

## **Property Council New Zealand**

---

### **Submission to Auckland Council on Plan Change 79: Amendments to the transport provisions**

29 September 2022

<b>For more information and further queries, please contact</b>
Logan Rainey Logan@propertynz.co.nz 021410787

29 September 2022

Auckland Council

Auckland 1142

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

## **Plan Change 79: Amendments to the Transport Provisions**

### **1. Summary and scope of submission**

- 1.1 Property Council New Zealand, Auckland Region ("Property Council") welcomes the opportunity to submit to Auckland Council on Plan Change 79: Amendments to the Transport Provisions. Property Council has deep concerns regarding the potential impact of Plan Change 79 on Auckland's built environment. We have prepared a list of recommendations to influence better, fairer outcomes for all. Comments and recommendations are provided on issues relevant to Property Council's members.
- 1.2 We oppose the majority of Plan Change 79, as in our view the proposals will result in loss of amenities through requiring more concrete for onsite loading zones, parking and accessways which will decrease site yields and result in loss of amenity. Plan Change 79 will have a significant impact on intensified developments such as town houses, terraced houses, and apartments. As a result, there will be further barriers to housing affordability ambitions, with the loss of yield and amenity decreasing much needed housing supply.
- 1.3 We are concerned that Plan Change 79 takes a blunt instrument to resolve issues that need a more fluent and demand-based approach. For example, providing mandatory cycling parks may not be the best use of space for developments that are on the outskirts of town and do not have access to cycle pathways. We are deeply concerned that the proposed rules are overly prescriptive and will unduly limit intensification across Auckland.
- 1.4 Good urban design and a user focused system should be at the forefront of development. Plan Change 79 seeks to remove consumer choice and best practices by introducing mandated Auckland-wide standards where a one size fits all approach may not be appropriate. The utilisation of space is critical in developments. Collectively, the proposals for onsite loading zones, vehicle and bike parking and pedestrian accessways may result in 'wasted space' that could have been used to enhance amenity values such as installing gardens or greenery. We therefore oppose Plan Change 79.

### **2. Decisions Requested**

- 2.1 The submitter seeks the following decision from the Council on PC79:
  - Do not introduce minimum accessible carparking standards;
  - Do not introduce loading zone requirements for residential developments;
  - Do not adopt a 1.8m standard for pedestrian walkways and instead seeks to align pedestrian walkways with the same width standard (1.2m) as used for internal corridors;
  - Makes use of design guidelines and development incentives to resolve concerns over accessways;

- Do not adopt mandatory bike parking for residential developments;
- Do not adopt the proposed mandatory EV charging capacity rules;
- Do not adopt the proposed Heavy vehicle access provisions; and
- Do not adopt the proposed changes to access to rear sites.

### **3. Introduction**

- 3.1. Property Council is the leading not-for-profit advocate for New Zealand's most significant industry, property. Our organisational purpose is, "Together, shaping cities where communities thrive".
- 3.2. The property sector shapes New Zealand's social, economic and environmental fabric. Property Council advocates for the creation and retention of a well-designed, functional and sustainable built environment, in order to contribute to the overall prosperity and well-being of New Zealand.
- 3.3. Property is Auckland's largest industry. Property provides a direct contribution to GDP of \$12 billion (12 percent) and employment for 71,940 Auckland residents.
- 3.4. Property Council is the collective voice of the property industry. We connect property professionals and represent the interests of 387 Auckland based member companies across the private, public and charitable sectors.

### **4. General comment**

- 4.1. Property Council supports residential intensification across Auckland, as intended by the National Policy Statement on Urban Development ("NPS-UD") and RMA (Enabling Housing Supply and Other Matters) Amendment Act.
- 4.2. Property Council believes it is critical that planning rules enable good quality urban design outcomes. To this end, we have supported policies such as urban design panels or urban design assessments and we have previously submitted to both Central and Local Government on this topic. We are concerned that the cumulative effect of Plan Change 79 will add additional cost and complexity to residential developments, while also decreasing site yields.
- 4.3. Many of the proposals apply equally to different types of residential development (i.e., single dwellings, terraced housing and apartments). We are concerned that as a result, apartment developments would be particularly impacted by rule changes primarily intended to effect other forms of residential development.
- 4.4. Property Council is concerned of the lack of alignment between this work programme and Auckland Transport's draft Parking Strategy. Strong alignment between local government entities is, in our view, essential for ensuring robust, effective policy outcomes.

### **5. Accessible Parking Requirements**

- 5.1. Plan Change 79 seeks to introduce new accessible parking requirements into the Auckland Unitary Plan. Accessible parking would be required in all zones, in line with the rates shown in Table 1 and Table 2, except for those areas exempted.

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

Total number of theoretical parking spaces	Number of accessible parking spaces
1 – 20	Not less than 1
21 – 50	Not less than 2
For every additional 50 parking spaces or part of a parking space	Not less than 1

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

Number of dwellings	Number of accessible parking spaces
10 - 19	Not less than 1
20 – 29	Not less than 2
30 – 39	Not less than 3
For every additional 10 dwellings or units	Not less than 1

- 5.2. Plan Change 79 proposes exemptions from the accessible parking requirement for the following zones: Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Mixed Use Zone; Business – Neighbourhood Centre Zone. However, these exemptions are contingent on car parking not being provided onsite. If carparking is provided onsite, the relevant accessible parking requirements from table 1 or 2 would apply.
- 5.3. Property Council is concerned about the impact this policy would have on Auckland developments. We believe that introducing minimum accessible parking requirements would unduly restrict residential intensification, by limiting the number of units possible to build on a given site. This could impact Auckland’s housing and environmental goals of a compact and liveable city.
- 5.4. We also hold several practical concerns. High density residential developments are almost always unit titled, with each individual car park designated as an “accessory unit” attached to the title of a principal unit within the development. These become private property on completion and sale of the development. Moving an accessory unit carpark to another unit is a complex process involving re-issue of titles, registration at LINZ and the consent of all relevant parties such as mortgagors. Accordingly, upon completion the ownership of any accessible carparks is locked in and may or may not be beneficial to the first owner.
- 5.5. We are also concerned with the impact the policy will have on the overall design of developments. Each residential development is restricted by available space. When developing a site, accessing the number of parks used for residents, visitors and accessible parking is considered. There is also an investigation into options for bicycle storage, access ways, turning bays, (etc). This is generally based on wider considerations such as location of site, proximity to key public transport nodes, proximity to central business district or local business districts, proximity to parks/playgrounds and demand from users. Mandating minimum onsite accessible

car parks will result in loss of yield for other uses and limits the overall design and scope of all future residential developments.

- 5.6. We believe that the proposal to mandate all residential developments to supply accessible car parks is a one sized fit all approach and not appropriate to the size and scale of Auckland. We recommend Auckland Council does not introduce minimum accessible carparking standards for residential developments and instead leaves the provision of car parking to the market.

## 6. Loading space requirements

- 6.1. Plan Change 79 seeks to introduce mandatory loading space minimum provisions for new residential developments into the Auckland Unitary Plan. The minimum provisions, which vary across the scale of new residential developments, can be seen in the table below:

**Table 3 - Minimum provision of loading spaces**

GFA/Number of dwellings	Minimum provision of loading spaces
Residential activities where vehicle access is provided.	The same rates as for “All other activities, except for activities within rural zones” must apply.
Residential activities where vehicle access is not otherwise provided <u>Or</u>  Developments where all dwellings have individual pedestrian access directly from a public road <u>Or</u>  Up to 9 dwellings without individual pedestrian access directly from a public road.	No loading space required.
Greater than 9 dwellings up to 5,000m <sup>2</sup> without individual pedestrian access directly from a public road <u>Or</u>  Greater than 5,000m <sup>2</sup> dwellings up to 20,000m <sup>2</sup> .	1 Loading space.
Greater than 20,000m <sup>2</sup> up to 90,000m <sup>2</sup> .	2 Loading spaces.
Greater than 90,000m <sup>2</sup> .	3 spaces plus 1 space for every additional 40,000m <sup>2</sup> .

- 6.2. Plan Change 79 further outlines minimum loading space dimensions, of 6.4m by 3.5m, and requires that loading spaces have access and manoeuvring areas, as shown in Figure E27.6.3.3.3.
- 6.3. Mandatory onsite loading spaces, represent a significant loss of site amenity for concrete, negatively impacting the number of new units possible on a site. We are concerned with the impact this proposal would have on urban intensification, housing supply and affordability given the proposal encourages less units on a site.
- 6.4. For example, the NPS-UD encourages a minimum of six storey developments in particular areas of Auckland. For a healthy and varied skyline to develop, policies and plans should encourage developments of varied sizes and heights. However, Plan Change 79 may seek to disincentivise

developments on or slightly over 9 dwellings due to requiring a loading zone which may potentially impact the feasibility of projects and reduce yield size.

- 6.5. There is also the risk of unintended design outcomes that may result from implementing onsite loading zones. For example, the proposed amendments to the THAB rules incentivise residential developments to particular locations within a site. The introduction of mandatory onsite loading spaces could result in unintended design consequences, particularly given health and safety requirements for onsite loading spaces and heavy vehicle access to turning bays.
- 6.6. It is important to note, that larger residential developments require a resource consent in which during that process the requirement for onsite loading spaces are already considered through existing criteria. We are concerned that Plan Change 79 is misaligned with existing consenting requirements.
- 6.7. We recommend Auckland Council does not introduce loading zone requirements for residential developments, particularly given that larger residential developments already have existing criteria set out within a resource consent application. Instead, we recommend that Auckland Council explore alternative policies such as enabling loading zones in the equivalent space used for public vehicle accessways.

## **7. Pedestrian access requirements**

- 7.1. Plan Change 79 seeks to introduce new pedestrian access requirements into the Auckland Unitary Plan for residential developments. Separate provisions would apply for developments without vehicle access and for those that do provide for vehicle access.
- 7.2. For new residential developments of two or more units that do not provide for vehicle access, Plan Change 79 would mandate pedestrian access requirements. Key elements of this include a 1.8m pedestrian walkway standard for residential developments, with a passing lane measuring 2.5m x 3.5m at the 50m point, maximum pedestrian access gradients and increased lighting standards.
- 7.3. Property Council would note that current requirements for internal residential corridors are 1.2m and residential doorways tend to be 950mm. We recommend that instead of a 1.8m standard, Auckland Council instead seeks to align pedestrian walkways with the same width standard (1.2m) as used for internal corridors.
- 7.4. We would further recommend that Auckland Council looks to address their urban design concerns through mechanisms such as design guidelines and development incentives to resolve any concerns over accessways.
- 7.5. Plan Change 79 also seeks to introduce a range of requirements for separated pedestrian accessways to provide for vehicle access. These can be seen in the table below:

**Table 4 - Pedestrian access requirements adjacent to a vehicle access**

<b>Number of parking spaces or dwellings served by a vehicle access</b>	<b>Minimum formed pedestrian access width and separation</b>
Any development where all dwellings have separate pedestrian access provided directly from the front door to the road.	No pedestrian access required adjacent to the vehicle access.

Serves 1-9 parking spaces or 1-9 dwellings, whichever is the greater.	No pedestrian access required adjacent to the vehicle access.
Serves 10 to 19 parking spaces or 10 to 19 dwellings, whichever is the greater, excluding any dwellings which have separate pedestrian access provided directly from the front door to the road.	1.35m which must be vertically separated from trafficable areas and designed to be clear of obstructions, as shown in Figure E27.6.4.3.1.
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.	1.8m 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.
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.

- 7.6. Property Council is concerned with additional requirements that will result in loss of amenity for concrete and a reduced site yield. It is important that instead of prescriptive standards, a site-by-site assessment occur to ensure that there is a need to separate vehicles from pedestrian access, as this may not be appropriate for smaller developments. It is also important to understand the accumulative effects of parking, loading bays and additional pedestrianisation will have on the overall development. We are concerned that collectively, this is a significant amount of additional concrete on site.

## 8. Bike Parking Requirements

- 8.1. Plan Change 79 seeks to introduce mandatory bike parking requirements into the Auckland Unitary Plan. Under Plan Change 79, new residential developments without a dedicated garage or basement parking space would be required to provide mandatory bike parking at a rate of 1 bike park per dwelling. At the same time, for developments of 20 or more dwellings, visitor bike parking would be required to be provided a rate of 1 bike park per 20 or more dwellings. All bike parking would be required to be covered and with e-bike charging capacity, in line with the requirements set out in Plan Change 79.
- 8.2. Property Council is concerned that mandatory bike parking would have similar consequences for residential intensification in Auckland as accessible parking or loading zones. Demand for biking infrastructure varies across different residential developments; being influenced by factors such as geography, nearby amenities and target demographics.
- 8.3. Furthermore, we hold concerns regarding the practicality and equity of communal bike charging facilities; questions surround who would pay for the electricity and whether E bikes of an expensive nature would in fact use communal facilities at all. We foresee practical realities of body corporates having to resolve these complicated equity based issues.
- 8.4. Lastly, we have concerns around the loss of amenity that a stand-alone e-biking covered visitor car park would acquire. The collective impact of these proposals would result in loss of yield and amenity values for other options such as parks, playgrounds, or community gardens.



- 8.5. As such, Property Council does not support mandatory bike parking for residential developments. Instead, we support leaving matters such as bike parking for the market, where decisions are determined in line with consumer demand in that area.

## **9. EV Charging Requirements**

- 9.1. Plan Change 79 seeks to introduce mandatory provision for electric vehicle supply equipment for new residential developments that provide carparking. Under Plan Change 79, any dwelling with dedicated car parking must provide sufficient space on the switchboard, appropriately sized mains, as well as cables in place for electric vehicle chargers.
- 9.2. We are concerned that mandating the installation of EV charging equipment, over and above current demand for EVs, could result in the installation of what might in the future be obsolete technology. We are further concerned that given the current level of grid capacity; this policy could require the installation of costly sub-stations that could be disproportionate to current demand for electricity in a residential development.
- 9.3. From a practical perspective, mandatory EV charging capacity would also result in de facto ban on new car stacking parking solutions, which are popular in new apartment developments but are not currently suitable for EVs.
- 9.4. We recommend that Auckland does not adopt the proposed mandatory EV charging capacity rules and let the market decide what is appropriate.

## **10. Heavy Vehicle Access**

- 10.1. Plan Change 79 seeks to introduce new requirements for residential developments that provide for heavy vehicle access, into the Auckland Unitary Plan. Under Plan Change 79, new residential developments must provide sufficient space on the site so an 8m heavy vehicle does not need to reverse onto or off the site or road while also ensuring that a maximum reverse manoeuvring distance within the site of 12m occurs as well as maintaining the aforementioned pedestrian access requirements.
- 10.2. We are concerned with the loss of amenity and increased concrete required to achieve the proposed outcome. We are also concerned that a one size fits all approach may not be appropriate and recommend a site-by-site discussion taking in other site specific factors into account.

## **11. Access to rear sites**

- 11.1. Plan Change 79 seeks to significantly increase minimum width requirements for vehicular access to rear residential sites. Under the plan change, residential developments of 4-10 units will face a new requirement for a minimum accessway width of 6.975m.
- 11.2. Residential developments of 4-10 units currently provide for a high proportion of Auckland's new housing supply. Property Council is concerned the proposed changes to access to rear sites will not only result in a loss of amenity for increased concrete but will also serve as a disincentive for developments of more than three units. Auckland is in clear need of additional housing supply, and it is critical that Auckland Council does not disincentivise new housing supply.
- 11.3. As such, Property Council recommend that Auckland Council not adopt the proposed changes to access to rear sites.



## **12. Conclusion**

### **12.1. Plan Change 79 seeks to:**

- Introduce minimum parking requirements for accessible car parks in residential developments;
- Introduce mandatory loading space for new residential developments;
- Increase minimum pedestrian walkway widths;
- Introduce minimum pedestrian access requirements adjacent to a vehicle access;
- Introduce mandatory bike parking requirements and covered garages;
- Introduce mandatory requirements for EV supply equipment;
- Introduce mandatory requirements for heavy vehicle access; and
- Significantly increase minimum width requirements for vehicular access to rear residential sites.

12.2. Collectively, these proposals will add a significant amount of additional concrete onto a residential development site having unintended environmental and design outcomes. A one sized fit all approach should not be adopted as a residential development should be looked at in its entirety for good urban design outcomes and wellbeing to be achieved. The proposals as they currently stand will result in significant loss of amenities (i.e., gardens, parks and greenery) and a decrease in site yield resulting in smaller and fewer housing which will likely impact affordability.

12.3. Therefore, we oppose Plan Change 79 proposals and recommend the council do the same.

12.4. Property Council members invest, own, and develop property in Auckland. We wish to thank Auckland Council for the opportunity to submit on Plan Change 79: Amendments to the Transport Provisions, as this gives our members a chance to have their say in the future of our city. Any further enquires do not hesitate to contact Logan Rainey, Advocacy Advisor, via email: [Logan@propertynz.co.nz](mailto:Logan@propertynz.co.nz) or cell: 021410787.

## **13. Decisions Requested**

### **2.2 The submitter seeks the following decision from the Council on PC79:**

- Do not introduce minimum accessible carparking standards;
- Do not introduce loading zone requirements for residential developments;
- Do not adopt a 1.8m standard for pedestrian walkways and instead seeks to align pedestrian walkways with the same width standard (1.2m) as used for internal corridors;
- Makes use of design guidelines and development incentives to resolve concerns over accessways;
- Do not adopt mandatory bike parking for residential developments;
- Do not adopt the proposed mandatory EV charging capacity rules;
- Do not adopt the proposed Heavy vehicle access provisions; and

- Do not adopt the proposed changes to access to rear sites.

#### **14. Reasons for Relief Sought:**

14.1. The reasons for the relief sought are to ensure that PC79:

- Will give effect to the objectives and policies of the NPS-UD;
- Will contribute to well-functioning urban environments;
- Is consistent with the sustainable management of physical resources and the purpose and principles of the RMA;
- Will meet the reasonably foreseeable needs of future generations;
- Will satisfy the requirements of section 32 of the RMA; and
- Is consistent with sound resource management practice.

#### **15. Appearance at hearing**

15.1. Property Council wishes to be heard in support of our submission.

Yours Sincerely,



Leonie Freeman  
CEO Property Council New Zealand