

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

**ENV-2023-AKL-**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER OF**

an appeal pursuant to Clause 14 of  
the First Schedule of the Resource  
Management Act 1991

**BETWEEN**

**TE TŪĀPAPA KURA KĀINGA –  
MINISTRY OF HOUSING AND  
URBAN DEVELOPMENT**

Appellant

**AND**

**AUCKLAND COUNCIL**

Respondent

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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST  
DECISIONS ON PLAN CHANGE 75 (PRIVATE): MASON CLINIC**

Dated: 27 November 2023

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**GREENWOOD ROCHE**  
LAWYERS  
AUCKLAND  
Solicitor: F M Lupis  
(francelle@greenwoodroche.com)

Hayman Kronfeld Building  
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**TO:** The Registrar  
Environment Court  
AUCKLAND

**AND TO:** The Auckland Council

- 1 Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (**HUD**) appeals against part of the decision made under delegated authority by independent hearing commissioners on behalf of the Auckland Council (**Council**) in respect of Plan Change 75 (Private): Mason Clinic (**PC75**).
- 2 HUD made a submission on PC75 on 27 June 2022 (submission #1).
- 3 HUD’s planning consultant, John Duthie of Tattico, tabled a letter prior to the hearing of PC75 on 14 June 2023 (**Tabled Letter**).
- 4 HUD received notice of the Council’s decision on PC75 on 13 October 2023 (**Decision**).
- 5 The Decision approves PC75, subject to modifications.
- 6 HUD appeals the decision on PC75 insofar as it relates to the introduction of new provisions into the Wairaka Precinct that require a minimum area of open space to be provided across the entire Precinct.
- 7 HUD is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**RMA**).

#### **SCOPE OF APPEAL**

- 8 HUD appeals the following parts of the Decision:

- (a) The decision to include new Policy 15A:

(15A) Provide at least 7.1ha of key open space (private) within the precinct.

- (b) The decision to include references to Policy 15A throughout the Wairaka Precinct policy, activity table, matters of discretion, assessment criteria, and special information requirement provisions, as identified in the set of provisions included as Appendix D to this notice of appeal.

## GENERAL REASONS FOR APPEAL

- 9 The reasons for this appeal include that the Decision:
- (a) will not promote the sustainable management of resources, nor will it achieve the purpose and principles of the RMA;
  - (b) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
  - (c) is not the most appropriate way to achieve the objectives of the Auckland Unitary Plan (Operative in Part) (**Unitary Plan**) in terms of section 32 of the RMA.

## SPECIFIC REASONS FOR APPEAL AND RELIEF SOUGHT

- 10 Without limiting the generality of the above, HUD appeals those parts of the Decision identified in paragraph 8 for the specific reasons set out below:
- (a) PC75 as notified proposed the removal of a 0.9ha area of “key open space (private)” identified on operative I334.10.1 Wairaka: Precinct plan 1, being an area within the new boundary of Wairaka Sub-precinct A (**0.9ha Open Space Area**).
  - (b) As set out in HUD’s submission on PC75, HUD supports the removal of the 0.9ha Open Space Area within the new boundary of Wairaka Sub-precinct A.
  - (c) The independent hearing commissioners in making the Decision approved the removal of the 0.9ha Open Space Area, but found that mitigation of the effects of the removal of open space was required, and accordingly proposed new Policy 15A referenced above and related amendments to the Wairaka Precinct provisions.<sup>1</sup>
  - (d) As identified in HUD’s submission on PC75, and in the Tabled Letter, HUD is addressing the provision of an integrated network of open space through its own plan change to rezone land within the Wairaka Precinct, and to amend the precinct provisions,

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<sup>1</sup> Refer paragraphs 52 to 69 and of the Decision and Attachment A to the Decision.

lodged with the Council on 21 December 2022 (**HUD PC**). The HUD PC includes the proposed replacement of the 0.9ha Open Space Area elsewhere within the Wairaka Precinct.

- (e) With reference to the above, HUD considers that the Decision to include new Policy 15A and related amendments:
- (i) goes beyond the ambit of, and does not reasonably and fairly relate to submissions on, PC75;
  - (ii) is not appropriate or necessary to mitigate the effects of the removal of the 0.9ha Open Space Area;
  - (iii) is premature and does not take into account the contextual factors relevant to the original allocation of public and private open space within the wider Wairaka Precinct;
  - (iv) was made in the absence of evidence in respect of the appropriate extent and quality of open space to be provided within the Wairaka Precinct;
  - (v) despite the limited scope of PC75, inappropriately introduces a policy hierarchy applicable to the wider Wairaka Precinct; and
  - (vi) overall is not the most appropriate approach to the provision of open space within the Wairaka Precinct.

#### **RELIEF SOUGHT**

- 11 HUD seeks the following relief:
- (a) The deletion of new Policy 15A.
  - (b) The deletion of all references to new Policy 15A in the Wairaka Precinct provisions, as identified in Appendix D to this appeal.
  - (c) Any such alternative or consequential relief that addresses HUD's submission.
- 12 For completeness, HUD confirms that its appeal is restricted to those provisions identified in paragraph 8 above. HUD supports the remainder of the amendments to the Wairaka Precinct provisions

contained in the Decision being treated as operative while HUD's appeal is determined, in accordance with section 86F of the RMA.

### **ATTACHMENTS**

- 13 The following documents are attached to this notice:
- (a) A copy of HUD's submission on PC75 at **Appendix A**.
  - (b) A copy of the letter tabled by Tattico on behalf of HUD at **Appendix B**.
  - (c) A copy of the Decision at **Appendix C**.
  - (d) A copy of Attachment 1 to the Decision, with the relevant provisions sought to be deleted by this appeal highlighted at **Appendix D**.
  - (e) A list of names and addresses of persons to be served with a copy of this notice at **Appendix E**.

**DATED** this 27<sup>th</sup> day of November 2023



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Francelle Lupis

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

### **Address for Service of Appellant:**

Address: c/- Greenwood Roche Lawyers  
Level 6  
15 Galway Street  
PO Box 106006  
Auckland

Email: francelle@greenwoodroche.com

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

## **Appendix A**

# GreenwoodRoche

## PROJECT LAWYERS

Auckland Council  
 Level 24, 135 Albert Street  
 Private Bag 92300  
 Auckland 1142

Attn.: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

**To:** Auckland Council  
**Submission on:** Plan Change 75 (Private): Mason Clinic  
**From:** The Ministry of Housing And Urban Development  
**Date:** 27 June 2022

## 1 INTRODUCTION

- 1.1 This is a submission on behalf of the Land for Housing Programme within Te Tūāpapa Kura Kāinga – the Ministry of Housing and Urban Development (*HUD*) on a change proposed by Waitemata District Health Board (*WDHB*) to the Auckland Unitary Plan (Operative in Part) (*AUP*) that was publicly notified on 26 May 2022 (*Plan Change* or *PC 75*). *WDHB* proposes to rezone 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone, and amend provisions and plans in the Wairaka Precinct, in order to provide for the future expansion of the Mason Clinic.
- 1.2 The Crown owns approximately 29 hectares of land within the Wairaka Precinct, comprising the properties at Carrington Road known as 1-99, 119B and part of 139 Carrington Road, including parts of the former Unitec Institute of Technology (*Unitec*) campus (*Housing Development Land*). *HUD* administers the Housing Development Land for State housing purposes.
- 1.3 The Housing Development Land is also right of first refusal land under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed and Act 2014 and the Marutūāhu Rōpū, Ngāti Whātua Rōpū and Waiohua-Tāmaki Rōpū are the rights holders of the opportunity to develop this land for housing.
- 1.4 *HUD* supports *PC 75*, subject to the relief sought set out in *HUD*'s submission below.
- 1.5 *HUD* could not gain an advantage in trade competition through this submission.

### Background to the Wairaka Precinct

- 1.6 The Wairaka Precinct was one of several bespoke precincts created through the Proposed *AUP* process to enable development that would recognise local differences by providing detailed place-based provisions for identified areas.
- 1.7 *Unitec* was the original landowner of the majority of the land, some 53 hectares, within the Wairaka Precinct. *Unitec*, and later its development subsidiary the Wairaka Land Company,



had significant involvement in the development of the Wairaka Precinct through the Proposed AUP process.

- 1.8 The vision for the Wairaka Campus, as promoted through the Proposed AUP process, was to re-shape and transform the Precinct into a high quality educational, commercial, recreational, residential and multipurpose place by providing for a range of activities to occur in harmony and in recognition of the site's strategic location, adjacent to the key transport links of Carrington and Great North Roads, Mt Albert and Pt Chevalier town centres, and public open spaces.
- 1.9 The Precinct provisions were drafted in order to achieve that vision, creating an enabling and supportive planning framework.
- 1.10 When considering the Wairaka Precinct provisions, and any proposed amendments to them, it is important to understand this historic context – and the vision that was ultimately captured in the Precinct description for the Wairaka Precinct to:<sup>1</sup>

... provide for a diverse urban community, including the ongoing development and operation of the tertiary education facility, the development and operation of a range of community, recreation, and social activities, the development of a compact residential community, and commercial service activities.

## **2 HUD Plan Change**

- 2.1 Nearly a decade has passed since the initial conception of the Wairaka Precinct. The context of the environment surrounding the Precinct has changed during that time, and, as referenced above, the Crown now holds, and HUD administers, the majority of land to be developed for residential purposes within the Precinct pursuant to the Land for Housing Programme.
- 2.2 HUD is in the process of preparing a private plan change request in respect of the Housing Development Land which will shortly be lodged with the Council. Together with a request to rezone land within the Precinct to provide for residential and commercial development, HUD's proposed plan change will address a number of evolving issues within the Wairaka Precinct such as the provision of open space.
- 2.3 HUD has reviewed PC 75 and can confirm that its own plan change will not propose any amendments to the Wairaka Precinct provisions that conflict with the amendments proposed in PC 75.

## **3 SUBMISSION**

### **General**

- 3.1 As identified in the correspondence from HUD to Council,<sup>2</sup> the Crown has committed to supporting WDHB's application to rezone the Mason Clinic Land and to support WDHB's request for:
  - (a) the removal of the 'key open space' (private) area from Wairaka Precinct plan 1 (currently located on the western edge of the Precinct adjacent to the existing public

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<sup>1</sup> AUP, I334.1 Wairaka Precinct Description.

<sup>2</sup> Attached to the PC 75 request as Attachment 14.

reserve in Te Auaunga/Oakley Creek and to the south of the existing Wairaka sub-precinct A); and

- (b) the removal of the 'Shared path' from Wairaka Precinct plan 1 (currently located on the border of the northern boundary of the existing Wairaka sub-precinct).

- 3.2 HUD will propose replacement open space and walking and cycling connections within the Wairaka Precinct.
- 3.3 HUD continues to support the Plan Change.
- 3.4 The purpose of this submission is to ensure those matters agreed between WDHB and HUD during ongoing consultation continue to be reflected in the Plan Change and the Wairaka Precinct provisions.

### **Proposed provisions**

- 3.5 As identified by WDHB in its request for PC 75, regular consultation has taken place between WDHB and HUD during WDHB's preparation of PC 75. That consultation included discussion on the proposed amendments to the Wairaka Precinct provisions.

#### *Precinct description*

- 3.6 PC 75 proposes a number of amendments to the Wairaka Precinct description. This includes a description of the Mason Clinic and the activities it is intended to accommodate.
- 3.7 HUD considers it appropriate to provide recognition of the Mason Clinic in the Precinct description; however, the extent of the description of the Mason Clinic's activities in the Precinct description as proposed by PC 75 creates a corresponding focus on these activities that should remain balanced alongside the other activities enabled within the Precinct provisions.

#### *Activity table*

- 3.8 PC 75 proposes a new restricted discretionary activity A53 as follows:

New buildings or additions to existing buildings that increase the building footprint by more than 25 per cent or 250m<sup>2</sup> GFA (whichever is lesser), that are located within 10m of the eastern boundary.

- 3.9 As identified in the PC 75 request, specific provisions have been proposed relating to the management of effects of future built form at the common boundary with the Housing Development Land and at the street frontage interface at the eastern side of the Mason Clinic.<sup>3</sup>
- 3.10 The matters of discretion and assessment criteria for buildings at this boundary, as agreed between WDHB and HUD, are concerned with ensuring high quality design and amenity and safety, which are particularly relevant to the interface between the Mason Clinic land and Housing Development Land.

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<sup>3</sup> PC 75 Request: Assessment of Environmental Effects, section 10.1.

- 3.11 HUD considers these criteria are appropriately triggered for buildings on the eastern boundary where additions to existing buildings would increase the building footprint by more than 20 % or 200m<sup>2</sup> GFA (whichever is lesser).
- 3.12 The 20 % standard also mirrors that which is provided for in the underlying Special Purpose – Healthcare Facility and Hospital Zone to manage effects of buildings located in proximity to a public road or open space zone.

#### **4 RELIEF SOUGHT**

- 4.1 HUD seeks a decision that supports the Plan Change with any modifications considered necessary to give effect to the overall objectives of the Wairaka Precinct, including:
- (a) Ensure that the detail provided on the Mason Clinic and its activities in the Precinct description is commensurate with the variety of activities which the Wairaka Precinct is intended to accommodate and acknowledges the role of the Precinct provisions in ensuring that the effects of the Mason Clinic buildings are appropriately addressed at critical interfaces between the specialist healthcare facility and surrounding housing and other mixed use activity.
  - (b) Amend proposed activity 53 to provide that additions to existing buildings that would increase the building footprint by more than 20 % or 200m<sup>2</sup> GFA (whichever is lesser) that are located within 10m of the eastern boundary are restricted discretionary activities.
  - (c) Such further, alternative or other consequential amendments as may be necessary to fully give effect to the relief sought in this submission.
- 4.2 HUD wishes to be heard in support of its submission.

**DATED this 27<sup>th</sup> day of June 2022**



**Francelle Lupis**

**Counsel for the Ministry of Housing and Urban Development**

**Address for Service:**

Greenwood Roche  
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Auckland 1143  
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## **Appendix B**

14 June 2023

The Hearings Advisor  
Plan Change 75  
Auckland Council

Attn: Bevan Donovan

## Plan Change 75 hearing

- 1 Thank you for the information on the forthcoming hearing on Private Plan Change 75 by Te Whatu Ora – Health New Zealand (Waitematā) (Te Whatu Ora) regarding the Mason Clinic site at Carrington Road (Plan Change 75 or PPC 75).
- 2 We act for the Land for Housing Programme within the Ministry of Housing & Urban Development (HUD). HUD is a submitter to Plan Change 75.
- 3 HUD is supportive of Plan Change 75 and is supportive of the officer’s recommendation as it relates to land contained within the land area of Plan Change 75. It does not support the recommendations in the report that changes be made on the Crown land that it administers outside the PPC 75 area. HUD’s position is that the changes proposed on Crown land should more appropriately be addressed as part of its Proposed Plan Change (Private) – Te Auaunga currently being processed by Council (Te Auaunga Plan Change).
- 4 In light of the upcoming Te Auaunga Plan Change process, HUD will not be attending the PPC 75 hearing and instead outlines its position in this letter, in relation to the following key points:
  - (a) Mason Clinic expansion.
  - (b) Northern shared path.
  - (c) Open space.

### Mason Clinic expansion

- 5 Firstly, HUD supports the rezoning of the additional land identified in PPC 75, and recently transferred to the ownership of Te Whatu Ora, from Business – Mixed Use to Special Purpose – Healthcare Facility and Hospital. Te Whatu Ora has outlined the need for additional land for expansion of the Mason Clinic, and the Crown has worked through these matters as part of the original purchase and allocation of former Unitec lands.

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### **Northern shared path**

- 6 The operative Wairaka Precinct plan 1 identifies a shared path running in an east/west direction along the former northern boundary of the Mason Clinic site (annotated on Precinct plan 1 as 'Wairaka sub-precinct A').
- 7 PPC 75 seeks to delete this shared path notation.
- 8 The reporting officer has recommended in the Hearing Report for PPC 75 that this shared path be relocated to run east/west along the new northern boundary of the Mason Clinic site, on Crown land. HUD strongly opposes this recommendation, and considers Council has no power to impose this on the HUD land.
- 9 HUD agrees that it is inappropriate to provide this shared path within the Te Whatu Ora land. Demonstrably the Mason Clinic is a special healthcare facility. The facility and Mason Clinic site need to be secure to fulfil its public purpose. For operational and security reasons, there cannot be a shared path with public access through the Mason Clinic site. HUD therefore agrees with Te Whatu Ora's approach to seeking the removal of the existing shared path notation through PPC 75.
- 10 HUD has advised Te Whatu Ora and the Council that it will resolve an appropriate alternative connection within the Crown land. The most appropriate regulatory process to do that is through the private plan change request HUD currently has before the Council.
- 10.1 Council officers are aware of, and have been part of, discussions between HUD and Auckland Transport which have resulted in agreement being reached regarding the local connections to the Northwestern Cycleway. The agreed local connection is a future cycleway that connects from Carrington Road in front of (the northern side) of the Former Oakley Hospital Building, to the existing Northwestern Cycleway as shown in Appendix A. This is agreed between the parties as an appropriate substitute for the east-west cycleway shown on the northern boundary of the Mason Clinic, and will be annotated on the replacement Precinct plan 1 map to be progressed through the Te Auaunga Plan Change. This is additional to an extensive network of separated public cycleways making north/south and east/west connections already consented for the site by the Marutūāhu and Waiohua-Tāmaki Rōpū (reference BUN60386260), and that will be vested in Council.

### **Open space**

- 11 The operative Wairaka Precinct plan 1 identifies an area of private open space on Te Whatu Ora land on the southern end of the Mason Clinic site. This area of land is approximately 1.2ha. It is identified on Precinct plan 1 as 'Key open space (private)'. It is currently zoned 'Business – Mixed Use'.
- 12 The intention of the private open space is not specified within Precinct plan 1, but at the time it was advanced in front of the Independent Hearings Panel on the Proposed Auckland Unitary Plan, it was described as in part providing for the daylighting of the Wairaka Stream, in part providing open space generally, and in part the opportunity for a future formal walkway connection to Te Auaunga (Oakley Creek) walkway.
- 13 The officer's report on Plan Change 75 recommends that this open space area be relocated to the west of Sub-precinct B on Crown land.
- 14 With respect to that proposed relocation:

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- (a) HUD fully accepts that there is no need, and in fact it is impractical and inappropriate, for the plan to show any private open space within the Te Whatu Ora land holdings. Open spaces should be provided on the Crown land.
- (b) Te Whatu Ora have confirmed they will provide for all the open space needs of their patients within their land holdings. The nature of this specialist health facility is that it needs to be a secure site. Planning for both the indoor and outdoor needs of patients (and staff) requires specialist planning and is appropriately left to Te Whatu Ora to determine as they develop the Mason Clinic site.
- (c) HUD does accept that the staff of Te Whatu Ora may well use the general open space areas on Crown land that HUD will provide as part of its private plan change request, as would any other members of the general public.
- (d) The provision of open space is dealt with in the HUD private plan change request (Te Auaunga Plan Change). That application is already lodged with the Council and is currently being processed. The officers have full knowledge of the location and spatial characteristics of the extensive public open space proposed by HUD. HUD considers that the appropriate place to debate the size, form and functionality of this open space is through its plan change. It accepts this is a live issue for discussion. It has confirmed it is not seeking in any way to rely on Te Whatu Ora land to fulfil the open space requirements of the future residential community enabled through the Wairaka Precinct provisions, and as modified by the Te Auaunga Plan Change. The future location of this open space does not therefore need to be resolved via PPC75, and is strongly opposed.
- (e) For the Panel's information, the Te Auaunga Plan Change provides for an equivalent open space area of 1.3ha, with the difference that this is proposed as public open space. This comprises:
  - (i) Te Auaunga access park, providing 3,246m<sup>2</sup> of land on the southern boundary of the Te Whatu Ora land. This provides for the daylighting of the Wairaka Stream (this work already complete) and a public walkway connecting to Te Auaunga general walkway network. The path connection and associated landscaping is complete except for the final connection through to the new Spine Road. This short final section is awaiting the formation works of the road.
  - (ii) Central open space, comprising a 9,797m<sup>2</sup> block of flat usable land for informal active recreation, such as kick-a-ball areas, playgrounds, barbeque areas, seating etc.
- (f) This will complement the other public open space within the Te Auaunga Plan Change which amounts to approximately 5ha of open space. This is exclusive of the open space land which Unitec provides.

## **Conclusion**

15 HUD supports Plan Change 75.

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- 16 HUD opposes any suggestion by Council officers that PPC 75 should address the provision of open space on Crown land. However, HUD considers these are matters that are appropriately addressed in the HUD plan change, and that PPC\_75 lacks the supporting information necessary to enable good decisions to be made about open space that will support the future residential community within the Wairaka Precinct.
- 17 Similarly HUD believes the location of shared paths should be dealt with through the Te Auaunga Plan Change, as agreed with Auckland Transport.



John Duthie  
**Tattico**

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APPENDIX A: LOCAL CONNECTION TO NORTH-WESTERN CYCLEWAY



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## Appendix C

# Decision following the hearing of a Private Plan Request to the Auckland Unitary Plan under the Resource Management Act 1991



## Private Plan Change Request

This private plan change request (**Request**) seeks to re-zone 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone and amend provisions and plans in the Wairaka Precinct.

This private plan change request is **GRANTED**. The reasons are set out below.

<b>Plan change number:</b>	75
<b>Site address:</b>	3A, 81A and 119A Carrington Road, Mount Albert (Mason Clinic)
<b>Applicant:</b>	Te Whatu Ora – Health New Zealand (Waitematā)
<b>Hearing commenced:</b>	9.30 a.m. Friday 16 June 2023
<b>Hearing panel:</b>	Robert Scott (Chairperson) Kim Hardy (Commissioner) Philip Brown (Commissioner)
<b>Appearances:</b>	<p><u>For the Requestor:</u> Te Whatu Ora - Health New Zealand (Waitematā) represented by:</p> <ul style="list-style-type: none"> <li>• Bill Loutit (Legal Counsel)</li> <li>• Haitham Alrubayee (Corporate)</li> <li>• Geraldine Bayly (Landscape Architecture)</li> <li>• Bronwyn Coomer-Smit (Transport)</li> <li>• Craig McGarr (Planning)</li> </ul> <p><u>For the Submitters:</u></p> <ul style="list-style-type: none"> <li>• Geoffrey Beresford and Joanna Beresford</li> </ul> <p><u>For Council:</u></p> <ul style="list-style-type: none"> <li>• Celia Davison, Manager Planning - Central/South</li> <li>• Elisabeth Laird, Planner</li> <li>• Mustafa Demiralp, Urban Designer</li> <li>• Bridget Gilbert, Landscape Architect (consultant)</li> <li>• Roja Tafaraji, Senior Parks Planner</li> </ul>

	<ul style="list-style-type: none"> <li>• Andrew Temperley, Transport Planner (consultant)</li> <li>• Kerry Swanepeel, Major Development Programme Lead, Watercare Services Limited</li> <li>• Gemma Chuah, Healthy Waters Specialist</li> <li>• Bevan Donovan, Kaitohutohu Whakawātanga/ Hearings Advisor</li> </ul>
<b>Hearing adjourned</b>	Friday 16 June 2023
<b>Commissioners' site visit</b>	Monday 19 June 2023
<b>Hearing Closed:</b>	28 August 2023

### Executive Summary

1. Proposed Private Plan Change 75 (**PC75**) to the Auckland Unitary Plan (Operative in Part) seeks to re-zone 3A and 119A Carrington Road from Business – Mixed Use Zone to Special Purpose – Healthcare Facility and Hospital Zone, and amend provisions and plans in the Wairaka Precinct Chapter I334 in the Auckland Unitary Plan (Operative in Part).
2. Four submissions were received, including one further submission and one submitter (Geoffrey Beresford and Joanna Beresford) was present and gave evidence at the hearing.
3. Our key findings are:
  - We have approved the Proposed Plan Change;
  - The key elements of the submission by Geoffrey Beresford and Joanna Beresford have been considered and we have accepted a number of changes that, in our finding, addresses the relief sought by them;
  - The existing shared path, which will be displaced by the Mason Clinic redevelopment, can be adequately provided within the MHUD private plan change application that has been submitted to Council;
  - The proposed removal of an area of private open space and its re-allocation elsewhere within the wider precinct has been adopted and is found to be within the scope of the plan change request; and
  - The PC75 application as amended by this decision satisfies the requirements of s.32, s.32AA and Part 2 of the Resource Management Act 1991 (the RMA).

### INTRODUCTION AND HEARING

4. This decision is made on behalf of the Auckland Council (**Council**) by the panel of Independent Hearing Commissioners **Robert Scott, Kim Hardy and Philip Brown** (**Panel**), appointed and acting under delegated authority under sections 34A of the RMA to make the decision on Plan Change 75 application (**PC75**) to Auckland Council's Unitary Plan Operative in Part (**AUP: OP**).

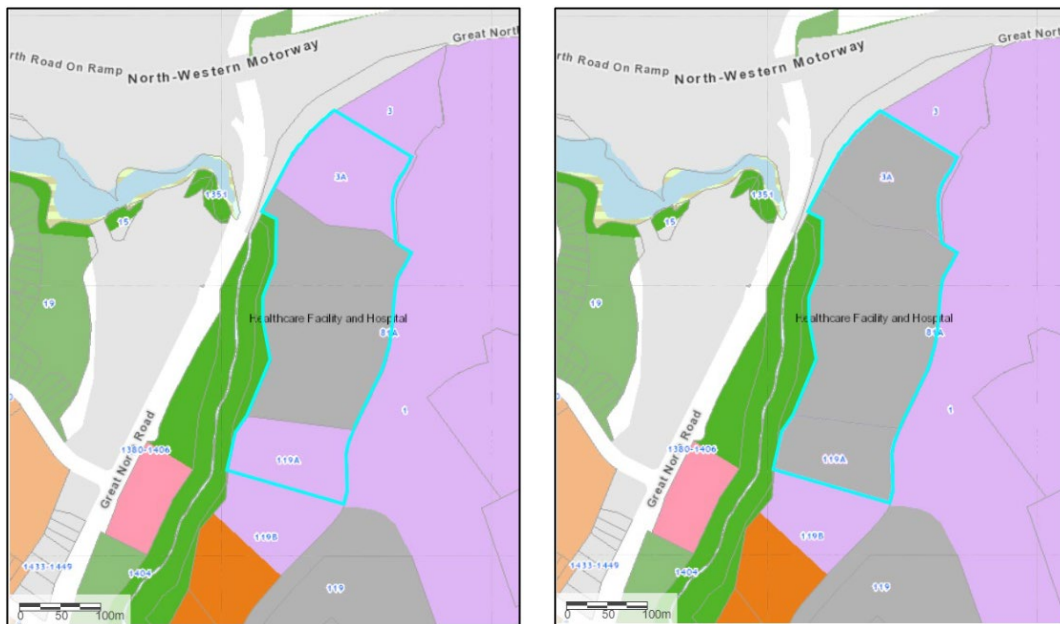
5. PC75 is a private plan change by Te Whatu Ora – Health New Zealand (Waitematā) (**Requestor**) lodged on 7 October 2021 and accepted by the Council under clause 25(2)(b) of Schedule 1 to the Act 1 on 31 March 2022.
6. The plan change was publicly notified on 26 May 2022. Notification involved a public notice as well as letters being sent 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.
7. A total of 3 submissions were received. The summary of decisions requested was notified on 9 September 2022, with the period for further submissions closing on 23 September 2022. One further submission was received during this period. There were no late submissions.
8. We received a significant amount of expert and lay evidence before and during the hearing. The majority of expert evidence came from the Requestor and the Council's expert witnesses. This included a s.42 report and recommendation from Ms Elisabeth Laird (Council's planner and author of the s.42 report). This report was received before the hearing and recommended that we approve the plan change, as amended by the Council. Ms Laird was of the view that the Request as proposed was not acceptable in both effects and planning policy and would not be the most appropriate way of achieving the objectives of Auckland Unitary Plan – Operative in Part (**Unitary Plan**) but recommended some alternative provisions to resolve the concerns raised by the Council.
9. The hearing was held at the Auckland Town Hall and online via MS Teams on 16 June 2023, where we considered the following as part of application and our decision:
  - a. The Request, its Assessment of the Environmental Effects (**AEE**), section 32 evaluation and proposed planning and precinct provisions and all its supporting documents and plans, as amended through the plan change request process;
  - b. The applicant's opening, closing and right of reply legal submissions from Mr Bill Loutit (Counsel); the applicant's expert witnesses' evidence, including rebuttal evidence and evidence presented at the hearing from Haitham Alrubayee (Corporate), Geraldine Bayly (Landscape Architecture), Bronwyn Coomer-Smit (Transport) and Craig McGarr (Planning).
  - c. The Council's reporting team of experts from Ms Elisabeth Laird (Council's planner) hearing report, with all professional supporting reports, including those from Mustafa Demiralp - Urban Designer, Bridget Gilbert - Landscape Architect (consultant), Roja Tafaraji - Senior Parks Planner, Andrew Temperley - Transport Planner (consultant), Kerryn Swanepoel - Major Development Programme Lead (Watercare Services Limited), Gemma Chuah - Healthy Waters Specialist;
  - d. The evidence of Mr and Ms Beresford.

- e. The tabled submission by the Ministry of Housing & Urban Development (MHUD);
  - f. The tabled submission by Auckland Transport (AT);
  - g. The Albert-Eden Local Board presentation at the hearing represented by Margi Watson (Chair);
  - h. All the written submissions to the PC75 application;
  - i. The responses to our questions from all the parties during the hearing process;
  - j. The reply submissions from the Requestor;
  - k. The further evidence from Mr and Mrs Beresford;
  - l. The written and verbal responses from Ms Laird and other Council specialists;
  - m. The relevant sections of the Unitary Plan and other relevant planning documents, and
  - n. The matters we identified during our site visit.
10. In terms of the submitters, we appreciated that Mr and Ms Beresford provided their submissions in advance of the hearing (while not being a requirement for non-expert evidence) and we thank them for their time and engagement during the hearing process.
11. In reaching this decision we have considered the Albert-Eden Local Board's views on the Request, which are set out in paragraphs 197-199 of the Hearing Report and in their presentation to us at the hearing. In saying this, we believe that the Local Board's concerns have satisfactorily been addressed through the evidence presented to us during the hearing process.
12. Finally, we would like to thank all the parties for the professional and courteous way that the hearing was undertaken, and the quality of the evidence and submissions received from professional experts, submitters including the support we received from Mr Bevan Donovan (Hearings Advisor).

### **SUMMARY OF PLAN CHANGE**

13. The proposed plan change is described in detail within Ms Laird's hearing report which is an analysis of the Request prepared by Bentley & Co. This description, which to a certain extent relies on the description provided in the Request, is adopted for our decision.
14. In essence, the Request seeks to:
- Re-zone 3A and 119A Carrington Road from Business – Mixed Use zone to Special Purpose – Healthcare Facility and Hospital zone;

- Extend sub-precinct A of the Wairaka Precinct to include 3A and 119A Carrington Road (and amend this on the precinct plans), amend some precinct provisions and introduce new precinct provisions, and remove the “key open space (private)” as shown on 119A Carrington Road and the “shared path” as shown on 3A Carrington Road from I334.10.1 Wairaka: Precinct Plan 1;
  - Make a number of changes to the precinct provisions including its description, objectives and policies, activity table (for sub-precinct A), notification provisions, development standards and matters of control/discretion.
15. The hearing report included helpful plans showing the existing and proposed changes to the Unitary Plan and we have reproduced these below:



**Figure 1 – Operative and Proposed zoning**

16. We confirm that we visited the site following the adjournment on 19 June 2023. Our site visit started at the northern end of the Precinct and we walked south via the internal road to the newly established pathway linking to Oakley Creek and then back along the pathway adjoining the stream, through the Mason Clinic and back.

### **RELEVANT STATUTORY PROVISIONS CONSIDERED AND EVIDENCE CONSIDERED**

17. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These are set out in detail within Ms Laird’s hearing report in paragraphs 76 -130 of the hearing report. There was no disagreement between any of the parties over these, except for how they should be applied on the merits of the Request. These are adopted for our decision and all form part of our decision making process for this plan change Request.
18. As noted above, we had the benefit of a significant amount of information on which to consider this Request. Given the information received and the point where the parties ended up before the hearing (that is, as we understood it, reduced areas of contention between the parties) and in order to reduce repetition and noting our obligations under the RMA to reduce delays, we do not propose to summarise the

volume of information or statements of evidence we received. All the information/evidence/submissions are available on the Council's internet site using the plan change references below.

<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=662>

19. The evidence presented at the hearing responded to the issues and concerns identified in the Council's planning officer's report, the application itself and the submissions made on the Request.

## **Requestor Legal Submissions and Expert Evidence**

### Legal Submissions

20. Legal submissions were prepared by Bill Loutit and Libby Neilson and presented by Bill Loutit. The submissions summarised the Request, the legal and planning framework and effects arising from the Request. Mr Loutit addressed the degree of agreement reached between the Requestor, AT and MHUD and then focussed on the areas of disagreement with the submitters and Auckland Council. He submitted that areas where there was "general alignment" with the Council were:

- a. Landscape, visual amenity and urban design matters relating to new development within the Mason Clinic;
- b. Water infrastructure;
- c. Stormwater and flooding; and
- d. Ecology.

Area of disagreement with the Council were summarised as relating to:

- a. Open space;
  - b. Active mode connections;
  - c. Transport effects; and
  - d. Recommendations in the Hearing Report.
21. Mr Loutit addressed the concerns raised by Mr and Mrs Beresford who were also the only submitters to present evidence and attend the hearing.

### Corporate

22. Evidence on behalf of the Requestor was provided by Haitham Alrubayee who is the Senior Programme Direct, Healthcare Capital Projects at Te Whatu Ora – Health New Zealand (Waitematā). He summarised the operation of the Mason Clinic and its role of providing integrated forensic mental health services to the populations of the four Northern Regions of Northland, Waitematā, Auckland and Counties Manukau, which collectively have a population of some 1.9 million people.



23. He advised that the Request is required to allow the Mason Clinic to respond to the anticipated changes and growth and replace existing facilities, to remove the difficulties caused by the different underlying zonings of the three landholdings, and to address two elements in the Wairaka Precinct Plan 1 which were considered inconsistent with the requirements of the Mason Clinic.
24. The Requestor's expert evidence (pre-circulated) is briefly summarised as follows:

#### Transport

25. Transport evidence was presented by Ms Bronwyn Coomer-Smit. It was her assessment that the development enabled by PC75 can be appropriately supported by the transport network, to maintain appropriate levels of safety and efficiency on the surrounding transport network. She addressed outstanding issues raised in the hearing report relating to cumulative traffic effects and the provisions and location of an alternative shared path to replace the shared path being removed from the Mason Clinic site by PC75. She advised that the Requester has worked with AT and MHUD to confirm that:
- a. the development enabled by PC75 does not trigger the Carrington Road/ Gate 2 intersection upgrade (or any transport upgrades); and
  - b. a replacement shared path and active mode connection within the Precinct will be provided as part of the MHUD's proposed plan change.

#### Landscape

26. Landscape evidence was provided by Geraldine Bayly and she addressed the landscaping approach taken by the Requestor and in particular the various landscape treatments proposed for each boundary within the Precinct. She spoke to the proposed removal of the 'open space (private)' and 'shared path' elements from the Precinct Plan as an important part of the plan change, to provide for the efficient development and intensification of the Mason Clinic. In that regard it was her view that the relocation and strategic placement of the open space and the provision of a series of pedestrian and cycle connections is best determined by the MHUD design team who are able to strategically provide for these features taking an integrated approach to their placement.

#### Planning

27. Planning evidence was presented by Craig McGarr and he addressed the following matters:
- a. The context and background to PC75;
  - b. A description of the key features of PC75, including amendments that have been incorporated subsequent to the notification of PC75;
  - c. The statutory framework for the consideration of PC75; and
  - d. The key matters (effects) and comments on the Hearing Report;

e. Comments on Submissions.

28. Mr McGarr advised us the Request has resulted from the need to expand and intensify the Mason Clinic facility to accommodate the healthcare needs of the community and that the current zoning and precinct provisions were not fit for purpose. In particular, he stated that the existing planning provisions applied inconsistent zones to the landholdings, apply 'Sub-precinct A' to the existing landholding only, and do not appropriately or adequately recognise and provide for the nature of the activity, or effectively manage the potential adverse effects of new development within the Mason Clinic landholdings relative to adjacent land.
29. In response to the submission of Mr and Mrs Beresford, Mr McGarr introduced further proposed amendments to the precinct description to clarify the purpose of the Mason Clinic and that any "justice facilities" enabled would only be ancillary to "forensic psychiatric services". Consistent with this approach, Mr McGarr also introduced the following amended activity table:

Community Facilities		
(A57)	Justice Facilities	D
(A58)	Justice Facilities ancillary to forensic psychiatric services provided at the Mason Clinic	P

### Submitters

#### Mr and Mrs Beresford

30. We received an extensive statement of evidence from Mr and Mrs Beresford which addressed the range of matters raised in their submissions as well as responding to the hearing report and expert evidence of the Requestor. Their evidence presented at the hearing centred on the definition of the "Mason Clinic", the Precinct description, the specific wording of several objectives and policies and development standards relating to height and parking.
31. Their evidence raised concerns regarding certainty of the activities to be undertaken within the facility (particularly as they relate to "justice facilities") as well as issues concerning the provision of open space and connectivity.
32. Following the hearing of evidence we also received a further memorandum from Mr and Mrs Beresford re-iterating their opposition to the Request but suggesting a number of further amendments to the Precinct provisions to address their concerns.
33. We are grateful to Mr and Mrs Beresford for the time and detail put into their evidence and suggested amendments.

## **Tabled Evidence**

### MHUD

34. We received a letter from John Duthie from Tattico who stated that he was acting for the Land for Housing Programme within MHUD and he confirmed that MHUD is a submitter to Plan Change 75. The letter stated that MHUD would not be attending the hearing and set out MHUD's position relating to the proposed Mason Clinic expansion, the shared path proposed to the northern end of the Precinct and the provision of open space.
35. The MHUD letter stated that it supported the proposed Mason Clinic expansion and the proposed deletion of the shared path running in an east/west direction along the former northern boundary of the Mason Clinic site. With regard to the potential relocation of the Open Space (private) area to another location within the wider Precinct, the MHUD letter states that the open space area within Sub-precinct A can be provided for without specifying a specific location and could otherwise be resolved through the recently lodged private plan change by MHUD to develop the wider precinct area.

### **Council Officers**

36. After hearing the evidence of the Requestor and Mrs and Mrs Beresford, the Council officers responded to the evidence presented. This was presented to us in initial comments from officers at the hearing and in a written response from Ms Laird. Ms Laird stated that Council supported the proposed amendments regarding the description and activity status of justice facilities and the provision of a shared path (as recommended by AT) provided it was accurately shown on the precinct plan.
37. With regard to the quantum and location of open space to be provided for in the Wairaka Precinct, Council officers remained of the view that any "key" open space to be removed from the precinct plan should be provided elsewhere in the precinct. However, the Council position was modified from showing the specific location of the relocated open space elsewhere in the precinct to amending the Wairaka Precinct provisions (via PC75) to specifying that a minimum quantum of open space, consistent with the quantum of open space in the operative Precinct Plan, shall be provided for in the Wairaka Precinct. Ms Laird provided amended provisions to reflect this.

### **PRINCIPAL ISSUES IN CONTENTION**

38. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officer's response to questions, the following principal issues in contention have been identified at the time of the end of the hearing:
  - Open space;
  - Active mode connections; and

- Transport effects
39. As indicated above, there appeared to be broad agreement between the Requestor and the Council that the following matters were not in contention:
- Wastewater infrastructure effects;
  - Stormwater and Flooding effects;
  - Ecological effects;
  - Landscape and visual amenity effects;

## **FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION**

40. Having considered the application material, the submissions, s42A report, expert evidence, and other relevant matters, we consider that there are three key issues that remain in contention and need to be determined by us in reaching a decision on PC75. These issues relate to the following matters:
- a. References to '*justice facilities*' in the proposed Precinct provisions;
  - b. The proposed provision for a replacement shared path; and
  - c. Open space provision within the Precinct.
41. Our findings in relation to each of these key issues are set out below.

### **Justice facilities**

42. The proposed provision for justice facilities in the Precinct is an issue of concern to Mr Beresford. In particular, he is concerned that justice facilities should not be a permitted activity in the precinct. Mr Beresford considers that a controlled activity status should be applied to justice facilities that are ancillary to the Mason Clinic and that other justice facilities should be a discretionary activity.
43. This matter was addressed in the evidence of Mr McGarr. He noted that the operative Precinct and Special Purpose Healthcare Facility and Hospital Zone currently provide for community facilities as a permitted activity, and that justice facilities and community correction facilities are consequently permitted because they fall within the AUP: OP definition of community facilities. In this context, we note that any amended provisions relating to justice facilities could not be more liberal than the status quo.
44. Mr McGarr proposed several amendments to the precinct provisions to respond to the concerns of Mr Beresford, and explained to us that the intention with regard to justice facilities is that they would be ancillary to forensic psychiatric services rather than a standalone activity. Mr McGarr proposes that *justice facilities ancillary to inpatient forensic psychiatric services provided at the Mason Clinic* would be a permitted activity in Sub-precinct A and all other justice facilities would be discretionary activities.

45. Mr Beresford provided a memorandum dated 19 June 2023, following circulation of Ms Laird's post-hearing written summary of her position and recommendation. Mr Beresford attached a helpful table of contested amendments to the precinct provisions, which set out (for comparison) the amended provisions proposed by the applicant and his own proposed provisions.
46. The alternative precinct provisions proposed by Mr Beresford are detailed and, in many cases, constitute a significant redrafting of the amended provisions proposed by the applicant. Some of the requested amendments would make only subtle changes to the meaning or intent of the provisions and appear to us to simply be drafting preferences. While we appreciate the effort in drafting these changes we are not inclined to accept changes of this nature, on the basis that amendments to a cohesively prepared set of precinct provisions should be made sparingly and only where some material benefit is apparent. Substantial amendments to the provisions, without good reason, risk unintended consequences that have not been properly considered.
47. We agree with Mr McGarr that justice facilities that are ancillary to inpatient forensic psychiatric services provided at the Mason Clinic should be a permitted activity, while a more cautious approach should be taken with regard to other justice facilities. Accordingly, we find that Mr McGarr's amendments to the Precinct provisions with regard to justice facilities are more appropriate, and provide sufficient clarity around the status of such facilities and their relationship with the other Mason Clinic activities that are intended to occur within Sub-precinct A.

### **Shared path**

48. The operative Precinct provisions include a 'shared path' passing through the area that is now proposed to be included within Sub-precinct A. We understand that this is intended to provide for pedestrians and cyclists to move between the central spine road within the Precinct and the existing cycleway and footpath that is formed beside the Northwestern Motorway and Great North Road.
49. It was explained to us (and we accept) that it would be inappropriate for the shared path to pass through the Mason Clinic site due to security and operational reasons. In any event, a shared path can no longer be achieved in the location indicated on the operative Precinct plan because a recent resource consent has been granted for development in that location. That resource consent did not include a condition requiring a replacement shared path.
50. The deletion of the future shared path was initially an issue of concern for Auckland Transport and was raised in its submission. Subsequent discussions between AT and MHUD resulted in an agreement to accommodate a replacement shared path within the MHUD private plan change application that we understand has been submitted to Council. AT is satisfied with this proposed provision for a replacement shared path.
51. Ms Laird retains some concerns about the absence of a specific alignment for the replacement shared path, and recommends that it be indicated on the Precinct plan. This view was also shared by Ms Gilbert – Council's landscape specialist. While we

accept that some more certainty about the proposed location would be preferable, it is clear that AT is satisfied that a replacement shared path can be provided and will be established as part of the development proposals for the wider Precinct. We are also of the same view, and have reached the conclusion that there does not need to be anything further added to the Precinct provisions to achieve that outcome.

## Open space

52. The issue of open space provision is, from our perspective, the most contentious of the key matters for us to resolve. It arises because the existing Precinct plan includes an area notated as “*Key open space (private)*” within the Mason Clinic land that is intended to be included within Sub-precinct A. PC75 proposes to remove that open space, which we accept is the appropriate outcome to enable the necessary further development of the Mason Clinic. However, it does raise questions as to whether its loss should be mitigated and, if so, how.
53. The precise nature and purpose of the open space in question remains unclear. We are unsure whether the use of the word “*private*” in the description refers to the land being privately owned (but available for public use) or whether it had a more literal meaning and was not available to the public. We appreciated the assistance provided to us from the Requestor and Council officers to clarify this. Ultimately, we are drawn to the former because the operative Precinct plan identifies a relatively large area of land in that way, but in the end have reached a view that we need not determine that matter.
54. Our first consideration is whether the loss of the open space on the Precinct plan results in an adverse effect that needs to be mitigated. In her evidence<sup>1</sup> and in response to our questions on this matter, we understood Ms Bayly to say that mitigation of the loss of open space is required elsewhere in the Precinct. That view was shared by Ms Gilbert for the Council. As the evidence from the two landscape specialists is consistent on this point, and there is no dissenting expert evidence, we adopt the starting point that mitigation of the loss of open space (as an adverse effect) is required, and that replacement open space should occur elsewhere in the wider Precinct.
55. Having determined that mitigation is required, the questions that then arise include ‘*how*’, ‘*where*’, and ‘*to what extent*’. There is also a related question as to whether scope exists in the process to impose a requirement that impacts on land beyond the Mason Clinic property comprised within proposed Sub-precinct A.
56. The Requestor took the view that provision of open space elsewhere within the Precinct, while being appropriate, would be better addressed through the MHUD private plan change, which has been submitted to Council. Mr Loutit pointed to the tabled statement on behalf of MHUD, which confirmed that MHUD does not support changes to the Precinct provisions that would affect its land beyond the boundary of PC75. The letter also explained MHUD’s position that it proposes to provide

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<sup>1</sup> Geraldine Bayly, Summary of Evidence, 16 June 2023, paragraph 4.15

appropriate open space through its proposed private plan change, and strongly opposes any resolution of open space provision through PC75.

57. Mr Loutit's submission, reflected in the evidence of Mr McGarr,<sup>2</sup> is that we can rely on this undertaking from MHUD (being a government ministry) and that the provision of open space for the Precinct should be determined through the MHUD private plan change process. He also submitted that the imposition of requirements on land outside of Sub-precinct A would be beyond the scope of PC75.
58. Mr Loutit's assurances do resonate. We acknowledge that MHUD is a Government Ministry and deserves a level of confidence in any public statement of intention. Its private plan change will also be subject to scrutiny from the Council and the public, and we would expect some focus on open space provision and their offer to be part of that assessment process. Even if the plan change process was not able to secure appropriate open space within the Precinct, the Council does have powers to designate for reserves purposes albeit that would obviously be a last resort. For all these reasons, we see a low risk of the loss of open space proposed by PC75 being unmitigated through provision of open space within the wider Precinct (the MHUD land).
59. That said, we have also considered the counterfactual proposition, being *why wouldn't we make specific provision for open space elsewhere in the precinct if everyone agrees it is required for mitigation and it has been confirmed that it will be provided in any event?*
60. The obvious benefit of providing for replacement open space elsewhere in the Precinct is that it provides certainty that the adverse effects of removing the open space from the Mason Clinic land are mitigated. While MHUD's private plan change appears to be in train, there is always potential for plans to change, perhaps due to funding constraints or changes in government policy. The only reason that we can see that might suggest we should not provide for replacement open space are because the method of mitigation is not sufficiently related to the effects to be mitigated or because the proposed mitigation is beyond the scope of PC75.
61. We have considered this matter carefully and while PC75 purports to relate specifically to the Mason Clinic land that will be encompassed by the proposed extent of Sub-precinct A, we note that it also requests amendments to provisions that apply to the entire Wairaka Precinct. In our view, the proposed boundary of Sub-precinct A is an artificial demarcation line in circumstances where the Precinct has been promulgated to manage effects and outcomes cohesively by master planning and through an integrated framework of objectives, policies, rules, and standards. The operative Precinct provisions consider the location and extent of open space across the entire Precinct, and we see no compelling reason to depart from that approach because PC75 *primarily* addresses a sub-precinct of the Wairaka Precinct.

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<sup>2</sup> Craig McGarr, Evidence, 18 May 2023, paragraph 9.15

62. We have also considered whether there is scope to impose an open space obligation to the wider precinct on land outside of proposed Sub-precinct A. Intuitively, it appeared to us that scope would exist as PC75 sought to amend the open space provision that applies within the Wairaka Precinct as a whole, as shown on the Precinct plan. However, we sought legal advice on this question from Council, notwithstanding Mr Loutit's submission that scope did not exist.
63. That advice supported our view that PC75 goes beyond simply seeking amendments to the Precinct provisions that only affect Sub-precinct A. Amendments are proposed to the Precinct Description in terms of open space matters, and a new Precinct plan is proposed for the whole of the Precinct.
64. For scope to exist, we also need to be satisfied that any Precinct provision we might establish would fairly and reasonably respond to matters raised in submissions, and fall within the range of outcomes between what was originally notified and what was sought in relief requested in submissions. Having reviewed the submissions received in relation to PC75, we consider that the submission from Mr and Mrs Beresford provides scope to make a change to the Precinct provisions to replace open space that would be lost through development of the Mason Clinic land.
65. In this regard, the Beresford submission states:

*The Change proposes delete the open space and shared path components from the Wairaka Precinct Plan 1 that apply to the sites, which are intended to provide important connections when the Wairaka Precinct is comprehensive developed for residential purposes. There is no plan in place for replacing these connections and open space and they ought to remain in place until replacements are secured.<sup>3</sup>*

66. Having satisfied ourselves on the question of scope, we turned our minds to the most appropriate mechanism for achieving replacement open space. Our options in terms of mechanism were twofold – identification of a specific area or areas of open space on the Precinct plan, or establishment of a written provision in the objectives, policies, rules, or standards of the Precinct.
67. Although MHUD is proposing significant areas of open space through its private plan change application, and the proposed location of that open space is generally known, we are reluctant to specifically identify that open space on the Precinct plan. There is a chance that the boundaries or location of the proposed open space are modified as the MHUD private plan change navigates its way through the process, and we would prefer not to create a situation where there was some conflict in terms of location between the PC75 outcome and the subsequent MHUD private plan change. In our view, a written provision provides more flexibility while ensuring the same overall outcome.

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<sup>3</sup> Submission of Geoffrey John Beresford and Joanna Louise Beresford, section 6(i), page 3



68. A written provision will need to identify a quantum of open space that must be provided in the Precinct. The extent of that open space should relate to the mitigation that it is intended to provide. We considered whether it would be appropriate to require a lesser area of open space than is being removed, given that the current open space within the Mason Clinic land is privately owned and not accessible to the public whereas we understand that the proposed open space on the MHUD land will be available for public use. However, we find that there would be a more coherent nexus if mitigation was based on replicating the status quo under the operative Precinct plan.
69. Ms Laird identified in her summary that the operative Precinct plan shows 7.1ha of open space, 0.9ha of which is currently contained within the Mason Clinic land. We consider that this level of open space provision should remain in place within the Precinct, meaning that the MHUD land (or other land) will need to accommodate the 0.9ha that is being displaced from Sub-precinct A by PC75. We agree with the insertion of a new policy explicitly addressing this matter, as recommended by Ms Laird, and with the consequential amendments to the activity tables, matters of discretion, and assessment criteria.

## **STATUTORY PROVISIONS**

70. The RMA sets out a range of matters that must be addressed when considering a plan change. These are identified in the section 32 report accompanying the notified plan change. We note that the plan change application has addressed these matters as set out above.
71. Section 32 requires that analysis of efficiency and effectiveness of a proposal to meet its objectives 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. In our view this decision report, which among other things, addresses the modifications we have made to the provisions of PC75, satisfies our s.32 obligations.
72. 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. In our view this decision report, which among other things, addresses the modifications we have made to the provisions of PC 75, satisfies our section 32AA obligations.
73. 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 that is approving the private plan change, which will in turn change the AUP: OP.

74. 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. PC75 and its provisions, as amended, have respectively recognised and provided for, have had particular regard to and taken into account those relevant section 6, 7 and 8 matters.
75. In terms of section 5 of the RMA, it is our finding that the provisions of PC75 are consistent with, and are the most appropriate way, to achieve the purpose of the Act. PC75 will enable the efficient redevelopment of the Mason Clinic to provide for the healthcare requirements of the Auckland region while also protecting the identified values (urban design, open space, traffic, shared pedestrian/cycle access and riparian/ecological), as well as avoiding, remedying, or mitigating any adverse effects on the environment.
76. Having considered all the evidence and relevant background documents, we are satisfied, overall, that PC75 has been developed in accordance with the relevant statutory and policy matters with regard to s.32, s.32AA and Part 2 of the RMA. The plan change will clearly assist the Council in its effective administration of the Unitary Plan.

## DECISION

77. That pursuant to Schedule 1, Clauses 10 and 29 of the Resource Management Act 1991, that Proposed Plan Change 75 to the Auckland Unitary Plan (Operative in Part) be **approved**, subject to the modifications as set out in this decision.
78. Submissions on the plan change are accepted, accepted in part or refused in accordance with this decision as Attachment One
79. In addition to the reasons set out above, the overall reasons for the decision are that PC 75 is supported by necessary evaluation in accordance with section 32, s.32AA and satisfies Part 2 of the RMA.

  
Robert Scott

**Chairperson** (on behalf of Commissioners Kim Hardy and Philip Brown)

**Date: 19 September 2023**

## Appendix D

## I334. Wairaka Precinct

### I334.1. Precinct Description

The Wairaka Precinct extends from the north western motorway at Point Chevalier in the north, through to Woodward Road in the south, and from Oakley Creek in the west to Carrington Road in the east, where the Unitec Institute of Technology (Unitec), the Crown, Waitemata District Health Board, one private landowner, and Ngati Whatua Orakei own contiguous blocks of land that make up the site.

The purpose of the Wairaka Precinct is to provide for a diverse urban community, including the ongoing development and operation of the tertiary education facility the development and operation of a range of community, recreation, and social activities, the development of a compact residential community, and commercial service activities, open space, and the development of a range of healthcare related and supporting activities to cater for the special and diverse requirements of the users, employees and visitors to the Mason Clinic. Business and Innovation activities are to be enabled, including activities which benefit from co-location with a major tertiary education institute. The Precinct enables new development to create an urban environment that caters for a diverse population, employees and visitors in the area and that integrates positively with the Point Chevalier, Mt Albert and Waterview communities.

The Wairaka Precinct will provide for a variety of housing typologies that help cater for Auckland's growth and the diverse community that will establish in this location. It will also provide a heart to the community, focused around the campus but with a range of community, commercial and social services. It will provide the opportunity for people to live, work, and learn within the Precinct, while enjoying the high amenity of the Wairaka environment. The interfaces between different activities are a key part of providing this amenity, and will be managed by provisions including setbacks and landscaping.

The Wairaka Precinct provides for an urban community within which there is a high quality tertiary education institution.

The location and extent of a major tertiary education institution (Unitec) at Wairaka Precinct is significant to the region. The precinct is 64.5ha, and comprises twelve land titles and four owners. Unitec owns 83 per cent of the total land. In addition medical and light industrial activities also occur on the site.

The Wairaka Precinct provides overall objectives for the whole area, and three sub-precincts:

- Sub-precinct A provides for healthcare/hospital related ~~purposes~~ activities and is intended to accommodate the intensification of the Mason Clinic
- Sub-precinct B provides for light manufacturing and servicing associated with laundry services and is intended to accommodate the current range of light industrial activities
- Sub-precinct C to the south and west of the precinct provides for a broad range of residential activities, together with supporting uses, activities appropriately located to a major tertiary education institution.

The Mason Clinic contains a mix of activities including healthcare activity and hospital. It is a facility which provides for a range of care, and short and long term accommodation for people with disabilities (including mental health, addiction, illness or intellectual disabilities), together with provision for custodial, tribunal, and justice facilities ancillary to forensic psychiatric services, and a range of health related accessory activities. The activities the Mason Clinic accommodates requires buildings which have a range of particular functional and operational requirements, including the incorporation of publicly accessible and secure facilities and areas for staff, visitors and the people

accommodated, and for these to be integrated across the Mason Clinic in a way which considers the safety, privacy and wellbeing of the users.

There are also particular attributes of the Wairaka Precinct, which contribute to the amenity of the precinct and the surrounding area and are to be retained and enhanced, and future areas introduced through the development of the precinct. These include the following:

- The significant ecological area of Oakley Creek;
- An open space network linking areas within the Wairaka Precinct and providing amenity to neighbouring housing and business areas;
- A network of pedestrian and cycleway linkages that integrate with the area network;
- Retention of the open space storm water management area which services Wairaka and adjacent areas, and the amenity of the associated wetland;
- The Wairaka stream and the landscape amenity, ecological and cultural value this affords, and
- The Historic Heritage overlay of the former Oakley Hospital, and identified trees on site.

The open space network for the precinct is provided for by way of a combination of identified areas, and indicative areas, including walking paths and shared paths (shown on Precinct plan 1) and future areas and walkways/shared paths which are to be identified and developed as a component of the future urban intensification envisaged.

The implementation of the Precinct plan outcomes is dependent on requires a series of works. These works focus on the provision of open space and a roading network giving including access from the east to the important Oakley Creek public open space, and the walking and cycling connections linking east to west to Waterview and areas further west to Point Chevalier/Mount Albert, and north to south to Mount Albert and to Point Chevalier, and. ~~This precinct plan also provides key linkages on to~~ the western regional cycle network.

The precinct provides for stormwater treatment for all land within the precinct, prior to entering Oakley Creek. Currently the precinct also receives stormwater from an adjacent catchment in the Mt Albert area and it is expected that this will continue following development of the precinct.

Transport is an essential component to the implementation and redevelopment of the precinct and will require a series of works to avoid, remedy or mitigate adverse transport effects. Some measures such as the indicative primary road network and walking and cycling connections area are identified in the precinct. Other measures to avoid, remedy and mitigate other transport effects will be identified through the preparation of an Integrated Transport Assessment at the time of the first resource consent to significantly develop the site.

These measures could include the following:

- Providing a connected road network through the site;
- Providing a connected pedestrian and cycling network into and through the site, in particular convenient east-west and north-south cycle connections from the Oakley Creek over bridge to the proposed bus node and existing and proposed cycle networks beyond the site;
- Upgrading intersection access onto the site and avoiding, remedying and mitigating adverse effects on the surrounding transport network;

- Making provision for a bus node and road widening to support the public transport network;
- Managing vehicular movements through the connections to the south of the site;
- Managing parking to avoid, remedy, and mitigating adverse effects on the surrounding transport network; or
- Staging land use and development with any necessary infrastructure investment.

To reduce the potential of new development occurring in an uncoordinated manner, the precinct encourages the land owner/s to develop the land in accordance with the Precinct plan and relevant policies. This method provides for integrated development of the area and ensures high quality outcomes are achieved.

The zoning of land within the precinct varies. Refer to the planning maps for the location and the extent of the precinct.

### **I334.2. Objectives**

- (1) The provision for a high quality of tertiary education institution and accessory activities in the precinct is continued, while also providing for growth, change and diversification of activities.
- (2) Comprehensive planning and integrated development of all sites within the precinct is achieved.
- (3) A mix of residential, business, tertiary education, social facilities and community activities is provided, which maximises the efficient and effective use of land.
- (4) The operation and intensification of the healthcare/hospital facility activity, ~~accessory activities~~ and associated buildings, structures and infrastructure in Sub-precinct A (Mason Clinic) are provided for.
- (5) The commercial laundry service and accessory activities and associated buildings, structures and infrastructure in Sub-precinct B are provided for.
- (6) Identified heritage values are retained through the adaptation of the scheduled buildings and retention of identified trees, together with the management of the historic heritage, and Māori sites of significance on Oakley Creek land, and the contribution they make to the precinct's character and landscape, are recognised, protected and enhanced in the precinct.
- (7) Open spaces, cycling and pedestrian linkages from the Precinct to the wider area and neighbouring suburbs, including linkages between activities and open space nodes, are provided for and enhanced.
- (8) Development and/or subdivision within the precinct facilitates a transport network that:
  - (a) Integrates with, and avoids, remedies or mitigates adverse effects on the safety and efficiency of, the transport network within the precinct and the surrounding area, including providing any upgrades to the surrounding network; and

- (b) Facilitates transport choices by providing for pedestrians, cyclists, public transport facilities, and vehicles.
- (9) Development of any roads connecting to the existing roading network to the south of the Precinct must be subject to specific resource consent processes to ensure that any private or public road connections must:
- (a) Avoid these southern connections becoming a direct vehicle entrance for the Special Purpose - Tertiary Education Zone; and
  - (b) Be designed to minimise the amenity effects on existing residents.
- (10) An integrated urban environment is created, which:
- (a) Incorporates high quality built form and urban design;
  - (b) Recognises, protects and enhances the environmental attributes of Wairaka in planning and development of the Precinct;
  - (c) Avoids, mitigates and remedies adverse effects on the environment and existing stormwater, wastewater and road/s infrastructure, recognising that the precinct stormwater system services areas beyond Wairaka;
  - (d) Is developed in a comprehensive manner, which complements and fits within the landscape and character of the surrounding environment, and
  - (e) Contributes positively to the Mt Albert, Waterview and Point Chevalier communities.
- (11) Provide for retail, food and beverage and commercial services in identified locations to serve local demand within the Wairaka Precinct and at a scale and configuration which does not adversely affect the role, function and amenity of the Point Chevalier and Mt Albert town centres.

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

### **I334.3. Policies**

#### **Wairaka Precinct - General**

- (1) Enable and provide for a wide range of activities, including education, business, office, research, healthcare, recreation, residential accommodation, community facilities and appropriate accessory activities.
- (2) Respond to future demand and changes in the manner of learning and the desire to integrate business and education within the Special Purpose - Tertiary Education Zone.
- (3) Recognise the benefits of allocating a high quality tertiary education institution within a diverse urban environment.

(3A) Recognise the social and health related benefits that the Mason Clinic provides for.

- (4) Promote comprehensive planning by enabling integrated development in accordance with the precinct plan and Policy I334.3(15A) that provides for any of the following:
- (a) Tertiary education and associated research, and community activities;
  - (b) Provision for the ongoing use, development, intensification and operation of the Mason Clinic;
  - (c) Provision for the operation of the commercial laundry service;
  - (d) Residential accommodation;
  - (e) Economic development and employment;
  - (f) Public infrastructure that is integrated with existing infrastructure, recognising that Wairaka receives stormwater from an upstream sub-catchment;
  - (g) Integrated transport and land use planning through the development of the precinct;
  - (h) Traffic management, including provision of pedestrian and cycle facilities, integration with public transport, parking provision and management;
  - (i) Identification and protection of significant landscape features, the adaptation of the scheduled historic buildings, identified trees and open space network;
  - (j) Public road and open space access to the Oakley Creek reserve; or
  - (k) Pedestrian and cycle connections to Point Chevalier, Waterview and Mt Albert.
- (5) Promote economic activity and provide for employment growth that will create opportunities for students, graduates and residents of the precinct and Auckland.
- (6) Encourage a mix of residential lifestyles and housing typologies to cater for a diverse residential community at Wairaka.
- (7) Provide for a mix of residential and business activities which will enable development of a residential core to the Wairaka Precinct.
- (8) Enable a broad range of educational, research, laboratory, office and business uses which meet the needs and respond to future changes in teaching, learning, and research requirements for a modern campus environment.
- (9) Provide for a broad range of business, office, innovation and research activities which will encourage employment and economic development to locate in



Wairaka, including those which benefit from the co-location with a tertiary education institution.

- (10) Enable subdivision and development that is compatible with and sensitive to the ecological qualities of the Oakley Creek and the Motu Manawa Marine Reserve.

### **Built Form and Character**

- (11) Encourage the retention and adaptation of the heritage and character buildings, and elements identified within the precinct.
- (12) Provide for the adaptation of the scheduled part of the heritage building for economically viable activities which ensure ongoing economic sustainability for this building and its integration into the Wairaka Precinct.
- (13) Require new buildings to be designed in a manner that provides for a high standard of amenity, recognises landscape values and, where appropriate, enhances the streetscape and gateway locations of the precinct.
- (14) Require proposals for new buildings, structures and infrastructure or additions to existing buildings, structures and infrastructure adjoining or adjacent to the scheduled historic heritage buildings, and/or the significant ecological area of Oakley Creek to be sympathetic and provide contemporary and high-quality design, which enhances the precinct's built form and natural landscape.

### **Open Space**

- (15) Provide for public open space, including a neighbourhood park in the northern portion of the precinct.

**(15A) Provide at least 7.1ha of key open space (private) within the precinct.**

- (16) Provide public connections to Oakley Creek from Carrington Road through public roads and open space, giving quality public access to this ecological area.

### **Pedestrian and cycle access, street quality and safety**

- (17) Require development to maintain and provide a varied and integrated network of pedestrian and cycle linkages, open space and plazas within the precinct.
- (18) Require the key pedestrian and cycle linkages through the precinct to be direct and convenient, well designed, safe and improve connectivity for all users.
- (19) Establish a network of roads which give public access through the precinct and a pedestrian and cycling connections to the Oakley Creek and Waterview pedestrian/cycle bridge.

### **Transport Planning**

- (20) Require subdivision and development to be integrated with transport planning and infrastructure in a way that:

- (a) Avoids, remedies or mitigates the adverse effects of the development on the transport network;
  - (b) Integrates with rail, bus, pedestrian and cycle connections;
  - (c) Implements as a minimum the transport elements within the Precinct Plan;
  - (d) Supports the provision of passenger transport services, linking to key public transport nodes such as the Mount Albert train station and Point Chevalier public transport services;
  - (e) Minimises traffic effects on pedestrian and residents' safety and amenity;
  - (f) Minimises overflow parking on roads occurring in the vicinity of the precinct; and
  - (g) Stages subdivision and development with necessary surrounding transport network infrastructure and upgrades where adverse effects on the transport network cannot be avoided, remedied and mitigated.
- (21) Enable parking areas to service the scheduled heritage building.
- (22) Manage the expected traffic generated by activities in the precinct to avoid, remedy and mitigate adverse effects on the safety and efficiency of the surrounding transport network, particularly at peak times. For the purpose of this precinct, the surrounding transport network comprises Carrington Road, the Precinct's existing and proposed access points to Carrington Road, the Carrington Road/Woodward Road intersection, the Woodward Road/New North Road intersection, the Carrington Road/New North Road and Carrington Road/Great North Road intersections, Laurel Street, Renton Road, Rhodes Avenue and the other local roads bounded by Carrington Road, New North Road, and Oakley Creek.
- (23) Require an integrated transport assessment for the precinct for any new development greater than 2,500m<sup>2</sup> gross floor area in the Business - Mixed Use Zone or greater than 1,000m<sup>2</sup> gross floor area in the residential zones, unless that additional development was assessed as part of an earlier assessment of transportation effects that is no more than two years old.
- (24) Require an integrated transport assessment for the precinct as part of any southern road connection (public or private), the first subdivision in the Business - Mixed Use and residential zones (other than for controlled activities) or for any new development greater than 2,500m<sup>2</sup> gross floor area in the Business - Mixed Use Zone or greater than 1,000m<sup>2</sup> gross floor area in the residential zones.
- (25) Avoid parking buildings within the Special Purpose - Tertiary Education Zone having direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those roads) or the western road shown on the precinct plan.

- (26) Avoid direct vehicle access between the Special Purpose - Tertiary Education Zone and Laurel Street, Renton Road, Rhodes Avenue (or any extension of those roads).

### **Integrated development**

- (27) Manage potential adverse amenity effects from buildings at the precinct boundary by:

- (a) Establishing a 5m yard and graduated building heights to the southern residential interface
- (b) Establishing a 10m setback from the boundary of land that fronts Oakley Creek
- (c) Require graduated building heights and locate higher buildings away from the precinct boundary.

- (28) Encourage built form, activities, public open spaces and infrastructure to be planned and designed on a comprehensive land area basis, rather than on an individual site basis.

- (29) Provide for the retail (including food and beverage) activities in identified locations of the precinct which:

- (a) meets the needs of the campus;
- (b) serves local demand within the precinct; and
- (c) creates the opportunity for retail (including food and beverage) activities in the Historic Heritage overlay.

- (30) Limit retail activities (including food and beverage) fronting or accessed directly from Carrington Road, restricting the number and size of supermarkets, preventing the concentration of retail activities at a single location, and placing caps on the size of retail tenancies and the overall gross floor area of retail in order to not adversely affect the role, function and amenity of the Point Chevalier and Mount Albert town centres.

### **Subdivision**

- (31) Apply the subdivision controls of the zoning to the subsequent subdivision of the precinct or sub-precinct, subject to that subdivision also meeting the requirements of the precinct plan and Policy I334.3(15A).

### **Sub-precinct A**

- (32) Provide for ~~the a~~ range of healthcare, hospital, community facilities, and related accessory activities ~~of~~ for the Mason Clinic.

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- (33) Enable detailed site-specific planning for the design and development of the Mason Clinic to reflect how the ~~healthcare/hospital facility~~ sub-precinct will be used and developed.
- (34) Limit the scale of accessory activities so they do not undermine the role of the precinct or result in adverse traffic effects, but still meet the requirements of those who work, live or use services and activities in this sub-precinct.
- (34A) Manage potential adverse effects from buildings at the sub precinct boundary by:
- (a) establishing a 5m landscaped yard to the north and south boundaries of the Sub-precinct;
- (b) requiring new buildings and significant additions to buildings that adjoin the eastern boundary to be designed to contribute to the maintenance and enhancement of amenity values of the streetscape, while enabling the efficient use of the Sub-precinct for the Mason Clinic;
- (c) Encouraging new buildings to be designed to provide a high standard of amenity and safety appropriate to an urban environment of the Precinct and be of a quality design that contributes to the planning outcomes of the Precinct.
- (34B) Recognise the functional and operational (including security) requirements of activities and development.

### **Sub-precinct B**

- (35) Provide for the range of light manufacturing and servicing activities associated with the commercial laundry service.
- (36) Enable detailed site-specific planning of the commercial laundry service to reflect how the facility will be used and developed.
- (37) Limit the scale of accessory activities so they do not undermine the role of the precinct or result in adverse traffic effects, but still meet the requirements of those who work or use services and activities in this sub-precinct.
- (38) Recognise that should the commercial laundry service and associated activities on this sub-precinct relocate from Wairaka, then the activities and controls of the Wairaka Precinct would apply.

### **Sub-precinct C**

- (39) Provide a broad range of residential activities adjacent to the Oakley Creek and residential neighbourhoods to the south of the precinct.
- (40) Provide quality dwellings which face west across Oakley Creek, providing passive surveillance of the public lands within Oakley Creek Valley.

The zoning, Auckland-wide and overlay policies apply in this precinct in addition to those specified above.

#### I334.4. Activity tables

The provisions in the zoning, Auckland-wide provisions and any relevant overlays apply in this precinct unless otherwise specified below.

- The activities listed in Table [H13.4.1 Activity table for H13 Business - Mixed Use Zone](#) at line items: (A20), (A21), (A23), (A24) and (A25)
- The activities listed in Table [H30.4.1 Activity table for Special Purpose – Tertiary Education Zone](#) at line items (A3), (A4) and (A5)
- The activities listing in Table H25.4.1 Activity table for the Special Purpose – Healthcare Facility and Hospital Zone at line items (A18), (A20), and (A21).

Tables I334.4.1, I334.4.2, ~~and I334.4.3 and I334.4.4 Activity table~~ specify the activity status of land use, development and subdivision activities in the Wairaka Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991 or any combination of all these sections where relevant.

**Table I334.4.1 Wairaka Precinct (all of precinct except for sub-precinct A, B and C)**

Activity		Activity status
<b>Use</b>		
Accommodation		
(A1)	Dwellings in the Special Purpose - Tertiary Education Zone up to a maximum gross floor area of 7,500m <sup>2</sup>	P
(A2)	Student accommodation, boarding houses and visitor accommodation in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	P
Commerce		
(A3)	Food and beverage, offices, commercial services, conference facilities, visitor accommodation, residential, community facilities, recreation and leisure activities within the Historic Heritage Overlay	P
(A4)	Offices in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	P
(A5)	Retail (including food and beverage) up to 200m <sup>2</sup> gross floor area per tenancy	P
(A6)	Retail (including food and beverage) comprising up to one tenancy between 201m <sup>2</sup> and 300m <sup>2</sup> gross floor area adjacent to, and accessed from, Farm Road	RD
(A7)	Retail (including food and beverage) comprising up to one tenancy between 201m <sup>2</sup> and 300m <sup>2</sup> gross floor area adjacent to the Historic Heritage Overlay	RD
(A8)	Retail (including food and beverage but excluding one supermarket) up to 1,200 m <sup>2</sup> adjacent to, and accessed from, Farm Road	P
(A9)	One supermarket up to 1500m <sup>2</sup> adjacent to, and accessed from, Farm Road	P
(A10)	Commercial services within 100 metres of a supermarket	D

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(A11)	Retail (including food and beverage) adjoining the southern Carrington Road bus node between gate access 3 and 4 shown on the Precinct plan, up to 500m <sup>2</sup> gross floor area or 5 tenancies	P
(A12)	Retail (including food and beverage) within 100 metres of the Carrington Road frontage, not otherwise provided for	D
(A13)	Supermarkets not otherwise provided for	NC
(A14)	Retail (including food and beverage) not otherwise provided for	D
<b>Community facilities</b>		
(A15)	Informal recreation	P
(A16)	Organised sport and recreation	P
<b>Industry</b>		
(A17)	Light manufacturing and servicing	D
(A18)	Repair and maintenance services	D
(A19)	Warehousing and storage	D
(A20)	Waste management facilities in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	D
<b>Mana Whenua</b>		
(A21)	Marae	P
<b>Development</b>		
(A22)	Parking buildings	RD
(A23)	Non-security floodlighting, fittings and supports and towers	P
(A24)	Public amenities	P
(A25)	Sports and recreation structures	P
(A26)	Parking buildings associated with any Special Purpose – Tertiary Education Zone uses with direct vehicle connection to Western Road or to Laurel Street, Renton Road or Rhodes Avenue (or any extension of those roads)	NC
(A27)	Extension of Laurel Street, Renton Road or Rhodes Avenue into the Precinct provided that a cul de sac is maintained	P
(A28)	Connection of any southern roads (or extensions to the southern roads that remain cul de sacs) to the Precinct with a private road (non-gated)	C
(A29)	Connection of any roads to the Precinct with a public road	RD
(A30)	Direct vehicle connection between Laurel Street, Renton Road or Rhodes Avenue and the Special Purpose – Tertiary Education Zone	NC
(A31)	Any development not otherwise listed in Table I334.4.1 that is generally in accordance with the precinct plan <b>and Policy I334.3(15A)</b>	RD
(A32)	Any development not otherwise listed in Table I334.4.1 that is not generally in accordance with the precinct plan <b>and Policy I334.3(15A)</b>	D
(A33)	Buildings that exceed Standard I334.6.4 Height	D
<b>Subdivision</b>		
(A34)	Any vacant lot subdivision proceeding in accordance with the precinct plan <b>and Policy I334.3(15A)</b> and which creates lots consistent with the zone boundaries	C

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(A35)	Any vacant lot subdivision that is not generally in accordance with the precinct plan <u>and Policy I334.3(15A)</u>	D
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**Table I334.4.2 Wairaka Precinct sub-precinct B**

Activity		Activity status
(A36)	Light manufacturing and servicing associated with the commercial laundry services	P
(A37)	Buildings that exceed the Standard I334.6.4 Height	D

**Table I334.4.3 Wairaka Precinct sub-precinct C**

Activity		Activity status
(A38)	Informal recreation	P
(A39)	Public amenity structures	P
(A40)	Student accommodation, boarding houses and visitor accommodation accessory to tertiary education facilities	P
(A41)	Tertiary education and ancillary activities existing in the Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones at 1 November 2015	P
(A42)	Any development not otherwise listed in Table I334.4.3 that is generally in accordance with the precinct plan <u>and Policy I334.3(15A)</u>	RD
(A43)	Any development not otherwise listed in Table I334.4.3 that is not generally in accordance with the precinct plan <u>and Policy I334.3(15A)</u>	D
(A44)	Any vacant lot subdivision proceeding in accordance with the precinct plan <u>and Policy I334.3(15A)</u> and which creates lots consistent with the zone boundaries	C
(A45)	Any vacant lot subdivision that is not generally in accordance with the precinct plan <u>and Policy I334.3(15A)</u>	D
(A46)	Parking buildings within Residential - Mixed Housing Urban Zone	NC
(A47)	Parking buildings within the Residential - Terrace Housing and Apartment Buildings Zone for any uses other than serving the residents of that zone	NC
(A48)	Buildings that exceed the Standard I334.6.4 Height	D

**Table I334.4.4 Wairaka Precinct sub-precinct A**

Activity		Activity status
<b><u>Development</u></b>		
(A49)	<u>All new buildings, and additions to existing buildings unless otherwise specified below</u>	<u>C</u>
(A50)	<u>Demolition</u>	<u>P</u>
(A51)	<u>Internal alterations to buildings</u>	<u>P</u>

(A52)	<u>Additions to buildings that are less than:</u> (a) <u>25 per cent of the existing gross floor area of the building; or</u> (b) <u>250m<sup>2</sup> GFA</u> <u>whichever is the lesser</u>	<u>P</u>
(A53)	<u>New buildings or additions to existing buildings that increase the building footprint by more than 20 per cent or 200m<sup>2</sup> GFA (whichever is the lesser), that are located within 10m of the eastern boundary</u>	<u>RD</u>
(A54)	<u>New buildings or additions to buildings not complying with I334.6.14 (2)</u>	<u>NC</u>
(A55)	<u>Any development not otherwise listed in Table 1334.4.4 that is generally in accordance with the precinct plan and Policy I334.3(15A)</u>	<u>RD</u>
(A56)	<u>Any development not otherwise listed in Table 1334.4.4 that is not generally in accordance with the precinct plan and Policy I334.3(15A)</u>	<u>D</u>
(A57)	<u>Justice Facilities</u>	<u>D</u>
(A58)	<u>Justice Facilities ancillary to forensic psychiatric services provided at the Mason Clinic</u>	<u>P</u>

### I334.5. Notification

- (1) An application for resource consent for a controlled activity listed in Tables I334.4.1, ~~and I334.4.3, and I334.4.4 Activity table~~ above will be considered without public or limited 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.
- (1A) Any application for resource consent for new buildings or additions to existing buildings in Sub-precinct A that increase the building footprint by more than 20 per cent or 200m<sup>2</sup> GFA (whichever is the lesser) that are located within 10m of the eastern boundary of the Sub-precinct will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any other application for resource consent for an activity listed in Tables I334.4.1, I334.4.2, ~~and I334.4.3, and I334.4.4 Activity table~~ which is not listed in Standard I334.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) 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\(4\)](#).

### I334.6. Standards

The standards applicable to the overlays, zones and Auckland-wide provisions apply in this precinct.



All activities listed as permitted, controlled or restricted discretionary in Tables I334.4.1, I334.4.2 and I334.4.3-Activity tables must comply with the following standards.

#### **I334.6.1. Floodlights**

- (1) Where floodlights are located adjacent to a residential zone, the hours of operation must not extend beyond:
  - (a) 10pm Monday to Saturday; and
  - (b) 7.30pm Sunday and Public Holidays.
- (2) Floodlights must comply with the lighting standards in [E24.6](#) Auckland-wide Standards – Lighting.

#### **I334.6.2. Retail thresholds**

- (1) The following thresholds apply in this precinct:
  - (a) The total gross floor area of retail (including food and beverage and supermarket) must not exceed 6500m<sup>2</sup> for the whole precinct:
  - (b) the total gross floor area of retail (including food and beverage) within the Business - Mixed Use Zone must not exceed 4500m<sup>2</sup>; and
  - (c) The total gross floor area of retail (including food and beverage) within the Special Purpose - Tertiary Education Zone must not exceed 3000m<sup>2</sup>.
- (2) The total gross floor area of retail (including food and beverage) in the Historic Heritage Place must not exceed 1000 m<sup>2</sup> subject to Standard I334.6.2(1)(a) above.
- (3) All retail activities adjacent within 100m of to the supermarket must not exceed 1200m<sup>2</sup>.
- (4) Any supermarket, adjacent to and accessed from Farm Road, must not have vehicle access or parking directly off Carrington Road.

#### **I334.6.3. Stormwater**

- (1) All subdivision and development of the land in the precinct must be consistent with the approved stormwater management plan.

#### I334.6.4. Height

(1) Standards in the table below apply rather than underlying zone heights unless specified. Buildings must not exceed the heights as set out below:

Building location	Maximum height (m)
Less than 20m from a boundary with Carrington Road (as at 1 November 2015) or the Open Space: Conservation Zone (excluding the Residential - Mixed Housing Urban and Residential - Terrace Housing and Apartment Buildings zones)	18m
Greater than or equal to 20m from a boundary with Carrington Road (as at 1 November 2015) or Open Space: Conservation Zone (excluding the Residential - Mixed Housing Urban, Residential - Terrace Housing and Apartment Buildings and Special Purpose - Healthcare Facility and Hospital zones)	27m
Residential - Mixed Housing Urban, Residential - Terrace Housing and Apartment Buildings and Special Purpose - Healthcare Facility and Hospital zones	Specified zone height applies
Buildings within the Residential - Mixed Housing Urban Zone and within 10m of the southern precinct boundary	8m

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Modifications)

#### I334.6.5. Landscaping

(1) At least 20 per cent of a site within the precinct must be landscaped, provided that the area of landscaping may be proportionately reduced by any required common areas of landscaping within the zone approved by the Council and protected by consent conditions.

#### I334.6.6. Precinct boundary set back

- (1) Buildings on land within Sub-precinct C adjoining residential zoned land outside the precinct and to the south must be set back a minimum width of 5m from the external precinct boundary. Planting requirements of Standards [H13.6.5](#) and [H13.6.6](#) Business - Mixed Use Zone apply.
- (2) Buildings on land adjoining Open Space - Conversation zoned land outside the precinct must be set back a minimum width of 10m from the external precinct boundary. Planting requirements of Standards [H13.6.5](#) and [H13.6.6](#) Business - Mixed Use Zone apply.
- (3) Buildings on land fronting Carrington Road must be set back a minimum width of 28.2m when measured from the eastern edge of the Carrington Road road reserve as at 1 November 2015. This setback area may be used for walkways, cycleways, public transport facilities, site access, street furniture, outdoor dining and cafes. Other areas within the 28.2m not used for these activities must be landscaped. This setback does not apply once the road widening affecting the Wairaka Precinct Carrington Road frontage has been vested in the Auckland Council.

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Modifications)

**I334.6.7. Tree protection**

- (1) In addition to any notable tree, Subject to Standard I334.6.7(2) below, the following trees identified in I334.11.2 Precinct plan 2 – protected trees and in Table I334.6.7.1 below must not be altered, removed or have works undertaken within the dripline except as set out in I334.6.7(2) below. Trees located within an existing or future road-widening area along Carrington Road frontage are not subject to this control.
- (2) Tree works to the trees identified below must be carried out in accordance with all of the provisions applying to Notable Trees in [D13 Notable Tree Overlay](#), with the exception that up to 20 per cent of live growth may be removed in any one year.

**Table I334.6.7.1 - Identified Trees**

ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
1	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
2	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
3	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
5	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
7	Karaka	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
9	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
10	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
11	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
13	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
14	Oak	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
15	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 1 DP 211427 2.62ha
16	Swaine's Gold, Italian cypress	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
17	Michelia	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
18	Sky Flower	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
19	New Zealand Ngaio	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
20	Mediterranean Cypress	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949

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22	Mediterranean Fan Palm	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
23	Mountain Coconut, Coco	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
24	Chinquapin	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
25	White Mulberry	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
26	Totara	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
27	Australian Francipani	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
28	Kauri	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
29	Three Kings Climber	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
30	Norfolk Pine	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
31	Pepper Tree, Peruvian	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 5 DP 314949
32	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
33	Jacaranda	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
34	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
35	Variegated Five Finger	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
36	Maidenhair Tree	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
37	Brazilian Coral Tree	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
38	Dogwood	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
39	Houpara	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
40	Oleander	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 4 DP 314949
41	Taupata	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 2 DP 406935
42	Camphor Tree	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
43	Plum Pine	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
44	Camellia	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi
45	Kohuhu	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Pt Allot 33 Parish of Titirangi

46	Silver Poplar	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 2 DP 406935
47	Liquidambar	Isthmus	1	Carrington Road 1, Mount Albert (Unitec)	Lot 2 DP 406935

**I334.6.8. Access**

- (1) The primary traffic access to the precinct must be from Carrington Road at locations shown on the Precinct plan.
- (2) Any retail (including food and beverage) fronting the southern bus node, must not have vehicle access directly off Carrington Road.

**I334.6.9. Parking**

- (1) No parking is required for activities located within the scheduled heritage building other than for the provision of loading requirements.
- (2) There must be no parking provided at the bus node for retail activities.

All activities listed as permitted, controlled and restricted discretionary in Table I334.4.4 must comply with the following standards.

**I334.6.10. Height in relation to Boundary**

- (1) Buildings in Sub-precinct A must not project beyond a 45-degree recession plane measured from a point 3m vertically above ground level along the north and south boundaries of the Sub-precinct.

**I334.6.11. Height**

- (1) I334.6.4 applies.

**I334.6.12. Landscaping**

- (1) I334.6.5 applies.

**I334.6.13. Tree Protection**

- (1) I334.6.7 applies

**I334.6.14. Sub-precinct A Boundary setback**

- (1) I334.6.6(2) applies.
- (2) Buildings on land within Sub-precinct A adjoining the northern and southern boundaries of the Sub-precinct must be set back a minimum width of 5m from the Sub-precinct A boundary. These setbacks must be landscaped and planted with mature trees no more than 5m apart, with the balance planted with a mixture of shrubs or ground cover plants (excluding grass) within and along the full extent of the setback. The purpose of this planting is to provide a well vegetated visual screen between buildings and activities within the Sub-precinct and the adjoining land, to mitigate adverse visual and privacy effects.

(3) Buildings on land within Sub-precinct A adjoining Strategic Transport Corridor zoned land outside the precinct must be set back a minimum width of 5m from the external precinct boundary. This setback shall remain landscaped with mature trees, with the Identified Trees in this location supplemented as necessary to maintain a heavily treed frontage.

**I334.6.15. Stormwater**

(1) I334.6.3 applies.

**I334.6.16. Parking**

(1) No minimum and no maximum parking is required in Sub-precinct A.

**I334.7. Assessment – controlled activities**

**I334.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application, in addition to the matters specified for the relevant controlled activities in the zone, Auckland-wide, or overlay provisions:

- (1) Connection of Precinct to Laurel Street, Renton Road or Rhodes Avenue with a private (non-gated) road:
  - (a) traffic effects on adjoining streets and the transport network;
  - (b) amenity and safety of adjoining streets and those within the precinct;
  - (c) design of road connections;
  - (d) benefits of connections (excluding benefits related to diversion of traffic from Carrington road);
  - (e) provision of walkway and cycle access; and
  - (f) turning restrictions within the precinct to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.
- (2) Subdivision
  - (a) boundaries of the precinct and sub-precincts aligning with the proposed site boundaries.
- (3) All New Buildings, and Additions to Existing Buildings in Sub-precinct A:
  - (a) high quality design and amenity;
  - (b) functional and operational (including security) requirements;
  - (c) the integration of landscaping;
  - (d) safety;

(e) effects of the location and design of access to the sub-precinct on the safe and efficient operation of the adjacent transport network having regard to:

(i) visibility and safe sight distances;

(ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;

(iii) proximity to and operation of intersections;

(iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Precinct; and

(v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;

(f) The location and capacity of infrastructure servicing:

(i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the Sub-precinct;

(ii) management and mitigation of flood effects, including on buildings and property;

(iii) methods and measures to avoid land instability, erosion, scour and flood risk to buildings and property;

(iv) location, design and method of the discharge; and

(v) management of stormwater flow and contaminants and the implementation of stormwater management devices and other measures.

#### **I334.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant controlled activities in the zone, Auckland-wide or overlay provisions:

(1) Connection of Precinct to Laurel Street, Renton Road or Rhodes Avenue with a private (non-gated) road:

(a) the extent to which the design of the road and associated landscaping creates:

(i) access consistent with the local road function; and

- (ii) street trees, planting and other landscaping features that ensure a good standard of amenity;
- (b) the extent to which the introduction of appropriate traffic calming measures discourages non-local traffic and to manage speed;
- (c) the extent to which the management of the private road through such measures as signage, surface treatment, landscaping and speed restrictions does restrict the use of these roads to only those vehicles with authorised access;
- (d) the extent of any positive benefits arising from the proposed connection (excluding benefits relating to diversion of traffic from Carrington road);
- (e) the provision of walkway and cycleway access is not restricted. The extent to which landscaping and treatment reflects an appropriate standard of design for public walkways and cycle-ways; and
- (f) the extent to which turning restrictions within the precinct are needed to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.

(2) Subdivision

- ~~(1)~~(a) The extent to which subdivision boundaries align with the sub-precinct boundaries and with the precinct plan shown in Precinct plan 1 and with Policy I334.3(15A) (or with any approved road network).

(3) All New Buildings, and Additions to Existing Buildings in Sub-precinct A

- (a) The extent to which the building and associated landscaping contributes to a high quality amenity outcome when viewed from neighbouring land and buildings, including the appearance of the roofscape;
- (b) Whether the design recognises the functional, operational, and security requirements of the intended use of the building, and addresses the safety of the surrounding residential community and the public realm;
- (c) The extent to which effects of the location and design of access to the sub-precinct on the safe and efficient operation of the adjacent transport network have been adequately assessed and managed having regard to:
  - (i) visibility and safe sight distances;
  - (ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
  - (iii) proximity to and operation of intersections;



(iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Precinct; and

(v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;

(d) The location and capacity of infrastructure servicing:

(i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the application area; and

(ii) The extent to which stormwater management methods that utilise low impact stormwater design principles and improved water quality systems are provided.

### **I334.8. Assessment – restricted discretionary activities**

#### **I334.8.1. 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 the zones, Auckland-wide, or overlay provisions:

- (1) Retail (including food and beverage) comprising up to one tenancy between 201m<sup>2</sup> and 300m<sup>2</sup> gross floor area adjacent to, and accessed from, Farm Road and or adjacent to the bus hub or Oakley Hospital building:
  - (a) building interface with any public place;
  - (b) safety;
  - (c) services;
  - (d) traffic;
  - (e) travel plans and integrated transport assessments;
  - (f) design of parking and access; and
  - (g) degree of integration with other centres.
- (2) Parking buildings/structures:
  - (a) ground contours;
  - (b) building interface with public places;
  - (c) safety;
  - (d) services including infrastructure and stormwater management;

- (e) traffic;
  - (f) travel plans and integrated transport assessments; and
  - (g) design of parking and access.
- (3) Connection of any road to the Precinct with a public road:
- (a) traffic;
  - (b) amenity and safety;
  - (c) design of road connections; and
  - (d) benefits of road connections(excluding benefits related to diversion of traffic from Carrington road);
  - (e) provision of walkway and cycle access; and
  - (f) turning restrictions within the precinct to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.
- (4) Any development not otherwise listed in Tables I334.4.1, ~~I334.4.3~~, and I334.4.4 that is generally in accordance with the precinct plan and Policy I334.3(15A):
- (a) Effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:
    - (i) visibility and safe sight distances;
    - (ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
    - (iii) proximity to and operation of intersections;
    - (iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; and
    - (v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;
  - (b) The location and capacity of infrastructure servicing:
    - (i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the application area;
    - (ii) The effects on receiving environments from the location and design of the Indicative Stormwater Management Area and stormwater devices including the following:

- (i) management of the adverse effects on receiving environments, including cumulative effects (which may be informed by any publicly available current stormwater and/or catchment management plans and analyses);
  - (ii) BPO for the management of the adverse effects of the stormwater diversion and discharge on receiving environments;
  - (iii) implementation of stormwater management devices and other measures and programmes that give effect to the BPO;
  - (iv) management and mitigation of flood effects, including on buildings and property;
  - (v) methods and measures to avoid land instability, erosion, scour and flood risk to buildings and property;
  - (vi) location, design and method of the discharge; and
  - (vii) management of stormwater flow and contaminants and the implementation of stormwater management devices and other measures;
- (c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents through the provision of:
- (i) open spaces which are prominent and accessible by pedestrians;
  - (ii) the number and size of open spaces in proportion to the future intensity of the precinct and surrounding area; and
  - (iii) effective and safe pedestrian and/or cycle linkages;
- (~~ad~~) The location, physical extent and design of open space;
- (~~be~~) The location of anticipated land use activities within the development;
- (~~ef~~) The location and physical extent of parking areas; and
- (~~dg~~) The staging of development and the associated resource consent lapse period
- (~~eh~~) The location and form of building footprints and envelopes.
- (~~fi~~) Building scale and dominance (bulk and location).
- (5) For development and/or subdivision that does not comply with Standards: I334.6.1 Floodlights; I334.6.2 Retail thresholds; I334.6.3 Stormwater; I334.6.4 Height; I334.6.5 Landscaping; I334.6.6 Precinct boundary setback; I334.6.7 Tree protection; I334.6.8 Access; I334.6.9 Parking; I334.6.10 Height in relation to Boundary; I334.6.14(3) Sub-precinct A Boundary setback; the Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:
- (a) the matters of discretion in Rule C1.9(3) of the general provisions apply;

- (b) any special or unusual characteristic of the site which is relevant to the standard;
- (c) where more than one standard will be infringed, the effects of all infringements considered together; and
- (d) the effects on the following relevant matters:
  - (i) floodlights – the effects on the amenity values of adjoining residential areas;
  - (ii) retail thresholds – the needs of the campus and serving the local demand within the precinct, the role function and amenity of the Point Chevalier and Mt Albert town centres;
  - (iii) stormwater – See Matter I334.8.1(4)(c) above;
  - (iv) height – the effects on the amenity values of open spaces and adjoining residential areas;
  - (v) landscaping – the street edge, the delineation of pedestrian routes, the visual and pedestrian amenity effects caused by access ways, parking and service areas;
  - (vi) precinct boundary set back - Interface with the public realm and effects on neighbouring sites, building scale and dominance (bulk and location), and Outlook and privacy;
  - (vii) trees – See restricted discretionary activity matters of discretion in Matters [D13.8.1](#) Notable Trees Overlay
  - (viii) access – the primary access to the precinct being on Carrington Road, the amenity values of existing residents as a result of the southern connections becoming a direct vehicle entrance to the precinct;
  - (ix) parking – the heritage values of the Oakley Hospital, the efficiency of operation of the bus hub.
  - (x) Boundary setback in respect of buildings within Sub-precinct A adjoining Strategic Transport Corridor zoned land outside the precinct – landscape amenity;
  - (xi) Height in relation to boundary – visual dominance, overlooking, shading and privacy.
- (6) New buildings or additions to existing buildings within Sub-precinct A that increase the building footprint by more than 20 per cent or 200m<sup>2</sup> GFA (whichever is the lesser), that are located within 10m of the eastern boundary:
  - Where buildings do not abut the street frontage
    - (a) the effectiveness of screening and/or landscaping on the amenity of the streetscape;

(b) safety;

(c) functional and operational (including security) requirements;

Where buildings do abut the street frontage

(d) the effectiveness of screening and/or landscaping (if any);

(e) the maintenance or enhancement of amenity for pedestrians using the adjoining street;

(f) measures adopted for limiting the adverse visual effects of any blank walls along the street frontage;

(g) measures adopted to provide for the visual interest at the street frontage, while ensuring the security, and functional and operational requirements of the Mason Clinic;

(h) safety

Matters applying to all buildings

(i) Those matters contained in I334.7.1.(3).

#### **I334.8.2. 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 zones, Auckland-wide or overlay provisions:

(1) Retail (including food and beverage) comprising up to one tenancy between 201m<sup>2</sup> and 300m<sup>2</sup> gross floor area adjacent to, and accessed from, Farm Road and or adjacent to the bus hub or Oakley Hospital building

(a) Building interface with any public places;

(i) the extent to which buildings have clearly defined public fronts that address the street and public open spaces to positively contribute to those public spaces and pedestrian safety;

(ii) the extent to which pedestrian entrances are located on the street frontage and be clearly identifiable and conveniently accessible from the street;

(iii) the extent to which buildings provide legible entrances and exits to covered plazas, open spaces and pedestrian linkages;

(iv) the extent to which separate pedestrian entrances are provided for residential uses within mixed use buildings;

(v) the extent to which activities that engage and activate streets and public open spaces are provided at ground and first floor levels;

- (vi) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;
- (vii) the extent to which building heights and form are designed to allow a reasonable level of natural light into existing and planned communal open spaces within the precinct, appropriate to their intended use and whether they may require building form to be modified to the north of such spaces;
- (viii) the extent to which buildings are designed to support high quality open spaces and where appropriate provide views to the wider landscape and/or surrounding streets, to enhance the legibility, accessibility and character of the campuses; and
- (ix) the extent to which through-site links and covered plazas integrate with the existing or planned public realm and pedestrian network and whether they are:
  - publicly accessible and attractive; and
  - designed to provide a high level of pedestrian safety.

(b) Safety:

- (i) whether new and upgraded buildings and public open spaces are designed in accordance with crime safety principles. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within the campuses will be considered as if they are public open spaces;
- (ii) the extent to which open spaces, plazas, foyers, lanes and pedestrian linkages have multiple entrances and exits rather than a single way in and out of such places and spaces; and
- (iii) ~~[deleted]the adequacy of safety measures to the Mason Clinic site and the design of the interface between the Mason Clinic and the adjacent public spaces and sites to provide for sensitive design in a high quality urban village and environmentally sensitive area, while meeting security requirements.~~

(c) Services:

- (i) the extent to which stormwater, wastewater, water supply, and electricity and telecommunication infrastructure are provided to adequately service the nature and staging of anticipated development within the subject land area; and
- (ii) the extent to which the location of built form, public open space and stormwater management infrastructure provide for the establishment of future stormwater management features, which incorporate low impact stormwater design principles and improved water quality systems.

(d) Traffic:

- (i) whether traffic calming measures on internal roads and those roads connecting to the south of the precinct, discourage through traffic from outside the Wairaka Precinct, and slow traffic with an origin or destination in the Special Purpose - Tertiary Education Zone or southern neighbourhoods; and
- (ii) the extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with any resource consent application.

(e) Traffic plans and integrated transport assessments:

- (i) the extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with any resource consent application and provides appropriate travel plans that are consistent with the Integrated Transport Assessment.

(f) Design of parking and access:

- (i) the extent to which parking buildings avoid fronting Carrington Road or Oakley Creek or have direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those streets), or the western road shown on the Precinct plan;
- (ii) the extent to which parking is screened from public open spaces and streets;
- (iii) the extent to which ventilation and fumes from parking structures or other uses do not vent into the adjacent pedestrian environment at ground level;
- (iv) the extent to which vehicle crossings and access ways prioritise pedestrian movement and in particular are designed to reduce vehicle speed and are separated from pedestrian access, or are designed as a shared space; and
- (v) the extent to which the design of pedestrian routes between parking areas, building entrances/lobbies and the street are accessible by people of all ages and physical abilities and provide a high level of pedestrian safety.

(g) Degree of integration with other centres:

- (i) the extent to which the location, scale and staging of anticipated activity types in the precinct mitigates potential conflicts with activities within neighbouring centres; and

- (ii) the extent to which the location, scale and staging of offices do not have adverse effects on the role of other centres, beyond those effects ordinarily associated with trade effects or trade competition.

(2) Parking buildings and structures

(a) Ground contours:

- (i) the extent to which the proposed finished contour levels across the subject land area avoid variations between the ground floor level of future buildings and adjoining existing and proposed public open space (where information is available); and
- (ii) The extent to which where ground floor dwellings or visitor accommodation is proposed, some minor variations between the ground floor level and the level of adjoining open space or street may be acceptable to provide for the privacy of residents and occupants/users.

(b) Building interface with public spaces:

- (i) the extent to which buildings have clearly defined public fronts that address the street and public open spaces to positively contribute to those public spaces and pedestrian safety;
- (ii) the extent to which pedestrian entrances are located on the street frontage and be clearly identifiable and conveniently accessible from the street;
- (iii) the extent to which buildings provide legible entrances and exits to covered plazas, open spaces and pedestrian linkages;
- (iv) the extent to which separate pedestrian entrances are provided for residential uses within mixed use buildings;
- (v) the extent to which activities that engage and activate streets and public open spaces are provided at ground and first floor levels;
- (vi) the extent to which internal space at all levels within buildings is designed to maximise outlook onto street and public open spaces;
- (vii) the extent to which building heights and form are designed to allow a reasonable level of natural light into existing and planned communal open spaces within the precinct, appropriate to their intended use. This may require building form to be modified to the north of such spaces;
- (viii) the extent to which buildings are designed to support high quality open spaces and where appropriate provide views to the wider landscape and/or surrounding streets, to enhance the legibility, accessibility and character of the campuses;
- (ix) whether through-site links and covered plazas integrate with the existing or planned public realm and pedestrian network and are



publicly accessible, attractive and designed to provide a high level of pedestrian safety.

(c) Safety:

- (i) whether new and upgraded buildings and public open spaces are designed in accordance with crime safety principles. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within the campuses will be considered as if they are public open spaces;
- (ii) the extent to which open spaces, plazas, foyers, lanes and pedestrian linkages have multiple entrances and exits rather than a single way in and out of such places and spaces; and
- (iii) ~~[deleted]the adequacy of safety measures to the Mason Clinic site and the design of the interface between the Mason Clinic and the adjacent public spaces and sites to provide for sensitive design in a high quality urban village and environmentally sensitive area, while meeting security requirements.~~

(d) Services including infrastructure and stormwater management:

- (i) the extent to which stormwater, wastewater, water supply, and electricity and telecommunication infrastructure are provided to adequately service the nature and staging of anticipated development within the subject land area; and
- (ii) the extent to which the location of built form, public open space and stormwater management infrastructure provide for the establishment of future stormwater management features, which incorporate low impact stormwater design principles and improved water quality systems.

(e) Traffic:

- (i) whether traffic calming measures on internal roads and those roads connecting to the south of the precinct, discourage through traffic from outside the Wairaka Precinct, and slow traffic with an origin or destination in the Special Purpose - Tertiary Education Zone or southern neighbourhoods; and

(f) Travel plans and integrated transport assessments:

- (i) the extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development or any new integrated transport assessment or other traffic assessment lodged with any resource consent application and provides appropriate travel plans that are consistent with the Integrated Transport Assessment.

(g) Design of parking and access

- (i) the extent to which parking buildings avoid fronting Carrington Road or Oakley Creek or avoid having direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those streets), or the western road shown on the Precinct plan;
  - (ii) the extent to which parking is screened from public open spaces and streets;
  - (iii) the extent to which ventilation and fumes from parking structures or other uses do not vent into the adjacent pedestrian environment at ground level;
  - (iv) the extent to which vehicle crossings and access ways prioritise pedestrian movement and in particular are designed to reduce vehicle speed and are separated from pedestrian access, or are designed as a shared space; and
  - (v) the extent to which the design of pedestrian routes between parking areas, building entrances/lobbies and the street are accessible by people of all ages and physical abilities and provide a high level of pedestrian safety.
- (3) Connection of any road to the Precinct with a public road:
- (a) Traffic:
    - (i) the extent to which traffic management measures on roads which connect to the south of the Precinct are designed to avoid the southern connection becoming the primary entrance for tertiary education uses or becoming a faster alternative to Carrington Road for non-local traffic;
  - (b) Amenity and safety:
    - (i) whether the design of the road and associated landscaping creates:
      - access consistent with the local road function;
      - street trees, planting and other landscaping features that ensure a good standard of amenity; and
    - (ii) the extent to which the introduction of appropriate traffic calming measures discourages non-local traffic and manages speed. Methods could include, but are not limited to, one lane sections, narrow carriageways, intersections designed to slow traffic and interrupt flow, avoidance of roundabouts which facilitate speedy movement through the precinct, and designing the carriageway as shared space with a meandering route.
  - (c) benefits of road connections(excluding benefits related to diversion of traffic from Carrington Road):

- (i) the extent of any positive benefits arising from the proposed connection (excluding benefits related to diversion of traffic from Carrington Road) and ensure the provision of walkway and cycleway access is not restricted.
- (d) provision of walkway and cycle access:
  - (i) the extent to which landscaping and treatment reflects an appropriate standard of design for public walkways and cycle-ways.
- (e) turning restrictions within the precinct to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone:
  - (i) the extent to which turning restrictions within the precinct are needed to reduce the likelihood of traffic entering the precinct through the southern roads to access car parking buildings within the Special Purpose – Tertiary Education Zone.
- (4) Any development not otherwise listed in Tables I334.4.1, ~~I334.4.3, and I334.4.4~~ that is generally in accordance with the precinct plan and Policy I334.3(15A):
  - (a) The extent to which effects of the location and design of the access on the safe and efficient operation of the adjacent transport network have been adequately assessed and managed having regard to:
    - (i) visibility and safe sight distances;
    - (ii) existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;
    - (iii) proximity to and operation of intersections;
    - (iv) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; and
    - (v) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways;
  - (b) The location and capacity of infrastructure servicing:
    - (i) the extent to which stormwater, wastewater, water supply, electricity and telecommunication infrastructure needs to be provided to adequately service the nature and staging of anticipated development within the application area; and
    - (ii) the extent to which stormwater management methods that utilise low impact stormwater design principles and improved water quality systems are provided.

- (c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents through the provision of and pedestrian and/or cycle connections:
- (i) The extent to which the design demonstrates the staging of wider network improvements to public open space, including covered plaza, open spaces, pedestrian walkways and cycleway linkages including;
    - the layout and design of open space and connections with neighbouring streets and open spaces;
    - integration with cultural landmarks, scheduled buildings, scheduled trees and historic heritage in and adjacent to the precinct; and
- (d) the extent to which the location, physical extent and design of open space meets the demand of future occupants of the site and is of a high quality, providing for public use and accessibility, views, sunlight access and wind protection within the application area.
- (e) The location of land use activities within the development:
- (i) the extent to which the location and staging of anticipated activity types and/or the location, orientation or layout of buildings avoids or mitigates potential conflicts between activities within the subject land area; and
  - (ii) opportunities to establish community facilities for future occupants of the site and for the wider community are encouraged within the development
- (f) The location and physical extent of parking areas and vehicle access:
- (i) The extent to which parking, loading and servicing areas are integrated within the application area taking account of location and staging of anticipated activity types.
- (g) The staging of development and the associated resource consent lapse period:
- (i) Whether the proposal adequately details the methods by which the demolition and development of the site will be staged and managed to compliment the proposed open space, road and lane network and to avoid, remedy or mitigate adverse effects associated with vacant disused areas of the site.
- (h) The location and form of building footprints and envelopes.
- (i) the assessment criteria of the zone standards for new buildings and/or alterations and additions to buildings apply; and
  - (ii) the extent to which the new buildings or alterations and additions to buildings are consistent with the elements of the precinct plan **and**

**Policy I334.3(15A)**, including the location of the transport network, open spaces and infrastructure.

- (iii) the extent to which buildings that do not comply with the bulk and location and amenity controls demonstrate that the ground floor of a building fronting a street or public open space provides interest for pedestrians and opportunities for passive surveillance of the public realm.
- (iv) Whether buildings activate the adjoining street or public open space by:
- being sufficiently close to the street boundary and of a frontage height that contributes to street definition, enclosure and pedestrian amenity;
  - having a pedestrian entrance visible from the street and located sufficiently close to reinforce pedestrian movement along the street;
  - providing a level of glazing that allows a reasonable degree of visibility between the street/public open space and building interior to contribute to pedestrian amenity and passive surveillance;
  - avoiding blank walls at ground level; and
  - providing convenient and direct entry between the street and the building for people of all ages and abilities.
- (v) Whether dwellings located on the ground floor of a building adjoining a street or public open space positively contribute to the public realm while achieving privacy and a good standard of amenity for occupiers of the dwelling, in particular by:
- providing balconies over-looking the street or public open space;
  - providing a planted and/or fenced setback to the street or public open space. Landscaping or fencing should be low enough to allow direct sightlines from a pedestrian in the street or public open space to the front of a balcony; and
  - raising the balcony and floor plate of the ground floor dwellings above the level of the adjoining street or public open space to a height sufficient to provide privacy for residents and enable them to overlook the street or public open space.
- (vi) The extent to which development that does not comply with the amenity controls demonstrates that:
- landscaping, including structural tree planting and shrubs, defines the street edge, delineates pedestrian routes and mitigates

adverse visual and pedestrian amenity effects caused by access ways, parking and service areas. Whether landscaping is planted to ensure sight lines to or from site entrances are not obscured; and

- where the side or rear yard controls are infringed, any adverse visual amenity and nuisance effects on neighbouring sites are mitigated with screening and landscaping.

(i) Building scale and dominance (bulk and location):

(i) the extent to which buildings that exceed the building height, ~~height in relation to boundary and maximum building coverage~~ demonstrate that the height, location and design of the building allows reasonable sunlight and daylight access to:

- streets and public open spaces;
- adjoining sites, particularly those with residential uses; and
- the proposed building;

(ii) the extent to which such buildings meet policies in the Special Purpose - Tertiary Education Zone and Wairaka Precinct;

(iii) the extent to which the building is not visually dominating when viewed from the street, neighbouring sites, public open spaces and from distant locations;

(iv) The extent to which buildings on corner sites demonstrate that additional building mass and height is appropriate in that location and makes a positive contribution to the streetscape;

(v) whether activities and buildings that do not comply with the outlook control demonstrate that:

(vi) occupants are provided with a good standard of outlook and privacy between useable/occupied spaces on the same and adjacent sites;

(vii) the building positively contributes to passive surveillance of the street, rear/sides of site and streetscape amenity; and

(viii) where the requirements of the outlook control are met, whether such buildings adversely affect the amenity of any complying new/ existing development on an adjoining site.

(5) For development that does not comply with Standard I334.6.14 (3): Boundary setback in respect of buildings within Sub-precinct A or Standard I334.6.10: Height in relation to boundary.

*For buildings which infringe Standard I334.6.14(3) Boundary Setback*

(a) the extent to which a landscaped buffer between buildings and activities and adjoining land is maintained to mitigate adverse visual effects;

(b) landscaping that is maintained is of sufficient quality as to make a positive contribution to the amenity of the outlook to the site from neighbouring land;

(c) whether the design recognises the functional and operational requirements of the intended use of the building, including providing for security.

*For buildings which infringe Standard I334.6.10 Height in relation to boundary*

(d) the extent to which buildings that exceed the height in relation to boundary standard demonstrate that the height, location and design of the building allows reasonable sunlight and daylight access to adjoining sites, particularly those with residential uses;

(e) the extent to which such buildings are consistent with the policies in the Special Purpose – Healthcare Facility and Hospital Zone, the Wairaka Precinct – General, and the Wairaka Precinct – Sub-precinct A; and

(f) the extent to which buildings as viewed from adjoining sites are designed to reduce visual dominance effects, overlooking and shadowing and to maintain privacy.

(6) New buildings or additions to existing buildings within Sub-precinct A that increase the building footprint by more than 20 per cent or 200m<sup>2</sup> GFA (whichever is the lesser), that are located within 10m of the eastern boundary.

*Where buildings do not abut the street frontage*

(a) the extent to which the visual effects of the building are screened by landscaping, comprising the planting of a mixture of closely spaced trees, shrubbery and ground cover;

(b) the extent to which the design of the building and the design of the interface between the building and the adjacent street contributes to a high quality visual amenity (including safety) outcome when viewed from the street while meeting the operational and functional requirements (including security) of the use of the building.

*Where buildings do abut the street*

(c) the extent to which the visual effects of the building are screened by landscaping;

(d) the extent to which design features can be used to break up the bulk of the building by, for example varying building elevations, setting parts of the building back, and the use of architectural features to achieve a high quality outcome, without compromising the functional requirements of the use of the building;

(e) the extent to which the design of safety measures together with the design of the interface between the building and the adjacent street provide for sensitive design in a high quality urban environment, while meeting the security requirements for the Mason Clinic;

(f) the extent to which the ground floor of the building (where fronting a street) provides interest for pedestrians and opportunities for passive surveillance (including safety) of the public realm while ensuring the functional and operational requirements (including security) of the Mason Clinic;

(g) the extent to which buildings respond to the policies contained in the Special Purpose - Healthcare Facility and Hospital zone, policies the Wairaka Precinct-General, and the Wairaka Precinct – Sub-precinct A;

All buildings

(h) Those criteria contained in I33.7.2(3)(c) and (d).

### **I334.9. Special information requirements**

An application for any subdivision or development must be accompanied by:

#### Integrated Transport Assessment

- (1) As part of any southern road connection (public or private), the first subdivision resource consent application in the Business - Mixed Use or residential zones (other than for controlled activities) or land use resource consent application for any development greater than 2,500m<sup>2</sup> gross floor area in the Business - Mixed Use Zone or greater than 1,000m<sup>2</sup> in the residential zones, the applicant is required to produce an integrated transport assessment for the precinct. An updated integrated transport assessment for the precinct will be required for all further development in excess of 2,500m<sup>2</sup> gross floor area in the Business - Mixed Use Zone or greater than 1,000m<sup>2</sup> gross floor area in the residential zones, unless that additional development was assessed as part of an Integrated Transport Assessment that is not more than two years old.

#### Stormwater Management Plan

- (1) The following applies to land use consent applications for the land in the precinct:
  - (a) as part of the first land use consent application (excluding developments of less than 1,000m<sup>2</sup> gross floor area in the Special Purpose - Tertiary Education Zone; and developments less than 2,500m<sup>2</sup> in the Business - Mixed Use and Terrace Housing and Apartment Buildings zones), a comprehensive stormwater management plan which considers the appropriateness of any identified stormwater quality and quantity management devices to service the development must be prepared for all the land in the precinct.



- (b) the comprehensive stormwater management plan must be prepared in accordance with the information requirements in Requirement I334.9(3) below.
  - (c) this standard does not apply where the land use application is in accordance with a subdivision consent previously approved on the basis of a previously approved comprehensive stormwater management plan
- (2) A stormwater management plan that:
- (a) demonstrates how stormwater management will be managed across the precinct or development to avoid, remedy or mitigate adverse effects;
  - (b) applies an integrated stormwater management approach, consistent with Policy [E1.3.\(10\)](#);
  - (c) identifies any areas of on-site stormwater management and provides for these in development and subdivision;
  - (d) identifies the location, extent and of any infrastructure, including communal stormwater management devices and any proposed new or upgrades to infrastructure;
  - (e) integrates/interfaces with the wider stormwater network, including that outside of the precinct; and
  - (f) demonstrates compliance with the Council's relevant codes of practice and infrastructure standards; OR
- (3) Demonstrate how stormwater will be managed in accordance with the stormwater management plan prepared for the precinct.

An application for development that is or is not generally in accordance with the precinct plan [and Policy I334.3\(15A\)](#) must include the following:

- (1) Plans showing:
- (a) the overall context of the subject land area relative to existing buildings, public open space and transport connections and any approved buildings and approved framework plans generally;
  - (b) where changes are intended, the relationship of site contours to existing and proposed streets, lanes, any public open space shown;
  - (c) building footprints, profiles and height relative to existing and proposed streets, lanes and any existing or proposed public open space;
  - (d) the location and layout of public open space areas (within the control of the landowner or leaseholder), including the general location of soft and hard landscaping areas, such as pocket parks, plazas, pedestrian

linkages, walkways, covered plazas and linking spaces that complement the existing public open space network;

- (e) the location and layout of vehicle access, entries, exits, parking areas including number of spaces and loading and storage areas;
  - (f) the location and layout of services and infrastructure;
  - (g) the location and function of pedestrian, cycling and vehicle routes to and within the precinct, and their relationship to other areas. This must include representative street and lane cross sections showing the width of footpaths, cycle paths and traffic lanes;
  - (h) the general location and function of existing and proposed streets and lanes, including cross-sections where applicable; and
  - (i) indicative location and layout of proposed sites, including their site areas and buildings types.
- (2) Proposed building profile and height as viewed from all existing and proposed street frontages, existing and proposed public open spaces. For the purpose of this requirement, building profile means two-dimensional and three-dimensional building block elevations and building cross-sections showing:
- (a) overall building form and height (as opposed to detailed design);
  - (b) indicative proposed floor to ceiling heights of each building storey;
  - (c) areas at ground level adjoining public open space intended to be available for active uses; and
  - (d) areas of walls likely to contain windows for principal living areas of accommodation units to demonstrate how the outlook space development control will be met.
- (3) A landscape management plan for landscaped areas to be covenanted, public open space landscaping, roads and streetscapes and walkways. The plan must provide details on:
- (a) plant species schedules;
  - (b) planting specifications including individual tree planting locations;
  - (c) weed control and management;
  - (d) implementation; and
  - (e) the location and design of public seating, vehicle barriers, signage, pedestrian lighting, litter receptacles, and other amenity features in line with crime prevention through environmental design principles.

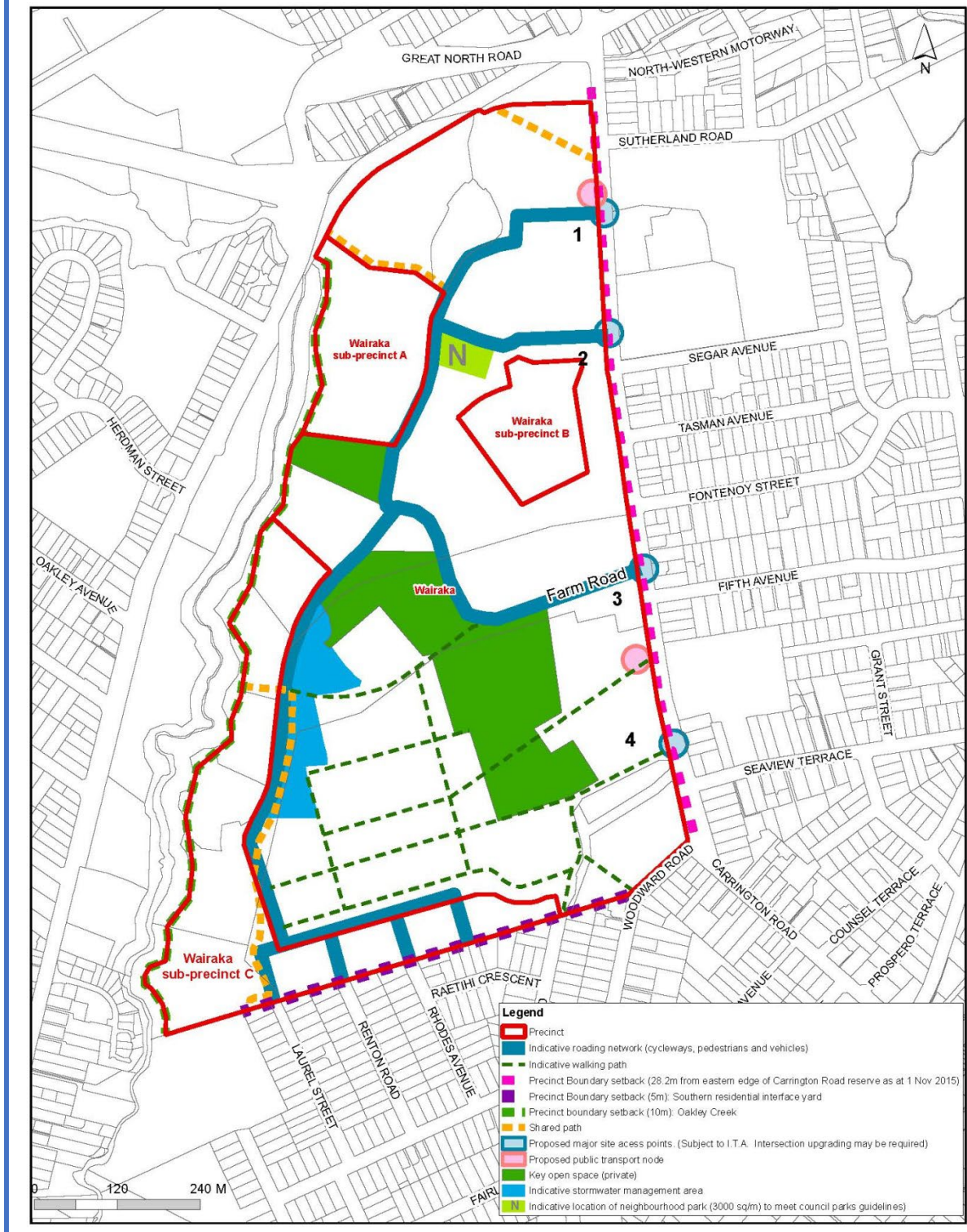
- (4) An infrastructure and stormwater management plan that demonstrates how the development will meet the controls and assessment criteria in this precinct regarding infrastructure and servicing, including:
  - (a) location and extent of infrastructure, including areas of on-site stormwater management (if applicable) and integration/interface with the wider precinct;
  - (b) any proposed new or upgrade to infrastructure;
  - (c) staging of development; and
  - (d) compliance with the Council's relevant codes of practice and infrastructure standards.
- (5) A traffic management plan that demonstrates how the development will meet the controls and assessment criteria in this precinct regarding traffic generation and management, including:
  - (a) a traffic management assessment demonstrating how the precinct will manage traffic demand, alternate transport options , connections to public transport and key connections to and within the precinct; and
  - (b) be prepared in accordance with current best practice guidelines adopted by Auckland Transport.
- (6) The general location of activity types with potential to influence the staging and design of development across the subject land area including:
  - (a) general proposed activity types at activity interfaces, including activity types to be established adjacent to existing lawful activities (including industrial activities);
  - (b) proposed staging of demolition, earthworks and building development, and where information is available, the staging of public open space.

I334.10. Precinct plans

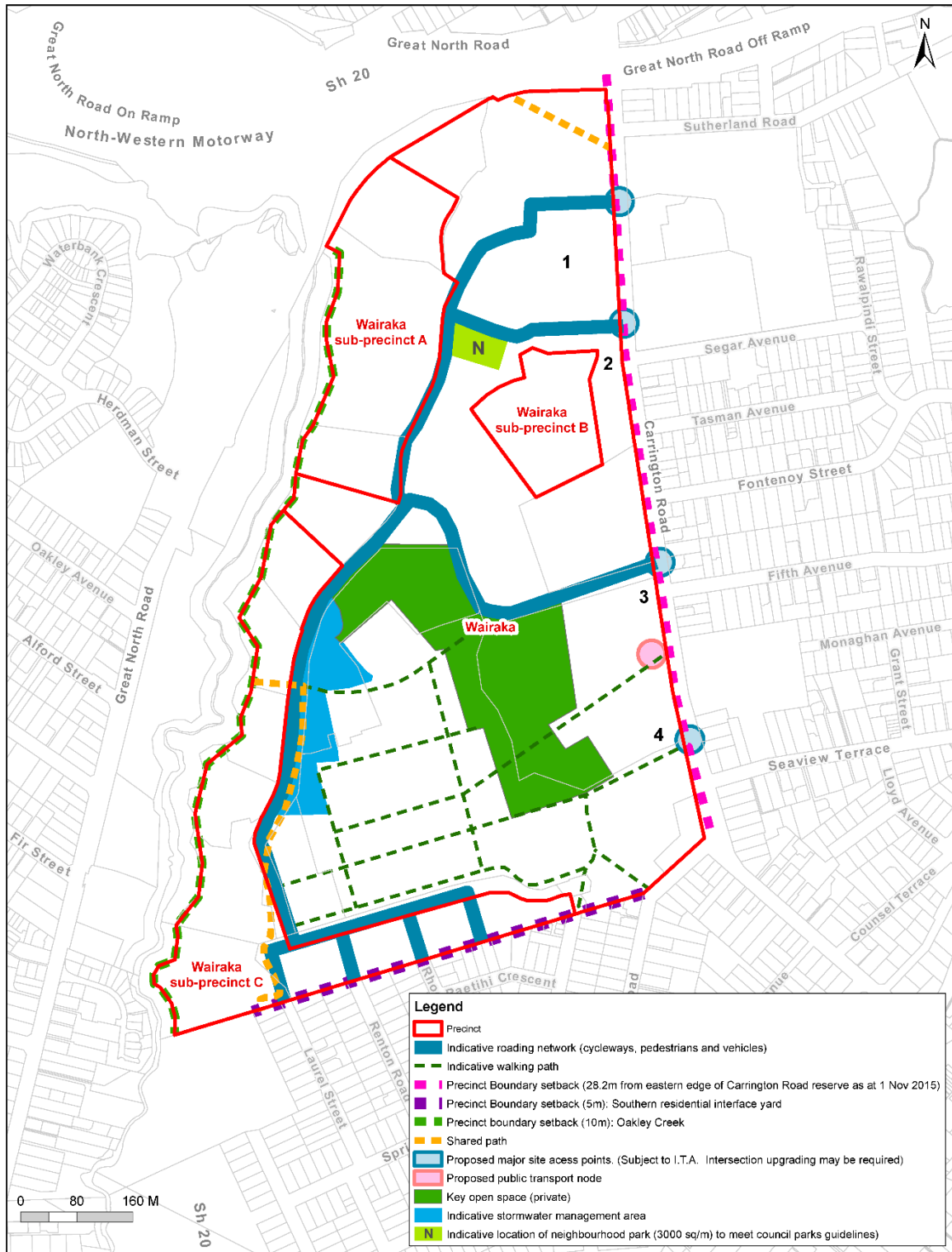
I334.10.1 Wairaka: Precinct plan 1

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PC 78 (see [Modifications](#))



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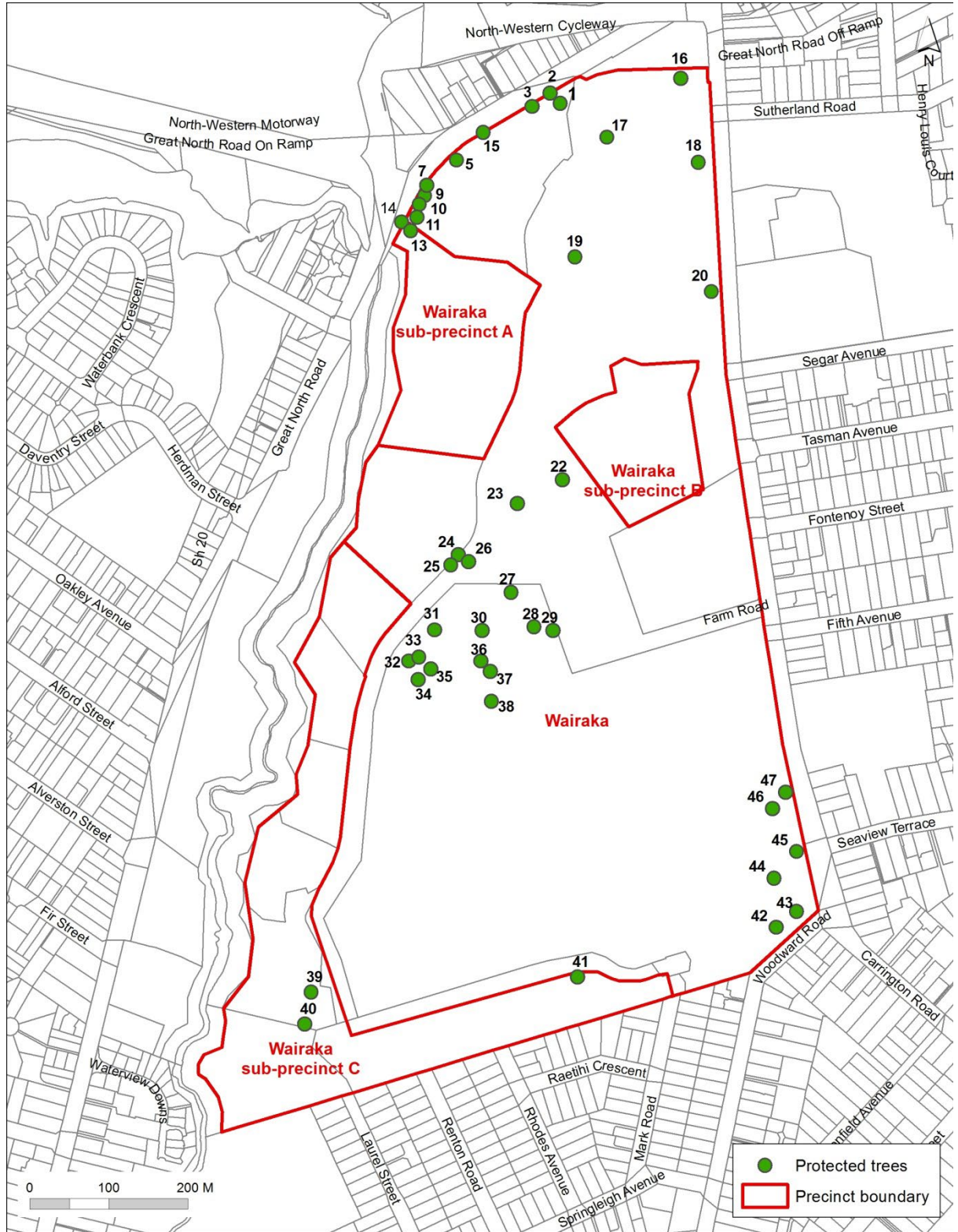


Wairaka : Precinct plan 1

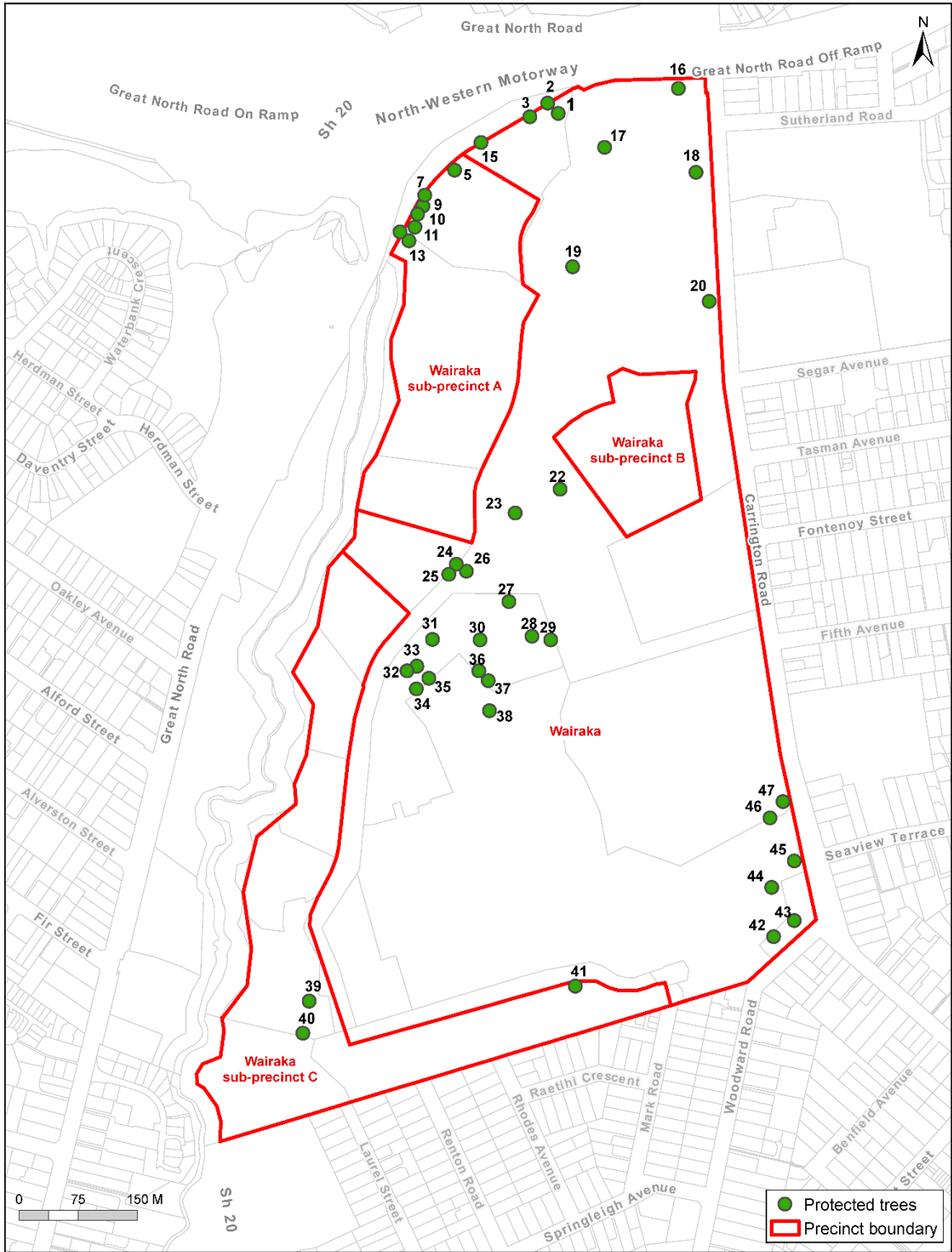


I334.10.2 Wairaka: Precinct plan 2 – Protected Trees

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Wairaka : Precinct plan 2 - Protected Trees



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## **Appendix E**



## Appendix E

Names and addresses of persons to be served with a copy of this notice:

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