

Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



Proposal

Private Plan Change 85 introduces a Takapuna 2 Precinct into the Auckland Unitary Plan over an existing Residential – Terrace Housing and Apartment Building Zone. The Precinct is intended to set out site specific development provisions for the land, which include provisions allowing various heights of buildings, up to 16 stories. The plan change also seeks to rezone the land around the coastal edge of 48 Esmonde Road, Takapuna to Open Space – Conservation Zone.

This plan change is **APPROVED**. The reasons are set out below.

Private Plan Change:	Private Plan Change 85 - 48 Esmonde Road, Takapuna
Applicant:	KBS Capital Limited
Hearing Dates:	Tuesday 2 and Wednesday 3 May 2023
Hearing:	Peter Reaburn (Chairperson) Mark Farnsworth Gavin Lister
Appearances:	<p>For the Applicant:</p> <p>KBS Capital Limited, represented by:</p> <p>Jeremy Brabant, Legal Michael Campbell, Planning Abu Hoque, Corporate Ken Zhang, Structural Engineering Alistair Ray, Urban Design Stephen Brown, Landscape Nicholas Rogers, Land Stability Richard Reinen-Hamill, Coastal Hazards Della Bennet, Ecological Chris Scott-Dye, Arborist Colin Shields, Transport</p> <p>For the Submitters:</p> <p>Peter John Fairclough Royal Forest and Bird Protection Society of New Zealand, represented by Carl Morgan Bridget and Peter Thrussel Sandra Allen Takapuna Residents Association, represented by Sandra Allen Steven Arthur</p>

	Devonport-Takapuna Local Board: Melissa Powell, Board Member George Wood, Board Member For Council: Peter Vari, Team Leader Vanessa Wilkinson, Reporting Planner Gavin Donaldson, Arborist Ainsley Verstraeten, Principal Landscape Architect John Stenberg, Principal Urban Designer James Hendra, Parks Nicole Li, Senior Geotechnical Specialist
Hearings Advisor:	Patrice Baillargeon, Senior Hearings Advisor
Hearing adjourned:	Wednesday 3 May 2023
Hearing Closed:	Thursday, 20 July 2023

INTRODUCTION

1. KBS Capital Limited (“**the Applicant**”) has applied for Private Plan Change 85 (“**PC 85**”) to the Auckland Council Unitary Plan Operative in Part (“**the AUP**”), at 48 Esmonde Road, Takapuna. This is the Decision Report on the plan change.
2. PC 85 has been prepared following the standard Resource Management Act (“**RMA**”) Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
3. The plan change was publicly notified on 9 September 2022 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1 of the RMA. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes.
4. The submission period closed on 7 October 2022. A summary of submissions was notified for further submissions on 24 November 2022 with a closing date of 8 December 2022.
5. A total of 55 submissions and 3 further submissions were made on the plan change.
6. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners: Peter Reaburn (Chairperson), Mark Farnsworth and Gavin Lister (“**the Commissioners**”), appointed and acting under delegated authority from the Council under sections 34 and 34A of the RMA. The delegated authority is to make a decision on PC 85 after considering: all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.

HEARING PROCESS

7. Subsequent to directions issued by the Chair the s42A Council officers' report was released on Wednesday 5 April 2023 and the applicant's evidence was received on Monday 17 April 2023. There was no expert evidence lodged on behalf of submitters.
8. Commissioners Reaburn and Lister visited the site prior to the hearing, on 27 April 2023. The hearing was held on 2 and 3 May 2023, with all Commissioners conducting a further site visit on 3 May. Having heard from the Applicant, the Submitters and the Council the hearing was adjourned to allow a final response and recommendations from Council officers, and a written reply from the Applicant.
9. The Council officers' final response and recommendations was received on 30 June 2023 and the Applicant's Closing Reply Statement was received on 12 July 2023.
10. The Commissioners conducted a further visit to the wider area on 19 July 2023, including a focus on those areas identified as being relevant viewpoints by parties at the hearing.
11. Being satisfied that no further information was required, the Chair closed the hearing on 20 July 2023.

THE SITE

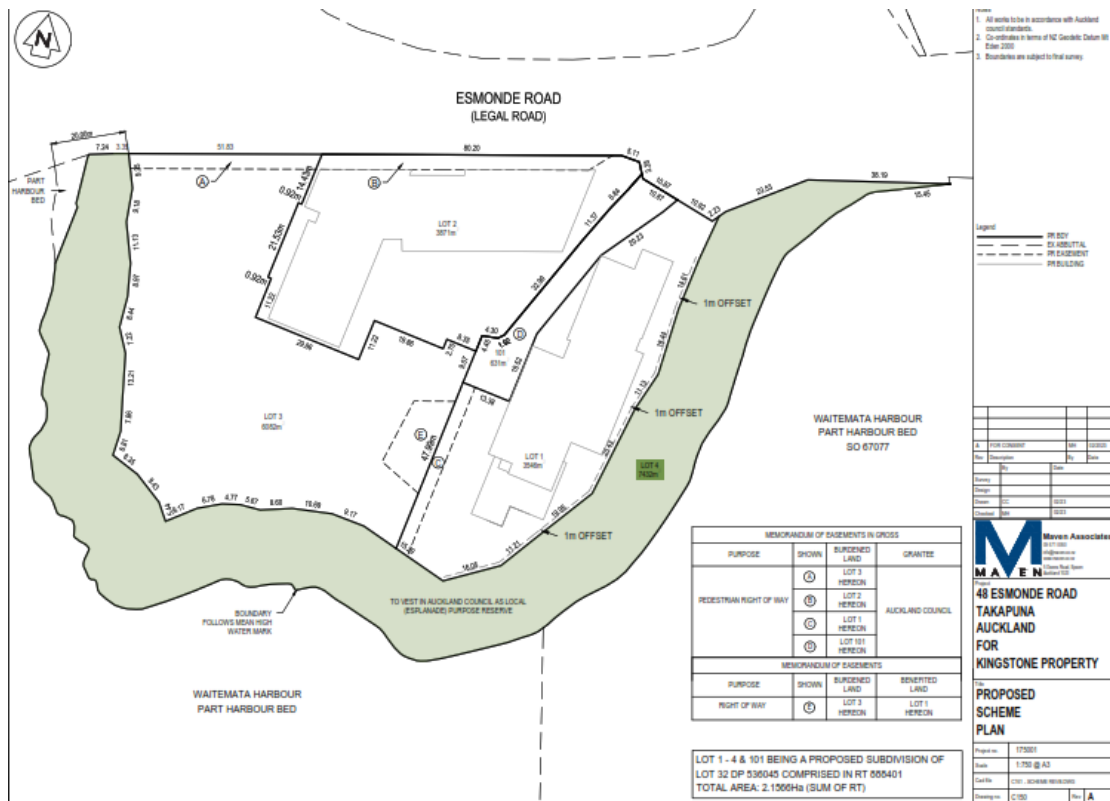
12. As described in the s42A report 48 Esmonde Road is a 2.1556ha site located within the estuary of Shoal Bay, adjacent to Shoal Bay bridge on Esmonde Road, approximately 600m east of the Northern Motorway (State Highway 1) and approximately 800m south-west of the Takapuna Metropolitan Centre ("**the Site**"). The Site is accessed through a signalised intersection from Esmonde Road. It is bounded solely by the road on its northern side and the coastal marine area of Shoal Bay on all other sides, and thus comprises a discrete headland, separated from other adjoining sites. The Esmonde Road frontage is bound by a low retaining wall above Esmonde Road which is located at approximately RL5m. The Site slopes up towards a plateau at RL10m. The land drops away steeply on its coastal perimeter to Shoal Bay and essentially creates a densely vegetated cliff edge.
13. 48 Esmonde Road was previously used by the Harbourside Church. On 3 March 2021 a resource consent was granted by the Council for two new buildings, up to seven storeys high. Building 1 / Stage 1, located on the eastern side of the Site, is to contain 186 visitor accommodation units with associated facilities. Building 2 / Stage 2, fronting Esmonde Road, is to contain 86 residential apartments and a café, a health care facility, a childcare facility, a convenience store, a community centre, and a supporting business centre for use by people staying or living on the site. A total of 81 car parking spaces is provided for by the consent, to be provided by vertical stackers. The signalised intersection is to be upgraded to provide for paired pedestrian and cyclists crossings, and a revised left-in lane. New public transport facilities, including a double bus stop, two bus shelters, and a shared path/boardwalk are to be located within part of the site.

14. A copy of the approved layout plan for this consented development is shown below¹. The plan illustrates the two approved buildings. The approved development is currently under construction. While not being not part of the approved resource consent, the plan also illustrates possible future buildings and a future esplanade reserve.



15. In February 2023 a subdivision application was lodged with the Council for a four-lot subdivision of the Site. A new Lot 1 is proposed to be created around approved building 1/stage 1; Lot 2 is around approved building 2/stage 2, Lot 3 is a future development area/lot and Lot 4 is a proposed esplanade reserve to be vested with Auckland Council. The subdivision proposal also includes the unit title subdivision of building 2 on lot 2. The scheme plan for the four-lot subdivision is shown below:

¹ Section 6.o of the Application AEE



EXISTING PLAN PROVISIONS

16. A comprehensive description of the existing AUP provisions is given in Section 4 of the s42A report. Most of 48 Esmonde Road is zoned Residential – Terrace Housing and Apartment Buildings (“THAB”) Zone under the AUP. A small part is zoned Coastal - General Coastal Marine Zone and the coastal edge is subject to a coastal inundation 1% AEP plus 1m Sea Level Rise identification. The coastal edge is adjacent to a Significant Ecological Area Overlay which applies over the coastal marine area. The Esmonde Road frontage of the land is subject to a ‘Vehicle Access Restriction Control’ and a Macroinvertebrate Community Index Native and Urban applies over various areas of the site.
17. The THAB zone is the highest intensity residential zone in the AUP. It provides for urban residential living in the form of terrace housing and apartments, predominantly around metropolitan, town and local centres and the public transport network. The zone standards set a maximum height of 16m (5 storeys) with a Height Variation Control providing for greater height in certain locations. A restricted discretionary activity resource consent is required for any new dwellings with considerations required including the effects on neighbourhood character, residential amenity, safety and the surrounding residential area from building intensity, scale, location, form and appearance, traffic, and the location of design of parking and access.

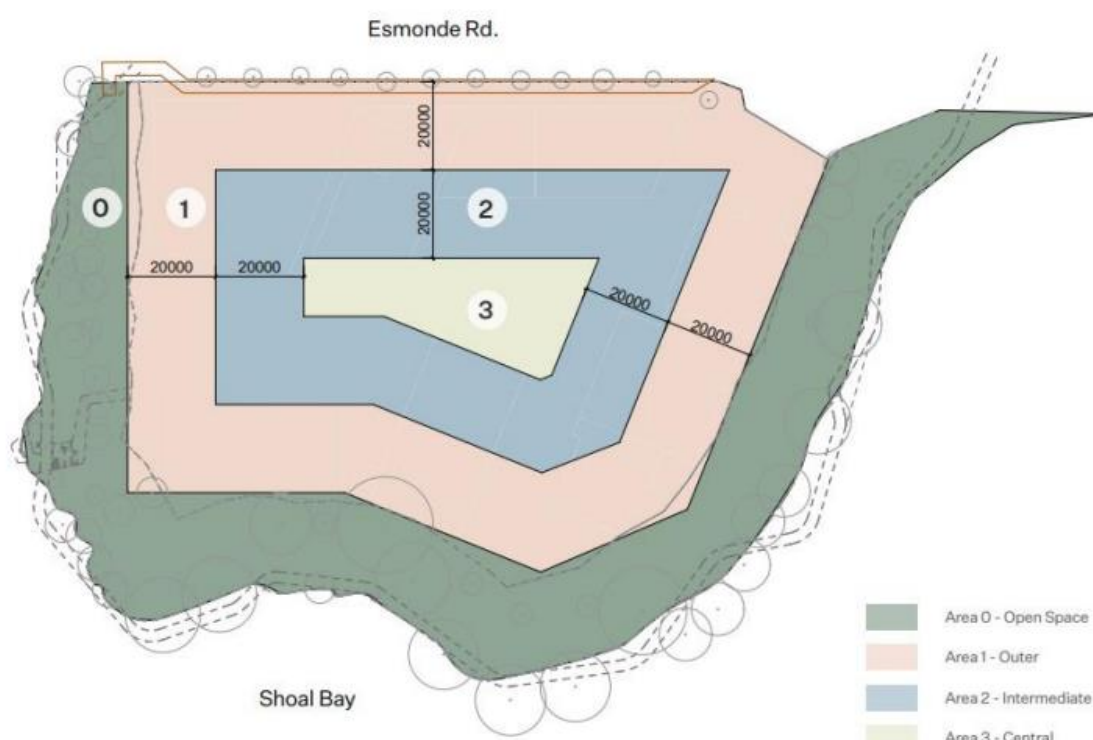
SUMMARY OF THE PLAN CHANGE AS NOTIFIED

18. A comprehensive description of the plan change is given in the s42A report and the Application AEE. In brief, the application as notified seeks to maintain the THAB Zone, with the future esplanade reserve to be rezoned as Open Space: Conservation (“OSC”)

Zone. The proposed rezoning of the coastal edge around the PC85 area does not seek to alter any provisions of the existing OSC Zone. A new Takapuna Precinct 2 layer is also proposed over the site. In summary the following would be enabled by the precinct and the THAB Zone and OSC Zone provisions²:

- All dwellings and development subject to a resource consent;
 - The protection of a range of environmental features within the site (view corridors, vegetation, open space, coastal edge)
 - Limited provision for non-residential activities - GFA and location controls;
 - A range of building heights from 4 storeys (RL 30) metres height to 16 stories (RL 62m);
 - Site specific building coverage controls
 - Maximum building dimension and separation for the proposed taller buildings;
 - Wind controls for taller buildings;
 - Up to 60% building coverage, but with requirements for the protection of areas of open space outside the building platforms;
 - Max 100% impervious, but with a requirement for the protection of large areas of open space outside the building platforms;
 - Min Landscaped area 0% Landscaping, but with requirement for the protection of areas of open space outside the building platforms;
 - A range of front side and rear yards;
 - Outlook space requirements;
 - Daylight requirements;
 - Outdoor living space;
 - City wide rules with respect to transport and environmental protection, plus additional site-specific controls on parking, traffic generation and environment enhancements;
 - Specific front, side and rear fences and walls;
 - Minimum dwelling size;
 - Stormwater controls;
 - Specific coastal planting;
 - Specific maximum parking standards;
 - Transport thresholds; and
 - Noise controls for sensitive spaces.
19. The proposed precinct plans included provision for an open space area around the coastal margin and graduated areas of building heights, up to 11-16 stories in the middle part of the site – see the notified Precinct Plan 2 below.

² See Section 7.5 of the Application AEE



	Maximum Impervious	Maximum Building Coverage	Maximum Coverage Heights	Maximum Heights	Minimum Heights
Area 1	90%	60%	a. Up to RL23 (5 storeys) - 100%. b. Up to RL26.5 (6 storeys) - 90% c. Up to RL 30 (7 storeys) - 40%	Must not exceed 7 storeys above RL 5 and no part of the building shall exceed RL30m in height	4 storeys above ground level (RL10).
Area 2	95%	60%	a. Up to RL30 (7 storeys) - 100%. b. Up to RL41 (8-10 storeys) - 35%	Must not exceed 10 storeys above RL 5 and no part of the building shall exceed RL41m in height	4 storeys above ground level (RL10).
Area 3	100%	60%	a. Up to RL41 (10 storeys) - 100%. b. Up to RL62 (11-16 storeys) - 35%	Must not exceed 16 storeys above RL 5 and no part of the building exceeds RL62m in height	4 storeys above ground level (RL10).

SUMMARY OF MODIFICATIONS SOUGHT TO THE PLAN CHANGE (KEY AMENDMENTS TO THAT NOTIFIED)

20. Following public notification of PC85, and in response to submissions and the Council section 42A report, the Applicant proposed a number of amendments to the plan change, including relocating the coastal pathway from the foot of the cliff adjoining the coastal margin to the top of the cliff, and subsequent adjustments to other aspects of the proposed Precinct Plan. Mr Michael Campbell, planner for the Applicant, summarised the key substantive changes in his evidence as follows³;

- (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

³ Michael Campbell EIC Paragraph 5.9

proposed esplanade reserve/Open Space – Conservation Zone and deletion of the boardwalk across the Coastal Marine Area to Francis Street, noting that the Precinct will still provide access through the site by way of the proposed esplanade reserve/ Open Space – Conservation Zone, to enable access should such a boardwalk be built by others in the future.

- (b) Minor changes to the Open Space – Conservation Zone (OS CZ) boundary to include the proposed relocated coastal pathway.
 - (c) Amendments to the Precinct provisions to manage the interface between the proposed buildings and the OS CZ.
 - (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.
 - (f) Changes to the transport provisions to address matters raised by Auckland Transport.
 - (g) Minor consequential changes to address matters raised in submissions and the 42A report.
21. Further amendments were proposed during the hearings process, notably in further recommendations made by the reporting planner following discussions with the Applicant which were then accepted in the Applicant's statement of reply. Precinct Plan 2 (as above) was not proposed to be changed by the Applicant however there were other precinct plan changes, including the introduction of a further Precinct Plan 3 illustrating detail of communal open space areas and pedestrian access (see Appendix 1 for a full copy of the precinct plans). These amendments are further discussed below.

RELEVANT STATUTORY PROVISIONS CONSIDERED

22. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in Applicant's Plan Change Request, the officer's section 42A report and in the opening submissions for the Applicant. We note that section 32 (and section 32AA) clarifies that analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. We do not need to repeat contents of the Applicant's application (Statutory Assessment Reports) in any detail, as we accept the appropriate requirements for the formulation of a plan change have been comprehensively addressed in the material before us. We have had regard to the full range of requirements in making this Decision.
23. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. We note that there were amendments

to the plan change proposed after notification, including through the hearing process. In that respect the evidence presented by the applicant, the submitters and Council should be read in conjunction with this Decision, including where we have determined that a change to PC 85 should be made.

24. In summary, having considered the application and the evidence, we are satisfied that PC 85 has been developed in accordance with the relevant statutory requirements.

FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE

25. The following section addresses our overall findings on PC 85, having heard and considered all of the material and evidence before us. We address the matters raised by Council officers and in submissions received to PC 85, including the relief sought in those submissions. We have summarised our findings under headings that were used in the section 42A report, although not in the same order. Our findings and reasons for approving the plan change are categorised as follows:

- Reasons for the Plan Change Proposal
- Matters Not in Contention
- Public Access Effects
- Open Space Effects
- Transport Effects
- Ecology and Tree Effects
- Geology / Coastal Hazard Effects
- Building Height Effects
- Provisions

Reasons for the Plan Change Proposal

26. The Applicant's rationale for seeking to change the AUP was succinctly explained in the opening legal submissions given for the Applicant by Mr Jeremy Brabant. He submitted that the activities and development enabled by the proposed Precinct aligns with the relevant strategic documents, including the level of urbanisation envisaged by the recent amendments to the RMA and the National Policy Statement on Urban Development ('NPS-UD'), while protecting and maintaining the Site's coastal environment. The ethos behind PC85 was to achieve an appropriate balance between the Site's unique development potential and retention of ecological and coastal values. Specific attributes identified by the applicant that made the Site suitable for the scale of intensification proposed included that the Site:

- Has an "island-like" location which physically isolates development on the Site from surrounding residential properties;
- Is surrounded by the coast on three sides and fronts Esmonde Road (an arterial feeder road to the motorway) on the fourth side;
- Has no immediately adjacent neighbouring residential sites;
- Has a lower elevation relative to residential properties further up Esmonde Road;

- Is located within approximately 800m (identified as a “walkable catchment”) from the Takapuna Metropolitan Centre and the Akoranga Station on the Northern Busway (i.e. a ‘rapid transit stop’);
- Has a direct bus service between the Site’s frontage and central Auckland;
- Is zoned for the most intensive residential use under the AUP; and
- Is currently under construction to give effect to Stage 1 and Stage 2 of an approved resource consent.

27. Council’s reporting planner, Ms Vanessa Wilkinson, generally supported these reasons, noting that the proposed rezoning of the coastal edge to OSC zone will have positive effects of maintaining an area containing mature vegetation and providing amenity to the edge of Shoal Bay and supporting the adjoining significant ecological area in the coastal marine area. She also considered that the proposed Precinct provisions will provide for additional housing capacity and choice, and a limited range of non-residential activities to support residential activities, in an area that is well located for additional intensity.

Matters not in contention

28. The s42A reporting appropriately canvassed potential effects and other matters which were ultimately not matters of contention, at least amongst the experts. These included matters relating to:

- *Economic Effects.* While there was not full agreement on the scale of benefits there was agreement that there would be some benefits.
- *Acoustic Effects.* The noise provisions proposed by the Applicant were reviewed by Council’s Noise Expert who concluded that the noise arising from the proposal was predicted to comply with the noise levels specified in the AUP, that the amenity values of adjacent residential zoned properties will be protected from unreasonable noise; and that residential activities within the proposed precinct will be designed to provide the occupants of noise sensitive spaces with a reasonable level of internal acoustic amenity.
- *Stormwater and Flooding Effects.* We were advised that flood events could potentially compromise the operation of the Esmonde Road accessway to the site, however this was not a reason that the plan change should not proceed.
- *Infrastructure Effects.* The AEE’s assessment of infrastructure effects concluded that the PC85 area can be provided with suitable water supply and there is sufficient capacity for wastewater and the provision of other utilities.
- *Effects on mana whenua.* We were advised that the applicant consulted with relevant mana whenua and the feedback received, particularly from Ngāi Tai ki Tāmaki, has not raised any issue of contention. The consultation has informed provisions proposed in the plan change, including high quality stormwater treatment; protection of the coastal esplanade; support to the coastal margin by landscaping (including native species); and incorporation of matauranga and tikanga into the design of new buildings and public open spaces.

29. We note that the initial s42 reporting raised a range of other concerns which were addressed through the hearings process. The only issue remaining between the experts at the conclusion of the hearing was the height of the tallest buildings provided for in the

centre of the Precinct. While Council's landscape expert Ms Ainsley Verstraeten and Ms Wilkinson generally supported the provisions that were finally agreed between the Applicant and Council specialists, they remained of the view that 16 storeys as proposed by the plan change was too high and should be reduced to a maximum of 12 storeys. We address that matter fully below.

30. The height issue was also one of the main concerns of submitters, along with other matters, We have carefully considered those concerns and address them below.

Public Access Effects

31. The need for public open space and public access to the coastal environment is clearly recognised in the New Zealand Coastal Policy Statement ("NZCPS") and the AUP. Ms Wilkinson and Council's consultant parks expert Mr James Hendra initially concluded, in relation to the plan change as notified, that the size and usability of the proposed open space areas were inappropriate and would not allow for good public access. Part of that concern related to the boardwalk initially proposed in the notified Plan Change around the perimeter shoreline at the base of the cliffs given the various topographical, stability and natural characteristics of the Site. Part of the concern related to potential interface issues between the subsequently proposed cliff-top path and adjoining buildings. There was also concern about the reference in the plan change documents, albeit conceptually, to a potential boardwalk across the adjoining tidal area to Francis Street. Submitters likewise raised issues about provision of public access between the Site and Francis Street including effects on wildlife and that such access would encourage residents of the Site to park in local streets. The Takapuna Devonport Local Board was concerned that, as notified, the proposed coastal boardwalk was only indicative and that there was no certainty on its design or construction timeline.
32. Considerable attention was given through the hearing process to the revised plans for a proposed shared public pathway around the perimeter of the site at the top of the cliffs. The Commissioners, accompanied by representatives of the Applicant and Council specialists, were taken on a site visit of the pathway route during the hearing on 3 May 2023. The Commissioners appreciate the efforts undertaken by the Applicant to mark out the pathway and answer questions about various parts of the route.
33. The Commissioners subsequently allowed an opportunity after the hearing was adjourned for the Applicant and Council specialists to discuss amendments to the pathway and the plan change precinct provisions and plans. After that process was concluded a further s42A Report, with recommendations, was prepared by Ms Wilkinson by way of memorandum. The Applicant's concluding statement of reply accepted all of the recommendations made by the Council team.
34. We find that the amended provisions as agreed between Council and the Applicant are appropriate in addressing the concerns raised by the original s42A reporting and in submissions, with the exception of the following concerns we have about provisions relating to the staging of the shared path.

35. Council's Parks Planning expert, Mr James Hendra, gave general support in his post-hearing memo to the revised provisions and plans, except for the proposal to stage the delivery of the coastal shared pathway into two parts. We accept the reasons the Applicant advanced for the pathway being staged, including the difficulties associated with coordinating construction and addressing issues such as removal of the power pylon that is located in the path route in the south-west corner of the Site (we understand this section of transmission line is to be placed underground). However, we do have concerns about how this staging is to be given effect to in the provisions. The recommended provisions are copied below:

I553.6.16. Public Shared Coastal Pathway and Pause Points

Purpose: To ensure the provision of a shared pathway within the Open Space Conservation Zone (as identified in Precinct Plan 1) in a staged manner and to create pause points, separate to the main pathway, to enable people to stop and enjoy views of the coast.

- (1) A 3m wide public shared coastal pathway must be provided in the Open Space Conservation Zone in the indicative location identified on Precinct Plan 1.
- (2) The pause points 1, 2 and 3 must be provided in the Open Space Conservation Zone in the indicative locations identified in Precinct Plan 1.
- (3) The public shared coastal pathway and pause point 1 required by (1) above must be included any subdivision application, and the applicant must offer a consent condition confirming the staging of the pathway in accordance with 4 and 5 below and this must also include a consent notice or development agreement confirming the timing for the construction of the pathway in accordance with (4) and (5) below.
- (4) The eastern section of the public shared coastal pathway from the eastern Esmonde Road end to pause point 1, must be constructed as part of the building construction for the approved Stage 1 area.
- (5) Any resource consent for buildings or development, beyond the approved Stage 1 and 2 buildings and development must include provision for and the design of the public shared coastal pathway and pause points 2 and 3 extending on from pause point 1 to the western end of Esmonde Road as identified on Precinct Plan 1. -The extended southern and western public shared coastal pathway and viewing platforms associated with pause points 2 and 3 must be constructed as part of any Stage 3 development.
- (6) The entire public shared coastal pathway and pause points 1, 2 and 3 must be funded and constructed by the consent holder as part of each development stage as identified in (4) and (5) above.

Note: These clauses no longer apply after consent has been given effect to/implemented which has resulted in the construction of the public shared coastal pathway.

36. The two parts relate to the pathway adjoining Stages 1 and 3 (Stage 2 does not adjoin the pathway). The proposed provisions require the pathway adjoining Stage 1 to be

provided as part of the construction of Stage 1 and yet Stages 1 and 2 are already under construction and the consents for those stages did not require delivery of a walkway. This raises a question as to how a plan provision can effectively override a resource consent that is already in place. The recommended provisions have been accepted by the Applicant and Mr Abu Hoque, the Corporate representative of the Applicant, confirmed at the hearing that the Applicant would incorporate the pathway into the current subdivision application.

37. Be that as it may, the terms of existing consents are beyond our control, and we do not consider the recommendation in its proposed form to be appropriate. We are also concerned about other parts of the recommended Standard I553.6.16, including sub-sections (3) and (5) which we see as being more matters for resource consents than plan provisions. Overall, we find that these provisions could be more clearly and succinctly expressed.
38. We note that in her post-hearing memorandum Ms Wilkinson identified an alternative for clauses (4) and (5) to be deleted from the provisions, with the timing of the construction of the pathway to then remain a subject of discussion and condition within the subdivision consent application. We consider that alternative is also problematic and note that it was opposed by the Applicant in its reply. While we were informed that the subdivision application has been lodged with Council, at the time of releasing this decision it has not been consented. We have no influence over that as a separate process and it accordingly may not provide the level of certainty Mr Hendra and, for instance, the Local Board were looking for.
39. We have accordingly amended the provisions to maintain the possibility of staged completion of the pathway, with the ultimate achievement of the delivery of a full pathway to be the responsibility of the Applicant. The first part of the pathway (associated with Stages 1 and 2 of the development) is to be achieved at the earliest possible time, should there be a resource consent process that will enable that to be required.
40. A concern for the s42a reporting team and a number of submitters was that the Site would, or would appear to be, a “gated community”. We accept that might have been a potential outcome with the earlier proposed shoreline path that would have been separated from the Site by the cliffs. However, we consider the perimeter cliff-top pathway open at either end to Esmonde Road, and the internal open space that will also be connected to the perimeter path and Esmonde Road, will potentially provide for an appropriate level of public access to the coastal environment and through the proposed Precinct. We were also assured at the hearing that it was the Applicant’s intention to allow for and promote public access through and around the Site. There was accordingly no issue of intent, but rather how that intent could be provided for with sufficient certainty in the provisions. This was a matter the Commissioners requested that the Applicant and Council team further address and an agreed position between those parties was presented to us following the hearing⁴. This comprises a combination of amendments to the precinct plans and new provisions, including revised assessment criteria that provide

⁴ See paragraph 33 above

additional guidance relating to the provision of visual corridors. The amended provisions also address the interrelationship between built development and public places by promoting the breaking up / articulation of building facades. We find that these amended provisions appropriately address the concerns raised by the original s42A reporting and in submissions.

41. As referred to above, a boardwalk was depicted on drawings that accompanied the notified Plan Change between the Site and Francis Street. We understand such a connection to be a missing link in the Green Route path network along the western side of the Devonport Peninsula and a project that is promoted by the Takapuna Devonport Local Board. The Applicant told us they were willing to fund such a boardwalk. However, we were told that there was no certainty such a boardwalk would be provided because of the need to gain consent for a boardwalk across a Significant Ecological Area and uncertainty over funding. In the circumstances, we consider the perimeter cliff-top path is the appropriate approach. It will provide public access to the coastal environment with some certainty, while retaining the potential for a connection to a boardwalk to Francis Street should it be provided in the future by others.

Open Space Effects

42. In their original s42A reporting Council specialists generally considered that the proposed open space area would not be sufficient for people living within the Site. Ms Verstraeten considered the plan change provisions generally adequately addressed the future design of common open space areas. However, she considered the provisions should require outdoor children's play areas. Submitters also raised concerns about the sufficiency of open space. Sandra Allen, a Committee Member of the Takapuna Residents Association, considered the intensification provided for by the Plan Change allowed 'no space' for people, including children, and was completely reliant on access to limited community assets.
43. Mr Alistair Ray is a Principal and Senior Urban Designer for Jasmax and gave evidence on behalf of the Applicant. He referred to other areas of THAB zoning in Auckland with fragmented ownership where high levels of communal open space within sites is very unlikely to be provided, and where access to existing public open space is also relatively constrained. He acknowledged, in this area, that provision for further public open space to serve intensified areas is also unlikely. He saw a benefit of the proposed development that would be provided for by the Plan Change being the opportunity for an integrated design including a combination of communal open space between the buildings and an OSC zone, with public access, around the coastal edge.
44. The Panel requested the Applicant and Council parties to reconsider the open space provisions, including introducing more certainty about outcomes for the Site's future community. The parties agreed a proposed standard, (Standard I553.6.17 Communal Open Space Areas), requiring the provision of communal open space area with varying functions, accessible to the public in perpetuity, in areas indicated on a new Precinct Plan 3. A new activity status was also proposed to cover situations where the newly proposed standards regarding communal open space areas and the building/Precinct and OSC Zone interface requirements are infringed. We find these provisions to be an

appropriate response to ensure adequate open space provision is made in association with future development of the Site.

45. Mr Ray, in response to questions, also noted that the wider area beyond the Site including such varied open space as the Patuone Reserve boardwalk on the opposite side of Esmonde Road, Barrys Point Reserve further to the west, and Takapuna Beach to the east. We consider these amenities would complement the open space provision within the Site.

Transport Effects

46. A number of submitters and the Devonport Takapuna Local Board raised concerns in relation to traffic and parking. Concerns included: traffic congestion at intersections and as a result of use of the pedestrian crossing on Esmonde Road; bus station locations, and overflow parking in adjoining streets. On behalf of the Local Board, Mr Wood was also concerned about the costs of changes to the intersection and the available capacity in buses. He referred to the proposed bus stop area as currently being a turn-around area for buses and raised concern about there not being a bus stop with a shelter proposed on the opposite side of Esmonde Road.
47. We received expert transport evidence on behalf of the Applicant, a review by the transport experts engaged by Council, and tabled correspondence from Auckland Transport.
48. Mr Colin Shields was the Applicant's consultant traffic engineer. His evidence canvassed the analysis that had been conducted to support the Applicant's Integrated Transportation Assessment. He also responded to concerns that had been raised in submissions, with the following being relevant:
- In respect of traffic congestion, he confirmed that the pedestrian crossings had been included in the agreed capacity assessments and that the results demonstrate that they would not materially impact on existing congestion and travel times on Esmonde Road.
 - Traffic modelling had concluded that, even with an additional 20% traffic on Esmonde Road, there would be only a minor increase in the average intersection delay and queues would not extend through the upstream intersections of Eldon Street or Barrys Point Road.
 - In respect of parking, he considered that the PC85 parking provision is appropriate and sufficient given the Site is within the Council's PC78 Walkable Catchment area to public transport services (on both Esmonde Road and the Akoranga Rapid Transit Stop) and to key work, shop, education and recreation amenities at Takapuna Metropolitan Centre, and has excellent walking and cycling connections. He further considered that due to the distances from the site to surrounding streets (e.g. Barry Points Road, Eldon Street, Burns Avenue) it is unlikely that these streets would be used for parking by site residents or visitors.

- In respect of public transport, walking and cycling he considered the site is ideally located to support alternative modes of transport to car use being within the walking catchment of both Akoranga bus station and Takapuna Metropolitan Centre. He noted the proposals for improved pedestrian and cycle crossings of Esmonde Road to be paid for by the Applicant. He further noted the agreement with Council and Auckland Transport to move the existing bus stop to in front of the Site (i.e. west of the Site entrance) to improve access to public transport for the Site.
49. Council's reviewers, Mr Mat Collins and Mr Phil Harrison of FLOW Transportation Specialists, concluded that the Precinct provisions are sufficient to ensure that Esmonde Road will operate acceptably if the Site generates up to the proposed maximum 420 vehicle movements during the peak hour. At the hearing a letter was tabled on behalf of Auckland Transport, confirming that the amendments to the notified precinct provisions addressed Auckland Transport's submission points.
50. We find that the Site has well above average access to walking, cycling and public transport options. It is a single stage on the bus between the site and the Auckland CBD with no stops in between. In respect of bus capacity, we must assume that capacity can and will be added if required. Overall, from a transportation perspective, we considered the Site to be an appropriate location to encourage residential intensification. The improvement measures proposed will also provide and support a safe and efficient transport network.
51. We further find that the transportation provisions as proposed are appropriate. The Travel Demand Management measures and the Parking Management Plan will encourage the use of active and public transport modes of transport and will thus reduce reliance on cars. Council will also have discretion should there be effects that extend beyond the Site.

Ecology and Tree Effects

52. A number of submitters raised concerns about effects on ecology. Mr Carl Morgan gave evidence to the hearing on behalf of Royal Forest and Bird. Mr Morgan is Forest and Bird's Auckland Regional Conservation Manager. While he supported the relocation of the proposed public pathway away from the shoreline at the toe of the cliffs, he raised concerns about adverse effects of lighting on birdlife and sought controls on cats and dogs, a widening of the proposed Open Space - Conservation Zone, and measures to enhance natural character.
53. Dr Della Bennet gave expert ecology evidence on behalf of the Applicant, with a particular focus on birds. Dr Bennet also responded to issues raised in submissions about the development being close to mangroves and mudflats (which provide important feeding grounds) and the potential for adverse effects on indigenous birdlife from human activity on the shared public pathway, and from lighting. She was of the view that the proposed relocation of the coastal shared pathway above the cliff crest and away from the mangroves will enable coastal access while at the same time providing an effective buffer zone between the mangroves and human activity. In respect of lighting, Dr Bennet supported measures controlling the placement of lighting and using low-intensity

lighting where it is practical to do so, and considered the proposed precinct provisions adequately addressed these matters. We note that Dr Bennet and Council's expert ecologist, Ms Carol Bergquist, agreed that the proposed Precinct provisions appropriately address potential impacts of bird strike and adverse ecological effects related to increased lighting. Dr Bennet also referred to effects from cats and dogs, noting that this was a built-up area already, and such management did not currently exist in the areas surrounding Shoal Bay, although she would be supportive of measures that encouraged domestic pets to be kept indoors or on a lead.

54. Overall, Dr Bennet considered that the Site represents a small coastal margin compared to Shoal Bay and overall effects on avian species will be less than minor.
55. Mr Christopher Scott-Dye was the Applicant's consultant arborist. He identified the trees that may be subject to concern as a result of the positioning of the shared public pathway. In that respect we note that the revised Precinct plans provided by the Applicant after the hearing have relocated the eastern end of the pathway on the advice of their landscape architect and the arborist's recommendations in order to avoid possible impact on three existing trees within the proposed OSCZ area, and to connect to the Esmonde Road footpath with an appropriate ramp slope.
56. We find that concerns that were raised in relation to adverse effects on ecology, including those arising from sedimentation and stormwater runoff, have been appropriately addressed by the amendments made to the proposal, and the AUP provisions that are in place or that are proposed.

Geology / Coastal Hazard Effects

57. Mr Richard Reinen-Hamill (coastal) and Mr Nicholas Rogers (geotechnical) gave expert evidence on behalf of the Applicant. Mr Reinen-Hamill explained the additional investigations and reporting he had conducted on coastal hazards, including in relation to concerns from Mr Matt Rivers, Senior Coastal Specialist for the Council, that there should be a topographic survey of the Mean High Water Springs ('MHWS') boundary and cliff toe and an update on the site-specific Coastal Hazards Assessment in line with the best available information and latest guidance. A topographic survey was conducted. Mr Richard Reinen-Hamill confirmed that there were differences in the regional assessment information of concern to Mr Rivers and that the actual slope data obtained from the survey supported the erosion analysis that had been undertaken on behalf of the Applicant. In that respect the submitted coastal hazard report identified that the rate of erosion was estimated to be 1m per 100 years and this would be confined to within the proposed esplanade reserve. Mr Rogers considered that appropriate setback was made for the shared path with respect to this data. Mr Rogers had identified one area where the setback method extends slightly beyond the esplanade reserve and the reserve was locally widened to accommodate the shared path landward of this coastal erosion hazard line.
58. In respect of the recent slope failures on the south-eastern side of the Site, Mr Rogers described these as known areas of instability that would have needed to be remediated as part of the proposed shared path development in any event. He noted that the shared path will be engineered to ensure that it will be unlikely to be affected by instability and

the path would have a design life of at least 100 years. Final details would be addressed as part of the detailed design of the pathway.

59. We find that concerns raised in respect of coastal hazards and land instability have been appropriately addressed by changes to the proposal and by future measures that can be implemented through existing and proposed AUP and Precinct provisions.

Building Height

60. There was a consensus amongst the experts that the PC85 area is in a location supported by public transport and close to a Metropolitan Centre that make it suitable for intensive residential development, consistent with Objective (1) of the THAB zone. The proposal was also agreed as being generally consistent with relevant provisions of the AUP's Regional Policy Statement and of the National Policy Statement on Urban Development. These matters were comprehensively addressed in the s42A report and in the evidence of Mr Michael Campbell, planner for the Applicant. We accept those points and we do not need to comment on them further here.
61. The proposed intensity, particularly building heights, were the prime concern in respect of landscape, visual, shadow, dominance, and natural character effects. These potential adverse effects were raised by several of the submitters who opposed any height allowance above that otherwise provided for by standards of the THAB zone Mr Arthur, for instance, suggested that the graduated building height could be four stories at the perimeter with a maximum of six storeys in the middle of the Site, the latter being consistent with the height standard of the THAB zone.
62. The effects of increased intensity, particularly maximum building height, was also not agreed by all experts. It was generally agreed that it was appropriate to graduate the height of development away from the coastal edge and to locate the tallest buildings in the centre of the Site. The Applicant's experts supported a maximum height of 16 storeys in the centre of the site. Ms Verstraeten, on the other hand, considered 12 storeys to be the maximum appropriate height with respect to effects.
63. We now turn to the evidence that was given at the hearing in relation to the effects of building height that would be enabled by the proposed Precinct provisions, compared to the approved buildings and what would otherwise be enabled by the zone standards.
64. In respect of the Council specialist's evidence, Ms Verstraeten was of the view, and Ms Wilkinson agreed, that the maximum 16 storey building height proposed would not protect and preserve the natural character of the coastal environment or landscape character of the site; and was inconsistent with the hierarchy of heights associated with higher order zones in the AUP. However, these experts were prepared to support a reduced, 12 storey (RL43 / approximately 38m) maximum building height given the favourable location of the Site, including the Site's separation from adjoining sites, and the buffer provided by the proposed OSC zone from Shoal Bay.

Landscape Effects

65. Mr Brown gave expert landscape evidence for the Applicant. Mr Brown referred to the consented Stage 1 and 2 development as forming part of the existing environment. He

described the Stage 1 development as comprising a single visitor accommodation building of between 5 and 7 storeys and the Stage 2 development comprising residential apartments in a block that steps up from 4 to 6 and 7 storeys. The approved Stage 1 development breaches the THAB Zone height limit by up to 8.32m (excluding its plant room), while the Stage 2 development exceeds the THAB height control by up to 9.3m. In respect of development that would be enabled by the proposed provisions he anticipated a cluster of up to 8 buildings would act as the main development hub, starting at 4 levels on the site periphery, then progressing up through 6, 7 and 10 storeys to culminate in a central apartment tower of 16 storeys.

66. Mr Brown described the Site as being located at the nexus of different natural and built environments, activities and forms of development which over time will further change as implementation of the AUP's zoning occurs. He noted that the majority of the receiving environments / catchments are located 140m or more from the proposed building platforms. He described the Site as sitting quite low relative to those residential catchments on its eastern to southern sides. He assessed nine viewpoints to compare the current situation with that anticipated once development has occurred in accordance with the PC85 provisions. His summary conclusion was⁵:

..that although development under PC85 would be highly to very highly prominent in relation to most of the viewpoints and catchments employed in my assessment, the effects arising from that interaction would be more modest – of a very low to moderate order. These effects would further diminish, over time, for some viewpoints – albeit to a limited degree – as more residential intensification unfolds within the THAB and MHU Zones around the subject site. More importantly, however, the Stage 1 and 2 development already consented by Council would help to 'sleeve' and buffer much of the taller development form nearby residential areas. This buffering would also be augmented by the stand-alone nature of the site – physically at the very least – and the already blighted nature of the part of its immediate setting, encompassing Esmonde Road, Barrys Point Road and the current transmission line corridor.

67. With respect to the selected viewpoints, a submitter, Mr Arthur, considered Spencer Terrace should have been assessed as a viewpoint. The Commissioners viewed the Site from Spencer Terrace on a site visit and has had some sympathy for that concern. While there are some similarities to the nearest viewpoint at the end of Francis Street, the Spencer Terrace view is more directly into the site, the existing development under construction being prominent in that view and less flanked by natural elements than the Francis Street view. We do however note that Mr Brown confirmed in his evidence that he had assessed views from Spencer Terrace and that street was referred to in several parts of his evidence. Ms Verstraeten referred in her specialist memo to the viewpoints that were assessed and did not consider any extra viewpoints were required. After careful consideration the Commissioners have accordingly considered there was sufficient information, analysis, and evidence to assess effects from Spencer Terrace.

68. Commenting on the JASMAX photo simulations Mr Brown acknowledged⁶:

⁵ Stephen Brown evidence, paragraph 48

⁶ Stephen Brown evidence, paragraph 52

In the context of just those images, the very idea of maintaining a ‘pleasant’ and (more particularly) an ‘aesthetically coherent’ residential environment at Hauraki and Takapuna is clearly challenged by the proposed PPC.

69. Mr Brown noted those images related to the existing, relatively low-density environment. He then described what he described as the “new course” the AUP has introduced, within the THAB and MHU zones especially, and stressed that this had been particularly important in his assessment of the proposed development’s effects with respect to the existing and future environment, including effects on the outlook from properties on the fringe of Shoal Bay and its lagoon. He further acknowledged that the success or otherwise of the proposed apartment complex will largely rely on the quality of its architectural design (including detailing and materiality) but considered the proposed Precinct provisions would manage the profile, scale, bulk, and general appearance of development.
70. Ms Verstraeten’s primary concern was that the plan change’s 16 storeys would result in an abrupt increase in height, in an isolated location which would act as a ‘satellite’ centre to Takapuna. She also referred to visual amenity effects, especially in respect of residents to the east and south of the site. She considered effects on residents living at the end of Spencer Terrace to have their amenity values affected to a greater degree than moderate.

Urban Design

71. Mr Ray gave expert urban design evidence for the Applicant. He explained the design rationale for the proposed plan change provisions, which had passed through an iterative process with the Auckland Design Panel, concluding with the overall support of that Panel for the scheme. The design rationale included a pattern of concentric building areas stepping up in height from the outer coastal edge towards the centre of the Site. Mr Ray described this as reflecting and reinforcing the ‘island’ nature of the Site and responding to its more sensitive coastal margins. He also referred to development that would exhibit high quality architectural values by way of the proposed assessment criteria for future development on the Site.
72. Mr Ray expressed the view that a taller building element is appropriate in a strategic location (close to public transport, amenity etc.), and one where there was no undue physical impact on residents (over-shadowing, loss of privacy) because of separation distance. He considered a taller building element to be a natural part of a growing city.
73. Mr John Stenberg, Council’s urban design expert, supported this approach. He expressed the following opinion⁷:

The well-choreographed height and coverage precinct provisions limit the massing of the 16-storey component narrowing it to a single practicable building footprint. The differentiation between 5-7 storeys, a jump of 3 floors to 10-stories within a limited footprint and a jump of 6 floors to 16-storeys keeps the vertical proportions between the relative increments consistent

⁷ John Stenburg Memorandum, Page 473 of the Agenda

and allows for a more conical massing ordered around a single building located in a central position. The 16-storey height, as opposed to say a lower 14-storey height, creates a stronger visual element in the composition of buildings and a more elegant set of proportions to ensure a strong focus around which buildings are placed.

74. In respect of Ms Verstraeten's concerns about the Site becoming an isolated location 'satellite' centre to Takapuna, Mr Stenburg's view was that the Site is suitable for a 'gateway' statement, being located on a headland immediately on crossing the estuary onto the Takapuna-Devonport peninsula and at entering the edge of the Takapuna's urban THAB zone. He considered using height to differentiate the Site from future 5-6 storey development in the THAB Zone (noting that some parts of the THAB zone are subject to a Height Variation Control of 22.5m that would provide for 8 storeys) is an appropriate design response. He considered limited development on the Site at the proposed maximum RL 62m would not undermine Takapuna's visual prominence as the major centre in this locality given the relative height of existing development in Takapuna Centre (Sentinel RL 155m, Spencer RL 99m, AIA RL 89m) and the provisions of the Business – Metropolitan Centre Zone.

Dominance

75. Mr Stenburg considered that the 16-story element proposed, while prominent, would not create dominance effects given the Site characteristics and the heights provided for in the surrounding areas. He considered the provisions would contribute to a varied skyline which would be preferable in this location compared to a consistent building height across the Site. He considered it would provide an attractive building composition with respect to massing, while the precinct provisions that seek a high standard of building design (I553.8.2 (1) (b)) would help ensure the buildings will be broken down into attractive elements.

Shading Effects

76. Mr Stenberg concluded that residential sites in the area to the south and east of the Site would be able to access sun for almost the entire day given the separation of the coastal marine area. He considered greater shading impacts would be likely from adjoining residential development in the THAB and MHU zones and existing trees.

Natural Character Effects

77. Ms Verstraeten explained that, while the Site is in a heavily modified urban context, attention is still required of natural character. We agree. She pointed out the context of the Site being the 'headland' encountered first when approaching Takapuna around the shore of Shoal Bay, and that the Site is surrounded by SEA (in the coastal marine area) on three sides.
78. Ms Verstraeten considered that, while the approved resource consent enabling two seven-storey buildings had changed the balance between natural and built forms (compared to the previous use of the site) there was still a balance in composition between the coastal cliff vegetation and the three to five storeys visible above the vegetation such as in viewpoint 1 from Francis Street. However, she considered the

tower element of the proposal, which would add a further 9 storeys in the middle of the Site and become the dominant element, would “tip the balance too far” away from natural character values. She considered the maximum height limit for the site should be 12 storeys (four storeys less) to ensure development sits more comfortably in its context without being overly dominant.

79. Ms Wilkinson agreed with Ms Verstraeten and considered the plan change height as proposed was inconsistent with Policy 13(1)(b) of the New Zealand Coastal Policy Statement (‘NZCPS’) as the proposal, did not avoid, remedy or mitigate adverse effects on natural character of the coastal environment. If the Precinct provisions were amended and the maximum height in Area 3 was reduced to 12 storeys (rather than 16 storeys), she would conclude that the request would be consistent with this policy in the NZCPS.
80. Mr Brown acknowledged the tension between the natural elements of Shoal Bay and the developed areas around it. His view was that, under both the current AUP provisions and proposed PC78 in response to the National Policy Statement on Urban Development (‘NPS-UD’), the urban area that is the backdrop to Shoal Bay will increase in height and density and will increase the contrast and visual juxtaposition between the built and natural environments. He saw the potential for the proposed PC85 plan change provisions to emphasise and articulate the values of the maritime environment, without compromising what he referred to as the residual naturalness of Shoal Bay. Overall, he considered there would be little impact on the natural character values of Shoal Bay and its lagoon. In response to questions at the hearing, his opinion was that, at the 12-storey height supported by Ms Wilkinson and Ms Verstraeten, the contrast with natural character values was already stark and that the effects of 16 storeys was not much greater although he considered 16 storeys to be the limit he would support. He considered the contrast between natural and built environment to be acceptable in this context.

Findings

81. We found the evidence of Ms Verstraeten and Ms Wilkinson balanced and clearly presented and it has helped us in weighing the landscape, urban design, and natural character matters. However, overall, we accept the evidence of Mr Brown, Mr Ray, and Mr Stenburg. Our findings in that respect are influenced by the following site-specific factors.
- a. The current THAB zoning and existing resource consents, (currently being given effect to) that provide development to 7 storeys which form part of the existing environment.
 - b. The nature of future development enabled by the AUP in the surrounding areas including the THAB zone diagonally opposite and the backdrop of the Takapuna Metropolitan Centre Zone.
 - c. The strategic location of the Site on a ‘headland’ at the entrance to Takapuna, and its separation from nearby residential areas to the east and south (its ‘island’ characteristics).

- d. The nature of the proposed Plan Change including the protection of a coastal perimeter as open space, the stepped nature of the built mass increasing in height away from the coastal margin, and the criteria relating to appearance of buildings.
82. In coming to our findings, we note that the THAB Zone provisions seek that development is in keeping with the areas planned urban built character of “predominantly” five, six or seven storey buildings in identified areas, in a variety of forms (Objective (2) of the THAB Zone). The provisions identify the possibility of enabling greater height through the application of a Height Variation Control in identified locations adjacent to centres (Policy 4). This plan change instead proposes a precinct overlay including an objective that seeks to enable buildings of between four and 16 storeys in height. Our basis for consideration has been the heights currently provided for the THAB zones and existing consent, notwithstanding Ms Wilkinson and Ms Verstraeten support for development up to a 12-storey height.
83. We consider the question of height to be finely balanced, and integral to the overall massing on the Site. Development enabled by the proposed provisions would clearly become a prominent landmark at a gateway to Takapuna and surrounding suburbs. We find that such development, including to the height of 16 stories over a confined area, would be appropriate subject to careful consideration of design and appearance. In that respect we find in favour of the evidence of Mr Brown, Mr Ray, and Mr Stenburg – particularly the evidence on the overall composition of building mass on the Site. We note and agree with the expectation now contained in the proposed provisions that development will need to respond positively to its immediate surrounds and coastal setting with “exemplary high quality” architectural and urban design responses. We consider 16 storeys to be the limit of what would be acceptable in this instance having regard to the relative heights of development provided for under the AUP including in the Takapuna Centre.
84. We appreciate the concerns raised by submitters with respect to amenity values. Development on the Site will significantly change the outlook towards the Site, including the amenity values associated with that outlook. We consider the development already envisaged by the THAB zoning of the Site and the approved by the existing resource consent (currently under construction) is already prominent with respect to nearby areas to the east and south. We have considered whether the extra height to be enabled by the proposed provisions would create significant additional adverse effects. We find that the stepped form of development enabled, together with good architectural modulation and detailing, would offset potential adverse effects of building mass to an appropriate degree. We note that the additional height would be in the centre of the Site and largely be beyond the consented Stage 1 building in views from the east. We consider the adverse effects would also be moderated by the separation distance and fringe of perimeter vegetation. We also note that the AUP provides for considerable change in the area. Taking these factors together, we consider the change, and its associated adverse effects, would be acceptable. Again, in that respect, we have preferred the evidence presented on behalf of the Applicant and of Mr Stenburg for the Council.

85. With respect to natural character, we consider protecting the buffer fringe of trees and other coastal vegetation around the Site's coastal perimeter (contained within the proposed Open Space Zone) is the appropriate response in this context, together with the stepped form of development and design measures relating to the building modulation. We consider those measures avoid, remedy, and mitigate potential adverse effects on natural character of the coastal environment in a way that is appropriate to context. We prefer Mr Brown's evidence in that respect.
86. In coming to our findings, we have also considered the site-specific characteristics against the policy direction in the NPS-UD towards intensification and for a well-functioning urban environment. Such characteristics include being within a walkable catchment of a rapid transit stop (Akoranga Station) and the Takapuna metropolitan centre, and the direct bus connection to central Auckland from outside the front of the site.

Provisions

87. As we have noted, the Commissioners allowed time for further engagement between the Applicant's experts and Council specialists regarding further amendments to the proposed Precinct provisions. The RMA allows for changes during the course of processing of a plan change so long as those changes are within scope. In this case all amendments are within scope.
88. The proposed amendments were summarised as follows in Ms Wilkinson's final memorandum:

Precinct Description

Amendments to the Precinct Description to:

- better clarify the difference in the proposed Precinct between the two zones i.e. the Residential – Terraced Housing and Apartment Buildings Zone (THABZ) and the proposed Open Space – Conservation Zone (OSCZ), including amending where appropriate varying references to 'coastal margin' or 'esplanade reserve' to be more specific to the proposed OSCZ;
- include clearer reference to existing standards such as visual corridors; add reference to standards now proposed to address development and work that would need to occur in the Precinct to provide for communal open space areas in the THABZ; building interface with the OSCZ and a new shared coastal pathway and three pause points; an appropriate level of ecological planting; heritage, in particular archaeological considerations; and
- include reference to a new Precinct Plan 3 to identify communal open space areas and associated requirements.

Objectives and Policies

Amendments to objectives and policies to:

- address the comments/queries made by Commissioner Lister during the hearing regarding the quality of design of any proposed development within the THABZ part of the Precinct. The provisions now require development to be of an 'exemplary high quality'.

- address the need to provide for a shared coastal pathway around the Precinct and connecting to Esmonde Road to improve public access to the coast.
- require the provision of a range of publicly accessible communal open space areas with different functions for use by residents of, and visitors to, the Precinct.
- include reference to building design at the interface of the Precinct between the THABZ and OSCZ, the shared coastal pathway and pause points. •
- better clarify the difference in the proposed Precinct between the two zones i.e. the Residential – Terraced Housing and Apartment Buildings Zone (THABZ) and the proposed Open Space – Conservation Zone (OSCZ), including amending where appropriate varying references to ‘coastal margin’ or ‘esplanade reserve’ to be more specific to the proposed OSCZ;
- to better achieve stated or intended Precinct outcomes.

Activity table

New activities in the activity table to:

- reflect the comments made by Mr Brown that 16 storeys is the maximum height the Precinct can accommodate from a landscape and visual perspective (activity A21 – non-complying activity to exceed 16 storeys).
- provide an activity status in the THABZ portion of the Precinct if newly proposed standards regarding communal open space areas and the building/Precinct and OSCZ interface requirements are infringed.
- provide an activity status in the OSCZ portion of the Precinct if the amended coastal planting standard and the newly proposed shared coastal pathway and pause point standard is infringed.

Standards

- Amendments to the purpose of some standards to clarify references to communal open space areas versus OSCZ areas.
- Amendments to the impervious areas’ standard (I553.6.2) to clarify the size in m² of Areas 1, 2 and 3 to enable percentages to be more easily calculated during a resource consent process.
- Amendments to the fence and walls standard (I533.6.7) to improve readability and understanding.
- Amendment to *Standard I533.6.9 Coastal planting* to require the provision of an appropriately detailed ecological management plan with any resource consent application; and to ensure ecological enhancement planting and maintenance of this in the OSCZ.
- Amendment to add reference to visitor accommodation in *Standard I533.6.11 Maximum on-site parking*, as a result of Hearing Commissioners queries during the hearing.
- Amended wording in *Table I553.6.12.1 Integrated transport infrastructure development* upgrade requirements to include reference to the need to address shared parking and the provision for bicycles and bicycle parking in the Parking and Traffic Management Plan. This is in response to a query raised by Hearing Commissioners during the hearing.
- Revisions to the proposed new standard, *Standard I553.6.15. Open Space – Conservation Zone and Precinct / Building Interface*, to address concerns about how proposed buildings in the THABZ part of the precinct are to be designed and setback to respond to and to manage effects on the adjacent proposed OSCZ and the proposed shared coastal pathway.
- Revisions to the proposed new standard, *Standard I553.6.16. Public Shared Coastal Pathway and Pause Points*, to require the provision of a 3m wide shared coastal pathway in the OSCZ and associated pause points. The standard includes a requirement that a plan and design of the shared coastal walkway be included in any subdivision application and

requirements for timing of the shared coastal walkway's construction to align with the construction of development in stages 1, 2 and 3.

- Addition of a new standard, *Standard I553.6.17 Communal Open Space Areas*, to require the provision of communal open space area with varying functions, accessible to the public in perpetuity, in areas indicated on new Precinct Plan 3.

Matters of discretion

- Amendments to the matters of discretion to delete reference to the coastal planting standard as this is now a Discretionary Activity if infringed; and the addition of a reference to new *Standard I553.6.15 Open Space – Conservation Zone and Precinct/Building Interface* which is a restricted discretionary activity if infringed.

Assessment criteria

Amendments to the assessment criteria to:

- Reflect the amendments made to objectives, policies, standards and matters for discretion, as outlined above;
- Enable improved guidance and consideration of building and development design matters i.e. development to be of an 'exemplary high quality'; more guidance around the articulation of built form sought and ways this may be achieved;
- Separation of assessment criteria relating to infrastructure matters versus the OSCZ and/or communal open space areas.

Special Information Requirements

- Amendments to special information requirements to reflect changes described above and to ensure an appropriate level of information is provided with any resource consent application;
- The addition of a new special information requirement requiring an archaeological assessment to be provided with a resource consent application in the OSCZ portion of the Precinct. This will enable the consideration and management of archaeological sites which have been identified in the Applicant's and Council's assessments as likely being present in this area.

Precinct Plan 1

- Amended to add reference to and identify the areas associated with the approved land use consent for the Stage 1 and 2 development; number proposed Pause Points 1, 2 and 3; and identify communal open space areas (in yellow).
- Amends the location of the coastal pathway in the eastern area of the Precinct, close to Esmonde Road.

Precinct Plan 2

- Adds m² area of Areas 1, 2 and 3 to enable calculation of standards; New

Precinct Plan 3

- A new Precinct plan to identify the location of proposed communal open space areas and their functions, separate from vehicle and pedestrian accessways.

89. The Applicant's counsel in the statement of reply confirmed that the Applicant agrees with the track change version of the Precinct provisions attached to Ms Wilkinson's post hearing memo as Attachment 4.
90. We find that the provisions amendments proposed appropriately respond to issues that were raised during the course of the hearing, apart from the reservations we have discussed in respect of the pathway staging provisions in paragraphs 35 – 39 of this Decision Report.
91. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. As outlined above, we consider the proposed changes enhance positive outcomes and reduce potential adverse effects with respect to the plan change assessed in the original section 32 evaluation. In our view this decision report, which among other things addresses the modifications we have made to the provisions of PC 85, satisfies our section 32AA obligations.

PART 2 OF THE RMA

92. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. While this is a private plan change, these provisions apply as it is the Council who is approving the private plan change, which will change the AUP.
93. For all of the reasons set out in this decision, we are satisfied the matters set out in sections 6, 7 and 8 of the RMA have been addressed. PC 85 and its provisions, as we have modified them, have respectively recognised and provided for, have had particular regard to, and taken into account, those relevant section 6, 7 and 8 matters.
94. Finally, in terms of section 5 of the RMA, it is our finding that the provisions of PC 85 are consistent with, and the most appropriate way, to achieve the purpose of the Act. PC 85 will enable the efficient development of the site for accommodation and residential activities while also protecting identified values and avoiding, remedying, or mitigating any adverse effects on the environment.

DECISION

95. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 85 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Councils section 42A report, response to ' memo and closing statement, except as identified above.

96. The reasons for the decision are that Plan Change 85:
- (a) Enables efficient utilisation of land near the public transport network to provide high-density urban living that increases housing capacity and choice and access to centres and public transport;
 - (b) Provides appropriately for non-residential activities for the community to have convenient access to these activities and services while maintaining the urban residential character of the Site;
 - (c) Provides an appropriate management framework for a stepped form of development, together with good architectural modulation and detailing, to offset potential adverse effects of building height and mass;
 - (d) Recognises that, in relation to the characteristics of this particular site, adverse effects can be moderated by the separation distance and fringe of perimeter vegetation;
 - (e) Provides appropriately for public access around the coast;
 - (f) Provides adequate provision for on-site open space and amenity;
 - (g) Will not create adverse traffic and transportation effects that cannot be avoided, remedied or mitigated;
 - (h) Appropriately recognises and protects local ecology values and trees;
 - (i) Provides adequately to avoid, remedy or mitigate potential land stability and coastal hazard effects
 - (j) is supported by necessary evaluation in accordance with section 32 and s32AA;
 - (k) gives effect to the National Policy Statement on Urban Development;
 - (l) gives effect to the New Zealand Coastal Policy Statement;
 - (m) gives effect to the National Policy Statement for Freshwater Management ;
 - (n) gives effect to the Auckland Regional Policy Statement; and
 - (o) satisfies Part 2 of the RMA; and
 - (p) will help with the effective implementation of the plan.



Peter Reaburn
Chairperson
Date: 30 August 2023

Appendix A – Decision Version of Revised Proposed PC85 Precinct Provisions 30 August 2023

Changes from the 31 August 2022 Version are in ~~striketrough~~ and underlined (excluding changes that have been made to numbering)

I55XTakapuna 2 Precinct

I55X.1 Precinct Description

The Takapuna 2 Precinct applies to a site at 48 Esmonde Road, Takapuna, which is located adjacent to the estuary of Shoal Bay. The site comprises an area of 2.1566 hectares.

The precinct benefits from the existing amenity, landscape and ecological values that the adjacent coastal margin provides and is strategically located adjacent to Esmonde Road, which provides multi-modal transport connections to the Takapuna Metropolitan Centre and the city centre. These features support the intensity of development and residential liveability of the precinct.

The purpose of the precinct is to provide for the comprehensive and integrated redevelopment of the site. The precinct enables a new residential community comprising a mixture of accommodation types and supporting activities within a unique urban setting of high quality. 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 zoned Public Open Space – Conservation zone.

The zoning of the land within the precinct comprises Residential - Terrace Housing and Apartment Buildings zone and Public Open Space – Conservation zone (the coastal margin).

Within the Residential - Terrace Housing and Apartment Buildings Zone part of the Precinct a range of building heights are enabled to recognise the favourable size, location and topography of the precinct. The precinct provisions provide for a variety of building heights up to 16 storeys and ensure that building modulation to the skyline is achieved. The precinct requires visual corridors between buildings and the provision of lower buildings around the edge of the site with increasing building heights towards the centrally located tallest structure/s.

The precinct provisions also require the provision of a range of privately owned, but publicly accessible, communal open space areas throughout the precinct to provide for the open space and amenity needs of residents and visitors to the Precinct.

The precinct provisions seeks to manage any adverse effects of stormwater runoff and vehicle trips on the adjacent transportation network and encourage the use of non-car based trips. The existing intersection will be upgraded prior to development occurring on the site. Transport controls are provided for within the precinct to manage effects on the capacity of the transport network to accommodate the planned growth.

The Open Space - Conservation Zone part of the precinct seeks to protect the ecological functions and water quality of the coastal margin, while also enhancing the ecological, landscape, open space amenity and heritage values of the area. This is achieved through requirements for stormwater management, coastal planting and building design at the interface with the Residential – Terrace Housing and Apartment Buildings Zone. The

Open Space – Conservation Zone also seeks to provide for and improve public access to the coastal margin through the provision of a shared coastal pathway and viewing platforms, called ‘pause points’, in the locations identified on the Precinct Plans.

Development of this precinct will be guided by the following precinct plans:

- Precinct Plan 1 – Site Features
- Precinct Plan 2 – Building height and coverage
- Precinct Plan 3 – Communal Open Space Areas

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I55X.2 Objectives [dp]

- (1) The Takapuna 2 Precinct develops as a vibrant and diverse residential community which:
 - (a) responds positively to its immediate surrounds and coastal setting with exemplary high quality architectural and urban design responses;
 - (b) provides a range of accommodation types including integrated residential development;
 - (c) is in keeping with the planned urban built character of the precinct, enabling buildings between four and 16 storeys in height;
 - (d) takes advantage of the site’s proximity to the frequent public transport network;
 - (e) enables a limited range and scale of ancillary non-residential activities to support residents of the precinct.
 - (f) provides recreational opportunities for residents of, and visitors to, the precinct.
 - (g) provides a suitable interface with the Open Space – Conservation Zone to manage dominance, amenity and privacy effects.
- (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;
 - (b) ensures that the landscape, arboricultural, heritage and ecological values of the ~~coastal margin~~ Open Space – Conservation Zone are recognised and protected from inappropriate use and development;
 - (c) ensures that development is integrated with improvements to the transport network and mitigation measures are implemented to ensure the safe, effective and efficient operation of the transport network and support for active and public transport choices;
 - (d) ensures that the intensity of development is appropriate for the ~~adjacent~~ surrounding transport network; and,

- (e) ensures that adverse effects of stormwater runoff within the precinct are avoided, remedied or mitigated to maintain water quality and preserve the *mauri* of the Waitemata Harbour.
- (3) The Takapuna 2 Precinct avoids significant adverse effects on the:
- (a) safe, efficient and effective operation of the surrounding transport network;
 - (b) amenity of neighbouring zones and sites;
 - (c) function and amenity of Business – Metropolitan or Town Centre zones.
 - (d) trees, ecology and heritage in the Open Space - Conservation zone.

Objective H6.2(2) of the Residential - Terrace House and Apartment Building Zone does not apply in this Precinct. Otherwise, all other relevant overlay, Auckland-wide and zone objectives apply in this precinct.

I55X.3 Policies [dp]

- (1) Ensure comprehensive, integrated high quality development of the precinct in general accordance with Precinct Plans 1, 2 and 3 that:
- (a) provides for development in a variety of building forms and heights;
 - (b) enables the efficient and effective use of land;
 - (c) achieves the planned urban built character of the precinct;
 - (d) protects the character and amenity of the Open Space – Conservation Zone, and
 - (e) provides exemplary high quality urban built character and high-quality on-site amenity.
 - (f) provides a public shared path in the Open Space - Conservation Zone around the site circumference and provides two connections to Esmonde Road.
 - (g) provides a range of privately owned but publicly accessible communal open space areas for residents of and visitors to the Precinct.
- (2) Achieve an integrated exemplary high quality urban form that:
- (a) supports the safe, effective and efficient operation of the transport network;
 - (b) connects well with public transport and pedestrian and cycleway networks; and
 - (c) promotes alternatives to, and reduces dependency on, private motor vehicles as a means of transport while taking into account the maximum number of ~~dwellings and non-residential floorspace~~ vehicle trips anticipated for the precinct.

- (3) Enable a limited range and scale of non-residential activities to support residents and service the needs of the precinct while ensuring that:
- (a) the activities will avoid, remedy or mitigate adverse effects on residential amenity of the precinct, car-based trips or generate adverse traffic effects on the surrounding transport network; and
 - (b) the scale and intensity of commercial activities within the precinct will not have an adverse effect on the role, function and viability of the Takapuna Metropolitan Centre or any town centre.
- (4) Require that new buildings:
- (a) achieve a high-density exemplary high quality urban built character of four to 16 storey buildings in identified locations in a variety of visually interesting forms;
 - (b) are appropriate in scale to, and establish a quality interface with the internal pedestrian network, the ~~coastal margin~~ Open Space - Conservation Zone and the public frontage along Esmonde Road;
 - (c) provide a transition in building height down towards the Open Space - Conservation Zone and Esmonde Road to reinforce the land-form/topography of the precinct and recognise that buildings will be viewed from all sides of the precinct - providing “frontage” in perimeter form;
 - (d) achieve a minimum development of four levels around the ~~coastal margin~~ perimeter of the Residential – Terrace Housing and Apartment Buildings Zone to ensure that screening of the taller buildings within the centre of the precinct is achieved;
 - (e) are located and designed to maintain the indicative Visual Corridors through the precinct to the Open Space - Conservation Zone and communal key-open space areas and pedestrian connections to the locality;
 - (f) are set back from Esmonde Road to provide space for a public shared pedestrian cycling facility within the site along the street frontage as shown in Precinct Plan 1.
 - (g) to employ mitigation measures to avoid bird strike through the use of nano UV-reflective coatings or patterns on windows or other visual cues for birds to identify hazards and reduce bird-strike incidents. (Refer: Bird Friendly Best Practise: Glass 2016: Bird-Friendly Development Guidelines. Toronto. 54 pp.).
 - (h) to employ measures to minimise the risk of bird strike resulting from increased night lighting.
 - (i) achieve reasonable internal noise levels for noise sensitive spaces for the protection of residential amenity from both business/commercial activities within the precinct and from elevated traffic noise from Esmonde Road and the nearby motorway.

- (5) ~~Promote the use and enjoyment of~~ Ensure the Open Space – Conservation Zone and internal communal open space and plaza areas identified in Precinct Plans 1 and 3 provide for the amenity, use and enjoyment of residents and visitors by:
- ~~(a) developing and enabling appropriate recreation opportunities throughout the precinct, including a potential board walk along the edge of the coastal margin (esplanade reserve);~~
 - ~~(b) creating a network that links 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.~~
 - (a) providing the communal open space areas as indicated in Precinct Plan 3;
 - (b) providing a minimum 3 metres formed width shared pathway within the Open Space - Conservation Zone (as identified in Precinct Plan;1)
 - (c) Providing pause points, in the form of viewing platforms, in the indicative locations identified in Precinct Plan 3.
- (6) Ensure that the arboricultural, ecological, heritage and landscape values of the Open Space - Conservation Zone are recognised and protected from the effects of inappropriate use and development.
- (7) Ensure that the effects of stormwater runoff within the precinct are mitigated to maintain water quality and preserve the *mauri* of the Waitemata Harbour.
- (8) Ensure that the safety, efficiency and effectiveness of the ~~adjoining~~ surrounding transport network is maintained, taking into account the anticipated maximum number of ~~dwellings and non-residential floorspace~~ vehicle trips enabled by the precinct, by requiring intersection improvements that are aligned to the level of congestion caused by vehicles entering and exiting the precinct. Traffic generated by activities in the precinct shall not exceed 420 vehicles per peak hour, unless it can be demonstrated that wider network improvements have been undertaken to enable an increase in peak movements at the site access and the safety, efficiency and effectiveness of the surrounding transport network is not compromised.
- (9) Ensure access points are restricted in accordance with Precinct Plan 1 to achieve a well-connected pedestrian, cycle and road network that provides for all modes of transport and facilitates active modes.
- (10) Require the applicant/developer to consider alternative methods to support movement to and from the precinct and encourage behaviour change away from private vehicles to other transport modes, including by way of a bus shuttle service to Takapuna or other locations where this is practicable and can be legally secured, such that the traffic generated by activities in the precinct does not exceed 420 vehicles per peak hour; and require an Integrated Transport Assessment to the satisfaction of Auckland Transport.

Policy H6.3(2) of the Residential – Terrace Housing and Apartment Building Zone does not apply in this precinct. Otherwise, all other relevant overlay, Auckland-wide and zone policies apply in this Precinct.

I55X.4 Activity table

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is specifically provided for by a rule in Activity Table I55X.4.1 or Table I55X.4.2 below in which case the activity status of the precinct applies.

Activity Table I55X.4.1 and Table I55X.4.2 specify the activity status of land use, development and subdivision activities in the Takapuna 2 Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991. Where there is a blank box in the table, the zone rules apply.

Table I55X.4.1 Activity table - Residential – Terraced Housing and Apartment Buildings THAB-zoned land

Activity		Activity Status
Use		
Residential		
A1	Dwellings	
A2	Integrated residential development	P
A3	Visitor accommodation	P
Commercial activities		
A4	Commercial activities and Healthcare facilities (excluding Drive through) of up to 200m ² gross floor area per tenancy that comply with Standard I55X.6.13 – Commercial GFA and location control.	P
A5	Commercial activities and Healthcare facilities (excluding Drive through) of more than 200m ² gross floor area per tenancy that comply with Standard I55X.6.13 – Commercial GFA and location control.	RD
A6	Commercial activities and Healthcare facilities (excluding Drive through) that do not comply with Standard I55X.6.13 – Commercial GFA and location control.	D
A7	Care centres	D
Development		
A8	New buildings comprising up to three dwellings	P
A9	All other new buildings	RD
A10	External additions to existing buildings	RD
A11	Accessory buildings	RD
A12	Development that exceeds Standard I55X.6.11 Maximum On Site Parking	RD
A13	Development which complies with Table I55X.6.12.1 and Standard I55X.6.12(1) Transport infrastructure development requirements	RD
A14	Development which exceeds the 273 dwellings or short term visitor accommodation units or 1,257m ² of non-residential activity occupation thresholds but still generates less than 420 vehicle	RD

Activity		Activity Status
	movements per any peak hour in Table I55X.6.12.2 and Standard I55X.6.12(2) Transport review thresholds	
A15	Development which does not comply with Table I55X.6.12.1 and Standard I55X.6.12(1) Transport infrastructure development requirements	D
A16	Development where the traffic generated by all activities in the precinct exceeds 420 vehicle movements per any peak hour.	D
A17	Buildings (other than street furniture and lighting poles) within an identified Visual Corridor on Precinct Plan 1.	D
A18	Any development, including vehicle access to Esmonde Road not otherwise listed in Table I55X.4.1 that is not in accordance with Precinct Plan 1.	D
A19	Development that does not comply with Standard I55X.6.8 Stormwater.	D
A20	Buildings that are less than four (4) storeys high above RL10. that do not comply with Standard I55X.6.4.	D
<u>A21</u>	<u>Buildings that do not comply with the height limit in Standard I55X.6.1(c)</u>	<u>NC</u>
<u>A22</u>	<u>Development that does not comply with Standard I55X.6.17 Communal Open Space Areas</u>	<u>D</u>
<u>A23</u>	<u>Buildings and/or development that do not comply with Standard I55X.6.15 Open Space – Conservation Zone and Precinct/Building Interface.</u>	<u>RD</u>
Community		
<u>A244</u>	Recreation and leisure activities (including community spaces and gyms) within ground floor non-residential areas, identified on Precinct Plan 1	P

Table I55X.4.2 Activity table - Open Space – Conservation zoned land

Activity		Activity Status
A1	Public amenities	
A2	Parks infrastructure	
A3	Recreation trails	
A4	Accessory buildings	
<u>A5</u>	<u>Development that does not comply with I55X.6.9. Coastal planting</u>	<u>D</u>
<u>A6</u>	<u>Development that does not comply with Standard I55X.6.16. Public Shared Coastal Pathway and Pause Points.</u>	<u>D</u>

I55X.5 Notification

- (1) Any application for resource consent for a restricted discretionary, discretionary or non-complying activity listed in Table I55X.4.1 and I55X.4.2 Activity tables above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I55X.6. Standards

All permitted and restricted discretionary activities listed in Table I55X.4.1 must comply with the following standards.

The overlay, zone, and Auckland-wide standards apply in this precinct in addition to the following standards, except as outlined below:

The following standards in the Residential – Terrace Housing and Apartment Buildings Zone do not apply to land in the Takapuna 2 Precinct:

- H6.6.5. Building height;
- H6.6.6. Height in relation to boundary;
- H6.6.7. Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone;
- H6.6.8. Height in relation to boundary adjoining lower intensity zones;
- H6.6.10. Maximum impervious area;
- H6.6.11. Building coverage;
- H6.6.16. Front, side and rear fences and walls

The following standards in the Residential – Terrace Housing and Apartment Buildings Zone do apply in the Takapuna 2 Precinct:

- H6.6.2. Home occupations;
- H6.6.9. Yards
- H6.6.12. Landscaped area;
- H6.6.13. Outlook space;
- H6.6.14. Daylight;
- H6.6.15. Outdoor living space;
- H6.6.17. Minimum dwelling size

Standard E27.6.1 Trip generation does not apply to commercial activities or healthcare facilities that do not exceed a total of 1,257m² gross floor area within the precinct.

All standards in the Open Space – Conservation Zone apply to the Open Space – Conservation zoned land in the Takapuna 2 Precinct.

I55X.6.1. Building Height and Building Length

Purpose: To ensure development is consistent with the planned outcomes identified on Precinct Plan 2 and to make efficient use of the site, by:

- focusing greater building height within the precinct in identified locations that are set back from the ~~coastal margin~~ Open Space - Conservation Zone and Esmonde Road;
 - providing a cascade of building heights focussing the greatest height and density through the centre of the precinct; and,
 - controlling the length of buildings to manage building dominance effects.
- (a) Buildings in Area 1 (Outer) must not exceed 7 storeys above RL 5 and no part of the building shall exceed RL30m in height.
- (b) Buildings in Area 2 (Intermediate) must not exceed 10 storeys above RL 5 and no part of the building shall exceed RL41m in height.
- (c) Buildings in Area 3 (Inner) must not exceed 16 storeys above RL 5 and no part of the building exceeds RL62m in height.
- (d) The maximum length of any building at the maximum storey heights set out in (a) to (c) above must not exceed 35m measured along any building façade facing any site boundary.

I55X.6.2 Maximum impervious area

Purpose: To provide for the intensive use of ~~the majority~~ Areas 1, 2 and 3 of the precinct in recognition of the long coastal margin (esplanade reserve) and its capacity to mitigate the effects of stormwater runoff from ~~to reflect~~ the precinct's planned urban character of multi-storey buildings surrounded by public open space.

- (1) The maximum impervious area in Areas 1, 2 and 3 as shown on the Takapuna 2 Precinct Plan 2 must not exceed:
- (a) Area 1 (Outer) - 90% of the Area 1 area of 7,160 m²
 - (b) Area 2 (Intermediate) - 95% of the Area 2 area of 5,005 m².
 - (c) Area 3 (Inner) - 100% of the Area 3 area of 1,175 m².

I55X.6.3 Building coverage

Purpose: To ensure development is consistent with the planned outcomes identified on Precinct Plan 2 and manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space and ensure a varied and visually interesting skyline of built forms.

- (1) The maximum building coverage in Area 1 (Outer) must not exceed 60% of Area 1 provided that, the allowable coverage for each storey height (within that 60%) is as follows:
- a. Up to RL23 (5 storeys) - 100%.
 - b. Up to RL26.5 (6 storeys) – 90%
 - c. Up to RL 30 (7 storeys) – 40%

(2) The maximum building coverage in Area 2 (Intermediate) must not exceed 60% of Area 2 provided that, the allowable coverage for each storey height (within that 60%) is as follows:

- a. Up to RL30 (7 storeys) - 100%.
- b. Up to RL41 (8-10 storeys) – 35%

(3) The maximum building coverage in Area 3 (Inner) must not exceed 60% in Area 3 provided that, the allowable coverage for each storey height (within that 60%) is as follows:

- a. Up to RL41 (10 storeys) - 100%.
- b. Up to RL62 (11-16 storeys) – 35%

Note: All RL levels must be confirmed by a registered surveyor.

I55X.6.4. Minimum building height

Purpose: To ensure that buildings provide a minimum number of storeys to ensure that the efficient use of the precinct is achieved and that the outer buildings of the precinct deliver a cascade of heights to break up the form of the taller buildings located in the centre of the precinct as viewed from outside the precinct.

(1) Buildings in Areas 1, 2 and 3 must be a minimum height of 4 storeys above ground level (RL10).

Note: All RL levels must be confirmed by a registered surveyor.

I55X.6.5. Maximum building dimension and separation

Purpose: To ensure that buildings over 19m in height:

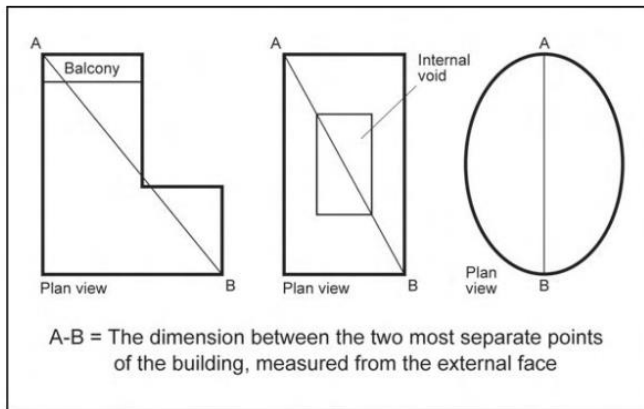
- are not overly bulky in appearance and avoid significant visual dominance effects;
- allow adequate sunlight and daylight access to Esmonde Road, public open space and internal communal open space areas and nearby sites;
- provide adequate sunlight and outlook around and between buildings; and
- mitigate adverse wind effects.

(1) The maximum plan dimension of that part of the building above 19m must not exceed 55m.

(2) The maximum plan dimension is the horizontal dimension between the exterior faces of the two most separate points of the building.

(3) The part of a building above 19m must be located at least 6m from any side or rear boundary of the site.

Figure 1 - Maximum tower dimension plan view



I55X.6.6. Wind

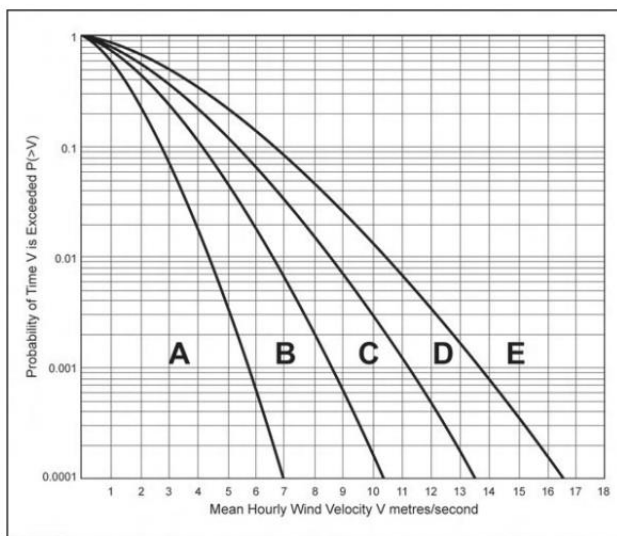
Purpose: mitigate the adverse wind effects generated by tall buildings potentially affecting the amenity of Esmonde Road, the Open Space – Conservation zoned land or any areas of public open space or communal open space within the precinct accessible to the general public.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m must not cause:
 - a) the mean wind speed around it to exceed the category for the intended use of the area as set out in Table 1 and Figure 2 below;
 - b) the average annual maximum peak 3-second gust to exceed the dangerous level of 25m/second; and
 - c) an existing wind speed which exceeds the controls of Standard I55X.6.6(1)(a) or Standard I55X.6.6(1)(b) above to increase.
- (2) A report and certification from a suitably qualified and experienced person, showing that the building complies with Standard I55X.6.6(1) above, will demonstrate compliance with this standard.
- (3) If the information in Standard I55X.6.6(2) above is not provided, or if such information is provided but does not predict compliance with the rule, a further wind report including the results of a wind tunnel test or appropriate alternative test procedure is required to demonstrate compliance with this standard.

Table 1 Categories

Category	Description
Category A	Areas of pedestrian use or adjacent dwellings containing significant formal elements and features intended to encourage longer term recreational or relaxation use i.e. public open space and adjacent outdoor living space
Category B	Areas of pedestrian use or adjacent dwellings containing minor elements and features intended to encourage short term recreation or relaxation, including adjacent private residential properties
Category C	Areas of formed footpath or open space pedestrian linkages, used primarily for pedestrian transit and devoid of significant or repeated recreational or relaxational features, such as footpaths not covered in categories A or B above
Category D	Areas of road, carriage way, or vehicular routes, used primarily for vehicular transit and open storage, such as roads generally where devoid of any features or form which would include the spaces in categories A - C above.
Category E	Category E represents conditions which are dangerous to the elderly and infants and of considerable cumulative discomfort to others, including residents in adjacent sites. Category E conditions are unacceptable and are not allocated to any physically defined areas of the city

Figure 2 - Wind environment control



Derivation of the wind environment control graph:

The curves on the graph delineating the boundaries between the acceptable categories (A-D) and unacceptable (E) categories of wind performance are described by the Weibull expression:

$$P(>V) = e^{-(v/c)^k}$$

where V is a selected value on the horizontal axis, and P is the corresponding value of the vertical axis:

and where:

P(>V) = Probability of a wind speed V being exceeded;

e = The Napierian base 2.7182818285

v = the velocity selected;

k = the constant 1.5; and

c = a variable dependent on the boundary being defined:

A/B, c = 1.548

B/C, c = 2.322

C/D, c = 3.017

D/E, c = 3.715

155X.6.7. Front, side and rear fences and walls

Purpose: To ensure that where fences and walls are provided, they:

- enable privacy whilst maximising opportunities for passive surveillance of Esmonde Road, the spaces between buildings or the adjoining Area O (future esplanade reserve) Open Space – Conservation Zone; and
- minimise visual dominance effects to Esmonde Road or adjoining public places.

~~(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below when measured from the ground level at the boundary:~~

~~(a) There must be no fences or walls along the length of Esmonde Road within 4 metres of the road boundary.~~

~~(b) On land /boundaries that adjoin or are within 3 metres of the esplanade reserve (Open Space – Conservation Zone):~~

~~(i) Fences or walls or a combination of these structures must not exceed 1.0m in height.~~

~~(c) Fences or walls or a combination of these structures internal to the precinct (not within 4 metres of Esmonde Road or within 3 metres of the esplanade reserve):~~

~~(i) Fences or walls or a combination of these structures must not exceed 1.8m in height;~~

~~(ii) Any fence on a rear boundary that faces onto a rear lane must be at least 50 percent visually open, as viewed perpendicular to the boundary.~~

(1) There must be no fences or walls or a combination of these structures along the length of Esmonde Road within 4 metres of the road boundary.

(2) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the 1.0m in height on land or boundaries that adjoin or are within 3 metres of the Open Space – Conservation Zone.

(3) Any other fences or walls or a combination of these structures must not exceed 1.8m in height were located internally to the precinct (i.e not within 4 metres of Esmonde

Road (1) above; or within 3 metres of the Open Space – Conservation Zone (2) above).

- (4) Any fence or wall or combination of these structures on a rear boundary that faces onto a rear lane must be at least 50 percent visually open, as viewed perpendicular to the boundary.

I55X.6.8. Stormwater

Purpose: To ensure that stormwater in the precinct is managed and, where appropriate, treated, to ensure the health and ecological values of the coastal environment are maintained and enhanced.

- (1) All land use development must be managed in accordance with a Stormwater Management Plan approved by the stormwater network utility operator.

I55X.6.9. Coastal planting

Purpose: To ensure that the amenity, water quality and ecology of the coastal environment within the precinct is 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.~~
- ~~(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 issue of new titles.~~
- ~~(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.~~
- (1) Any application for resource consent must include an Ecological Management Plan identifying how the Open Space Conservation Zone will be enhanced.
- (2) The Ecological Management Plan in (1) above must be implemented as part of the approved resource consent and must include:
- (a) a baseline assessment;
 - (b) a detailed planting plan including plant size and species;
 - (c) a weed and pest management plan;
 - (d) a maintenance plan detailing maintenance for a minimum of 5 years duration;
 - (e) the use of eco-sourced native vegetation consistent with the local biodiversity and habitat in accordance with Appendix 16 Guidelines for native revegetation plantings.

- (3) Planting in the Open Space – Conservation Zone does not preclude the provision of pedestrian and shared walkways or pause points as identified on Precinct Plan 1 – Site Features.
- (4) The Ecological Management Plan required by (1) above is not required if it has been implemented under any previously approved resource consent. (For clarity – if the Ecological Management Plan has not been implemented then it must continue to be submitted with any resource consent application until it is implemented).

I55X.6.10. Visual Corridors

Purpose: To ensure that the identified visual corridors are provided through the precinct to the coast, open space and pedestrian connections to the locality.

- (1) The visual corridors must be provided as indicated on precinct plan 1 and have a minimum width of 5 metres clear of buildings (other than street furniture and lighting poles).

I55X.6.11. Maximum On-site parking

Purpose: To ensure the safety, efficiency and effectiveness of the internal and local road network and to discourage single occupancy car-based trips to and from the precinct.

- (1) The maximum number of long term or short term parking spaces (inclusive of any stacked parking) within the precinct must not exceed 321.

Activity/parking type	Car parking spaces
Residential dwellings and Visitor accommodation	301
Commercial activities and healthcare facilities	20
Total:	321

I55X.6.12. Transport infrastructure development thresholds

Purpose: To ensure that the precinct maintains the safe, ~~and~~ efficient and effective operation of the local transport network.

- (1) Any application that involves the construction of 1 or more dwellings, or 1 or more visitor accommodation units, or any non-residential activity must meet the requirements specified in Table I55X.6.12.1 Integrated transport infrastructure development upgrade requirements:

Table I55X.6.12.1 Integrated transport infrastructure development upgrade requirements

Occupation threshold	Transport infrastructure required in order to exceed the occupation threshold
1 dwelling or any non-residential activity.	<u>Provision of a new bus stop to the west of the site access on the southern side of Esmonde Road.</u> Provision of a private shuttle bus between the site and Takapuna for residents, to encourage behaviour change away from private vehicle and towards public transport.

	Provision of the pedestrian/cycle connection along the extent of Esmonde Road identified on Precinct Plan 1.
	Provision of a Parking and Traffic Management Plan, <u>including provision for shared parking and bicycles.</u>
	Provision of an upgrade to the signalised intersection of the site access with Esmonde Road to improve pedestrian and cyclist safety and amenity and increase traffic capacity as required to support 420 vehicle movements generated by the precinct in any peak hour: <ul style="list-style-type: none"> • removal of the left turn slip lanes from Esmonde Road (westbound) and from the site access road • addition of separate left and right turn lanes (with at least 12m of queue length and 3m taper (total of 15m)) on the site approach to the intersection • addition of a separate left turn lane (with at least 21 m queue length) on the Esmonde Road (westbound) approach to the intersection • provision of dual pedestrian and cyclist signalised crossings on the site access and Esmonde Road (eastbound) arms of the intersection.

- (2) Any application that involves the construction of dwellings, visitor accommodation, or any non-residential activities that will result in the total cumulative number of dwellings, visitor accommodation, or any non-residential activities within the precinct either constructed or consented exceeding the occupation thresholds but still generating less than 420 vehicle movements per any peak hour specified in Table I55X.6.12.2 Transport review thresholds must meet the following requirements:

Table I55X.6.12.2 Transport review thresholds

Occupation threshold	Transport assessment required in order to exceed the occupation threshold
273 dwellings or short term visitor accommodation units; or 1,257m ² of non-residential activity	<p>A Transport Assessment is required to ensure the traffic generation of the existing and proposed development is less than the traffic generation threshold detailed below:</p> <p>(a) 420 vehicles movements per any peak hour.</p> <p>The Transport Assessment must include details of:</p> <ul style="list-style-type: none"> • Surveyed traffic volumes entering and exiting the precinct at the signalised intersection; • Resultant traffic generation rate of the precinct (trips / dwelling); • Predicted traffic generated by any proposed development that will generate vehicle trips, and the specific traffic generating characteristics of those activities; and • Traffic generation analysis demonstrating the predicted cumulative traffic generation of all existing

	<p>and proposed development within the precinct is less than the traffic generation thresholds referenced above, being 420 vehicles movements per any peak hour</p> <p>Note: All applications where the number of vehicle movements exceeds 420 vehicles per hour in any peak hour are required to be accompanied by an Integrated Transport Assessment as required in the Special Information Requirements.</p>
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I55X.6.13. Commercial Gross Floor Area and location control

Purpose: To enable commercial activities and healthcare facilities in identified locations on Precinct Plan 1 without compromising the role, function and viability of existing centres, and to maintain the effective, efficient and safe operation of Esmonde Road.

- (1) Commercial activities and healthcare facilities must be located in areas shown on Precinct Plan 1.
- (2) The area to be used for commercial and/or healthcare purposes must have its public access and frontage to Esmonde Road or the communal open space ~~plaza~~ areas of the precinct.
- (3) The total gross floor area of all commercial activities and healthcare facilities within the precinct must not exceed 1,257m², provided that retail activities must be limited to 1,200m².

I55X.6.14.Noise

Purpose: To ensure appropriate noise levels for noise sensitive spaces for the protection of residential amenity from business activities within the precinct and by elevated road noise from Esmonde Road and the nearby motorway.

- (1) All buildings containing noise sensitive spaces (as defined in AUP (OP) J1) must be designed, constructed and maintained to not exceed the following internal noise levels:

Unit	Time	Ambient Noise Limit
Bedrooms and sleeping areas	Between 10:00pm to 7:00am	35 dB L _{Aeq,T} Or NC 30
Other noise sensitive spaces	At all other times	40 dB L _{Aeq,T}

- (2) Where the noise levels in I55X.6.14(1) can only be achieved when windows and/or external doors to rooms are closed, those rooms must have installed a mechanical ventilation and/or air conditioning system which does not generate a noise level greater than 35 dB L_{Aeq} in bedrooms and 40 dB L_{Aeq} in other spaces when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in (i) or (ii) below or an alternative temperature control system approved by the Council.

- (i) an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; or

Note 1

Mechanical cooling must be provided for all habitable rooms (excluding bedrooms) provided that at least one mechanical cooling system must service every level of a dwelling that contains a habitable room (including bedrooms).

- (ii) a high volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:
 - six air changes per hour (ACH) for rooms with less than 30 per cent of the façade area glazed; or
 - 15 air changes per hour (ACH) for rooms with greater than 30 per cent of the façade area glazed; or
 - three air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.

I55X.6.15. Open Space – Conservation Zone and Precinct / Building Interface

Purpose: To ensure that dominance and the interface between proposed buildings and the Open Space – Conservation Zone are:

- managed to maintain a reasonable level of amenity for users of the Open Space - Conservation Zone and the coastal pathway.
 - managed to maintain a reasonable level of privacy and amenity for residents of the Precinct.
- (1) For all buildings or parts of buildings fronting the Open Space – Conservation Zone - the building façade must be set back at least 6 metres from the boundary with the Open Space – Conservation Zone, except that single protruding balconies may extend into the setback by no more than 2 metres, and integrated balconies either single or in a group must not extend more than 10m along a building facade.
 - (2) A one metre wide planted area with planting of at least 1.0m high must be provided between the Open Space – Conservation Zone and any private outdoor living areas.
 - (3) All private outdoor living areas associated with ground floor dwellings must have ground level height of not less than 0.5 metres above any immediately adjoining the Open Space – Conservation Zone boundary.

I553.6.16. Public Shared Coastal Pathway and Pause Points

Purpose: To ensure the provision of a shared pathway within the Open Space Conservation Zone (as identified in Precinct Plan 1) in a staged manner and to create pause points, separate to the main pathway, to enable people to stop and enjoy views of the coast.

- (1) Any resource consent for buildings, development or subdivision within the precinct must make provision for a 3m wide public shared coastal pathway and pause points 1, 2 and 3 (including viewing platforms) in the Open Space Conservation Zone in the indicative locations identified on Precinct Plan 1 and must be funded and

constructed by the consent holder as part of each development stage as identified on Precinct Plan 1, in accordance with (2) – (3) below.

- (2) Any resource consent made after [the date of this decision] in the Stage 1 or Stage 2 area must include provision for the completion of the public shared coastal pathway from the eastern Esmonde Road end up to and including pause point 1 as identified on Precinct Plan 1.
- (3) The full public shared coastal pathway from the eastern Esmonde Road end to the western Esmonde Road end as identified on Precinct Plan 1 and including pause points 1, 2 and 3 must be completed as part of any Stage 3 development.

I55X.6.17 Communal Open Space Areas

Purpose: To provide for the open space needs and amenity for residents and users of the Precinct.

- (1) Communal open space areas must be provided in the Precinct in general accordance with the Communal Open Space Areas, their type/use and size as identified on Precinct Plan 3.
- (2) Public access to the Communal Open Space Areas required to be provided by (1) above must be secured by way of easement.
- (3) The Communal Open Space Areas required by (1) above must be maintained in good and accessible condition in perpetuity by the Body Corporate(s).

I55X.8 Assessment – restricted discretionary activities

I55X.8.1. Matters of discretion

The council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in any relevant overlay, zone, and Auckland-wide provisions:

- (1) new buildings, additions and alterations to existing buildings and accessory buildings:
 - (a) consistency with precinct plans;
 - (b) building design and external appearance;
 - (c) consistency with precinct plans;
 - (d) shading;
 - (e) landscaped open space;
 - (f) transport and access;
 - (g) travel plans and integrated transport assessments; and
 - (h) infrastructure.
- (2) Commercial activities and Healthcare facilities (excluding Drive through) of more than 200m² gross floor area per tenancy that comply with Standard I552.6.13 – Commercial GFA and location control, effects on:
 - (a) residential amenity;
 - (b) transport; and
 - (c) travel plans and integrated transport assessments.

- (3) Any development that does not comply with standard I553.6.11 Maximum On-Site Parking:
 - (a) effects on the transport network.
- (4) Any development that complies with Table I55X.6.12.1 and Standard I55X.6.12(1) Transport infrastructure development thresholds:
 - (a) the operation, including but not limited to the type, capacity and frequency, of a private shuttle bus between the site and Takapuna for residents;
 - (b) the design of the pedestrian/cycle connection along the extent of Esmonde Road identified on Precinct Plan 1;
 - (c) the Parking and Traffic Management Plan; and
 - (d) the design of the intersection upgrade so that pedestrian and cyclist safety and amenity is improved; and so that traffic capacity supports 420 vehicle movements in any peak hour while ensuring adequate performance of through traffic movements on Esmonde Road.
- (5) Any development which exceeds the 273 dwellings or short-term visitor accommodation units or 1,257m² of non-residential activity occupation thresholds but still generates less than 420 vehicle movements per any peak hour in Table I55X.6.12.2 and Standard I55X.6.12(2) Transport review thresholds:
 - (a) the adequacy and the recommendations in the Transport assessment.
 - (b) the contribution of alternatives to mitigating overall traffic effects.
- (6) Any development that does not comply with the following standards I55X.6.1. Building Height and Building Length, I55X.6.2 Maximum impervious area, I55X.6.3 Building coverage, I55X.6.5. Maximum building dimension and separation, I553.6.6. Wind, I55X.6.7. Front, side and rear fences and walls, I55X.6.10. Visual Corridors, I55X.6.14. Noise; I55X.6.15 Open Space – Conservation Zone and Precinct/Building Interface.

I55X.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, zone, and Auckland-wide provisions.

- (1) New buildings, additions and alterations to existing buildings and accessory buildings:
 - (a) Consistency with precinct plans:
 - (i) whether the development, land use or subdivision is in accordance with Precinct Plans 1, ~~and 2~~ and 3.
 - (b) Building design and external appearance:

the extent to which building design and layout achieves:

- (i) a character and appearance that will ensure a high standard of amenity for residents and visitors;
- (ii) a design of buildings that is of an exemplary high quality that contributes to the local streetscape and a sense of place by responding positively to the planned form and character of the surrounding area and the coastal setting;
- (iii) a silhouette of the buildings as viewed from areas surrounding the site in a way that positively contributes to the Takapuna skyline;
- (iv) clearly defined public frontages and entrances that address Esmonde Road and open space and communal open space and plaza areas to positively contribute to the public realm and pedestrian safety, including the any necessary setback along Esmonde Road for pedestrian and amenities;
- (v) for mixed use buildings, a separate pedestrian entrance for residential uses;
- (vi) a coherent scheme including proposed building heights for the whole precinct to demonstrate an overall design strategy that contributes positively to the visual quality of the precinct and the locality;
- (vii) each building should provide its own distinctive architectural design and character to avoid a homogeneity of design;
- (viii) buildings that are designed to:
 - a) avoid long, unrelieved frontages and excessive bulk and scale when viewed from Esmonde Road and open spaces;
 - b) Visually break up their mass into distinct elements to reflect a human scale to avoid monotonous building forms, though building modulation and articulation, changes in roof profiles, changes in colours and materials and the use of elements such as balconies and other architectural features, provided that where balconies infringe the built interface standard they do not dominate the building façade and an infringement should not be read as the main frontage;
 - c) provide view corridors through the site towards the coastal margin in general accordance with Precinct Plan 1;
 - d) use techniques such as recesses, variation in building height, length, and roof form, horizontal and vertical rhythms, and facade modulation and articulation, including buildings that front onto the Open Space – Conservation Zone;
 - e) for stage 3 building design consideration should be given to avoiding apartments that are exposed to the prevailing

wind and will predominantly be in shade. Consideration should also be given to creating double loaded units in the south west part of the Precinct.

- f) in relation to the 16 storey tower, an exemplary high-quality design response is expected that creates a landmark building, including but not limited to the architectural top of the building to create an integrated and appropriate conclusion to the tall building form. Architectural quality, and design excellence should be reflected through the effective placement of building form, high-quality materials, innovative and sustainable building design and construction, and through a sensitive and highly resolved response.
 - g) Have a multi-core access strategy for universal access as well as breaking up building massing through vertical circulation on facades.
 - h) Consideration should also be given to creating through apartments rather than double loaded units in the south west part of the site.
- (ix) a variety of architectural detail at ground and middle levels including maximising doors, windows and balconies overlooking the Esmonde Road and open spaces;
 - (x) roof profiles that are designed as part of the overall building form and contribute to the architectural quality of the skyline as viewed from both ground level and the surrounding area. This includes integrating plant, exhaust and intake units and other mechanical and electrical equipment into the overall rooftop design;
 - (xi) colour variation and landscaping, used in conjunction with building articulation, that achieves overall exemplary design quality;
 - (xii) glazing is provided along Esmonde Road and open space frontages and the benefits it provides in terms of:
 - (i) the attractiveness and pleasantness of the street and public open space and the amenity for people using or passing through that street, the coastal pathway or other communal open spaces;
 - (ii) the degree of visibility that it provides between the street and public open space and the building interior; and
 - (iii) the opportunities for passive surveillance of the street and public open space from the ground floor of buildings.
 - (xiii) buildings that use quality, durable and easily maintained materials and finishes on the façade, particularly at street level;

- (xiv) measures are used to minimise the risk of bird strike resulting from increased night lighting, including consideration of the following:
- a) all internal lights should be downward facing with minimal horizontal spill, and external lights should be shielded with no horizontal spill (National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds, Commonwealth of Australia 2020. 111 pp.).
 - b) window screens and tinted windows can reduce light being seen at night by birds. Vegetation should be planted to screen roosting and breeding areas from the building (National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds, Commonwealth of Australia 2020. 111 pp.).
 - c) lighting should only be used as necessary and at a low intensity.
 - d) the spectral range should avoid lights rich in blue light (400 – 500 nm).
- (xv) signage that is designed as an integrated part of the building façade;
- (xvi) development that integrates mātauranga and tikanga into the design of new buildings, communal open space areas and public open spaces;
- (xvii) design that recognises the functional requirements of the intended use of the building; and
- (xviii) design that contributes to the avoidance of conflict between residential and non-residential activities within the precinct.
- (xix) additionally, for residential development:
- the mechanical repetition of unit types is not encouraged, where this would detract from the architectural form of the building.
 - balconies are designed as an integral part of the building.
 - external walkways/breezeways should generally be avoided unless a high design resolution is achieved;
- (xx) the use of materials, colour finishes, and glazing reduces glare having regard to this coastal location;
- (xxi) internal living areas at all levels within a building maximise outlook onto open spaces and proposed public open space (the coastal pathway) and Esmonde Road;

- (xxii) any otherwise unavoidable blank walls are enlivened by methods which may include artwork, māhi toi, articulation, modulation and cladding choice to provide architectural relief;
- (xxiii) parking areas located within buildings are not directly open and/or visible from open spaces or Esmonde Road;
- (xxiv) firefighting water supply in accordance with New Zealand Fire Service Code of Practice

(c) Shading:

the extent to which:

- (i) the location and design of buildings ensures a reasonable level of sunlight access (measured at the Equinox) to residential units (principal living rooms and private outdoor spaces) and communal open space areas, taking into consideration site and building orientation and the planned built character of the precinct.

(d) Landscaped area (both soft and hard landscaping):

the extent to which:

- (i) landscaping treatment within any private open space or ~~plaza~~ communal open space areas responds to and acknowledges the natural landscape character of the adjoining Open Space – Conservation Zone;
- (ii) the design of hard and soft landscaping integrates with and appropriately enhances the design and configuration of buildings and the amenity of publicly accessible areas for the various ~~users of~~ visitors to the precinct;
- (iii) the design of hard and soft landscaping along Esmonde Road provides for pedestrian and cycle movements and includes high quality of soft landscape elements to assist in stitching both sides of the Esmonde Road corridor together.
- (iv) Provides for high quality outdoor amenity spaces to meet the needs of future residents, including the provision of play spaces for young children.
- (v) Boundary treatments between the private outdoor living areas associated with ground floor dwellings along the edge of the Open Space – Conservation Zone should be designed to balance security and privacy of the outdoor living areas with transparency to provide natural surveillance over the Open Space – Conservation Zone and the shared public coastal walkway. Solid high fences should be avoided.

(e) Transport and access:

the extent to which:

- (i) vehicle access is designed and located to complement the road function and hierarchy;
 - (ii) appropriate provision is made for:
 - a) pedestrian, cycle and vehicle movements, including pause points 1, 2 and 3;
 - ~~b) car parking (while minimising reliance on private vehicle use);~~
 - b) infrastructure services;
 - ~~d) the ability to connect to Francis Street with a pedestrian link ; and,~~
 - c) capacity of the roading network; and
 - d) access for emergency services
 - (iii) pedestrian/cycle networks minimise potential conflicts between vehicles and cyclists and encourage a walkable neighbourhood to reduce vehicle dependency and ensure local accessibility to community facilities, open space areas, public transport facilities and non-residential activities;
 - (iv) prior to the first occupation of the site, the provision of a private shuttle bus between development within the Takapuna 2 Precinct and the Takapuna Metropolitan Centre:
 - a) achieves the intended purpose of encouraging behaviour change away from private vehicles and towards public transport;
 - b) is privately funded, operated, managed and, where not provided directly by the developer, is secured through an appropriate legal mechanism such as (but not limited to) a Body Corporate or residents' association to ensure an effective level of service;
 - c) provides a level of service to support residents at any given stage of development of the Precinct; and
 - d) is necessary taking into consideration other transport options and modes available to the residents of and visitors to the precinct.
- (f) Travel plans and integrated transport assessments:

the extent to which:

- (i) proposed developments and travel plans prepared in support of a proposal are consistent with the analysis and recommendations of any existing integrated transport assessment applying to the proposed development and/or precinct.
- (g) ~~Infrastructure and open space areas~~

the extent to which:

- ~~(i) access and plazas create high quality open spaces and incorporate quality amenity features such as tree planting and footpath paving.~~
- (i) there is consistency with the Stormwater Management Plan and/or relevant network discharge consent.
- ~~(iii) coastal margin is supported through landscaping comprising predominantly native species, to contribute to the amenity of the precinct and to support ecological function.~~
- ~~(iv) Trees located within the esplanade reserve that are affected by development areas are protected from development works.~~
- ~~(v) open spaces and plazas are provided so that they are:
 - ~~a) readily visible and accessible by adopting methods such as a generous street frontage or bordering onto yards of sites and front faces of buildings that are clear of visual obstructions;~~
 - ~~b) located to provide visual relief;~~
 - ~~e) integrated with surrounding development including;~~
 - ~~d) sized and developed according to community and neighbourhood needs; and~~~~
- (ii) (vi) the esplanade shared path and all other walkways within the precinct are access around the precinct is designed to be:
 - a) suitable and safe for regular share pedestrian and cycle use;
 - b) easily visible and accessible; and
 - c) linked to the public walkway and cycleway network outside the precinct.
- (h) Communal open space areas are provided so that they are:
 - (i) readily visible and accessible by adopting methods such as a generous street frontage or bordering onto yards of sites and front faces of buildings that are clear of visual obstructions;
 - (ii) located to provide visual relief;
 - (iii) integrated with surrounding development; and
 - (iv) sized and developed according to community and neighbourhood needs; and
- (2) Commercial activities and Healthcare facilities (excluding drive through) of more than 200m² gross floor area per tenancy that comply with Standard I553.6.13 – Commercial GFA and location control:
 - (a) Effect on residential amenity.

(b) Transport:

- (i) The extent that traffic generation and trip movements to and from the activity may create adverse effects on the:
 - a) capacity of roads giving access to the site;
 - b) safety of road users including cyclists and pedestrians;
 - c) effective, efficient and safe operation of the arterial road network; and
 - d) the planned urban built character of the precinct.

(c) Travel plans and integrated transport assessments:

- (i) The extent to which proposed travel plans prepared in support of a proposal are consistent with the analysis and recommendations of any existing integrated transport assessment for the proposed development and/or precinct.

- (3) Any activity or development which does not comply with standards I55X.6.11 Maximum On-site parking.

the extent to which:

- (a) the trip characteristics of the proposed activities on the site enable additional parking spaces without creating adverse effect on the roading network;
- (b) the effects of the vehicle movements associated with the additional parking spaces on the safe and efficient operation of the adjacent transport network, including public transport and the movements of pedestrians, cyclists and general traffic;
- (c) the adequacy and accessibility of public transport and its ability to serve the proposed activity;
- (d) a bus shuttle service to the Takapuna Metropolitan Centre is in place and provides for the transportation needs of residents and visitors;
- (e) mitigation measures are proposed to provide the additional parking, which may include measures such as by entering into a shared parking arrangement with another site or sites in the immediate vicinity; or
- (f) the demand for the additional parking can be adequately addressed by management of existing or permitted parking. Depending on the number of additional parking spaces proposed, the number of employees, and the location of the site, this may be supported by a travel plan outlining measures and commitments for the activity or activities on-site to minimise the need for private vehicle use and make efficient use of any parking provided.

- (4) Any development which exceeds the 273 dwellings or short term visitor accommodation units or 1,257m² of non-residential activity occupation thresholds but still generates less than 420 vehicle movements per any peak

hour in Table I55X.6.12.2 and Standard I55X.6.12(2) Transport review thresholds:

(a) Effects on the transport network:

- (i) Whether subdivision and/or development has adverse effects on the safety, efficiency and effectiveness of the operation and safety of the transport network, having particular regard to:
 - a) Safety, efficiency and effectiveness effects of general traffic on existing and future pedestrians, active mode users, public transport operations of Esmonde Road;
 - b) safety effects on existing and future users of the transport network on Esmonde Road.

(b) Contribution of alternatives to overall traffic effects:

- (i) Whether other transport network upgrade works to those identified in Table I55X.6.-12.1 and Standard I55X.6.12(1) Transport infrastructure development thresholds can be undertaken, or other measures are proposed that mitigate the transport effects of the proposed subdivision and/or development; and
- (ii) The extent to which (if any) staging of subdivision or development may be required due to the co-ordination of the provision of transport infrastructure.

(5) Any activity or development that does not comply with standard I55X.6.1. Building Height and Building Length, I55X.6.2 Maximum impervious area, I55X.6.3 Building coverage, I55X.6.5. Maximum building dimension and separation, I55X.6.6. Wind, I55X.6.7. Front, side and rear fences and walls, I55X.6.10. Visual Corridors, I55X.6.14. Noise, I55X.6.15 Open Space – Conservation Zone and Precinct/Building Interface.

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (d) the effects on the urban built character of the zone;
- (e) the effects on the amenity of neighbouring sites;
- (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (g) the characteristics of the development;
- (h) any other matters specifically listed for the standard; and
- e) where more than one standard will be infringed, the effects of all infringements.

(6) Open Space – Conservation Zone

The extent to which

- (i) Trees located within the Open Space – Conservation Zone are retained and protected from development works.

I55X.9 Special information requirements

In addition to the general information that must be submitted with a resource consent application (refer C1.2(1) Information requirements for resource consent applications), applications for the activities listed below must be accompanied by the additional information specified:

Integrated Transport Assessment

- (1) Any subdivision resource consent application, or land use resource consent application for any development where the peak hour trip generation exceeds 420 vehicles movements per any peak hour, must be accompanied by an integrated transport assessment for the precinct.

Commercial Gross Floor Area details

- (2) Any application for commercial activities or healthcare facilities shall be accompanied by details of existing and proposed gross floor areas of individual premises for these activities and facilities within the precinct, so as to confirm compliance with standard I55X.6.13. Commercial GFA and location control.

Private Shuttle Service

- (3) Where residential dwellings are proposed as part of any application, information shall be provided to confirm that the private shuttle bus required under Standard I55X.6.12 Transport infrastructure development thresholds is in place and operating.

Arboricultural Assessment

- (4) Any resource consent involving any tree trimming or alteration and/or works within the ~~drip line~~ protected root zone of trees over 3 metres in height, including but not limited to trees 23 and 69, that are located within the ~~esplanade reserve~~ Open Space – Conservation Zone 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.

Acoustic Assessment

- (5) An acoustic assessment shall be prepared by a suitably qualified and experienced acoustic professional to calculate noise levels arising from both business/commercial activities within the precinct and from traffic on Esmonde Road and the nearby motorway to inform the minimum façade noise reductions required to achieve the internal noise levels specified in I55X.6.14(1) for noise sensitive spaces. The acoustic design must be based on cumulative noise from

business/commercial activities within the precinct and traffic noise (i.e. from the road network). Furthermore, where the internal noise levels can only be achieved when windows and/or external doors to rooms are closed, those rooms shall have installed a mechanical ventilation and/or air conditioning system designed in accordance with the requirements specified in Standard I55X.6.14(2).

Note:

At the time the building consent application is lodged the consent holder will be required to provide written certification from a suitably qualified and experienced acoustic professional to the Council confirming that the building has been designed to ensure internal noise levels in bedrooms and other noise sensitive spaces specified in I553.6.14 will be met. Written certification will need to be in the form of a report.

Communal Open Space Areas Plan

- (6) As part of any resource consent for additional dwellings beyond Stages 1 and 2, any resource consent shall be accompanied by a communal open space plan for the entire development within the Residential – Terrace Housing and Apartment Buildings Zone in general accordance with Precinct Plan 3 - Indicative Communal Open Space. The plan must also show the areas of private open space for all ground floor units.

Auckland Urban Design Panel

- (7) Details of the minutes of attendance at the Auckland Urban Design Panel for all buildings with an assessment of how the buildings meet the requirements of these minutes.

Archaeological Assessment

- (8) Any resource consent application within the Open Space – Conservation Zone shall be accompanied by an archaeological assessment, including a survey. The purpose of this assessment is to evaluate the effects on archaeological values prior to any land disturbance, planting or development works, and to confirm whether the proposal will require an Authority to Modify under the Heritage New Zealand Pouhere Taonga Act 2014.

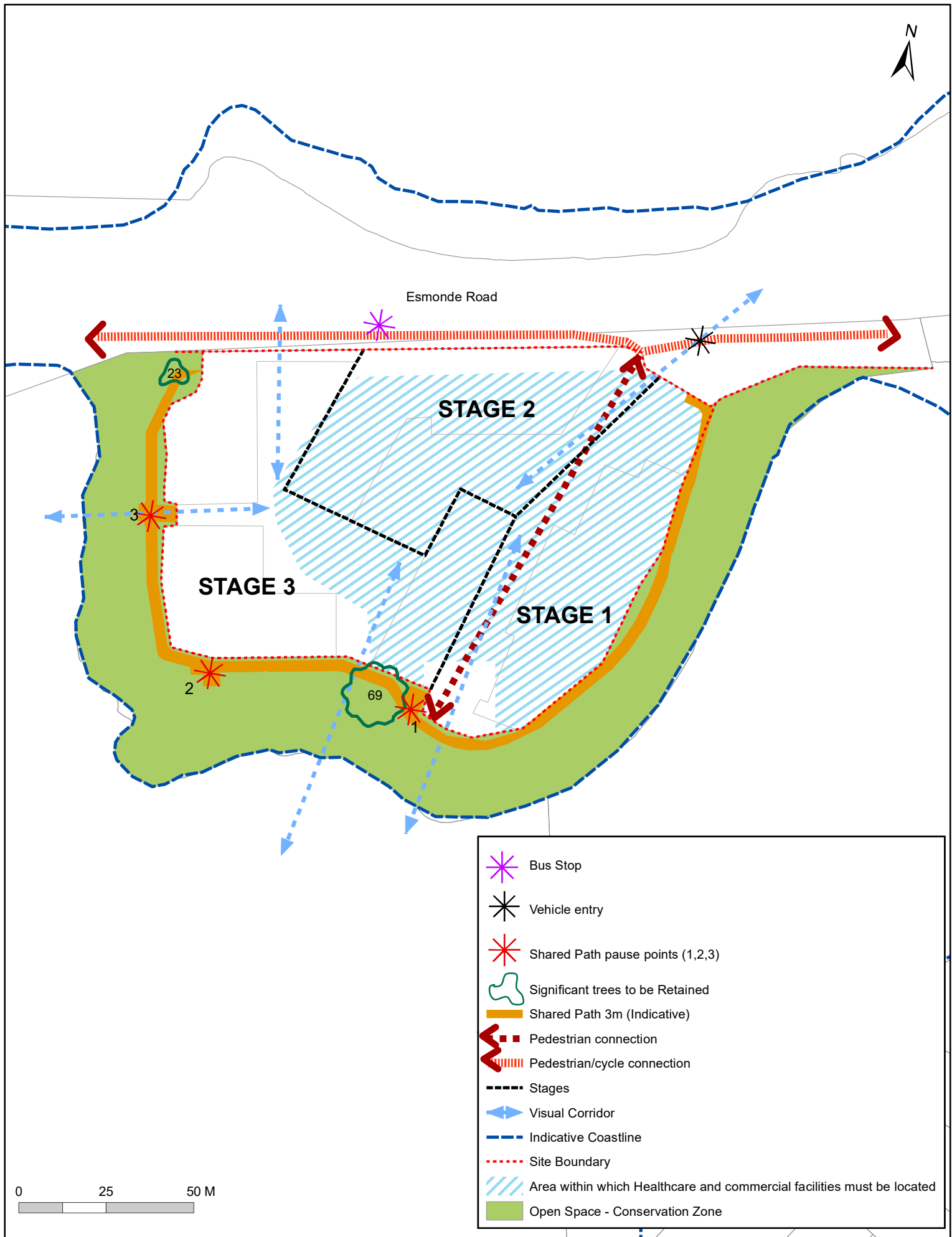
I55X.10 Precinct plans

- Precinct Plan 1 – Site features
- Precinct Plan 2 – Building height and coverage
- Precinct Plan 3 – Communal Open Space Areas

Precinct Plan 1 - Site features

Precinct Plan 2 - Building height and coverage

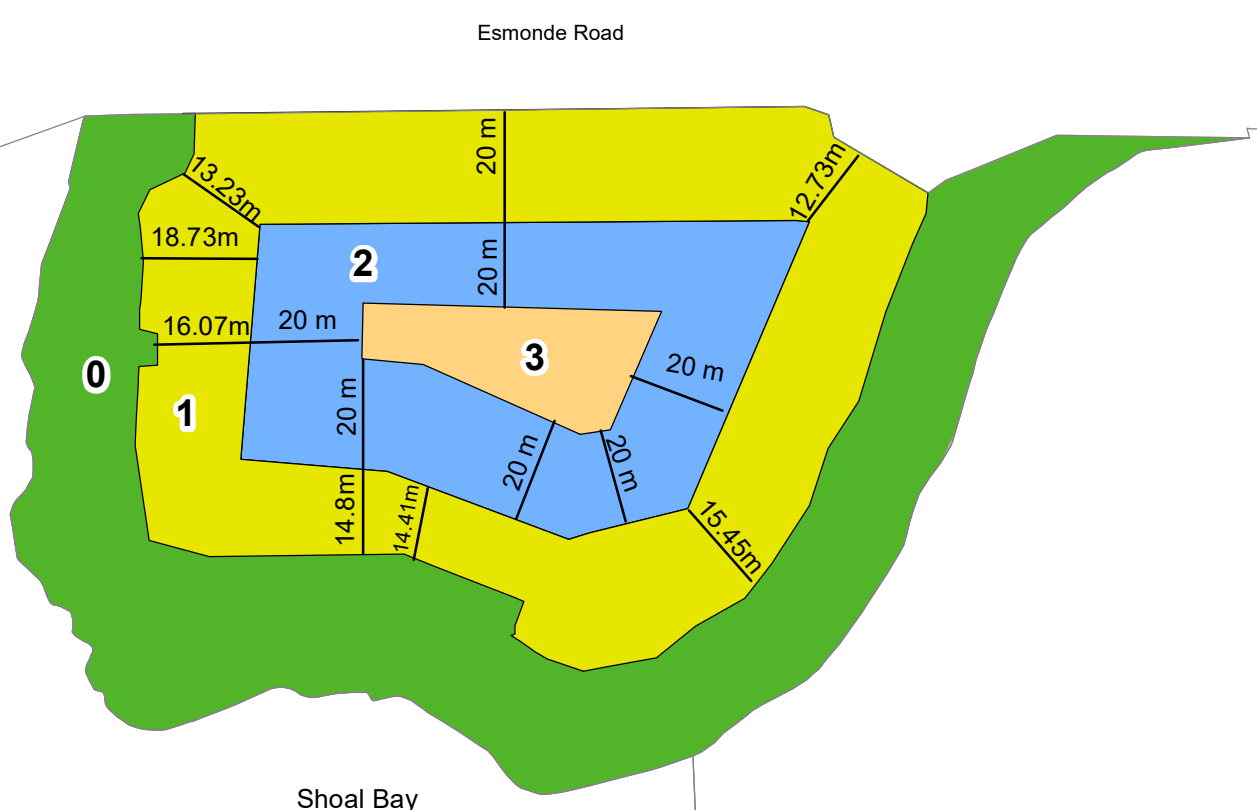
Precinct Plan 3 - Communal Open Space Areas



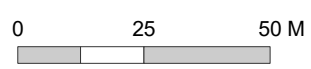
Precinct Plan 1 – Site features



	Maximum Impervious	Maximum Building Coverage	Maximum Heights	Minimum Heights
Area 1	90%	60%	a. Up to RL23 (5 storeys) - 100%.	4 storeys above ground level (RL10).
			b. Up to RL26.5 (6 storeys) – 90%	
			c. Up to RL 30 (7 storeys) – 40%	
Area 2	95%	60%	a. Up to RL30 (7 storeys) - 100%.	4 storeys above ground level (RL10).
			b. Up to RL41 (8-10 storeys) – 35%	
Area 3	100%	60%	a. Up to RL41 (10 storeys) - 100%.	4 storeys above ground level (RL10).
			b. Up to RL62 (11-16 storeys) – 35%	



- Area 0 - Open Space - Conservation Zone (8214 sqm)
- Area 1 - Outer (7160sqm)
- Area 2 - Intermediate (5005 sqm)
- Area 3 - Central (1175 sqm)

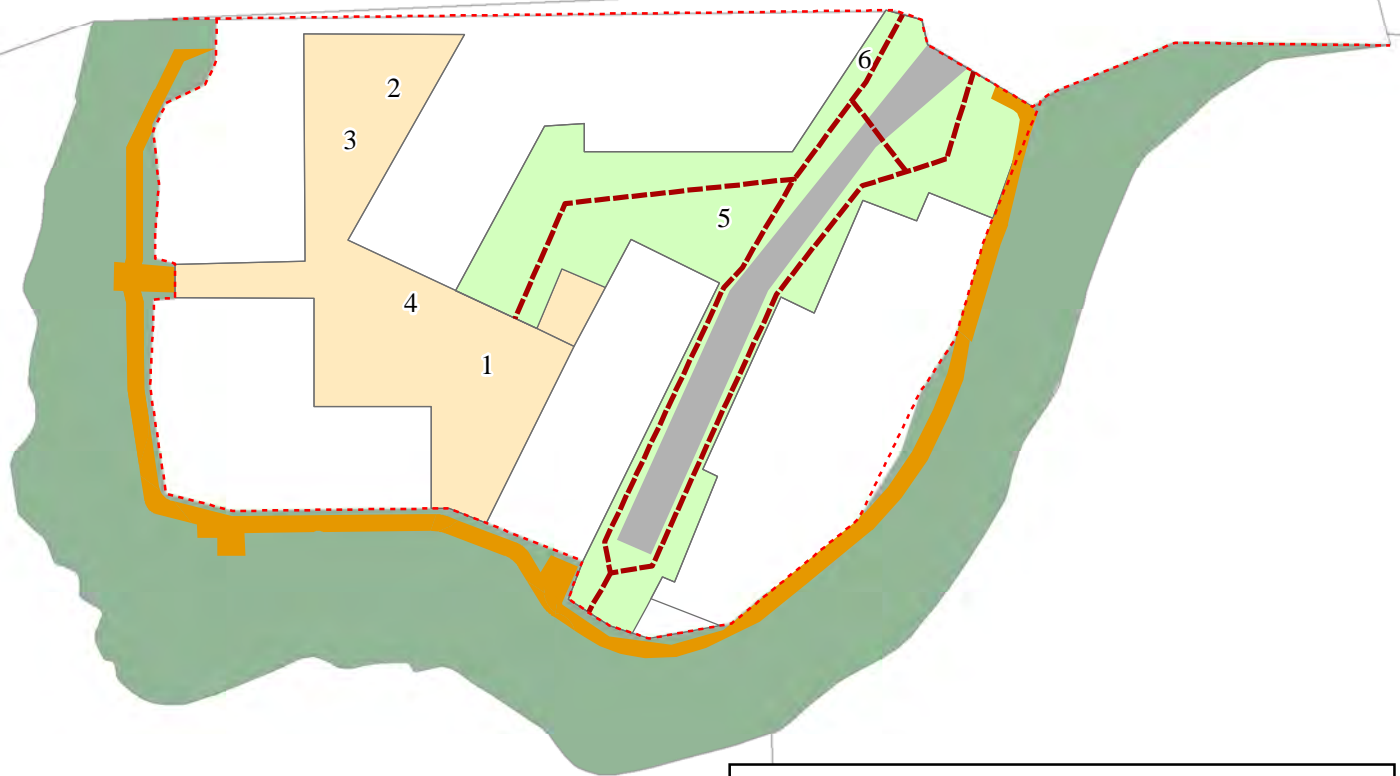


Precinct Plan 2 - Building Height and Coverage





Esmonde Road



Indicative Open Space Functions

- 1 BBQ Area
- 2 Community Garden
- 3 Grass Areas and Active Lawn
- 4 Childrens Play Area/Sandpit
- 5 Seating
- 6 Bike Stands, Charging Station and Pump

..... Site Boundary

■ Shared Path 3m (Indicative)

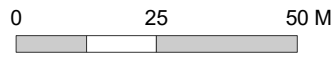
■ Access way - provided under existing Resource Consent for Stages 1 & 2

■ Communal Open Space – provided under existing Resource Consent for Stages 1 & 2

■ Indicative Communal Open Space - Stage 3 development

■ Open Space - Conservation zone

--- Pedestrian access



Note: plan excludes ground floor private open space areas



Precinct Plan 3 - Communal open space areas

