

# **SECTION 32 ANALYSIS OF THE APPLICATION OF THE RESIDENTIAL 8 ZONE TO THE TALBOT RESERVE PRECINCT, GLEN INNES**

## **1.0 BACKGROUND TO RESIDENTIAL 8 ZONE**

Over the next 50 years the Auckland region's population is expected to increase by 85% from the 1996 population of 1,066,000.

In 1995, recognising the pressures of growth facing the Auckland region, the Regional Council and seven City and District Councils joined together to form a Regional Growth Forum and produce a Regional Growth Strategy. This document provides a vision of what Auckland could look like in 50 years time with a population of 2 million. From the Growth Strategy have evolved sector agreements between the Councils as to how growth can be accommodated on a local level in accordance with the principles and outcomes of the Strategy.

The population of Auckland City is expected to increase by 68%, from the 1996 population of 346,000, to 583,000 in 2050. Currently there is capacity for approximately 30,000 additional people, under the existing District Plan. This existing capacity for growth is likely to be used by 2006-2010. This would mean providing for an additional 64,000 people in the next 20 years alone. Due to its location in the middle of 'urban Auckland' with no rural land to expand onto Auckland City will need to cater for this additional population growth through intensification (more housing within the existing built up area).

Auckland City has developed the "Growing our City through Liveable Communities 2050" strategy as a framework to accommodate this expected growth on the isthmus over the next 50 years. The strategy was developed after an extensive research and consultation process with Auckland's Community (refer Annexure A)

The Strategy is a long term policy plan designed to articulate how Auckland City will grow in ways that achieve the seven priority outcomes of the City's Strategic Plan "First City of the Pacific", and in particular the priority of urban intensification. The community vision for that priority is that "In 2020 Auckland will have...

- liveable communities accommodating growth;
- an accessible, people-focussed and revitalised city centre;
- attractive urban design and valued built heritage.

The Council's 'Focus on the Future' document indicates that managing growth while maintaining the city's character and environment is an important aspect of Auckland City's planning policy. Strategy A of the City Development function is two fold –

1. *"Manage the growth of Auckland to co-ordinate areas of growth with improvements to infrastructure, public transport and amenities."*
2. *"Enhance the quality of the built environment with forward looking urban design."*

Flowing from this strategy are two key milestones which have particular relevance to the proposed plan change, the subject of this report;

1. *“Manage growth – implement a planned approach to providing for the next 10-15 years of population growth in Auckland, by ensuring that areas appropriate for redevelopment are zoned to allow development to occur – 2005.”*
2. *“Adopt an urban design code. Adopt a city-wide design code in consultation with local communities and developers. The design code should require high quality distinctively Auckland urban design in medium to high density residential and mixed use developments, while protecting and enhancing the built and natural landscape.”*

The Strategy aims to focus growth; in the central business district; in or near existing town centres; and along major transport corridors. These areas are called Strategic Growth Management Areas (SGMAs). There are 10 such areas identified within the ‘Growing Our City Through Liveable Communities 2050’ strategy resulting from extensive research, consultation and evaluation of alternative scenarios.

It is envisaged that through this framework growth will be managed in such a way as to enhance the amenity and liveability of these areas while protecting the significant natural, cultural and physical resources of the city. The effective management of growth has the potential to increase the efficiency and effectiveness of public transport within Auckland City, creating increased vitality and liveability within the Central Area, Town Centres and along Transport Corridors while protecting the significant heritage and character areas of the City.

Council formally approved the Liveable Communities Strategy 2050 in June 2000 and since this time, work on its implementation has proceeded. The implementation of the Liveable Communities Strategy involves the development of a planning framework for managing future growth for each community, which will be the subject of intensification. Auckland City Council is committed to working with each individual community in the identified Strategic Growth Management Areas to develop a framework that outlines a comprehensive approach to enhancing the liveability of the community and managing future growth to achieve positive outcomes.

A central theme of liveable communities is to create compact, well connected and more sustainable urban environments which provide opportunities for medium to high density housing within walking distance of town centres, and support the development of a more efficient public transport system and the viability of existing centres. Liveable Communities are considered to be those which are safe, walkable, attractive, offer a choice of lifestyles, have mixed uses at their core, have access to a choice of transport, and create a sense of belonging.

The Residential 8 zone is applied to residential land close to the Central Area, adjacent to existing town centres, or along main transport corridors which is located within a Strategic Growth Management Area. The purpose of the zone is to facilitate the outcomes of the Liveable Communities 2050 Strategy through the provision of more intensive densities than found in the other residential areas of the City.

Research undertaken by the Regional Growth Forum, and Auckland City and community feedback during the planning framework for growth process has identified the importance of urban design in mitigating any potential adverse impact of intensification. To create quality neighbourhoods, and to mitigate any adverse effects arising from more intensive development, specific development controls and design criteria are applied. The zone allows for a range of housing choice and lifestyles including apartment, terrace house and townhouse living.

Council is proposing to introduce the Residential 8 zone, through proposed plan change T58 to facilitate the implementation of the Liveable Communities Strategy. This plan change is proposed to go before the City Development Committee on the 13<sup>th</sup> of November 2002 for endorsement.

The specific locations of the proposed Residential 8 zones within Auckland City has not been specified in this plan change and will generally be established, in consultation with local communities.

## **2.0 PROPOSAL**

Auckland City Council has received a request from Housing New Zealand (HNZ) to initiate a public plan change which proposes to apply the Residential 8 zone to the majority of the 4.5 hectares of land bounded by Apirana Avenue, Point England Road and Pilkington Road, Glen Inness, hereby known as the Talbot Park Precinct.

The Talbot Park Renewal Project is fully explained in the documentation supplied to Council by HNZ attached as Annexure A.

The subdivision concept relating to the proposed plan change, includes:

- Reconfiguration and re zoning of Talbot Reserve
- Closing of Talbot Place
- Creation of new local roads within the Talbot Park Precinct. Four vehicle access / egress points to and from the site, are proposed.
- Reconfiguration and rezoning of approximately 3.7 hectares of the Talbot Park Precinct from Residential 7a and 7b to proposed Residential 8b.

HNZ owns the entire Talbot Reserve Precinct with the exception of the 5 properties and 13 residential units which are located at 25-31 Pt England Rd and 251 Pilkington Road, which are owned by private individuals. These sites are not part of the proposed plan change.

HNZ has also included an initial concept plan of the Talbot Park Renewal Project, which includes:

- the removal and redevelopment of all existing residential units, with the exception of 9 'Star Flats' which are proposed to be retained and redeveloped,
- An increase in density from 167 to 205 residential units or 38 additional units. These 205 units are proposed to comprise 9 existing 'Star Flats' (108 units), 40 new detached units, 15 new terrace units and 42 new apartments units.
- Reconfiguration of the existing Talbot Park Reserve to create two separate reserves, one adjoining Pt England Road and another adjoining Apirana Ave. The total reserve area within the Precinct is proposed to be increased from 11546m<sup>2</sup> to 11615m<sup>2</sup>, a 69m<sup>2</sup> increase.
- The retention of a number of significant trees within the Precinct and landscaping.

HNZ has also submitted a proposed subdivision plan, an assessment of the Talbot Park Renewal Project against the objectives, policies and rules of the proposed Residential 8 zone, a Glen Innes Research Review undertaken by Auckland City, a Traffic Assessment and an Infrastructure Assessment.

This Section 32 assessment will concern itself with the general concept of rezoning the Talbot Park Precinct from Residential 7a & 7b which it is currently zoned, to the proposed Residential 8 zoning. It will also consider the proposed subdivision pattern, in regards to the alignment and stopping of roads, and the location, size and configuration of reserves.

The proposed concept plan, as submitted by HNZ, will not form part of the Section 32 assessment, as it has the potential to change, and does not affect the specific discussion on the validity of rezoning the Talbot Park Precinct.

Separate processes under the Reserves Act and the Local Government Act respectively will be required to be followed to enable the stopping of roads and the reconfiguration of reserves.

These processes will occur in parallel with the proposed plan change process.

### **3. STATUTORY REQUIREMENTS**

Section 32 of the Resource Management Act, Duties to consider alternatives, access benefits and costs etc, states:

32. *Duties to consider alternatives, assess benefits and costs, etc—*
- (1) *In achieving the purpose of this Act, before adopting any objective, policy, rule, or other method in relation to any function described in subsection (2), any person described in that subsection shall—*
- (a) *Have regard to—*
- (i) *The extent (if any) to which any such objective, policy, rule, or other method is necessary in achieving the purpose of this Act; and*
- (ii) *Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives, and the levying of charges (including rates); and*
- (iii) *The reasons for and against adopting the proposed objective, policy, rule, or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and*
- (b) *Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and*
- (c) *Be satisfied that any such objective, policy, rule, or other method (or any combination thereof)—*
- (i) *Is necessary in achieving the purpose of this Act; and*
- (ii) *Is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.*

The proposed plan change must be necessary in achieving the purpose of the Act, being the sustainable management of natural and physical resources; it has to assist the territorial authority to carry out its function of control of actual and potential effects of the use, development or protection of land in order to achieve the purpose of the Act; it has to be the most appropriate means of exercising that function; and it has to have a purpose of achieving the objectives and policies of the Plan.

The purpose of the Resource Management Act 1991 states:

- “(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while -*
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 31 of the Resource Management Act states the functions of territorial authorities under the Act. This includes paragraph (b) –

*“The control of any actual or potential effects of the use, development, or protection of land . . .”*

The relevance of this function is linked to Section 72 of the Act, which includes

*“The purpose of the preparation, implementation and administration of district plans is to assist territorial authorities carry out their functions in order to achieve the purpose of this Act.”*

The following provision of Section 76 of the Act is also relevant -

- (1) A territorial authority may, for the purpose of*
- (a) Carrying out its functions under this Act; and*
- (b) Achieving the objectives and policies of the Plan -*  
*Include in its District Plan rules which prohibit, regulate or allow activities.*
- (3) In making a rule the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect; and rules may accordingly provide for permitted activities, controlled activities, discretionary activities, non-complying activities and prohibited activities.*

#### **4. GENERAL SECTION 32 OVERVIEW**

This portion of the Section 32 report will be in two parts. The first part will discuss the implementation of the Residential 8b zone into the plan and the second will discuss the reasons for altering the existing Talbot Reserve configuration.

#### **4.1 Assessment of the Residential 8b Zone against Section 32(1)(a)(i) & (1)(c) of the Resource Management Act**

*The extent (if any) to which any such objective, policy, rule, or other method is necessary in achieving the purpose of this Act; and  
Be satisfied that any such objective, policy, rule, or other method (or any combination thereof) is necessary in achieving the purpose of this Act and is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means.*

The Residential 8b zone contains objectives, policies and development control rules that determine the form, scale and location of buildings, which can be accommodated within the Talbot Reserve Precinct. The aspects of Section 5 (Purpose) of the Act which are relevant to the implementation of the Residential 8b zone are managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well being, while avoiding, remedying or mitigating any adverse effects of activities on the environment.

It is expected that the establishment of the Residential 8b zone within the Talbot Park Precinct will allow a range of medium to high intensity housing options for HNZ. This will have the potential to better meet the varied and changing housing needs of HNZ tenants while improving the amenity and character of the existing precinct.

It will also allow more people within Auckland City, with a significant housing need, to obtain housing which meets their requirements, while ensuring a quality urban environment.

The proposed establishment of the Residential 8b zone within the Talbot Reserve Precinct will also ensure that residents are located close to community facilities, services, business, public transport and educational opportunities.

In addition, the Talbot Reserve Precinct is located within the Eastern SGMA, which is an area identified as appropriate for intensification. Auckland City Council has prioritised this area for infrastructure upgrades to meet expected growth needs.

As a consequence the Residential 8b zone will enable people to provide for their social and cultural well being (enabling efficient access to work, recreational and educational opportunities) while utilising with greater efficiency and effectiveness the natural and physical resources of these areas (maximising development within Glen Innes).

As a consequence it is considered that the Residential 8b zone is the most appropriate method, having regard to its efficiency and effectiveness, of achieving the purpose of the Resource Management Act 1991, and therefore is consistent with Section 32 (1)(a) & 1(c) of the Act.

#### **4.1A Assessment of the alteration of the Talbot Reserve against Section 32(1)(a)(i) & (1)(c) of the Resource Management Act**

The Talbot Reserve Renewal Project proposes to alter the existing configuration of the Talbot Reserve by enlarging the existing portion of the reserve adjacent to Pt England Road to extend onto Flanders Street, thereby creating a 9055m<sup>2</sup> block. The majority of the rest of the existing reserve is then proposed to be vested as road and / or the Residential 8b zone.

An additional reserve is also proposed to be created adjacent to Apirana Avenue on land which is currently predominately residential zoned, this reserve is proposed to have an area of 2560m<sup>2</sup>.

The total area of the two reserves is proposed to be 11615m<sup>2</sup> which increases the existing reserve area by 69m<sup>2</sup>.

It is considered that, for the following reasons, the alteration of the Talbot Reserve as proposed is the most appropriate method, having regard to its efficiency and effectiveness, of achieving the purpose of the Resource Management Act 1991, and therefore is consistent with Section 32 (1)(a) & 1(c) of the Act.

#### Reserve adjacent to Pt England Road and Flanders Street

- The enlargement of the proposed reserve adjacent to Pt England Road and Flanders Street will provide an enhanced area of open space, overlooked by roads and existing and proposed residential units. It will therefore help to improve the safety of the reserve for residents of the precinct while improving access to the reserve by members of the public.
- The location of the proposed internal road and reserve will allow pedestrian access from Pilkington Road through the precinct to Pt England Road.

#### Reserve adjacent to Apirana Avenue

- The location of the proposed reserve adjacent to Apirana Avenue will establish a reserve, which is overlooked by adjacent proposed residential units, Apirana Ave and the proposed internal local road. It will therefore help to improve the safety of the reserve for residents of the precinct while improving access to the reserve by members of the public.
- The location of the proposed internal road and reserve will also allow pedestrian access from Anderson Avenue through the precinct to Apirana Avenue.

#### **4.2 Assessment of the Residential 8 Zone against Section 32(1)(a)(ii) of the Resource Management Act**

***Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives, and the levying of charges (including rates); and***

##### **4.2.1 Establishment of Residential 8a or 8c zone**

The Proposed Residential 8 Plan Change – T58 states in the strategy section that:

*“The Residential 8a zone is generally located adjacent to or adjoining existing residential zones within walking distance of town centres.*

*Two to three storey multi unit developments, including townhouses and terrace housing, can be found in the Residential 8a zone.*

*The Residential 8b zone, is generally located adjacent to or adjoining town centres. Multi unit development in this zone can reach 3-4 storeys high consistent with existing town centre commercial buildings.*

*In recognition of the Residential 8c zone's location in close proximity to the Central Area, the development controls are more flexible and provide for greater height, bulk and density."*

It is envisaged that an existing residential zone will usually be located between Town Centres and the Residential 8a zone. As a consequence building bulk within the Residential 8a zone will generally be comparable with adjoining existing residential zones.

The Talbot Reserve Precinct is located 400 metres from the Glen Innes shopping centre, employment opportunities, bus depot and train station, which is consistent with the expected locations of the Residential 8b zone.

The Residential 8b zone controls, when compared with the Residential 8a zone controls, will allow for slightly greater density and building bulk, allowing increased flexibility in the type of housing which is provided within the Precinct.

The proposed rezoning of the Talbot Reserve Precinct to Residential 8b will allow development to a complimentary scale to the existing 3 storey 'star flats'.

With the exception of the 5 properties which are located at 25-31 Pt England Rd and 251 Pilkington Road, which are owned by private individuals, the Talbot Reserve Precinct is separated by roads from other residential zoned sites. Therefore the effect of the proposed zone change on the residential zoned properties located across these roads from the precinct will be limited.

Therefore it is considered as appropriate to apply the less restrictive Residential 8b zone to the Talbot Reserve Precinct rather than the Residential 8a zone. The implementation of the Residential 8b zone rather than the Residential 8a zone will also allow greater flexibility in building scale and form to help HNZ to achieve a variety of housing types.

The Residential 8c is zone is applied to sites generally located within 2km of the Central Business District (CBD) and the allowable bulk of buildings reflects the larger existing buildings in this locality. The Talbot Reserve Precinct is located outside this area and the Residential 8c zone allows buildings to a bulk and scale which is considered to be generally excessive to this location. Therefore it is considered as inappropriate that the Residential 8c zone is applied to this Precinct.

#### **4.2.2 Retention of Existing Residential 7a & 7b zoning (Status Quo)**

The retention of the Residential 7a & 7b zone would allow for the redevelopment of the Talbot Reserve Precinct but not up to the level envisaged by HNZ. This would mean that less people in severe housing need would be able to access housing and would lead to redevelopment which does not as fully meet the needs of tenants.

Alternatively it could lead to ad hoc resource consent applications for non complying activities for re development which would tend not to be comprehensively planned and would be required to prove that the proposal would have a no more than minor adverse effect or is not contrary to the objectives and policies of the Residential 7 zone.

If these proposals were approved it could lead to the public lacking confidence in the robustness and legitimacy of the Residential 7 zone controls.

In addition, the Residential 7 zone does not require developments to adhere to urban design objectives, policies and rules. It is considered that it is important that quality urban environments are achieved, which can't be guaranteed in the Residential 7 zone.

Overall therefore, it is considered that the retention of the existing Residential 7 zone is not the most appropriate way of achieving the purpose of the Resource Management Act 1991.

#### **4.2.3 Provision of Information**

Council could utilise the good design suggestions and design sheets from the Residential Design Guide as a tool for educating HNZ on ways of achieving quality urban design within Talbot Reserve Precinct, instead of implementing the Residential 8b zone. Ten design sheets are envisaged to be developed to explain the intent of the Residential Design Guide.

The provision of information only, would involve the retention of the existing Residential 7a & b zone with the consequential results as mentioned in 4.2.2 above.

#### **4.2.4 Provision of Services / Incentives or Rates**

The provision of services i.e. infrastructure, or incentives i.e. financial contribution reductions, or a reduction in rates could be implemented if the Talbot Park Precinct proposal meets urban design criteria. This could be a method to encourage HNZ to incorporate urban design quality in developments.

This would place the burden of paying for urban design quality on the public at large, through increased charges for the provision of infrastructure, public open space and rates, that would otherwise be paid by HNZ. This raises the issue of whether it is fair or equitable for the 'public' to pay for improving urban design quality in private developments.

Developments displaying urban design quality would provide benefits to the public through the improving of streetscape amenity, but this would be off set by increases in costs or a decrease in the provision of reserves that would have otherwise been provided. On balance therefore it is considered as inappropriate and inequitable for the public to pay for improving urban design quality in private developments.

Other possibilities could include reductions in processing fees or processing times for developers which consider the impact of developments on the wider surrounding built and natural environment.

It is considered that these methods are inappropriate for the following reasons:

- Reduction in processing fees – this would impact negatively on Council finances and could necessitate increased fees for other regulatory mechanisms. It is considered more equitable for those person(s) proposing a development to pay the fee (user pays).
- Reduction in processing times – There are statutory requirements for the processing of resource consents set under the Resource Management Act. There is also a resource issue in regards to reducing processing times.

#### **4.2A Assessment of the alteration of the Talbot Reserve against Section 32(1)(a)(ii) of the Resource Management Act**

##### **4.2A.1 Retention of the Existing Talbot Reserve Configuration**

The retention of the existing Talbot Reserve configuration will retain an existing reserve, which has limited visibility from outside the precinct and has potential safety problems due to its lack of overlooking from surrounding dwellings and roads. The existing residential units within the precinct generally 'face' the street and have their 'backs' to the existing reserve.

In addition, there will be less vehicle and pedestrian permeability / connectivity with the retention of the existing configuration.

#### **4.3 Assessment of the Residential 8b Zone against Section 32(1)(a)(iii) of the Resource Management Act**

*The reasons for and against adopting the proposed objective, policy, rule, or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise;*

##### **4.3.1 Reasons for the Inclusion of the Residential 8b Zone within Talbot Reserve Precinct**

The reasons for adopting the Residential 8b zone within the Talbot Reserve Precinct is to achieve an increase in housing densities within the precinct, thereby increasing the number of people with severe housing problems able to gain access to housing. At the same time the character and amenity of the precinct will be improved by ensuring new developments display quality urban design.

The District Plan has already set up a framework, through the inclusion of the Residential 7 zones that enables the development of medium intensity residential units. The establishment of the Residential 8 zone is an extension of this by concentrating opportunities for growth around key nodes, which in the case of the Talbot Reserve Precinct is the existing Glen Innes town centre. The Residential 8 zone also differs from the Residential 7 zone by requiring new developments to be subject to urban design criteria and rules.

##### **4.3.2 Reasons against the Inclusion of the Residential 8b Zone within Talbot Reserve Precinct**

The inclusion of this zone within the Talbot Reserve Precinct will allow an increase in bulk and number of residential units from what is currently permitted within the current Residential 7 zone. This has the potential to increase the level of human activity and built form within the precinct.

Urban design rules and criteria, which lead to quality urban environments, will also help to mitigate against any such adverse effect.

It is considered that any potential adverse effects, as a result of this increase in intensity, will be minor in nature and will generally be able to be contained within the precinct.

### **4.3.3 Principal alternative means available, or of taking no action where this Act does not require otherwise**

#### **4.3.3.1 Taking no Action**

The Ministry for the Environment document titled “What are the options? A guide to using section 32 of the Resource Management Act” July 2000 defines in example 8, page 22 of this document the intent of the take no action option.

*“Take no action’ means to have no methods, either in the plan or outside it, to address an issue. It does not mean ‘maintain the status quo’, because the status quo often involves an existing plan provision.”*

In regards to the Talbot Reserve Precinct this means not to redevelop the precinct at all and therefore to retain the existing houses and reserve configuration.

This will result in a continued degradation in the amenity of the existing houses as they age and will not meet the varied housing needs of the HNZ tenants.

In addition, taking no action will not allow additional people on the HNZ waiting list, who are encountering housing stress to access adequate housing in the precinct.

#### **4.3.3.2 Principal Alternative Means**

The principal alternative means is maintaining the status quo (maintaining the current district plan regulations) or not implementing the Residential 8 Zone.

The status quo option will retain the existing Residential 7 zone with the consequential results as mentioned in 4.2.2 above.

### **4.3A Assessment of the alteration of the Talbot Reserve against Section 32(1)(a)(iii) of the Resource Management Act**

#### **4.3A.1 Reasons for and against altering the configuration of the Talbot Reserve Precinct**

The reasons for altering the configuration of the Talbot Reserve Precinct have been described in Sections 4.1A and 4.2A of this report and won't be reiterated here.

#### **4.3A.2 Reasons against altering the configuration of the Talbot Reserve Precinct**

The reasons against altering the configuration of the Talbot Reserve Precinct include:

- Potential for resistance from residents of the Precinct who are attached to the existing reserve configuration.
- Traffic / pedestrian conflict safety concerns with streets adjoining three sides of proposed larger reserve and two sides of proposed smaller reserve.

It is considered that the reasons against the proposal can be predominately resolved through consultation, which HNZ is currently undertaking and specific design at the detailed design stage.

The Ministry for the Environment document titled ‘People + Places + Spaces – A design guide for urban New Zealand’ describes techniques that can be used in the designing of urban environments.

In regards to the integration of streets and public spaces the guide states on bullet point 2 of page 48:

*“Ensure public spaces are overlooked by adjacent developments and are bounded by streets to ensure a greater degree of personal safety.”*

Pedestrian friendly streets can be created utilising design techniques which achieve lower traffic speeds these are listed in the guide as including the following:

- *“avoiding one-way streets*
- *junctions with tighter radii*
- *reduced carriageway widths*
- *on-street parking*
- *frequent changes in street alignment, and other traffic calming measures.”*

It is considered that the proposed HNZ concept can meet these design techniques.

On balance therefore, it is considered that the reasons for undertaking the alteration in the configuration of the reserve outweighs the reasons against.

#### **4.4 Assessment of the Residential 8 Zone against Section 32(1)(b) of the Resource Management Act**

***Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs;***

The principal alternative means is maintaining the status quo (maintaining existing District Plan rules) or not implementing the Residential 8 Zone.

##### **4.4.1 Benefits of Retaining Status Quo**

###### **4.4.1.1 Monetary**

- No increase in Council resource consent processing costs chargeable to HNZ
- No additional costs on HNZ prior to lodgement of applications i.e. additional work needed to undertake site and context analysis, and to interpret new rules, which may require input from an urban design professional.
- No additional costs to regulatory arm of Council to administer the Residential 8b Zone.

###### **4.4.1.2 Timing**

- No additional time needed for HNZ to research the information necessary for the lodgement of a resource consent application
- No additional time required for Council to process such applications

###### **4.4.1.3 General**

- Retains existing systems and rules, therefore additional training of practitioners is not required

## **4.4.2 Costs of Retaining Status Quo**

### 4.4.2.1 General

- As mentioned in section 4.2.2 above, the retention of the existing Residential 7 zone will not allow for the increase in densities within the Talbot Reserve Precinct envisaged by HNZ. Therefore the number of people with severe housing need able to be accommodated in HNZ residential units will be reduced.
- Although HNZ has an urban design guide, the retention of the Residential 7 zone for the Talbot Reserve Precinct will not require developments to comply with specific urban design criteria and thereby achieve urban design quality. Therefore there is potential for developments to be developed which are poorly designed with little or no urban design quality.

### 4.4.2.2 Social

- Potential for strong community dissatisfaction with developments, which display low urban design quality and do not relate well to, and integrate with, the area with which they are situated.
- Potential for developments to be opposed on a political level as community dissatisfaction with such developments become more wide spread.
- Poorly designed built environments can lead to loss of privacy, safety issues and lack of amenity

On balance it is considered that the costs of retaining the status quo outweighs the benefits.

## **4.4A Assessment of the alteration of the Talbot Reserve against Section 32(1)(b) of the Resource Management Act**

The principal alternative means is maintaining the status quo or maintaining the existing Talbot Reserve configuration.

### **4.4A.1 Benefits of Retaining Status Quo**

#### 4.4A.1.1 Monetary

- No additional costs on HNZ and Council to undertake a plan change and revocation to alter the zoning of the existing reserve to enable the reconfiguration.
- No additional costs on HNZ and Council to physically establish the proposed new reserves.

### **4.4A.2 Costs of Retaining Status Quo**

The costs of retaining the status quo is described in Sections 4.1A, 4.2A and 4.3A.2 of this report and won't be reiterated here.

On balance it is considered that the costs of retaining the status quo outweighs the benefits.

## **5. CAMPARISON OF THE OBJECTIVES, POLICIES, RULES AND OTHER METHODS OF THE RESIDENTIAL 8b ZONE WITHIN THE TALBOT RESERVE**

The Proposed Residential 8 Plan Change – T58 requires all controlled activities in the Residential 8 zone to be assessed against the criteria of the Residential Design Guide. As a consequence this Section 32 assessment will consider the relevant methods of the plan change as well as those of the Residential Design Guide.

Section 32 of the Resource Management Act 1991 requires an analysis of the relative benefits and costs of any objective, policy, rule, or other method. This analysis will only make such evaluations of methods which are new or additional to the Auckland City District Plan 1999 (Isthmus Section).

For example the density, front yard, height in relation to boundary (except for rules R4i, R4v and R4vi), controls are complimentary to equivalent controls in the Auckland City District Plan 1999 (Isthmus Section), and have been extensively tested through the submission and appeal process. Therefore it is considered as unnecessary to reiterate the relative cost and benefits of these controls here.

Therefore this analysis will focus on the relative benefits and costs of the following objectives, policies, rules, or other methods.

- Site and Context Analysis and Design Response
- Neighbourhood Character
- Site Layout
- Range of Activities Provided For
- Density – Only in regard to developments that infringe density being considered as a discretionary rather than a non complying activity.
- Energy Efficiency
- Building Envelope – rules – height in relation to boundary, R4i, R4v and R4vi – daylight, R5 and minimum stormwater permeable surface -R7, and the objectives and criteria that relate to these rules
- Visual Privacy
- Acoustic Privacy
- Landscaping
- Driveways and Carparking – rules – Parking standards – R1, parking and access dimensions, R4, R5, R6 – Provision of internal roads R7, Access to sites, R8
- Private Open Space
- Site Facilities

A comprehensive Section 32 analysis of these objectives, policies, rules, or other methods has been undertaken as part of the proposed Residential 8 plan change and won't be reiterated here. Rather this analysis will concentrate on the reasons why it is appropriate to consider these methods within the Talbot Park Precinct.

In addition, HNZ has undertaken a preliminary assessment of the proposed Residential 8 zone against the Talbot Park Renewal Project. This assessment will be referenced in the discussion below.

## **5.1 Assessment of the Residential 8 Zone against Section 32(1)(a)(i) & (1)(c) of the Resource Management Act**

*The extent (if any) to which any such objective, policy, rule, or other method is necessary in achieving the purpose of this Act;*

*Be satisfied that any such objective, policy, rule, or other method (or any combination thereof) is necessary in achieving the purpose of this Act and is the most appropriate means of exercising the function, having regard to its efficiency and effectiveness relative to other means*

### **5.1.1 Site and Context Analysis and Design Response / Neighbourhood Character and Site Layout**

This requires people wishing to develop residential dwellings within existing buildings or new buildings in residential zones within SGMAs to undertake a site and context analysis as outlined in Part 2 of the Guide.

In such an analysis developers are required to consider the built form, character and road frontages / fences of developments in order to ensure that they create buildings which are harmonious with the existing built form and natural character, and 'fit in' with the neighbourhood.

In addition, developments should consider the provision of efficient and effective interrelationships between dwellings, the road and open space and provide a design, which encourages energy efficiency by promoting walking and cycling.

The detailed design of the proposed HNZ development will be undertaken at a later stage therefore limited comment can be made of specific amenity and neighbourhood integration issues.

Notwithstanding this, HNZ has described in their assessment of the proposed concept plan against the Residential 8 zone, that the proposal will:

- Engage different contractors and design teams to carry out different tasks within the block thereby encouraging diversity,
- Ensure new developments will overlook the street or open space
- Retain large character trees and provide landscaping
- Integrate the precinct into the existing roading network
- Allow the possibility of partnerships developing between HNZ and Council for the enhancement of the existing road network i.e. street planting.
- Provide a variable housing form
- Enhance community safety
- Enhance energy efficiency through orientation of units to north, insulation and shared walls,
- Enhance the streetscape by removing parking from directly facing the street,
- Provide enhanced open space which is overlooked, and therefore safer and allows, with the internal road, a NW – SE link through the precinct and a East West link via the Anderson Road extension and the smaller reserve.

Council generally concurs with these statements.

The HNZ Talbot Park Renewal Project will therefore achieve the purpose of the Act by providing for the social and cultural well-being of people and the environment at large while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

### **5.1.2 Range of Activities Provided For**

The range of activities provided for within the proposed plan change are complimentary to those provided for in the existing Residential 7 zone within the Plan, with the exception of provisions for camping grounds, horticulture, service stations and tourist complex's which are not listed.

The proposed plan change also requires that the construction or relocation of residential units or external additions or alterations to existing residential units requires restricted controlled resource consent assessment. This is not required in the existing Residential 7 zone.

Requiring new or relocated residential units and external additions or alterations to existing buildings to be assessed as restricted controlled activities will allow Council to assess these developments against specific urban design criteria as outlined in the Residential Design Guide to ensure that they display a high degree of urban design quality.

This is necessary to achieve the purpose of the Act by providing for the social and cultural well-being of people and the environment at large while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

### **5.1.3 Density**

The Talbot Park Plan Change proposes to increase the permitted density from 1 residential unit per 200m<sup>2</sup> gross site area, which is currently permitted in the Residential 7a & b zones, to 1 residential unit per 100m<sup>2</sup> gross site area permitted in the Residential 8b zone of the Residential 8 proposed plan change.

This will have the potential to increase the maximum number of residential units permitted within the Talbot Reserve Precinct. Calculating the difference in density using the submitted subdivision pattern, the existing Residential 7a & 7b zone (density 1:200m<sup>2</sup>) will allow a maximum of 188 units (including the existing star flats), and the proposed Residential 8b zone (density 1:100m<sup>2</sup>) will allow a maximum of 283 units (including the existing star flats), within the precinct. This is an increase of 95 residential units or 66% between the maximum densities allowable in the existing Residential 7a & 7b zones compared to the proposed Residential 8b zone, assuming as proposed by HNZ that the existing 'star flats' are retained.

It is important to note that this a theoretical increase and HNZ has indicated in their concept plan that a total of 205 residential units are proposed to be located within the precinct, which is a 38 unit increase on the 167 residential units which currently exist.

The applying of the development controls of the existing Residential 7 and the proposed Residential 8b zones is likely to ensure that the maximum permitted capacity within this Precinct is smaller than this.

Although this is a significant increase any proposed development will be required to adhere to specific urban design criteria which, it is intended, will result in a quality residential built form.

Urban design is commonly defined in literature as *“the relationship between different buildings; the relationship between buildings and the streets, squares, parks, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a village, town or city with other parts; and the patterns of movement and activity which are thereby established: in short the complex relationships between all the elements of the built and unbuilt space.”*

Urban design, rather than density, is therefore more important in creating quality, vibrant and variable living environments.

This is necessary to achieve the purpose of the Act by providing for the housing needs of future residents of HNZ, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

#### **5.1.4 Energy Efficiency**

This will encourage developments to consider energy efficiency in the design and location of buildings. These techniques include the utilisation of recycled building products and renewable energy sources i.e. sunlight, design strategies such as sealing and insulation of walls, floors and ceiling to reduce heat loss, location of habitable rooms to maximise sunlight access, natural ventilation, the establishment of multi storey developments with shared floors and walls to maximise heat retention etc.

The objectives, criteria and good design suggestions provide guidance to developers on ways to improve the energy efficiency of buildings.

As outlined in section 5.1.1 above, HNZ has described that energy efficiency will be encouraged through orientation of units to north, insulation and shared walls, more detail will be provided at the detailed design stage.

This is necessary to achieve the purpose of the Act by providing for peoples social and cultural well being and for their health and safety while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations.

#### **5.1.5 Building Envelope**

Survey work undertaken by Forsyte Research in 2000 on residents attitudes to living in medium to high density residential developments in Business and Residential zones within the Plan has established that the retention of access of sunlight and daylight into dwellings and outdoor living areas was important.

The inclusion of the Residential 8b zone within the Talbot Park Precinct will allow further intensification within this area while retaining sunlight admission to the proposed reserves and outdoor open space areas. HNZ has described that all new buildings will be constructed to comply with the development control rules of the proposed Residential 8 zone.

A comprehensive Section 32 analysis of these building envelope rules has been undertaken as part of the proposed Residential 8 plan change and won't be reiterated here.

Therefore, these objectives, criteria and rules will achieve the purpose of the Act by providing for peoples social, economic and cultural well being and for their health and safety while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations. This will be undertaken by allowing more intensive development within the Talbot Reserve Precinct, which is an efficient utilisation of existing resources, while protecting the amenity and character of the area.

#### **5.1.6 Visual Privacy**

Survey work by Forsyte Research on resident's attitudes to living in medium to high density residential developments in Business and Residential zones within the Plan has established that the retention of visual privacy is important to residents.

This control seeks to provide a balance between allowing windows of upper storeys of new developments to have reasonable daylight and outlook while limiting intrusive overlooking of certain parts of neighbouring properties.

HNZ has described that all new buildings in the Talbot Park Precinct are proposed to have public fronts and private backs, and where possible are proposed to back onto each other. This will allow a high degree of visual privacy. Specific compliance will be established at the detailed design stage.

These objectives, criteria and rules will achieve the purpose of the Act by providing for peoples, social and cultural well-being and for their health and safety, by protecting their privacy, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

#### **5.1.7 Acoustic Privacy**

This element seeks to ensure that noise generated from a residential zoned property and measured from the boundary of that property shall not exceed a certain level and that the noise level in habitable rooms within residential units shall not exceed certain levels.

These objectives, criteria and rules will achieve the purpose of the Act by providing for peoples social and cultural well-being and for their health and safety, by protecting their acoustic privacy, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

#### **5.1.8 Landscaping**

These explanations, objectives and criteria seek to ensure that new developments are integrated into the existing character of areas through the retention of existing trees if possible and appropriate planting, fencing and paving.

HNZ has described that the Talbot Park Renewal Project will involve the retention of significant trees and extensive planting. The specific detail of this will be confirmed at the detailed design stage.

This will achieve the purpose of the Act by providing for peoples social and cultural well-being and for their health and safety, through the use of landscaping to encourage integration of Talbot Park Renewal Project, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

## 5.1.9 Driveways and Carparking

### 5.1.9.1 Parking standards – R1, parking and access dimensions

Research undertaken by Transfund New Zealand in Christchurch in 1998 and 2001 established that the demand for parking within inner city 1-3 bedroom units was 1.2 vehicles per unit. One bedroom residential units were more likely to have demand for only one car parking space compared to 2 or 3 bedroom units.

These objectives, criteria and rules seek to recognise that smaller one bedroom / studio residential units have the potential to generate demand for less than two car parks, and the location of SGMAs within close proximity to public transport routes will tend to indicate that there will be a lesser demand for cars than in other areas within the City.

This control will allow more flexibility in parking space requirements, allowing the Talbot Park Precinct to enhance the connections within the precinct and promoting housing design flexibility.

This initial parking and access configuration has been assessed by Mr Steve Reddish, Traffic Engineer, Traffic Planning Consultants Limited who has stated that:

*“The proposed change in zoning from Residential 7 to Residential 8 for the Talbot Park block would not be expected to have any significant adverse effects from a traffic point of view. The proposal as presented does not have any fundamental problems associated with it that cannot be addressed at the detail design and resource consent stages. Notwithstanding this statement, cognizance should be made of the various issues raised above and in particular:*

- (1) the location of vehicle accesses should not be moved any closer to existing intersections than that shown in the concept plan*
- (2) the proposed cross intersection at Pilkington Road/Anderson Avenue should be controlled by a roundabout and sufficient road reserve be available to design a roundabout to Auckland City requirements*
- (3) the internal roads should be designed to deter extraneous traffic and keep vehicle speeds low*
- (4) the level of traffic activity at each access point being controlled, if necessary, by traffic management measures assessed at the resource consent stage(s)*
- (5) sufficient parking to meet the requirements of the rules covering Residential 8 should be provided within the block, with the issue of ongoing accountability for maintenance of any required parking that is provided on streets within the block being appropriately addressed.”*

Specific requirements will be assessed at the detailed design stage.

### 5.1.9.2 R4, R5, R6 – Provision of internal roads R7, Access to sites, R8

These objectives, criteria and rules will restrict the amount of site frontage taken up by driveways, will require separation or screening of accessways or parking areas from habitable rooms, will limit the exposure of semi basement parking above ground level, will require vehicle accesses longer than 60m long to have dimensions that enable them to be designated as roads, and will require minimum access dimensions.

This will ensure that on site parking is provided for developments to cater for the expected demand, there will be sufficient access width in order to provide efficient vehicle circulation, and accessways and parking areas will not dominate the streetscape.

The Talbot Park Renewal Project achieves these objectives, policies and rules by improving roading and pedestrian connections within the precinct. Anderson Avenue is proposed to be extended through into the precinct eventually connecting through to Apirana Ave and through Flanders St to Pt England Road. In addition, a new connection is proposed to be added which connects into Pilkington Road and Talbot Place is proposed to be stopped. The internal road network is also proposed to be 'calmed' to provide shared space for pedestrians, cyclists and vehicles.

In addition, Mr Steve Reddish, Traffic Engineer, Traffic Planning Consultants Limited has endorsed the initial roading configuration.

Therefore this roading configuration is considered to be a workable and practical solution. Specific design parameters will be obtained at the detailed design stage.

Auckland City Council Property Department will initiated the process to 'stop' Talbot Place under the Local Government Act. This is a separate process to the proposed plan change process.

This will achieve the purpose of the Act by providing for peoples social and cultural well-being and for their health and safety, through the use of appropriate parking and access standards, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

#### **5.1.10 Private Open Space & Site Facilities**

These objectives, criteria and rules will require the Talbot Park Renewal Project to have minimum private open space areas associated with each residential unit, and will require developers to consider refuse storage and collection and the delivery of services such as mail and laundry in the initial design buildings.

Private open space requirements will ensure that each residential unit has an outdoor living area readily available to it.

Innovative design solutions for the servicing needs of residential units such as bulk rubbish bin storage, communal bicycle storage, cloths drying and car washing areas etc could improve the amenity of such developments and ensure that they relate better to the immediate neighbourhood.

The Talbot Park Renewal Project has the potential to achieve these objectives, policies and rules. The specific details of the amount of private open space associated with each unit and the location and type of site facilities proposed for the servicing of the Talbot Park Renewal Project will be assessed at the detailed design stage.

This will achieve the purpose of the Act by providing for peoples social and cultural well-being and for their health and safety, through the provision of adequate open space areas and innovative solutions servicing residential units, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.

As a consequence it is considered that these means are the most appropriate methods, having regard to their efficiency and effectiveness, of achieving the purpose of the Resource Management Act 1991, and therefore are consistent with Section 32 (1)(a) & 1(c) of the Act.

## **5.2 Assessment of the Residential 8 Zone against Section 32(1)(a)(ii) of the Resource Management Act**

*Other means in addition to or in place of such objective, policy, rule, or other method which, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives, and the levying of charges (including rates); and*

### **5.2.1 Site and Context Analysis and Design Response / Neighbourhood Character and Site Layout**

See section 4.2 above.

### **5.2.2 Energy Efficiency / Landscaping and Site Facilities**

There are no rules within these sections rather there are objectives, criteria and good design suggestions, which give guidance and education on energy efficiency and landscaping possibilities.

Developments within SGMA's are required to be consistent with these objectives, criteria and good design suggestions in order for a resource consent to be obtained.

They also act as an education role advising the public of good urban design solutions. It is considered that the provision of incentives, the levying of charges or any other method will be ineffective as an alternative.

A further alternative is to ensure that these objectives, criteria and good design suggestions are changed to rules which require compliance. It is considered that implementing such rules would be unsuitable for the Talbot Reserve Precinct and therefore is better left as an education role.

### **5.2.3 Building Envelope / Visual Privacy / Acoustic Privacy and Private Open Space**

The implementation of the height in relation to boundary, daylight, minimum stormwater permeable surface, visual and acoustic privacy and private open space controls are reasonably complicated and endeavour to create a specific outcome which is unlikely to be achieved by any other method.

For this reason it is considered that the provision of information, incentives, the levying of charges or any other method will be ineffective in creating the necessary outcome which is sought.

### **5.2.4 Driveways and Carparking**

The objectives, criteria, rules and good design suggestions of Element 9 'Driveways and Carparking' although varying to a small extent from the applicable controls in the Operative Auckland City District Plan 1999, Isthmus Section, have a similar and complimentary intent.

Therefore it is considered that the implementation of these controls will be similar in effect to the principal alternative option of doing nothing and will be more effective than any other option.

### **5.3 Assessment of the Residential 8 Zone against Section 32(1)(a)(iii) of the Resource Management Act**

*The reasons for and against adopting the proposed objective, policy, rule, or other method and the principal alternative means available, or of taking no action where this Act does not require otherwise; and*

Under this section of the report the reasons for and against implementing an objective, criteria, rule or good design suggestion will be evaluated. The principal alternative means available is considered to be taking no action or retaining the status quo and will be evaluated as such.

#### **5.3.1 Site and Context Analysis and Design Response / Neighbourhood Character and Site Layout**

##### **5.3.1.1 Reasons for adopting these methods**

This will require development on the Talbot Reserve Precinct to consider the existing amenity of the immediately surrounding area (both built and natural) in the formulation of their design. This is likely to lead to developments, which are more complimentary to the local character and therefore more 'acceptable' to the local community in which they are placed. This is the reason for adopting these methods.

##### **5.3.1.2 Reasons Against Adopting these methods**

The primary reason against such a method is the additional cost to HNZ both in money and time in undertaking the research necessary to submit a resource consent for such a proposal.

It is considered that the benefits to the environment of having such a method outweigh the additional costs.

#### **5.3.2 Energy Efficiency**

##### **5.3.2.1 Reasons for adopting these methods**

These methods provide a dual role of educating practitioners on ways to incorporate energy efficiency methods into residential developments as well as providing guidelines for Council officers assessing resource consent applications for residential developments within SGMA's.

The Energy Efficiency and Conservation Act 2000 requires the development of a National Energy Efficiency and Conservation Strategy which was released by the Ministry of Energy in 2001. The strategy's aim is to promote energy efficiency, energy conservation and renewable energy and move New Zealand towards a sustainable energy future.

The utilisation of these techniques will reduce energy consumption and therefore will be a more efficient and effective use of natural of physical resources and will be consistent with the Energy Efficiency and Conservation Act 2000.

### 5.3.2.2 Reasons Against Adopting these methods

The primary reason against such a method is the additional cost to HNZ in the short term both in money and time in implementing these energy conservation methods and going through the resource consent process.

On balance though, it is considered that the potential benefits in energy savings over the long term will far outweigh any reasons for not adopting these methods.

## **5.3.3 Building Envelope**

### 5.3.3.1 Reasons for Adopting the Method

The building in relation to boundary, daylight and minimum stormwater permeable surface controls intend to allow for sufficient building bulk within sites to accommodate a variety of housing types while ensuring a reasonable level of on site and off site amenity.

This is the reason for adopting these methods.

### 5.3.3.2 Reasons Against Adopting these methods

Reasons against adopting these methods include:

- Monetary and time factors as discussed above
- Necessity of controls to achieve the desired outcome of building variety, urban design quality and intensive residential development.

On balance it is considered that in order to provide for the larger bulk of buildings necessary to allow higher intensity residential development within the Talbot Reserve Precinct, the more liberal building envelope controls are necessary and retain an acceptable level of amenity for adjoining sites. As a consequence the reasons for adopting these controls outweigh the reasons against adopting them.

## **5.3.4 Visual Privacy**

### 5.3.4.1 Reasons for Adopting the Method

This rule protects adjoining windows, balconies and private open space from over looking by other residential units on the same or different site. This rule is new to the Guide. As discussed in Section 5.1.6 of this report, in surveys of residents of existing medium to high density residential developments the retention of visual privacy is important. Similar rules are used by other local authorities within New Zealand to ensure internal privacy.

This rule provides for a certain degree of privacy between residential units, which is important in higher density developments where separation distances between units are reduced.

### 5.3.4.2 Reasons Against Adopting these methods

These methods place a cost in timing and monetary expenditure on developers (HNZ) to comply with these rules. There is also an education component, whereupon developers and administrators of new rules have to learn these rules.

It is considered that the reasons for adopting these rules outweigh the reasons against adopting them.

### **5.3.5 Acoustic Privacy**

#### 5.3.5.1 Reasons for Adopting the Method

This element seeks to ensure that noise generated from a residential zoned property and measured from the boundary of that property shall not exceed a certain level and that the noise level in habitable rooms within residential units shall not exceed certain levels.

The former control is consistent with existing acoustic controls within the Plan.

The later control which protects the acoustic amenity of habitable rooms is new to the Guide and is designed to ensure that bedrooms and living areas in residential units are protected from external noise sources by sound insulation, habitable room orientation away from noise sources etc. This ensures the maintenance of a reasonable standard of acoustic amenity for the purposes of sleeping and internal living.

This control is especially necessary with the development of terraced and apartment residential units which are envisaged within the Talbot Reserve Precinct in order to mitigate against the inevitable increase in noise levels resulting from people being located in closer proximity to each other.

This control is important to maintain a certain level of acoustic privacy within individual residential units.

#### 5.3.5.2 Reasons Against Adopting these methods

See section 5.3.4.2 of this report, above.

It is considered that the reasons for adopting these rules outweigh the reasons against adopting them.

### **5.3.6 Landscaping**

#### 5.3.6.1 Reasons for Adopting the Method

These explanations, objectives and criteria seek to ensure that new developments are integrated into the existing character of the Talbot Reserve Precinct through the retention of existing trees if possible and appropriate planting, fencing and paving.

These methods enhance the integration of the proposed Talbot Reserve development into existing neighbourhoods and therefore makes a positive contribution to the amenity of neighbourhoods.

#### 5.3.6.2 Reasons Against Adopting these methods

There is a potential for additional costs in ensuring the proposed Talbot Reserve development is consistent with the objectives and criteria of the Plan.

Overall, it is considered that the reasons for adopting these methods outweighs the reasons against adopting them.

### **5.3.7 Driveways and Carparking - Parking standards – R1, parking and access dimensions**

#### 5.3.7.1 Reasons for Adopting the Method

These objectives, criteria and rules seek to recognise that smaller one bedroom / studio residential units have the potential to generate demand for less than two carparks, and the location of the Talbot Reserve Precinct within close proximity to public transport routes will tend to indicate that there will be a lesser demand for cars than in other areas within the City.

This control will allow more flexibility in parking space requirements, allowing developments to enhance the connections between themselves and public transport.

#### 5.3.7.2 Reasons Against Adopting these methods

If studies prove that there is additional demand for on site parking i.e. visitor parking than is required in the Residential 8b zone, there could be a potential for adverse off site parking effects to be created.

As discussed in Section 5.1.9.1 of this report above, parking studies suggest the opposite and therefore it is considered that the parking rules within the plan change will be sufficient to cater for the expected parking demand.

The new parking rules more accurately reflect the parking demand for one bedroom and studio units, and therefore are a more sustainable utilisation of resources.

As a consequence the reasons for adopting these methods outweighs the reasons against adopting them.

### **5.3.8 Driveways and Carparking - R4, R5, R6 – Provision of internal roads R7, Access to sites, R8**

#### 5.3.8.1 Reasons for Adopting the Method

These objectives, criteria and rules will restrict the amount of site frontage taken up by driveways, will require separation or screening of accessways or parking areas from habitable rooms, will limit the exposure of semi basement parking above ground level, will require vehicle accesses longer than 60m long to be have dimensions that enable them to be designated as roads, and will require minimum access dimensions.

This will ensure that on site parking is provided for the proposed Talbot Reserve development to cater for the expected demand, there will be sufficient access width in order to provide efficient vehicle circulation, and accessways and parking areas will not dominate the streetscape.

#### 5.3.8.2 Reasons Against Adopting these methods

See section 5.3.4.2 of this report, above.

It is considered that the reasons for adopting these rules outweigh the reasons against adopting them.

### **5.3.9 Private Open Space & Site Facilities**

#### 5.3.9.1 Reasons for Adopting the Method

These objectives, criteria and rules will require developments to have minimum private open space areas associated with each residential unit, and will require HNZ to consider refuse storage and collection, the storage of recreational equipment and the delivery of services such as mail and laundry in the initial design buildings.

Private open space requirements will ensure that each residential unit has an outdoor living area readily available to it.

These methods will allow for enhanced on site amenity for residents of the proposed Talbot Reserve Precinct development with the provision of minimum private open space areas and the efficient integration of service areas within the residential development.

Roof top space, decks and garden areas exist in medium to high density residential developments in the Central Area and in residential developments in Business 4 zones within the isthmus, and therefore this rule is not new or unusual in nature.

Innovative design solutions for the servicing needs of residential units such as bulk rubbish bin storage, communal bicycle storage, clothes drying and car washing areas etc ensure that they relate better to the immediate neighbourhood.

#### 5.3.9.2 Reasons Against Adopting these methods

See section 5.3.4.2 of this report, above.

It is considered that the reasons for adopting these rules outweigh the reasons against adopting them.

### **5.4 Assessment of the Residential 8 Zone against Section 32(1)(b) of the Resource Management Act**

***Carry out an evaluation, which that person is satisfied is appropriate to the circumstances, of the likely benefits and costs of the principal alternative means including, in the case of any rule or other method, the extent to which it is likely to be effective in achieving the objective or policy and the likely implementation and compliance costs; and***

As discussed above, the principal alternative means is maintaining the status quo, doing nothing, or not implementing the specific rule of the Residential 8b Zone.

Much of this information has been discussed in earlier sections of this report. To avoid repetition only information not already discussed will be mentioned below.

#### **5.4.1 Density**

##### 5.4.1.1 Costs of Retaining Status Quo

This will continue the current Residential 7a and 7b density rules within the Precinct.

As discussed in section 4.2.2 above, this will allow for only a small increase in the number of people experiencing severe housing stress, being accommodated in the precinct. This will have the potential to have negative social effects by increasing the pressure on people on HNZ waiting lists which are experiencing severe housing stress.

It will also increase the likelihood of adhoc infill development and redevelopment outside Strategic Growth Management Area's (SGMA's) within Auckland City and sprawl pressures in the periphery of the Auckland Region ie surrounding Local Authority areas such as Manukau City, Waitakere City and North Shore City.

This is deemed to be an unsustainable method of accommodating growth.

#### 5.4.1.2 Benefits of Retaining Status Quo

The benefits of retaining existing lower densities within the Talbot Reserve Precinct will be a lesser demand on the existing infrastructure network and local public areas i.e. reserves, libraries and other community facilities within the Glen Innes area.

On balance it is considered that the benefits of increasing densities within the Talbot Reserve Precinct out weighs the costs, because intensification within the Talbot Reserve Precinct will make an efficient use of residential land which is a scare resource within Auckland City.

### **5.4.2 Energy Efficiency / Landscaping and Site Facilities**

#### 5.4.2.1 Costs of Retaining Status Quo

Any HNZ development will not be required to consider energy efficiency, landscaping and site facilities elements in their design. Therefore, they are likely to be less sustainable and less well integrated into the neighbourhood, then those developments, which do consider these elements.

#### 5.4.2.2 Benefits of Retaining Status Quo

No additional costs to HNZ in time and money to ensure compliance with these elements and to submit a resource consent to be processed.

It is considered that the costs of not implementing these elements outweigh the benefits of retaining the status quo.

### **5.4.3 Height in Relation to Boundary - R4I, R4v and R4vi and Daylight – R5**

#### 5.4.3.1 Benefits of Retaining Status Quo

Retain the existing variable bulk in relation to boundary control in the Residential 7 zones.

These controls are generally more restrictive than the height in relation to boundary controls proposed. Therefore retaining the status quo will retain the existing maximum permitted development potential.

#### 5.4.3.2 Costs of Retaining Status Quo

The proposed new height to boundary rules allow for larger scale buildings on boundaries (up to 3.6m or 6m) to maximise the development potential of sites. It is necessary to allow this larger bulk of buildings in order to accommodate the proposed medium to high density residential developments proposed within the Talbot Reserve Precinct. These rules have been structured to ensure that a one or two storey building can be built on the boundary, but allows sufficient building separation to ensure adequate sunlight penetration is provided to adjoining sites to maintain on site amenity.

There is no rule complimentary to the daylight control within the existing Auckland City District Plan 1999 (Isthmus Section). The height to boundary control of the Plan seeks to retain daylight admission to adjoining sites but does not specifically relate to the retention of daylight to habitable rooms of neighbouring residential units. The daylight control restricts how high buildings can be relative to other buildings, which contain habitable rooms, facing that building. The rule allows the retention of daylight to habitable rooms of existing buildings, which is important in maintaining amenity.

Retention of the status quo height in relation to boundary rule will not allow sufficient bulk of buildings to create the proposed medium to high density developments envisaged within the Talbot Reserve Precinct.

There is a necessary trade off between building bulk, sunlight and daylight admission to adjacent sites to allow for higher densities within the Talbot Reserve Precinct.

On balance therefore, it is considered that the costs of retaining the status quo height in relation to boundary rules outweighs the benefits of retention and therefore it is appropriate to implement these new height to boundary and daylight rules.

#### **5.4.4 Minimum stormwater permeable surface –R7**

This rule allows for developments to exceed the maximum building coverage and impermeable surface rules up to a certain limit if they dispose of stormwater on site and in accordance with Council's on site stormwater management techniques manual. There is no equivalent control to this in the Auckland City District Plan 1999 (Isthmus Section)

##### 5.4.4.1 Benefits of Retaining Status Quo

The benefits of retaining the status quo will be that any exceedance of the existing building coverage and paved impermeable surface rules will require specific assessment as a discretionary activity.

The effects of the proposal can then be assessed against specific criteria, any adversely affected persons considered and a decision made on whether to grant or refuse the proposal based on these matters.

This will continue the regulatory control of any exceedance of these rules and will limit the maximum permitted paved impermeable surface and building coverage level as 60% of net site area.

Developments, which utilise these alternative stormwater management techniques, could display increased levels of built form and impermeable surface than would normally be permitted as a consequence of this control. This has the potential to adversely visually impact on adjoining sites.

Any negative impact is considered to be negligible as the maximum permitted exceedance of the building coverage and impermeable surface rules will be small and there are adequate development controls and criteria (height in relation to boundary, landscaping etc) to avoid domination of adjoining sites.

#### 5.4.4.2 Costs of Retaining Status Quo

The retention of the status quo does not factor in the environmental benefits of utilising alternative stormwater techniques to dispose of stormwater on site. Therefore reducing the amount of stormwater passing through the existing infrastructure system and eventually into the sea. It will also allow for innovative approaches to the design of buildings and therefore promotes housing variety and vitality.

This could have a positive effect on the environment and is a method of encouraging sustainability in the design of residential developments.

On balance it is considered that the costs of retaining the status quo outweighs the benefits.

#### **5.4.5 Visual Privacy**

There is no equivalent control to this in the Auckland City District Plan 1999 (Isthmus Section)

##### 5.4.5.1 Benefits of Retaining Status Quo

Less development control rules to comply with for the establishment of residential units, which will be positive for HNZ.

##### 5.4.5.2 Costs of Retaining Status Quo

With the exception of the requirement under Section 7.8.1.8A – Private Open Space of the Auckland City District Plan 1999 (Isthmus Section) which requires that outlook areas be separated from each other by a 1.8m high fence, there are no visual privacy rules between residential units on the same or adjacent sites within the current Plan.

Therefore, there is the potential for residential developments to be established that displays little or no consideration for privacy issues between units and between adjacent private open space areas.

These are important issues in medium to higher density developments and are not adequately covered under the current plan.

On balance it is considered that the costs of retaining the status quo outweighs the benefits.

#### **5.4.6 Acoustic Privacy**

Rule 1 is the same control as clause 7.8.1.10 and therefore will not be considered below. There is no equivalent control to rule 2 in the Auckland City District Plan 1999 (Isthmus Section)

#### 5.4.6.1 Benefits of Retaining Status Quo

The Building Act requires developers to consider internal acoustic privacy in the establishment of residential units. This is a minimum requirement and the acoustic standards proposed are stricter to provide additional acoustic amenity. Retention of the status quo will ensure that HNZ are only required to achieve the minimum existing acoustic standard, thereby reducing compliance costs.

#### 5.4.6.2 Costs of Retaining Status Quo

Proposed medium to high density residential units are likely to be established closer together than 'traditional' housing and as a consequence are likely to be more exposed to external noise pollution.

Therefore achieving higher levels of internal acoustic privacy is important in these areas to ensure that developments are 'liveable' and protect residents from the adverse effects of exterior noise.

Council has received complaints from residents of some existing higher density housing areas which seems to indicate that the existing requirements of the Building Act do not adequately achieve a 'reasonable' level of acoustic privacy within habitable rooms.

In order for medium to higher density residential developments to be 'successful' and accepted by the public this issue needs to be adequately addressed through controls to ensure that a high level of internal acoustic amenity is maintained and higher density developments are not perceived as 'noisy'.

On balance it is considered that the costs of retaining the status quo outweighs the benefits.

### **5.4.7 Driveways and Carparking - Parking standards – R1, parking and access dimensions – R2 & R3**

Rule R2 – car spaces and access dimensions and R3 parking and access dimensions are complimentary to the existing parking and access rules of the Auckland City District Plan 1999 (Isthmus Section). Therefore the relative benefits and costs of the retaining the existing rules in regards to these two rules will not be evaluated here. Rather a discussion will be undertaken of the benefits and costs of altering the parking requirements as outlined below.

#### 5.4.7.1 Benefits of Retaining Status Quo

Retaining the requirement for two parking spaces per residential unit as already exists will not require the education of practitioners as it has been part of the plan since its notification in 1993.

#### 5.4.7.2 Costs of Retaining Status Quo

The retention of the existing parking requirements of 2 spaces per residential unit does not recognise that smaller residential units may have less of a demand for parking spaces than 'traditional' suburban dwellings. In addition, the location of the Talbot Reserve Precinct within close proximity to public transport, recreational, retail and employment opportunities means that there is likely to be a lesser demand for parking in developments in these localities than in other areas of the city.

Therefore the cost of retaining the status quo is requiring residential units to provide 2 parking spaces per residential unit when there is insufficient parking demand to require this. This is an inefficient and unsustainable utilisation of natural and physical resources.

#### **5.4.8 Driveways and Carparking - Rules R4, R5, R6 – Provision of internal roads R7, Access to sites R8**

##### 5.4.8.1 Benefits of Retaining Status Quo

Existing rules restrict accessway width to 6 metres for one vehicle crossing and 7m for two combined vehicle crossings. Rule R4 will allow a greater maximum width of vehicle crossing as a permitted activity.

Retaining the status quo in this instance will restrict vehicle widths on residential boundaries to a level, which will allow for vehicle manoeuvring while ensuring these driveways do not dominate the streetscape. It will also reduce the potential for conflict between pedestrians and vehicles.

##### 5.4.8.2 Costs of Retaining Status Quo

The provision of additional accessway width will provide additional width of vehicle crossing to enhance vehicle manoeuvring.

On balance it is considered that the benefits of retaining the status quo outweighs the costs.

#### **5.4.9 Private Open Space**

##### 5.4.9.1 Benefits of Retaining Status Quo

This retains the existing requirements for Private Open Space of either 80m<sup>2</sup> or 100m<sup>2</sup> depending on the zoning. This has the benefit of requiring relatively large areas of Private Open Space per residential unit for resident's usage.

##### 5.4.9.2 Costs of Retaining Status Quo

These relatively generous Private Open Space requirements use a significant amount of land area and will therefore not allow intensive residential development to the level envisaged within the Talbot Reserve Precinct.

In addition, the retention of the existing requirements does not cater for and recognise the variety of housing demand, which indicates that some people do not need or want relatively large areas of Private Open Space associated with residential units.

## **6.0 CONCLUSION**

A comprehensive Section 32 analysis has been undertaken on the necessity of applying the objectives, policies, criteria and rules of the Residential 8b zone to the Talbot Reserve Precinct. This requires a proposed plan change to the Auckland City District Plan 1999 (Isthmus Section).

After analysis of these methods, it is concluded that the plan change proposed meets the requirements of Section 32 and fulfils the purpose, Section 5, of the Resource Management Act 1991.