## Komiti Whakarite Mahere / Planning Committee

### OPEN ATTACHMENTS

ADDITIONAL ATTACHMENTS
UNDER SEPARATE COVER

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Summary of Planning Committee information memos and briefings - 2 July 2019</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Update on the Paturoa Road Tree</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>B. Auckland Unitary Plan Special Character Areas Overlay – Residential</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>C. City Centre Masterplan Refresh Workshop Minutes</td>
<td>11</td>
</tr>
</tbody>
</table>

**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Memo

To: Planning Committee Members
From: Phill Reid - Auckland-wide, Plans & Places

Subject: Update on the Patureoa Kauri Tree

The purpose of this memo is to provide information for members with regard to the circumstances surrounding the kauri tree 40-42 Patureoa Rd Titirangi, with particular regard to the prospects of its formal protection under the Auckland Unitary Plan. Requests have been made to Council to 'reinstate' the Significant Ecological Area (SEA) over the property and/or to include the tree on the Schedule of Notable Trees (Schedule 10).

Brief Background

A resource consent was issued in 2014 granting development of the properties at 40-42 Patureoa Rd, Titirangi. The consent involved the removal of native bush (including the kauri) to accommodate a dwelling and associated access. Due process was followed. The consent generated interest within the community who were concerned at the loss of the kauri. A protestor occupied the tree for a period of time to prevent it from being removed. The tree was also 'ringbarked' during this time which caused further media attention. Concurrently, a judicial review was initiated by neighbours and the community through the High Court. This resulted in an interim protection order over the tree. Prior to the outcome of the judicial review, the owners surrendered the consent. Although the judicial review process thus ended, the High Court indicated that they would have upheld Council’s decision to grant consent.

Current situation

Renewed interest in the fate of the tree has occurred in the last few weeks because an Environment Court decision (3 April 2019) lifted the interim protection order (as at 26 April 2019). A Certificate of Compliance (CoC) was also issued recently and this clarifies the permitted activity status to remove the kauri.

Prior to 26 April 2019, a further Appeal to this decision to the High Court was lodged by neighbours and a Hearing has been set down for 19th June. In the meantime, we understand that interim protection has been extended until the outcome of this Hearing.

Council has been asked to pursue plan changes to reinstate the SEA overlay which existed across the properties as part of the Proposed Auckland Unitary Plan (PAUP) and/or to add the tree to the Notable Trees (Schedule 10). These options are discussed below.

Reinstatement of the SEA over the property

The extent of the SEA mapped overlay was amended at 40 & 42 Patureoa Rd as part of the Unitary Plan hearings process (as part of direct discussions between the applicants/submitters and council experts). This was in response to the then active resource consent that provided for
development on the property. The amendment to the SEA extent was supported by case law (which takes into consideration the future environment as modified by resource consents).

The owners surrendered their resource consent at the time the consent decision became subject to a judicial review by neighbours and community groups, which led to interested parties to suggest that the SEA could be ‘reinstated.’

This was not considered to be an option in 2017 and neither is it considered an option now. This is for several reasons.

The overall approach of the AUP is to balance the need to protect biodiversity, while enabling use and development to provide for peoples’ wellbeing. The building area at the front of the property was identified to be suitable and not excessive in terms of its proposed original clearance area.

Even if the SEA had remained on the property (or if it were to be reinstated), the clearance of an area similar in size to that originally proposed for the purposes of development would be a controlled activity and not require notification. The remainder of the property is subject to the SEA overlay and contains native vegetation and large mature trees.

Undertaking a plan change to add a small area of SEA would have to be balanced against the overall gain. The scale of potential environmental and economic benefits to be gained from adding a small additional area into the existing SEA is minimal in the scope of the region. In addition, a case-by-case piecemeal approach to individually address small areas by way of plan change is not considered efficient.

A more appropriate process and use of council resources is to consider the mapping of the SEA overlay in the vicinity of 40 and 42 Paturoa Road as part of a future review of the overlay as a whole. Such a review is likely to commence within the next three to five years.

Nomination for inclusion on the Schedule

The tree has been nominated in the past for inclusion on Schedule 10.

A nomination was received in May 2017 and Council’s heritage team responded to the request on 12 May 2017. Nominations do not automatically qualify for inclusion on the Schedule. Nominations may or may not progress to an evaluation by an arborist and whether or not an evaluation takes place depends on whether a plan change is proposed to review the Schedule. There is no plan change imminent to ‘open up’ the Schedule to allow additions, deletions and re-evaluations. The Planning Committee (April 2019 meeting) resolved to recommend that the incoming Council consider the timing of a full review of the Schedule within the context of the Urban Forest Strategy work and resourcing considerations.

While there is a plan change in progress to address the errors and inconsistencies in Schedule 10, the scope of this plan change is very limited to minor issues and a re-structure of the Schedule to make it more legible for users. Additions or deletions of trees to the Schedule are not part of the plan change and will not be considered.
Including the kauri on the Schedule as part of this administrative plan change is therefore out of scope. In addition, there can be no justification to consider one tree as a ‘special case’ to be included when there are other such nominations in council’s heritage database.

Whether or not the kauri would meet the criteria for inclusion on the Schedule is unknown but possibly unlikely given that it has been damaged in the recent past and is also part of an overall forested area and therefore its ‘visual’ significance is reduced.

As is the case with small areas of individual SEAs, a plan change to add single trees to the schedule is not an efficient approach given that the RMA Schedule 1 process must be followed. Of additional note is that even if plan change/s were promulgated to consider adding the tree/s to the SEA or Schedule 10, this is a lengthy process under the RMA which must allow public participation.

In summary, even if Council were to pursue plan changes to extend the SEA overlay or to include the kauri to Schedule 10, these plan changes would not have retrospective effect. The property owner has a CoC which provides/confirms permission to remove the tree as a permitted activity.

While concerned neighbours/interested parties have an option to seek a private plan change for adding the tree to the Schedule and/or extending the SEA, the probability of success appears to be limited given the reasons discussed above.

Phil Reid
Manager – Auckland wide Planning, Plans & Places.
Memo

To: Planning Committee Members
cc: John Duguid
From: Phill Reid – Auckland-wide Planning Manager, Plans and Places Department

Subject: Auckland Unitary Plan (Operative in Part) (AUP) Special Character Areas Overlay – Residential

Committee members may be fielding enquiries resulting from a public notification mail out associated with proposed plan change 26.

The purpose of this memo is to inform you about proposed plan change 26 to the Auckland Unitary Plan (Operative in part) (AUP). The proposed plan change relates to the provisions of chapter D18, the Special Character Areas Overlay – Residential (SCA Residential) and chapter E38 Subdivision - Urban. The proposed plan change was notified on 30 May 2019 and submissions close on 28 June 2019.

Background
The Proposed Plan Change forms a policy response to Environment Court Declaration Auckland Council v London Pacific Family Trust regarding the Special Character Area Overlay – Residential, and its relationship with the relevant underlying zone, predominantly the Residential Single House Zone (SHZ). The Court’s decisions on the Declaration proceedings clarified that unless there is a specific rule that allows it, overlay provisions do not replace those within the underlying zones, and that all rules relevant to an activity must be applied under the general rules of the Unitary Plan. The decision required a change in the Council’s approach to the relationship between the SCA Residential and the underlying SHZ. The Declaration requires that both sets of rules are considered in consent assessments, as it is not specified that the overlay prevails.

As a result of the Declaration, consent applications must be considered against the provisions of both the SCAR and the underlying zone. However, having two standards controlling the same effect (e.g. two different height in relation to boundary standards) is causing difficulty for assessments and for plan users, and it is unclear which provision should be used to determine the appropriate building envelope. More fundamentally, the SCA provisions do not function as they were intended.

Overview of the proposed plan change

Key points:

- Proposed Plan Change does not amend the AUP provisions relating to additions and alterations to buildings within Special Character overlay areas;
- Proposed Plan Change does not amend the AUP provisions relating to demolition within Special Character overlay areas;
Proposed Plan Change does not amend the spatial application of the Special Character overlay areas within the AUP maps; and

Proposed Plan Change does not involve any fundamental policy shift for the AUP management of Special Character areas.

The purpose of the proposed plan change is to clarify the intended relationship of the SCA Residential with the relevant underlying zone. It is intended that where there are equivalent standards, then the standard in the SCA Residential will prevail over the underlying zone. The proposed changes are all contained within Attachment 6 - Proposed Plan Change 26; Amendments to Chapter D18 & Chapter E38, hyperlinked here for your convenience.

**Proposed changes:**

**Activity table:**

The preamble to the Activity Table is proposed to be modified and is to state that where the activity status of an activity specified in the Special Character Overlay chapter is different to the corresponding activity status in the underlying residential zone, then the activity status in the Special Character Overlay chapter takes precedence over the activity status in the underlying residential zone (whether or not that activity status is more restrictive).

Notwithstanding the following activities in the activity table remain unchanged:

- **Demolition of buildings**
  
  Demolition exceeding 30% or more, of buildings within a Special Character Overlay area will require a restricted discretionary resource reconsent be applied for.

- **Additions and alterations**
  
  External additions and/or alterations to a building within a Special Character Overlay area will require a restricted discretionory resource reconsent be applied for.

- **New Buildings**
  
  Construction of a new building within a Special Character Overlay area will require a restricted discretionory resource reconsent be applied for.

Following are the proposed additions to the activity table:

- **Fences and walls**
  
  (incorrectly omitted from the current Activity Table)
  
  - New fences and walls, and alterations to existing fences and walls that comply with the updated Special Character Overlay fences and walls standard are permitted.
  
  - New fences and walls and alterations to existing fences and walls that do not comply with the updated Special Character Overlay fences and walls standard will require a restricted discretionory resource reconsent be applied for.

**Development standards:**

The proposed plan change intends to make it clearer for people to understand which rule to apply to their developments on residential sites that sit under the Special Character Overlay.

For the following standards, those residential sites covered by the Special Character Overlay are to apply the rule from the Special Character Overlay chapter and disregard the corresponding rule found within the underlying residential zoning chapter. Each standard has been modified by adding a purpose statement.
Building Height
- Maximum height of 8m.
- This rule has been modified by adding a purpose statement.
- The rule and its specified height has not changed.

Height in relation to boundary
- Height in Relation to Boundary standard of 3m and a 45° recession plane to apply to sites with a road fronted boundary less than 15m in width.
- This standard has been modified by specifying the 15m front boundary length trigger.
- For sites 15m and wider, the underlying residential zone height in relation to boundary standard applies.
- The Height in relation to boundary specified dimensions have not changed.

Yards
- The average front yard setback dimension and the 1.2m side yard standard is to apply.
- The 3m rear yard requirement is to be deleted deferring to the underlying zoning rear yard standard being 1m.

Building Coverage
- The standard stipulates building coverage maximums informed by the existing net site area.
- The rule and its specified coverages have not changed.

Landscaped area
- The standard stipulates minimum required landscaped area percentages relative to the existing net site areas.
- The rule and its specified percentage coverages have not changed.

Maximum impervious area
- The standard stipulates Maximum impervious area coverage maximums informed by the existing net site area regardless of the corresponding Maximum impervious area standard.
- This rule in the Special Character Overlay chapter has been modified by substituting ‘impervious’ for ‘paved’.
- The percentage coverage maximums listed now include the building coverage and other impervious areas such as driveways.

Fences and walls
- The standard stipulates that any new fences to be constructed forward of the line of the front façade of the building are to be to a maximum height of 1.2m.
- All other fencing behind the line of the front façade of the building shall be 2m in height.
- This rule in the Special Character Overlay chapter has been modified by clarifying at what point the fence heights are different along the side fence.

Other changes:
- Additional matter of discretion & assessment criteria for restricted discretionary activities requiring that infringement of the aforementioned standards require additional assessment against the matters of discretion & assessment criteria of the underlying zoning.

Subdivision
- Those residential sites covered by the Special Character Overlay - Sub Areas (e.g. Isthmus A – North Shore Area A) are to apply the Special Character Overlay subdivision standards from the Subdivision - Urban chapter which stipulates minimum vacant lot site areas.

- This is to replace the corresponding minimum vacant lot site areas of the underlying residential zoning found in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

- The rule and its specified minimum vacant lot site areas have not changed.

Phill Reid

Auckland-wide Planning Manager,
Plans and Places Department
Planning Committee Workshop - City Centre Masterplan refresh - Workshop 4
MINUTES

Minutes of a workshop held in the Reception Lounge, Level 2, Auckland Town Hall on Tuesday 12 June 2019 at 1.36pm

PRESENT

Chairperson Cr Chris Darby
Deputy Chair Cr Richard Hills
Cr Ross Clow
Cr Linda Cooper From 3.56pm, on council business
Cr Alf Filipaina From 1.58pm
Mayor Phil Goff Until 2.45pm
Cr Penny Hulse From 2.03pm
Cr Mike Lee From 2.00pm
Cr Greg Sayers
Cr Desley Simpson
Cr Sharon Stewart Until 3.02pm
Cr Wayne Walker
Cr John Watson Until 3.22pm
Cr Paul Young

APOLOGIES

Cr Josephine Bartley
Cr Cathy Casey
Deputy Mayor Bill Cashmore On council business
Cr Efeso Collins
Cr Christine Fletcher On council business
IMSB Member Tau Henare
Cr Daniel Newman
IMSB Member Liane Ngamane
Cr Sir John Walker

ALSO PRESENT

Pippa Coom Chair - Waitematā Local Board
Richard Northey Waitematā Local Board
Viv Beck Auckland City Centre Advisory Board Chair

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.
Purpose of the workshop
To discuss content which will be presented for decision at the 2 July Planning Committee meeting:
- Consultation schedule
- CCMP Transformational Moves

Declarations of Interest
There were no declarations of interest.

Notes

Introduction
Recap, Purpose & Outcomes

CCMP Structure and Transformational Moves
- Overview
- Transformational Moves and Auckland Plan Outcomes

A presentation was given covering the following items:
- Recap of the Planning Committee workshops taking place earlier in 2019
- Overview of the new 8 transformational moves
- Detail on:
  - Move 1: Māori Outcomes
  - Move 2: The East and West Stitch – Grafton Gully Boulevard
  - Move 8: The Harbour Edge Stitch – Waterfront Plan
- A recap on the Access for Everyone (A4E) - concept
- An overview of the consultation and engagement approach

CCMP Transformational Move 1
- Māori Outcomes
  - Presented by Jeff Murray: Mana Whenua Kaitiaki Forum Secretariat
  - Broad support for the Māori Outcomes. Elected members understood that the MWKF will continue working through their proposals and will return to Planning Committee in February once priorities are clear.

Document tabled and attached

CCMP Transformational Moves 2-7
CCMP Transformational Move 8
- Harbour Edge Stitch

Updates
- CCMP Outcomes - feedback
- City centre mode shift requirements

Grafton Gully
- Presented by Daniel Newcombe (AT) and Kent Lundberg (MRCagney)
- Elected members broadly supported the Grafton Gully Boulevard concept; space for different types of road users in corridor, better connectivity and opportunities for regeneration.
- Staff noted it is a 20-year vision and the current objective is to increase understanding, gain political support for the concept before doing detailed analysis and modelling work to support it.
- Staff urged to factor in traffic management, value uplift, rail and rail freight considerations into any further development work.

City Centre and Waterfront Plan and future planning
- Presented by Joanna Smith (Panuku)
- Discussion had around previous resolutions, bringing plans together, how to improve long-term planning and introduce more holistic thinking.
- Direction is to create one holistic plan for the city centre that incorporates the waterfront.
- Discussion had around ways to improve the governance of this area of the city centre.
- Options and opportunities to improve decision making processes to be explored jointly between councillors and senior council staff.

A4E recap
- Presented by Kent Lundberg (MRCagney)
- Council staff were instructed to use the abbreviation “A4E”.
- Elected members keen to see progress and reiterated their desire to see something happen

Proposed CCMP engagement calendar

Consultation
- Presented by George Weeks (Auckland Design Office)
- Members received the current plans and provided input. Staff to provide more detail at Planning Committee meeting on 2 July 2019.
Facilitated discussion / Q&A

Workshop closed at 4.05pm.
City Centre Masterplan and Waterfront Plan updates: Transformational Moves
Planning Committee Workshop
12 June 2019

Jeff Murray
Ludo Campbell-Reid  Daniel Newcombe
Tim Fitzpatrick  Joanna Smith
Kent Lundberg  George Weeks

Contents

1. Timescale (high-level and detailed)
2. Workshops to-date
3. Transformational Moves (overview)
4. Maori Outcomes, Grafton Gully, Waterfront Plan, A4E
5. Consultation material
Timescale

**Timescale: high-level**

**2018**
- October: Planning Committee
- November: ATE Traffic
- November: Last Year

**2019**
- January: Consultation and Public Engagement
- February: Strategy
- March: Workshop
- April: Workshop

**2020**
- January: Workshop
- February: Workshop
- March: Workshop
- April: Workshop
- May: Workshop

**2021**
- January: Workshop
- February: Workshop
- March: Workshop
- April: Workshop
- May: Workshop
Workshops to date
November 2018 Planning Committee

- Integrating & Digitising plans
- Access for Everyone
- Grafton Gully Boulevard
- Mana Whenua Outcomes Plan

Planning Committee Workshop 26 March 2019

- Integrating CCMP & Waterfront Plan
- Access for Everyone
- Grafton Gully Boulevard
- Mana Whenua Outcomes Plan
Planning Committee Workshop 16 May 2019

City Centre Outcomes

Planning Committee Workshop 12 June 2019

Integrating CCMP & Waterfront Plan  Access for Everyone  Grafton Gully Boulevard  Mana Whenua Outcomes Plan
Transformational Moves
Transformational Moves

TM1
Māori Outcomes

01
Mana Whenua Kaitiaki Forum

City Centre Masterplan refresh
Planning Committee workshop 12 June 2019

Mana Whenua Kaitiaki Forum

- Membership comprises each of the 19 mana whenua entities (iwi and hapū) with interests in the Auckland region

- Purpose of the Forum (per Terms of Reference): to support Mana Whenua entities give effect to their responsibilities as Kaitiaki in an efficient and effective manner, with a focus on significant issues and opportunities affecting people in Tāmaki Makaurau
City Centre and Waterfront

The Forum is active in the city centre and waterfront:

- Has developed inputs to the City Centre Masterplan, to be further developed by March 2020
- Has identified preferred legacy and leverage outcomes for AC36. JCEG will decide on these in June and implementation with mana whenua will follow
- Is working with ATEED to develop Tāmaki Herenga Waka Festival to become an international event
- Is working with MFAT to agree outcomes from APEC21
- Will become active in Te Matatini 2021
City Centre Masterplan refresh

- Mapped preliminary concepts for further development
- Will seek LTP funding in for priority investments after further work
- Organising ideas guiding the Forum’s approach:

A Māori identity that is Tāmaki Makaurau’ point of difference in the world

Tāmaki Herenga Waka
Tāmaki Herenga Tangata

Tāmaki Makaurau – Our Place in the World

Through our authentic stories and vibrant culture Mana Whenua are able to contribute significantly to achieving a place we can all call home. Working together Tāmaki Makaurau will be an iconic destination for domestic and international travellers to experience, stop and enjoy.

Te Taiao – The Environment

“Mēnō ka tau ana te mauri i te taiao ka tau ana te oranga o te tangata”
Our people and environment are connected both physically and spiritually, the wellbeing of both are dependent on one another. Mana Whenua in partnership are committed to achieving a legacy of a wellbeing for our people and the environment, through our Culture and Identity.

Nga Tapuwaewae - Cultural Footprint

“Mā te Moana ki te Whenua, Mā te Whenua ki te Moana”
Tāmaki Makaurau seen, heard and experienced through the eyes of Mana Whenua. Te Reo Māori is normalised, cultural facilities and experiences are prominent and thriving supporting a rich vibrant culture unique to Tāmaki Makaurau.
In support of this goal, attachment C identifies a number of intervention concepts that it intends to further develop with council staff. These concepts can be adapted in the 2021 Long Term Plan (LTP). The concepts are shown in the attached map with brief descriptions provided in the table below.

The proposed intervention concepts and brief descriptions are:

<table>
<thead>
<tr>
<th>Key Section of Intervention</th>
<th>Brief Description</th>
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<tbody>
<tr>
<td>1 Pape Edens</td>
<td>A place for making urban to town centre and connect businesses. An entrance area with an urban plan to show new entrances and streets. New streets could be integrated programmes, showcasing Taumata and a new street approach.</td>
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<td>2 Yamaru Pulau</td>
<td>An environment and interactive area bringing together existing sites and space together.</td>
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<td>3 Whau Nauki</td>
<td>An entrance and interactive spaces and setting out of town, including vehicular access, stores and parking.</td>
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<td>4 Papu Era</td>
<td>Green space, play area (could be multiple locations), located adjacent to the end of Whau Nauki Plan.</td>
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<td>5 Whau Tipere</td>
<td>An environment and performance centre showcasing Waiti culture, potentially at Aotea Square.</td>
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<td>6 Korowai Kere</td>
<td>An open space area across the 33-100 area and sections and up the Gorge Road, bringing a central Waiti theme from the city to the river.</td>
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<td>7 Maori-based interventions</td>
<td>Including the 10 place interventions shown in the Waiti Plan 2024, highlighting the Waiti presence and heritage in both new and existing sites.</td>
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<td>8 Whau Rotuman</td>
<td>Proposed sports stadium to be investigated.</td>
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<td>9 Korowai Tamate</td>
<td>Recapitalised.</td>
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**TM2 East and West Stitch**
02
East and West Stitch

- High-density and high-value land uses in Auckland city centre are concentrated in the Queen Street valley
- Land at both the east and west edges of the city centre is under-used and under-valued, cut off by major roads. This move proposes to stitch the city centre together.

Vision: The East: Eastern Transformation

- Investigate designs to complete SH16 to Ōtāhuhu Drive as surface-level, multi-way boulevard
- Enable extensive mixed-use frontage development along the boulevard
- Improving connectivity between the city centre, Parnell and eastern suburbs
- Integrating public transport into the eastern side of the city centre
TM8
Harbour Edge Stitch
Item 15

Attachment C

Waterfront Move

Diagram showing the timeline and planning process:
- 2012-2017: Auckland Plan, City Centre Masterplan, Waterfront Plan
- 2019: Auckland Plan Update, City Centre Masterplan Update, Waterfront Plan Update, Prioritised Investment Case for LTP

Long Term Plan 2019-2028
Access for Everyone

Traffic Circulation Concept

- Access for Everyone is a new concept for traffic circulation whereby cars access zones from the city's edge. It divides the city centre into 11 separate zones, including one expansive pedestrian-priority zone across the Queen Street Valley.

- City-bound vehicles would be directed along specific motorway and arterial routes to their destination zone. Most trips would be expected to exit from the same zone from which they entered.

- Intra-city car trips and some city access trips would use Mayoral Drive, which was originally built for this ring road function.

- Traffic not going to a destination in the city would be required to use the central motorway junction. Most intra-city private vehicle trips would become more circuitous and would take longer.
**Mode shift**

- While maintaining most traffic movements, we make space to increase public transport capacity by over 150%, to deal with congestion.

- Access for Everyone creates distinct street networks for different modes. Buses, light rail vehicles, pedestrians and cyclists would be able to pass directly between zones.

- The street network would be designed to reduce conflict between modes matching transport permission with the urban context. Access for Everyone aims to create abundant, safe access across the city centre for everyone.

- The COMP 2020 sets out a goal of accelerated public transport and active mode shift accompanied by lower volumes of vehicles entering the city centre.

- This includes a target of reducing the number of commuters in cars entering the city centre during the morning peak period by 20% from about 36,000 people to 30,000.

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**Streets for People**  
**Auckland Climate Action Plan - Flagship**

- This traffic circulation and street network strategy will unlock city centre space that can be reallocated for pedestrians, cyclists, public realm, and business services and delivery.

- This zone forms the Mayoral C40 declaration zero-emissions area; a flagship action of the Auckland Climate Action Plan.

- Densest population zone in country; regularly exceeds air quality limits – targeting area of high exposure for maximum benefit.

- Coupled with electrification of buses could give us the cleanest air of any million-plus city in the world.

- The strategy envisions an expansive pedestrian priority zone across the Queen Street Valley that will address the growing air pollution problem on Queen Street, contribute to the city’s climate action goals and make room for a rapidly growing city.
Consultation material

Consultation programme

<table>
<thead>
<tr>
<th>JUNE</th>
<th>JULY</th>
<th>AUGUST</th>
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<td>2019</td>
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- **2019**
  - June: **Public Consultation**
  - July: **Internal Review & Analysis of Issues**
  - August: **Final Workshop**

- **2020**
  - February: **Smart Mātauranga**
  - March: **Conclude / Report**

*Footnotes Development of Masterplan Content*
Discussion