

4 October 2024

Stephen Havill, SFH Consultants Limited (Stephen@sfhconsultants.co.nz)

Kia ora Stephen,

RE: Clause 23 Second Further Information Request – Private Plan Change Request by Windsor Park Community and Multisport Hub Incorporated

Thank you for providing the additional information in response to our initial request dated 25 July 2024 under Clause 23(1) of Schedule 1 of the Resource Management Act 1991 (RMA). We acknowledge receipt of your responses provided on 2 September 2024, 11 September 2024 and 17 September 2024.

After reviewing the information provided, we have determined that further clarification and additional details are necessary to fully understand your request and its potential effects on the environment. Therefore, pursuant to Clause 23(1) of Schedule 1 of the RMA, we are issuing a second request for information.

The further information we require is set out in Appendix 1, and relates to the following matters:


- Planning, statutory and general matters – Sarah Wong, Auckland Council;
- Healthy Waters – Lee Te, Auckland Council;
- Parks Planning – Douglas Sadler, Auckland Council.

Other comments which are not within the remit of clause 23 of the First Schedule of the Resource Management Act 1991 (RMA) have also been provided.

If you have any queries regarding the above, please do not hesitate to contact me at sarah.wong@aucklandcouncil.govt.nz.

Ngā mihi,

Prepared by:



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APPENDIX 1: FURTHER INFORMATION REQUESTED UNDER CLAUSE 23 FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991

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#	Category of information	Specific Request	Requestor's Clause 23 response	Council reply
Planning, statutory and general matters – Sarah Wong, Reporting Planner, Plans & Places, Auckland Council				
P1	Mana Whenua consultation	<p>Please confirm whether any responses from any of the mana whenua groups listed in Section 5.3.2.5 of the AEE has been received since the lodgement of this Private Plan Change (PPC) Request.</p> <p>If no responses have been provided, please provide the timeframe in which these groups were given to provide a response.</p> <p>Please also provide a copy of the email referenced in Section 7.5 of the AEE that was sent to mana whenua as part of the applicant's consultation with mana whenua.</p>	<p>Please refer to the Planning Response within Attachment B. It is noted that 11 Iwi groups were notified on 30.11.2023 with no responses to date.</p> <p>Please Note that reference to sections within the AEE has been updated to correctly correspond with Mana Whenua Consultation. Please refer to the Updated AEE which has been provided as Attachment A.</p>	<p>Satisfied, no further information requested.</p> <p><i>NOTE: Healthy Waters have advised that the SMP needs to state whether any further mana whenua consultation has been undertaken in relation to stormwater – see RFI request SW7. If no further consultation has been undertaken (due to the lack of responses), this should be specified in the SMP.</i></p>
P2	Incorporating MDRS into proposed plan provisions	<p>In addition to the assessment provided in Section 5.4.1 of the AEE, please provide a set of plan provisions to demonstrate how the Medium Density Residential Standards (MDRS) will be implemented on the subject site.</p>	<p>Please refer to the Planning Response within Attachment B, and the Updated AEE which has been provided as Attachment A.</p> <p>The chosen method of incorporating the MDRS rules was discussed with Council and the decision to propose a Windsor Park Precinct which followed the MDRS rules, was the best way to achieve this. The proposed Windsor Park Precinct has been included as Attachment C.</p>	<p>The precinct approach to implement MDRS is supported, however we have proposed some general changes to the provisions in Attachment C of the Clause 23 response*. These changes are to ensure consistency between the proposed Windsor Park Precinct and the AUP's zone/ approach to precincts.</p> <p>Please review the changes and confirm whether the requestor would be prepared/ not prepared to modify their proposed plan provisions in line with the recommended changes.</p>

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				<p>If the changes are accepted, please provide an updated set of precinct provisions to reflect any changes made.</p> <p><i>*See non-Clause 23 matters below and Appendix 2.</i></p> <p><i>NOTE: Our Healthy Waters and Parks Planning experts have also provided their recommendations in relation to the proposed precinct, to address matters relating to the SMP and trees surrounding the precinct, which we have also noted in Appendix 2.</i></p>
P3	Affected persons/ legal implications on PPC implementation	<p>Please provide the documentation for the various legal arrangements, titles and/ or encumbrances that are present on Windsor Park, and an explanation of how these will impact the implementation of this PPC request.</p> <p>This includes any current or historical maintenance and/ or other agreements between the applicant and Council for Windsor Park, and the existing carparking arrangements between Windsor Park and the adjacent sites.</p> <p>Please also provide a summary explanation outlining what each arrangement/</p>	Please refer to the Planning Response within Attachment B, regarding the details of legal easement and covenants.	Satisfied, no further information requested.

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		<p>encumbrance means and how this impacts the subject site.</p> <p>With regard to the legal agreements (identified in the 'Reasons for Request' column) relating to the sale or disposal of part or all of Windsor Park, please provide a timeline of the arrangements between the Windsor Park Trust Board and the Council and explain how the legal arrangements are intended to be addressed.</p>		
P4	General	Noting the further information requests that follow in this letter, please update the PPC Section 32 evaluation and all relevant documents, to ensure consistency with any updated technical information provided as part of this further information request.	Please refer to the Planning Response within Attachment B, and the Updated AEE which has been provided as Attachment A.	Ongoing – it is acknowledged that the PPC documents may be required to be updated to include any further Clause 23 information prior to a Clause 25 decision.
Healthy Waters (stormwater) – Lee Te, Senior Healthy Waters Specialist, Healthy Waters, Auckland Council				
SW1	SMP – General	Please clarify if the proposed Stormwater Management Plan (SMP) is for the proposed plan change area only, or whether it also includes the sports fields. It appears to also include the sports fields and new facilities are proposed on the sports fields, however this is not clearly reflected in the SMP.	Only the upper portion of the site is covered by the SMP. The main body of work is proposed on the top field labelled as the main development area. The SMP has been updated to make this clearer.	Satisfied, no further information requested.

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SW2	SMP – General	Please outline what are the principles and objectives of the development for stormwater management.	A section on the proposed stormwater design principles and objectives has been added to the SMP.	Satisfied, no further information requested.
SW3	SMP – Stormwater management	<p>Please provide information on why private stormwater tanks are proposed as the stormwater management device for the proposed plan change.</p> <p>Please outline how factors such as the plan change area (including the sports field) of 63,805m², the site-specific character, downstream and receiving environment are used when determining the most appropriate stormwater management device for the proposed plan change area.</p>	<p>The site is located in a SMAF zone, which means on site retention and detention is a requirement for any new impervious areas. Private stormwater tanks are an acceptable option for SMAF mitigation for this type of development. If these are not acceptable then they should be removed from the available options in the Auckland Council guidance documents.</p> <p>Infiltration would not be advisable as the soils do not readily accept infiltrated water in the volumes required. Due to the clay soils, mudstone and sand stone underlying layers, the majority of the water would not infiltrate and only serve to exacerbate downstream flooding.</p> <p>As the downstream catchment is already developed, there is no spare public land for additional communal publicly owned devices. There is an existing dry detention pond directly down stream of the site known as the Ascension Place Pond, which currently attenuates flood events, however feedback from the recent meeting with Healthy Waters</p>	<p>There is no capacity in the Ascension Place Pond to support new development. As such, private stormwater tanks to meet SMAF2 requirement for roof runoffs with internal reuse are acceptable.</p> <p>For private carparks, COALs and accessways, it is recommended that a single communal device is used and that this is managed communally by the residents, and located in a private area. Please discuss why this cannot be achieved as part of the proposed arrangement.</p> <p>Proposed road</p> <p>Please confirm in the SMP whether the proposed road is public or private – the traffic assessment notes that the road will be public, however the SMP notes that this will be private.</p> <p><u>If the proposed road is private:</u></p> <p>A single communal device rather than multiple devices in private areas managed by multiple</p>

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			<p>considered this dry pond already under designed for its catchment and does not have the ability to be expanded due to onsite topographical constraints and nearby neighbouring property. This dry pond would not typically provide SMAF mitigation for the proposed plan change area as its capacity (already compromised for it's catchment size) is reserved for flood mitigation, not stream protection.</p> <p>If HW consider there is an opportunity for this dry pond to be modified to include attenuation for smaller SMAF rain events with extended detention incorporated into the pond outlets, (with an agreed contribution for works from any future developer), please advise.</p> <p>To date we have been led to believe this is not a preferred option for HW</p>	<p>residents is recommended. Please discuss why this cannot be achieved.</p> <p><u>If the proposed road is public:</u></p> <p>A single communal device rather than multiple devices is also recommended. Please clarify and discuss whether this can be achieved in the SMP.</p> <p>Please also confirm whether there has been any consultation with AT, to ensure that what is proposed for stormwater management is acceptable by AT. If consultation has been undertaken, please provide details of the matters discussed.</p> <p><i>NOTE: Stormfilters, small rain gardens, and catchpit inserts for public roads which will be public assets are unlikely to be accepted by AT and/or HW.</i></p> <p>The development site could include an area for a communal device. Please confirm if there are any indicative locations on the site that could be used for a communal device. If not, please provide reasons why.</p>

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SW4	SMP – Stormwater management	Please provide information on what other options of stormwater management devices were explored – i.e. whether a communal stormwater management device, the possibility of utilising the sports field to manage stormwater, or collaboration with Healthy Waters with upgrading existing stormwater management devices were explored.	<p>As above for the previous query regarding other explored options.</p> <p>For the proposed private roading and other shared private areas, the plan change proposes to utilise communal stormwater attenuation and treatment. The proposed accessway will be treated by privately owned cesspits fitted with litta traps, and stormfilters.</p> <p>The proposed communal accessway tanks will provide the required mitigation for SMAF and 10% AEP rain events. The devices should be owned and maintained by a residents association which will engage maintenance contractors to carry out the required maintenance. With the communal devices owned by the residents association they are much more likely to be maintained with increased functional lifespan.</p> <p>Some investigation into using the sports field as a dry detention basin has been carried out and added to the SMP. Depending on the final proposed development, the requirements of healthy waters and the sports club that uses the field this could be an option and it is envisaged that Auckland Council could negotiate with the Windsor Park Community & Multisport Hub INC, as the flood storage potential of this field could</p>	<p>The response provided states that private roads/shared private areas will have communal stormwater management devices that are managed by the residents association. This is acceptable, however please provide further information on how the number of devices proposed was determined.</p> <p><i>NOTE: A single rather than multiple devices is recommended.</i></p> <p>Three different options were outlined in the SMP to manage stormwater in a 1% AEP event. However, there are no recommendations on which one is the recommended option given the characteristics of the catchment.</p> <p>If it was determined that the dry detention basin in the sports field is a viable option and the most suitable option for the catchment, please update the SMP to include this, as the recommended option and provide general information on matters such as proposed ownership and maintenance, safe access for maintenance and operation etc.</p> <p>Please also clarify why 19% impervious area is used for post development impervious area percentage, the impervious area should be the</p>

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			benefit the wider catchment area, that is not the responsibility of the sports club.	<p>maximum probable development for the proposed zoned.</p> <p>Please confirm if there was any input from a geotechnical/dam specialist in relation to using the sports field as a dry detention pond. Are there any potential adverse effects on the surrounding environment?</p> <p><i>NOTE: Healthy Waters has offered to have a meeting with both the requestor and Parks Planning, to explore the option of using the sports field as a dry detention to manage the 1% AEP event for the plan change area (and also the possibility to include the wider catchment.</i></p> <p><i>Parks Planning have also sought further clarification in relation to the use of the field as a 'dry detention basin temporary storage area' and how this will impact on its use – see RFI PP6 by Parks Planning below.</i></p>
SW5	SMP – Geotechnical	<p>Section 2.1 of the SMP (Geotechnical) did not provide any geotechnical information for the proposed plan change area.</p> <p>Please provide a brief overview of the of the geotechnical characteristics of the site that is relevant to stormwater management, such</p>	The plan change does not propose any infiltration back into the soil due to the underlying layers consisting of sand stone, silt stone as and clay. The geotechnical section of the report has been updated to mention this.	Where retention is not possible for SMAF, please provide further clarification on how this will be addressed.


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		as soil type and infiltration rate. The information provided should be consider when proposing the stormwater management for the site to ensure it is feasible.		
SW6	SMP – Receiving environment	<p>Section 2.2 of the SMP (Receiving environment) provided some information about the receiving environment. However, please provide further information and details on the downstream environment, such as the existing hydrology, Oteha Valley catchment, and the Waitemata Harbour.</p> <p>The information about the receiving environment should be clearly outlined in the SMP.</p>	The recent meeting with HW provided some information about the downstream “Ascension Place Pond” was provided. These details have been added to the SMP and considered in the design.	Please update the SMP to include general information about the Oteha Valley catchment and the Waitemata Harbour, both of which are included in the downstream environment.
SW7	SMP - Stakeholder consultation	<p>Section 7.0 of the AEE provided information about engagement of stakeholders and mana whenua. Please confirm if this engagement included information on how stormwater would be managed for the proposed plan change area.</p> <p>Section 2.3 of the SMP (Stakeholder consultation) included some information about contacting Healthy Waters. Please update the SMP to include information on</p>	Stakeholders section has been updated to include the meeting with Healthy Waters. Mana Whenua consultation hasn't been undertaken for stormwater.	<p>If the proposed road is public, please provide further information regarding any consultation with AT that has taken place. It is important that the proposed stormwater management option is acceptable by AT.</p> <p>Please update the SMP to include information about how consultation with mana whenua was carried out for the proposed plan change, and the outcome of that consultation.</p>

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		consultation with all relevant stakeholders, and include details and outcomes and stakeholders' concerns are how mana whenua values are addressed in the proposed stormwater management.		<i>NOTE: The AEE outlines the mana whenua consultation that was undertaken in relation to the plan change (in general). Even if no responses were received and/ or further consultation for stormwater was undertaken, this information should also be outlined in the SMP.</i>
SW8	SMP – Asset ownership	<p>Section 2.4 of the SMP (Asset ownership) outlined that the stormwater pipes will be vested in Council and all other stormwater management devices will be private.</p> <p>Please outline how the devices that are private and the devices that are shared will be maintained, to ensure their ongoing operation and maintenance.</p>	The asset ownership section of the report has been updated to show an indicative breakdown of ownership and maintenance.	<p>The proposed stormwater management in Section 4 Stormwater Management is not consistent with what is written in Section 2.4 Asset Ownership. Please review and update these sections accordingly.</p> <p>Section 4.2 of the SMP stated that the stormwater runoff from the carparks and accessway will be treated by a communal device on the road. It should be noted that if the road is public, this will not be accepted by AT. Please provide further clarification on this, including whether this was discussed with AT.</p> <p>Please outline in the SMP how stormwater will be managed for the different possible road ownership, as the stormwater management options may differ.</p>

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SW9	SMP – Water Quality	<p>Section 4.1 of the SMP (Water quality) outlines the water quality treatment for the accessway. Please clarify what is included in the 'accessway', and whether it includes the car parks, driveway areas and private road.</p> <p>Please clarify why LittaTraps are proposed to treat the accessway; and whether LittaTraps will be acting as pre-treatment before the Stormfilters for all proposed water treatment.</p> <p>Please clarify whether roofs will be constructed of inert materials and/ or how water runoff from roofs will be treated.</p> <p>Please outline clearly how all impervious areas will be treated and where the discharge will be. It may be helpful to provide a diagram summarising the proposed stormwater management for the different impervious areas.</p>	Water quality treatment has been broken down to specific areas in the report. Litta traps are ownly pre treatment and are part of the treatment train approach. All runoff from the private roading will be treated by privately owned and maintained stormfilters before connecting to the public network. The stormfilters meet GD01 requirements.	<p>If the road is public, please clarify the recommended stormwater management that will be accepted by AT.</p> <p>Please further clarify in the SMP on whether the SMP addresses different possible road ownership, as the stormwater management options may differ.</p>
SW10	SMP – Stream Hydrology	Section 4.2 of the SMP (Stream Hydrology Stormwater Mitigation) outlines the requirements of SMAF2. Please clarify if SMAF2 should be calculated for all impervious areas.	SMAF 2 should be calculated for all impervious areas of the proposal area. The sports fields/new clubrooms are not part of this application.	Satisfied, no further information requested.

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		Please also clarify if this includes the sports fields and new facilities on the sports fields.		
SW11	SMP – Flooding	<p>Section 4.3 of the SMP (Flooding – Pipe capacity for 10% AEP) outlined that the 10% AEP event will be mitigated via detention tanks.</p> <p>Please provide further clarification on why the sports field and new facilities on the sports field are not included in the calculations.</p> <p>Please update the SMP to state that an operation and maintenance plan will be required - this is to ensure the long-term efficacy of the system.</p> <p>Please provide information on whether there any adverse effects on other property.</p>	<p>The SMP has been updated to clearly state that operation and maintenance plans will be required for the proposed stormwater devices. The 10% mitigation strategy has been updated to only utilise the communal tanks as it is much more likely that these tanks are maintained by a resident's association. The sports fields/new clubrooms are not part of this application.</p>	<p>Please provide further clarification on whether there are any adverse effects on other properties.</p>
SW12	SMP - Flooding	<p>Section 4.4 of the SMP (Flooding – Building for 1% AEP event) discusses the overland flow paths; however no assessment is provided on the stormwater effects in a 1% AEP event with climate change from the proposed plan change.</p> <p>Please provide further information on the stormwater effects in a 1% AEP event with</p>	<p>1% Peak flows need to be mitigated back to pre-development levels in the plan change area. An increase in peak flows for this area has been calculated and included in the report. The proposed flows can be mitigated back to pre-development levels either by the proposed detention tanks, underground storage chambers (such as Cirtex rain smart systems) or via the</p>	<p>See SW4.</p> <p>Please provide further clarification on whether there are any adverse effects on other properties, and any effects on the upstream and downstream environment given the proposed stormwater management.</p>

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		<p>climate change, and clarify how the effects will be managed for the plan change area. It is required that the 1% AEP peak flow be managed to predevelopment levels.</p> <p>Please provide further information on whether there any adverse effects on other property and any effects on the downstream environment.</p>	construction of a dry detention basin on the existing sports field. This option has been discussed in the report.	Please also provide further clarification in the SMP on when the implementation of the stormwater management options would need to occur.
SW13	SMP – Potential Risks	Please include a section identifying the potential risks associated with the proposed stormwater management devices and how the risk will be managed.	Please see the potential risk section added to the SMP.	Satisfied, no further information requested.
SW14	SMP – General	<p>Section 5 of the SMP (Conclusion) provides information on water quality, stream hydrology, flooding in a 10% and 1% AEP event. However, this needs to clearly state what needs to be done to manage the stormwater effects and not give it as an option. Further information is also required for Flooding for the 1% AEP event.</p> <p>Please update this section accordingly.</p>	This has been updated.	Depending on response to above questions Section 5 Conclusion may need to be altered. If required, please update accordingly.

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SW15	SMP – Stormwater Pipe Network	<p>Please clarify what is intended for the existing public stormwater pipe network within the plan change area. The pipe location is indicated in the diagram below:</p> 	<p>At this stage we have only shown the existing public network as being connected to by the proposed development. An addition section has been added to the SMP – 4.4.1 – building over public infrastructure. In this section we state that it is not recommended to build over the existing or proposed public networks. Please refer to the SMP for more details.</p>	<p>Please provide further clarification in Section 4.4.1 Building Over Public Infrastructure, on how the existing stormwater pipes could be realigned to ensure there is no build over.</p>
Parks Planning – Douglas Sadlier, Parks and Community Facilities, Auckland Council				
PP1	Open Space Provision Assessment	<p>Please provide an Open Space Provision Assessment, which assesses the needs of the community and the effects of the loss of these sporting fields upon them.</p> <p>The Open Space Provision Assessment should include discussions with the following persons:</p>	<p>Please refer to the Urban Design Response within Attachment D. It is considered that a full Open Space Provision Assessment is outside the scope of this response. However, the Background Memo provided by WPCMSH, Attachment I, provides information regarding the current use of Windsor Park and how the future use will be absorbed within the remaining</p>	<p>Windsor Park is zoned open space, primarily for sport recreation purposes, has served a wide catchment of the East Coast Bays area for forty years now.</p> <p>While the Urban Design Response states that the remaining fields will absorb future use, further clarification is required on the following:</p>

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		<ul style="list-style-type: none"> Kevin Walker - Senior Maintenance Delivery Coordinator – Sports Facilities (kevin.walker@aucklandcouncil.govt.nz). Paul Dabbs – Principal Sports Park Advisor – Community Wellbeing (paul.dabbs@aucklandcouncil.govt.nz). Wayne Carlson – Team leader Visitor Experience – Parks and Community Facilities (wayne.carlson@aucklandcouncil.govt.nz). Mike Thompson – Sport and Recreation Lead – Sport and Recreation Team (mike.thompson@aucklandcouncil.govt.nz). <p>As part of this assessment, please also include up-to-date confirmation of the maintenance agreement or arrangement between Windsor Park and Auckland Council as part of this assessment.</p>	<p>site. One of the projects proposed with the capital funds is flood lighting which will allow longer use of the remaining fields during the evening hours, and provides sufficient provision to absorb the 'losses' of open space used for trainings and/or games.</p>	<p><u>Current use of the site proposed for rezoning:</u> Please clarify the extent of public use to the site, noting that it is currently private open space limited to training activities associated with rugby and cricket.</p> <p>Is this space widely available to the public, or primarily restricted to training and limited use, with broader recreational activities taking place in other parts of Windsor Park?</p> <p><u>Impact on future uses and surrounding fields:</u> Should the rezoning occur, how will the remaining open space land in Windsor Park continue to provide for the current sporting and recreational functions and community needs?</p>

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PP2	Arboricultural and Architect Assessment - Existing trees	<p>Please provide an arborist report on all existing trees within the site area to be disposed, and provide a survey plan that identifies their location in relation to adjoining external site boundaries.</p> <p>Please confirm if any of the 15 existing multileader Pohutukawa on the edge of the eastern site boundary and the 15 existing Tristaniopsis laurina (water gums) along the northern boundary are to be incorporated into future developments as part of the proposed plan change request. If this is proposed, please update the masterplan accordingly.</p>	<p><u>As discussed in the Urban Design response:</u></p> <p>15 Pohutukawa are located within the site along the eastern site boundary.</p> <p>The 15 Pohutukawa would provide a helpful privacy buffer and an attractive interface between the site and carpark (or any future development on this carpark).</p> <p>The future of the 15 Pohutukawa will be determined by a future consent for the redevelopment of the future zoned Residential – Mixed Housing Urban land.</p> <p>The water gums along the northern boundary are located outside the subject site.</p>	<p>Parks paid for and planted the 15 Pohutukawa trees in their current open space zone location.</p> <p>The trees are slowly maturing and their current landscape, ecological and climate change value is in accord with the Urban Ngahere strategy and the current Open Space objectives and policies of the AUP. They also provide open space landscape amenity to the subject and adjacent sites.</p> <p>Trees are offered no protection in the Residential – Mixed Housing Urban Zone, and the architect concept plan for the subject site has excluded them from the design.</p> <p>As per the original RFI, please provide a survey plan that identifies the exact location of the trees, to enable an accurate understanding of the site and whether or not these trees are located within the subject site boundaries.</p> <p><i>NOTE: Subject to the information received, Parks Planning have recommended that a 10m exclusion area applied around the Pohutukawa trees, to enable their protection.</i></p> <p><i>See Recommendation 4 of the non-Clause 23 precinct provision recommendations.</i></p>

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PP3	Private or public vested roads – urban forest strategy	Please confirm whether any landscape specimen planting within the roads is proposed, and if proposed, update the architectural plans to include this details accordingly.	<p>The plan contained in the urban design report and the drawings contained in the masterplan by GMC Architects are only illustrations of a potential development outcome enabled by rezoning the site to MHU.</p> <p>It is likely that future development on the site would contain publicly vested streets with street trees, as part of a streetscape to be agreed between a future applicant and Auckland Council.</p>	Satisfied, no further information requested.
PP4	Pedestrian connectivity – greenway connections	<p>Please update the urban design report provided by Urbanismplus dated May 2024 to include an analysis on pedestrian connections with important key destinations located in the wider neighbourhood network, including the following:</p> <ul style="list-style-type: none"> • AUT Millennium Institute; • Rangitoto College; • New Rosedale Bus Station; • Existing Constellation Drive Bus Station; and • Connectivity to open spaces such as Centurion Reserve. 	<p><u>Urban Design response</u></p> <p>Refer to Appendix 1 for a memo by the club outlining their background and intentions. This includes the following statement:</p> <p><i>Additional enhancements planned at the Park include laying a concrete footpath around the perimeter of the Park to enable all weather walking and jogging capability; and the addition of exercise equipment alongside the footpath.</i></p> <p>A perimeter track is intended to be constructed by the applicant using the proceeds of the</p>	Satisfied, no further information requested.

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		Please also provide in the urban design report an assessment on pedestrian connectivity – greenway connection improvements within Windsor Park itself, to other open space areas and other important key destinations located in the wider neighbourhood network.	<p>future site sale (rezoned land) to provide the following key connections:</p> <ul style="list-style-type: none"> • Northbound: via the Site towards Noel Williams Place and East Coast Road. • Eastbound: East Coast Road. • Westbound: via the walkway past the backs of 57-65 Zara Court, to Rangitoto College, the AUT Millenium Institute, Athletics New Zealand, via a greenway to the future Rosedale Bus Station and the walking and cycleway along the Northern Motorway. • Southbound: via the Windsor Park Playground to Centurion Reserve via a greenway to the future Constellation Bus Station and the walking and cycleway along the Northern Motorway. • Southbound: to Scorpio Place. • Southbound: to Ronal Macken Place. 	
PP5	Legal Implications	New information received impacting efficient and effective open space provision:	Please refer to the Planning Response within Attachment B, regarding the details of legal easement and covenants.	As noted in the Armstrong Murray Lawyers Opinion dated 19 June 2018, Transfer B969314.3 grants an easement over the area marked B on the plan attached to the title. This is a small sliver of land adjacent to the Church's

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		Questions raised by Parks Planning in relation to vehicle access to open space.		<p>land over which there is a right of way granting access and egress to and from East Coast Road.</p> <p>This easement (B969314.3) from the East Coast Road arterial will be the only 'legal vehicle access' to the entire New Windsor open space area if the upper fields (subject site of the plan change) is implemented.</p> <p>Please provide technical transport information on how the remaining open space land will be serviced safely and efficiently from a traffic perspective based on this sole legal vehicle access from East Coast Road.</p> <p>As noted in the Armstrong Murray Lawyers Opinion dated 19 June 2018, Easement Certificate B969314.2 grants easement for carparking in favour of the Board (owner of Windsor Park) over the land owned by the Church.</p> <p>If the church sells their land holdings (buildings and carpark area) no parking will be available in its current locality for future Windsor Park users.</p> <p>Please provide technical transport information on how car parking for the needs of the</p>

#	Category of information	Specific Request	Requestor's Clause 23 response	Council reply
				remaining open space zoned land will be provided if the current carpark is unavailable.
PP6	SMP General	<p>New information received impacting efficient and effective open space provision:</p> <p>Questions/ further clarifications are sought by Parks Planning in relation to flood storage potential of remaining fields.</p> <p>These questions are only from a sports park network perspective, and focus on the provisions of sports parks to the community.</p> <p>With regard to stormwater solutions – these are addressed by Healthy Waters in their assessment. See RFI request SW4 – where this has been reviewed by Healthy Waters and additional information on stormwater matters is sought.</p>	<p>The following is noted from the application documents:</p> <ul style="list-style-type: none"> • <i>“All current playing fields will not be impacted by the sale. In fact, the proposed investment to floodlight all the playing fields from proceeds from the sale, will provide much greater community availability and utilisation through spreading the loads on the fields and increasing the time the fields are accessible.”</i> • <i>“We are providing the community with a \$100m facility that otherwise the Council would have to provide.”</i> • <i>“We are selling land in order to ensure that our Park remains a sporting and recreation asset that we share with the community.”</i> <p>Please refer to the Planning Response within Attachment B, regarding the details of legal easement and covenants.</p>	<p>From a sports parks perspective, there are fields across the city which act as retention ponds for weather events. These are not the preferred option as;</p> <ol style="list-style-type: none"> 1. A network view of sport field capacity across the city is taken as it relates to “weekly hours of access” to the community across a given site or catchment. The use of fields as retention areas typically reduces the amount of access the community has, as the fields can be closed for long periods, and/or closed more regularly, taking longer to return to use etc. If the fields are used for weeknight training, including lights, this lost access can be a significant in hours-per-week. 2. Fields serving this purpose typically cannot easily be upgraded to include high quality surfaces & sport field drainage systems due to contamination of raising ground water levels. Future development is limited. <p>Please provide a response on how the proposed plan change addresses the concerns above.</p>

#	Category of information	Specific Request	Requestor's Clause 23 response	Council reply
			<p>Please refer to the Updated Infrastructure Capacity Assessment within Attachment F, and the updated Stormwater Management Plan within Attachment G.</p> <p>The site description identifies the Proposed Plan Change site, and that of the wider Windsor Park as a whole. It is important to note while the Plan Change will result in zoning changes, and a future land use consent for residential development, the remainder of Windsor Park will always be involved as adjoining property, located downstream from the Proposed Plan Change site, and therefore will experience some degree of effects as a result of the future residential development.</p>	<p>The remaining open space land in Windsor Park will be primarily used for sports fields, especially when other fields will not be available if the proposed plan change goes ahead.</p> <p>Please provide an assessment which analyses and justifies the comments stating '<i>much greater community availability</i>,' and is supported by evidence. The assessment should be backed by full-field equivalent measures, and include details such as hours per week, lit capacity, and network capacity.</p> <p>Please provide a detailed report which assesses:</p> <ul style="list-style-type: none"> • The current community sport provision & utilisation of the site in hours per week per field/area; • The planned provision and utilisation after the development addressing the loss of space; and • Any repurposing of the remaining land – (i.e. repurposing with stormwater pond). <p>Please provide details on whether the increase in availability and utilisation, as mentioned by the requestor, will be entirely utilised by the rugby club in winter or would access to formal sport be made available to other groups.</p>

#	Category of information	Specific Request	Requestor's Clause 23 response	Council reply
				Please provide details on how the club/s, both summer and winter, considered their future requirements or growth and how would these be accommodated in the reduced land area.

Non-Clause 23 matters – Recommendations on proposed Windsor Park Precinct provisions

Other comments not within the remit of clause 23 of the First Schedule of the Resource Management Act 1991 (RMA)

With regard to Point P2 above and following a review of the further information responses, the following is recommended in relation to the proposed Windsor Park Precinct provisions Attachment C of the Clause 23 further information response dated 17 September 2024:

#	Category of information	Specific Recommendations/ Requests	Reasons for request
1	Planning – General matters	See Appendix 2 of this Clause 23 request. Some amendments have been recommended to the proposed precinct provisions provided in Attachment C of the Clause 23 response dated 17 September 2024.	To ensure consistency between the AUP's precinct and zone provisions, and the approach in PC78 to enabling MDRS.
2	Planning – Precinct Plan	It is recommended that a precinct plan showing the extent of the precinct and where this applies be included in the precinct provisions. If any precinct plans are proposed, the requestor may also wish to consider whether the proposed road (if public) should be indicated on these.	To improve readability of the precinct provisions, by enabling readers to easily identify the extent of the precinct's provisions.

#	Category of information	Specific Recommendations/ Requests	Reasons for request
3	Healthy Waters – Stormwater Management	<p>The precinct provision does not include any objectives and policies and standards that refer to the provision of stormwater management infrastructure and the implementation of the SMP.</p> <p>It is recommended that reference to the provision of stormwater infrastructure and SMP is included to ensure stormwater is managed appropriately. The 'approved SMP' should be referenced.</p> <p>For example:</p> <p>IXXX.2 Objective</p> <p><i>(X) Subdivision and development will manage stormwater effects to avoid increase in flood risk to people, property, infrastructure and environment and protect the receiving environment.</i></p> <p>IXXX.3 Policies</p> <p><i>(X) Require subdivision and development is coordinated with the provision of stormwater infrastructure.</i></p> <p><i>(X) Require subdivision and development to be in accordance with the approved stormwater management plan.</i></p> <p><i>[Followed by the relevant activity, standard and assessment criteria.]</i></p>	<p>To ensure that all development is completed in accordance with the approved SMP.</p> <p>This approach has been undertaken in a number of precincts within the AUP that have been made operative recently.</p> <p>Although the context for why stormwater management is incorporated in other precincts, the following precincts provide an example on how their approved SMPs have been incorporated into the provisions:</p> <ul style="list-style-type: none"> • Waihoehoe Precinct; • Drury Centre Precinct; • Glenbrook 4 Precinct; • Albany 10 Precinct; • Redhills Precinct; and • Takapuna 2 Precinct.

#	Category of information	Specific Recommendations/ Requests	Reasons for request
4	Parks Planning – Tree protection	<p>Subject to the Parks Planning review and conclusions of other parks further information requested, it is recommended that a 10m strip of land in from the external eastern site boundary, north to south, and around the existing 15 Pohutukawa trees, remains as open space zone, and is applied on the subject site.</p> <p>It is recommended that a precinct plan which introduces this 10m wide open space strip of land area around the 15 Pohutukawa trees exclusion be included in the precinct provisions.</p>	<p>See RFI request PP2.</p> <p>Parks paid for and planted the 15 Pohutukawa trees in their current open space zone location.</p> <p>The trees are slowly maturing and their current landscape, ecological and climate change value is in accord with the Urban Ngahere strategy and the current Open Space objectives and policies of the AUP. They also provide open space landscape amenity to the subject and adjacent sites.</p> <p>Trees are offered no protection in the Residential – Mixed Housing Urban Zone, and the architect concept plan for the subject site has excluded them from the design.</p>

APPENDIX 2:
SUGGESTED CHANGES TO PRECINCT PROVISIONS

IXXX. Windsor Park Precinct

IXXX.1 Precinct Description

The purpose of the Windsor Park precinct is to incorporate the Medium Density Residential Standards contained in Schedule 3A of the Resource Management Act 1991.

The Windsor Park precinct applies to a 1.2ha site located immediately to the north of Windsor Park. The zoning of the land within this precinct is Residential – Mixed Housing Urban. The outcomes anticipated in the precinct correspond to the Residential Mixed Housing Urban zone with the Medium Density Residential Standards incorporated, and the provisions apply except to the extent the density standards are incorporated.

IXXX.2 Objectives

- (1) A well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.
- (2) A relevant residential zone provides for a variety of housing types and sizes that respond to –
 - (a) housing needs and demand; and
 - (b) the neighbourhood's planned urban built character, including three-storey buildings.

(3) Subdivision and development will manage stormwater effects to avoid increase in flood risk to people, property, infrastructure and environment and protect the receiving environment.

All relevant overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

In addition to the objectives specified above, all relevant overlay, Auckland-wide and zone objectives apply in this precinct with the exception of the following:

- H5.2(2) Objectives.

IXXX.3 Policies

- (1) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.
- (2) Apply the MDRS across all relevant residential zones in the District Plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).
- (3) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
- (4) Enable housing to be designed to meet the day-to-day needs of residents.
- (5) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Commented [SW1]: Healthy Waters have recommended inserting precinct provisions (objectives, policies, standards, etc) that refer to the provision of stormwater management infrastructure and the implementation of the SMP.

Example objective wording proposed in Objective (3).

Commented [SW2]: Provision deleted in PC 78 to enable density standards in Part 2 of Schedule 3A RMA, or the objectives and policies in clause 6 of Schedule 3A RMA.

Suggest inserting similar text to PC78 excluding this objective to avoid conflict between provisions/ enable MDRS.

(6) Require development to achieve a built form that contributes to high-quality built environment outcomes by:

- (a) maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- (b) providing for residents' safety and privacy while enabling passive surveillance on the street;
- (c) minimising visual dominance effects to adjoining sites;
- (d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- (f) minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- (h) designing practical, sufficient space for residential waste management; and
- (i) designing practical, sufficient space for internal storage and living areas.

(7) Require subdivision and development is coordinated with the provision of stormwater infrastructure.

(8) Require subdivision and development to be in accordance with the approved stormwater management plan.

All relevant overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

In addition to the policies specified above, all relevant overlay, Auckland-wide and zone policies apply in this precinct except for the following:

- Policies H5.3(1) – (5) Policies.

IXXX.4 Activity table

All relevant overlay, Auckland-wide and zone activities apply in this precinct unless specified below at IXXX.4(1).

- (1) H5.4.1(A5) The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.

Commented [SW3]: Sch 3A cls 6(2): policies (1)-(5)
Policy (6) replicates Policy H5.3(6A) proposed in PC78 to guide RDA land use consent applications of four or more dwellings per site.

Commented [SW4]: Healthy Waters have recommended inserting precinct provisions (objectives, policies, standards, etc) that refer to the provision of stormwater management infrastructure and the implementation of the SMP.

Example policy wording proposed in Policies (7) and (8).

Commented [SW5]: Provision deleted in PC 78 to enable density standards in Part 2 of Schedule 3A RMA, or the objectives and policies in clause 6 of Schedule 3A RMA.

Suggest inserting similar text to PC78 excluding this objective to avoid conflict between provisions/ enable MDRS.

Table IXXX.4.1 specifies the activity status of activities in the IXXX Windsor Park Precinct pursuant to section 9(3) and section 11 of the Resource Management Act 1991.

A blank table cell with no activity status specified means that the zone, Auckland-wide and overlay provisions apply.

Note 1

All applications for subdivision consent are subject to section 106 of the RMA.

Note 2

Where a subdivision application is accompanied by a land use consent application for up to three

Table IXXX.4.1 Activity Table

Activity		Activity Status
Use		
(A1)	Up to three dwellings per site <u>each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive</u>	P
<u>(A2)</u>	<u>Four or more dwellings per site</u>	
(A2)	The conversion of a principal dwelling <u>as at 30 September 2013</u> into a maximum of three dwellings <u>each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive</u>	P
Development		
<u>(A3)</u>	<u>The construction of one or more dwellings on a site that do not comply with one or more Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive</u>	<u>RD</u>
(A4)	Accessory buildings <u>associated with a development of dwellings each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive</u>	P
(A5)	Internal and external alterations to buildings <u>for a development of dwellings all of which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive</u>	P
(A6)	Additions to an existing dwelling <u>which complies with Standards IXXX.6.1.1 to IXXX.6.1.9 inclusive</u>	P
<u>[XXX]</u>	<u>Development that does not comply with Standard IXXX.6.3 Stormwater Management</u>	<u>[XXX]</u>
Subdivision for the purpose of the construction or use of dwellings		
(A7)	Subdivision in accordance with an approved land use consent for the purpose of the construction, or use of dwellings as permitted or restricted discretionary activities in the precinct, <u>and meeting IXXX.6.2 Standards for controlled subdivision activities</u>	C

Commented [SW6]: MDRS requirements have been addressed in activity table.

Recommended changes below are to enable consistency with the wording used in the AUP precinct provisions (e.g. in relation to 4+ dwellings), and also in relation to subdivision provisions.

Commented [SW7]: Note 2 is incomplete

Commented [SW8]: Rules C1.8(1) and C1.9(1) apply so applicable objectives and policies, and standards, will apply to four or more dwellings and should not be specified in the precinct.

Suggest leaving activity status field blank so the activity status of underlying zone applies.

Commented [SW9]: Suggest deletion - see comment under A2 re Rules C1.8(1) and C1.9(1) applying

Commented [SW10]: Healthy Waters have recommended inserting precinct provisions (objectives, policies, standards, etc) that refer to the provision of stormwater management infrastructure and the implementation of the SMP.

Depending on activity status - if C or RD, add relevant matters of control/ discretion and assessment criteria in sections below.

Activity	Activity Status
(A8) Subdivision for up to three sites accompanied by: (a) A land use consent application for up to three dwellings one or more of which does not comply with any of Standards IXXX.6.1.2 to IXXX.6.1.9 inclusive but does comply with all applicable zonal, Auckland-wide and overlay standards; or (b) A certificate of compliance for up to three dwellings each of which complies with Standards IXXX.6.1.2 to IXXX.6.1.9 inclusive and applicable zonal, Auckland-wide and overlay standards	<u>C</u>
(A9) Any subdivision listed above not meeting IXXX.6.2 Standards for controlled subdivision activities	RD <u>[blank]</u>
(A10) Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	D
(A11) Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D

Commented [SW11]: Rules C1.8(1) and C1.9(1) apply so applicable objectives and policies, and standards under E38 Urban subdivision will apply and should not be specified in the precinct.

Suggest leaving activity status field blank so the activity status of underlying subdivision provision applies.

IXXX.5 Notification

(1) Any application for resource consent for the construction and use of one, two or three dwellings listed in Activity Table IXXX.4.1(A1) above that does not comply with one or more of the following standards listed in IXXX.5(1)(a)-(h) will be considered without public notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:

- (a) Standard IXXX.6.1.2 Building height;
- (b) Standard IXXX.6.1.3 Height in relation to boundary;
- (c) Standard IXXX.6.1.4 Yards;
- (d) Standard IXXX.6.1.5 Building coverage;
- (e) Standard IXXX.6.1.6 Landscaped area;
- (f) Standard IXXX.6.1.7 Outlook space (per unit);
- (g) Standard IXXX.6.1.8 Outdoor living space (per unit); and
- (h) Standard IXXX.6.1.9 Windows to street.

~~(2) Any application for resource consent for the construction and use of four or more residential units that comply with the density standards (IXXX.6.1.1) will be considered without public and limited notification unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.~~

~~(a) Standard IXXX.6.1.2 Building height;~~

~~(b) Standard IXXX.6.1.3 Height in relation to boundary;~~

~~(c) Standard IXXX.6.1.4 Yards;~~

~~(d) Standard IXXX.6.1.5 Building coverage;~~

~~(e) Standard IXXX.6.1.6 Landscaped area;~~

~~(f) Standard IXXX.6.1.7 Outlook space (per unit);~~

~~(g) Standard IXXX.6.1.8 Outdoor living space (per unit);~~

~~(h) Standard IXXX.6.1.9 Windows to street.~~

(2) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for a controlled subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of:

(a) one, two or three dwellings that do not comply with one or more of the Standards listed in IXXX.5(1); or

(b) four or more dwellings that comply with all the Standards listed in ~~IXXX.5(2)~~ Table H5.4.1 (A4).

(3) Any application for a resource consent which is listed in IXXX.5(1), IXXX.5(2), or IXXX.5(3) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the RMA.

IXXX.6 Standards

(1) Unless specified in Standard IXXX.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities in the IXXX Windsor Park precinct.

(2) The following zone standards do not apply to activities (A1) and (A3) to (A6) listed in Activity Table IXXX.4.1 above:

(a) H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings;

(b) H5.6.4 Building height;

Commented [SW12]: Suggest deletion - contradicts with the density standard IXXX.6.1.1 (no more than 3 dwellings per site), as this clause refers to 4 or more dwellings.

Commented [SW13]: See (A2) and comment above in relation to 'four or more dwellings' + zone provisions

(c) H5.6.5 Height in relation to boundary ~~(except standards in H.5.6.5(2), (3) and (4) and (7), which do not apply in the IXXX Windsor Park precinct);~~

(d) H5.6.6 Alternative height in relation to boundary;

(e) H5.6.8 Yards;

(f) H5.6.10 Building coverage;

(g) H5.6.11 Landscaped area;

(h) H5.6.12 Outlook space; and

(i) H5.6.14 Outdoor living space;.

(3) The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standards IXXX.6.1.1 to IXXX.6.1.9.

(4) Restricted discretionary activity (A2) in Activity Table IX.4.1 must comply with permitted activity standards IXXX.6.1.2 to IXXX.6.1.9.

~~(4)~~(5) The Any activities listed as a controlled activity in Activity Table IXXX.4.1 must comply with control activity standards IXXX.6.2 and the E38 subdivision standards listed in Activity Table IXXX.4.1.

Commented [SW14]: Standards (3), (4) and (7) still relevant to precinct - Sch 3A cls 12(2). Suggest exclusion applies under HIRB standard rather than here, have deleted text accordingly.

Commented [SW15]: In relation to '4 or more dwellings'

IXXX.6.1.1 Number of dwellings per site

(1) There must be no more than three dwellings per site.

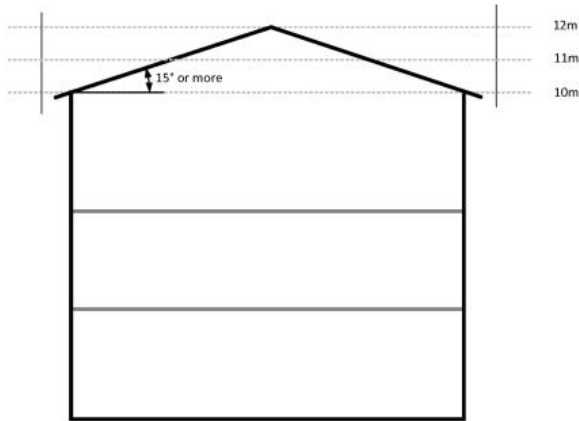
IXXX.6.1.2 Building height

Purpose: To manage the height of buildings to:

- achieve the planned urban built character of predominantly three storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

(1) Buildings must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in Figure IXXX.6.1.2.1 below.

Figure IXXX.6.1.2.1 Building height



IXXX.6.1.3 Height in relation to boundary

Purpose: To manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual dominance effects to immediate neighbours.

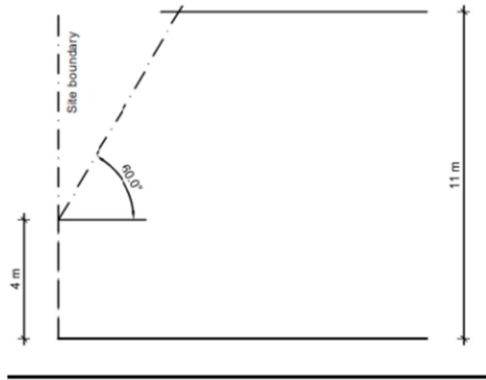
- (1) Buildings must not project beyond a 60-degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries as shown in Figure IXXX.6.1.3.1 Height in relation to boundary below.

- (2) Standard IXXX.6.1.3(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (3) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (4) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

Commented [SW16]: Suggest addition of standard points (2)-(4) to address Sch 3A cls 12(1) sentence two, Sch 3A cls 12(2)(b), and to specify exclusions where the HIRB standard does not apply.

Changes also consistent with AUP HIRB provisions.

Figure IXXX.6.1.3.1 Height in relation to boundary



IXXX.6.1.4 Yards

Purpose:

- to create an urban streetscape character and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

(1) ~~Buildings~~ A building or parts of a building must be set back from the relevant boundary by the minimum depth listed below:

(a) Front yard: 1.5m.

(b) Side and rear yards: 1m

(2) This standard does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

IXXX.6.1.5 Building coverage

Purpose: To manage the extent of buildings on a site to achieve the planned character of buildings surrounded by open space.

(1) The maximum building coverage must not exceed 50 per cent of the net site area.

IXXX.6.1.6 Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by vegetation; and
- to create a vegetated urban streetscape character.

Commented [SW17]: Have updated text/ numbering so this is consistent with AUP Ch H5 MHU provisions.

- (1) A dwelling at ground floor level must have a landscaped area of a minimum of 20 per cent of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
- (2) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling.

IXXX.6.1.7 Outlook space

Purpose:

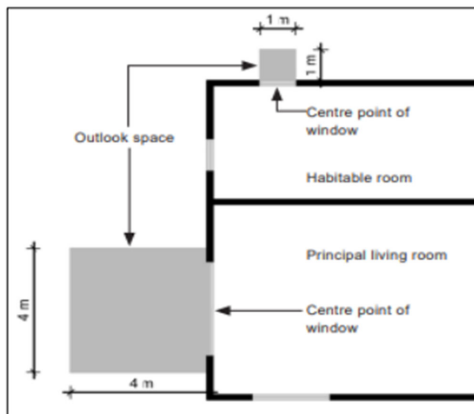
- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with H5.6.13 Daylight Standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

Commented [SW18]: Have updated text/ numbering so this is consistent with AUP Ch H5 MHU provisions.

- (1) An outlook space must be provided for each dwelling-development containing up to three dwellings as specified in this clause standard.
- (2) An outlook space must be provided from habitable room windows as shown in Figure IXXX.6.1.7.1 Outlook space requirements for development containing up to three dwellings below.
- (3) The minimum dimensions for a required outlook space are as follows and as shown in Figure IXXX.6.1.7.1 Outlook space requirements for development containing up to three dwellings below:
 - (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must—
 - (a) be clear and unobstructed by buildings; and

(b) not extend over an outlook space or outdoor living space required by another dwelling.

Figure IXXX.6.1.7.1 Outlook space requirements for development containing up to three dwellings



IXXX.6.1.8 Outdoor living space

Purpose: To provide dwellings with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure:

- private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen;
 - communal outdoor living spaces are conveniently accessible for all occupants.
- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that, —
- (a) where located at ground level, has no dimension less than 3 metres; and
 - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the dwelling; and
 - (d) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the ~~unit~~ dwelling; and
 - (iii) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
- (a) is at least 8m² and has a minimum dimension of 1.8 metres; and

Commented [SW19]: Have updated text/ numbering so this is consistent with AUP Ch H5 MHU provisions.

(b) is accessible from the dwelling; and

(c) may be—

(i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or

(ii) located directly adjacent to the ~~unit~~dwelling.

IXXX.6.1.9 Windows facing the street

Purpose: To provide for passive surveillance while maintaining privacy for residents and users.

(1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors.

IXXX.6.2 Standards for controlled subdivision activities

Purpose:

- To provide for subdivision of land for the purpose of construction and use of dwellings in accordance with MDRS permitted and restricted discretionary land use activities.

IXXX.6.2.1 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct

- (1) Any subdivision relating to an approved land use consent must comply with that land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1.1 to IXXX.6.1.9 except that Standard IXXX.6.1.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IXXX.6.2.2 Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet the following:
 - (a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or
 - (b) Be in accordance with an approved land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1.1 to IXXX.6.1.9 except that Standard IXXX.6.1.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IXXX.6.2.3 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings

- (1) The subdivision application and land use consent application or certificate of compliance relate to ~~a vacant site~~ on which there are no dwellings;

Commented [SW20]: Sch 3A cls 8(b) is problematic in requiring a land use consent application for a permitted activity to accompany the subdivision application.

Further, a residential development may comply with MDRS density standards but infringe a zonal non-density standard so be ineligible to receive a certificate of compliance.

- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently;
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards IXXX.6.1.2 to IXXX.6.1.9;

(4) A maximum of three sites and three dwellings are created; and

(4)(5) No vacant sites are created.

IXXX.6.3 Stormwater management

(1) [relevant standard relating to approved stormwater plan]

IXXX.7 Assessment – controlled activities

IXXX.7.1 Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) All controlled subdivision activities in Table IXXX.4.1:
 - (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
 - (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (c) the effects of infrastructure provision.

IXXX.7.2 Assessment criteria

- (1) The Council will consider the relevant assessment criteria for controlled subdivision from the list below:
 - (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance:
 - ~~(i) Any proposed consent notice;~~
 - ~~(ii)(i)~~ refer to Policy E38.3(6);
 - (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules:
 - (i) refer to Policy E38.3(1) and (6);
 - (c) whether there is appropriate provision made for infrastructure including:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) whether appropriate management of effects of stormwater has been provided;

Commented [SW21]: Healthy Waters have recommended inserting precinct provisions (objectives, policies, standards, etc) that refer to the provision of stormwater management infrastructure and the implementation of the SMP.

Commented [SW22]: Matters over which control is reserved align with E38.11.1(2) as per PC 78, except that matter (a) is broadened to include concurrent LUC or COC.

Commented [SW23]: Suggest deletion - no other proposed provisions in precinct refer to consent notices or enable assessment of these.

(iii) refer to Policies E38.8(1), (6), (19) to (23).

IXXX.8 Assessment – restricted discretionary activities

IXXX.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) ~~The construction of one or more dwellings on a site that do not comply with any of Standards IXXX.6.1.1 to IXXX.6.1.9: For buildings that do not comply with one or more Standards IXXX.6.1.2 to IXXX.6.1.9:~~
- (a) any precinct and zone policies 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 precinct;
 - (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
 - (i) where more than one standard will be infringed, the effects of all infringements considered together.

Commented [SW24]: Suggest that infringements to IXXX.6.1.1 (density rule) be assessed under zone provisions as this infringements mean 4 or more dwellings.

Commented [SW25]: Restricted matters applied (and (d) adapted) from H5.8.1(4) PC78.

Wording in (1) amended for consistency with AUP provisions.

~~(2) Restricted discretionary subdivision activities in Table IXXX.4.1:~~

~~(a) Refer to E38.12.1(6) and (7) Matters of discretion~~

~~(b) Refer to Policy E38.3(13)~~

Commented [SW26]: See comment by A9 of activity table.

Rules C1.8(1) and C1.9(1) apply so applicable objectives and policies, and standards under E38 Urban subdivision will apply and should not be specified in the precinct. Infringements to relevant standards would also be assessed under these provisions.

Also note that no assessment criteria have been proposed in the precinct to assess this infringement.

IXXX.8.2 Assessment criteria

The Council will consider the assessment criteria below for restricted discretionary activities to the extent relevant to the proposal:

- (1) ~~The construction of one or more dwellings on a site that do not comply with any of Standards IXXX.6.1.1 to IXXX.6.1.9: For buildings that do not comply with one or more Standards IXXX.6.1.2 to IXXX.6.1.9:~~
- (a) for all infringements to standards:
 - (i) refer to Policy IXXX.3(5);
 - ~~(ii)~~ refer to Policy IXXX.3(6);

Commented [SW27]: Restricted matters applied (and (d) adapted) from H5.8.1(4) PC78.

Wording in (1) amended for consistency with AUP provisions.

Commented [SW28]: Suggested insertion of proposed Pol IXXX.3(6) for consistency with incorporation of MDRS as proposed by PC 78 to AUP (PC78 equivalent is H5.3(6A)).

Simplified criteria by direct cross reference to policy, and applying to all standards, in one clause.

~~(ii)~~

(a) for building height:

(i) refer to Policy IXXX.3(1);

~~(ii) refer to Policy IXXX.3(2);~~

~~(iii)~~(ii) refer to Policy IXXX.3(5);

~~(iv)~~(iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

Visual dominance

~~(iv)~~(iv) the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account:

- the planned urban built character of the precinct; and
- the location, orientation and design of development,

Commented [SW29]: Suggest delete - Assessment against this policy specifically may not be relevant as there are no QMs in precinct?

Commented [SW30]: Suggest deletion of this text when assessing infringements to the following:

- Building height
- HIRB
- Yards
- Building coverage
- Landscaped area
- Outlook
- Outdoor space
- Windows fronting the street

Have highlighted this text so it is easier to read/ see the repetition

Commented [SW31R30]: Text is the same as per that in the zone's assessment criteria for 4 or more dwellings.

Introducing this to assess infringements to each standard in the precinct may also make this more onerous - unsure if this was the intention?

- the effect of the proposed height on the surrounding and neighbouring development.

Character and Visual Amenity

~~(vi)~~(v) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast; and

~~(vii)~~(vi) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account:

- whether roof plan, services and equipment are hidden from views; and
- whether the expression of the top of the building provides visual interest and variation.

(b) for height in relation to boundary:

(i) refer to Policy IXXX.3(1);

(ii) refer to Policy IXXX.3(5);

(iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and

- designing practical, sufficient space for internal storage and living areas.

Sunlight access

(iv) whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

- Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September);
- over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard IXX.6.1.8: or
- over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard IXX.6.1.8.

(v) in circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in IXX.8.2(1)(b)(v):

- the extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H5.6.5 Height in relation to boundary control; and
- the extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

(vi) the extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:

- the planned urban built character of the zone;
- the location, orientation and design of development;
- the physical characteristics of the site and the neighbouring site;
- the design of side and rear walls, including appearance and dominance; and
- providing adequate visual and/or physical break up of long continuous building forms.

Overlooking and privacy

(vii) the extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy,

including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(c) for yards:

(i) refer to Policy IXXX.3(1);

(ii) refer to Policy IXXX.3(2);

(iii) refer to Policy IXXX.3(3);

(iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

(d) for building coverage:

(i) refer to Policy IXXX.3(1);

(ii) refer to Policy IXXX.3(3);

(iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

(iv) whether the non-compliance is appropriate to the context, taking into account:

- whether the balance of private open space and buildings is consistent with the existing and planned urban character anticipated for the precinct;
- the degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas;
- the proportion of the building scale in relation to the proportion of the site.

(e) for landscaped area:

(i) refer to Policy IXXX.3(1);

(ii) refer to Policy IXXX.3(3);

(iii) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;

- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;
- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

(iv) refer to Policy H5.3(10) and

(v) the extent to which existing trees are retained.

(f) for outlook space:

(i) refer to Policy IXXX.3(1);

(ii) refer to Policy IXXX.3(3);

(iii) refer to Policy IXXX.3 ~~(5)~~ (4);

(iv) require development to achieve a built form that contributes to high-quality built environment outcomes by:

- maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
- providing for residents' safety and privacy while enabling passive surveillance on the street;
- minimising visual dominance effects to adjoining sites;
- maintaining a level of privacy, and sunlight and daylight access for adjoining sites;

Commented [SW32]: Suggest that Policy IXXX.3(4) may be more appropriate than (5)?

Also consistent with zone provisions, which refer to H5.3(5) i.e. "Require accommodation to be designed to meet day to day needs of residents by"

- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - designing practical, sufficient space for residential waste management; and
 - designing practical, sufficient space for internal storage and living areas.
- (v) The extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.
- (g) for outdoor living space:
- (i) refer to Policy IXXX.3(1);
 - (ii) refer to Policy IXXX.3(4); and
 - (iii) the extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.
- (h) for windows ~~facing the street-to-street and private vehicle and pedestrian accessways:~~
- (i) refer to Policy IXXX.3(3);
 - (vi) require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - providing for residents' safety and privacy while enabling passive surveillance on the street;
 - minimising visual dominance effects to adjoining sites;
 - maintaining a level of privacy, and sunlight and daylight access for adjoining sites;

Commented [SW33]: Wording change to align with Standard IXXX.6.1.9 Windows facing the street

- minimising visual dominance effects of carparking and garage doors to streets and private accessways;
- minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
- requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
- designing practical, sufficient space for residential waste management; and
- designing practical, sufficient space for internal storage and living areas.

(ii) the extent to which the glazing:

- allows views to the street and/or accessways to ensure passive surveillance; and
- provides a good standard of privacy for occupants.

IXXX.9 Special information requirements

There are no special information requirements in this precinct.

IXXX.10 Precinct plans

There are no precinct plans in this precinct.

Commented [SW34]: Suggest adding a precinct plan which shows extent of the precinct/ where this applies.

Commented [SW35]: Parks Planning have recommended a 10m open space buffer around the existing Pohutukawa trees. If this is accepted by the requestor, a plan would be required to show this.

If this is proposed, precinct provisions in relation to this buffer may also be required (e.g. objectives, policies, activity status, standards, MOC/MOD and criteria).