

The Chairperson
Mr. Greg Hall
The Independent Hearings Panel
Plan Change 78

30th April 2023

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER Intensification Planning Instruments Plan Changes (IPI) and related Regional Policy Statement and Plan Changes to the Auckland Unitary Plan – Operative in Part (AUP-OP)

DIRECTION (26 APRIL 2023) FROM THE HEARING PANEL

RESPONSE TO THE AUCKLAND COUNCIL'S MEMORANDUM REQUESTING A PAUSE OF ALL HEARINGS AND ALTERNATIVE DISPUTE RESOLUTION PROCESSES FOR PC78

Dear Sirs,

We are immensely disappointed to receive the news that the council has requested a delay in the full hearings process, rather than just a delay in its specific response to the two particular items of the light rail corridor, and its response in relation to flooding and the whether events earlier this year. Particularly as Council outlined in its initial legal submission at the beginning of the hearings it's request for a delay would not affect the other hearings topics. Both of which we believe should have been handled by two additional separate scoped workflow streams that could have feed into PC78 at a later or delayed date if required. But to put a halt to the entire hearings process with over two years work, time and cost involved so far is quite shocking, and puts further delays in the core objectives of this process.

The light rail corridor is a specific area of work, which can be quantified and managed in a separate work stream and does not affect any other topics what so ever.

Further, the council response to flooding and weather events is highly likely to be managed by overlays, and if any resource consents are received in the meantime extra special considerations could be required by council to ensure that development is planned and consented taking these issues into account. The number of consent applications during this time would not be large and can be managed by additional assessment criteria.

For these reasons we oppose the request to delay the entire hearings process, and request that all the hearings proceed as scheduled. Separately, we do support the councils request for extension of time only in relation to the two topics and reasons for the delay request in the first place as outlined above.

Following on from that, there is a small glimmer of hope in suggesting “topics that are discrete enough to be considered at this time”. We would elaborate further on that and highlight areas where consensus in expert conferencing was also obtained.

More specifically, council have publicly stated that they are looking to increase the heights of THAB zonings in central town centers to attract development away from the outer areas of Auckland and encourage the development of a “Compact City”.

In expert conferencing we understand there has been consensus between Council and experts that there should be increased heights in THAB zonings in three main Town Centers on the North Shore, these being Browns Bay, Birkenhead, and **Milford**.

This is all included in our submission number 2055, but more specifically **our request for consideration is** increasing the heights and changing the rules of THAB zoned land in Milford to be the same as walkable catchment THAB zoning. Thus, increasing the allowable build heights to 6 stories (rather than 5) and 21 meters with the availability of the alternative Hirb of 19 meters and 60 degrees for the first 21 meters of the side boundaries. This then puts Milford on the same playing field as it’s close neighbors.

This request already has board consensus and agreement with council and experts, and in fact should allow higher heights than that requested, but we are happy to go through the process further to achieve that. If specifically in Milford there is any concerns in relation to flood plains which there is in particular areas, this THAB zoning upgrade could be limited to that land referred to as the Shakespeare Road/Otakau Road block which includes

our lands, more particularly the land bordered by Shakespeare Road, Fenwick Avenue, Otakau Road and Milford Primary school. Council and all concerned will be fully aware that this land is not affected by any flood plain apart from the last section at 4 Shakespeare Road, which could be excluded.

Our family has lived in Milford for the last 73 years, and we are happy to appear or work with Council and the Hearings Panel as required or needed to achieve this outcome. We hope this is discrete enough and broadly accepted to be successful with a decision being made now or worked through as needed. Thank you all for your time, efforts and help,

Yours Sincerely,

Brett Carter
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Submission number 2055, 1-19
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Our main submission is for the “Otakau Road Block”, or “Shakespeare Road/Otakau Road Block” as described herein (and in the attached information), more specifically that land bounded by Shakespeare Road, Otakau Road, Fenwick Avenue, and Milford School, and in particular our land at 19, 19A and 21 Otakau Road, Milford, currently zoned THAB under PC78 which we agree with and support wholeheartedly, to be increased from 5 story THAB outside walkable catchment to 8 storey THAB with 27.2 meter allowable build heights because it is flat, in a walkable catchment within 3 minutes’ walk of Milford Town Centre, a large shopping centre, on high transport corridors with high residential housing demand and high capacity capability.

We support the notified rezoning and location of THAB in PC78 around Milford Town Centre,

We request and submit that allowable build heights in THAB zoning around Milford Town Centre should **all** be a minimum 6 story 21-meter allowable build height.

We request and submit that Milford be categorized as a “walkable catchment” which we submit it is, to allow for better high-quality outcomes with allowing the alternative height to boundary of the walkable catchment THAB zoning and greater heights.

We also submit and request changed to the building standards for THAB zonings as outlined below, by including and reinstating 6, 7 and 8 story THAB zonings outside walkable catchments,

We also submit and request removal of qualifying matters,

We also submit and request removal of the term “must not exceed” in THAB zoning heights,

We also submit and request standardisation of **all** THAB zoning to start at the minimum 21-meter 6 story THAB of walkable catchments across all THAB zoning in Auckland with the same building standards as walkable catchment THAB, whether they are in or outside walkable catchments,

We also submit and request **all** THAB zoning able to have the alternative height to boundaries of walkable catchments that being 19 meters height and 60 degree recession for the first 21.5 meters from the from boundary,

Our Submission:-

We support central governments directives and the NPS – UD, with Council’s response to it being a start, but in our view this response remains far too restrained around popular urban Town Centers like Milford, where we live. Further, the implementation is not consistent with the stated requirements of central government, or previous statements made by planners, or Environment Court decisions or Hearing Panel decisions in relation to Milford, and when compared to its neighboring Centers of Smales Farm and Takapuna. In fact, Council as a whole is trying to reduce intensification more than is currently allowed for in some areas/zonings and arbitrarily restrict building standards to minimize intensification where possible. We are pressured here for time, but look forward to participating in and specifically request a hearing on these matters and appeals as they may be necessary, particularly in the case of our land and the Shakespeare Road/Otakau Road block, or as may be necessary, and appreciate that opportunity. We look forward to bringing quality Town Planners to those hearings. The following is some initial thoughts.

Milford is a walkable catchment to a large shopping center, on high transport corridors with substantially more commercial activity and residential housing demand and capacity needs than council is crediting it for. Therefore, rezoning around Milford Town Centre should be increased commensurately because of that, particularly when compared with its neighbors of Takapuna and Smales Farm. Milford should have a minimum of 21.5-meter heights for Town Center zones and a minimum 21 meters/6 stories for THAB zones, and 8 story THAB for the Shakespeare Road/Otakau Road block with the same building standards as walkable catchments.

The Councils Planning Committee response in its agenda of the 3rd August 2022, and the map shown on page 58 (copy attached) was, and is a good start, particularly with zonings and allowable build heights of 21 meters around Milford, Town Center, but it does not go far enough. However, in this meeting Councilors also voted themselves the ability to change these heights behind closed doors. Subsequently, in a private meeting or “work shop”, the Politicians have lowered these heights all over Auckland, including Milford Town Center. We do not support this, and in fact support greater heights than those first shown, particularly when the status of Milford is properly assessed.

Auckland Councils response to the NPS UD is arbitrary, and deliberately subjective and qualitative in a way which the Council has made up, to determine what is a big or a small Town Centre. By any rational or quantitative measure, Milford is a Large Town Centre and in fact on high transport corridors and is therefore a walkable catchment in all description but name. For example, GFA’s

are the fact that it has a large shopping centre, and with the length of its main street etc. Councils' own "new" measurement methodology has been applied arbitrary in that it has measured the size/area of Town Center zoned land as a proxy for measuring the level of commercial activity in Milford, when in fact a large amount of commercial activity takes place on residentially zoned land in Milford. For example, the large number of medical facilities and service providers down the full length of Shakespeare Road, which are substantial due to our proximity to the North Shore Hospital. We are the prime location for people still wishing to live in their own homes but be close to specialist medical care. This has had the effect of under measuring commercial activity, and under valuing the potential and need for further increased residential zoning capacity in Milford.

When businesses are being forced into residential zones, this highlights that there is firstly not enough Town Center or commercial zoned land and that secondly the flow on effect is to take away residential land from those that desperately want housing in our area. By any metric, Milford needs a substantial increase in residential zonings and allowable build heights, and councils' response so far is nowhere near enough. It is also not just the level of activity that should be assessed, it is the value of that activity and housing requirement demand that should be prioritized. Hospital and medical treatment are only one example, but it is a prime example of the **unique extra demand/additional capacity needs and desirability** that Milford has for housing. The full amenities of Milford are substantial and highly desirable, particularly when compared to other town centers on the North Shore like Birkenhead or Browns Bay which have got higher rezoning capacity and heights. The whole point here is to leverage these assets and our infrastructure, and provide for increases in residential zoning capacity in the areas of high demand, where people want to live. Not restrict them to uneconomic building envelopes and ensure nothing is built.

Councils' response so far is feeble. The point being, that one inevitable consequence of the NPS and Enabling Housing Act is a government expectation that growth is to be planned for on a more quantitative, consistent and robust basis, and the Council's response is ducking and diving on this, without a proper or rational basis. Again, we have secret meetings behind closed doors, with politicians voting themselves the power to make arbitrary decisions behind these closed doors, with an eye on the upcoming elections, with no record, rational or justification for the decisions made. There is no public discussion or assessment of building heights and the reasons for these particularly when it comes to THAB zonings and Town Center zonings. In the case of Milford, again under valuing and under measuring its status is being used as a justification to minimize allowable build heights in our area.

Further, there are now two glaring holes in the rezoning of THAB around Milford, that being Shakespeare Road, and the Takapuna end of Kitchener Road. Refer maps attached. **If council wish to keep the rezoning of THAB minimized in these areas, they need to allow for substantially more allowable build heights in central Milford Town Center than they currently are or is notified under PC78. We would support this. The Town Center zonings should be a minimum 21.5-meter allowable build heights, and THAB zonings a minimum of 6 story 21 meters allowable build heights, THAB zonings of 8 story 27.2 meters allowable build heights in the Shakespeare Road/Otakau Road Block, which is the prime locations to achieve this higher volume of residential development necessary.**

The precedents for these heights are already set in planning decisions like 110 Kitchener Road, Milford, but these need to be standardized. This decision allowed 20.55m in the Mixed Used zone which was some 4.55 meters above the allowable build height at the time. It also allowed build heights of 18.464 meters build height on the Mixed Housing Urban part of the site, some 7.464 meters higher than the allowable build height. Copies of the 110 Kitchener Road planning decision are attached with a summary of the decision.

The Resource Management (Enabling Housing Supply and Other Matters) Act requires Council to **enable** “schedule 3 B (d) heights and density of urban form **commensurate with the level of commercial activities and community centre services.**” It does not specify or limit rezoning to 200meters from town centers or prescribe limiting allowable build heights to less than those of neighboring centers or walkable catchments. This self-imposed “limitation” of **around 200m and building heights** is in stark contrast to the PC34 decision by Mr. Smith who accepted that substantial intensification was to occur within 650m of Milford Town Centre, and that they expected and were planning for 1,500 new dwellings within this 650m of Milford Town Center, as referenced in Mr. Munro’s evidence 3.7 attached. **We would argue and appeal that high demand Town Centers like Milford should have heights and density of urban form commensurate with walkable catchments and its two neighbors. Council have failed to understand and cater for the full implications of the term commensurate particularly when PC34, PC23 and the hearing panel decision and precedents set for 110 Kitchener Road, Milford are taken into account.**

Milford has been miscategorized as a “Small Town Center”. Milford’s status and value has been recognized for a long time by both the Environment Court and Hearings Panel decisions which we will elaborate on in supplementary evidence attached for historical context, but even these are now out of date

when compared correctly to its neighbors of Takapuna and Smales Farm. Smales Farm for example under PC23 now has an RL of 123.4 meters with allowable build heights from ground level of 100 meters, but Smales Farm is not as desirable a place to live as Milford. This is now therefore the commensurate standard and height levels for both Milford and Takapuna because of PC34 where Judge Smith stated that the Environment Court considered Takapuna, Milford and Smales Farm were a triangle, and that all 3 were to be treated the same in terms of planning, heights and zoning. At that time, they already had existing 12 story buildings, Milford had the 12-story apartment block in Kitchener Road called “The Circle” for many years, (and now has 12-story building envelopes approved under PC34 in the Town Center), and the North Shore hospital beside Smales Farm is 12 stories high. Takapuna also has 12 story buildings and more. This was some of the justification for the decisions under PC34 and the heights allowed. In essence, Milford should be treated **commensurately** exactly the same as Takapuna Metropolitan Centre and Smales Farm through these changes under the NPS-UD now to be implemented. This is, and will be a fundamental shift in residential density and height around the central Milford Center site, which at over 3 hectares will also require a substantial increase in building heights and density to take advantage of this unique size and location, to ensure the required graduated increase in heights to a higher and necessarily distinguishable anchoring Town Center.

Council’s efforts to minimize and marginalize the effectiveness of the NPS-UD and changes needed.

It is disappointing to see Councilor’s efforts to restrict and marginalize the ability of any development to occur by changing development standards and reducing the effectiveness of this legislation, in direct contradiction to the express instructions of central government not to do so. Some examples and changes needed are, but not exclusively: -

- 1) It is clear the Planning Committee in its meeting of 4th August 2022 intended to consider applying the 6-storey height standard over THAB zones outside walkable catchments. This was wiped out by the political meetings behind closed doors between then and notification on the 18th September. (Refer attached copy of the planning committee agenda pg. 77 attachment J item 8). Also, in the THAB zoning H6, H6.1 ‘Zone Description’ in the notified PC78 Councilors have wiped out six, seven, or eight storeys in THAB zones outside walkable catchments on pages 1, 2, 4 and 5, copies attached. **We specifically request the independent hearings panel to reinstate these heights and review these in relation to THAB zoned land outside walkable catchments along with any**

appeals process particularly in relation to our land and that in the Shakespeare Road/Otakau Road Block.

- 2) The use of qualifying matters to minimize and reduce rezoning and allowable heights. It is not our intention to go through these here in full as others will cover this in more detail, but some that are now additional in the notification PC78 are the new “Spatially Identifying Qualifying Matters “, which we cannot find any discussion on, or evidence for. This we suspect has been used as a tool to cover up for the political decisions to reduce heights in 1) above.
- 3) Council have stated continually that the minimum THAB zoning is 5 stories allowable build heights in THAB zones outside walkable catchments, however when the notified changes to the H6 zonings have been made, they have made many changes to restrict and marginalize this zoning and in fact reduce this in direct contradiction to central governments directives. They are the alternative height to boundary height being changed and reduced to **16 meters only**, when previously it was this plus allowable heights for gabled and other roof lines which has been removed. **This zone at 5 stories should have an allowable build height of 17.9 meters or 18 meters round figurers when councils’ own methodology of height calculations is used, that being 4m ground floor, + 3.1m for 4 stories and + 1.5 m for design flexibility to reflect site considerations/architectural requirements (As defined under the H6 definitions page 1 and 2 reference 1.5.1 “What does at least 6 storeys mean?” copies attached. The removal of the roof allowances and not using the correct measurement is a reduction in zoning building envelopes. The correct measurements above should be used.**
- 4) They have introduced language into the H6 THAB zonings that does not have any effect in law or any relevance as evidenced by hearing panel accepted evidence and resource consent decisions. Particularly the use of the term **“must not exceed”** when referring to heights in the THAB H6 zoning, when this was discussed at length in the legal arguments in the 110 Kitchener Road, Milford decision. In short it is a restricted discretionary activity to build up to the allowable build height and it is a restricted discretionary activity to exceed it, there is no height limits created by such zonings. This is well documented in the 110 Kitchener Road, Milford legal arguments and decision (excerpts and copies attached) **This should be removed as it has no bearing or relevance, but it does show what the politicians are trying to do.**
- 5) We also submit and believe that the new alternative height to boundary in the walkable catchment is a very good idea, **that being H6.6.6.1B Height in relation to boundary for four or more dwellings and any other development within walkable catchments i.e., 19m high and then 60-degree setback for the first 21.5m from the front boundary. This is**

excellent because it brings height and shading effects to the front of a property and opens out the rear of properties to light for neighboring properties. With such a good idea, why would this alternative not be afforded to all THAB zoned land outside a walkable catchment as well, and it is our submission that it should be. Further, THAB is THAB where ever it is, and there is no justification for any differences in its implementation.

In summary, at a minimum Council and Central Government should allow for Town Center zonings of 21.5 meters in Height, a minimum of 21 Meter 6 story THAB zonings as under a walkable catchment in all THAB zoned land, and 8 Story THAB zoning in particular areas like the Shakespeare Road/Otakau Road Block, with the adjustments to building standards outlined above.

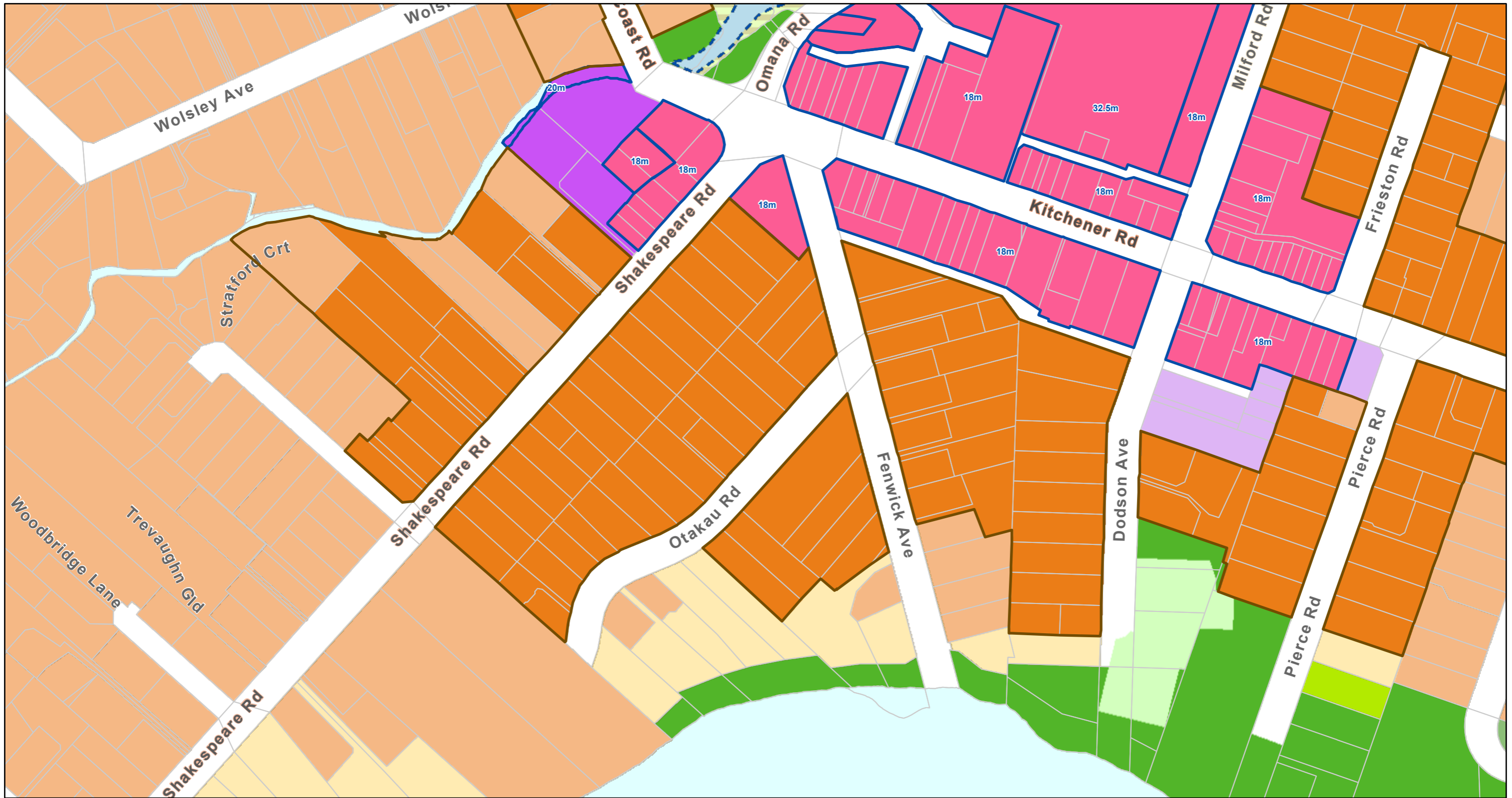
sub#/point	Submitter name	Summary	Topic	Subtopic	Further Sub #	Further Submitter	support/oppose
2049.77	Waka Kotahi	Reconsider the maximum parking rates in the city centre and amend if necessary.	Plan making and procedural	General	FS351	Drive Holdings Limited	Oppose in part
2049.78	Waka Kotahi	Reconsider the activity status of non-ancillary parking in the city centre (including the possible use of prohibited activity status) and amend if necessary.	Plan making and procedural	General	FS184	Kiwi Property Group Limited	oppose in
2049.78	Waka Kotahi	Reconsider the activity status of non-ancillary parking in the city centre (including the possible use of prohibited activity status) and amend if necessary.	Plan making and procedural	General	FS285	Viaduct Harbour Holdings Limited	oppose
2049.78	Waka Kotahi	Reconsider the activity status of non-ancillary parking in the city centre (including the possible use of prohibited activity status) and amend if necessary.	Plan making and procedural	General	FS308	Mount St John Residents Group Incorporated	oppose in
2049.78	Waka Kotahi	Reconsider the activity status of non-ancillary parking in the city centre (including the possible use of prohibited activity status) and amend if necessary.	Plan making and procedural	General	FS340	Foodstuffs North Island Limited	oppose in part
2049.78	Waka Kotahi	Reconsider the activity status of non-ancillary parking in the city centre (including the possible use of prohibited activity status) and amend if necessary.	Plan making and procedural	General	FS351	Drive Holdings Limited	Oppose in part
2051.2	Harry Hornabrook	Retain the Low Density Residential Zone in Freemans Bay. [Inferred] includes some or all of the properties on streets including College Hill, Victoria Street West, Franklin Road, Scotland Street, Ireland Street, Spring Street, Cascade Street, Runnell Street, Middle Street, England Street, Wood Street, Georgina Street, Costley Street, Renall Street, Russell Street, Elizabeth Street, Arthur Street, Margaret Street, Pember Reeves Street, Ponsonby Road, Collingwood Street, Heke Street, Anglesea Street, Winn Road, Paget Street, Picton Street, Barrie Street, Hepburn Street, Smith Street, Tahuna Street, Beresford Street West, Hopetoun Street, Howe Street, Beresford Street Central, Wellington Street, Pratt Street, Gwilliam Place, Napier Street, Napier Lane, Foundries Lane, Sheridan Lane, Grattan Place, Weld Street and Wilkins Street, Freemans Bay.	Urban Environment	Larger rezoning proposal	FS273	Samson Corporation Limited and Sterling Nominees Limited	oppose
2051.3	Harry Hornabrook	Amend the Special Character Overlay in Freemans Bay to include the entire area previously covered by the AUP Operative overlay. [Inferred] includes some or all of the properties on streets including College Hill, Victoria Street West, Franklin Road, Scotland Street, Ireland Street, Spring Street, Cascade Street, Runnell Street, Middle Street, England Street, Wood Street, Georgina Street, Costley Street, Renall Street, Russell Street, Elizabeth Street, Arthur Street, Margaret Street, Pember Reeves Street, Ponsonby Road, Collingwood Street, Heke Street, Anglesea Street, Winn Road, Paget Street, Picton Street, Barrie Street, Hepburn Street, Smith Street, Tahuna Street, Beresford Street West, Hopetoun Street, Howe Street, Beresford Street Central, Wellington Street, Pratt Street, Gwilliam Place, Napier Street, Napier Lane, Foundries Lane, Sheridan Lane, Grattan Place, Weld Street and Wilkins Street, Freemans Bay.	Qualifying Matters - Special Character	Special Character Residential - add new property/area to SCAR	FS273	Samson Corporation Limited and Sterling Nominees Limited	oppose
2051.7	Harry Hornabrook	Reject 1200m walkable catchment from the City Centre edge [no specific decision requested].	Walkable Catchments	WC City Centre - Extent	FS428	The Rosanne Trust	Support in part
2052.1	Grant Burns	Include the Victoria Avenue precinct, Remuera as a Character qualifying matter.	Qualifying Matters - Special Character	Special Character Residential - add new property/area to SCAR	FS94	Remuera Heritage Inc	Support
2053.1	Wayne Russell	Retain the existing consented setback area and building height and a height in relation to boundary control on 16 Spring Street and England Street (Freemans Bay) frontages [see Figure H6.6.5.1 in the submission , page 14]	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS398	Citizens Against The Housing Act	oppose
2055.1	Brett Carter Family Trust	Approve the notified rezoning and location of THAB in PC78 around Milford Town Centre.	Centres - NPS-UD Policy 3d response	Milford Town Centre - extent of intensification	FS378	Milford 110 Limited	support
2055.1	Brett Carter Family Trust	Approve the notified rezoning and location of THAB in PC78 around Milford Town Centre.	Centres - NPS-UD Policy 3d response	Milford Town Centre - extent of intensification	FS472	North Eastern Investments Limited	support in part

sub#/point	Submitter name	Summary	Topic	Subtopic	Further Sub #	Further Submitter	support/oppose
2055.2	Brett Carter Family Trust	Amend allowable build heights in THAB zoning around Milford Town Centre should all be a minimum 6 story 21-meter allowable build height.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.2	Brett Carter Family Trust	Amend allowable build heights in THAB zoning around Milford Town Centre should all be a minimum 6 story 21-meter allowable build height.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS472	North Eastern Investments Limited	support in part
2055.3	Brett Carter Family Trust	Milford be categorized as a “walkable catchment” which we submit it is, to allow for better high-quality outcomes with allowing the alternative height to boundary of the walkable catchment THAB zoning and greater heights.	Centres - NPS-UD Policy 3d response	Milford Town Centre - extent of intensification	FS378	Milford 110 Limited	support
2055.3	Brett Carter Family Trust	Milford be categorized as a “walkable catchment” which we submit it is, to allow for better high-quality outcomes with allowing the alternative height to boundary of the walkable catchment THAB zoning and greater heights.	Centres - NPS-UD Policy 3d response	Milford Town Centre - extent of intensification	FS472	North Eastern Investments Limited	support in part
2055.4	Brett Carter Family Trust	Amend the building standards for THAB zonings as outlined below, by including and reinstating 6, 7 and 8 story THAB zonings outside walkable catchments.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.4	Brett Carter Family Trust	Amend the building standards for THAB zonings as outlined below, by including and reinstating 6, 7 and 8 story THAB zonings outside walkable catchments.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS472	North Eastern Investments Limited	support in part
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS94	Remuera Heritage Inc	Oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS151	Seaview Road Residents Group	Oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS263	Herne Bay Residents Association Inc.	oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS296	Character Coalition Incorporated	oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS332	Alan Clive Stokes	oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS333	Mark Dolling Andrews	oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS378	Milford 110 Limited	support
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS442	South Epsom Planning Group (Inc)	oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS472	North Eastern Investments Limited	support in part
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS505	Gregory John McKeown	oppose


sub#/point	Submitter name	Summary	Topic	Subtopic	Further Sub #	Further Submitter	support/oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS511	Angelique Ward	oppose
2055.5	Brett Carter Family Trust	Remove qualifying matters.	Qualifying Matters A-I	Appropriateness of QMs (A-I)	FS515	Jessica Ward	oppose
2055.6	Brett Carter Family Trust	Remove the term “must not exceed” in THAB zoning heights.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.6	Brett Carter Family Trust	Remove the term “must not exceed” in THAB zoning heights.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS472	North Eastern Investments Limited	support in part
2055.7	Brett Carter Family Trust	Standardise all THAB zoning to start at the minimum 21-meter 6 story THAB of walkable catchments across all THAB zoning in Auckland with the same building standards as walkable catchment THAB, whether they are in or outside walkable catchments.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.7	Brett Carter Family Trust	Standardise all THAB zoning to start at the minimum 21-meter 6 story THAB of walkable catchments across all THAB zoning in Auckland with the same building standards as walkable catchment THAB, whether they are in or outside walkable catchments.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS472	North Eastern Investments Limited	support in part
2055.8	Brett Carter Family Trust	Amend all THAB zoning to have the alternative height to boundaries of walkable catchments that being 19 meters height and 60 degree recession for the first 21.5 meters from the boundary.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.8	Brett Carter Family Trust	Amend all THAB zoning to have the alternative height to boundaries of walkable catchments that being 19 meters height and 60 degree recession for the first 21.5 meters from the boundary.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS472	North Eastern Investments Limited	support in part
2055.9	Brett Carter Family Trust	Approve THAB zoning of the Shakespeare Road/Otakau Road block, Milford, including 32 Shakespeare Road, 30 Shakespeare Road, 28 Shakespeare Road, 26 Shakespeare Road, 24 Shakespeare Road, 22 Shakespeare Road, 22A Shakespeare Road, 20 Shakespeare Road, 18 Shakespeare Road, 16 Shakespeare Road, 14 Shakespeare Road, 12 Shakespeare Road, 10 Shakespeare Road, 8 Shakespeare Road, 6 Shakespeare Road, 4 Shakespeare Road, 1 Fenwick Avenue, 3 Fenwick Avenue, 5 Fenwick Avenue, 3 Otakau Road, 5 Otakau Road, 7 Otakau Road, 9 Otakau Road, 9A Otakau Road, 11 Otakau Road, 13 Otakau Road, 15 Otakau Road, 17 Otakau Road, 19 Otakau Road, 19A Otakau Road, 21 Otakau Road, 23 Otakau Road and 23A Otakau Road, Milford. Refer to page 2 of submission.	Urban Environment	Single or small area rezoning proposal	FS378	Milford 110 Limited	support
2055.10	Brett Carter Family Trust	Enable THAB zone heights of 8 storeys (27.2 metres) at the Shakespeare Road/Otakau Road block, Milford, including 32 Shakespeare Road, 30 Shakespeare Road, 28 Shakespeare Road, 26 Shakespeare Road, 24 Shakespeare Road, 22 Shakespeare Road, 22A Shakespeare Road, 20 Shakespeare Road, 18 Shakespeare Road, 16 Shakespeare Road, 14 Shakespeare Road, 12 Shakespeare Road, 10 Shakespeare Road, 8 Shakespeare Road, 6 Shakespeare Road, 4 Shakespeare Road, 1 Fenwick Avenue, 3 Fenwick Avenue, 5 Fenwick Avenue, 3 Otakau Road, 5 Otakau Road, 7 Otakau Road, 9 Otakau Road, 9A Otakau Road, 11 Otakau Road, 13 Otakau Road, 15 Otakau Road, 17 Otakau Road, 19 Otakau Road, 19A Otakau Road, 21 Otakau Road, 23 Otakau Road and 23A Otakau Road, Milford, with the same building standards as walkable catchments. Refer to page 2 of submission.	Height	Residential Height - Strategic Approach (use of a single control HVC/Zone/Precinct to limit height)	FS378	Milford 110 Limited	support
2055.11	Brett Carter Family Trust	[Inferred] Provide for greater height at Milford Town Centre commensurate with that for Takapuna and Smales Farm. Refer to page 3 of submission.	Business Zones provisions	Town Centre Zone - provisions	FS378	Milford 110 Limited	support


sub#/point	Submitter name	Summary	Topic	Subtopic	Further Sub #	Further Submitter	support/oppose
2055.11	Brett Carter Family Trust	[Inferred] Provide for greater height at Milford Town Centre commensurate with that for Takapuna and Smales Farm. Refer to page 3 of submission.	Business Zones provisions	Town Centre Zone - provisions	FS431	Milford Centre Limited	support
2055.12	Brett Carter Family Trust	Provide for Milford Town Centre to have at least 21.5m height limits. Refer to page 3 of submission.	Urban Environment	Larger rezoning proposal	FS378	Milford 110 Limited	support
2055.13	Brett Carter Family Trust	Provide for THAB zoning around Milford Town Centre to have a minimum of 21m 6 storeys and the same building standards as walkable catchments. Refer to page 3 of submission.	Urban Environment	Larger rezoning proposal	FS378	Milford 110 Limited	support
2055.14	Brett Carter Family Trust	Should THAB rezoning be minimised around Milford, more allowable building heights be allowed in central Milford Town Centre. Refer to page 5 of submission.	Height	Business Height - Strategic Approach (use of a single control HVC/Zone/Precinct to limit height)	FS378	Milford 110 Limited	support
2055.15	Brett Carter Family Trust	[Inferred] Reconsider the distance from Milford Town centre where intensification is enabled. Refer to page 5 of submission.	Centres NPS UD Policy 3d response	Town/Local/Neighbourhood - Methodology (distance of adjacent)	FS378	Milford 110 Limited	support
2055.16	Brett Carter Family Trust	[Inferred] Provide for Milford Town Centre to have heights and density commensurate with walkable catchments and its two neighbours, Takapuna and Smales Farm. Refer to page 5 of submission.	Centres NPS UD Policy 3d response	Town/Local/Neighbourhood - Methodology (centre selection)	FS378	Milford 110 Limited	support
2055.17	Brett Carter Family Trust	Amend the plan to make clear the correct way 'height' is calculated in the THAB zone. Refer to pages 6 and 7 of the submission for detail.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.18	Brett Carter Family Trust	Remove the words "must not exceed" from the THAB zone in respect of 'height'. Refer to page 7 of submission.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2055.19	Brett Carter Family Trust	Approve the proposed THAB alternative height to boundary standard H6.6.6.1B Height in relation to boundary for four or more dwellings within walkable catchments to areas outside walkable catchments. Refer to pages 7 and 8 of submission.	Terrace Housing and Apartment Buildings Zone provisions	H6 Standards THAB Zone	FS378	Milford 110 Limited	support
2057.1	Simon Terry	Any increase in height limits is staged, such that these are changed for certain areas to meet short term demand and priorities for redevelopment, and other areas have height limits changed only as additional development capacity is proven to be needed.	Height	Residential Height - Strategic Approach (use of a single control HVC/Zone/Precinct to limit height)	FS379	Mission Bay Kohimarama Residents Association Incorporated	support

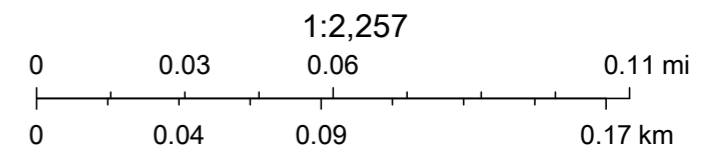
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 Policy 3d - Rezoning around Centre zones

 Height Variation Control



Eagle Technology, Land Information New Zealand, GEBCO, Community maps contributors, Plans and Places, Chief Planning Office

Discussion paper and notes for Expert Conferencing on the 17th and 18th April 2023 in topics 017 A and B Walkable Catchments General and General Methodology.

Overview:

Milford is a **Large Town Center** on flat walkable land, situated on high transport corridors which include substantial bus and arterial roadway routes. It is a main central cross roads on the North Shore, and a special highly desirable high demand housing location, currently starved of economically viable development opportunities to satisfy this high demand.

Key points and why Milford is a walkable catchment for planning purposes:-

- Milford is a Large Town Center particularly economically and has been incorrectly designated as a small Town Center under PC78. (Economic data to be provided as per Simon O'Connor submission showing Milford very similar in size to Takapuna when Takapuna is designated a Large metropolitan Center).
- Milford is a special case in its need to provide housing and satisfy demand for people wanting medical facilities, particularly when it is located close to North Shore Hospital and all the medical specialists surrounding the hospital and down Shakespeare Road in Milford. These people need flat walkable access, which Milford offers
- Milford is a crossroads with 4 main arterial roadways in and out, these being
 - East Coast Road
 - Beach Road
 - Kitchener Road
 - Shakespeare RoadShakespeare Road in particular is designated by Auckland Transport to, in future, have all parking removed and become a 4-lane arterial road with bus lanes directly linking Milford and Smales Farm
- In PC34 Judge Smith Stated that Milford, Takapuna and Smales Farm should be treated as a triangle and that for planning purposes should be treated the same. This precedent and view in the Environment Court should be implemented under PC78, and was why similar heights we granted in Milford, as in Takapuna and Smales Farm under PC34. Further, these heights have now

- substantially increased with PC23 granting an ROL of 123.5 meters high in Smales Farm, a build height of 100 meters. This needs to be implemented in Milford Town Center zonings as well
- The precedents for these heights bulk and location are already set in planning decisions in Milford like 110 Kitchener Road, Milford, but these need to be standardized. This decision allowed 20.55m in the Mixed Used zone which was some 4.55 meters above the allowable build height at the time. This being essentially the same as the proposed 6 story THAB and Town Center zonings under Walkable Catchments
 - The special case for the land surrounded by the Shakespeare Road, Fenwick Avenue, Otakau Road, and bordering the open green space of Milford Primary School. This land has always been zoned for the most intensive residential zonings in Milford in the past, under the previous plan being zoned residential 6A with 3 stories even back then. It was zoned 6 story THAB under the draft Unitary plan. It is now zoned THAB under PC78. THAB zonings in a Walkable Catchment have a minimum of 6 story 21 meters allowable build heights which should be the minimum for this block. However, Mr. Mead the Councils Strategic Planner has already said they are now looking at increasing THAB heights in inner Town Centers to greater heights to attract development back into these central areas to leverage existing infrastructure and ensure they achieve a “compact city”. KO have stated they now believe they need 8 story allowable build heights to achieve economies of scale to then achieve product retail price points low enough to help solve the housing crisis. We specifically submit and request that this Shakespeare Road/Otakau Road Block, be increased to THAB zonings of 8 story 27.2 meters allowable build heights which this prime location can then achieve the higher volume of residential development necessary. This Block is both infrastructure ready, having had substantial stormwater upgrades recently, and is outside any flood plain or recently weather effected areas.

Key methodologies to achieve Milford being correctly changed to a walkable catchment of which there are two options:-

Firstly, Milford is globally changed to a Large Town Center and Walkable Catchment. Areas of THAB and Town Center zonings are increased both in terms of location and heights, then nuanced throughout the Town Center under the framework,

Or secondly, as submitted by Simon O'Connor Milford is globally changed to a Large Town Center with the walkable catchments of Takapuna and Smales Farm's then extended in and under the existing framework to include Milford. Areas and zonings around Milford Town

Center are then increased both in terms of location and heights, then nuanced throughout the Town Center.