

**ROCKLANDS AVENUE, BALMORAL**

**PROPOSED PLAN CHANGE**

**REQUESTED BY THE WAREHOUSE LIMITED**

**STATUTORY ASSESSMENT REPORT**

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**Planning Network Services Limited**  
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**Documentation:**

1. Proposed Plan Change
2. Statutory Assessment Report *prepared by Planning Network Services Limited*
  - Annexure A:** Aerial Photograph
  - Annexure B:** Photographs of the Site and Environs
  - Annexure C:** Objectives and Policies for Business Activity
  - Annexure D:** Land-use Survey Balmoral Shopping Centre *November 2009.*
  - Annexure E:** Summary of Persons consulted
3. A copy of Designation (D07-30)
4. Site Contamination Investigation Report *prepared by Tonkin & Taylor February 2010*
5. Geo-technical Report *prepared by Tonkin & Taylor Limited*
6. Services Infrastructure Report *prepared by Stiffe Hooker Limited.*
7. Integrated Transport Assessment *prepared by FLOW Traffic Engineering Consultants February 2010*
8. Pareemics Modelling Report *prepared by Aurecon*
9. Acoustic Report *prepared by Marshall Day Acoustics Limited*
10. Plan

# BALMORAL PLAN CHANGE REPORT

## 1 INTRODUCTION

### 1.1 This report

The Warehouse Ltd has made a request to the Auckland City Council for a private plan change to rezone land adjacent to the Balmoral town centre from Residential 6b and 6a zoning to Commercial 2 zoning. This report forms part of that request, provides explanation, information and background to the plan change, and provides the various assessments required under the Resource Management Act, 1991 (the Act or RMA) for preparation of plan changes. The report includes a review of the statutory requirements, an assessment of effects on the environment and a section 32 evaluation. It is noted that the registered owner of the site is Eldamos Investments Limited, a property owning subsidiary of The Warehouse Group.

### 1.2 Other Reports

Specialist reports have been prepared to support the proposed plan change as follows:

- Contamination Site Investigation Report *prepared by Tonkin and Taylor Ltd;*
- Geo-technical Report *prepared by Tonkin and Taylor Ltd;*
- Services Infrastructure Report *prepared by Stiffe Hooker Ltd;*
- Integrated Traffic Assessment *prepared by Flow and Aurecom;*
- Acoustic Report *prepared by Marshall Day Acoustics Limited.*

Those reports have been relied on in preparation of the assessments contained in this report.

### 1.3 Background

In 1993 The Warehouse opened a branch store at Balmoral in a former supermarket building and utilising existing car parking partly on site and partly leased on an adjoining site. The company consolidated its ownership of land within the Business 2 zone with the intention of redeveloping the site to establish a larger branch store on the site. This site is zoned B2 has an area of 9666m<sup>2</sup> and frontage to Balmoral Road and Rocklands Avenue.

Development plans were delayed when the Auckland City Council notified a notice of requirement to designate land along Dominion Road for a passenger transport facility and associated works in 2001 (PM37). This designation provides for a public transport route to swing off Dominion Road at Balmoral Road through a transport centre to be established behind the shops fronting the eastern side of the road and swinging back onto Dominion Road through the Rocklands Avenue intersection.

This designation is 12.5m wide and passes directly through the existing The Warehouse store and adjoining shops also owned by The Warehouse. It occupies approximately 1500 m<sup>2</sup> of The Warehouse site. The company submitted in opposition and appealed against the Council's

decision to approve the designation. The company withdrew its appeal on receiving certain written assurances from the Council.

The designation was made effective on 9 July 2004 and lapses on 8 July 2016. A copy of the Designation (D07-30) is included in the request (*Document 3*).

Once land is taken for the public transport route under the designation, the remaining site would not be large enough to accommodate the scale of new store planned by the company and needed to properly serve the central isthmus catchment. Consequently, the company set about acquiring some additional land to compensate for this loss. This included a parcel of land of 2040m<sup>2</sup> from the adjoining Auckland Deaf Society (now part of 178 Balmoral Road) and a residential site having an area of 577m<sup>2</sup> at 16 Rocklands Avenue. Both of these parcels are zoned residential and are the subject of this proposed plan change for a rezoning to Business 2 zone.

## 2 THE PROPOSED PLAN CHANGE

As shown on the plan change map (*Document 1*) it is proposed to rezone the following two residential properties to Business 2 zoning:

- (a) Rezone the property at number 16 Rocklands Avenue from Residential 6a to Business 2. This property is legally described as Lot 9, DP4365, CT NA52B/839. It has an area of 577m<sup>2</sup> and a frontage to Rocklands Avenue of 16.15m. (the Rocklands land);
- (b) Rezone a parcel of land located midway between Balmoral Road and Rocklands Avenue adjoining the eastern edge of the Business 2 zone from Residential 6b to Business 2. This property is legally described as Lot 1, DP365336, CT NA264800 and has an area of 2040m<sup>2</sup>. Note that this title also contains other land (Pt Lot 4, DP 59284) which is not part of the proposed plan change and is already zoned Business 2. (The Central land)

This proposed rezoning will extend the Business 2 zoning of the Balmoral shopping centre by a little more than the area that will be lost to the designated public transport facility. It will also have the effect of straightening the eastern boundary of the Business 2 zone in this locality. At present, the central land is a finger of Residential zoned land intruding into the main body of the Business 2 zoned land.

No changes are proposed to objectives and policies or rules relating to the Business 2 zone.

## 3 LAND SUITABILITY

### 3.1 Introduction

The purpose of this section of the report is to demonstrate that the land the subject of the plan change has the physical and servicing capability for commercial development of the kind that would be authorised by the proposed Business 2 zone. An aerial photograph of the site and its immediate environs on which is identified the overall TWL site and the parcels of land subject to the plan change is attached in **Annexure A** to this report.

### 3.2 Current Condition and Use

The land proposed to be rezoned and the total The Warehouse site is illustrated by the photographs in **Annexure B** to this report.

All of the land in The Warehouse ownership is relatively flat. Except for the Rocklands land, the overall site has been developed with shop buildings along the western side extending from Balmoral Road to Rocklands Avenue and the remainder is primarily sealed and marked out for car parking. The Warehouse store is spread across three tenancies and has a gross floor area of 1803m<sup>2</sup> including a separate storage facility.



*Photo 1: The Warehouse as viewed from car park entrance off Balmoral Road*

Balmoral is one of the smallest stores in The Warehouse national chain and the current arrangement by its size and split between three tenancies has always been seen as a temporary measure. However, the advent of the public transport facility designation has interrupted the company's plans to build a new store on the site. Other activities on the site are a coffee shop, a fruit and vege shop and a gift shop with a combined GFA of 373m<sup>2</sup>.



*Photo 2: Rocklands Avenue entrance to TWL site*

There is little landscaping on the site comprised mainly of a small area of landscaping on the Balmoral Road frontage.

Prior to its purchase by The Warehouse, the central land was owned by the Auckland Deaf Society and was part laid out as a sealed car park and part occupied by a row of small flats occupied by members of the Society. The flats were demolished prior to transfer to TWL and that part of the land has been grassed. This parking area is not currently used by The Warehouse.



*Photo 3A: View of central land to be rezoned – Balmoral Road end*



*Photo 3B: View of central land to be rezoned – Rocklands Avenue end*

The Rocklands land is occupied by a dwelling and garage generally set out, landscaped and used for private family living.



*Photo 4: 16 Rocklands Avenue*

### 3.3 Geo-technical Condition of Site

A geo-technical study of the whole TWL was undertaken by Tonkin & Taylor Limited (*March 2006*). This investigation utilised machine drill bore holes and hand auger bore holes and covered the whole of the TWL site including the land proposed to be rezoned. In brief, the whole site is underlain by a basalt lava flow formation. Towards the south-western corner covering over the basalt is thin comprised mainly of a surface layer of asphalt and hard fill. Towards the north-west the surface of the basalt deepens surmounted by broken basalt, tuff and fill to a depth of up to 1.6m. In the eastern part of the site south of the service station there is a

fill layer 0.6 – 1.7m thick. The fill is organic and comprises sand and gravel with pockets of silt material.

Tonkin & Taylor conclude that the site is suitable for commercial development and makes some recommendations with respect to the design of foundations.

In December 2009 T&T prepared a further report limited to the two parcels of land proposed to be rezoned by this plan change (*Document 5*) with the following conclusions:

*"A preliminary geotechnical assessment has been undertaken for the two subject properties in Balmoral, Auckland. Based upon historical investigation data and information from our geotechnical database, the following conclusions and recommendations are provided:*

- *We consider both sites are suitable for the proposed developments;*
- *Any temporary or permanent excavations should be designed based upon recommendations provided in Section 7.1;*
- *Shallow or piled foundations are considered suitable for the proposed on grade developments;*
- *Non-engineered fill should be removed from 'Site A', and is not considered suitable for placement on 'Site B'. A fill specification should be developed later in the design stage;*
- *The existing non-engineered fill is not considered suitable for a slab on grade. This material should either be removed and/or replaced with suitable materials outlined in Section 7.4;*
- *Settlements, both total and differential are expected to be within acceptable values but should be analysed in detail once foundation dimensions are available;*
- *The non-engineered fill on 'Site A' should be treated as contaminated based upon historical environmental drilling and sampling results. All fill removed from the site should meet the recommendations outlined in the Tonkin & Taylor Environmental Report."*
- *From a geo-technical point of view, the site is suitable for development of the kind that would be authorised by the proposed plan change.*

### 3.4 Services

The following information has been drawn from the Services Infrastructure Report prepared by Stiffe Hooker Limited. (*Document 6*)

#### 3.4.1 Stormwater Disposal

There is no reticulated stormwater adjacent to the site and all stormwater from existing development on the whole TWL site as well as the land proposed to be rezoned from is disposed of to soak holes. Existing soak holes and catch pits are identified on a drawing annexed to the Stiffe Hooker report.

Commercial development of the site by way of buildings and hard surfaces will cover virtually the whole site. Disposal of stormwater from the developed site would be as follows:

- Roof stormwater to be collected to a holding tank and that water used to supply non potable water requirements on the site.

- Excess roof water and surface stormwater will be discharged to soak holes at suitable positions on the site. For such new soak holes locations will need to be proved in accordance with Auckland City guidelines.

Experience on the site and in the area generally gives confidence that disposal of stormwater by soakage can be achieved on the rezoned land without significant difficulty.

#### 3.4.2 Sewage Disposal

Sewage discharge from the site when fully developed is expected to be only a little greater than current discharges from the property. The existing 225mm diameter sewer will easily accommodate this flow.

#### 3.4.3 Water Supply

The estimated water demand for full development of the whole TWL site is 10 – 20m<sup>3</sup> per day. This supply will be sourced from the existing 100mm diameter mains in either Rocklands Avenue or Balmoral Road.

Development of the existing TWL site disregarding the transport designation along its western side is potentially as large as 6280m<sup>2</sup> GFA. Development potential after rezoning but excluding the designated land could be as high as 7000m<sup>2</sup> GFA or an increase of 720m<sup>2</sup> attributable to the rezoning. On that basis, the share of the above water demand arising from rezoning of the subject land would be approximately 10%.

Although not directly attributable to the propose rezoning, it is noted that a The Warehouse store of approximately 6,000m<sup>2</sup> floor area would be sprinklered. A sprinkler water supply of 4000 litre/min would be required. This rate of water supply will need to be supplied from an on-site sprinkler water storage tank of 225m<sup>3</sup> capacity.

Appropriate water supply can therefore be provided for full commercial development of the site as well as for development attributable to the proposed rezoning.

#### 3.4.4 Energy and Telecommunications

Energy and telecommunications networks could join the site and the services will be provided on the usual private commercial contract basis.

### **3.5 Rooding and Access**

The surrounding rooding network is more fully described in the Integrated Transport Assessment (ITA) prepared by FLOW consultants. In brief, Dominion and Balmoral Roads are classified under the District Plan as regional arterials and Rocklands Avenue is a local road. These two arterials traverse the Auckland isthmus more or less centrally from north to south and east to west providing primary access for the TWL site to the greater part of the isthmus forming a strategic and large retail catchment.

At present access to the TWL site is by way of:-

- Two-way access from Rocklands Avenue near the western side of the site;

- Separate left in and out left accesses from and to Balmoral Road near the buildings towards the western side of the site;
- The central land subject to this plan change is accessed from the adjoining TWL carpark
- The service station in the North Eastern Corner of the site has left in and left out to and from Balmoral Road:
- The property at 16 Rocklands Avenue subject to this plan change has two way access to Rocklands Avenue.
- Service access is by way of a right of way/serviced lane which runs from Rocklands Avenue behind the Dominion Road shops. This provides service access to the rear of The Warehouse store and the other shops on the TWL site as well as to the Dominion Road shops. When the designated public transport centre is constructed the remainder of the TWL site will be cut off from this service access

At present, access to Balmoral Road and Rocklands Avenue works safely and efficiently. As traffic through the intersection of Dominion Road and Balmoral Road builds up over time and when the new transport facility is constructed, access to Balmoral Road will need to be reviewed and a new service access to the TWL site will be required. The proposed rezoning extending the business 2 zone to the east will open up an option for both customer and service access to be located at a greater distance from the Dominion Road/Balmoral Road intersection and thereby increase the capability for safe and efficient access to be provided to the site. Assessment of this is contained in the ITA.

### 3.6 Contamination

A site contamination investigation was carried out by Tonkin & Taylor Limited for the whole TWL site using tests bores across the site (*December 2009: Document 4*). The following extract from the Tonkin & Taylor report summarises light contamination identified by the study in soils and groundwater:-

*“The results of the ground contamination assessment works indicate that fill materials across the site are characterised by relatively low metals concentrations and TPH and BTEX concentrations that are mostly below the laboratory limit of detection. However, lead and zinc concentrations have been recorded slightly above ARC Permitted Activity acceptance criteria in a small number of samples of fill material. The investigation data indicates the fill in the north and east parts of the site extend to depths of between 0.8 m and 1.7 m over basalt rock. Shallower fill exists over the remainder of the site. Samples collected from across the site all indicate one or more metals above background ranges for volcanic soils. But, with the exception of one sample (zinc in WS16 at 0.6m), no contaminant concentrations exceeded 1000 mg/kg. Based on the levels and distribution, the metals contamination of fill soils appears fairly widespread but, in general, not at significant concentrations. The site’s history included numerous sources of potential contamination (refer Section 4). Although the metals and hydrocarbon contamination is typical of its history, due to the absence of detailed information about the site’s past use, it is difficult to relate specific uses to specific contamination. The testing conducted indicated metals levels decreasing with depth to levels similar to background at many locations sampled. For example, the highest metals concentrations were encountered at WS16 at 0.6 m and the sample below (WS16 at 0.9 m) indicated significantly reduced concentrations. Based on this general reduction to near background levels at most locations, the potential effects on groundwater are considered de minimis. The heavy end hydrocarbon contamination in the soils is characteristic of*

*degraded, weathered fuels and oils which pose less significant environmental risk than higher end (C7-C9 range). The concentrations do not exceed the MfE hydrocarbon guidelines acceptance criteria protective of human health for the land use or those protective of groundwater.*

*Groundwater quality data has been collected from two monitoring wells installed beneath the BP Petrol Station. Contaminant levels in the groundwater are generally low and below the ANZECC trigger value for the protection of 80% of freshwater species, except for zinc, which is above the trigger value of 0.031 mg/l in both wells. However, the zinc concentrations are in the same range as data recorded from the Tiwai Road Bore (<0.005 mg/l to 0.125 mg/l) by the ARC as part of the long term baseline groundwater chemistry programme. This indicates the elevated zinc concentrations are naturally occurring.”*

This indicates that light soil contamination has been identified consistent with most older commercial/industrial sites in the Auckland area. With appropriate surface treatment the overall TWL site will meet safety requirements for commercial use. It is anticipated that future development proposals in accordance with the changed zoning will require a formal site investigation report and remediation action plan. The light contamination identified is not exceptional and does not represent any obstacle to the proposed rezoning or full commercial development of the site.

To further clarify potential contamination issues related to the proposed rezoning a further report was prepared by T&T relating only to the two parcels of land proposed the rezoned (*Document 5*).

### 3.7 Balmoral Centre Relationship including Function and Connectivity

At present, the Balmoral Shopping Centre is divided into four main parts with little connection between them as follows:-

- The main traditional old strip shopping centre, flanking both sides of Dominion Road southwards from Balmoral Road to Kensington Avenue. There is virtually no off-street customer parking for many of the shops and other activities fronting Dominion Road.



*Photo 5: Corner of Dominion Road and Rocklands Avenue looking north to Balmoral intersection*

- A small area north of Balmoral Road, on the western side of Dominion Road. This area contains a small number of shops, KFC Restaurant and the Mt Eden Memorial Hall.



*Photo 6: Corner Balmoral Road and Dominion Road looking towards the north-west*

- The Warehouse site, containing a branch store and three other small shops adjoined by a small retail and catering complex fronting to Rocklands Avenue (8-14 Rocklands Avenue). The only connections between this area and shops along Dominion Road are via the public footpaths along Rocklands Avenue and Balmoral Road.



- East of The Warehouse site along Balmoral Road is the Auckland Deaf Society offices, social club and gymnasium and a restaurant. The Auckland Deaf Society development is seen as part of the Balmoral Town Centre by proximity. However, the only connection is, again, via the public footpath along Balmoral Road and the complex tends to operate as a self contained entity.



*Photo 7: From Potters Park east towards Auckland Deaf Society*

In **Annexure D** to this report is the result of a land-use survey of Balmoral Shopping Centre conducted in November 2009. Although very strategically located at the intersection of the two most important arterial routes crossing the Auckland Isthmus, the centre has experienced fluctuating fortunes over several decades. Nonetheless, its continued vitality and viability reflects its strategic location and is expected to perform as an appropriate node around which future intensification can be promoted.

Originally developed early last century around a tram stop and strategic crossroads, Balmoral was a typical Auckland suburban strip shopping centre providing most of the retail needs for its

surrounding community. When St Luke's and Lynnmall planned enclosed shopping centres were developed, in the late 60s and early 70s, the Balmoral Shopping Centre along with several other suburban strip centres experienced a significant loss of trade and many of the local fashion and general merchandise shops were unable to compete with the new centres.

Both the local cinema and supermarket closed and a commercial transition occurred as the centre adapted to the new trading environment. As has happened in many traditional suburban centres in Auckland, there has been a significant increase in personal services such as hairdressing, and in dining/take-away/tavern enterprises. In addition, at Balmoral, a strong Asian influence has developed with well over 50% of enterprises run by Asian entrepreneurs and geared towards Auckland's Asian community.

Today, the Balmoral Centre has approximately 130 business units of which 27.7% are in the food and beverages category, and the same number in retail. Clothing and fashion is almost absent (noting however that The Warehouse has a strong clothing/fashion department). There are no fewer than 12 convenience shops and 20 general merchandise units reflecting the strength of the centre as a whole. Personal services account for 12.3% of the units of which a surprising 12 units are beauty/hairdressing enterprises. Some 10.8% of the units are commercial services. Within this mix, The Warehouse is by far the largest store. Although there appears to be relatively little cross shopping between The Warehouse and other businesses in the centre, it nonetheless acts as a draw card drawing significant numbers of customers thereby identifying Balmoral as a destination for a much wider catchment than the immediate surrounding community.

Although the Centre has no supermarket, the spread of functions reflects its underlying strength further evidenced by the very low vacancy rate of 1.5%. Its main weakness is its lack of integration and connectivity. During the daytime retail and services dominate with the food and beverages sector, accounting for 27.7% of the units, is relatively inactive with the roles reversed during the evening. Thus, at the centre tends to operate as a series of disparate parts both functionally and physically.

Introduction of the public transport facility along the designated route will potentially further disconnect the various parts of the town centre (although bringing the benefits of improved public transport with it). It will be necessary for the Council to provide adequate pedestrian connections westwards to Dominion Road and eastwards to the TWL site. Maintaining and improving connections is important not least because The Warehouse store is the single biggest retail activity in the whole of the town centre.

It is of fundamental importance to the long term vitality and viability of the centre that The Warehouse is enabled to redevelop with a larger store. Rezoning the small areas of land to Business 2 as proposed by this plan change will restore the capacity to the TWL site to enable such redevelopment to take place. Without the plan change the TWL site will lack the capacity desirable for development to keep pace with the market and to support the town centre in the future.

### **3.8 Development Scenarios**

Two development scenarios have been prepared as the basis for assessment of effects on the environment of the level of development that would be enabled by the proposed rezoning. Each

will be referred to in this report and have also particularly been used as the basis of analysis for the integrated transport assessment prepared by FLOW Traffic Engineering Consultants.

Development Scenario 1 estimates the potential development of the Business 2 zoned part of the TWL site as if the transport designation over the site did not exist. This represents the development anticipated by The Warehouse before the designation was introduced.

Development Scenario 2 estimates potential development of the TWL site including the land now proposed to be rezoned to Business 2 but excluding the land designated for a public transport facility.

Comparing these two scenarios allows an estimate to be made of the additional development that will be enabled by the proposed re-zoning after taking the effect of the designation land in to account. In estimating the development potential under each scenario, it has been assumed that development will be maximised by the use of a car parking structure and /or providing parking in two levels above the proposed new The Warehouse store. This is a very conservative approach because in planning for large format retail a development efficiency of 35 - 40% is normally used. That is GFA = 35 – 40% site area. In the following scenarios a very high efficiency of 62% has been used.

The land areas involved are as follows:-

- Zoned Business 2 = 9666m<sup>2</sup>
  - Zoned Residential 6b (the former Deaf Society land) = 2040m<sup>2</sup>
  - Zoned Residential 6a (Rocklands Avenue land) = 577m<sup>2</sup>
- TOTAL SITE AREA = 12283m<sup>2</sup>

Estimated area taken by the Designation plus small isolated pieces cut off by the Designation, is approximately 1500m<sup>2</sup>.

### 3.8.1 Estimated Development Potential – Scenario 1

Development of the B2 zoned land without the Designation with use of a parking structure and/or parking above the store has been estimated at a high 62% development efficiency. This will yield 9666m<sup>2</sup> x 0.62 = 6280m<sup>2</sup> GFA.

This has been tested by estimating the parking area required at a ratio of 1space: 20m<sup>2</sup> GFA, and allowing for access, ramping and landscaping. It is tight but achievable.

### 3.8.2 Estimated Development Potential – Scenario 2

Development of the whole site excluding the designated public transport land assuming a 62% development efficiency. This will yield 107832 x 0.62 = 7000m<sup>2</sup> GFA.

The difference between the two scenarios is only 720m<sup>2</sup> GFA. (If a development efficiency of 40% had been used the difference would only be 460m<sup>2</sup>).

## 4 STATUTORY FRAMEWORK

In this part of the report attention will be drawn to the statutory requirements under the Resource Management Act, 1991 with respect to the preparation, contents and assessment of a plan change and to confirm that these requirements have been satisfied with respect to this proposed plan change.

### 4.1 Preparation of a Private Plan Change

Section 73 (2) of the Act provides that:

*Any person may request a territorial authority to change a District Plan, and the plan may be changed in the manner set out in schedule 1*

Clause 21 of Schedule 1 repeats that provision and clause 22 sets out the form of the request:

- (1) *A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.*
- (2) *Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

All of those requirements were identified matters to be intended to during the preparation of a plan change and have been complied with by the material contained in this report.

Clause 3 of the first schedule sets out requirements for consultation, the relevant parts of which state:

- (1) *during the preparation of a proposed policy statement or plan, the local authority concerned shall consult -*
  - (a) *The Minister for the environment; and*
  - (b) *Those other ministers of the Crown who may be affected by the policy statement or plan; and*
  - (c) *Local authorities who may be so affected; and*
  - (d) *The tangata whenua of the area who may be so affected, through iwi authorities; and*
  - (e) *The board of any foreshore and seabed reserve in the area.*
- (2) *A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*

The Ministry for the Environment advises that for minor local private plan changes notification of the proposed change is all that is required. No other Ministers of the Crown on local authorities will be affected by the change.

Clause 3B sets out requirements for consultation with Iwi authorities in more detail. However, the consultation requirements in these clauses apply to local authorities and do not appear to be an obligation on persons preparing a private change. Nonetheless, consultation has been undertaken with Ngati Whatua as the relevant Iwi authority and this is discussed in a later section of this report.

## 4.2 Matters to be considered by Territorial Authority

Section 74 specifies matters to be considered by a territorial authority in the preparation or change of its plan.

*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.*

- (2) *In addition to the requirements of [section 75\(3\) and \(4\)](#), when preparing or changing a District Plan, a territorial authority shall have regard to—*
- (a) any—  
proposed regional policy statement; or  
proposed regional plan of its region in regard to any matter of regional significance or for which the regional Council has primary responsibility under [Part 4](#); and*
  - (b) any—  
management plans and strategies prepared under other Acts; and  
[Repealed]  
(ii) relevant entry in the Historic Places Register; and  
regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—  
to the extent that their content has a bearing on resource management issues of the district; and*
  - (c) the extent to which the District Plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

(2A) *A territorial authority, when preparing or changing a District Plan, must—*

*take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and*

*recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.*

- (3) *In preparing or changing any District Plan, a territorial authority must not have regard to trade competition or the effects of trade competition*

To the extent that they are relevant, all of these provisions have been complied with. The Regional Policy Statement and Proposed Change 6 to it have been considered (see section on objectives and policies below). The only relevant management plans or strategies prepared under other Acts are the Regional Land Transport Strategy and the Regional Growth Strategy. These are discussed in a separate section below.

## 4.3 Contents of a Plan Change

The statutory framework for the content of a plan change is found in:-

- Section 72 Purpose of District Plans
- Section 75 Contents of District Plans
- Section 76 District Rules

Section 72 states the purpose of District Plans:

*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.*

Section 31 of the Act sets out the functions of territorial authorities under the Act from which subsections (a) and (b) are relevant:-

*(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 76 of the Act sets out limitations and requirements for the setting of district rules from which section the following is considered to be relevant to assessment of a Plan Change:-

- (1) A territorial authority may, for the purpose of-  
Carrying out its functions under this Act; and  
Achieving the objectives and policies of the plan,-  
Include in its District Plan rules which prohibit, regulate, or allow activities.*
- (2) ...*
- (2A) ...*
- (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;”*

All of these requirements are reflected in the section 32 evaluation and other evaluations contained in this report. Actual or potential effects on the environment of development enabled by the plan change have also been assessed.

#### **4.4 Evaluation of Proposed Plan Change**

Section 32 of the Act sets out assessment and analysis requirements before any District Plan provision is adopted (or other method) and this requirement is central to consideration of any proposed plan change. Section 32 states:-

- (1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under [section 48](#), or a regulation is made, an evaluation must be carried out by—*
  - (a) the Minister, for a national environmental standard or a national policy statement;*
  - or*
  - (b) the Minister of Conservation, for the New Zealand coastal policy statement; or*
  - (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under [clause 25\(2\)\(b\)](#) of Schedule 1);*
  - or*
  - (d) the person who made the request, for plan changes that have been requested and the request accepted under [clause 25\(2\)\(b\)](#) of the Schedule 1.*
- (2) A further evaluation must also be made by—*
  - (a) a local authority before making a decision under [clause 10](#) or [clause 29\(4\)](#) of the Schedule 1; and*
  - (b) The relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*
- (3) An evaluation must examine—*
  - (a) the extent to which each objective is the most appropriate way to achieve the purpose of this 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 a*
  - (4) *For the purposes of the examinations 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.*
  - (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
  - (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made*

All of the evaluation requirements for a proposed plan change ultimately relate back to the purpose of the Act set out in Section 5 as follows:-

## **5 Purpose-**

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

*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-*

*Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

A section 32 evaluation of the Proposed Plan Change is included in this report in accordance with the above requirements.

## **4.5 Eldamos Tests**

The various sections of the Act quoted above are all inter-linked when it comes to assessing a proposed Plan Change as required under Section 32 of the Act. The Environment Court has considered evaluation requirements and summarised them as follows:

- A** *An objective in a District Plan is to be evaluated by the extent to which:*
  - (a) *It is the most appropriate way to achieve the purpose of the act (s32(3)(a));*
  - (b) *It insists the territorial authority to carry out its functions in order to achieve the purpose of the act (s 72); and*
  - (c) *It is in accordance with the provisions of part 2 (s 74(1))*
- B** *A policy, rule or other method in a District Plan, is to be evaluated by whether:*
  - (a) *It is the most appropriate way to achieve the objectives of the plan (s 32 (3)(b)); and*
  - (b) *It assists the territorial authority to carry out its functions in order to achieve the purpose of the act (72);*
  - (c) *It is in accordance with the provisions of part 2 (s 74 (1)); and*
  - (d) *(If a rule) it achieves the objectives and policies of the plan (s 76(1)(b)).*

*(See Eldamos Investments Ltd v Gisborne District Council DC W047/05)*

In this proposed plan change no new or amended objectives or policies are proposed. Hence, only part B of the above in relation to rules and other methods needs to be applied in to this case.

## 5 EFFECTS ON THE ENVIRONMENT

### 5.1 Potential Adverse Effects

Section 76(3) requires that in making a rule regard shall be had to the actual and potential effects on the environment of activities. In relation to this plan change consideration has been given to potential effects on the environment of activities that would be authorised by the rezoning. From a practical point of view, the plan change will only enable an increase in potential retail floor of 720m<sup>2</sup>. Potential adverse effects arising from such a small development would be insignificant overall but the greatest focus should be on effects at the residential interface.

However, a more conservative approach has been taken in this assessment by considering both the effects of total development potentially achievable on the whole TWL site as well as the incremental increase generated by the proposed rezoning. This places the effects of rezoning into context and ensures that cumulative effects are accounted for.

Overall development of the whole site for retail under the Business 2 zone rules would require discretionary activity consent. Accordingly, the assessment criteria set out in the District Plan have been adopted as a guide to assessment of effects on the environment. In addition to those assessment criteria consideration has been given to social and economic effects including effects on the Balmoral Shopping Centre.

The following effects headings and assessment criteria are taken directly from the District Plan assessment criteria.

### 5.2 Traffic and Parking

*Any adverse effect on the capacity of the adjacent roading network, which is more than minor, caused by expected traffic generation of a proposal may require mitigation by upgrading of the road or intersection design. To enable this, financial contributions may be required as a condition of consent. Assessments under this criterion will give weight to the function of the network to provide access to adjoining properties as well as its function to provide capacity of through traffic movements.*

#### **(b) Parking**

*In general a proposal should comply with the parking and access controls for the zone unless it is not appropriate to do so because of inherent site considerations and extraordinary vehicle or pedestrian movements. Depending on the situation, the existence of a Separate Rating Area for parking in the site's locality, may serve to mitigate any adverse effect that failure to provide parking may incur. (See PART 12 - TRANSPORTATION).*

A comprehensive ITA has been prepared by FLOW consultants and is relied upon in this assessment (*Document 7*). That report is supported by Pareemics modelling and report carried out by Aurecon (*Document 8*). It is not proposed to summarise either the FLOW or Aurecon reports, but the following preliminary points are noted:-

- The two high efficiency development scenarios described above were used as the basis for modelling and traffic effects analysis.
- An indicative development concept plan was used in the assessment primarily to identify likely vehicle access points.
- In addition to the technical traffic modelling and effects analysis, the FLOW report includes a comprehensive review of regional and Auckland City transportation and growth management policy. This is regarded as an essential context for the review and assessment of traffic effects of both the proposed plan change and potential development of the whole TWL site. It is notable that FLOW considers there is a close fit between the potential development of the TWL site facilitated by the proposed plan change and relevant growth and transport strategies.

The following conclusions are reached in the FLOW report:

*The full development potential of the existing Business 2 zoning of the subject site, of up to 6,280 m<sup>2</sup> GFA, cannot be realised as Council has imposed a passenger transport designation over the western portion of the Business 2 zoning on the site. This proposed Plan Change is therefore focused on rezoning the residential 6A and 6B portions of the site so that a retail development of up to 7,000 m<sup>2</sup> GFA can be achieved.*

*The transport assessment contained in this report has shown that the traffic generation and resulting effects resulting from the development the existing Business 2 zoned land or from the development of a similar retail activity enabled under the proposed Plan Change are very similar. Both development scenarios result in additional delay to through traffic on the road network. However the travel time differences are not significant with queuing being able to be accommodated at intersections without resulting in significant operation and safety effects.*

*Overall it is considered that the implementation of this proposed Plan Change has the potential to be a true transit oriented development, which particularly in the medium to longer term, will result in reduced private vehicle travel to the Balmoral Town Centre.*

*In terms of the wider strategic transport effects, it must be acknowledged that as a city continues to grow additional retail land use, as proposed by this development, is required to cater for the needs of the community. The development of such retail opportunities within town centres is encouraged by the national, regional and local transport strategies as it encourages more walk and cycle trips and if served by good passenger transport will result in less private vehicular travel than if the activity was located out of a centre. The site of the proposed Plan Change has all of these transport benefits especially with regard to being located on one of the major passenger transport routes within Auckland.*

*Accordingly while the enabled development will result in additional private vehicular trips on the road network, the implementation of traffic signals at the intersection of Rocklands Avenue and Dominion Road will help safely and efficiently manage this traffic.*

*The proposed Plan Change is also consistent with and supportive of the changes proposed to the Balmoral Town Centre under the Auckland Liveable Arterial guideline, the Dominion Road 2016 project, and the Auckland Spatial guideline including the installation of a new bus station, improvements to the bus services and the implementation of the urban and streetscape plan for the Balmoral Town Centre.*

*It is also concluded that the proposed Plan Change is consistent with, and supports the key national, regional and local transportation policies relating to the site accessibility and sustainability, in as much as it will promote growth in a town centre and is also situated on a major passenger transport route. Further it is considered that a development that could be enabled by the proposed Plan Change can be integrated into the road, passenger transport and walking network in a way that, with the roading and passenger transport improvements proposed for the area, enables integration into the transport environment in a safe and efficient manner. Accordingly this ITA concludes that with the mitigation measures and transport controls proposed for inclusion into the Plan Change, the potential adverse effects of additional traffic generated by development enabled by the proposed Plan Change will be no more than minor.*

*Finally it is concluded that the potential adverse transport effects of the increment of development directly arising from the proposed Plan Change, i.e. the difference between the two Development Scenarios assessed, will be negligible.*

### 5.3 Access

*Sites need to be accessible from the major roading network to avoid heavy traffic volumes in access roads (particularly residential access roads). Of particular concern will be the location of entry and exit points to the site and their interrelation with existing intersections or land constraints. Adverse affects may be reduced or mitigated by controlling access to the road, by redesign of the roadway or by traffic signals and the like. To enable this, financial contributions may be required as a condition of consent.*

Consistent with this criterion, primary access is proposed from Balmoral Road and from Rocklands Avenue. Balmoral Road, is part of the primary road network. The western end of Rocklands Avenue where the access is proposed is essentially commercial in character and it is proposed to signalise the intersection with Dominion Road. Shifting the existing access on Rocklands Avenue to the eastern end of the site and particularly to the property at number 16 will, however move the demarcation between the "commercial" and "residential" parts of Rocklands Avenue one property eastwards. Implications of this for residential amenity will be addressed in a later part of this assessment. This part of the assessment is concerned only with traffic effects.

Vehicle and pedestrian access is addressed in part 9 of the ITA and existing road safety is addressed in part 5.3 of that report.

The ITA access commentary is as follows:

#### *9.1 Vehicular Access*

*Vehicular access to and from the site is intended to be located at two access points, one on Balmoral Road and one on Rocklands Avenue. The exact location of these access points, as shown in Figure 22 above, have been selected in order to minimise any adverse effects to the safety and efficiency of the existing road network (and particularly the operation of the Dominion Road/ Rocklands Avenue intersection). As shown in the indicative concept plan above, vehicular access points are intended as follows:*

- *A left in, left out driveway located on Balmoral Road some 140 m east of the intersection with Dominion Road. This driveway will be used by both customers, both left in and left out, while service vehicles will only turn left in and exit via Rocklands Avenue;*

- *A driveway located on Rocklands Avenue approximately 160 m east of the intersection with Dominion Road, which will allow all movements by customers entering and exiting the site, while service vehicles will only turn right out. Service vehicle movements will therefore maintain a one way operation. It is intended that, in conjunction with this new access, that the intersection of Dominion Road and Rocklands Avenue will be signalised.*

## 9.2 Pedestrian Access

*In the shorter term (before Council has acquired the land required to implement the pedestrian designations and walkways from Dominion Road through to the subject site) the main pedestrian access to the site will be via the public footpaths along Balmoral Road and Rocklands Road linking to pedestrian pathways within the site. In the longer term it is expected that there will also be pedestrian access to the development from the passenger transport designation, which in turn will be linked through to Dominion Road via the pedestrian designations.*

Existing road safety is analysed in part 5.3 of the ITA. No particular safety concerns are identified and the accident history is considered to be consistent with the scale of traffic flows and does not reflect any deficiency in road and intersection design. It is noted that signalisation of the intersection of Rocklands Avenue and Dominion Road will improve safety at that intersection.

In addition, performance of the vehicle access to the site is incorporated into the Paremics modelling and the ITA assessment leading to the conclusion that the effects of the overall development will be no more than minor and that the effects of the component of development facilitated by the proposed zone change will be negligible.

## 5.4 Buildings

The District Plan assessment criterion is as follows:-

*“In general buildings should be of a similar or complimentary [sic] scale to that of other buildings within the area. Where this is not practicable, buildings should not overshadow or become overly dominant. Methods to mitigate any adverse effect may include the use of separation distances between the proposal and existing development and the provision of screening.”*

Visually the site is quite separated from the old shopping centre fronting to Dominion Road. In effect, the two sites turn their backs on each other. If and when a public transport facility is constructed it will represent a further 12.5m separation between the sites. The form the public transport facility will take is unknown. Due to the extent of separation and the lack of visual inter-linkages, it is considered buildings could be constructed on the TWL site to the maximum permitted in the Business 2 zone without creating an adverse dominance effect.

Any buildings proposed on the land to be rezoned from Residential to B2 would be subject to the residential interface controls. Compliance with those controls must be assumed to have acceptable effects on the environment because it is provided for by the District Plan.

In the indicative concept plan, no buildings are proposed on 16 Rocklands Avenue and a 3m landscape strip is required as a buffer.

There is nothing in the assessment criteria relating to architectural design and that is a matter which could only be evaluated as part of a discretionary consent application when an actual development is proposed on the site.

## 5.5 Noise

*“Activities shall be conducted so that in general the noise generated shall not exceed the minimum levels specified in the Plan. However with certain activities noise levels above the defined maximum may be acceptable for short periods of time. Individual applications must demonstrate that the frequency and duration of these noise levels will not adversely affect the amenity of adjacent land. Detailed measures for the elimination of objectional noises may be required. Methods available to mitigate the adverse noise effects of activities include:*

- the provision or construction of barriers including earthen berms;*
- the construction of earthen berms;*
- the provision of greater distances between the noise generator and existing development;*
- screening the noise generator using natural or man-made materials;*
- restricting or imposing conditions on hours of operation especially where the activity is in close proximity to a residential zone interface.”*

Marshall Day Acoustics have prepared an acoustic analysis and report based on the indicative concept plan. (Document 8) The main focus falls on noise predictions for traffic from a comprehensive development of the whole TWL site that would use the indicative access along the eastern boundary of the site including the two parcels of land to be rezoned from residential to Business 2 zone.

For truck and car movement and unloading of goods it is concluded that predicted noise would comply with the daytime noise limit of the district plan of 50dB<sub>AL10</sub>. Other potential noise sources such as a mechanical plant can be designed to comply at the time when a definite developer proposal is prepared. The Marshall Day Acoustics report conclusion is as follows:

*Marshall Day Acoustics has undertaken an assessment of potential noise effects from a proposed plan change for The Warehouse that would extend the existing Business 2 site to include to residential zoned properties.*

*Based on measured ambient noise levels in Rocklands Avenue it is considered that the existing noise rules for Business Zone 2 activities to residential dwellings is sufficient to ensure that the acoustic effect of any activity would be no more than minor. To reduce the impact on the adjacent dwellings on Rocklands Avenue further it is recommended that the following mitigation measures be implemented:*

- Goods vehicles only to deliver during day-time hours Monday to Saturday;*
- Forklifts to be electric or LPG powered;*
- A 1.8 m high acoustic screen to be erected along the eastern boundary of the site;*
- Sound absorptive material to be located beneath the unloading canopy*

*The noise impact for the proposed development has been assessed for construction, noise from mechanical plant, vehicle movement around the site and goods deliveries. Predicted noise levels are based on both the goods deliveries and trading hours for the store taking place with them the district plan daytime noise regime from 7 a.m. to 10 p.m.*

*As is typical for The Warehouse there would be a limited number of deliveries per day with the main deliveries by one or two large articulated vehicles. The remaining deliveries will be by smaller trucks and courier vans.*

*Car park movements are predicted to reach 700 vehicle movements the for the peak hour.*

*The predicted noise levels at the nearest dwellings from all vehicle movements range from 47 to 53 dB LA10 for the peak hour and between 43 and 49 dB LA10 averaged over the day time period. This is in compliance with the day time noise limit of 50 dB LA10.*

*Mechanical plant associated with the development can be designed to comply with the night-time noise limits.*

*MDA consider that the construction activities can readily comply with the construction noise limits through the use of conventional construction methods and operating within normal operating hours.*

*It is, therefore, considered that development that would be enabled by the proposed plan change for The Warehouse store development would comply with the District Plan noise limits at all residential dwellings and commercial properties and, in our assessment, the adverse noise effects, with respect to the existing ambient environment, would be no more than minor.*

## 5.6 Development Controls

This criterion states as follows:-

*“In general, activities will be required to comply with the development controls for the zone. A modification to one or more of the development control rules may be considered concurrently under Clause 4.3.1.2B DEVELOPMENT CONTROL MODIFICATION as a separate discretionary activity.”*

There are no unusual topographical features on the site to suggest that full development could not be designed to comply with the development controls. For the purpose of this assessment it is assumed that all development controls will be complied with and that there will be no adverse effects in that regard.

## 5.7 Residential Zone Interface

This criterion states as follows:-

*“Of concern is the protection and maintenance of the amenity values of adjacent residential zones along the zone interface, and in particular, the visual and aural privacy. Various methods can be used to ensure this, including the provision of buffer areas, separation distances and/or screening.”*

This criterion refers to amenity values of the adjacent residential zone and puts emphasis on visual and aural privacy. Of particular importance is the amenity effects of locating a principle vehicle access through 16 Rocklands Avenue eastwards from its current location.

Matters of aural privacy have been addressed above under the sub heading ‘Noise’.

### 5.7.1 Assessment of Direct Effects on the Various Parts of the Residential Interface

The characteristics of the residential interface are illustrated in the aerial photograph in **Annexure A** and the photographs of the environs contained in **Annexure B**. Selected photographs will be reproduced in this text but the reader is referred to the full portfolio in the Annexure.

There are three parts to the residential interface:-

- a) The Central Land Interface. This interface is with the Auckland Deaf Society property which, as can be seen from the photographs is institutional/commercial in visual character.



*Photograph 8: View of Central land to be rezoned*

The visual character is dominated by the tall gymnasium building which is utilitarian in nature. There is no landscaping at this interface and the site is currently vacant. The indicative concept plan shows the main vehicle access passing along this interface. However, development of the TWL land in compliance with the District Plan interface rules will require a 3m wide landscaping strip along the boundary. There will be no visual amenity issues and redevelopment would result in an amenity improvement in this location.

- b) The Rocklands Avenue Interface. This interface will be along the eastern boundary of the property at 16 Rocklands Avenue. At present this property is occupied by a bungalow and garage with relatively basic landscaping consisting primarily of a 1.5m high hedge along the frontage.



*Photograph 9: No 16 Rocklands Avenue*

The adjoining property at 18 Rocklands Avenue is a traditional 1930's bungalow which has been altered to provide attic rooms in the roof space.



*Photograph 10: 18 Rocklands Avenue, Balmoral*

It is probable that a main access to the TWL site will be taken through 18 Rocklands Avenue with a minimum of a 3m wide landscape strip adjoining the boundary with number 18. With respect to visual amenity and visual privacy, it is considered that appropriate landscaping will preserve the residential and visual amenity of the property at number 18. In addition, it is proposed to erect a solid board acoustically designed fence along that boundary.

c) The Interface of Residential Properties South Side of Rocklands Avenue. The third interface may be further divided into sub parts:-

- Directly opposite the existing vehicle entrance and the end of the row of shops on the TWL land is a 'U' shaped block of 11 one and two bedroom flats which have been unit titled. This property, whilst tidily maintained is not relieved by landscaping and may be described as of average visual amenity.



*Photograph 11: View of west side Rocklands Avenue*

This outlook is to a busy vehicle entrance into the TWL site, the end of buildings and angled kerbside parking similarly unrelieved by landscaping. Under the Designation, the public transport route will exit into Rocklands Avenue opposite the western end of this property. Redevelopment of the TWL site will require provision of frontage landscaping. This combined with new buildings is expected to provide improved visual amenity.

- The two properties at 7-9 Rocklands Avenue are located directly opposite an existing retail development which is not part of the TWL site.



*Photograph 12: 7-9 Rocklands Avenue, Balmoral*

This retail building and an adjoining caterer's building are set back 5m from the road frontage with mature landscaping in the front yard. Both properties are west of the speed hump and within the current "commercial" part of Rocklands Avenue. Redevelopment of the TWL land is unlikely to result in any change in the visual amenity of these three properties. There will be an increase in traffic along Rocklands Avenue if a vehicle access is formed through number 16 Rocklands Avenue in to the TWL site.

- Relocation of the access combined with redevelopment, will see the two-way Saturday peak traffic flow in this part of Rocklands Avenue increase from 300vph to about 680 vph. All day traffic flow will increase from 2900vpd to about 6400vpd. Although this will be a significant increase, it is well within street capacity particularly taking into account that the intersection with Dominion Road will be signalised. This is not an unexpected volume of traffic to be associated with a busy suburban centre and is therefore not considered to be adverse.
- The third sub part of the residential interface is the two properties at numbers 11 and 13 Rocklands Avenue opposite the property proposed to be rezoned.



*Photograph 13: 11 and 13 Rocklands Avenue*

Both properties are located east of the speed bump in the 'residential' part of Rocklands Avenue. It is likely that the speed bump will be relocated east of these properties.

The visual amenity outlook in this sub part will change. With the removal of the dwelling at number 16 the outlook will become more open but will include a combination of visible driveway for the vehicular access relieved by landscaping along the eastern boundary. There will be a reduction in residential/visual amenity

for this property. However, assessment of the significance of this reduction needs to be considered against permitted development of the property at number 16 under its Residential 1A zoning. Permitted development includes a residence and/or a care centre up to 11 persons. A building could be erected up to 2.5m from the street of a maximum height up 8m with no controls over external design and appearance. There is a frontage landscaping requirement but the visual outlook could be as significantly changed by way of a permitted activity. It is difficult to contrast two different types of changed visual environment but in my opinion, the adverse visual effects arising from the rezoning by comparison with a permitted activity would be no more than minor.

Should the access be relocated as indicated there is the possibility of headlight glare from exiting vehicles at night. Most retail activities close by 6.00pm and normal hours for The Warehouse are to 8.30pm so that headlight glare would be seasonal and for short periods in the early evening. This topic would be assessed as part of any future resource consent application and the effect could be mitigated by fencing.

Of greater importance would be the amenity effects of increased traffic flow and vehicle turning movements in front of these two properties. During the Saturday peak this would be of the order of 555vph and over a full day, about 5300vpd. This will be a significant change in the traffic environment in the immediate vicinity of these two properties. Viewed in the context of a local road servicing of suburban shopping centre this level of traffic is within expected performance for a local road. In the context of these two properties considered in isolation, the effect will be more than minor. Viewed as part of change to maintain viability and function of the centre as a whole this effect is considered to be acceptable.

- Finally, consideration should be given to wider effects on residential amenity along the whole of Rocklands Avenue with a greater emphasis of the properties at numbers 15, 17 and 20. At present there is a commercial flavour to street character and amenity in the section between Dominion Road and the end of the business 2 zoning. Just before number 16 Rocklands Ave there is a speed hump. Beyond the hump, street character is clearly residential. Housing is generally of a consistent age (1920s/1930s), are primarily good quality villas and transitional bungalows with a few cottages. On-site landscaping varies, but the street is lined on both sides by a mixture of Birch, Kowhai and Melia trees. Overall a pleasant residential street with high visual amenity.



*Photograph 14: View along Rocklands Avenue*

There will be a small change in outlook of the property at 15 Rocklands Ave and the lesser change of property at number 17 as a consequence of developing a major access through number 16 the subject of this plan change. Again, the factor of greatest importance will be changes to the traffic environment. None of the properties east of the relocated speed hump will be subjected effects arising from proximity to turning movements in and out of the new access. However the volume of traffic in the street will increase as a consequence of the total development of the TWL site. Within that traffic increase the component arising from the rezoning the subject of the plan change will be very small and the effects indistinguishable from those arising from the overall increase.

With respect to the increased traffic arising from the total development, two-way peak hour flows along the eastern end of Rocklands Avenue are expected to rise from 186vph to 246vph and during the Saturday peak from 159vph to 226vph. Although this is a numerically significant increase, totals remain well within the expected range of performance of a local road and on that basis cannot be seen as an adverse effect.

### 5.7.2 Growth Management and Effects at the Residential Interface

Effects on the residential interface are an important element of this assessment of effects on the environment. When individual small sub parts of the residential interface are separately assessed, as has been done above, it is not surprising that effects on two properties are considered likely to be more than minor. Effects on those two properties (and the effects at all parts of the residential interface) needs to be further considered in the context of Balmoral centre as a whole and the expected future function of that centre within the overall growth strategy for Auckland City and the region.

The Auckland Regional Growth Strategy 2050 is currently being embodied in the Auckland Regional Policy Statement by Policy Change 6. It is a requirement that this also be given effect by the District Plan and is the subject of Plan Modification 175. Similarly, the strategy will be an important factor in the assessment of any future proposed development requiring resource consent.

Under the growth strategy, some 70% of regional growth up to 2050 is to be accommodated within the existing Metropolitan area of Auckland. Within that strategy the key growth management direction is to promote intensification around high density centres and intensive corridors. Balmoral centre has been identified in the RPS as one of those centres expected to act as a node for intensification. (see Schedule 1 to PC6). Given this strategic planning context, significant change in and around the Balmoral centre is both expected and planned for. It is inevitable that, at the existing commercial/residential interface, implementation of the growth strategy will result in significant character and amenity changes. This type of change is to be expected at many centres within Auckland City and Balmoral is no exception. In turn this could be seen as falling in the category of extensive change which is already taken place within the urban area as it has grown and restructured over the decades. When the potential adverse effects on the two properties directly opposite the likely new vehicle access in Rocklands Road they may be seen as the inevitable consequence of ongoing change in the city and the growth strategy.

All of the 15 Auckland City town centres identified as nodes for growth have significant residential interfaces. Expansion or intensification of most of these centres will require the same

or greater interface judgements to be made. Historically all of these centres have developed and expanded and such interface changes may be regarded as a normal expectation as a metropolitan area grows and intensifies.

## 5.8 Natural Environment

This criterion states as follows:-

*“Activities may be subject to conditions relating to the gaining of discharge permits for water discharges and air emissions in order to prevent or reduce to an acceptable level any adverse effect the development may have on the environment. Discharge permits are the responsibility of the Auckland Regional Council. (Refer also to PART 4 - GENERAL PROVISIONS AND PROCEDURES).”*

There is no natural environment on the site for the area to be rezoned and this criterion is therefore irrelevant.

## 5.9 Infrastructural Constraints

This criterion states as follows:-

*“The site must be able to sustain the infrastructural servicing needs of the development (e.g. drainage and roading). Where the existing infrastructure cannot sustain the new development, the proposal must demonstrate an ability to meet its own servicing needs. A condition requiring this to be achieved through either the physical provision of the infrastructure, or the payment of a financial contribution may be imposed.”*

As described in the services report prepared by Stiffe Hooker Limited, and outlined earlier in this report, full development of the site can be provided with all necessary services without adverse effect. The proposed rezoning does not raise any infrastructure issues.

## 5.10 Outdoor Activities

This criterion states as follows:-

*“In general, activities should be contained within a building but where this is not practicable, taking into account the nature of the activity, any outdoor display, work, or entertainment area may be subject to screening, separation distances, landscaping or noise conditions. This is to ensure that the visual and aural privacy of adjacent land is not adversely affected and that the amenity of the particular zone is not compromised.”*

If redevelopment of the site involves provision for outdoor activities it will be assessed at the time and designed to avoid adverse effects on the environment.

## 5.11 Pedestrian Safety and Convenience

This criterion states as follows:-

*“The proposal must address pedestrian safety and convenience both within the site and in terms of the relationship to the road network. Generally applicants should avoid the location of activities generating*

*significant pedestrian numbers on sites which are separated from adjoining commercial centres by busy arterial roads.”*

At present, the site is only readily accessible by pedestrians from the adjoining public footpaths in Rocklands Avenue and Balmoral Road.

The designation for the public transport facility includes a designated pedestrian route from Dominion Road to the transport facility. By this means, public pedestrian convenience should be improved. Design for any significant development of the TWL land will need to satisfy this criterion. Given the size of the overall site, there is no reason why appropriate provision cannot be made for pedestrian safety and convenience to a much higher standard than exists already on the site. The proposed rezoning will provide opportunities to separate pedestrian and vehicular traffic.

### **5.12 Site Suitability**

This criterion states as follows:-

*“The applicant must demonstrate that the site is suitable for the proposed development in terms of site and topography.”*

Suitability of the land proposed for rezoning and of the total TWL property has been substantiated in an earlier part of this report.

### **5.13 Integration of Activities**

This criterion states as follows:-

*Where the site is adjacent or contiguous with existing business activity the proposed development should be functionally integrated with existing facilities, including (where practicable) verandahs and adequately covered pedestrian access between the new development and any existing business activity.”*

Eastwards the central land to be rezoned is adjoined by the Auckland Deaf Society property. Agreements are already in place with the ADS for mutual use of parking areas. It is anticipated that pedestrian and vehicle access between the two properties will be provided in any future development. This will be facilitated by the rezoning.

To the west the TWL site adjoins the un-co-ordinated rear of the numerous retail properties fronting Dominion Road. Due to the intervention of the designated public transport facility along the western part of the TWL land, any integration of activities in that direction can only be created by the Council.

With respect to the two parcels to be rezoned, they are part of the larger TWL site and any future development will achieve integration across the whole of that land.

## 5.14 Site Amenity

This criterion states as follows:-

*“A high standard of visual amenity is required of the site. In general landscaping in addition to that required in the development controls for the zone will be required particularly in relation to parking and loading areas.”*

This criterion can only be satisfied ultimately by the design of any substantial development of the land to be rezoned and the remainder of the TWL site. There is no reason inherent in the character of the site to prevent achievement of a high standard of amenity and hence this criterion does not militate against the proposed rezoning.

## 5.15 Safety

This criterion states as follows:-

*“Activities are to be assessed against the criteria listed in Clause 6.2.10.5.”*

Clause 6.2.10.5 refers to safety guidelines in annexure 16 to the District Plan. These are designed to achieve crime prevention through environmental design. Again, this is a matter for assessment when designs have been produced for development of the site. There is nothing in the proposed rezoning which militates against achievement of a high standard of on-site safety.

## 5.16 Economic and Social Effects

Primarily, the economic and social effects relate to the vitality and viability of the Balmoral Shopping Centre and availability of significant retail facilities to the wider community.

### 5.16.1 Balmoral Centre

Over the past few years, activities in the Balmoral Shopping Centre have been monitored and surveyed. A summary of the current activity mix of the centre and a partial history of it is contained in **Annexure D** to this report.

In brief, the existing centre may be described as a substantial suburban centre with about 130 businesses and services present. The centre has transitioned over the decades from one which met most of the retail and service needs of the surrounding suburb to one which:-

- Meets day to day convenience needs of the surrounding community (but not a supermarket);
- Is a significant Asian oriented dining precinct;
- Has a declining general merchandise retail function and an increasing personal service and takeaway food function;
- Has a relatively small The Warehouse branch store general merchandise retail operation.

The centre remains 'volatile' as evidenced by ongoing change in the activity mix, although robust as evidenced by a very low 1.5% vacancy rate. At present, the traditional retail and restaurant strip fronting Dominion Road is strongly Asian oriented.

However, it is noted that Balmoral is identified in schedule 1A of Policy Change 6 to the RPS as a 'high density town centre' and is thus seen as a node for intensification within the Regional Growth Strategy. Long term it is anticipated that provision will be made for intensification of residential development surrounding this node and further functional changes within it are to be expected.

To some extent these changes will take place within existing premises fronting Dominion Road. It is noted that Council has introduced a heritage protection overlay covering the main part of the shops fronting to Dominion Road. This will remain the heritage pedestrian oriented, small premises, retail and restaurant core of the town centre.

Increases in retail intensity will mainly occur on land behind the Dominion Road shops and primarily on the TWL site. Maintaining and augmenting potential development for large format retail and additional shops closely associated as part of the town centre will be of primary social and economic significance for the long term vitality and viability of the town centre as a whole.

The proposed rezoning will improve the shape factor of the TWL land and replace the development potential that will be lost to the designated public transport facility.

In this regard, the proposed rezoning will yield very substantial social and economic benefits for the Balmoral Town Centre.

#### 5.16.2 Wider Community

In addition to the direct town centre effects, maintaining the strength of the centre and enabling a major new retail facility will have positive benefits for the wider community. Location of an improved retail facility as part of the town centre will also have important transport efficiency benefits and will contribute support to the use of public transport. It will have a synergistic relationship with the proposed new public transport facility.

### **5.17 Cumulative Effects**

The various effects on the environment have been analysed in the context of the existing environment plus allowance for future development of the designated public transport facility. Accordingly, that analysis takes into account cumulative effects with other existing activities in the area.

In addition, consideration has been given whether the individual effects referred to could combine or when viewed as a package, constitute adverse cumulative effects. Any adverse cumulative effect is most likely to occur at the residential interface with the land proposed to be rezoned to B2. Most of those effects have been assessed as less than minor or no more than minor and it is concluded there will be no overall adverse cumulative effects any greater than the foregoing assessment.

### 5.18 Effects on the Environment Conclusion

From the foregoing comprehensive review of potential effects on the environment it is concluded that:-

- a) Adverse effects arising from the rezoning proposed will be no more than minor and there will be some significant benefits through the facilitation of a more comprehensive development of the TWL land;
- b) Development of the full TWL site including the small parcels proposed to be rezoned will have no more than minor adverse effects on the environment but will yield potentially significant benefits for the vitality and viability of the Balmoral Town Centre with corresponding benefits to the wider community;
- c) Residential interface effects are consistent with those historically accepted throughout metropolitan Auckland as the city has expanded and further such change is inevitable as intensification occurs in line with the Regional Growth Strategy and the Regional Policy Statement.

## 6 OBJECTIVES AND POLICIES

There are three main reasons for addressing Regional and District Plan objectives and policies in relation to the proposed plan change:-

- Section 75(3) of the act requires that the District Plan must give effect to any Regional Policy Statement.
- The required analysis under s.32 of the Act includes an evaluation of whether the Proposed Plan Change is the most appropriate means of giving effect to the objectives and policies of the District Plan.
- A proposed plan change should be consistent with the overall scheme of the District Plan of which the objectives and policies are an important part.

At the outset of this section is also noted that proposed plan change concerns a site-specific small area of land. It is expected that issues are most likely to be local rather than district wide.

### 6.1 Regional Policy Statement

Issues, objectives and policies set out in the RPS are primarily concerned with resources and resource management matters of regional significance. Rezoning of a small parcel of land adjoining an existing shopping centre does not affect any regional resources or infrastructure.

The regional strategic direction as set out in 2.5.1 Strategic Objectives and 2.5.2 Strategic Policies is essentially about containment of outward urban development and urban intensification at selected locations.

The broad strategy is further developed in 2.6.1, Policy: Urban Growth Management. Policy 2 repeats the containment of urban development strategy and includes:-

*“(a) Provide for urban intensification around selected nodes and along selected transport corridors.”*

and

*“(3) Bring about patterns of activity that will mitigate the effects of increased travel and improve the energy efficiency and convenience of urban areas.”*

This proposed plan change will enable consolidation of the Balmoral Shopping Centre and offset the loss of intensity of commercial activities that will be caused by the designated public transport facility. In that respect, the plan change gives effect to regional policy.

Under provision 2.6.2 Methods, the RPS gives direction to way in which new development should be planned for:

*“(8) Significant new areas proposed for urban development, existing urban areas proposed for significant redevelopment, or significant new areas proposed for countryside living purposes are provided for through the structure planning process (or other similar mechanism).”*

This plan change provides for rezoning 2617m<sup>2</sup> of residential land for commercial development. The rezoning is designed to replace commercial land that will be lost to public work. By scale it is considered not to be significant but it is significant in the sense that it will retain existing development capacity for the shopping centre. On that basis it is considered that a structure planning process is neither necessary nor appropriate and would amount to “planning overkill”.

## **6.2 Proposed Regional Policy Change 6**

Regional Policy Change 6 (PC6) was introduced as required by the Local Government (Auckland) Amendment Act to give effect to the Auckland Regional Growth Strategy 2050. This change has reached the stage where decisions on submissions have been made but is subject to appeals to the Environment Court. Parties to the appeals have been negotiating and are close to full settlement. However, until settlement is achieved and for the purposes of this report, the decision’s version of PC6 is still the relevant document.

In summary, the main points relevant to this proposed change are a strategic direction, objectives and policies which:-

- Promote development of a compact urban form.
- Directs intensification around high density centres and corridors with particular reference to those listed in schedule 1;
- Requires an integrated approach to land use and transport planning

Facilitating efficient development of the TWL site as part of the Balmoral town centre (which is listed in Schedule 1 to the RPS) will give effect to the first two points because it will assist intensification and augment the capacity of the town centre to act as a node for intensification. By facilitating intensification it will also promote development of a compact urban form. An integrated approach has been taken to the traffic assessment accompanying the proposed plan change. In addition, development potential created by the plan change is of a kind that would

support public transport with potential cross benefits between the new development and the proposed public transport facility.

Long term, maintaining the strength and capacity of growth nodes such as Balmoral is of very great planning significance. At Balmoral, the proposed rezoning has a strong policy as well as practical significance because:-

- It will achieve integration of transport and land use planning;
- It will maintain the development capacity of the TWL land by replacing the land lost to the transport designation;
- It enables main vehicular accesses to be moved further away from intersections; and
- It will create a more useable overall site shape in the B2 zone.

### 6.3 District Plan Objectives and Policies

For the purpose of this plan change it is considered that the relevant objectives and policies are as follows:-

- 2.3.3 *Community*
- 2.3.4 *Commerce*
- 8.3 *Resource Management Objectives and Policies for Business Activity including 8.3.1, 8.3.2, 8.3.3 and 8.3.4*
- 8.6.2 *Business 2 Zone*
- *Transportation Objectives and Policies 12.3 and 12.7*

These objectives and policies are reviewed in the following paragraphs.

### 6.4 2.3 District Wide Objectives

The community objectives (2.3.3) cover a wide range of social and physical attributes of the city including, “to protect and enhance residential amenities”. The Business 2 zone contains residential interface controls and standards to give effect to that objective.

From objective 2.3.4, Commerce the following are considered to be particularly relevant:-

“

- *To provide for economic growth and development which does not unduly compromise environmental values.*
- *To provide for robust, innovative and productive business activities so as to maintain and enhance the vibrancy of the district.”*

The proposed plan change gives effect to both these objectives. Without the plan change, the loss of Business 2 zoned land to the public transport facility would undermine these objectives. The Warehouse as the most significant retail activity in the Balmoral Shopping Centre will be demolished to make way for the public transport facility and insufficient Business 2 zoned land remains for a financially viable redevelopment of the store.

## 6.5 8.3 Resource Management Objectives and Policies for Business Activity

A copy of these objectives and policies is contained in **Annexure C** to this report and will only be summarised in this assessment. The proposed plan change is only for a small area which is not of great significance of itself in relation to the business objectives and policies. However, this small rezoning will enable and facilitate more comprehensive development of the TWL site. This effect of the plan change has been taken in to account in the following assessment.

It is considered that the plan change rezoning to Business 2 zone is consistent with and will give effect to these objectives and policies because:-

- It will foster the service, employment and productive potential of business activity;
- It will provide flexibility for development of the TWL site whilst enabling the public transport facility;
- It will efficiently use existing infrastructure as identified in the site capability part of this report;
- As a discretionary activity, future development will be required to undergo a thorough environmental assessment;
- Adverse effects on the environment will be managed to an appropriate level in terms of the assessments contained in this report and other reports accompanying the plan change. In addition, the required assessments for resource consent under the Business 2 zone will ensure appropriate management of effects on the environment;
- Assessment of development potential of the TWL site including the proposed rezoned areas has included an integrated traffic assessment. This demonstrates that the safe economic and convenient movement of people and goods within the Business zone can be achieved.

## 6.6 8.6.2 Business 2 Zone

The full text of the objectives and policies for the Business 2 zone are also contained in **Annexure C** to this report. It is considered that the rezoning will give effect to these objectives and policies because:-

- The rezoning will maintain the potential level of commercial activity provided for at this suburban level by the existing zoning;
- As a large format destination store, The Warehouse is appropriately located behind the traditional retail frontage to Dominion Road. The rezoning will enable the continuance of this large format activity without impacting adversely on the main retail frontage. The rezoning will enable the role of the Balmoral suburban centre as a focal point for community interests and activities to be continued and strengthened;

- Use of the Business 2 zone for the subject land will ensure potential adverse environmental or amenity impact on adjacent residential zones will be reduced to an acceptable level.

## **6.7 Transportation Objectives and Policies (12.3 and 12.7)**

The ITA prepared by FLOW demonstrates that the rezoning and consequential total development potential of the TWL land can be managed to give effect to the transportation and parking objectives and policies.

- As a discretionary activity, any future development of the rezoned land will require a further ITA for the specific proposal;
- The Plan Change ITA demonstrates that the development potential can be realised without compromising the efficiency and safety of the roading network;
- Such development enabled by the plan change will immediately adjoin the proposed public transport facility and will support it;
- Adequate parking can be provided on the site.

Overall, the potential development of the site facilitated by the plan change will be consistent with and give effect to the relevant objectives and policies of the District Plan. In the following section 32 assessment part of this report, attention will be given to whether proposed plan change is the most appropriate means of giving effect to these objectives and policies.

## **7 OTHER REGIONAL AND CITY STRATEGIES AND PLANS**

### **7.1 Auckland Regional Growth Strategy**

Little needs to be said about the ARGS because it has been overtaken, in a statutory sense, by PC6 to the Regional Policy Statement discussed above. As noted in the discussion of PC6, the strategy is to contain outwards growth of the Auckland metropolis and accommodate a majority of future urban growth within the existing urban area. This is to be achieved by maintaining the metropolitan urban limit and promoting intensification around identified nodes and corridors. As noted above, the proposed plan change is consistent with and will contribute towards achievement of that strategy.

### **7.2 Auckland Regional Land Transport Strategy 2005 (RLTS)**

The RLTS sets out strategy for investment in transportation systems in the Auckland region. It is acknowledged that for the foreseeable future, the majority of private trips will be made by private motor vehicle. However the strategy is to strongly promote and develop public transport systems and influence the transfer of trips from private to public systems. One of the objectives is to develop the transport system to support the Auckland regional growth strategy. Dominion Road and Balmoral Road are recognized as regional arterial routes. Balmoral Road is recognized

as an indicative quality transport route and Dominion Road is identified as a potential indicative quality transport routes.

The proposed plan change supports the regional growth strategy by exerting a positive influence on the development of the Balmoral town centre and by facilitating intensified development in this strategic location at a major route crossroads adjacent to a proposed public transport facility. Thus it will support future improvements to the public transport system.

### **7.3 Auckland Passenger Transport Network Plan (PTNP)**

Developed by ARTA in November 2006, PTNP provides a framework for the development of improved public transport services and infrastructure in the Auckland region.

Of relevance to this proposed plan change, the PTNP identifies a three tier public transport network for the region as follows:-

- Rapid Transit Network (RTN)
- Quality Transit Network (QTN) and
- Local Connector Network (LCN)

The QTN is designed "to meet the future need for cross-town travel, and travel to Auckland's CBD from areas not on the RTN ...". Dominion Road is part of the QTN and provides key north-south passenger transport links between the Auckland CBD and the southern part of the city. This in turn underscores the selection of the Balmoral Shopping Centre as a node for future intensification. The proposed plan change by facilitating redevelopment which will strengthen the centre and help support public transport (and vice versa) is strongly concordant with the PTNP.

### **7.4 Auckland City: Growth Management Strategy (GMS)**

The GMS was published in 2003 by Auckland City to provide a framework for management of future growth in the city. Within the city, areas of stability not appropriate for any significant growth and areas of change for which significant growth should be planned for have been identified. Balmoral centre is recognised as an area of change in priority group three/four. It is acknowledged that some infrastructure (identified) improvements should take place before planning for growth at Balmoral.

### **7.5 Auckland City Council: Future Planning Framework**

The Auckland City Future Planning Framework is a non-statutory strategic planning document designed to identify the main features influencing forward planning for the city and produces an outcomes map for each of the city sectors. The outcomes map comprises the future main land-use areas/patterns including centres, various levels of residential intensity, and major transport features to be planned for. The following map is an extract from the Eden sector. It identifies the Balmoral centre and a key site extending eastwards from Dominion Road to a potential future North-South local traffic link. Proposed rezoning appears to be located at the eastern

edge of the key site. This emphasises the importance of the plan change in providing for the future development function of the Balmoral centre.



LC = Local Centre core

K = Key site

C = Community facility

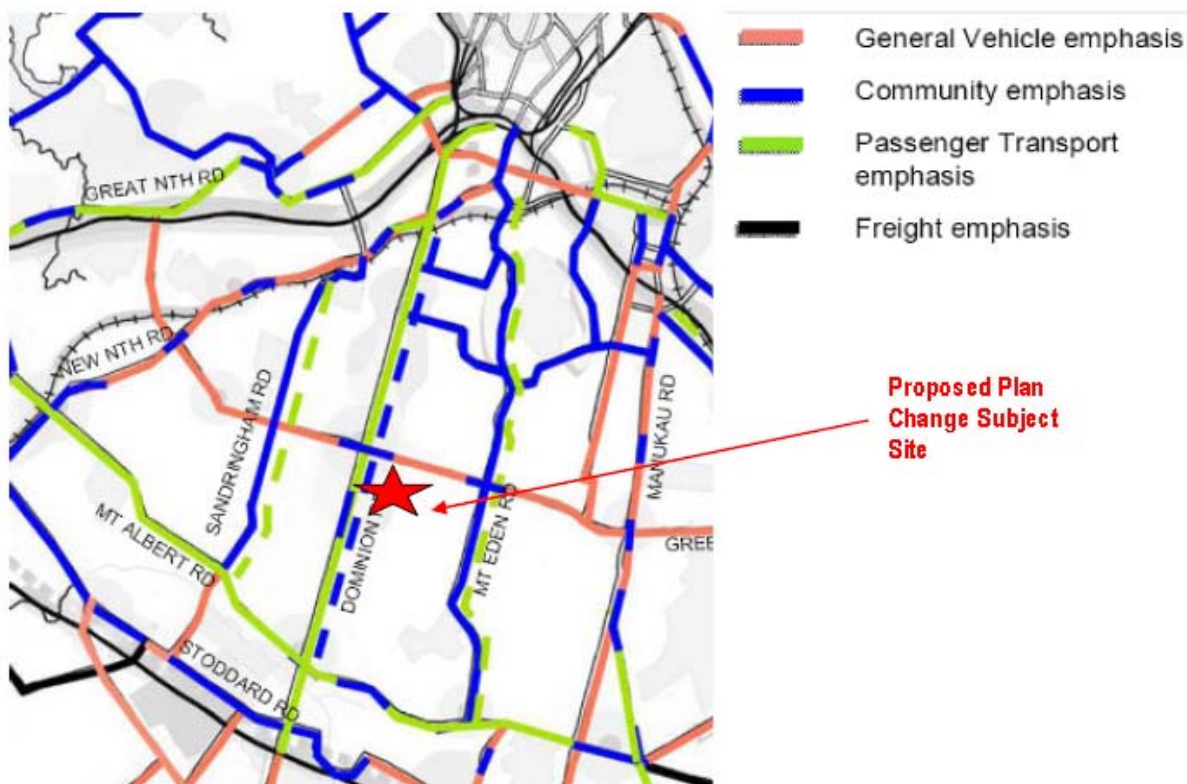
## 7.6 Auckland City Council Liveable Arterials

A major aspect of the Liveable Arterials Plan is to put in place priorities for and a balance between the various needs and demands that users place on the arterial network. To achieve this, functional classification has been established for each part of the arterial network including:-

- General vehicle emphasis;
- Community emphasis;
- Passenger transport emphasis;
- Freight emphasis.

The following extract from the Liveable Arterials Plan shows that in the vicinity of the intersection of Balmoral Road and Dominion Road near the proposed plan change site:-

- Balmoral Road overall has a 'general vehicle emphasis' but a 'community emphasis' is recognized at the intersection with Dominion Road by the Balmoral centre; and
- A 'passenger transport emphasis' is accorded to Dominion Road accompanied by 'community emphasis' as a second priority.



*(this extract diagram has been copied from the ITA)*

This may be regarded as a further layer of strategic planning with which the proposed plan change is fully consistent.

## 8 SECTION 32 REPORT

### 8.1 Introduction

This part of the report will set out the assessments and evaluations required by Section 32 RMA. Essentially an evaluation is required, after considering the benefits and costs of the alternatives, whether the rules and other methods are the most appropriate for achieving the objectives of the District Plan.

In the previous section, consistency of the proposed plan change with relevant parts of the Regional Policy Statement and the relevant objectives and policies of the District Plan was considered. This evaluation is limited to the District Plan objectives, has regard to efficiency and effectiveness and whether proposed change is an appropriate means of achieving the objectives. To carry out this evaluation, alternatives must be selected for consideration of costs and benefits.

### 8.2 Alternatives

The following alternatives have been selected for evaluation:

- (a) Do nothing. Under this alternative, existing provisions of the District Plan as they apply to the subject land would remain in place unchanged. Any proposal to develop the TWL

land currently zoned residential as part of a commercial development of the company's land would require a non-complying activity resource consent

- (b) Extend Business 2 zoning. This is the alternative proposed and lets the two small residential zones pieces of the TWL land will be rezoned as Business 2 to achieve a unified zoning across the whole site. Comprehensive redevelopment of the company land under the intensive scenario outlined earlier in this report or up to 7000m<sup>2</sup> of retail GFA would require a discretionary activity resource consent.
- (c) Rezone all TWL land as Business 8. Under this alternative, both the existing B2 and the residential zones portions of the site would be subject to a development plan, an activity schedule and special development controls and assessment criteria devised to apply to this site alone. Typically, the development plan would establish a building platform, required landscaped areas, access points, location of parking and would specify maximum floor areas, residual interface requirements and possibly urban design/architectural design requirements. Resource consent would probably be required for restricted discretionary activity for the buildings and potentially for retail activity above specified level with an emphasis on traffic effects assessment.

### 8.3 Evaluation of Costs and Benefits

<i>Alternative 1 Do Nothing – No Plan Change</i>	
<i>Benefits</i>	<i>Costs</i>
<ul style="list-style-type: none"> <li>Maintaining the status quo would ensure that any future development proposal would be assessed against objectives and policies and all potential adverse effects on the environment.</li> <li>Costs associated with plan changes would be avoided.</li> </ul>	<ul style="list-style-type: none"> <li>Retaining the residential zoning of the former Auckland Deaf Society land would lack integrity because it is part of a split zone site, the only access is through the B2 zone and it is surrounded by B2 zone on three sides and the ADS on the fourth side. It has no residential amenity or character.</li> <li>Resource consent procedures for non-complying activities would be the only means available for advancing development with a lowered prospect of success and associated high costs;</li> <li>TWL would be unable to plan with any confidence or certainty for redevelopment of the site to compensate for land lost to the designated transport facility;</li> <li>There would be no certainty that retail activities which currently anchor the Balmoral shopping centre could be replaced when the transport facility is developed;</li> <li>Long-term vitality and viability of the shopping centre would be undermined;</li> <li>Owners and residents of neighbouring properties would not have certainty about the likely future development of the residentially zoned part of the TWL site and future involvement in resource consent processes.</li> </ul>

***Alternative 2 Rezone the Residential zoned land as Business 2***

<b><i>Benefits</i></b>	<b><i>Costs</i></b>
<ul style="list-style-type: none"> <li>• The zone and rules already exist in the District Plan and would be applied to the whole of the TWL site;</li> <li>• There would be a unified zoning over the whole of the Balmoral shopping centre. Should the Council decided to prepare a Centre Plan, a unified zoning base would simplify the process;</li> <li>• The landowner would be placed in an equitable position to plan for redevelopment of its site;</li> <li>• Appropriate zoning provisions would have been made to replace the shopping centre development potential that would otherwise be lost to the designated public transport facility;</li> <li>• Any major development proposal will require discretionary activity consent and will be comprehensively assessed in the circumstances at that time.</li> <li>• There will be certainty about major access locations which will clarify planning for this area.</li> <li>• Certainty will be given to neighbouring property owners about future development potential of the currently residentially zoned portions of the TWL site.</li> </ul>	<ul style="list-style-type: none"> <li>• There would be no opportunity insert additional rules such as urban design to apply to a comprehensive redevelopment of the TWL site. However, that is the situation for the existing business 2 zoned land which comprises most of the TWL site. The potential scale of development enabled by the plan change is very little different to that provided for under the present zoning without any additional rules</li> <li>• The plan change will extend the Balmoral shopping centre without the benefit of a Centre plan. However the extension only replaces the loss of the development potential of the existing zoning caused by the designation. Council can prepare a Centre plan by way of a further plan change should it so wish.</li> </ul>

***Alternative 3 Rezone whole TWL Site as Business 8.***

<b><i>Benefits</i></b>	<b><i>Costs</i></b>
<ul style="list-style-type: none"> <li>• A comprehensive plan for the development of the TWL land including the residential portions of it would be prepared and become part of the District Plan.</li> <li>• Certainty will be given to neighbouring owners and residents about the physical extent and scale of provided for. It is noted however that the provisions for the B2 zone already contain development controls which establish a permitted building envelope effects on the environment development of the scale anticipated for the TWL land to be fully assessed at the time.</li> <li>• Additional controls relating to building/architectural design and perhaps on-site amenity could be introduced.</li> <li>• More certainty would be given to the owner of the land (TWL) about the extent of development authorised and the status of activities would likely be controlled or restricted discretionary limiting the type of assessment required</li> </ul>	<ul style="list-style-type: none"> <li>• B8 zoning with a development plan would inhibit the preparation of an overall Centre plan;</li> <li>• Under B8 zoning resource consent would still be required but design freedom would be more constrained. If development does not take place, the ability to assess a proposal in the current context and conditions of the centre and environs will be reduced;</li> <li>• There would be significant delays in preparing the plan change based on experience over the past eight years by the company in discussing potential development formats for the site with the Council;</li> <li>• The lack of progress by the Council in preparing details of the public work provided for by the designation would further inhibit the preparation of an enduring development plan for the site to a level of certainty for inclusion in the District Plan.</li> <li>• A B8 zone with a development plan would conflict with the public transport facility designation and the rights of TWL for compensation because to be realistic the development concept plan would exclude commercial development in the designated area.</li> </ul>

## 8.4 The Most Appropriate Means of Achieving the Objectives and Policies

From the foregoing costs and benefits analysis, and a consideration of the objectives and policies in the previous part of this report, the following conclusions have been reached about the appropriateness of the alternatives for giving effect to the objectives and policies of the District Plan.

(a) Alternative 1 Do Nothing.

It is considered that this alternative is not an appropriate means of giving effect to the objectives and policies. It would not redress the loss of vitality and development potential of the Balmoral Shopping Centre. Over time the role of the centre as a community focal point would be at risk of diminishing. Development of Business 2 zoned land remaining after the transport facility was built would still require an assessment so that objectives and policies for the transport system could be given effect and impacts of the commercial/residential interface could also be addressed. However, potential to redress the loss of Business2 zoned land to be taken for a public transport facility would be very uncertain. This alternative would not be consistent with the Auckland Growth Strategy and Regional Policy Change 6.

(b) Alternative 2 Proposed Rezoning to Business 2.

This alternative is considered to be the most efficient and effective and the most appropriate means of giving effect to the objectives and policies. It will maintain the Business 2 zone method over the whole of the Balmoral Shopping Centre and maintain the internal integrity of the District Plan. It will be efficient because it can be implemented without delay. It will be equitable because the land owner will be able to proceed with development proposals and resource consent applications on the same basis as at present and on the same basis that applies generally to suburban centres. It will reinforce the future of the Balmoral Centre as a node for intensification.

(c) Alternative 3 Rezone whole TWL site to Business 8.

This alternative could be designed to give effect to the objectives and policies. However, it would not be efficient because there would be significant delays in its preparation due to the need for a Comprehensive Development Plan to be prepared. Some of the circumstances including how to provide for the designated public transport facility would be uncertain and difficult. It would not be effective because application of the B8 zone to the land covered by the designation could not leave that part of the site as a blank. To do so would undermine the statutory right of TWL for compensation. To apply a development plan to the designated land could create requirements or development expectations that could not be fulfilled. For this reason it is considered the B8 zone is not the most appropriate means of giving effect to the objectives and policies.

## 9 ELDAMOS TESTS

In this part of the report, those matters set out in the Eldamos tests not already addressed in the section 32 assessment above will be addressed.

## 9.1 Will the Change Assist the Territorial Authority to Carry Out its Functions?

By providing a unified and proven business zoning to the whole of the TWL site, the plan change will assist the Council fulfil its function of integrated management of effects of the use or development of land. A unified zoning will facilitate an integrated approach to assessment of any proposed development of the site. From the foregoing analysis it is concluded that of the alternatives, use of the B2 zone is the most appropriate method for achieving the objectives and policies of the Plan. It follows that the plan change will therefore facilitate achievement of the business objectives and policies of the District Plan which have been established as part of the Council's function to achieve integrated management of effects on the environment.

## 9.2 Is the Change in Accordance with Part 2 of the Act?

Ultimately, all resource management regulatory proposals and provision of opportunities for the development and use of land must be shown to be consistent with and to achieve the purpose of sustainable management as defined in s.5 of the Act and to be consistent with the associated principles found in ss.6-8.

### 9.2.1 Sustainable Management

The first part of the definition of sustainable management is about managing the use of and development of resources at a rate and, in a way that enables people and communities to provide for their well being. Rezoning the two relatively small parcels of the TWL site has B2 would achieve this part of sustainable management by:-

- Replacing that part of the Business zoned land be taken for a public work so that development potential of the TWL site will be retained. This will facilitate significant development for a retail facility which of itself and also in association with the town centre would ensure the availability of facilities by which people and communities will be better able to provide for their well-being.
- The development facilitated by the rezoning would facilitate the achievement of the regional growth strategy which in itself is designed to enable the community to provide for its well-being.
- The rezoning, by facilitating development, will ameliorate serious adverse disruptive effects on the town centre and the TWL business proposals that would otherwise result from development of the designated public transport facility.

In its second part, the definition of sustainable management in s.5 requires the management of effects on the environment, in which regard:-

- Extending the zoning will sustain the potential of the physical resource represented by the TWL land to assist in meeting the needs of this and future generations;
- The proposal is neutral in regard to safeguarding the life supporting capacity of air, water, soil and the eco-systems; and

- It has been shown that comprehensive development of the site can be managed so that actual and potential adverse effects on the environment will be no more than minor.

### 9.2.2 Principles of Sections 6-8

It is considered that none of the matters of national importance set out in section 6 are relevant to the proposed rezoning.

From section 7 it is considered that (b), (c), (f) and (g) are relevant and that the proposed rezoning will be consistent to contribute to achievement of these principles as follows:-

- It will contribute to the efficient use and development of the physical resource represented by the site by improving its shape and access and maintaining the potential scale of development.
- At present the amenity of the site is at a relatively low level. Facilitating an integrated and comprehensive approach to redevelopment will ensure requirements of the District Plan for amenity will be implemented and bring about an enhancement.
- Facilitation of redevelopment of the site will strengthen the Balmoral town centre as a strategic facility in the urban environment and in that way enhance its quality.
- Land in the built-up area of Auckland and particularly where contiguous with town centres is a finite resource. Rezoning recognizes the importance of and gives a priority to that finite resource for future development in association with the town centre.

There are no known matters of particular interest to the Tangata Whenua associated with the site and no Treaty of Waitangi principles pursuant to section 8 are called into question.

For these reasons it is concluded that the proposed plan change will contribute towards the promotion of sustainable management and is in accord with all relevant resource management principles identified in ss.6-8.

## 10 CONSULTATION

Although there is no statutory requirement to undertake consultation in preparing a private plan change, The Warehouse has initiated consultation with neighbours to the site and has sent the relevant Iwi an invitation to consult. Despite three call backs, direct contact has not been able to be made with several of the property owners. A letter and information pack has been mailed out. Attached at **Annexure E** is a summary of persons consulted and outcomes.

## 11 CONCLUSIONS

As a general conclusion, the assessments contained in this report demonstrate that the proposed plan change is founded on sound resource management principles and satisfies all the requirements for plan changes and District Plan provisions set out in the Act. More specifically:-

- (a) The plan change will give effect to the purpose and principles of the Act and assist the Council to carry out its duty under s.31 to manage effects on the environment arising from the use and development of land;
- (b) Without the plan change, proper provision will not be made in the District Plan to allow timely and appropriate redevelopment of this part of the Balmoral Town Centre to accommodate and compensate for disruption arising from the proposed designated public transport centre;
- (c) The proposed change utilises existing zones and rules in the District Plan so that a unified zoning applies to the whole of The Warehouse site and the whole Balmoral Town Centre;
- (d) Potential adverse effects on the environment arising from development authorised by the plan change (whether limited to the re-zoned area or the whole of the TWL site will be no more than minor overall and will yield significant benefits for the future viability and vitality of the town centre and the wider community.
- (e) The proposed plan change in all its parts sits comfortably within the existing scheme of zoning and controls for the city and is concordant with the relevant objectives and policies of the District Plan;
- (f) The proposed plan change is consistent with and will give effect to the Regional Policy Statement and other Regional and City strategic planning documents.
- (g) The proposed plan change will promote sustainable management of resources as defined in s.5 of the Act and will give effect to the relevant principles set out in sections 6-8.

It is therefore concluded that public notification and eventual approval of the requested plan change would represent sound resource management practice.

**VERN WARREN**

*15 March 2010*