u>		<u>1 per 40m2 GFA</u>
	<u>Healthcare facilities</u>		<u>1 per 20m2 GFA</u>
	<u>Veterinary clinics</u>		<u>1 per 20m2 GFA</u>
<u>Land used for organised sport and recreation</u>			<u>12.5 spaces per hectare</u>
<u>Clubrooms</u>			<u>0.2 per person the facility is designed to accommodate</u>
<u>Water transport</u>	<u>Land adjacent to a public boat launching ramp</u>		<u>No minimum rate for accessory parking associated with boat launching</u>
<u>Marine and port activities and facilities</u>	<u>Marinas</u>		<u>0.35 per berth provided</u>
	<u>Ports of Auckland</u>		<u>No minimum</u>
	<u>Minor ports at Gabador Place, Tamaki and Onehunga</u>		<u>0.5 per employee intended to be working in or at the facility at any one time</u>
<u>All other activities, except for activities within rural zones</u>			<u>1 per 50m2 GFA</u>
<u>All other activities where located in rural zones</u>			<u>No minimum</u>

39. Add a new Abbreviation and a new Definition to Chapter J - Definitions

J1.2. Abbreviations and Acronyms

...

<u>Vehicles per hour</u>	<u>v/hr</u>
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...

Accessible car park

Has the same meaning as in the National Policy Statement on Urban Development 2020, May 2022.

Electric Vehicle Supply Equipment:

Electric Vehicle Supply Equipment for car parks includes the power outlets, wiring, cable trays, circuits, metering, electrical distribution boards and communications technology required to connect a type 2 (7 kilowatt, 32 Amp) electric vehicle charger with the electricity network and enable smart electrical load management.

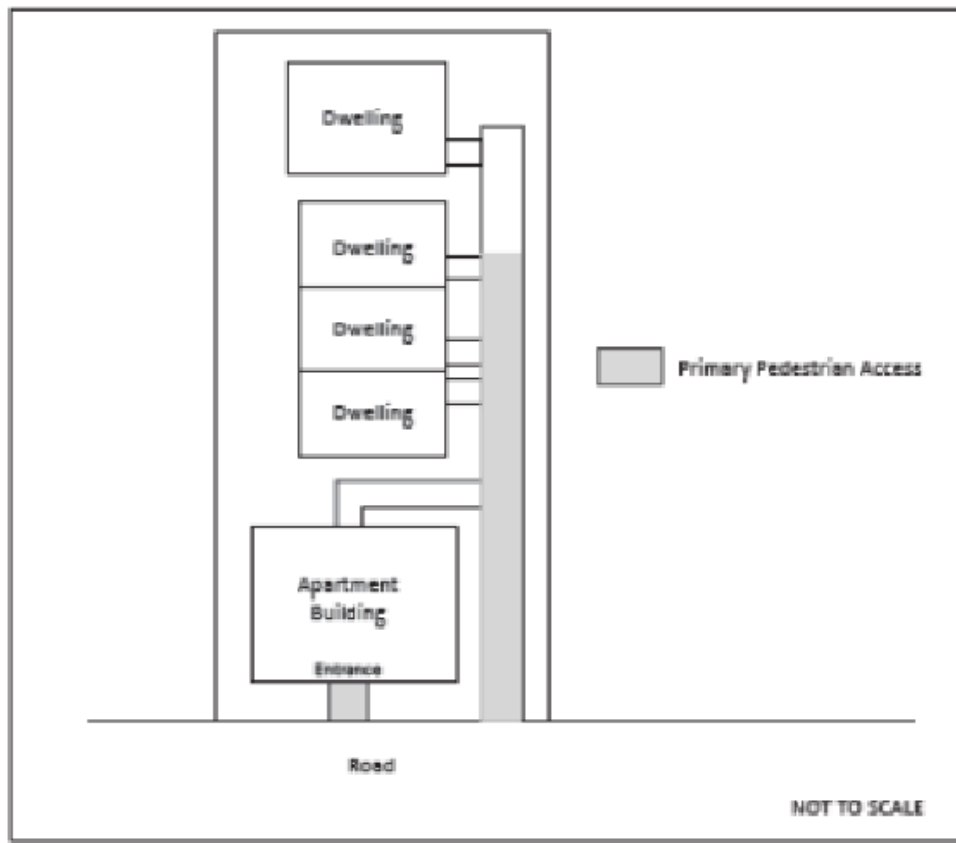
Heavy vehicle:

A motor vehicle that has a gross vehicle mass exceeding 3,500 kilograms.

Primary Pedestrian Access:

The main pedestrian route serving two or more dwellings in any residential zone providing pedestrian and micro-mobility access from the road to the individual paths accessing the front doors of the dwellings (or, where applicable, the shared front door serving more than one dwelling).

[INSERT NEW ACCOMPANYING DIAGRAM AS FOLLOWS:]



Speed Management Measures:

The application of engineering and other physical measures to a vehicle access to reduce vehicle speeds and provide for the safety of users of the vehicle access and adjoining road network.

Includes:

- speed humps
- raised tables
- side islands
- lane narrowing
- chicanes
- lateral shifts
- surface treatments
- landscaping.

40. Add new objective, policy, activities and standard relating to electric vehicle charging stations

Include a new Objective as follows:

E27.2 (8) Enable car parking with electric vehicle charging stations in all zones.

Include a new Policy as follows:

E27.3 (31) Provide for car parking with electric vehicle charging stations in all zones where:

(a) adverse effects on the amenity of the streetscape are minimised.

Include new Activities to Activity Table E27.4.1 as follows:

<u>Activity</u>		<u>Activity Status</u>
<u>(A18)</u>	<u>Electric vehicle charging stations that comply with the standards for electric vehicle charging stations in E27.6.8</u>	<u>P</u>
<u>(A19)</u>	<u>Electric vehicle charging stations that do not comply with the standards for electric vehicle charging stations in E27.6.8</u>	<u>RD</u>

New Standard E27.6.8

E27.6.8 Electric vehicle charging stations

(1) Any building or structure for EV charging must:

(a) Not exceed a maximum height above ground level of 3m (excluding charging cables and cable support systems); and

(b) If there are more than two EV charging structures or EV charging buildings, comply with the front yard and landscape buffer standards of the underlying Zone.

Include new Matters of Discretion as follows:

E27.8.1

...

(16) Any electric vehicle charging station which does not meet the requirements for electric vehicle charging stations under Standard E27.6.8:

(a) The extent and effect of non-compliance with the standard;

(b) Location and design; and

(c) Visual and streetscape amenity.

Include new Assessment Criteria as follows:

E27.8.2

...

(15) Any electric vehicle charging station which does not meet the requirements for electric vehicle charging stations under Standard E27.6.8:

(a) The effects on streetscape and visual amenity; and

(b) Mitigation to manage adverse effects on streetscape and visual amenity effects.