

SECTION 32 REPORT – PLAN CHANGE 196 NEWMARKET GROWTH AREA STRUCTURE PLAN

1.0 EXECUTIVE SUMMARY

This report summarises the evaluation undertaken by the council of plan change 196 – Newmarket Growth Area Structure Plan in terms of section 32 of the Resource Management Act (“the Act”).

Plan change 196 – Newmarket Growth Area Structure Plan provides a comprehensive and integrated framework for facilitating growth (residential, business and retail) in Newmarket. In particular, the plan change provides for increased development potential in the residential and the mixed-use areas of the town centre and ensures that this development will be accompanied by good urban design outcomes, protection of character buildings and increased use in public transport and other alternatives such as cycling.

The objectives contained in the plan change are considered the most appropriate as they provide for the economic wellbeing of the community and the efficient use and development of land. In addition, the objectives also ensure that a high quality built environment will occur in Newmarket along with a high standard of amenity for residents and the other users of the town centre.

The policies and rules contained in the plan change are considered the most appropriate as they are efficient and effective and the benefits outweigh the costs, particularly in terms of the long term gains to the wider Newmarket area.

The objectives, policies and rules are consistent with the council’s functions under the Act as they ensure that any adverse effects of the additional use and development provided for by the plan change will be avoided, remedied and mitigated.

2.0 INTRODUCTION

2.1 Purpose of this report

This report has been prepared to meet the section 32 requirements of the Resource Management Act.

2.2 Background

The Auckland City Growth Management Strategy (“the growth strategy”) was adopted in 2003. The growth strategy sets out where, when and how Auckland will grow and ensures that change will happen in a managed and effective way. The key intention of the strategy is to encourage vibrant town centres within the city by:

- focusing growth around town centres that can provide the services, shops and jobs that the growing population needs
- increasing the density of development in those town centres so that there are sufficient people and activities to support improved passenger transport and other services and activities
- coordinating growth areas with passenger transport and infrastructure – putting growth areas close to rail stations and bus routes and managing drainage and stormwater.

Newmarket is identified as an “urban living area” in the growth strategy. Urban living areas are suitable for residential and mixed-use growth and are based around town centres that already have (or potentially will have) the transport, schools, open space, community services and shops needed to create a vibrant community.

A liveable community plan (“Newmarket’s future”) outlining the framework for how Newmarket should grow was prepared in September 2004. Newmarket’s future established the following guiding principles:

- “reinforce the economic importance of Newmarket as a sub-regional centre and provide for growth which complements the CBD
- build on Newmarket’s diversity, the mix of shopping, office, education, community facilities and residential areas
- showcase quality urban design
- offer urban living choices
- respect and build upon Newmarket’s established identity and sense of community
- retain and enhance the historic, cultural and natural identity and amenity of the area
- take into account Newmarket’s context and role in the city and its relationship with other town centres in Auckland
- feature a well-connected street and public space network
- provide a safe and attractive environment for walking, cycling, public transport and private vehicles
- provide for the needs of specific sectors of the community, including youth and people with disabilities
- fulfil the role of an efficient transport node catering for the needs of the local community and through traffic.”

2.3 Proposed plan change provisions

Proposed plan change 196 – Newmarket Growth Area Structure Plan seeks to provide for residential growth in Newmarket while retaining opportunities for employment growth in accordance with the Auckland City Growth Management Strategy 2003 and the liveable community plan for Newmarket. A summary of the proposed plan change provisions is set out below:

(a) Residential 8C zone

The residential 8C zone has been applied to the residential enclaves on the outskirts of the main retail and business areas. The residential 8C zone was chosen (as opposed to the residential 8A and 8B zones) as the majority of Newmarket is within 2km of the CBD and as these residential areas have the capacity to absorb the level of development provided by residential 8C (in particular the 17m height limit and the unlimited density). It should also be noted that these residential areas were already identified in the district plan as being appropriate for high-density development as they were zoned residential 7.

In order to ensure that the residential development in Newmarket will provide for a wide range of household types and will have a high level of amenity, controls have been put in place with respect to noise, the maximum number of studio, one bedroom and two bedroom units in a building and in terms of the minimum size of bedrooms.

(b) Increased development potential

The development potential of the business 3 and mixed use zones has been increased. In particular, the maximum height of buildings in the business 3 zone on Broadway has increased from 30m to 34m and in the mixed use zone from 15m to 27m on Khyber Pass Road and 15m to 21m in all other areas. The basic floor area ratio in the mixed use zone has also been increased from 2:1 to 3:1.

The increased development potential means that there is increased possibility for not only residential growth but also for business and retail growth. Providing for business and retail growth concurrently with residential growth is essential given the role of Newmarket as a sub-regional centre.

(c) High quality built environment

In order to enhance the built environment of Newmarket, all new buildings and alterations to existing buildings will require a resource consent and will have to meet a range of urban design focussed development controls and assessment criteria.

The development controls and assessment criteria include a setback for the upper storeys of buildings, controls on street and lower level activities and the frontage of buildings, reducing the height of buildings on Nuffield St and ensuring that car parking is not visible from the street and other public places.

To further encourage the use of underground car parking, a bonus provision for underground car parking has been included in place of the existing floor area bonus provisions for landscaped areas and plazas (which were not considered warranted in the Newmarket context).

(d) Character buildings

Within the town centre, there are a number of character buildings that contribute to the identity and visual amenity of the built environment of

Newmarket. In order to protect these buildings, development controls have been put in place in relation to demolition and additions and alterations to these buildings.

(e) Transport

The transport environment of Newmarket is characterised by high accessibility in terms of public transport (both bus and rail), a road network with limited capacity and a sufficient number of car parking facilities. In recognition of these characteristics and in order to further encourage the use of public transport, the on-site car parking requirements have been reduced as compared to those in part 12 of the district plan. In addition, provisions are put in place to avoid new commercial car parking facilities being established and cycle and changing facilities have been required.

(f) Increased number of sites zoned mixed use

The sites zoned business 4 within the town centre have been rezoned mixed use. This is necessary to ensure that residential and business development could occur on these sites (rather than just business development) and to ensure that the built development and activities within Newmarket have a high level of amenity.

(g) 314-390 Khyber Pass Road

This site is currently occupied by Lion Breweries and is expected to be redeveloped once the brewery operation vacates in 3-5 years. To ensure that future development on this site complements the character of Newmarket it has been rezoned mixed use rather than retaining the existing business 4 zone. In addition, a comprehensive development plan process has been put in place to ensure that the layout of development on the site is characterised by high quality urban design and integrates with the surrounding activities and development.

The comprehensive development plan must comply with a series of building heights and floor area ratios. The buildings heights and floor area ratios on this site are higher than those in the other areas of the mixed use zone in recognition of the comprehensive development plan process and because of the location and characteristics of the site.

2.4 Consultation

Plan change 196 – Newmarket Growth Area Structure Plan was prepared to give effect to the planning outcomes sought by Newmarket’s future. A summary of the consultation that was undertaken as part of the preparation of Newmarket’s future is set out below:

- A community launch of the liveable community plan process was held in May 2002 and was attended by over 100 people. This launch provided an opportunity for people to put forward their visions, values and concerns in respect of Newmarket into the future.

- A design workshop was held in June 2002, with representatives from the community, council officers, and design professionals.
- Following the design workshop, a number of options were developed and used for a further round of community consultation in November 2002. This included, a community workshop day and displays in local libraries and at the Olympic Pool. A shop-front display staffed by council officers was also organised and was visited by over 300 people.
- Following research on social needs, sense of place, transport and urban design, the draft framework was developed and approved for release for public consultation in November 2003.
- The consultation period extended from the third week in December 2003 until 27 February 2004. During this time, the draft framework was advertised in City Scene and in displays at local public libraries. Information was also provided on the council website. A shop front display was organised and attended by over 100 people.
- During the consultation period, project meetings were held with community stakeholders, including the Newmarket Business Association, schools, community groups and the Chinese community. Additionally, a community reference group was set up, comprising members of Newmarket’s residential and business community, to look at particular issues, input into the workshop process and comment on draft documents.
- A total of 164 submissions were received to the draft framework. The key issues raised in the submissions are set out in the tables below.
- A hearing of the draft “Newmarket’s future” was held on Friday, 2 July 2004.
- The council decision on Newmarket’s future was released in September 2004 and subsequently the document was adopted.

General support
Improving passenger transport including buses and trains (including upgrading the railway station and services, providing an integrated passenger transport hub, improving services and facilities
Bus priority measures on Broadway and Khyber Pass
A parking strategy
Upgrading the streetscape
Upgrading the parks and acquisition of new public open spaces

Issues where opinion was divided
Changing one-way streets back to two-way
Additional links to the roading system
Need for more residential and its form
Need for more retail and the form of this

General opposition
To the road above rail corridor, particularly from residents of Broadway Park who considered that it would: <ul style="list-style-type: none"> • result in pollution (noise, air and visual) • decrease property values • disconnect the area with Broadway • encourage more traffic through Newmarket • result in the cost being levied from residents
Other
Concern that the document has no clear funding strategy for implementation
Suggestions for alternative ideas (e.g. tunnels instead of the road above the rail corridor)

In addition to the consultation outlined above, the notification of proposed plan change 196 – Newmarket Growth Area Structure Plan provides an opportunity for further public participation through the formal submission and appeal process.

3.0 RESOURCE MANAGEMENT ISSUES AND OBJECTIVES

3.1 Issues

The resource management issues identified in proposed plan change 196 – Newmarket Growth Area Structure Plan are set out below:

- “Achieving the growth outcomes required for the Newmarket “urban living area”
- Facilitating business and retail development, which will enhance the role of Newmarket as a sub-regional centre
- Enhancing the built environment of Newmarket, particularly with respect to the contribution of individual buildings to the streetscape
- Encouraging the retention of the character buildings within Newmarket
- Recognising the high availability of public transport for people travelling to and from the town centre and the limited capacity in the road network in and around Newmarket
- Ensuring that the site at 314-390 Khyber Pass Road is not redeveloped in an ad-hoc manner and that the type and form of development is appropriate for its location in an urban living area and a sub-regional centre.”

3.2 Objectives

The resource management objectives identified in proposed plan change 196 – Newmarket Growth Area Structure Plan are set out below:

- To achieve the residential growth outcomes sought for the Newmarket urban living area in a manner that enhances the retail and business functions of Newmarket.
- To encourage the use of public transport (bus and rail), walking and cycling and to restrain the use of private vehicles.
- To create a built environment in Newmarket that retains the character buildings and displays high quality urban design.
- To establish a mixed-use development that contains an appropriate level of residential activity while also enhancing the retail and business functions of Newmarket.
- To ensure that the layout and overall form of development on the site displays a high standard of urban design.
- To develop a safe and effective traffic environment both within the site and in the wider area.

4.0 STATUTORY REQUIREMENTS UNDER PART II, SECTIONS 31, 32, 72 and 76 OF THE RESOURCE MANAGEMENT ACT 1991

Section 74(1) of the RMA states as follows:

A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

Section 31 sets out the council's functions for the purpose of giving effect to the Act. The council's functions include:

- (a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
- (b) The control of any actual or potential effects of the use, development or protection of land...

Section 72 states as follows:

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

The following provisions of section 76 are 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 rules in a district plan.
- ...
- (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.

In achieving the purpose of the Act, the council must carry out an evaluation under section 32 of the RMA before publicly notifying a district plan or a plan change. Section 32(3), (3A) and (4) state as follows:

- (3) An evaluation must examine –
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives
- (3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.
- (4) For the purposes of the examination referred to in subsections (3) and (3A), an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

The statutory requirements, including section 32 matters, are assessed below under the following headings:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act
- Whether the policies, rules, or other methods are the most appropriate for achieving the objectives
 - Having regard to their efficiency and effectiveness
 - Taking into account the benefits and costs of policies, rules, or other methods
 - Taking into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

4.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act

4.1.1 The purpose of the Act

Section 5 states that the purpose of the Act is ‘to promote the sustainable management of natural and physical resources’. Section 5(2) states:

- (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 wellbeing and for their health and safety while-
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Environment is defined in Section 2 of the RMA as including:

- (a) Ecosystems and their constituent parts, including people and communities; and
- (b) All natural and physical resources; and
- (c) Amenity values; and
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:

Section 6 of the RMA identifies matters of national importance, which need to be recognised and provided for in achieving the purpose of the Act. There are no matters of national importance that are of particular relevance to proposed plan change 196 – Newmarket Growth Area Structure Plan.

Section 7 deals with ‘other matters’ which, in achieving the purpose of this Act, persons exercising functions and powers under the Act shall have particular regard to. The matters of are of particular relevance to proposed plan change 196 – Newmarket Growth Area Structure Plan. are identified below:

Clause		
(a)	Kaitiakitanga	
(aa)	The ethic of stewardship	
(b)	The efficient use and development of natural and physical resources	✓
(ba)	The efficiency of the end use of energy	
(c)	The maintenance and enhancement of amenity values	✓
(d)	Intrinsic value of ecosystems	
(f)	Maintenance and enhancement of the quality of the environment	✓
(g)	Any finite characteristics of natural and physical resources	
(h)	The protection of the habitat of trout and salmon	
(i)	The effects of climate change	
(j)	The benefits to be derived from the use and development of renewable energy	

Section 8 provides that in achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

4.1.2 Appropriateness in achieving the purpose of the Act

Each of the objectives in proposed plan change 196 – Newmarket Growth Area Structure Plan is set out below along with a discussion as to why the objective is the most appropriate way to achieve the purpose of the Act (as set out in sections 5, 6, 7 and 8 of the Act). The discussion under each objective also addresses how the objective will assist the council to carry out its functions (as set out in sections 31, 72, 74(1) of the Act).

4.1.2.1 Growth objective (Newmarket Growth Area Structure Plan):

To achieve the residential growth outcomes sought for the Newmarket urban living area while enhancing the retail and business functions of Newmarket

Discussion

This objective is the most appropriate means of achieving the purpose of the Act for the following reasons:

- Increasing the number of people living in Newmarket is essential if the council is going to give effect to the “growth strategy” and the regional policy documents relating to growth.
- Given the role of Newmarket as a sub-regional centre, it is important that growth in the residential population occurs concurrently with growth in the business and retail functions so that the role, character and identity of the centre is maintained and not overcome by residential activity
- Enhancing the retail and business functions will promote the economic wellbeing of the community as sought by section 5 of the Act.
- Increasing the scale and intensity of residential, business and retail development in Newmarket is consistent with section 7 of the Act as it promotes the “efficient use and development of natural and physical resources” by using existing residential, business and retail land more efficiently than is currently provided for.
- One of the functions of the council is to promote “integrated management” of the effects of the use and development of physical resources. The above objective takes the first step in promoting integrated management by clearly identifying the nature and scale of development that is intended to occur in Newmarket. The effects of such development can then be managed in an integrated way through other objectives in the plan change.

An alternative objective would be to seek growth in the residential population of Newmarket only (that is, not to encourage growth in the business and retail functions along with residential growth). This is not considered the most appropriate means of achieving the Act because if business and retail growth does not occur concurrently with residential growth the mixed-use character and sub-regional function of the centre will be eroded.

4.1.2.2 Transport objective (Newmarket Growth Area Structure Plan):

To encourage the use of public transport (bus and rail), walking and cycling and to restrain the use of private vehicles.

Discussion:

This objective is the most appropriate means of achieving the purpose of the Act for the following reasons:

- The road network within the Newmarket town centre has limited capacity, therefore it is appropriate to promote other forms of transport.
- Newmarket is characterised by high accessibility in terms of public transport (both bus and rail). This accessibility will increase further with the more frequent bus and rail connections planned for the future. The consequence of the high accessibility of the centre is that it is reasonable to expect and encourage people to travel to Newmarket on public transport, especially commuters.
- Restraining the use of private vehicles is necessary if public transport and other alternatives are going to become more attractive to people travelling to and from the centre.

- This objective recognises that the increased level of development promoted by the growth objective (above) has the potential to have negative effects on an already congested road network and seeks to mitigate and avoid such effects by encouraging public transport and restraining the use of private vehicles. This approach is in line with the council's functions to promote integrated management and to control the effects of the use and development of land.
- This objective is also consistent with section 7 of the Act as limiting the amount of additional transport infrastructure (roads and car parking buildings or areas) will help to maintain the quality of the built environment and the amenity values of the town centre.

An alternative objective would have been facilitate the use of private vehicles rather than encouraging the use of public transport and other alternatives. This would not be the most appropriate objective, as it would result in unnecessary congestion of the road network and an increase in other transport infrastructure within the centre. There would also be a lowering of the quality of the built environment and the amenity values of the town centre.

4.1.2.3 Urban design objective (Newmarket Growth Area Structure Plan):

To create a built environment in Newmarket that retains character buildings and displays high quality urban design.

Discussion:

This objective is the most appropriate means of achieving the purpose of the Act for the following reasons:

- Encouraging the retention of the character buildings in Newmarket serves to maintain the character and identity of the town centre.
- Requiring buildings within Newmarket to display a high quality built form is essential for ensuring Newmarket maintains its identity as a premier retail and business location within the City.
- A built environment which displays high quality urban design is essential for maintaining the amenity for the people using town centre.
- This objective recognises that the potential effects of the increased level of development promoted by the growth objective (above) need to be avoided by ensuring that new development displays high quality urban design and that the character buildings in the town centre are retained. The consequence of this will be a built environment that has a high level of amenity for the users of the town centre. This approach is in line with the council's functions to promote integrated management and to control the effects of the use and development of land.
- This objective is also consistent with section 7 of the Act, as ensuring that the built environment displays high quality urban design will serve to maintain and enhance the quality of the built environment and amenity values.

An alternative would have been to have no objective relating to urban design. This is not considered the most appropriate objective as ensuring a quality built environment is an essential part of avoiding and mitigating the adverse effects of providing additional

development potential and ensuring Newmarket maintains its identity as a premier retail and business location within the City.

4.1.2.4 Mixed-use objective (site at 314-390 Khyber Pass Road only):

To establish a mixed-use development that contains an appropriate level of residential activity while also enhancing the retail and business functions of Newmarket.

Discussion:

This objective is the most appropriate means of achieving the purpose of the Act for the following reasons:

- A mixed use development on this site will have a number of benefits as compared to other forms of “single use” development. These benefits include an increased feeling of safety and vitality as a result of the 24 hour presence of people, increased viability for businesses, increased support for public transport, an interesting built environment and the efficient use of space and buildings.
- A mixed use development containing a significant level of residential activity will serve to meet the residential growth outcomes sought for the Newmarket “urban living area”.
- A mixed use development will support and enhance the retail and business functions of Newmarket.
- A mixed-use development has the potential to integrate with the existing surrounding activities and the Newmarket area in general.
- Redeveloping this site with a mixed use development of an increased scale and intensity (as compared to other mixed use zoned areas) is consistent with section 7 of the Act as it promotes the “efficient use and development of natural and physical resources” by using existing business land more efficiently.
- One of the functions of the council is promote “integrated management” of the effects of the use and development of physical resources. The above objective takes the first step in promoting integrated management by clearly identifying the nature and scale of development that is intended to occur on this site. The effects of such development are then managed in an integrated way through other objectives in the plan change.

An alternative objective would have been to seek a different form of development to a mixed-use development such as a residential subdivision or purely business / retail development. Such an objective would not be the most appropriate means of achieving the purpose of the Act as it would not recognise that that Newmarket is both urban living area and a sub-regional centre and as such it is necessary to promote business and retail growth concurrently with residential growth.

4.1.2.5 Layout objective (site at 314-390 Khyber Pass Road only):

To ensure that the layout and overall form of development on the site displays a high standard of urban design.

Discussion:

This objective is the most appropriate means of achieving the purpose of the Act for the following reasons:

- Unlike other areas within Newmarket, this site has no internal street network, development blocks or open spaces (rather it is one large site (5.3ha) held in one title). Therefore, it is both necessary and appropriate to seek that the layout of development on the site gives effect to the principles of good urban design (the design of specific buildings is addressed through the general objectives, policies and rules of the plan change).
- Given the large size of the site and the overall level of development provided for, it is necessary to ensure that the overall form of development on the site integrates with the surrounding development and activities and is appropriate for the context of the site.
- This objective recognises that the potential adverse effects of the redevelopment of the site need to be avoided by ensuring that the layout and overall form of new development displays a high standard of urban design. The consequence of this will be a built environment that has a high level of amenity for the users of the town centre. This approach is in line with the council's function to control the effects of the use and development of land.
- This objective is consistent with section 7 of the Act as ensuring that the layout and overall form of development on the site displays high quality urban design serves to maintain and enhance the quality of the built environment and amenity values.

An alternative would have been to provide for an ad hoc layout of development to occur on the site. This is not considered the most appropriate objective as ad hoc development is unlikely to achieve an optimal layout of development on such a large site (5.3ha).

4.1.2.6 Traffic objective (site at 314-390 Khyber Pass Road only):

To develop a safe and effective traffic environment both within the site and in the wider area.

Discussion:

This objective is the most appropriate means of achieving the purpose of the Act for the following reasons:

- As identified above, this site has no internal street network and has only limited access points. Therefore, it is essential that site is developed in a manner which integrates with the surrounding traffic environment in a safe and effective manner.
- The creation of a safe and effective traffic network within the site is essential if a high quality built environment is to be established and to facilitate the movement of people to, from and through the wider Newmarket area.

- A safe and efficient transport network (including pedestrian links) on the site is essential for facilitating the movement of people to and from public transport.
- This objective recognises that the redevelopment of the site has the potential to have negative effects on an already congested road network and seeks to mitigate and avoid such effects by ensuring that the layout of the traffic network on the site is safe and efficient. This approach is in line with the council's function to control the effects of the use and development of land.
- This objective is also consistent with section 7 of the Act in that a safe and efficient traffic network will help to maintain the quality of the built environment and the amenity values of the town centre.

An alternative objective would have simply addressed the off-site traffic effects of the development. Such an objective would not be the most appropriate as it is also important that an effective transport network is developed also within the site.

4.1.2.7 Summary

Overall, it is considered that the objectives relating to the Newmarket Growth Area Structure Plan and the site at 314-390 Khyber Pass Road are collectively the most appropriate means of achieving the purpose of the Act as they provide a comprehensive, integrated framework which facilitates growth (residential, business and retail) and ensures that the potential effects of such growth are avoided or mitigated.

4.2 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives

The following is an evaluation of the policies and rules in the plan change, having regard to their efficiency and effectiveness, the benefits and costs and the risk of acting or not acting. For clarity, the policies and rules have been grouped under topics.

4.2.1 Urban design / character

Policies and associated rules	Benefits of policies and associated rules	Costs of policies and associated rules
<p>Policy: By encouraging the retention of the character buildings within Newmarket</p> <p>Rules: Restricted discretionary consents for demolition of character buildings.</p>	<ul style="list-style-type: none"> • retains the character and identity of Newmarket • maintains diversity and interest in the streetscapes of Newmarket • contributes to the aim of a high quality built environment • maintains the amenity of the streetscapes. 	<ul style="list-style-type: none"> • limits further development opportunities for the site • limits potential return for the owner of the property • additional cost of resource consent for additions and alterations to character buildings.
<p>Policy: By ensuring that each of the following characteristics of good urban design are given effect to in each new building and in additions</p>	<ul style="list-style-type: none"> • streets will have high amenity, interest and enjoyment for pedestrians and other users • business and retail on the 	<ul style="list-style-type: none"> • additional cost of resource consents • additional cost in terms of the design and construction of buildings

Policies and associated rules	Benefits of policies and associated rules	Costs of policies and associated rules
<p>and alterations to existing buildings within Newmarket:</p> <p>(i) The form, scale and massing of the building is appropriate to the site, use of the building and the wider context.</p> <p>(ii) The building has high architectural quality and expression (including detailing, materials, articulation and modulation)</p> <p>(iii) The building has good outlook, orientation and aspect</p> <p>(iv) There is a positive relationship between the building and the street, and in particular, the building has an active frontage.</p> <p>Rules: Height (including setback and variation in height on Nuffield St and Khyber Pass Road) Building in relation to boundary control Outlook control Street and lower level controls Retail frontage and verandah controls Restricted discretionary consents for new buildings Vacant sites Bonus for through site lanes</p>	<p>ground floor will re-enforce the role and functions of the town centre</p> <ul style="list-style-type: none"> • the built environment will contribute to the identity of Newmarket as a premier shopping and business destination • buildings of a scale and form that is relative to their context • protection of the amenity of surrounding development (particularly residential development) • high amenity for occupants of buildings containing residential activity due to the availability of sunlight and daylight • innovative building design because of the need to ensure that the building makes a positive contribution to the streetscape • the different height provisions applied to Khyber Pass Road and Nuffield St will increase the diversity of built form throughout the centre and will also accentuate the different character of particular locations within the centre • a diverse and interesting built environment, in particular the provision for through site lanes will provide a contrast with the traditional street network • the bonus provision for through site lanes will also provide the opportunity to increase the number of connections in the centre and thereby make it more pedestrian friendly • the bonus provisions will also provide more opportunity for retail and other activities to establish 	<ul style="list-style-type: none"> • the need to provide good outlook and screen parking may reduce the ability to maximise return from the site. • building in relation to boundary control may reduce the development potential and consequently the returns from the site.

Policies and associated rules	Benefits of policies and associated rules	Costs of policies and associated rules
	on the street frontage in the centre.	
<p>Policy: By enabling changes in ground floor activities to occur, more easily using on-site parking controls which relate to floor areas rather than activities.</p> <p>Rules: Revised parking standards</p>	<ul style="list-style-type: none"> • increased ability for a range of activities to occupy the ground floor of buildings resulting in more interesting street frontages for pedestrians • ground floor activities which are vital, diverse and interesting for users of the town centre. 	<ul style="list-style-type: none"> • reduced supply of on-site parking may result in people having to walk a greater distance to particular premises.
<p>Policy: By ensuring that car parking buildings and car parking areas either are sleeved with development containing active uses or are located underground or to the rear of existing development to avoid negative impacts on the streetscape.</p> <p>Rules: Restricted discretionary consents for buildings Bonus for underground car parking</p>	<ul style="list-style-type: none"> • streets will have high amenity, interest and enjoyment for pedestrians and other users rather than being dominated by car parking • a high quality built environment that will contribute to the identity of Newmarket as a premier shopping and business destination • innovative building design resulting from the need to ensure that car parking is screened from the street. 	<ul style="list-style-type: none"> • additional costs for resource consents for new buildings and additions and alterations • additional construction costs as underground car parking may be more costly than at grade or above ground car parking.
<p>Policy: By ensuring a continuous building frontage along Broadway and the eastern end of Khyber Pass Road.</p> <p>Rules: Vehicle access control</p>	<ul style="list-style-type: none"> • Broadway will be characterised by a streetscape with high amenity and interest for pedestrians and other users • increased safety for pedestrians using Broadway as there will be no conflict with vehicles • decreased conflict for traffic using Broadway as there will not be vehicles turning onto or off Broadway. 	<ul style="list-style-type: none"> • additional costs as vehicle access will have to be provided off another street frontage instead of Broadway.

The risk of acting or not acting

The risk of not implementing these policies and rules is that new development will not create a high quality built environment and consequently the overall identity, character and amenity of Newmarket will be decreased. The risk of implementing these policies

and rules is that they will result in additional costs on the applicant when developing a site.

On balance, it is considered that the benefits outweigh the costs because a high quality built environment is essential for the identity and on-going success of Newmarket as a town centre.

It is considered that the available research on the benefits of good urban design mean that there is sufficient information to be able to justify the policies and rules relating to urban design.

4.2.2 Transport

Policies	Benefits	Costs
<p>Policy: By limiting the supply of on-site car parking to a level which reflects the existing and future accessibility of Newmarket by public transport, the capacity of the road network, the existing car parking facilities and the mixed use nature of the town centre</p> <p>Rules: Revised parking standards</p>	<ul style="list-style-type: none"> • increased use of public transport and other transport alternatives to and from the town centre • increased incentives for new development and activities to establish in Newmarket given that less land or building space will need to be devoted to parking • less car parking infrastructure will result in more attractive built environment and higher amenity values. 	<ul style="list-style-type: none"> • less parking available on-site, which may mean that people have to walk greater distances to particular premises. • less parking available in the town centre overall which may make the town centre less attractive to some users.
<p>Policy: By avoiding new commercial car parking facilities (including the expansion of existing facilities) within Newmarket</p> <p>Rules: New commercial car parking facilities are a non-complying activity</p>	<ul style="list-style-type: none"> • increased use of public transport and other transport alternatives to and from the centre • less car parking infrastructure will result in more attractive built environment and higher amenity values. 	<ul style="list-style-type: none"> • loss of commercial opportunities as landowners will not be able to use their site for commercial car parking.
<p>Policy: By ensuring that facilities are established which encourage alternative forms of transport to private motor vehicles, such as cycle storage</p> <p>Rules: Cycle storage requirement</p>	<ul style="list-style-type: none"> • increased use of transport alternatives such as cycling and walking. 	<ul style="list-style-type: none"> • increased development costs as cycle storage facilities will need to be provided.

Policies	Benefits	Costs
<p>Policy: By locating high intensity development in close proximity to public transport modes.</p>	<ul style="list-style-type: none"> increased use of public transport due to the accessibility of public transport services by large numbers of people intense nodes of development help to create a built environment with a high level of character and vitality. 	<ul style="list-style-type: none"> concentrating development in one location draws development away from other locations.

The risk of acting or not acting

The risk of not implementing these policies and rules is that there will not be growth in the numbers of people using public transport and other alternatives such as cycling. As a result there will be an increase in the number of people using private vehicles.

The risk of implementing these rules is that there will be a lower availability of car parking in the town centre.

There is a significant body of research and planning documents, which promotes greater use of public transport using revised parking standards. This research makes potential risks of adopting these policies and rules less uncertain.

4.2.3 Growth

Policies	Benefits	Costs
<p>Policy: By utilising the Residential 8c zone to increase the development potential of the existing residential enclaves within Newmarket</p> <p>Rules: Residential 8c</p>	<ul style="list-style-type: none"> gives effect to the “growth strategy” an increased density of residential development will result in more people living in close proximity to public transport nodes and consequently will encourage increased use of public transport more people living around the town centre will enhance the viability of the retail and business activities in the centre more people living around the centre will enhance the feeling of safety and vitality in the centre by having people around 24/7 increased property values due to the increased 	<ul style="list-style-type: none"> an increased number of people in the centre means that there will be increased strain on infrastructure unless it is mitigated by each development an increased level of development in the residential zones may be viewed as negative by some residents.

Policies	Benefits	Costs
	development potential.	
<p>Policy: By increasing the number of sites on which residential development can occur within the town centre</p> <p>Rules: Rezoning from business 3 and 4 to mixed use</p>	<ul style="list-style-type: none"> the rezoning of business 4 zoned land to mixed use will mean that the activities and the scale and form of development in the town centre will be appropriate for an “urban living area” the rezoning of business 4 zoned land to mixed use will provide more opportunity for residential growth to occur in the town centre as it cannot occur in business 4 the rezoning of land from business 3 to mixed use will ensure an appropriate scale and form of development for the context of the area. 	<ul style="list-style-type: none"> increased costs for landowners as the controls on activities and built development in the mixed use zone are higher than in the business 4 zone a more limited range of business orientated activities can occur in the mixed use zone as compared to the business 3 zone rezoning from Business 3 to mixed use will lower the development potential, in terms of height, on these sites.

Policies	Benefits	Costs
<p>Policy: By requiring a high standard of amenity for occupants of new residential developments</p> <p>Rules: Restricted discretionary consents for new buildings Mix of apartment sizes Minimum apartment size Outlook controls Noise controls</p>	<ul style="list-style-type: none"> residents will have a high level of amenity due to the admission of sunlight, the size of apartments and the noise protection. the mix of apartment sizes will serve to ensure that a variety of household types can live in Newmarket which will add to the vitality and social character of the town centre innovative building development as a result of the need to ensure high levels of amenity. 	<ul style="list-style-type: none"> additional costs for resource consents additional costs in terms of design and construction of buildings the need to provide outlook and other amenities may mitigate the return on investment.
<p>Policies: By facilitating new development that will enhance the retail and business functions of the town centre By increasing scale and intensity of development provided for in the mixed use zone and thereby increasing the opportunity for residential, retail and business development to occur</p> <p>Rules:</p>	<ul style="list-style-type: none"> increased property values due to the increased development potential increased vitality of the town centre due to the increased level of development increased viability of existing activities in the town centre new activities moving to 	<ul style="list-style-type: none"> increased levels of development may add strain on infrastructure and the transport environment increased levels of development may be viewed as negative by some members of the community

Height Site intensity	the town centre in recognition of the increased development opportunities.	
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The risk of acting or not acting

The risk of not adopting these policies and rules is that increased levels of development in the town centre will not occur and as a result the viability of the town centre will decrease.

The risk of adopting these policies and rules is that the additional development will result in additional strain on infrastructure and the traffic environment unless it is mitigated by other policies and rules.

4.2.4 314-390 Khyber Pass Road

Policies	Benefits	Costs
<p>Policies: By requiring a comprehensive development plan to be approved, prior to the construction of any buildings on the site or any subdivision By ensuring development on the site is planned for and occurs in a comprehensive manner.</p> <p>Rules: Comprehensive development plan.</p>	<ul style="list-style-type: none"> • additional development potential has been provided on the basis that the development will occur in a comprehensive manner • a layout of development will be created which ensures that the development integrates with the surrounding environment and displays the principles of good urban design. 	<ul style="list-style-type: none"> • additional consent requirements for the landowner / developer • additional design costs as an overall concept for the whole site will need to be prepared rather than just for individual portions of the site.
<p>Policy: By requiring a high level of residential activity to occur within the mixed-use development (having regard to the site's location in an urban living area).</p> <p>Rules: Residential activity control</p>	<ul style="list-style-type: none"> • a high level of residential activity on the site will give effect to the "growth strategy" • residential activity at the western end of the site will integrate with the surrounding area • residential activity will support the public transport located near the site • residential activity will add to the vitality, safety and character of the site by creating a 24 hour people presence • residential activity will support the activities on the site and in the surrounding area 	<ul style="list-style-type: none"> • use of the site for a significant level of residential activity will lower the amount of other activities that can occur on the site.

Policies	Benefits	Costs
	<ul style="list-style-type: none"> residential activity will contribute to the diversity of activities occurring on the site. 	
<p>Policy: By providing high quality living environments for a variety of household types.</p> <p>Rules: Minimum apartment size and apartment mix control.</p>	<ul style="list-style-type: none"> residents will have a high level of amenity due to the admission of sunlight, the size of apartments and noise protection the mix of apartment sizes will serve to ensure that a variety of household types can live in Newmarket which will add to the vitality and social character of the town centre innovative building development because of the need to ensure high levels of amenity. 	<ul style="list-style-type: none"> additional costs for resource consents additional costs in terms of design and construction of buildings the need to provide outlook and other amenities may mitigate the return on investment.
<p>Policy: By providing for a significant level of business and retail development which will complement and enhance the existing activities within the town centre.</p> <p>Rules: Residential activity control Height Site intensity</p>	<ul style="list-style-type: none"> increased property values due to the increased development potential increased vitality of the town centre due to the increased level of business and retail development increased viability of existing activities in the town centre new activities moving to the town centre in recognition of the increased development opportunities. 	<ul style="list-style-type: none"> increased levels of development may add strain on infrastructure and the transport environment increased levels of development may be viewed as negative by some members of the community.
<p>Policy: By locating the activities in a manner that integrates with the surrounding areas, in particular the majority of residential development shall be located in the western portion of the site and the majority of retail and business activity in the eastern portion of the site.</p> <p>Rules: Site structure Comprehensive development plan</p>	<ul style="list-style-type: none"> the new development will complement and enhance the existing development in the town centre the certainty that activities will be appropriately located on the site means that higher levels of development can be provided for. 	<ul style="list-style-type: none"> limits the opportunities for development on the site. additional costs in terms of preparing an overall design so that it can be assessed for the level of integration with the surrounding environment.
<p>Policy: By ensuring that the visual form (bulk and massing) of building on the site is appropriate when experienced from within the site and from the wider Newmarket</p>	<ul style="list-style-type: none"> the development will relate to its context and Newmarket as a whole an appropriate form of development will contribute to the high 	<ul style="list-style-type: none"> additional costs for consents additional costs in terms of preparing an overall design so that it can be assessed to see if it is

Policies	Benefits	Costs
<p>area.</p> <p>Rules: Site structure Comprehensive development plan Height Site intensity</p>	<p>quality built environment of Newmarket</p> <ul style="list-style-type: none"> innovative building design and layout may result from the requirement to ensure appropriate development. 	<p>appropriate for the context and the wider Newmarket area.</p> <ul style="list-style-type: none"> the need to ensure appropriate development may limit the overall level of development on the site.
<p>Policy: By requiring a layout of development that:</p> <ol style="list-style-type: none"> interconnects with and creates positive relationships with the surrounding sites and activities is legible (easy to understand) and easy to move through, particularly for pedestrians will result in a network of streets that generally align with the surrounding street network. creates a unique ‘sense of place’ and urban character. <p>Rules: Site structure Comprehensive development plan</p>	<ul style="list-style-type: none"> a layout of development that interconnects with the surrounding area will mean that it is easy for people to get around the development a layout of development that is easy for people to understand will promote alternative forms of transport, such as walking a development that has a unique ‘sense of place’ will contribute to the high quality built environment of the town centre and also to the viability of the activities located in the development. 	<ul style="list-style-type: none"> additional costs for resource consents additional costs in terms of having to prepare an overall layout of development.
<p>Policies: By requiring open spaces that will be inviting and enjoyable for the public and will be focal points for people visiting and living on the site.</p> <p>Rules: Site structure Comprehensive development plan</p>	<ul style="list-style-type: none"> enjoyable and inviting open spaces will contribute to the ‘sense of place’ and character of the development high quality open spaces will contribute to the amenity of the development high quality open spaces will complement and support the other activities within the development open spaces which are inviting will provide areas for social interaction open spaces will contribute the overall quality of the built environment of the development. 	<ul style="list-style-type: none"> additional costs for resource consents additional costs in terms of having to prepare an overall layout of development having to ensure that the open spaces are inviting and enjoyable for the public may result in additional costs in terms of having to locate open spaces in desirable areas, ensuring that surrounding development does not have negative effects on the open spaces and having to use high quality materials.
<p>Policies: By requiring a street network that provides both east west and north-south connections</p>	<ul style="list-style-type: none"> limiting the access points to the site will help to ensure that the traffic environment of the site 	<ul style="list-style-type: none"> additional costs for resource consents additional costs in terms

Policies	Benefits	Costs
<p>By requiring the street network to be generally aligned with the existing street network that adjoins the site to the east and south</p> <p>By providing a connection through the site to Carlton Gore Road if possible</p> <p>By limiting the primary access points off Khyber Pass Road and ensuring that those access points, and any others to the site, are designed and located to avoid conflict on the adjoining road network and to give priority to passenger transport.</p> <p>Rules: Site structure Comprehensive development plan</p>	<p>does not conflict with the adjoining public transport network and other road users</p> <ul style="list-style-type: none"> • aligning the street network on the site with the adjoining street network will enhance the legibility of the site • providing connections through the site will increase the permeability of the site and thereby make the site easy to get around and through for cars and pedestrians • connections through the site will make it easier for people to get to the surrounding public transport nodes • aligning the street network on the site with the adjoining street network will create a layout of development (block size) that is consistent with those in the surrounding area. 	<p>of having to prepare and overall layout of the street network</p> <ul style="list-style-type: none"> • implementing the street network will add to the development costs of the site.
<p>Policies:</p> <p>By designing the street network to give priority to pedestrians</p> <p>By creating a high quality street network that gives priority to pedestrian movement and enjoyment.</p> <p>Rules: Site structure Comprehensive development plan</p>	<ul style="list-style-type: none"> • giving priority to pedestrians will promote walking through the site • giving priority to pedestrians will make it easier for people to move through the site to or from the public transport nodes • a high quality street environment will add to the character and identity of the development 	<ul style="list-style-type: none"> • additional costs for resource consents • additional costs in terms of having to prepare and overall layout of development.
<p>Policy:</p> <p>By ensuring that the activities on the site do not have an adverse effect on the functioning of the Newmarket traffic environment.</p> <p>Rules: Site structure Comprehensive development plan</p>	<ul style="list-style-type: none"> • development on the site will not add to the safety risks, congestion and conflict on the surrounding road network. 	<ul style="list-style-type: none"> • needing to ensure that activities on the site do not detract from the functioning of the road network may reduce the level and type of development that can occur.
<p>Policy:</p> <p>By encouraging grouped parking that serve multiple activities and/or buildings.</p>	<ul style="list-style-type: none"> • grouped parking may result in more efficient car parking buildings • a higher quality built 	<ul style="list-style-type: none"> • additional costs in terms of design and possibly implementation.

Policies	Benefits	Costs
Rules: Site structure Comprehensive development plan	environment given that car parking areas will not dominate the streetscape.	

The risk of acting or not acting

The risk of not adopting these policies and rules is that the site will be developed in an ad hoc manner and consequently not achieve the optimal layout of development on the site.

The risk of adopting these policies is that there will be additional time and costs incurred through the design and consent processes.

It is considered that the risk of not adopting these policies and rules are greater than the risks of acting as the risks associated with acting will only incur short term costs whereas the risks of not acting will have long term effects on the character, amenity and functioning of Newmarket.

4.2.5 Options

The following options are the main alternatives that the council has considered as a means of achieving the objectives:

- do nothing
- providing for growth in the residential population in the residential areas only
- providing for growth in the residential population by applying the residential 8a or 8b zones instead of the 8c zone
- not rezoning the site at 314-390 Khyber Pass Road from business 4 to mixed use

An analysis of each of the above options is set out below.

4.2.5.1 Option 1 – do nothing

Instead of preparing a plan change to provide for growth in Newmarket, the existing provisions of the Plan could be retained in their current format.

Benefits (including efficiency and effectiveness)	Costs
People are familiar with and understand the existing provisions.	Additional growth would not occur in the business zone areas of the town centre
The existing plan provisions do provide for residential development to occur e.g. in the residential 7 and mixed use zones.	The land within the town centre would not be used efficiently in that it would not be developed to its full potential.
	The urban design and character outcomes sought by the plan change would not occur and the built environment of Newmarket may be degraded over time.
	The transport outcomes sought by the plan change would not be achieved.
	The site at 314-390 Khyber Pass Road might be

	redeveloped in an ad hoc manner and for activities which may not be suitable for a urban living area.
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4.2.5.2 Option 2 – providing for growth in the residential population in the residential areas around the town centre only

Instead of providing for growth to occur throughout the Newmarket Growth Area Structure Plan area, growth could have been limited to the existing residentially zoned areas on the outskirts of the main town centre.

Benefits (including efficiency and effectiveness)	Costs
The site at 314-390 Khyber Pass Road could be used entirely for business orientated uses rather than residential.	Additional growth would not occur in the business zone areas of the town centre.
The provisions relating to the business zoned land in the town centre would not change and as such people will have certainty as to development potential in these areas (i.e. there will be not submissions or appeals on these rules).	The land within the town centre would not be used efficiently in that it would not be developed to its full potential.
There would not be additional strain on the infrastructure and the transport environment of the business zoned areas of the town centre.	The urban design and character outcomes sought by the plan change would not occur and the built environment of Newmarket may be degraded over time.
	The transport outcomes sought by the plan change would not be achieved
	The site at 314-390 Khyber Pass Road might be redeveloped in an ad hoc manner and for activities which may not be suitable for a urban living area.

4.2.5.3 Option 3 – Providing for growth in the residential population by applying the Residential 8a or 8b zones instead of the 8c zone

Instead of rezoning the Residential 7 areas to Residential 8c they could be rezoned to Residential 8a or 8b.

Benefits (including efficiency and effectiveness)	Costs
The form of development would be more similar to existing development, which may be desirable to some residents.	There would be a smaller number of additional residential units given that the residential 8a and b zones have density limits (1:150m2 and 1:100m2) and the residential 8c zone does not.
Fewer people in these areas would have less impacts in terms of traffic and infrastructure provision.	These sites would be underdeveloped which would be an inefficient use of land, particularly as the land is in an “urban living area” and is in close proximity to the town centre and the CBD.
	Lower development potential for landowners.

4.2.5.4 Option 4 – not rezoning the site at 314-390 Khyber Pass Road

The existing Business 4 zoning on the site at 314-390 Khyber Pass Road could have been retained instead of re-zoning it to mixed use and requiring a comprehensive development plan process.

Benefits (including efficiency and effectiveness)	Costs
The site could continue to be used for business 4 type activities.	Residential activity could not occur on the site, as it is not provided for in the Business 4 zone and therefore would not be contributing to the growth outcomes sought for the Newmarket urban living area.
There would not be additional consent costs for the landowner.	The activities on the business 4 zoned land could have had negative effects (in terms of both built form and activities) on the surrounding mixed use development.
There would not be additional urban design requirements for the landowner.	The site could have been developed in an ad hoc manner. Particularly, the site could be subdivided into 200m ² parcels.

4.2.6 Conclusion

It is considered that the most appropriate option is to provide for growth as sought in proposed plan change 196 – Newmarket Growth Area Structure Plan. This is because this plan change provides a comprehensive and integrated framework for the efficient use of existing residential and business zoned land and ensures that the potential effects of such use and development are managed. The plan change also ensures that growth will occur in a manner which enhances the sub-regional function of the town centre.

4.3 Whether the proposed rules assist the council to carry out its function of control of actual or potential effects of the use, development or protection of land

The proposed policies and rules assist the council to carry out its function of the control of actual or potential effects of the use and development of land because the policies and rules ensure that the potential effects of the increased development provided for by the plan change are avoided, remedied or mitigated, particularly the potential effects on the built and transport environments of Newmarket.

5.0 National planning documents

5.1 National and NZ coastal policy statements

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
 - (a) any national policy statement; and
 - (b) and any New Zealand coastal policy statement; and
 - ...

There are no national planning documents that are relevant to plan change 196 – Newmarket Growth Area Structure Plan.

5.2 Hauraki Gulf Marine Park Act 2000 (HGMPA)

Section 9(3) of the Hauraki Gulf Marine Park Act 2000, requires the council to ensure that:

... any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 of this Act.

Section 7 recognises the national significance of the Hauraki Gulf and Section 8 provides management direction for the Gulf. Section 10 of the Act requires that sections 7 and 8 be treated as a New Zealand coastal policy statement under the RMA. Sections 7 and 8 are attached as **appendix A**.

The Newmarket Growth Area Structure Plan area is within a catchment of the Hauraki Gulf. The provisions of the plan change give effect to the HGMPA by ensuring that all new development will be adequately serviced in terms of stormwater and wastewater infrastructure and thus will not have a negative effect on the catchments of the Hauraki Gulf.

6.0 Regional planning documents

6.1 Regional policy statement

Section 75(3) of the RMA states:

- (3) A district plan must give effect to –
 - ...
 - (c) any regional policy statement.

The Auckland Regional Policy Statement contains a number of provisions relating to growth. These provisions were incorporated by plan change 6 to the policy statement (a copy of the policy statement as amended by plan change 6 is attached as **appendix B**).

Plan change 196 – Newmarket Growth Area Structure Plan gives effect to the Auckland Regional Policy Statement as the plan change provides for growth in a location which is in accordance with the “growth strategy” and in a manner which ensures that any potential effects resulting from that growth will be avoided, remedied or mitigated.

6.2 Regional plan

Section 75 (4) of the RMA states:

- (4) A district plan must not be inconsistent with –
 - ...
 - (c) a regional plan for any matter specified in section 30(1).

There are no regional plans that are relevant to plan change 196 – Newmarket Growth Area Structure Plan.

7.0 Other documents

There are a number of background reports and documents that are relevant to plan change 196 – Newmarket Growth Area Structure Plan. These are:

- Newmarket’s future framework
- Auckland City: Growth Management Strategy, Auckland City Council, December 2003
- Sense of Place: Auckland in the Pacific, Auckland City Council 2001.
- Newmarket Heritage Study, Report to Focus Newmarket group, Dinah Holman, February 1996
- Newmarket its Role and Position in the Auckland Region, Patrick and Partners, June 2002
- Draft Urban Design Guidelines, Sinclair Knight Mertz, September 2003
- Newmarket – District Plan Parking Provisions, Hill Young Cooper, May 2007

8.0 Procedures for monitoring

The council will monitor the effectiveness of plan change 196 – Newmarket Growth Area Structure Plan as a means of achieving the objectives and policies by:

- monitoring resource consents including the number of applications granted consent, compliance with consent conditions, and the effectiveness of those conditions
- monitoring complaints and enforcement actions
- monitoring trends through analysing statistics (e.g. car parking availability and public transport use).

9.0 Conclusions

The objectives contained in the plan change are considered the most appropriate as they provide for the economic wellbeing of the community and the efficient use and development of land. In addition, the objectives also ensure that a high quality built environment will occur in Newmarket along with a high standard of amenity for residents and other users of the town centre.

The policies and rules contained in the plan change are considered to be the most appropriate as they are efficient and effective and as the benefits of the policies and rules will outweigh the costs, particularly as the benefits will accrue long terms gains to the wider Newmarket area.

The objectives, policies and rules are consistent with the council’s functions under the Act as the ensure that any adverse effects of the additional use and development provided for by the plan change will be avoided, remedied and mitigated.

Appendix A

Hauraki Gulf Marine Park Act 2000

Section 7 states as follows:

Recognition of national significance of Hauraki Gulf

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
 - (a) to provide for—
 - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - (ii) the social, economic, recreational, and cultural well-being of people and communities:
 - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
 - (c) to maintain the soil, air, water, and ecosystems of the Gulf

Section 8 states as follows:

Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.