

# Addendum to a section 42A report for Proposed Private Plan Change 85: 48 Esmonde Road, Takapuna to the Auckland Unitary Plan (Operative in Part)



**To:** Hearing Commissioners

**Addendum Author:** Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning for Plans and Places, Auckland Council

**Addendum Approver:** Peter Vari, Team Leader, Planning – Regional, North, West and Islands

**Hearing dates:** 2, 3 and 4 May 2022

**Addendum produced:** 28 April 2023

## Note:

- This is not the decision on the proposed plan change.
- This addendum is provided to make available to Commissioners the Council officers opinions and recommendations on the revised information, assessment and Precinct provisions offered in the evidence of the requestor, KBS Capital Limited.
- This addendum has yet to be considered by the hearing commissioners.
- A decision will be made by the hearing commissioners only after they have considered the request and heard from the requestor, submitters and council officers.

## 1. Scope of this addendum

1.1 This addendum assesses the following matters:

- the requestor's response to my s42A report recommendations that building height be reduced and an additional visual corridor be provided;
- additional information provided in the requestor's evidence, particularly that of Mr Reinen-Hamill and Mr Moody, regarding coastal hazard assessment and mean high water springs; and
- changes to the proposed Open Space - Conservation Zone (OSCZ) boundary and the revised location of a pathway within the OSCZ

1.2 all as detailed and offered in the requestor's evidence in response to my s42a report and its recommendations.

## 2. Assessment of the additional and/or revised information for PC85

### Building Height

- 2.1 With regard to building height, in her addendum memo provided as **Attachment 1**, Ms Verstraeten, Council's landscape expert, advises that her opinion regarding building height and its effects on landscape character, natural character and a small number of residents is not altered as a result of the requestor's evidence and her opinion remains as outlined her memo dated 29 March 2023.
- 2.2 I also note that the requestor's evidence does not alter my opinion regarding building height and my comments in paragraphs 10.3.15, 10.3.33, 12.1.19, 12.1.21, 12.1.30, 12.1.33, 12.2.7 – 12.2.9; 14.4 – 14.6, 14.15 - 14.16 of the s42A report and my recommendations on submissions regarding this aspect of PC85 remain relevant.

### Visual Corridors

- 2.3 With regard to visual corridors identified in the proposed Precinct provisions and plans, in her addendum memo, Ms Verstraeten also advises that she accepts the requestor's urban design evidence (prepared by Mr Ray) that the provision of an additional visual corridor in the south-western corner of the plan change area would not be commercially viable and may result in adverse wind effects. However, Ms Verstraeten advises that these factors do not change her opinion that any future building in this area will be visually bulky when viewed from Francis Street and her opinion that an additional visual corridor or break in building bulk should be included in the Precinct provisions and plans.
- 2.4 I also accept the requestor's evidence regarding the commercial viability of buildings and the likely wind effects that may result from the introduction of a visual corridor in the south-western corner of the Precinct. However, I agree with the visual bulk of building concerns raised by Ms Verstraeten and I remain of the opinion that the need for an additional visual corridor or a break/relief of built form does remain. Therefore, the comments at paragraph 12.2.9 of the s42A report and my recommendations on submissions regarding this aspect of PC85 also remain relevant.

### Mean High Water Springs

- 2.5 The requestor's survey evidence prepared by Mr Reece Moody has been reviewed by Council's Senior Subdivision Advisor and Surveyor, Mr Frank Lovering. In his email provided as **Attachment 2**, Mr Lovering considers that that the information provided in Mr Moody's evidence is sufficient for mean high water springs (MHWS) to be confirmed and this enables the determination of boundaries.
- 2.6 I rely on Mr Lovering's assessment and as a result consider that the concerns raised regarding the location of mean high water springs in the s42A report have been satisfactorily addressed, such that the location and measurement of boundaries and features from this point can be understood.

## Coastal Hazard Assessment

- 2.7 The requestor's coastal hazard assessment evidence prepared by Mr Reinen-Hamill has been reviewed by Council's Senior Coastal Specialist, Mr Matt Rivers. In his addendum memo provided as **Attachment 3** Mr Rivers advises that he agrees with the majority of the requestor's coastal hazard assessment and Mr Reinen-Hamill's evidence. Although he notes some differences of opinion and discrepancies or lack of information in assessment.
- 2.8 However, Mr Rivers does agree with Mr Reinen-Hamill's recommendation to use the 3m from cliff crest erosion line as the more precautionary of the assessments presented and he considers that it is the more realistic of the two erosions hazard lines.
- 2.9 Mr River's also agrees with Mr Reinen-Hamill's recommendation that the shared path be as landward as practical from the cliff crest, and landward of the 3m buffer erosion line, as well as the increased extent of the esplanade reserve / Open Space – Conservation Zone (OSCZ) boundary.
- 2.10 Mr River's notes he accepts the requestor's survey evidence regarding the location of mean high water springs and Council's Subdivision Advisor's review of this matter.
- 2.11 Mr River's also advises that coastal inundation is not the primary concerns for the plan change area and the finished floor levels of 5.2m AVD-46 have sufficient buffer for the recommended additional sea level rise. Although, a potential for long term risk for development, beyond 2150, does remain.
- 2.12 Furthermore, while freeboard has not been demonstrated to be included, Mr River's agrees with Mr Reinen-Hamill that the finished floor levels should be sufficient to avoid coastal inundation to 2150; and advises therefore, that freeboard does not impact on his overall recommendations.
- 2.13 I rely on Mr River's addendum Memo dated 26 April 2023 and as a result, my opinion regarding the proposed plan change's consistency with statutory documents is revised and I now consider that PC85 is now consistent with the statutory documents with regard to the consideration of natural hazards. More specifically PC85 is now consistent with Objective 5 and Policies 3, 24 and 25 of the New Zealand Coastal Policy Statement (**NZCPS**), B10.2 of the Regional Policy Statement (**RPS**) and objectives E36.2(1), (2) and (5) and policies E36.3 (1), (3), (4), (5), (7), (8), (9) and (26) relating to natural hazards.

## Trees / Arboricultural

- 2.14 The requestor's planning evidence, prepared by Mr Michael Campbell notes that the requestor has considered and agrees with the recommendations of Council's Arborist that Trees 23 and 69 should be retained and protected, and in this regard these trees have been identified and included within the revised OSCZ boundary. This revision is agreed with by Council's Arborist, Mr Gavin Donaldson in his addendum memo provided as **Attachment 4**.
- 2.15 However, the requestor's revisions to the Precinct provisions and the revised location of a proposed shared pathway at the top of the cliff raises additional concerns / issues with regard to the location of the pathway in proximity to Trees 23 and 69 and potentially to

the other trees in this area, as identified in Appendix 2 of the requestor's Arborist report prepared by Peers Brown Miller. Mr Donaldson considers that:

*it is my view that the process of identifying a feature, such as a pathway, needs to include a consideration of whether and how it can be implemented in the suggested location.*

*... there has been no information provided in the applicant's evidence to enable an understanding of whether the proposed pathway can in fact be accommodated and constructed in the location now identified, other than the Peers Brown Miller Arboricultural Report which identifies a large amount of coastal vegetation, including mature trees, in the area of the proposed pathway. There is no information or assessment provided on the likely effects on trees or ecology that may result from the location of the proposed related pathway.*

*Furthermore, in my view the Precinct Provisions and Special Information Requirements should include clear requirements and guidance for a pathway based on known and established Arboricultural and Ecological limits so that adverse effects are suitably avoided, remedied or mitigated.*

2.16 Mr Donaldson also notes a correction to a tree number identified is required to the proposed Arboricultural Assessment Special Information requirement in I553.9. Furthermore, Mr Donaldson raises concerns with the likely effects on trees resulting from the proposed new Coastal Yard Standard I553.6.15.

2.17 I agree with Mr Donaldson's concerns and therefore, at this stage, as it relates to adverse effects on trees, the revised location of the shared pathway is not supported and the revised Precinct provisions require further amendment and consideration.

2.18 The requestor is invited to further respond to these concerns at the hearing.

### **Open Space Conservation Zone and Public Access**

2.19 The requestor's evidence has also been reviewed for Council by Mr James Hendra, Council's Parks Planning Specialist and Mr John Stenberg, Council's Urban Design Specialist. In his addendum memo provided as **Attachment 5** Mr Hendra notes the requestor's amendments to

- Retain trees 23 and 69;
- Relocate the shared pathway to the upper area of the proposed esplanade reserve / OSCZ;
- Delete the indicative Francis Street boardwalk;
- Amendments to the OSCZ boundary to address coastal hazards and the proposed shared pathway location;
- Revise the proposed Precinct provisions to:
  - manage the interface between the proposed shared pathway and consented and proposed future development; and

- clarify the funding and timing of the proposed shared pathway; and
  - to manage the communal areas within the development.
- 2.20 Mr Hendra advises that he supports the removal of the Francis Street boardwalk, the retention and identification in Precinct provisions of trees 23 and 69 and the amendment to the esplanade reserve / OSCZ boundary. Mr Hendra also supports in principle the requirement for a shared pathway. However, Mr Hendra raises concerns regarding the location of the shared pathway, it's ability to be constructed in the suggested location and the effects on trees; as well as the interface issues between people using the shared pathway and the consented Stage 1 building and any future development in the remaining development area. Mr Hendra also notes disagreement with the wording of revised and new Precinct standards and provisions and concerns over their likely outcomes and provides recommendations for revised wording, including an 8m coastal yard setback requirement.
- 2.21 I generally agree with Mr Hendra's concerns and generally rely on his memo, with some exceptions as follows.
- 2.22 I also note the comments in the addendum memo of Mr Stenberg (provided as **Attachment 6**) with regard to the proposed location of the shared pathway and the functions of an esplanade reserve / the OSCZ and the interface issues between people using the shared pathway and the consented Stage 1 building and any future development in the remaining development area and his suggestions for revised Precinct provisions wording, particularly the proposed new Coastal Yard Standard.
- 2.23 In my view, there is a disconnect between the requestor's intent for use of the proposed OSCZ as a more active space providing a shared pathway and the ability for the suggested pathway and other features such as communal open space, recreation areas and a plaza to be provided in either the OSCZ area or the Precinct. For example, the Precinct description outlines that the Precinct seeks to

*protect the ecological functions and water quality of the coastal margin, while also enhancing the landscape and open space amenity values of the area. This is achieved through requirements for the provision of publicly-accessible open space zoned land that incorporate established trees, planting (including coastal planting), visual corridors, shared pedestrian cycle paths, walkways and informal recreation and play areas.* (My underline emphasis added).

2.24 While the Objectives state that:

(2) *The Takapuna 2 Precinct functions in a way that:*

- (a) *links pedestrian and cycling facilities within and around the precinct, to enhance recreation and connectivity with the wider environment; ~~including the potential Francis Street boardwalk connection;~~*
- (b) *ensures that the landscape and ecological values of the coastal margin are recognised and protected from inappropriate use and development;...*

2.25 and policies seek:

- (5) Promote the use and enjoyment of the Open Space – Conservation Zone and internal open space and plaza areas for residents and visitors by:
  - (a) developing and enabling appropriate recreation opportunities throughout the precinct, including communal open spaces and a shared pathway boardwalk within the Open Space – Conservation Zone along the edge of the coastal margin (esplanade reserve);
  - (b) creating a network that links communal open spaces and plazas of the precinct with the wider environment including a potential boardwalk to Francis Street and creating an easement in gross to ensure 24 hour public access through the precinct from Esmonde Road to the future boardwalk shared pathway.
- (6) *Ensure that the ecological and landscape values of the future esplanade reserve (Open Space - Conservation Zone) are recognised and protected from the effects of inappropriate use and development.*

2.26 However, at this stage, there are still questions over whether a shared pathway can be accommodated in the esplanade reserve / OSCZ given the areas steepness, potential instability and the existing vegetation. There is currently insufficient information provided by the requestor to confirm these matters and to give certainty that a shared pathway and the active use outcomes suggested in the Precinct provisions can be achieved. Furthermore, there are no standards and nothing identified in proposed Precinct plan diagrams to show what other open space areas might be provided i.e. a plaza or playground and nothing to confirm how these might be made available to the wider public. Furthermore, there are no standards in the proposed Precinct provisions requiring their provision. There are assessment criteria, but these only provide guidance for consideration and give no guarantee of provision and outcome.

2.27 I agree with the requestor and Council's specialist's that a shared pathway is beneficial for public and Precinct residents and users and it is a preferred outcome. However, if it is determined that a shared pathway cannot be satisfactorily accommodated within the OSCZ given the various topography, stability and tree issues noted, then I am of the opinion that further consideration is required of whether a pathway can or should be located within the residential zoned portions of the Precinct or, alternatively, if the OSCZ should only be a passive space and Precinct provisions revised to remove reference to a pathway and a more active use of the OSCZ. Noting that this would not be a preferred outcome. However, I also note that the Precinct and its intensity is premised in some part (and I recognise this may be a small part) on the public benefit that is supposed to be achieved by the provision of a publicly accessible OSCZ – where the access was to be provided for by the requestor. I also have a concern that the loss of a shared pathway has wider implications for the provision of overall public access to the coast in the wider Takapuna / Haruaki area.

- 2.28 With regard to interface issues between people using the shared pathway and the consented Stage 1 building and any future development in the remaining development area, I generally agree with Mr Hendra's concerns and generally rely on his memo. However, I also note that comments provided in sections 2 and 3 of the addendum memo of Mr Stenberg.
- 2.29 I also note my concerns with the wording of the new proposed Coastal Yard Standard and its likely outcomes and consider that the requestor's evidence has not considered this wording and its outcomes in light of proposed Precinct Standard I553.6.5 Maximum building dimension and separation, particularly clause (3) of that standard which requires a building to be setback at least 6m from any side or rear boundary at a height at or above 19m.
- 2.30 As a result, at this stage the comments and recommendations on the plan change and submissions as they relate to public open space, public access and submissions remain.
- 2.31 However, I do remain of the view that there is merit in the plan change, and the requestor is invited to respond to the concerns raised above at the hearing, in particular the practicality of the location of the proposed shared pathway in the OSCZ. Furthermore, I am of the opinion that the revised Precinct provisions, including the new Coastal Yard Standard and Coastal Planting Standards would benefit from further consideration between the requestor's and Council's specialist's; and respectfully request that the Commissioners provide time during the hearing for discussions on the issues raised, any requestor response to them and the Precinct provisions and their wording, to occur.

### 3. Revised Recommendation

- 3.1 That, the Hearing Commissioners accept, accept in part or reject submissions as outlined in section 17 and **Attachment 16** of the s42A report and as revised by this addendum.
- 3.2 That as a result of the assessment of the plan change request and recommendations on the submissions, at this stage I continue to recommend that PC85 be **declined** and the Unitary Plan not be amended because PC85 would not:
- assist the Council in achieving the purpose of the RMA;
  - be consistent with objectives and policies relating the open space and public access of the New Zealand Coastal Policy Statement; the Hauraki Gulf Marine Park Act, Auckland Regional Policy Statement; or the regional and district level objectives and policies of the Auckland Unitary Plan as:
    - the maximum building height proposed does not protect and preserve the natural character of the coastal environment;
    - PC85 still does not sufficiently consider the function of the proposed OSCZ and how public access to the coast is to be achieved.
- 3.3 However, in the event further information is provided before or during the hearing that sufficiently resolves the issues:
- of building height and natural character of the coastal environment;

- and the extent and intent of the proposed OSCZ and details regarding provision for public access to the coast,

then my recommendation would likely be altered and a number of further amendments to the proposed precinct text would likely be required. Furthermore, it would be beneficial if Commissioners were to enable further discussions between experts and to allow for consideration of any revisions and amendments to the proposed Precinct provisions to be provided.

- 3.4 However, in the event Commissioners are minded to approve PC85 without the issues raised being addressed in line with the views expressed above, then a number of further amendments to the proposed precinct text would still likely be required.

**This Addendum to the s42A Report is prepared by:**

*Vanessa Wilkinson.*

Vanessa Wilkinson  
Consultant Planner, Scott Wilkinson Planning  
Date: 28 April 2023

**Reviewed and approved for release by:**

*P Vari*

Peter Vari, Team Leader, Planning – Regional, North, West and Islands  
Date: 28 April 2023



ATTACHMENT 1:

# Landscape Effects Addendum Memorandum



Date: 27 April 2023

To: Vanessa Wilkinson, Consultant Planner, for Auckland Council

From: Ainsley Verstraeten, Principal Landscape Architect, Auckland Council

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**Subject: Private Plan Change – PC85 – 48 Esmonde Road – Landscape Effects**

**Addendum memo, post receiving applicants' evidence.**

## Introduction

1. The following memo is an addendum to my previous memo dated (29 March 2023) and responds to the following aspects of the applicant's evidence.
  - a. Height
  - b. Visual corridors.
  - c. Change in width to esplanade reserve.
  - d. Changes to the coastal path within the esplanade reserve.
  - e. Correction to my evidence.

### Height

2. After reading the applicants evidence, I remain of the opinion that the central tower should be reduced to 12 storeys. Mr Brown considers the proposal at 16 storeys *"celebrates the 'tension' in a positive way, i.e. one that makes the most of the coastal landscape's contrasting elements and features"*. I disagree with this statement, if that was the case, more land around Auckland's harbour edges would be zoned Terrace Housing and Apartment Buildings (THAB). Instead, they are down zoned or low-density zoning to manage / protect natural character values.

### Visual corridors

3. I can accept the Urban Design evidence that notes the provision of an additional visual corridor in the south-west corner of the site wouldn't be commercially viable and may result in adverse wind effects, however from a visual perspective it does not change my opinion that this will be a bulky portion of the site, when viewed from Francis Street. Therefore, I continue to be of the opinion that an additional visual corridor or break in building bulk should be included in the Precinct provisions and plans.

### Changes to the coastal path

4. My original memo noted a recommendation to remove the indicative boardwalk and pause points from precinct plan 1. I note the pause points remain on the updated precinct plan. I am supportive of these in principle however, further information would be required to fully understand their potential effects. The location of the shared path has moved in the updated precinct plan. I am also supportive of this in principle however, I agree with Mr Donaldson that its location has the potential to effect trees (particularly tree 69) and insufficient information on these effects has been provided to date.

### Changes to esplanade reserve

5. It is understood amendments have been made to the final location of the open space conservation zone boundary with it adding additional area to the previous plan. My original memo recommended a deeper or wider open space conservation zone (especially along the southern edge) to incorporate the drip zone of trees within the coastal edge. I have not seen an updated plan that includes the drip zone of the trees, so I am unclear on whether this has occurred, however precinct plan 1 would suggest this has not.

### Correction

6. I'd like to make a correction to my evidence at paragraph 54. This should say up to a moderate degree. However, at paragraph 58 I note that I consider effects on a small number of residents to be greater than moderate.

### **Conclusion**

7. Overall, the changes made to the proposed precinct provisions and applicants' evidence has not changed my assessment. I remain of the opinion that while I largely agree with the assessment provided by Brown NZ Ltd, particularly the degree of amenity effects on nearby residents and users of the Patuone Boardwalk. I consider there to be a small number of residents affected to a higher degree as well as adverse effects on landscape character and natural character to be greater, up to a moderate to high degree.

Kind Regards

### **Ainsley Verstraeten**

Principal Landscape Architect, NZILA Registered  
Auckland Council  
021 807 410

ATTACHMENT 2:

## **Vanessa Wilkinson**

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**Subject:** FW: PC85 - 48 Esmonde Road, Takapuna - Applicants Survey Evidence for Review

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**From:** Frank Lovering <Frank.Lovering@aucklandcouncil.govt.nz>

**Sent:** Monday, April 17, 2023 2:49 PM

**To:** Vanessa Wilkinson <vanessa@scottwilkinson.co.nz>; Glenmo Perera <Glenmo.Perera@aucklandcouncil.govt.nz>

**Cc:** Brad Greening <brad.greening@aucklandcouncil.govt.nz>; Ken Berger <ken.berger@aucklandcouncil.govt.nz>

**Subject:** RE: PC85 - 48 Esmonde Road, Takapuna - Applicants Survey Evidence for Review

Hi Vanessa,

I have reviewed the evidence of Mr Moody and consider it provides the necessary information to enable MHWS to be confirmed, as shown in the current documentation, for the issue of title and the determination of the Esplanade Reserve boundaries.

Regards,

**Frank Lovering: Senior Subdivision Advisor (Surveyor)**

**Subdivision Specialists Northwest I Resource Consents**

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**Auckland Council, 50 Centreway Road, Orewa**

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ATTACHMENT 3:

# Technical Memo

26<sup>th</sup> April 2023

To: **Vanessa Wilkinson**, Planning Consultant

cc: **Natasha Carpenter**, Coastal Management Practice Lead, Resilient Land & Coasts  
**Christoph Soltau**, Principal Coastal Engineer, Resilient Land & Coasts

From: **Matt Rivers**, Senior Coastal Specialist, Resilient Land & Coasts

Subject: **Private Plan Change PC85: 48 Esmonde Road, Takapuna**  
**Response to Evidence regarding Coastal Hazards**

## 1.0 Introduction

- 1.1 I have reviewed the evidence of Richard Anthony Reinen-Hamill regarding the Coastal Hazard Assessment for private plan change 85 (PC85). Mr. Reinen-Hamill's evidence responds to my prior review of the 2018 coastal hazard assessment for this private plan change.
- 1.2 Section 2 covers the key aspects of Mr Reinen-Hamill's evidence that impact on the overarching decision. Section 3 covers minor aspects for clarification which do not impact on the overall recommendation. Section 4 provides my recommendations related to coastal hazards on behalf of Auckland Council.

## 2.0 Key Factors

- 2.1 Mr Reinen-Hamill has provided a revised assessment of the Area Susceptible to Coastal Instability and Erosion (ASCIE)<sup>1</sup> which updates several parameters to fall within the minimum range set out within the latest Ministry for Environment (2022) interim sea level rise guidance<sup>2</sup>, and Auckland Council and Tonkin & Taylor's (2020) Regional ASCIE study<sup>3</sup>.
- 2.2 Certain parameters, particularly geotechnical and geological characteristics remain unchanged from the previous assessment. These have relied on Mr. Roger's geotechnical assessment and conclusions<sup>1,4</sup>.
- 2.3 I note that typically for site-specific assessments of coastal instability and erosion hazard there is a greater level of geotechnical investigations carried out and data provided to support the ASCIE assessment. For an application of this scale, generally the site-specific assessment would include ground investigations such as borehole investigations to provide data on soil and rock layers. This data would provide evidence to inform and support any expert judgements made in determining the geotechnical parameters relating to coastal instability and erosion.
- 2.4 Had more geotechnical data been made available, then a more robust ASCIE assessment could have been carried out; taking into account the different stable angles and erosion rates of the soil layers and siltstone. This would have avoided the need to estimate a composite angle and erosion rate to represent the combined stratigraphy.

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<sup>1</sup> Richard Reinen-Hamill, 2023, Evidence of Richard Anthony Reinen-Hamill on behalf of KBS Capital Limited, Coastal Hazard Assessment

<sup>2</sup> Ministry for the Environment. 2022. Interim guidance on the use of new sea-level rise projections. Wellington: Ministry for the Environment. [Interim-guidance-on-the-use-of-new-sea-level-rise-projections-August-2022.pdf](https://www.mfe.govt.nz/publications/interim-guidance-on-the-use-of-new-sea-level-rise-projections-august-2022.pdf) ([environment.govt.nz](https://www.environment.govt.nz))

<sup>3</sup> Roberts, R., N Carpenter and P Klinac (2020). Predicting Auckland's exposure to coastal instability and erosion, Auckland Council, technical report, TR2020/021, [Predicting Auckland's exposure to coastal instability and erosion](https://www.knowledgeauckland.org.nz/publications/predicting-auckland-s-exposure-to-coastal-instability-and-erosion) ([knowledgeauckland.org.nz](https://www.knowledgeauckland.org.nz)).

<sup>4</sup> Tonkin & Taylor Ltd, 2020, Geotechnical Assessment, 48 Esmonde Road, Takapuna,

- 2.5 The day-lighting cliff projection method used combined with the assumed composite parameters leads to a predicted cliff crest that is (for most of the frontage) seaward of the current cliff crest. As illustrated in Figure 4 of Mr Reinen-Hamill's evidence, the assumed composite angle results in the upper part of the slope not being included in the hazard analysis. In my opinion this does not adequately assess the area susceptible to coastal instability.
- 2.6 Geotechnical investigations were carried out in 1982 prior to the construction of the church<sup>5</sup>. Boreholes carried out at that time indicated the depth of the siltstone to be 2.3m to >11m deep below ground surface (2.3m, 3.0m, 3.0m, 8.6m, >11m), and at elevations <-0.2m to 4.3m relative to AVD-46 datum (<-0.2m, 3.0m, 3.8m, 3.8m, 4.3m AVD-46). In addition, earlier boreholes carried out in 1976 are referred to in the 1982 report as encountering Waitemata formation at about 6m depth.
- 2.7 Mr. Reinen-Hamill offers a second assessment method that assumes a landward translation of the existing slope profile by an estimated buffer distance. This has the advantage of better representing the stratigraphy of the cliff, but assumes that the stratigraphy is consistent across the site and that the future slope angles will be consistent with those measured on site at present. Mr Reinen-Hamill recommends adopting the line 3m landward of the digitised cliff crest as the coastal erosion hazard line.
- 2.8 In the absence of another geotechnical specialist's opinion I rely on the conclusions of Mr. Rogers regarding the suitability of the predicted future long-term erosion rate estimate based on the geology, to inform my recommendations.
- 2.9 Based on Mr. Rogers' assessment of the future long-term erosion rate, the 3m buffer distance from the cliff crest is sufficient. Therefore, I agree with Mr Reinen-Hamill's recommendation to use the 3m from cliff crest erosion line, as this is the more precautionary of the assessments presented, and in my opinion the more realistic of the two erosion hazard lines.
- 2.10 I also agree with Mr. Reinen-Hamill's recommendation that the shared path be as landward as practicable from the cliff crest, and landward of the 3m buffer erosion line. I am supportive of a revision of the proposed esplanade reserve to enable this.
- 2.11 I have not received a shapefile or map of the landslide extent relative to the proposed shared path's location so am unable to comment on the implications the landslide may have on assessing the stability of the proposed shared path's location. I agree with Mr Reinen-Hamill and Mr Rogers that the landslide is likely not coastal erosion driven and therefore a geotechnical specialist is better placed to assess the land's stability.
- 2.12 I accept the evidence of Reece Moody, and supported by Frank Lovering, that the Mean High Water Mark is similar to Mean High Water Springs for this site.

### 3.0 Minor clarifications

- 3.1 Mr. Reinen-Hamill (paragraph 13) states that 4.4 m (AVD-46) is the maximum (inundation) level to consider. This is based on Table 3 of MfE's interim guidance<sup>2</sup>. I do not agree with this statement as I understand Table 3 to be the 'minimum transitional guidance' whereas page 16 of MfE's guidance provides the 'Recommended use of the new sea-level rise projections'. Therefore the maximum inundation level to consider is greater than stated by Mr Reinen-Hamill. In my opinion the revised CHA aligns with the 'minimum transitional guidance' but does not cover the 'recommended use of the new sea-level rise projections' set out on p16 of MfE's guidance 'for new or early stages of a project or plan (including plan reviews and changes)'. While following the MfE guidance's *recommendations* is generally requested, the outcome of the revised CHA that meets the MfE guidance's *minimum*, is considered acceptable for the following reasons:
- Coastal inundation is not the primary concern for this site and finished floor levels of 5.2m AVD-46 have sufficient buffer for the recommended additional sea level rise. (I note though that checking against the 'low confidence' median scenarios beyond 2150 as recommended for risk-sensitive projects such as new subdivisions does show a potential long term coastal inundation risk for the development.)

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<sup>5</sup> Brickell, Moss & Partners, 1982, Proposed Assembly of God Church 48 Esmonde Road, Takapuna, Site investigation, [A60253 Legacy geotechnical report.pdf \(sharepoint.com\)](#)



- Mr Reinen-Hamill proposes a more precautionary alternative erosion assessment method where sea level rise does not quantitatively impact an erosion calculation. The proposed erosion assessment instead relies on expert judgement to determine a buffer distance to set back from the cliff crest.

3.2 Regarding the selection of sea level response factor (m value) for the ASCIE calculation. A sea level response factor of 0 means that there will be no change in the historic long-term erosion in the long-term future. This assumption is appropriate if climate change out to 2150 has no impact on the erosion rate. There are a number of factors that could result in an increase in the rate of erosion:

- Mr Reinen-Hamill and I agree that wind-wave energy at the cliff toe is currently negligible due to the effective wave dissipation provided by the mangroves. My understanding of the scientific consensus is that it cannot be ruled out that mangroves could be 'drowned' in the long term by high rates of sea level rise. Therefore the wave attenuation offered by mangroves could be significantly diminished in the future. Should this occur, wave energy reaching the cliff toe would be significantly increased above what the cliff currently experiences, with consequent increases in erosion rate likely.
- The bioerosion at this site appears to be constrained to the intertidal zone, which currently only reaches the lower levels of the cliff toe. Therefore increasing sea levels will likely result in an increased exposure of the cliff toe to bioerosion.
- Other erosive processes e.g. wetting/drying over a larger area of the cliff toe could further increase the cliff toe's erosion rate with sea-level rise.
- For this type of geology it is widely accepted that rates of future erosion will increase with sea level rise<sup>6</sup>. The range provided within Auckland's Regional Assessment of Areas Susceptible to Coastal Instability and Erosion (Tonkin & Taylor, 2020) sea level response factors for ECBF for a low exposure site were set as between 0.1-0.3. The applicant's site-specific CHA stated that soft soils would not be exposed to the tidal cycle. On-site observations identified that a significant proportion of the cliff toe was composed of soft sediments. Soft sediments would have a far higher sea level response value, than the ECBF bedrock. Without further geotech investigations it is unclear the relative extents and depths of the ECBF and soil layers.

The above items are not considered to substantially impact on the overall recommendations because the second erosion assessment method utilises expert judgement negating the requirement to quantify the sea level response factor. Also a sea level response value of 0.1 was included within the revised CHA thus putting it within the minimum range provided within Auckland's Regional Assessment of Areas Susceptible to Coastal Instability and Erosion. Additional uncertainty for an increased erosion rate has also been included.

3.3 Regarding my recommendation in my initial memo for freeboard to be added to coastal inundation water levels prior to comparing to finished floor levels, I note that Mr. Reinen-Hamill's opinion differs for this site. My reasons for requesting freeboard are set out below:

- At a most fundamental level, the inclusion of freeboard aims to ensure that finished floor levels are not set *at* the still water level during an extreme event but are set *above* it.
- Auckland Council's stormwater code of practice requires a freeboard of at least 150mm for coastal inundation<sup>7</sup>.
- The New Zealand Standard for Land Development and Subdivision Infrastructure (NZS 4404:2010) requires 0.5m for habitable dwellings<sup>8</sup>. Noting that this is measured from the underside of the floor joists or floor slab, this increases the freeboard to finished floor levels further.
- Freeboard accounts for a range of issues including factors not included in the water level estimate (coastal inundation water levels are assumed to be flat, still water levels) as well as uncertainty in the water level predictions, and providing an additional factor of safety to mitigate the residual risk of rarer events occurring. I agree with Mr. Reinen-Hamill that wind-generated waves currently have negligible impact at this site, however there are

<sup>6</sup> Ashton, A.D., Walkden, M.J. and Dickson, M.E. (2011). Equilibrium responses of cliffed coasts to changes in the rate of SLR. *Marine Geology*. 284 (2011) 217-229.

<sup>7</sup> Auckland Council, 2022, The Auckland Code of Practice for Land Development and Subdivision, Chapter 4: Stormwater, Version 3.0 ([Stormwater Code of Practice Version 3, January 2022 \(aucklanddesignmanual.co.nz\)](https://www.aucklanddesignmanual.co.nz))

<sup>8</sup> Standards New Zealand, 2010, Land Development and Subdivision Infrastructure, NZS 4404:2010

numerous reasons why the water levels may not be 'still', for example significant waves can be created by vehicles travelling through floodwaters.

- I also note that while I agree that wind-generated waves currently have negligible impact at this site, and that the mangroves currently offer effective dissipation, wave attenuation by mangroves at this site could be diminished in the future, as raised in 3.2.
- As not all aspects of freeboard are wave-related I would have greater confidence in the assessment if all of the above factors were considered in determining a reasonable (likely small) magnitude of freeboard to include.

While freeboard has not been demonstrated to be included, I agree with Mr. Reinen-Hamill that the finished floor levels should be sufficient to avoid coastal inundation to 2150. Therefore freeboard does not impact on my overall recommendations.

#### **4.0 Recommendations**

- 4.1 I agree with the majority of the applicant's coastal hazard assessment and Mr Reinen-Hamill's evidence. Minor discrepancies have been set out in section 3 with reasons provided why these should not impact the overall decision regarding the proposed private plan change. Section 2 sets out the key considerations that impact my decision.
- 4.2 Relying on Mr. Rogers' geological assessment of future long-term erosion and slope angles, I believe the proposed 3m from cliff crest erosion and instability line is suitable. I agree with Mr Reinen-Hamill's recommendation for a public shared path to be landward of this line.
- 4.3 Therefore I am supportive of a proposed plan change that enables the development and public shared path to be appropriately located to avoid the coastal hazard risk.

ATTACHMENT 4:

# Addendum to Memorandum

**To:** Vanessa Wilkinson - Consultant Planner  
**From:** Gavin Donaldson - Specialist Unit Arborist  
**Date:** 19th April 2023

**Subject: Addendum to Arboricultural Assessment for Proposed Plan Change 85 at 48 Esmonde Road, Takapuna.**

This addendum is in response to the hearing evidence provided by the Applicant's Planner Mr. Michael Robert Campbell, dated 14<sup>th</sup> April 2023, and is supplementary to, and should be read in conjunction with, my previous memorandum dated 24th February 2023, in which I recorded my concerns regarding the potential adverse effects of the proposed boardwalk upon the vegetation in the surrounding coastal margin with particular reference to the potential adverse effects upon tree 23 and 69 from a future stage 3 site development.

## Shared Coastal Pathway

I note at 8.48 of Mr. Campbell's evidence that the proposed esplanade reserve boundary has been amended to accommodate the proposed coastal pathway, now to be located at the top of the coastal escarpment adjacent to the THAB zone. This does not allay my concerns regarding the potential adverse effects upon the vegetation in the surrounding Esplanade Reserve / Open Space – Conservation Zone (OS CZ) for the following reasons:

- The previous 'boardwalk' inferred that the structure would be raised above ground with minimal excavations, whereas there is no clear design or alignment for the 3m wide 'shared coastal pathway' now proposed within the esplanade reserve/ OSCZ.
- No construction methodology, indication of trees to be removed, or evaluation of effects upon retained coastal vegetation has been provided for this proposed re-located structure.

I acknowledge that at 8.48 of his evidence, Mr. Campbell notes that:

*"PC85 seeks only to change the zoning of the land and apply precinct provisions to guide and manage future development. Detailed design issues arising at the interface of the public pathway and adjacent built development would be addressed and considered through subsequent resource consent processes".*

However, it is my view that the process of identifying a feature, such as a pathway, needs to include a consideration of whether and how it can be implemented in the suggested location. As outlined above, there has been no information provided in the applicant's evidence to enable an understanding of whether the proposed pathway can in fact be accommodated and constructed in the location now identified, other than the Peers Brown Miller Arboricultural Report which identifies a large amount of coastal vegetation, including mature trees, in the

area of the proposed pathway. There is no information or assessment provided on the likely effects on trees or ecology that may result from the location of the proposed related pathway. Furthermore, in my view the Precinct Provisions and Special Information Requirements should include clear requirements and guidance for a pathway based on known and established Arboricultural and Ecological limits so that adverse effects are suitably avoided, remedied or mitigated.

#### Pohutukawa trees 23 and 69

Appendix A of Mr. Campbell's evidence includes proposed revisions to the PC85 Precinct Provisions. Having reviewed the submissions and the 42A report the Applicant now proposes to retain both Pohutukawa trees (23 and 69) and these have been identified in the Precinct Map (copied below) with additional wording added to the provisions requiring that works near these trees are undertaken in accordance with accepted arboricultural practice.

This is represented by the inclusion of reference to trees 26 and 69 (which should be 23 and 69) under **I553.9 Special information requirements**, that reads as:

#### Arboricultural Assessment

- (4) *Any resource consent involving any tree trimming or alteration and/or works within the drip line of trees over 3 metres in height, including but not limited to trees 26 and 69, that are located within the esplanade reserve and overlapping the development areas shall be accompanied with an arboricultural assessment of the effects on the trees and tree works / protection methodology to minimise any adverse effects on the trees*

This is no doubt well intended but is not reflected in the wording of the provisions. For example:

#### **I553.6.15. Coastal Yard**

- (1) *For buildings fronting the Open Space – Conservation Zone - the building façade of the ground floor level must be setback at least 4 metres from the boundary with the Open Space – Conservation Zone. All upper floors above the ground floor shall be setback at least 1 metre from the boundary of the Open Space – Conservation Zone.*

Given the extent of canopy spread of tree 69 into the site this newly proposed standard is likely to enable extensive works within the root zone of this tree at ground level and then enable the upper storey of a building to extend a further 3m into the crown. As with many instances of site development close to mature Pohutukawa trees, I can envisage an ongoing requirement for pruning to maximise light into the building and issues with roots into foundations having a cumulative adverse effect upon tree 69 if development is allowed as close to this tree that the provisions appear to provide for.

#### **Coastal Walkway Design**

- (6) *As part of any resource consent for additional dwellings, beyond Stages 1 and 2, any resource consent shall be accompanied by a proposed design for the coastal walkway to engineering plan approval standard. The walkway shall be funded and constructed by the consent holder as part of that development stage.*

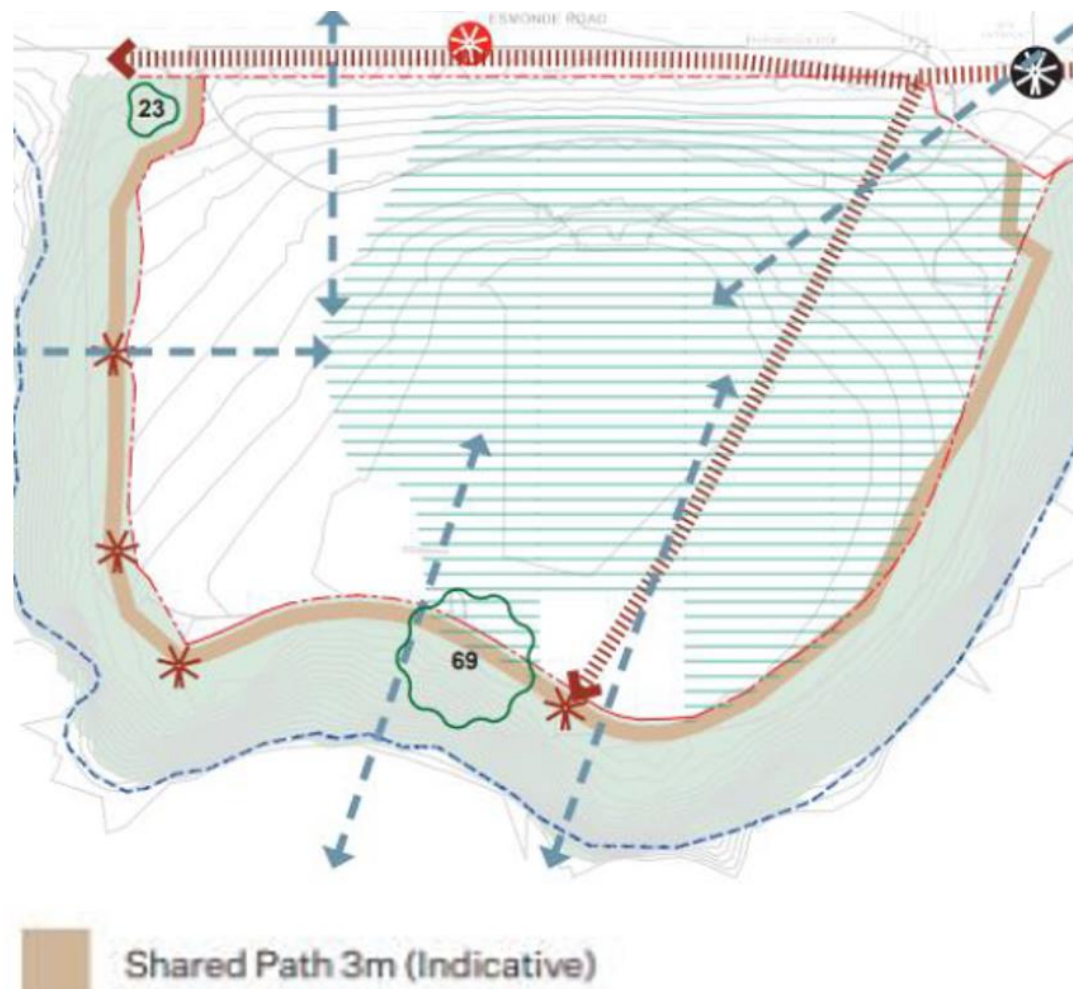
This provision is also well intended but only refers to Engineering approval and does not include Arboricultural or Ecological considerations. This needs to be further considered and amended to include both Arboricultural and Ecological assessments and approval of effects of the walkway design, particularly as the proposed walkway depicted on the site features plan (pasted below) passes directly through the root zone of tree 69 – and no doubt numerous other trees located within the proposed OSCZ.

Thank you.



Gavin R. Donaldson - Senior Arborist  
Earth, Streams and Trees Specialist Unit – Auckland Council.

### Precinct Plan 1 – Site features



ATTACHMENT 5:

To: Vanessa Wilkinson | Council's Consultant Processing Planner

From: James Hendra | Consultant Parks Planner, on behalf of Parks Planning, Parks & Community Facilities Department, Auckland Council

Subject: **PARKS PLANNING SPECIALIST ASSESSMENT – AMEMDMENT TO MEMORANDUM  
PRIVATE PLAN CHANGE 85 (TAKAPUNA 2 PRECINCT) 48 ESMONDE ROAD,  
TAKAPUNA**

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1. This addendum is in response to the hearing evidence provided by the applicant, specifically:
  - Planning - 14 April 2023
  - Urban Design - 17 April 2023
  - Corporate - 13 April 2023.
2. This addendum should be read in conjunction with, my previous report dated 27 February 2023, in which I recorded my concerns regarding:
  - a. A disconnect between the precinct description outcomes and the requirements of the supporting objectives, policies and criteria.
  - b. Ambiguous objectives, policies and criteria relating to open space outcomes.
  - c. Lack of an assessment of the open space needs of the precinct and the assumption that the proposed 20 metre wide OSCZ, and any other undefined internal open space areas/plazas, will be adequate to meet the needs.
  - d. Inaccurate use of 'future esplanade reserve/esplanade reserve' to describe the OSCZ.
  - e. The presumption that the OSCZ should be the same size as a possible future esplanade reserve.
  - f. Lack of clarity around the viability of, or requirement for, a coastal public walkway, despite this being a key feature of the Masterplan, is an identified feature on multiple supporting documents, and providing public access to the coastal environment is a matter of national importance.
  - g. Lack of assessment of the public user experience in the OSCZ and the assumption that the proposed height, scale and shadowing of consented and permitted buildings will result in acceptable amenity outcomes experienced by people on the OSCZ land.



- h. Precinct plans 1 and 2 identify features which are not required or supported by the provisions, and some which have an unclear purpose or justification.
- i. Precinct plan 1 contains key features that are not well informed by supporting analysis or are not supported by policies or standards.
- j. The purpose of Visual Corridors on Precinct Map 1 with respect to open space outcomes is unclear.
- k. It is unclear which open space provisions apply to the OSCZ and which apply to any non-zoned (internal) open spaces.
- l. An unreasonable expectation to provide for a speculative harbour crossing connection from Francis Street to the subject site.
- m. Lack of analysis to demonstrate and assess the hybrid outcomes of the approved land use consent (existing environment) and the proposed precinct.
- n. The only ecological outcome required upon the OSCZ is planting which is not consistent with good practice (weed/pest control, planting and maintenance) or ecological enhancement anticipated in the NZCPS.
- o. Lack of acknowledgment of the requirement to offer the OSCZ land to council for vesting.
- p. Scheme plan and resultant potential future subdivision/esplanade reserve outcomes are not based on Mean High Water Spring (MHWS).

### **Post-notification amendments**

3. Relevant to Parks Planning matters, post-lodgement amendments include:
  - a. Amending the Precinct plans to include two significant trees (23 and 69) for protection, to relocate the shared coastal pathway to the upper area of the proposed esplanade reserve/Open Space – Conservation Zone and deletion of the Francis Street pathway, noting that the Precinct will still enable access through the site from the proposed esplanade reserve/ Open Space – Conservation Zone, to enable access for a pathway in the future in the event that funding becomes available and other parties seek to establish a pathway.
  - b. Minor changes to the Open Space – Conservation Zone (OSCZ) boundary to include the proposed relocated coastal pathway.

- c. Amendments to the Precinct provisions to manage the interface between the proposed building and the OSCZ.
  - d. Amendments to the Precinct provisions to clarify the funding, timing and design of the shared coastal pathway to be located at the top of the coastal escarpment.
  - e. Amendments to the Precinct provisions to manage the provision of communal areas within the development.
4. I address the post-notification amendments, matters raised in evidence but not responded to in applicant's evidence, and matters raised in my 27 February report (report) as relevant.

**Resource Consent LUC60359471 (s9 land use consent) - in scope amendment**

- 5. Details of the existing land use consent and subsequent in-scope amendment are outlined in section 4.2 of the applicant's planning evidence.
- 6. The in-scope amendment was considered by council's planner based upon review of approved plan drawings which showed the outline of a potential building positional change, moving these west and inland by 1.8 metres. Excerpt below:



- 7. My understanding is that council's agreed that repositioning the buildings as proposed would be in-scope of the existing consent.

8. I consider that repositioning of the buildings to the west would have a marginal positive outcome on the dominance and shadowing impact of buildings experienced by people using the proposed shared pathway which would run adjacent to the buildings and within the OSCZ.
9. It is presumed that the applicant's intention is to implement the approved consent based on the repositioned buildings, and that PPC85 should be considered on that basis. However, equally, the consented building positions remain within scope. This matter is critical to determine because the relationship of the buildings and the OSCZ and any shared path is affected by the position of the buildings and the available area of the shared path is relatively narrow.
10. Figures 1, 2, 3 and 4 in the applicant's evidence all appear to represent the footprint of the eastern buildings as consented, not as repositioned. If so, the drawings do not provide an accurate representation of the buildings and the relationship they will have with adjoining OSCZ and shared path.
11. The internal arrangement of communal areas and open spaces will also be affected by the repositioned buildings. This outcome is also shown on the plan submitted,
12. In the applicant's planning evidence Mr Campbell notes that the position of the "hotel building" (Stage 1) is changing from that shown in the Jasmax Design Statement. It is unclear why the evidence is not based on the reconfigured layout or if doing so would affect the applicant's Urban design or other assessments.
13. In my view, review of the full set of 'in-scope' approved amended drawings is warranted and necessary to inform assessment of the PPC-85. This would provide clarity of the area available between the buildings and the coastal edge for a shared path, and the composition of the internal open space, pedestrian and vehicle accessways. Expert reports supporting the PPC would be more accurate if based on drawings which show the position of the repositioned buildings and other affected internal spaces.

#### **Inclusion of two significant trees to retain and protect**

14. I support the identification and protection of trees in the precinct. I note that the proposed shared path would appear to traverse the driplines of trees and an assessment of the effects of that has not been provided.

#### **Francis St Boardwalk**

15. For the reasons set out in my report I support the amendment to the provisions which removes provisions which required the shared path to be designed to connect to a future Francis Street boardwalk.

#### **Relocated Shared Coastal Pathway**

16. The lodged application precinct plans showed a potential coastal shared path (pathway) route located partly outside the subject site and therefore located partly outside the precinct boundary and scope. The provisions did not require a pathway to be delivered. Assessment of the viability of constructing and gaining consent for this route on the site and in the CMA was not provided. Therefore, I and other specialists recommended that this pathway be removed from the precinct plans and be provided for at an appropriate location onsite; and this outcome was reflected in the planner's s42A report.
17. The applicant's evidence now identifies a shared path to be provided at the top of the cliff and located in the proposed OSCZ but outside an identified coastal hazard area. I support in principle the requirement for a coastal perimeter pathway within the precinct. However, I have concerns relating to the lack of information provided to explain how the route was determined and therefore whether it is realistic and viable. It appears that the route is proposed to occupy the minimal possible amount of land area without a feasibility analysis to demonstrate that the route is realistic.
18. I am also concerned that a shared path positioned close to the consented and potential buildings will result in very limited area for intervening landscape treatment, and that the scale and bulk of the buildings would be overly dominant for people using the shared path.
19. The proposed pathway is shown on Figure 3 of the Planning evidence, copied below.



**Figure 3** – Proposed Shared pathway located within the esplanade reserve / Open Space – Conservation Zone boundary.

20. It is presumed that the green dotted fill is the pathway alignment, the red line the coastal hazard buffer and the line inland of the pathway being the proposed OSCZ boundary. Several trees are shown, two of which are proposed to be protected and retained. The purpose of identifying other trees is unclear.

21. The drawing is described in the applicant's planning evidence as: *"Figure 3 shows the shared pathway and the coastal buffer overlaid on the revised esplanade reserve / Open Space – Conservation Zone"*. Figure 3 is not scaled, keyed or labelled on the drawing. Widths and critical setback distances from boundaries or buildings are not annotated.
22. Revised Precinct Plan 1 in Mr Campbell's evidence shows the shared path route and/or the OSCZ boundary differently to Figure 3. The precinct plan shows the path route traversing inside the THAB zone at the eastern side. This apparent error warrants correction and adds to the lack of clarity of outcomes.
23. Accurate analysis of the drawing and open space outcome is difficult due to the lack of detail and measurements. The width of the path and setbacks from buildings is necessary to consider, along with accurate topography. The applicant's planning evidence explains that a 1 metre buffer between the pathway and the landward reserve boundary is provided along most of the area. As the green area is along most of the boundary, it appears that the 1 metre buffer is within the green area, however, clarity is required. Notwithstanding that a 1 metre buffer would provide marginal additional spatial relief given the scale of the buildings.
24. In my experience with new coastal walkways the design of a route is determined following ground truthing and a feasibility analysis of a preliminary alignment and environmental constraints. A feasibility analysis is required to determine if the proposed route is realistic for a shared path both from viability and future resource consent perspectives.
25. Relevant to the subject site, these may include topography, land stability, trees and vegetation and coastal hazards. Often a preliminary route will need to be adapted to respond to the site conditions and challenges. For example, a land instability assessment may result in a significant setback being required from the of an escarpment, both for public safety and asset risk. Public safety generally is a significant matter to consider. The need for safety fences needs consideration in terms of structures and amenity. In general, paths should not be located close to hazards, for example, at the edge of an escarpment where land may be subject to instability and slips.
26. In my opinion, the primary specialist assessment needed is a geotechnical assessment with recommendations for setback and any structural recommendations for safety fences and the shared path. The pathway and the OSCZ are permanent outcomes. The publicly accessible area needs to be suitable and stable for the long-term, for example, more than a 100-year horizon.
27. Separate to stability is coastal regression. In this case, I understand that coastal regression is expected to be 3 metres over a hundred-year timeframe<sup>1</sup>. If this occurs, then the pathway may be rendered unsafe or require significant rebuilding before it becomes unsafe. This may not be possible due to the limited land area available at the top of the escarpment in the OSCZ.

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<sup>1</sup> Email: Proposed Response to Geotechnical Questions, by Tonkin and Taylor, 04/10/2020 (LUC60359471 records)

28. As noted, the applicant's arboricultural evidence does not assess the appropriateness of the boardwalk construction and occupation in relation to the trees to be protected. This assessment may affect the construction and route of the pathway near these trees. This is reiterated in the memo of Council's Arborist, Mr Donaldson.
29. The route is a shared path which means that it provides for both cyclists and pedestrians. The council's Local Path design Guide<sup>2</sup> provides design advice for shared paths. The guideline is expected to be applied to paths vested to council and addresses widths, offsets from structures, transitions between uses, height clearance, design speed (cyclists), accessibility, safety, maximum gradients, safety fences, curves and materiality. For example, a shared path may have a 3-metre-wide carriageway, however offsets are required each side of the path, making the desired minimum overall width between structures 4 metres. For this reason alone, the width of the proposed route, at 3 metres appears insufficient.
30. The maximum desirable gradient is 3% or 1:20. Gradients greater than this may require more circuitous alignments, for example, where the shared path will rise to connect with Esmonde Road at the western and eastern ends. The gradients at these locations may require the route to be significantly amended from what is shown on Precinct Plan 1.
31. Fences will be required for safety and for shared paths are at least 1.4 metres tall. Ideally there would be enough space for a safety fence to be positioned removed from the shared pathway and not degrade people's experience of the coastal margin and beyond.
32. The closer the structures are to the steep slopes the more significant engineering structures may be needed. Council has an interest that the shared pathway is not comprised or supported by significant structures and needs to be satisfied that assets vested are appropriately designed and fit for purpose. Safety for maintenance also needs to be considered.
33. Precinct Plan 1 identifies four 'walkway pause points' which are required to be delivered by Policy (1) which require development in general accordance with the precinct plans. The pause points are described in the Masterplan as 'Pause Point Viewing Deck'. Masterplan except example image below<sup>3</sup>.

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<sup>2</sup> Local Path Design Guide | Auckland Transport Walking and Cycling & Auckland Council Parks and Open Spaces | March 2017 | Rev 1.2

<sup>3</sup> Excerpt from Appendix E -Masterplan pg. 20



#### 14. PAUSE POINT - VIEWING DECK

34. A viewing deck would require an area that is additional to the shared path carriageway. These should be designed to provide a respite and viewing area large enough to accommodate people without blocking the pathway route. Due to the large quantity of people expected to occupy and visit the precinct and the quality of experience enjoyed from the shared path and viewing decks, it is expected that the decks would be at least twice the width of the shared path carriageway.
35. The viewing deck located at the southern promontory of the site is likely to be the most significant public destination in the precinct. It is the approximate halfway point around the coastal circumference and is accessed directly via the proposed 24-hour public access easement from Esmonde Road. It is expected to be a popular destination for residents and visitors of the precinct including hotel guests. As such, the scale and quality of the viewing platform should be considered and provided for in the route footprint proposed.
36. For reference, an example of a potentially comparable public viewing deck is Achilles Point, St Heliers. The triangle area above the planting measures approximately 64 square metres, or 8m by 8m if squared off. Council GIS aerial image below.



37. The walkway route on Figure 3 Precinct Plan 1 is a uniform width and has not been widened to provide for any proposed viewing deck structures. The decks cannot encroach into the 3-metre coastal hazard setback therefore adequate area must be provided inland of the path and therefore needs to be shown on the precinct plan.
38. To be consistent with objective 1(a) the shared path design needs to respond positively to the immediate surrounds and coastal setting with a high-quality design response, including landscaping. For example, be designed sympathetic to topography, views, and trees to be retained.
39. To be consistent with objective 2(a) and policy (2)(b) the shared path needs to be designed with gradients and materials suitable for cycling and thereby provide functional cycling connectivity to Esmonde Road. Information to show that the proposed route will achieve this has not been provided.
40. To be consistent with objective 2(b) the shared path needs to be constructed with appropriate materials and balanced with enough space to ensure that the landscape and ecological values of the coastal margin are recognised and protected.
41. To be consistent with policies (1)(d) and (e) the shared path must protect the character and amenity of the coastal margin and provide high-quality on-site amenity.
42. To be consistent with policy (4)(b) the shared path must be separated adequately from buildings to ensure that the buildings are perceived to be an appropriate scale when viewed from the coastal margin. In other words, not excessively dominant when experienced by pathway users. I note, notwithstanding the lodged proposal was not shown to be realistic or within the precinct boundary, that a public route along the foreshore and CMA would have provided good separation between the consented large buildings and the pathway user.



43. To be able to give effect to assessment criterion 1(g)(vi), the shared path route must be able to provide adequate area and alignment to be suitable and safe for regular pedestrian and cycle use; be easily visible and accessible; and linked to the public walkway and cycleway network outside the precinct. No information has been provided to show that these outcomes would be achieved by following the proposed route. For example, the transitions to Esmonde Road may be too steep for a shared path.
44. No information has been provided to demonstrate that the proposed pathway route is designed in response to the environmental conditions and functional requirements for a shared path. The route appears to be conceptual rather than ground tested, and as such, it is likely that the route is not wide enough to provide flexibility to address changes in alignment that may be required. Additionally, the location of the pathway and associated landscape treatment needs to achieve the aspirational objectives and policies for protection of the ecology and to ensure the landscape values of the coastal margin are realised.

### The requirement to deliver a shared coastal pathway

45. The applicant's planning evidence outlines that the precinct will ensure comprehensive and integrated development across the site, by identifying and securing key spatial features identified through the Masterplan including the provision of a shared coastal pathway around the site (Para. 5.7).
46. Post notification amendments are described to include precinct provisions to clarify the funding, timing and design of the shared coastal pathway to be located at the top of the coastal escarpment (Para. 5.9). However, in my opinion the amendments do not do this effectively, for the reasons outlined to follow.
47. Amendments are made to Policy 5. For clarity, the tracked changes version in the applicant's planning evidence is copied below.

(5) Promote the use and enjoyment of the Open Space – Conservation Zone and internal open space and plaza areas for residents and visitors by:

- (a) developing and enabling appropriate recreation opportunities throughout the precinct, including communal open spaces and a shared pathway boardwalk within the Open Space – Conservation Zone ~~along the edge of the coastal margin (esplanade reserve);~~
- (b) creating a network that links communal open spaces and plazas of the precinct with the wider environment ~~including a potential boardwalk to Francis Street and~~ creating an easement in gross to ensure 24 hour public access through the precinct from Esmonde Road to the ~~future boardwalk~~ shared pathway.

Commented [MC9]: Changes to address issue of open space and the shared pathway

48. All policies, except for (5), are drafted with directive language, being 'ensure', 'achieve', 'enable' and 'require'. Policy (5) uses the word 'promote'.

49. I recommend more directive and accurate wording consistent with the other policies, redrafted as follows:

*(5) Ensure the Open Space – Conservation Zone and internal open space and plaza areas provide for the use and enjoyment of the for residents and visitors by:*

*(a) developing and enabling appropriate recreation opportunities throughout the precinct, including communal open spaces.*

*(b) providing a shared pathway within the Open Space Conservation Zone (refer Precinct Plan 1).*

50. As the amendment now requires the shared path to be within the site and be delivered, I recommend an additional clause to Policy (1) to reflect the outcome.

Clause (f).

*(1) Ensure comprehensive, integrated high quality development of the precinct in general accordance with Precinct Plans 1 and 2 that:*

...

*(f) provides a shared path in the Open Space Conservation Zone around the site circumference and provides two connections to Esmonde Road.*

51. I have not identified any amendments to the provisions which clarify the design of the shared pathway, except the adoption of a 3-metre width.

52. The applicant's planning evidence states (Para. 8.66):

*The applicant is intending to fund and construct the shared coastal pathway, subject to engineering plan approval of the Council. As part of the subdivision implementation, it is intended to undertake a programme of environmental enhancement of the esplanade reserve through weed management and restoration planting.*

53. The provisions require the delivery of a shared pathway in the OSCZ which necessarily involves paying for it. The reason why it is necessary to note this with respect to the pathway and no other outcomes required to be delivered is unclear.

54. An EPA process follows an approved resource consent. A consent is necessarily informed by technical assessments. EPA is a process where detailed design is agreed, and assets are assessed with respect to being suitable for vesting. Matters such as maintenance and renewal practicality and costs are considered. In my opinion, the lack of feasibility assessment of the shared path route places undue risk that the resource consent and EPA processes may result in an outcome different to the anticipated route shown on Precinct Plan 1.

55. The only amendment to the provisions I have identified which clarifies the timing of the shared coastal pathway is Special Information Requirement (6):

*As part of any resource consent for additional dwellings, beyond Stages 1 and 2, any resource consent shall be accompanied by a proposed design for the coastal walkway to engineering plan approval standard. The walkway shall be funded and constructed by the consent holder as part of that development stage.*

56. With respect to the need to define the trigger or stage for design and delivery of the coastal pathway, I recommend it is more appropriate to include clarification as a development standard, rather than within an information requirement.
57. The clause states that a resource consent application for additional dwellings is the trigger to require a plan for the coastal walkway. I note that use of the term 'walkway', instead of shared path potentially dilutes the outcome to not include cycling. It is unclear if this outcome is intentional.
58. The delivery of the shared path as part of the application it applies to does not need to be stated. References to the applicant's consent stages is not required or appropriate in my view as the precinct plan stands alone and the naming and scope of stages is at an applicant's discretion.
59. The reason why the trigger is proposed to be 'additional dwellings' is unclear and presumes that future resource consents for additional dwellings will be applied for. Despite the applicant's intentions, this is not certain. The development could proceed without further dwellings being applied for. Alternatively, commercial uses could be applied for. The need to provide people access to the coastal marine area is not limited to residential uses.
60. The intended timing of vesting of the OSCZ as esplanade reserve is relevant to consider as OSCZ land should be developed by the applicant with a pathway prior to vesting while the land remains in their tenure and available to develop for expected outcomes or required mitigation. Therefore, the design and construction of the shared path needs to precede the creation of an esplanade reserve.
61. A private party can apply for land-owner approval to undertake works on council land, however, that would be subject to due process and agreements outside the scope of a plan change to dictate.
62. My experience with many subdivisions that result in esplanade reserves and works required such as pathways and ecological restoration is that these works must be completed prior to the issue of 224c (titles) and therefore vesting of the esplanade reserve. This is either due to the outcomes being mitigation required to be delivered as part of a development and/or to ensure that the esplanade reserve is vested fully developed as proposed or conditioned, and fit for purpose.

63. Therefore, in my view, subdivision should be the trigger for the design and delivery of the pathway, as this is when the esplanade reserve would be created, and this is when the consent holder has a right to develop the land.

64. I recommend that Special Information clause (6) be deleted and replaced with a standard, for example:

*(new standard) Any subdivision application must propose and include a resolved design for a public coastal shared path walkway as shown on Precinct Plan 1. Note: This clause no longer applies after consent has been granted and given effect to which results in the construction of a coastal shared path walkway.*

65. A subdivision application seeking to vest an esplanade reserve is currently lodged and processing, however, is on-hold due to section 92 requests. The application does not seek to deliver a pathway, but to vest the land undeveloped. If the precinct plan is amended to make subdivision the trigger for the pathway delivery, then the applicant can amend the subdivision application accordingly. The subdivision application would also need to be amended to reflect the outcome of any decision which alters the extent of OSCZ land. The applicant's planning evidence has stated that the applicant intends to modify the subdivision application to reflect the OSCZ outcome (para. 8.65).

#### **Open Space - Conservation Zone Boundary**

66. The amendment to the proposed OSCZ boundary is shown on Figure 2 in the applicant's planning evidence. Copied below.

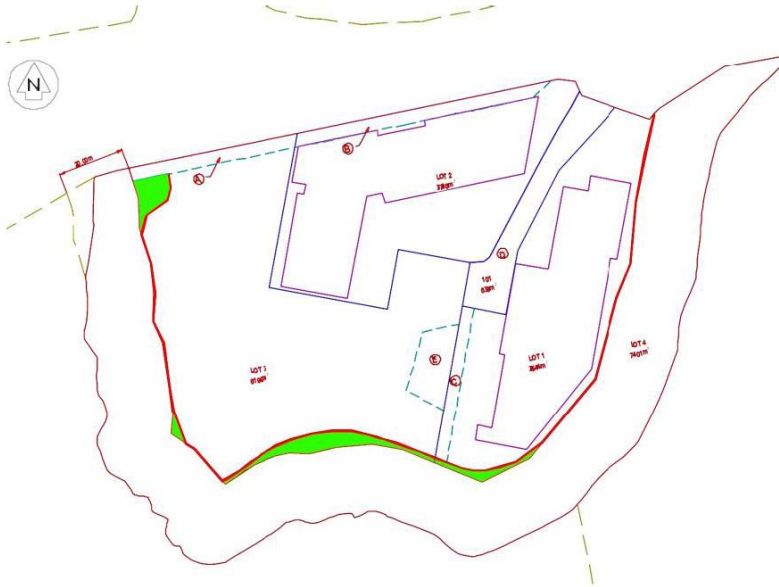


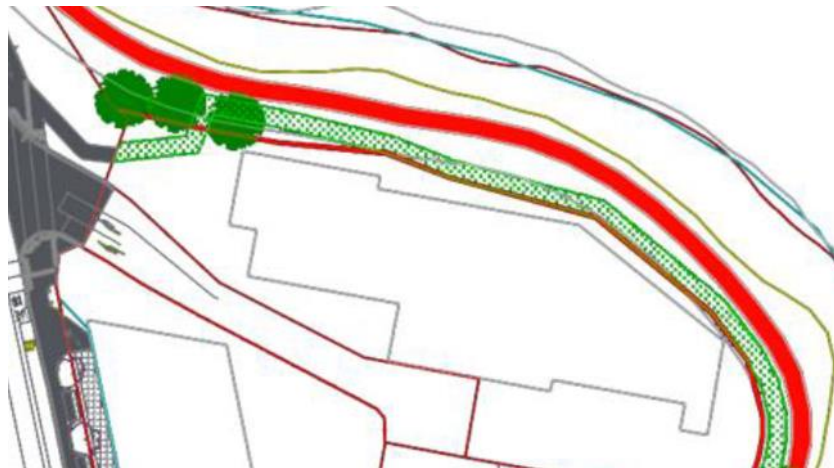
Figure 2 – Amendment to the esplanade reserve / Open Space – Conservation Zone boundary

67. Due to uncertainty about the adequacy of the area proposed for the shared path it is uncertain if the amendment to the OSCZ zone will accommodate the shared path and viewing platforms. Following feasibility analysis, the OSZC should be increased in size as necessary to provide for a well-designed shared path, viewing platforms, ancillary structures and landscaping.
68. I note the error of naming the OSCZ ‘esplanade reserve’ is contained in the applicant’s planning evidence and proposed provisions. This was raised in my report but remains uncorrected. I recommend that all precinct plan provisions be amended to refer to the proposed OSCZ, and not speculate on, or appear to direct subdivision outcomes.
69. Esplanade reserve is also noted in error in the precinct description: *“The precinct also sets aside an approximately 20-metre-wide coastal margin that is to become a public esplanade reserve at the time of subdivision.”*
70. The potential outcome of the concurrent subdivision application cannot be pre-empted and is subject to due process. For example, due to coastal hazard risk, instability and sea level rise, the subdivision may result in an esplanade strip which would mean that the land is not vested.
71. Despite this, my view is that the OSCZ should be vested. As outlined in my report, the method appropriate for a plan change is to require the land to be offered to the council for vesting. This outcome is then reflected in any relevant subsequent subdivision application. Requiring land zoned for an environmental and/or open space purpose to be offered for vesting is not uncommon and has precedent in adopted precinct plans.

### **Interface between the proposed building and the OSCZ and shared path**

## Consented Buildings

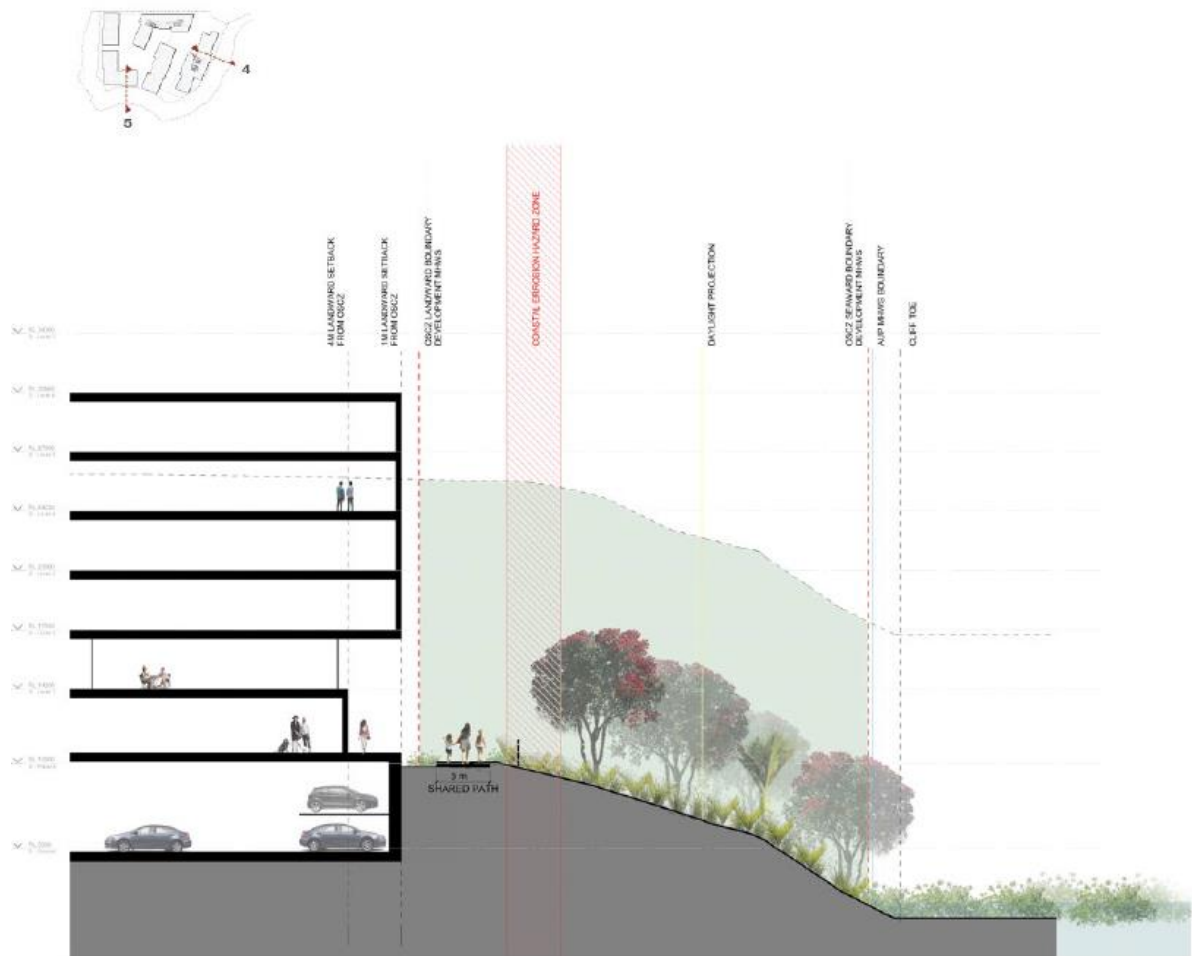
72. The land area between the consented buildings and the OSCZ is narrow. Due to the lack of scalable and annotated drawings, and uncertainty if the buildings will proceed based on the consented or a relocated position, the actual distances are not clear. Based on Figure 3 in the planning evidence the distance between building 1 and the shared path route appears to range from about 6 metres to nil. Excerpt below.



73. An excerpt from approved drawing LUC60359471 North Elevation (RC-300 Rev. C) is copied below with a person added in the centre to estimate the relative human scale.



74. Due to the distance between the building and people in the walkway being relatively narrow I consider that people will experience the buildings to be very dominant, although this would be partly mitigated due to views available to the coastal margin and beyond. In the afternoon, the eastern pathway will be completely shaded.
75. The applicant's urban design evidence provides an assessment of the amenity of coastal shared path / interface with buildings (paras. 57 – 61) supported by a cross-section drawing of the eastern elevation, copied below.



Section 5 - South interface

76. The cross-section drawing partly adopts the proposed Coastal Yard standard by applying a 4-metre setback to the ground floor, but it does not apply the 1 metre setback which applies above the ground floor. Presumably because the building 1 design does not articulate in that manner.
77. Based on the key graphic, the cross-section appears to be located where the building inset has the widest setback from the OSCZ. If so, the drawing represents the widest distance between the building and the OSCZ/pathway. As noted, the distance between the building and the OSCZ is shown on Figure 3 to be variable reducing to no separation.
78. Mr Ray's assessment states:

*"With the shared path on the upper level, it is now closer to the proposed buildings within the site which raises questions over the interface / relationship between the path and the buildings and their occupants as well as the amenity for users of the path."*

....

*"I understand that the hotel residents will have access to the esplanade reserve and there will be no blank wall along the reserve interface at the reserve level of the hotel building. Soft landscaping will be proposed there too, to offer a pleasant outlook from the Hotel, and the upper levels will provide passive surveillance of the pathway. I am satisfied that the pathway will be acceptable in this location."*

79. The statement infers that the hotel residents will have access from ground level rooms to the OSCZ as access to the OSCZ from the interior of the precinct is a given. However, this would require a change to the design of building 1. The approved drawings show ground level doors and entrances on the western internal side, but none on the eastern side which faces the OSCZ. Given the small area available for soft landscaping, and the fact that soft landscaping would not be able to provide any significant mitigation to the appearance of the bulk and scale of the building, it would not be able to mitigate the dominance effects experienced by people on the pathway. At best it would provide some intervening vegetation between the pathway and the at ground floor windows.

80. Mr Ray also states:

*"Given all the changes described above, I consider that the proposed shared path is now in the best location – away from the water's edge, on the higher ground providing better views over the water. Significant additional setbacks to buildings are not realistic in the context of already consented buildings and making efficient and effective use of the site. Competing considerations must be balanced. I consider that the amendments to the position of the Stage 1 building combined with the proposed standards will provide an acceptable level of amenity for this shared path. Ground floor apartments will have the building line at least 4m from the inward edge of the OSCZ, and in parts the shared path will be further inside this boundary. The boundary treatment along this edge will be critical to achieving a good outcome – to balance privacy and security for the residents of the building but providing a sufficient degree of surveillance and overlooking to provide safety for users of the path."*

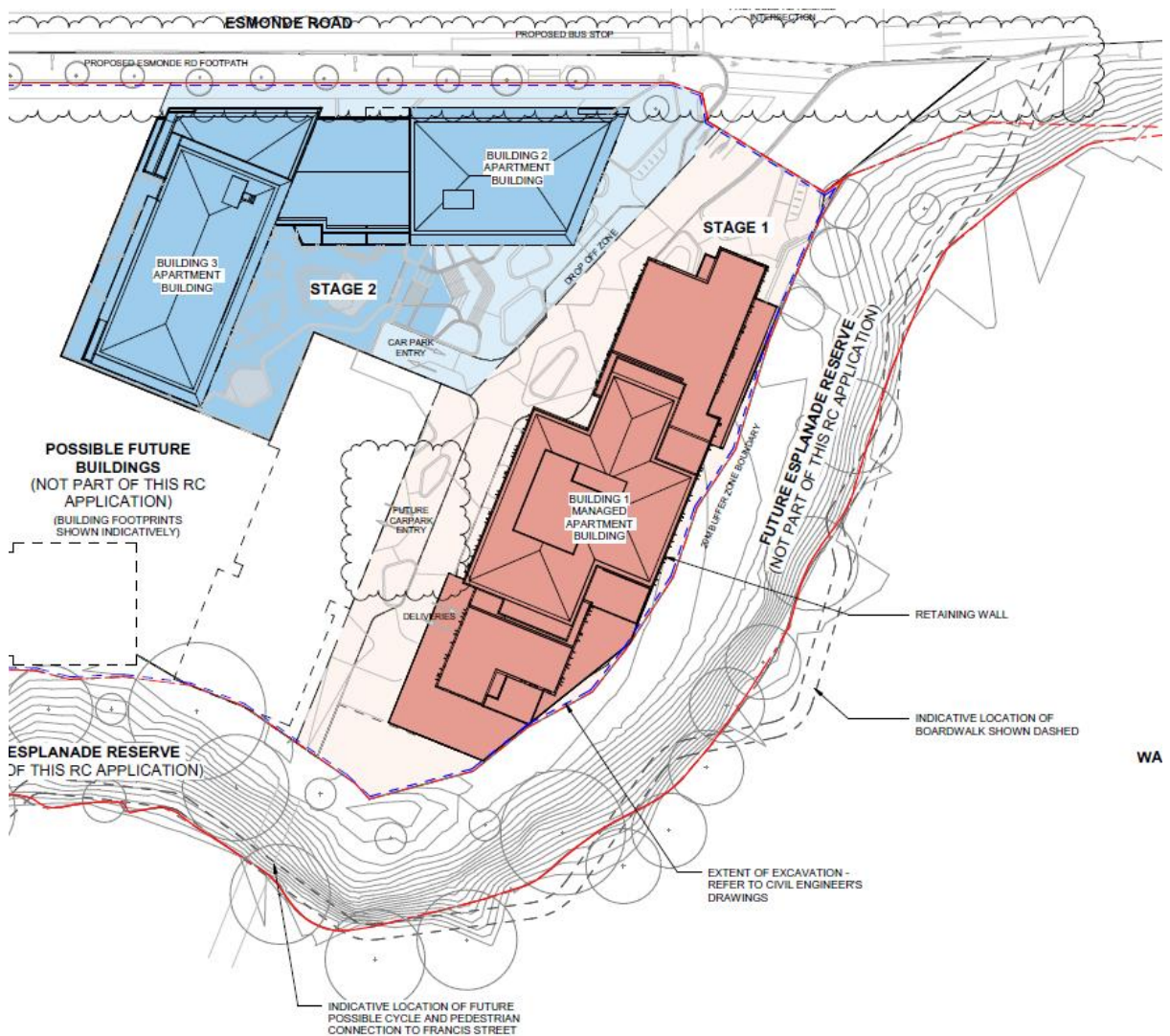
81. I disagree with Mr Ray's opinion that the 1.8 metre building reposition, and the minimal setback standards proposed will result in an acceptable level of amenity for users of the shared path. In my view, these standards result in minimal relative separation and will not effectively mitigate the dominance effects. Additionally, to be more complete, the assessment should be based on the actual variable location of the pathway along 70-metre-long building flank.

82. With respect to the idea of balancing competing considerations I acknowledge the buildings are consented near the proposed OSCZ boundary and may be constructed, and that the land area at the top of the embankment is not wide enough to provide adequate separation between the buildings and the pathway to effectively mitigate the dominance effects on pathway users. In my opinion, the building will be experienced as a very dominant structure for users of the pathway.



83. The proposed relationship between the building and the pathway results from the difference between the lodged and approved resource consent drawings and the current amended plan change proposal.
84. The approved consent presented the coastal walkway at the toe of the embankment which would have adequately separated people on the pathway from the buildings and consequently avoided significant dominance effects. The amended application locates the path close to the building where it was not initially intended to be located. It is therefore not surprising that the location at the top of the escarpment is incongruent with the approved buildings in terms of land available for a landscaped interface and the dominance effects which result.

Approved resource consent drawing below for reference. (LUC60359471 North Elevation (RC-101 Rev. E)).



85. There is no obvious way to mitigate the appearance of the scale and bulk of the building aside from moving the pathway into the coastal hazard setback area, which does not appear appropriate. Alternatively, a route could traverse the lower slopes of the OSCZ, however, no information has been provided to determine the feasibility or appropriateness of this option either.

86. In the applicant's planning evidence, Mr Campbell states (Para. 8.67:

*I acknowledge that the relocation of the shared coastal pathway does have the potential to create interface issues with the subsequent development that is intended to occur on the adjacent THAB zoned land. However, PC85 seeks only to change the zoning of the land and apply precinct provisions to guide and manage future development. Detailed design issues arising at the interface of the public pathway and adjacent built development would be addressed and considered through subsequent resource consent processes.*

87. The meaning of the term 'interface issues' is unclear but is presumed to refer to aesthetics as the bulk and dominance effects cannot be mitigated by intervening landscaping.

88. The intended landscape outcomes for the limited area between the pathway and building and the OSCZ are unresolved. It appears unclear whether this area will be used for access from hotel rooms to the OSCZ (as indicated by Mr Ray) or not (as indicated by the approved drawings). The provisions provide some parameters relating to privacy however the actual outcomes are not clear, as outlined to follow.

### **Interface between the potential buildings and the OSCZ and shared path**

#### **Coastal Yard standard and privacy**

89. In my opinion, the apparently unavoidable compromised public open experience for people on the eastern side pathway places both an onus and an opportunity to achieve a better outcome for the remainder of the site. Arguably, if generous separation is achieved between the remainder of buildings and the pathway on the southern and western sides, this could be considered to partly mitigate the compromised outcome on the eastern side. The remainder of the site adjacent to the OSCZ and the setback of future buildings is not constrained. The outcome can be controlled by amended setback standards as the currently proposed standards will fail to provide adequate separation, as discussed to follow.

90. Standard I553.6.15. Coastal Yard is proposed.

91. Naming the standard 'Coastal Yard' may result in confusion as the AUP contains a Coastal Protection Yard standard, which is measured from the MHWS. I recommend amending the name to 'Open Space – Conservation Zone Yard'. Current amended provisions copied below:

*Purpose: To ensure that the interface between proposed buildings and the Open Space Zone are managed to maintain a reasonable level of privacy and amenity for both residents and users of the Coastal Pathway.*

*Clause (1) For buildings fronting the Open Space – Conservation Zone - the building façade of the ground floor level must be setback at least 4 metres from the boundary with the Open Space – Conservation Zone. All upper floors above the ground floor shall be setback at least 1 metre from the boundary of the Open Space – Conservation Zone.*

*Clause (2)*

*All private outdoor living areas associated with ground floor dwellings shall include a landscaped threshold of no less than 0.5 metres immediately adjoining the Open Space – Conservation Zone boundary.*

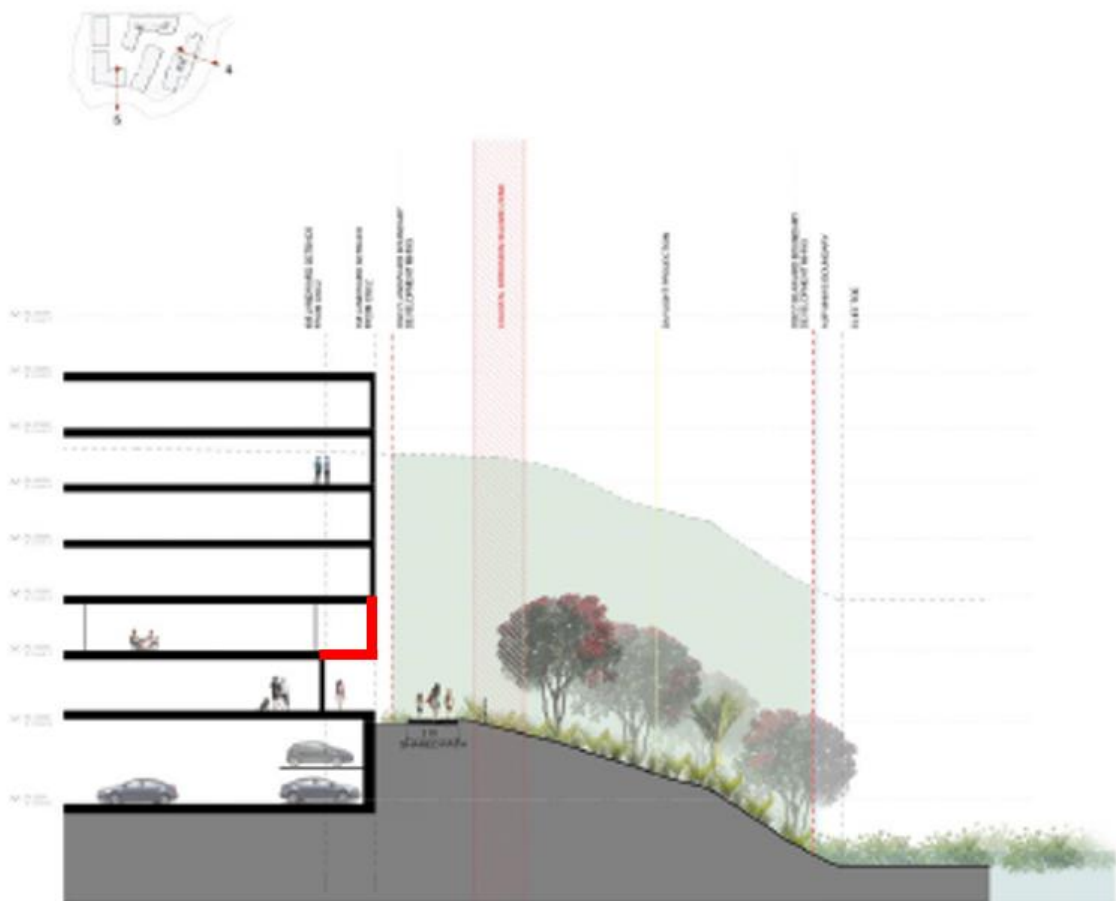
92. Clause (1) is easily understood and will allow the building façade to be located 1 metre from the OSCZ, except for the ground floor which must be set back 4 metres from the OSCZ. I note that the 1m upper floor setback conflicts with the requirement for a 6m setback from side and rear boundaries at 19m and above under proposed Precinct Standard I553.6.5(3) Maximum building dimension and separation. It is not clear how these two standards would be reconciled.
93. Clause (2) - The meaning and purpose of a 'landscaped threshold' is unclear. The AUP defines landscaped area to include a range of hard and soft landscape outcomes. The intended outcome of a landscaped threshold with respect to achieving or maintaining privacy is not explained.
94. Clause (2) only applies to private outdoor living areas. It is not clear why the clause would only apply to this situation.
95. Clause (2) is also applied in conjunction with standard 'I553.6.7. Front, side and rear fences and walls' which limits fence and/or wall heights to be no more than 1 metre high where land / boundaries that adjoin the OSCZ.
96. Clause (2) would be applied in conjunction with assessment criterion I553.8.2 (d) Landscaped area (both soft and hard landscaping), copied below:
- the extent to which:*
- (v) Boundary treatments between the private outdoor living areas associated with ground floor dwellings along the edge of the Open Space – Conservation Zone shall be designed to balance security and privacy of the outdoor living areas with transparency to provide natural surveillance over the open space zone and public walkway. Solid high fences shall be avoided.*
97. The assessment criterion reads as a rule. If that is the intention, I recommend it be amended to be a standard, and to improve application and clarity, all provisions which address design of the interface be arranged cohesively.

98. I consider that the collective provisions will not adequately achieve the intent of the standard, being to achieve a reasonable level of privacy and amenity for both residents and users of the Coastal Pathway. The reason being that the one metre setback provides insufficient area for horizontal separation and combined with a maximum fence height of one metre, the likely outcome is that there will be clear views between the walkway and the ground floor outdoor areas of dwellings.
99. My observation at developments where there are direct lines-of-sight from public places into living areas at ground level, is that people will create their own outdoor barriers or will draw blinds to avoid people looking in.
100. Along with the precinct standards, the development will also be subject to the 1 metre yard setback of the underlying THAB zone. The intent of the THAB standard is not to manage privacy, rather:
- *To create an urban streetscape character and provide sufficient space for landscaping within the front yard.*
  - *To maintain a reasonable standard of residential amenity for adjoining sites.*
  - *To ensure buildings are adequately set back from lakes, stream and the coastal edge to maintain water quality and provide protection from natural hazards; and*
  - *To enable buildings and services on the site or adjoining sites to be adequately maintained.*
101. Overall, the reason why the setback standard proposed will not effectively achieve privacy outcomes is due to both the limited width of the setback and because a setback standard is not the primary method used to achieve privacy. I recommend that the purpose of a setback standard be amended to focus on achieving acceptable amenity outcomes for the OSCZ. In particular, managing the potential adverse dominance effects of buildings on people using the shared pathway, and ensuring that these result in public spaces outcomes of a quality which mitigates the compromised outcomes on the eastern side.

## **Interface between the potential buildings and the OSCZ and shared path**

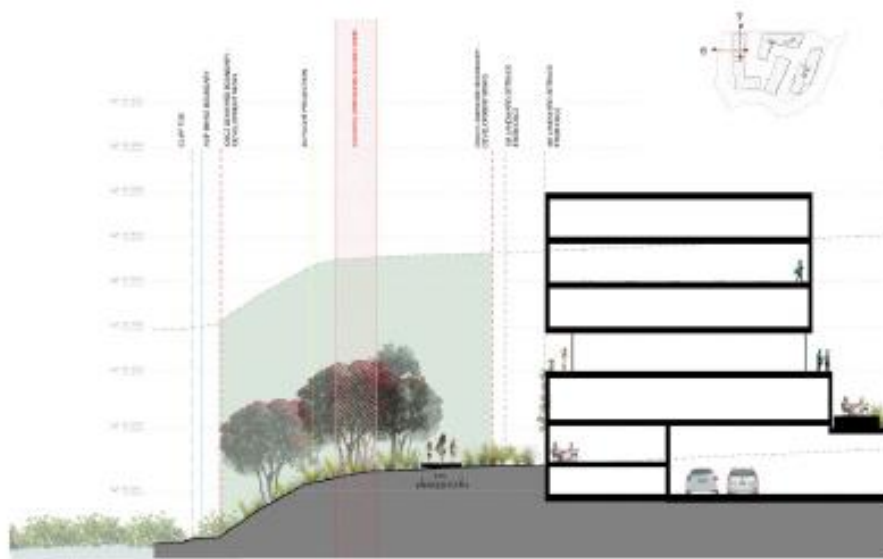
### **Coastal Yard standard and dominance**

102. In terms of assessing the potential dominance effects on people using the shared pathway caused by potential buildings, the applicant's urban design evidence provides cross-sections of the south and western interfaces.
103. The South interface cross section copied, modified (in red) to show the second level extending to the permitted one metre setback from the OSCZ boundary:



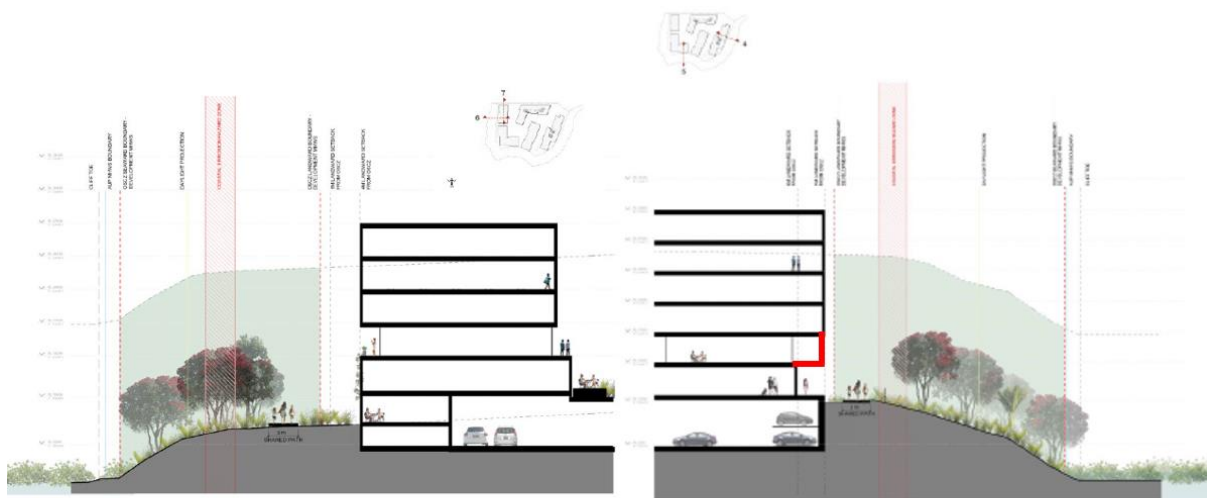
Section 5 - South interface

104. The drawing is a cross section of a hypothetical building developed as permitted by the standard. It demonstrates that the shared path will be located close the building. In my opinion, the building will be experienced as a very dominant structure for users of the pathway. The 4-metre setback at the first floor will have only a marginal benefit compared to if it were not required, and the bulk of the building above will remain dominant.
105. As previously noted, the 6-metre setback at 19-metres tall has not been shown on the drawing.
106. West interface cross section copied below:



Section 6 - West interface

107. The drawing is a cross section of a hypothetical building set back 4 metres from the OSCZ (i.e., not set back by the one metre permitted by the standard). It does represent the building as would be permitted by the standard. Nevertheless, when compared, the drawings provide an opportunity to observe the difference in outcomes on the OSCZ. Composite copied below.



Section 6 - West interface

Section 5 - South interface

108. The drawings demonstrate that the (west interface) building set back fully 4 metres from the OSCZ boundary will result in less dominance effects for people using the shared path compared to the (south interface) building which is predominantly only set back one metre.

109. Therefore, to remedy the dominance effects permitted by the one metre setback standard, I recommend that the standard be amended to require an increased setback of 8 metres. This

would provide a setback from the building of approximately 1/3 of the building height. I consider that with the increased setback the dominance effects would be adequately reduced. Shading effects during the morning would also be reduced. The setback would also achieve improved privacy for ground level residents due to distance and the opportunity for layered landscape planting.

110. If the setback is not increased adequately then persons using the pathway adjacent to new buildings developed to the permitted extent will experience adverse dominance effects due to proximity of the OSCZ and path to the buildings. I do not support this outcome as there is an opportunity to introduce standards that would significantly reduce these effects and mitigate the compromised outcome at the eastern side.

### **Coastal Planting (Ecological restoration and management)**

111. The applicant's planning evidence states (para. 8.66 and 8.74):

*As part of the subdivision implementation, it is intended to undertake a programme of environmental enhancement of the esplanade reserve through weed management and restoration planting.*

*I also consider that PC85 (as revised) will be consistent with the relevant objectives and policies of the OSCZ, in particular that the natural, ecological, landscape, Mana Whenua and historic heritage values of the zone are enhanced and protected from adverse effects of use and development as required by Objective H7.4.2(2). This will be achieved by restoration of the esplanade reserve, through the removal of weeds and restoration planting.*

112. The provisions intended to outline the requirements and parameters of ecological restoration of the OSCZ are set out in standard I553.6.9. Coastal planting.
113. In my opinion the coastal planting standard is unclear, unnecessarily complex and suffers from amendments that are tacked on rather than incorporated. For ease of understanding the tracked changes version is copied below:

#### **I5233.6.9. Coastal planting**

Purpose: To ensure that the amenity, water quality and ecology of the coastal environment within the precinct is maintained or enhanced through coastal planting; and to ensure the enhancement of the landscape values of the coastal margin.

- (1) The coastal margin (Area O – Open Space – Conservation Zone) identified on Precinct Plan 1 must be planted in accordance with a Council approved planting plan, using eco-sourced native vegetation, consistent with the local biodiversity and habitat in accordance with Appendix 16 Guideline for native revegetation plantings.

plantings.

- (2) The plan required by (1) above must accompany any application for the development or the first subdivision for the site, with planting to be completed prior to the completion of development or the issue of new titles.

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- (3) Planting within the coastal margin does not preclude the provision of pedestrian and shared walkways and passive recreational spaces in accordance with Precinct Plan 1.
- (4) The applicant shall also provide an Ecological Management Plan, Weed and Pest Management plan and a maintenance plan for the Open Space – Conservation Zone.
- (5) The requirements of (1) to (4) must be submitted within any application for resource consent for any new dwellings beyond consented Stage 1 and 2.

114. Clause (1) - Area O is shown on Precinct Plan 2 – Building Height and Coverage (not Precinct Plan 1). However, there is no need to reference either Precinct Plan 2 or Area O as the accurate term is simply the 'Open Space Conservation Zone'.

115. To improve drafting of the standard and clarify outcomes I recommend separate clauses to define what the plan is, when it must be provided and when it must be implemented.

116. What the plan is:

A planting plan is a component of an overall ecological management plan and does not need to be separated. Planting in isolation from the overall ecological management does not make sense. I recommend that clause (1) be amended as follows:

*(1) ~~The coastal margin (Area O – Open Space – Conservation Zone) identified on Precinct Plan 1~~ must be **enhanced** ~~planted~~ in accordance with a Council approved ~~planting plan~~, **Ecological Management Plan. The plan must include a baseline assessment, a planting plan, a weed and pest management plan, a maintenance plan (minimum duration 5 years) and must specify using** eco-sourced native vegetation, consistent with the local biodiversity and habitat in accordance with Appendix 16 Guideline for native revegetation plantings.*

117. For clarity, I recommend that the maintenance period be specified. Five years is the typical minimum maintenance period for ecological restoration.

118. When the plan is required and when it must be implemented.

Clauses (2) and (5) state different situations for when the plan must be required. The reason for listing different situations of 'the development' or 'first subdivision' (noting that a subdivision is currently processing) or 'a resource consent for dwellings' in different clauses, is unnecessary and creates uncertainty.



Clause (2) requires planting (only) to be completed prior to the completion of development or the issue of new titles. However, an Ecological Management Plan necessarily requires weed control prior to planting, and management afterwards.

Planting by “Completion of development” is a not clear requirement. It is subject to interpretation and may refer to a specific resource consent or the whole precinct or a stage.

I recommend simplifying and amending:

*“The plan required by (1) above must accompany any application for ~~the development or the first subdivision for the site, with planting to be completed prior to the completion of development or the issue of new titles.~~ resource consent” unless a plan has been submitted and approved under an approved consent. The plan and shall be implemented under any consent approved for that application.*

The requirement for the plan could also be in the special information requirements section.

### **The provision of open space in the development**

119. The applicant’s planning evidence acknowledges that the existing THAB zone is a high-intensity zone that already enables a greater intensity of development than previously provided for under the legacy planning documents and that under the normal THAB zone provisions, there is no requirement for communal spaces to be provided with ‘typical’ THAB zone developments (para 8.78).
120. I note that generally, the terms ‘communal’ and ‘public open space’ are applied interchangeably and without clarity. My interest is in the provision of public open space, and I defer assessment of private communal spaces to others except where communal open space effectively becomes public when assured by easement. However, I note that Policy (5) requires inclusion of communal open spaces without any identifying any specific location or quantum.
121. The provisions have no requirement that communal spaces be publicly accessible, although this is implied by the need to create a network which links these to the wider environment and the shared pathway (policy 5(b)).

### **The publicly accessible through route**

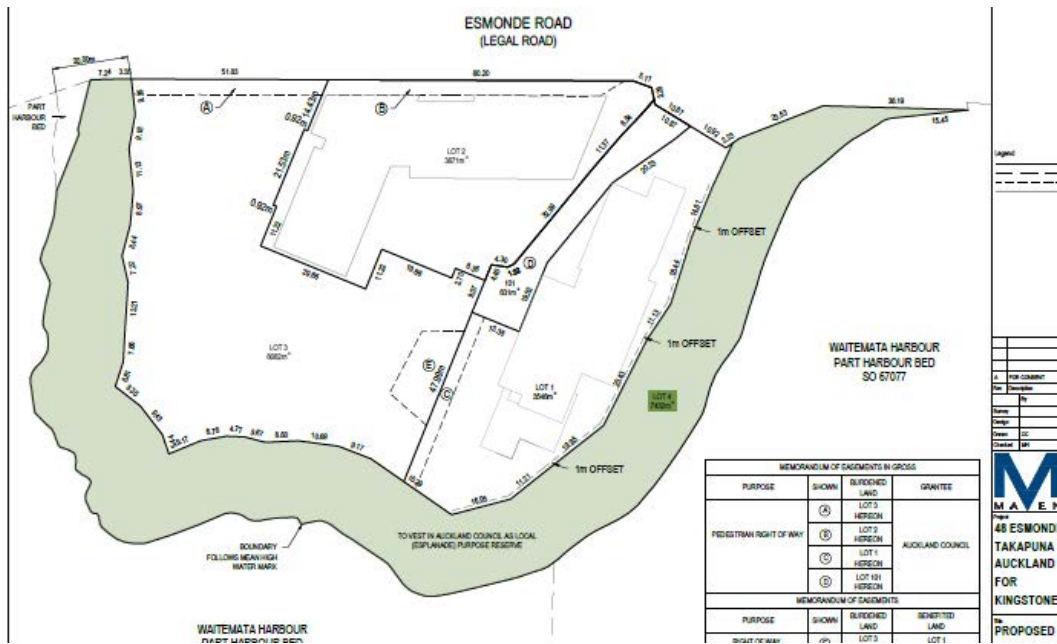
122. PPC-85 does not specifically show on a plan the publicly accessible open space amenity areas throughout the Precinct or the route to the OSCZ. The background Masterplan, as copied in applicant’s Urban Design, report shows the Precinct Plan 1 route overlaid with a ground level landscape arrangement. Copied below.



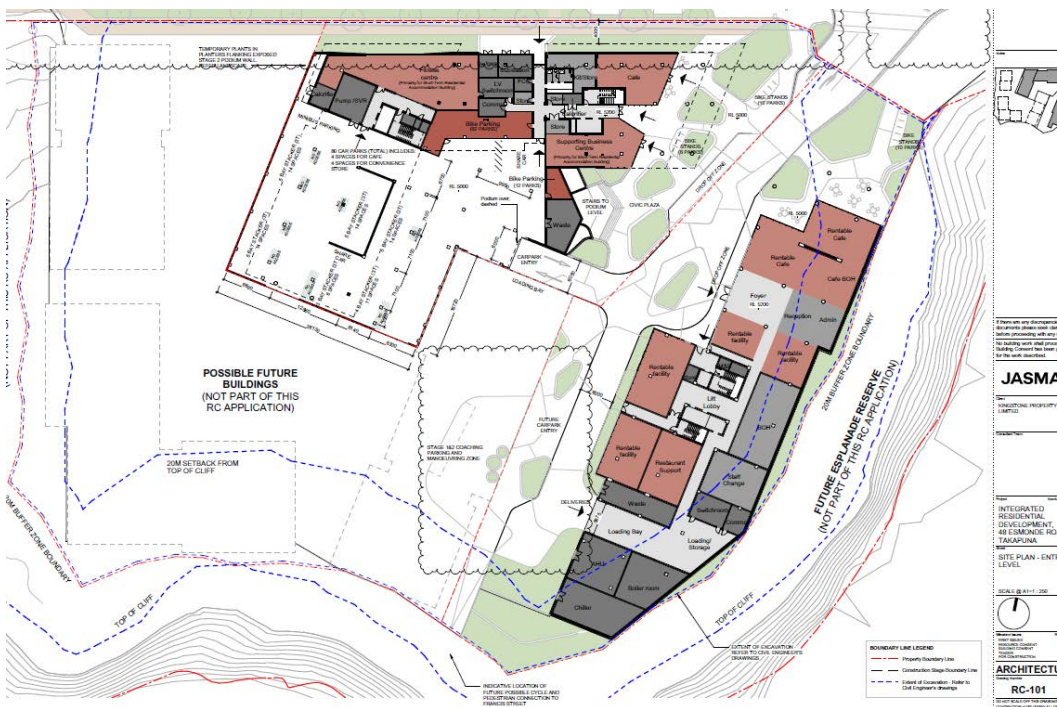
123. The pedestrian/cycle connection is located through raised planters and through vehicle accesses. The route is broadly indicative and not accurate. I consider that an accurate route location is required to ensure the actual route is protected by the proposed easement. The pedestrian/cycle route is not clearly defined even on the approved LUC drawings.

124. The part of the site proposed for public access and potentially secured by easement is shown on the currently lodged subdivision scheme plan, areas A, B C, and D. These would enable access along the Esmonde Road frontage and a connection from Esmonde Road to the OSCZ, as required by policy 5(b).

125. Public access easements area not proposed elsewhere in the precinct. Copied below.



126. An excerpt from approved drawing LUC60359471 North Elevation (RC-101 Rev. C) is copied below:



127. The proposed easement does not show the raised planter beds or road carriageway which would both direct and affect safe pedestrian and cycle passage. Part 'C' is aligned against the future 'Ancillary' building and the carpark entrance.

128. Based on the current landscape and internal open space information it appears that the proposed easement does not represent a realistic pedestrian/cycle route through the site. A

complicating factor is that the route needs to traverse the (at times) very busy vehicle accessways.

129. I am unable to understand the alignment of the public access route through the site and therefore determine if the route would be adequately protected by easement. In my view the viability of the required route from Esmonde Road to the OSCZ is not apparent, and therefore policy 5(a) may not be met.

### Internal Public Areas

130. It would appear reasonable to presume that most internal outdoor areas would be accessible for the public and I understand that is the applicant’s intent. However, I am aware of a business park in Auckland that was developed with that intent, and slowly over time, the public access areas have been eroded and privatised. Therefore, in my opinion, the only public areas that can be relied upon to remain within a comprehensive development is the area protected by easement, and in this case, the limited accessible area of the OSCZ. Both have a primary conveyance function rather than a destination function.

### Precinct Public Open Space Needs

131. Open space needs are required to be considered and provided for under the subdivision provisions of the AUP. In this case, as a plan change, in my opinion, the open space needs should be considered and provided for as part of the plan change and not deferred to subdivision as the overall development outcomes and density permitted would be determined by the plan change and the site area is limited. I note that for greenfield plan changes it is common for open space needs to be assessed and provided for conceptually in precinct plans.
132. Council’s Open Space Provision Policy<sup>4</sup> provides guidance. High density areas, such as the THAB zone, are expected to have a neighbourhood park within 400 metres.

### Type and density of surrounding land use

The provision targets reflect differences in the type and density of land use in an area, as determined by zoning in the Auckland Unitary Plan. The terms used in the provision targets should be defined as per the table below.

Term	Auckland Unitary Plan zones	Applicable provision measures
High density residential areas	Metropolitan centre Town centre Local centre Mixed use Terraced housing and apartment buildings	Pocket parks by agreement Neighbourhood parks within 400m walk Suburb parks within 1000m walk

<sup>4</sup> Open Space Provision Policy 2016, Auckland Council

133. As outlined in the applicant’s planning evidence the subject site has reasonable access to coastal fringe/walkway type open spaces are nearby. However, the nearest is neighbourhood scale park is Barrys Point Reserve which is an 800-metre distance by walking which requires crossing Esmonde Road. Barry Point Reserve does not contain a playground.
134. Based upon the council’s provision policy, access to a neighbourhood park or a space with equivalent features is warranted in this case. The features of a neighbourhood park are shown in the policy excerpt below.

			neighbourhood parks.
<b>Neighbourhood Park</b>	Provides basic informal recreation and social opportunities within a short walk of surrounding residential areas.  New neighbourhood parks are typically between 0.3 to 0.5 hectares.	<ul style="list-style-type: none"> <li>• play space</li> <li>• flat, unobstructed, kick-around space for informal games (30m by 30m)</li> <li>• areas for socialising and respite</li> <li>• landscaping</li> <li>• specimen trees</li> <li>• furniture</li> </ul>	400m walk in high and medium density residential areas.  600m walk in all other residential areas.  Provides a range of different recreation opportunities between nearby neighbourhood and suburb parks.
<b>Community Park</b>	Provides a variety of informal recreation and social opportunities within a short walk of surrounding residential areas.	<ul style="list-style-type: none"> <li>• walking circuits or trails</li> </ul>	1000m walk in high and medium density residential areas.

135. Whilst a publicly owned neighbourhood park is not sought in this case, there is opportunity for the development to incorporate the expected outcomes. The Masterplan shows an area of land that could function as a privately owned public open space. This is area ‘9’ (open lawn BBQ area) on the Masterplan excerpt copied below<sup>5</sup>.



<sup>5</sup> Excerpt from Appendix E -Masterplan pg. 20

136. If public access could be secured by way of easement to area '9' I would be satisfied that the precinct adequately provides for the open space needs roughly equivalent to that provided by a neighbourhood park. I recommend that a 30m by 30m play area be required to be provided, consistent with the council's provision expectation for a neighbourhood park.
137. If accepted by the applicant, I recommend that a privately owned open space area be identified on Precinct Plan 1, and that supporting provisions be included to define the expected outcomes and that public access be secured by way of an easement. Provision of play is anticipated in a neighbourhood park and by standard I553.8.2.1(g).
138. If an adequate defined public area within the development is proposed, then that would be considered in balance with other expected public outcomes such as a destination scale public viewing area in association with the shared path.

ENDS

ATTACHMENT 6:

## URBAN DESIGN SPECIALIST ADDENDUM

**To:** Vanessa Wilkinson (Planning Consultant, Scott Wilkinson Planning), for Auckland Council

**From:** John Stenberg, Principal Urban Designer  
Auckland Design Office, Auckland Council

**Date:** 26 April 2023

**Subject:** Addendum to Expert Advice - Urban Design dated 7 March 2023  
Plan Change 85 (Takapuna 2 Precinct), 48 Esmond Road

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This addendum should be read in conjunction to my previous expert advice dated 7 March 2023, and provides further advice relating to,

- Public access to the coastal edge,
- Built dominance in relation to coastal path, and
- Relationship between development and pathway.

### 1. Public access to the coastal path.

RMA s229 sets out the purposes of an esplanade reserve, as either protection of conservation values (does not imply public access), enabling public access, or recreational use compatible with conservation values.

- Placement of an esplanade edge road was not considered appropriate as the road would not connect to a wider neighbourhood network of roads, potential create access issues for the functioning of Esmonde Road, creation of conflicts with the operational needs of the site, and the imposition on a small site with a relatively long coastal edge.
- To open the site and esplanade reserve for public access a proposed cycle/pedestrian connection was envisaged from Frances Street to the site and through to Esmonde Road, and a boardwalk around the coastal edge of the proposed esplanade reserve. The boardwalk and linkage across shoal bay would provide a dramatic cycle and pedestrian experience.

Specialist advice from council officers does not support this proposal, due to impacts on conservation values, and concerns regarding stability and coastal regression. Funding for the linkage from Frances Street to the esplanade reserve surrounding this site appears only a remote possibility.

Post notification amendments have deleted the Francis street connection, but the precinct will still enable access from any esplanade reserve through the site to Esmonde Road. The shared coastal pathway has been relocated to the upper edge of the esplanade/open space conservation zone.



Notwithstanding that further work on its alignment, structural feasibility and design still requires a higher level of rigor, as outlined in the advice of James Hendra in his addendum (dated 20.4.2023), in principle providing for public access would be beneficial, but not overwhelmingly so.



Figure 1: Context illustrating existing disconnects with wider street network and the traffic dominated roading barrier created to pedestrian/cycle access to the southern edge of the Motorway. 1. Esplanade path/boardwalk from Barrys Pt. Rd. to Auburn Reserve, 2. potential coastal path from Harley Rd. to Esmonde Rd. (also alignment of the above ground main wastewater pipe), 3. Coastal pathway around subject site, and 4. Deleted shared path to Frances Street.

- The 3m wide shared pathway will give the pathway and its pause points a stronger public presence/legibility and reduce the privatisation of the pathway. If a feasible pathway can be designed, then I would be supportive.
- The inclusion of a cycle component would only make sense if the path connected to a similar shared coastal pathway from Esmonde Rd. to Harley Rd. This would also be a difficult undertaking.
- The off carriageway cycling routes serving this part of the city are positioned on the northern side of Esmonde Road, avoiding the vehicle dominated on/off motorway traffic, and allowing access to Barrys Pt. Rd., BRT Station, AUT and Business Park on Akoranga Drive.

Overall, I consider that a 3m shared path with pause points would provide a greater sense of the 'public right' to use the path and would reduce the effects of privatisation of this linkage by those occupying any future development. If its feasibility or conservation values remain problematic, having no path at all should then be seriously considered.

## 2. Built dominance adjacent public shared pathway.

The existing THAB zone allows buildings to be located within 1m of a reserve or open-space zone, and generally no height in relation to boundary standards are applied. This is to encourage the efficient use of land and overlook to reserves explicitly directing a degree of built form 4-6 storeys in height located close to the boundary as expected. Albeit building design, modulation of the facades, particularly with long building lengths, becomes important.

The buildings proposed adjacent the open space conservation zone and shared pathway are arranged to form a 5-7 storey built perimeter to be read as multiple buildings with view shafts that break built form and manage building length.

The proposed shared walkway experience, given the that it is located close to the development areas, will result in built form having an appreciable impression on user experience. However, the development of the tree canopy and the important focus and views on outlook to the harbour will not be diminished and so the shared pathways purpose as stated under the RMA and the quality of the experience is largely fulfilled.

### 3. Development Interface

Its unclear how the 0.5m landscape buffer works, is it in addition to the 1m building setback or incorporated within the 1m setback, or within the reserve/open space zone between path and boundary? Given the nature of the reserve/open space boundary any setbacks between building and boundary in real terms will vary. In addition, the 1m yard setback does not present a baseline entitlement, and there is no reason that further setbacks or landscaped areas in the consenting process can be required should buildings be designed to be dominant and uninteresting.

As stated previously, my preference would have been to have the shared path more centrally placed within the esplanade reserve/OSCZ rather than next to the development site's boundary unless there is sufficient width to provide a publicly legible route and avoid the effects of privatisation by ground level residential units fronting the coastal edge. However, I agree that other matters such as tree location, coastal hazard and land stability issues require careful consideration. Apartments at ground floor level would need to incorporate outdoor living space with a minimum 4m dimension and fences and walls not exceeding 1.0m in height adjoining an Open Space Conservation Zone, however this may still result in the façade of buildings being brought forward over outdoor living spaces and appear to overhang open space.

Given the cross sections provided by the applicant which show building over the 4m wide ground level open space, I am of the opinion that a 4m setback, with allowance for balconies to extend up to 2m into that setback, should be incorporated into the precinct plan provisions to avoid buildings which would appear to overhang open space and dominate oblique views along the shared pathway. This will result in more opportunities for landscape plantings along the boundary, while providing an urban edge which allows good overlook of the path and aural immediacy.

Should you wish to discuss the content of this memorandum or discuss anything further on this application please contact me.

Yours sincerely,

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