

**Before the Environment Court  
At Auckland**

**I Mua I Te Kōti Taiao  
Tāmaki Makaurau Rohe**

ENV-2025-AKL-

**UNDER** The Resource Management Act 1991 ("RMA")

**IN THE MATTER** of an appeal under clauses 14(1) and 29 of Schedule 1 of the RMA

**AND IN THE MATTER** of Private Plan Change 94 to the Auckland Unitary Plan 2016 (Operative in Part)

**Between** **Open Space for Future Aucklanders Incorporated**  
**Appellant**

**And** **Auckland Council**  
**Respondent**

**And** **Ministry of Housing and Urban Development  
/ Te Tūāpapa Kura Kāinga**  
**Applicant**

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**Notice of Appeal**

Dated: 13 May 2025

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**Presented for filing by:**



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# Notice of Appeal

**TO:** The Registrar  
Environment Court  
Auckland

## Introduction

1. Open Space for Future Aucklanders Incorporated (**Appellant**) appeals against a decision (the **Decision**) of Auckland Council (**Respondent**) to approve the Ministry of Housing and Urban Development / Te Tūāpapa Kura Kāinga (**Applicant**) Private Plan Change 94 (**Plan Change**) to the Auckland Unitary Plan 2016 (Operative in Part) (**AUP**).
2. The Appellant is an incorporated society that was formed in 2023. The primary purpose of the Society is to represent members in relation to planning matters in Auckland and specifically in and around Mount Albert. The Appellant's members primarily reside to the east of the Plan Change area.
3. The Appellant wishes to ensure that sufficient, quality, accessible and useable open space is provided in the right locations to serve the needs of existing and future residents. The Appellant wishes to see open space and "density done well" such that it provides high levels of amenity and contributes to well-functioning urban environments.
4. The Appellant has participated in RMA and Local Government Act 2022 consultations with a view to ensuring that Auckland Council adopts a holistic and long-term perspective particularly in respect of open space.
5. The Appellant considers that the adequate provision of and funding for open space is commensurate with the level of proposed intensification is essential for achieving well-functioning urban environments.
6. The Appellant made a submission (No 25) and further submissions on the Plan Change.
7. The Appellant is not a trade competitor for the purposes of section 308D of the RMA.
8. The Decision was made by the Respondent. The Respondent notified the Decision on 27 March 2025.

9. The Appellant received notice of the Decision on or about 27 March 2025.
10. The Decision approves the Plan Change to rezone parts of the former Unitec Campus located in the suburb of Mt Albert to from Special Purpose Tertiary Zone (**SPTZ**) to Business-Mixed Use Zone (**BMU**) and Residential Mixed Housing Urban Zone (**MHU**), reconfigures open space across the 64.5 ha Wairaka Precinct (**Precinct**) and revises the Precinct plans and provisions to provide for redevelopment of the Precinct and enables intensive residential apartment development from 27m (eight storeys) to 72m (20 storeys) high.
11. The Appellant appeals the Decision in its entirety.

### **Reasons**

12. The reasons for the appeal are that:

#### *Open Space*

- (a) The Decision fails to secure sufficient open space.
- (b) The Decision did not zone any land for open space.
- (c) Instead, the Decision applies 27m or 35m height limits on land indicated for public space on Precinct Plan 1.
- (d) The Decision records that the Plan Change will increase the development enabled in the Precinct from 2,500 dwellings and 1,000 specialist accommodation units, with a population of 8,200 people under the AUP to 4,000 to 4,500 dwellings and a population of 11,200 to 12,600 people under the Plan Change, but these numbers are uncapped.
- (e) The Decision only provides for just over 3ha of land out of 64.5 ha as indicative open space on Precinct Plan 1 if accessways and land for stormwater drainage are not included.
- (f) The open space indicated does not contain sufficient quality, accessible and useable open space.
- (g) The amount and quality of open space provided for by the Decision is inconsistent with Council open space and recreation policies and falls significantly below international standards.

- (h) As such the Decision:
  - (i) fails to meet the open space and recreational needs of incoming residents of the Precinct or existing residents in the surrounding area; and
  - (ii) will generate significant adverse effects on existing open space and recreational facilities in the surrounding area.
- (i) The Decision fails to include a mechanism to ensure that open space is secured, funded and delivered in a timely manner as the Precinct is developed over the next ten to fifteen years.
- (j) The Decision provides no mechanism that links the area of open space that is required to the number of dwellings or people occupying the Precinct.
- (k) The Decision fails to properly recognise that open space is additional infrastructure that the Respondent must be satisfied is likely to be available to service the development capacity in order to give effect to the NPS-UD.
- (l) The Decision failed to properly consider and/or implement mechanisms for ensuring the delivery and funding of open space as recommended by Council officers at the hearing including in the s42A Addendum Report included in **Attachment C** to this appeal (**Report**).

*National Policy Statement on Urban Development*

- (m) The Decision incorrectly assesses the Precinct as an area that the NPS-UD identifies as being appropriate for the higher levels of intensification proposed in the Plan Change.
- (n) In that regard, the Decision:
  - (i) Fails to recognise that the NPS-UD promotes a graduated urban form with higher levels of intensification in city centres, metropolitan centres with reducing levels further out from such centres.
  - (ii) Relies on an incorrect definition of “*existing and planned Rapid Transit stops*” (i.e. including bus stops in bus lanes that are not separated from regular traffic).



- (iii) Applies building heights of 8-10 storeys to locations in the Precinct (and up to 20 storeys in Height Area 1) where the Precinct is not within or adjacent to the city centre or any metropolitan centre and is outside of a walkable catchment of Rapid Transit.
- (iv) Provides for a level of building heights and densities across the Precinct that is not commensurate with the distance to nearby small town centres or the level of commercial activity and community services within those town centres.

*Heritage Buildings / Places, Notable Trees and Significant Ecological Areas*

- (o) The Applicant and Respondent failed to uphold their obligations or perform their statutory duties to assess Heritage Buildings and Places, Notable Trees and Significant Ecological Areas.
- (p) The Decision wrongly dismisses as out of scope reasonable amendments sought by submitters and/or recommended in the Report to ensure that Heritage Buildings and Places (such as Penman House), Notable Trees and Significant Ecological Areas are protected, despite these matters being identified through the submissions and hearing process and expert evidence presented at the hearing as meeting AUP criteria for scheduling or protection.
- (q) In that regard the Decision:
  - (i) Fails to recognise the significance of the changes sought by the Plan Change.
  - (ii) Fails to recognise that the Plan Change has wide scope.
  - (iii) Fails to recognise that there is wide scope for mitigations to address the adverse effects of the on the environment of the Plan Change.
  - (iv) Fails to properly take into the account the obligations on applicants for private plan changes and the Respondent to assess the effects on the environment.

- (v) Fails to properly take into the account the obligations on applicants for private plan changes and the Respondent to appropriately mitigate the effects on the environment.
- (vi) Fails to recognise and provide for relevant matters of national importance under s 6 of the RMA, namely the portion of areas of significant indigenous vegetation and the protection historic heritage from inappropriate subdivision, use, and development.
- (vii) Fails to ensure that the Precinct provisions are the most appropriate in terms of s32 of the RMA with respect to achieving the sustainable management purpose of the RMA and implementing the higher order heritage, biodiversity, landscape and visual and economic, social and cultural objectives and policies of the AUP.
- (viii) Fails to properly give effect to the public participation purpose of the RMA and s32AA of the RMA in addressing evidence arising from the submissions and hearing process.

*Absence of Masterplan*

- (r) The Decision ought to have required master planning of the Precinct.
- (s) The Decision results in the majority of the 64.5 ha Precinct having a blanket BMU zoning.
- (t) In the absence of varied zoning across the Precinct or a comprehensive masterplan that shows indicative pedestrian, cycling and vehicle connections within developable areas, the locations of proposed land use types (e.g. retail / commercial, residential, education and community facilities) across the Precinct, and that is secured by inclusion in the Precinct plans or provisions, the Decision does not enable well-functioning urban environments and fails to give effect to the NPS-UD.

*Built form and amenity*

- (u) The Decision:

- (i) Removes the building height of 18m on the Precinct's Carrington Road frontage in Height Area 4, increasing to 27m beyond a 20m setback from Carrington Road, and replaces it with a permitted height limit of 27m.
- (ii) Increases the height limit in Height Area 2 along Carrington Road to 35m.
- (v) The Decision fails to properly assess the effects of these height limits in conjunction with the anticipated changes in built form that will result from the change in land use from tertiary education with the denser and less spacious form of development enabled by rezoning the southern portion of the Precinct from SPTZ to BMU.
- (w) The Decision further fails to consider or implement planning tools to mitigate these adverse effects such as setbacks from roads and between buildings or securing outlook areas through the Precinct between buildings.
- (x) The 27m and 35m height limits will enable a built form that is incongruous with, and will generate significant adverse effects on the amenity values of, the existing residential area to the east of the Precinct that is zoned Mixed Housing Urban with an 11m height limit.
- (y) The scale and nature of these adverse effects will go well beyond the degree of acceptable change in amenity anticipated by the NPS-UD.

#### *Traffic and Parking*

- (z) The Decision will inappropriately enable significant adverse transport and parking effects on the wider traffic environment that go beyond, and will not be mitigated by, the planned Carrington Road cycle way upgrade. In particular, the Decision:
  - (i) Fails to adequately consider or assess the adverse effects of the additional traffic generation on the residential area to the east of the Precinct (between Carrington Road and St Lukes Road) and whether any roading or intersection upgrades are required to mitigate traffic generation effects as the Precinct is progressively occupied.

- (ii) Fails to consider that the Plan Change will enable the redevelopment of the Precinct over a ten to fifteen year time frame and will therefore generate construction traffic for a lengthy period.
- (iii) Fails to include any mechanisms in require traffic management plans to ensure that construction traffic accesses the Precinct from the nearest State Highway interchanges and main roads (i.e. Pt Chevalier / Waterview interchange and Great North Road) and does not cut through the residential areas to the east of the Precinct.
- (iv) Fails to address the risk that the Precinct will not act as a transit oriented development and that future occupants of the Precinct will generate more demand for car parking than can be or is planned to be accommodated in the Precinct resulting in adverse parking overspill effects in the surrounding residential area.

#### *Treaty Principles*

- (aa) The Decision applies Treaty Principles in a manner that fails to sufficiently protect the environment and as a result fails to achieve the sustainable management purpose of the RMA.
- (bb) The Decision inappropriately gives primacy and undue weight to the Precinct having been identified as commercial redress land under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed 2012 and Ngā Mana Whenua o Tāmaki Makaurau Act 2014 as a basis for higher levels of intensification.

#### *Notification / written comments*

- (cc) The Decision fails to recognise the interests of the existing community in the development of Precinct.
- (dd) The notification provisions inappropriately exclude community involvement in RMA public participation process and fail to give any guidance as to interested parties and landowners who should be considered for providing written comments under Fast Track Approvals Act 2024.

13. In the absence of the relief sought by the Appellant to address the concerns in this appeal, the Plan Change:
- (a) will not promote or be consistent with the purpose and principles in Part 2 of the RMA;
  - (b) will not be appropriate in terms of section 32 of the RMA;
  - (c) will not be consistent with and give effect to the relevant national and regional planning instruments; and
  - (d) will enable the generation of significant adverse effects on the environment (including the Precinct and surrounding residential areas).

**Relief sought**

14. The Appellant seeks the following relief:
- (a) That unless the Plan Change is amended to address the concerns raised in this appeal and in the Appellant's original submission and further submission, then the Plan Change be declined.
  - (b) Without limiting the generality of paragraph (a) above the amendments proposed in the Report.
  - (c) Such other orders, relief or other consequential amendments as is considered appropriate and necessary by the Court to address the concerns set out in this appeal.
  - (d) Costs of and incidental to the appeal.

**Documents**

15. The Appellant attaches the following documents to this notice of appeal:
- (a) A copy of the Appellant's original submission and further submission on the Plan Change (**Annexure A**).
  - (b) A copy of the Decision (**Annexure B**).
  - (c) Copy of the Report containing Council officers' recommended version of the Plan Change (**Annexure C**).

- (d) A list of names and addresses of persons to be served with a copy of this notice of appeal (**Annexure D**).

**Dated:** 13 May 2025

**OPEN SPACE FOR FUTURE AUCKLANDERS** by its solicitors  
and duly authorised agents Beresford Law



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**JL Beresford**

**Address for service**

This document is filed by Joanna Louise Beresford, solicitor for the appellant, of the firm Beresford Law. The address for service of the appellant is Level 6, 20 Waterloo Quadrant, Auckland, 1010. Attention Joanna Beresford, Telephone: +64 9 307 1277, Mobile: +64 21 114 1277.

Documents for service on the appellant may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 1088 Shortland Street Auckland 1140; or
- (b) emailed to the solicitor at [joanna@beresfordlaw.co.nz](mailto:joanna@beresfordlaw.co.nz).

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

### *How to become party to proceedings*

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
  - (a) 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
  - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. 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 Act.
4. You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

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

5. The copy of this notice served on you does not have attached a copy of the appellant's submission and the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

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

## **ANNEXURE A**

**Copies of the Appellant's original submission and further submissions on the  
Plan Change**



## RESOURCE MANAGEMENT ACT 1991

### SUBMISSION ON PRIVATE PLAN CHANGE 94 (WAIRAKA PRECINCT) TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

#### Clause 6 of First Schedule, Resource Management Act 1991

TO: Auckland Council,  
By Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

SUBMITTER: **OPEN SPACE FOR FUTURE AUCKLANDERS  
INCORPORATED (the Society)** at the address for service  
set out below.

1. This is a submission on Private Plan Change 94 to the Auckland Unitary Plan (Operative in Part) (**AUP**), requested by the Ministry of Housing and Urban Development (**MHUD**), (**the Change**).
2. The Change proposes to:
  - (a) rename the precinct from the Wairaka Precinct to the Te Auaunga Precinct (**the Precinct**);
  - (b) rezone parts of the former Unitec Campus to from Special Purpose Tertiary Zone to Business-Mixed Use Zone (**BMU**) and Residential Mixed Housing Urban Zone (**MHU**); and
  - (c) revise the Precinct provisions and precinct plans to:
    - (i) allow additional dwellings with the number of additional dwellings unclear;
    - (ii) alter open space and stormwater management areas;
    - (iii) remove landscaping area requirements;
    - (iv) allow greater height for residential buildings;
    - (v) delete building setbacks along the Precinct's boundary with existing residential areas;
    - (vi) delete roading, walking and public transport connections.
3. The Society does not oppose the name change of the Precinct but otherwise opposes the Change in its entirety.
4. The Society is recently formed incorporated society primarily made up of community members who live close to parts of the Precinct proposed to be rezoned. The primary purpose of the Society is to represent its members in relation to planning applications in Auckland and specifically around the Mount Albert area to ensure that such proposals provide sufficient open space to serve the needs of existing and future residents and otherwise

contribute to a well-functioning and high amenity urban environment.

5. The Society could not gain an advantage in trade competition through this submission and in any event is directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
6. The reasons for the submission are that the Change, as notified:
  - (a) Is contrary to the sustainable management of natural and physical resources does not amount to or promote the efficient use and development of resources, and is otherwise contrary to the purpose and principles in Part 2 of the Resource Management Act 1991 (**RMA**).
  - (b) Is inconsistent with objectives, policies and other provisions in the AUP and other relevant planning instruments.
  - (c) Does not warrant approval in terms of section 32 of the RMA.
  - (d) Will enable the generation of significant adverse effects on the environment in terms of will enable significant adverse effects on the environment including on the social well-being of the existing and proposed residential community.
7. In particular, but without limiting the above reasons:
  - (a) The Society is concerned that the level of open space in the Precinct needs to be significantly increased to recognise that the Change:
    - (i) is expected to significantly increase the projected population of the Precinct, in a context where the AUP allows significant intensification of the area surrounding the Precinct, and further significant intensification of that area is proposed under Plan Change 78 to the AUP and the National Policy Statement Urban Development (**NPS UD**).
    - (ii) Would be detrimental to all of Auckland as the suburbs of Mt Albert, Point Chevalier and Waterview are already established residential suburbs and the Precinct presents the only realistic opportunity to provide sufficient open space for existing and future residents in central Auckland in light of the planned for intensification.
  - (b) The proposed additional dwellings and number of taller built forms is both unnecessary and premature in the context of a unique and significant brownfields site that has not been comprehensively masterplanned.
  - (c) The Society considers that if the Change is to proceed it requires significant amendment to mitigate the adverse effects that would be generated by the increased level intensification enabled by the Change as notified.
8. The Society considers that the if the Change is to proceed it needs to be amended to:

### *Open Space*

- (a) Retain the Policy I334.3(15A) requiring a minimum amount of private open space to be provided in the Precinct.
- (b) Significantly increase the amount of public open space proposed in the Precinct, require a minimum area of public open space, and improve that public open space so that it better enables a well-functioning urban environment and meets the needs of all future residents of the Precinct and the surrounding urban environments.
- (c) Avoid the adverse effects of dominance of buildings on public open space.
- (d) Ensure adequate separation of buildings, to avoid adverse effects on public open space, including on the public realm of road reserves, within and adjoining the Precinct.
- (e) Secure the provision of open space by rezoning additional land for open space and amending I334.10.1 Te Auaunga: Precinct Plan 1 (**Precinct Plan 1**).
- (f) Provide for a variety of open space typologies that enable active and passive recreation and identify the locations for these types of open space uses in Precinct Plan 1.

### *Comprehensive Master planning*

- (g) Provide for comprehensive master-planning for the Precinct that identifies the locations of buildings and community residential, commercial, retail, educational, or other activities to be undertaken within and outside of buildings prior to resource consents for new buildings being granted.
- (h) Provide a fair balance between the rights of developers and existing communities particularly in relation to economic development, capacity building, and cultural promotion.
- (i) Provide clarification of the proposed future use of the Taylor's Laundry site.

### *Built Form*

- (j) Provide for a gradation of building heights with lower building heights along Carrington Road and taller building heights in the topographically lower parts of the Precinct, so that buildings better integrate with the environment and minimise the adverse effects on surrounding communities.
- (k) Reduce or retain the existing height limit along Carrington Road.
- (l) Increase the width of the height limited area along Carrington Road.
- (m) Increase and permanently maintain the no build setbacks along Carrington Road.
- (n) Increase the width of the building setback along the boundary of the Precinct with Carrington Road.

- (o) Reduce height limits throughout the Precinct and increase distances between buildings to maintain outlooks within and through the Precinct.
- (p) Delete Height Area 1 in its entirety or reduce the number and height of tall buildings in Height Area 1.
- (q) Reduce the height of tall buildings in Height Areas 2, 3, 4 and 5.

*Landscaping and tree protection*

- (r) Restrict site coverage to provide greater landscaped areas and space between buildings.
- (s) Retain and strengthen existing tree protection provisions.
- (t) Retain all notable trees in I334.10.2 Wairaka / Te Auaunga: Precinct Plan 2 – Protected Trees (**Precinct Plan 2**).
- (u) Provide for the retention of additional mature vegetation in the Precinct to mitigate adverse visual and stormwater effects of more intense development enabled by the Change.
- (v) Include additional trees in Precinct Plan 2, particularly all mature trees in the following parts of the Precinct:
  - (i) The area between the Squash Centre and the Gate 4 Accessway around Building 054.
  - (ii) The Oak and Magnolia Trees lining the Gate 4 Accessway.
  - (iii) The flat areas surrounding Building 054 (Penman House) and sloped area behind it.
  - (iv) The Unitec Memorial Garden area (mature/juvenile trees).
  - (v) The Terraced area along the Woodward Road boundary of the Precinct.
- (w) Increase the area of land required to be soft landscaped on sites in the Precinct.
- (x) Increase the distances required between buildings to provide view shafts through the Precinct.

*Urban design, heritage and character*

- (y) Provide for exemplary quality urban design and landscaping within the Precinct.
- (z) Adaptively reuse prominent character buildings on the site, in particular Building 055 (Penman House) and Building 054.
- (aa) Require an assessment of air quality effects of taller buildings locating in proximity to the existing Taylor's laundry facility stacks and include any necessary restrictions on new building occupancy or building design required to address those effects.

### *Traffic*

- (bb) Reduce the adverse traffic effects including by:
  - (i) retaining the proposed indicative roading connections in the south of the Precinct;
  - (ii) Making the northern most access point to Carrington Road the main access point to the Precinct.
  - (iii) locating public transport nodes centrally within in Precinct Plan 1 and integrating with public transport within the precinct to encourage public transport use and to reduce unnecessary vehicle traffic outside the Precinct;
  - (iv) retaining the existing indicative walking connections and amending Precinct Plan 1 to provide for additional indicative walking connections through the Precinct;
  - (v) upgrading the indicative walking path to retain wider (tree lined) network connection from the southern major access point (i.e. Unitec Gate 4); and
  - (vi) restricting dwelling and occupancy numbers in the Precinct until the Carrington Road upgrade is completed the Woodward Road railway level crossing is replaced by a grade separated crossing.
- (cc) Amending Precinct Plan 1 to include a small scale community and retail centre located in the central part of Precinct to serve incoming residents and reduce unnecessary vehicle trips outside of the Precinct.

### *Activity status and notification*

- (dd) Provide that the removal of identified trees, removal of identified character buildings, and new buildings above height limits are non-complying activities requiring public notification.
9. Examples of specific amendments to address these concerns are shown **Schedule 1**. Further consequential amendments may be required to achieve consistency with the relief sought throughout the Precinct provisions.
  10. **Schedule 2** identifies the areas for further notable tree assessment and inclusion.
  11. **Schedule 3** shows areas that the Society considers appropriate for additional southern open space.
  12. The Society seeks that the Change be withdrawn or, if necessary, disallowed unless amendments are made to address the concerns in this submission.

13. The Society wishes to be heard in support of their submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.

**DATED** 18 December 2023

A handwritten signature in blue ink that reads "JL Beresford". The signature is written in a cursive, flowing style.

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**JL Beresford**

Counsel for **Open Space for Future Aucklanders Incorporated**

**Address for service of the Submitters:** Beresford Law, Level 6, 20 Waterloo Quadrant, Auckland, 1010. PO Box 1088, Shortland Street Auckland. Attention: Joanna Beresford. Phone +64 9 307 1277. Mobile: +64 21 114 1277. Email: [joanna@beresfordlaw.co.nz](mailto:joanna@beresfordlaw.co.nz)

## Schedule One: Examples of specific amendments sought to address the Society's concerns

Text as proposed by MHUD in Plan Change 94 with the Society's amendments shown or descriptions of amendments sought in underline and ~~strike through~~.

No	Provision	Support / Oppose / Amend	Reason for Submissions	Decision Requested
	<b>Precinct Description</b>			
1.	I334.1. Precinct Description	Oppose / Amend	MHUD's insertion inappropriately priorities height of buildings.	A range of building heights are applied across the precinct that recognise the favourable size, location and topography of the land within the precinct. These heights recognise the relative sensitivities of adjoining and adjacent neighbouring properties, with <u>lower heights applied along Carrington Road and greater height applied to topographically lower areas</u> where the potential adverse effects can be managed within the precinct. <del>In the north-western corner of the site height is also proposed to act as a landmark for the development, supporting the urban legibility of the precinct.</del>
2.	I334.1. Precinct Description	Oppose	MHUD's insertion inappropriately priorities the economic outcomes of the developer over community outcomes.	<del>The Te Auaunga Precinct provides objectives for the restoration and enhancement of Māori capacity building and Māori cultural promotion and economic development within the precinct.</del>
3.	I334.1. Precinct Description	Oppose / Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	There are also particular attributes of the Te Auaunga 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: <ul style="list-style-type: none"> <li>• <u>Mature vegetation and notable trees.</u></li> <li>• An open space network linking areas within the Te Auaunga Precinct and providing amenity to neighbouring housing and business areas.</li> <li>• <u>Amenity enhancing views at street level which connect with Owairaka / Mt Albert, the Waitemata Harbour and Waitakere Ranges.</u></li> </ul>

				<ul style="list-style-type: none"> <li>A network of pedestrian and cycleway linkages that integrate with the area network <u>and are sufficient width to create a boulevard style development and accommodate separate pedestrian and cycle lanes and vegetation and mature trees.</u></li> </ul>
4.	I334.1. Precinct Description	Oppose / Amend	MHUD's amendment inappropriately narrows the focus of the Precinct to being implementing Precinct Plan 1 but the outcomes sought in the precinct are wider than this. An update is required to refer to connections in the south.	The implementation of <del>Precinct plan 1</del> <u>the desired outcomes for the precinct and surrounding areas</u> is dependent on a series of works. These works focus on the provision of open space and a roading network including access from the east <u>and south</u> to the important Te Auaunga public open space...
5.	I334.1. Precinct Description	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	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 <u>and that the stormwater management for the precinct will be designed to accommodate these stormwater flows.</u>
6.	I334.1. Precinct Description	Support / Amend	Provision of public transport through the site and bus nodes is supported to reduce the adverse traffic effects on Carrington Road. Amendments required to mitigate the effects of greater intensity enabled by the Change.	<p>These measures <del>will</del> <u>could</u> include the following:</p> <ul style="list-style-type: none"> <li>Providing a connected road network through the site;</li> <li>Providing a connected pedestrian and cycling network into and through the site (<u>with sufficient width to separate cycling and pedestrian lanes</u>), in particular convenient east-west and north-south cycle connections from the Oakley Creek Te Auaunga over bridge <u>to the proposed bus node and</u> Carrington Road bus services and existing and proposed cycle networks beyond the site;</li> <li>Upgrading intersection access onto the site and avoiding, remedying and mitigating adverse effects on the surrounding transport network;</li> <li>Making provision <u>for bus node(s) within the centre of the Precinct and integrating public transport with the surrounding road network, and</u> road widening to support the public transport network, and expansion of the public transport network through the precinct;</li> <li><u>Providing vehicle connections to the south of the precinct to reduce the traffic effects on Carrington Road.</u></li> </ul>



				<ul style="list-style-type: none"> <li>• <u>Limiting the number of major site access points on Carrington Road</u></li> <li>• Managing vehicular movements through the connections to the south of the site;</li> <li>• Managing parking to avoid, remedy, and mitigating adverse effects on the surrounding transport network; or</li> <li>• Staging land use and development with any necessary infrastructure investment.</li> <li>• <u>Restricting dwelling and occupancy numbers until the Carrington Road upgrade is completed.</u></li> <li>• <u>Restricting dwelling and occupancy numbers in the precinct until the Woodward Road railway level crossing is replaced by a grade separated crossing.</u></li> </ul>
7.	I334.1. Precinct Description	Oppose / Amend	<p>MHUD's amendment inappropriately narrows the focus of the Precinct to being implementing Precinct Plan 1 but the outcomes sought in the precinct are wider than this.</p> <p>Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.</p>	<p>To <del>reduce the potential of</del> avoid new development occurring in an uncoordinated manner, the <del>precinct encourages the land owner/s to develop the land in accordance with the Precinct plan 1 and relevant policies</del> precinct requires land owners to develop in accordance with a <u>comprehensive master plan that is in accordance with the precinct provisions and precinct plans 1-3.</u> This method provides for integrated development of the area and ensures high quality outcomes are achieved.</p>
<b>I334.2. Objectives</b>				
8.	I334.2 (1)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<p>The provision for a high quality of tertiary education institution and accessory activities in the precinct is continued, while also providing for <u>open space, growth, change and diversification of activities that provide a high level of amenity within the Precinct and the surrounding area.</u></p>
9.	I334.2 (2)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as	Comprehensive planning and integrated development of all sites within the precinct is achieved <u>prior to further resource consents for</u>

			BMU and the greater intensity enabled by the Change.	<u>residential development or new buildings being granted.</u>
10.	I334.2 (3)	Support / Amend	Clarify the range of typologies primarily sought.	A mix of residential, business, tertiary education, social facilities and community activities is provided, which maximises the efficient and effective use of land and provides for a variety of <u>terraced housing and low to mid rise apartment</u> built form typologies.
11.	I334.2 (6)	Oppose / Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change. Potential for additional buildings to be scheduled in future.	Identified heritage values are retained through the adaptation of the <u>scheduled buildings and identified character buildings</u> and retention of identified trees, together with the management of the historic heritage, and Māori sites of significance on Te Auaunga land, and the contribution they make to the precinct's character and landscape, are recognised, protected and enhanced in the precinct.
12.	I334.2 (7A)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<u>The amount of open space within the precinct is commensurate with the level of intensification planned both within the precinct and the surrounding suburbs.</u>
13.	I334.2 (10)(a)	Oppose / Amend	The Precinct is proposed to be the most intense urban environment outside the CBD, which requires an exemplary or outstanding level of urban design.	An integrated urban environment is created, which: Incorporates <del>high</del> <u>exemplary</u> quality built form and <u>urban</u> design;
14.	I334.2 (10)(b)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	Recognises, protects and enhances the environmental attributes <u>and open space aspects</u> of the precinct in its planning and development;
15.	I334.2 (10)(d)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	Is developed in a comprehensive manner, which complements and fits within the landscape and character of the surrounding environment <u>including the built form and character of the surrounding residential environment.</u>
16.	I334.2 (10)(f)	Oppose	MHUD's insertion inappropriately prioritises the economic outcomes of the developer over community outcomes.	<del>Contributes to Māori cultural promotion and economic development.</del>
17.	I334.2(11)	Amend	Reduce vehicle trips outside of the precinct in order to minimise adverse traffic effects	Provide for retail, food and beverage, <del>and</del> commercial services, <u>and community activities</u> in identified locations <u>as shown on Precinct Plan 1</u>

			on Carrington Road.	(as sought to be amended by the Society) to serve local demand within the Te Auaunga 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.
18.	I334.2(12)	Oppose	MHUD's insertion inappropriately prioritises the economic outcomes of the developer over community outcomes.	<del>The restoration and enhancement of Māori capacity building and Māori cultural and economic development within the precinct is provided for, promoted and achieved.</del>
19.	I334.2(13)	Oppose / Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change and ensure the more intense building forms integrate appropriately with the surrounding environments.	Provide for <u>graduated heights with increased heights only in the topographically lower parts of the precinct in appropriate parts of the precinct so as to provide greater housing choice, increase land efficiency, benefit from the outlook from the precinct, and create 'landmark' buildings in the north western part of the precinct.</u>
<b>I334.3. Policies</b>				
20.	I334.3.(1)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	Enable and provide for a wide range of activities, including <u>open space</u> , education, business, office, research, healthcare, recreation, residential accommodation, community facilities and appropriate accessory activities.
21.	I334.3.(4)	Oppose	Significantly increased amounts of open space are required mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change, which need to be secured by retaining minimum open space requirements in the Precinct provisions.	Promote comprehensive planning by enabling integrated development in accordance with the Precinct plan 1 <u>and Policy I334.3(15A)</u> that provides for any of the following:
22.	I334.3.(4)(d)	Oppose	Precinct provisions enable a variety of typologies and the purpose of this provision appears to relate to residential accommodation associated with tertiary educations with residential activity generally dealt with in I334.3(6).	<del>Intensive</del> Residential activities <u>associated with tertiary education;</u>
23.	I334.3.(4)(e)	Oppose	MHUD's insertion inappropriately priorities the economic outcomes of the developer over community outcomes.	Economic development and employment, <del>including supporting Māori capacity building and Māori cultural promotion and economic development;</del>
24.	I334.3.(4)(i)	Amend	Amendments required to mitigate the	Identification and protection of significant landscape features, the

			effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	adaptation of the scheduled historic buildings <u>and identified character buildings</u> , identified trees and integrated open space network;
25.	I334.3.(6)	Oppose / Amend	Precinct provisions enable a variety of typologies and give effect to the NPS UD.	Encourage a mix of residential lifestyles and <u>variety of housing typologies</u> to cater for a diverse <del>and high density</del> residential community at Te Auaunga.
26.	I334.3.(7)	Oppose / Amend	Precinct provisions enable a variety of typologies and give effect to the NPS UD.	Provide for a mix of residential and business activities which will enable development of <del>an intensive residential core to</del> <u>a well-functioning urban environment in the Te Auaunga Precinct</u>
27.	I334.3.(10A)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change and give effect to the NPS UD	<u>Avoid subdivision and development that is incompatible with:</u> <ul style="list-style-type: none"> <li>• <u>The provision of a high quality open space network.</u></li> <li>• <u>Maintaining the amenity of the surrounding residential environment.</u></li> <li>• <u>Well functioning urban environments.</u></li> </ul>
28.	I334.3.(11)	Oppose / Amend	More than one character building in the precinct. Protection level to be strengthened to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<del>Encourage</del> <u>Require</u> the retention and adaptation of the heritage and character buildings, and elements identified within the precinct.
29.	I334.3.(13)	Amend	The Precinct is proposed to be the most intense urban environment outside the CBD, which requires an exemplary or outstanding level of urban design throughout.	Require new buildings to be designed in a manner that <del>provides for a high</del> <u>promotes and achieves an exemplary</u> standard of amenity, <del>recognizes</del> <u>enhances</u> landscape values and, where appropriate, enhances the streetscape <del>and gateway locations</del> of the precinct <u>and surrounding streets.</u>
30.	I334.3.(14)	Oppose / Amend	The rezoning of a larger area as BMU and the greater intensity enabled by the Change make these considerations relevant throughout the Precinct not just adjacent to heritage buildings and SEAs. The preference for native planting needs to be balanced with the need for fast growing species that mitigate the adverse effects enabled by the Change faster.	Require proposals for <u>all</u> new buildings, structures and infrastructure or additions to existing buildings, <del>structures and infrastructure adjoining or adjacent the scheduled heritage buildings and/or the significant ecological area of Te Auaunga within the precinct</del> to provide appropriate <u>native</u> landscaping and <u>to be sympathetic and provide contemporary and high-exemplary</u> quality design, which enhances the precinct's built form and natural landscape.
31.	I334.3.(14A)	Oppose /	Inappropriately prioritises the amenity of	Provide for <u>moderately</u> taller buildings in the north western part of the

		Amend	new developments over the amenity of the existing community.	precinct <del>but only if in this landmark location with enhanced outlook across the Waitemata Harbour and Waitakere Ranges,</del> <u>these buildings are in a location removed from residential neighbourhoods outside the precinct and are of a scale that will not adversely affect those residential communities including that such buildings will not generate adverse effects on outlook across and through the Precinct to Owairaka / Mt Albert, the Waitemata Harbour and Waitakere Ranges.</u>
32.	I334.3.(14AA)	Oppose / Amend	The Precinct is proposed to be the most intense urban environment outside the CBD, which requires an exemplary or outstanding level of urban design throughout.	Require proposals for new <u>high-rise</u> buildings <del>adjacent to the former Oakley Hospital scheduled historic heritage building</del> to provide sympathetic contemporary and <u>high exemplary</u> quality design which enhances the precinct's built form.
33.	I334.3.(14B)	Oppose / Amend	The topography of the site provides an opportunity to fill in the site with buildings with out generating significant adverse effects on the surrounding residential communities.	Provide for additional height <u>only in the topographically lower areas</u> in the central <del>and northern</del> parts of the precinct, recognising the topographical and locational characteristics of this part of the precinct, and the ability to provide greater housing choice, increase land efficiency, <u>without excessively rising above the Carrington Road ridgeline</u> <del>benefit from the significant views and outlook from the precinct,</del> and leverage the proximity and amenity of Te Auaunga.
34.	I334.3.(15)		The Plan Change enables up to 6,000 dwelling and 12,000 (potentially more) people in the Precinct. Significantly more open space (and certainty about the locations and functions of open space) is required to serve the needs of the Precinct and intensification proposed in the surrounding areas.	<u>Significantly increase and maximise the amount of public and private open space in the precinct and provide for a variety of types of public open space located throughout the precinct</u> <del>Provide for public open space,</del> including: <ul style="list-style-type: none"> <li>• a neighbourhood park in the northern portion of the precinct. <u>(North Open Space);</u></li> <li>• <u>Central open spaces (i.e. the Central Open Space; Te Auaunga Access Park; Knoll Open Space, South Open Space)</u></li> <li>• <u>Neighbourhood parks in the southern portion of the Precinct that connect with private open space on the Unitec Campus.</u></li> <li>• <u>Suburb parks (including at a size required to accommodate sports fields).</u></li> </ul>
35.	I334.3.(15A)	Oppose	In the absence of a comprehensive master plan for the Precinct, open space minima	<u>Provide at least 7.1ha of key open space (private) within the precinct.</u>

			are required to ensure sufficient open space is provided to serve the precinct and surrounding community. This particular open space is required by the Council's decision on PC 75 to replace open space lost by the expansion of the Mason Clinic	Note: Consequential amendments are required to re-insert all cross references to this policy proposed to be deleted by PC 94
36.	I334.3.(15AA)	Amend	The Change enables up to 6,000 dwelling and 12,000 people in the Precinct. Significantly more open space is required to serve the needs of the Precinct and intensification proposed in the surrounding areas.	<p><u>Insert a new policy that requires a minimum area of hectares to be provided as public open space within the precinct in addition to the open space (private) required by policy I334.3.(15A).</u></p> <p><u>The purpose of this policy is to give effect to the amendments sought by the Society to Policy I334.3.(15).</u></p> <p><u>The area of open space required is to be set at a level that ensures that the area of open space in the precinct is commensurate with the population density enabled by the Plan Change and the intensification enabled in the surrounding area.</u></p> <p><u>Consequential amendments to the Precinct provisions will be required to ensure development in accordance with this policy.</u></p>
37.	I334.3.(18)	Amend	Improve amenity of the precinct and functionality of the pedestrian and cycle linkages.	Require <del>the key</del> pedestrian and cycle linkages through the precinct to be direct and convenient, well designed, safe and <u>of sufficient width to accommodate separated pedestrian and cycle ways, amenity planting and stormwater management devices and</u> improve connectivity for all users.
38.	I334.3.(20)(d)		Improve the functionality of the public transport network in the Precinct and surrounding areas required to accommodate the significantly more people enabled by the Plan Change.	Supports the provision of passenger transport services, <del>linking by connecting passenger transport services and bus nodes within the Precinct</del> to key public transport nodes such as the Mount Albert train station and Point Chevalier public transport services;
39.	I334.3.(20)(g)	Amend	Requires strengthening to mitigate the adverse traffic effects of the rezoning of a larger area as BMU and the greater	Require subdivision and development to be integrated with transport planning and infrastructure in a way that:

			intensity enabled by the Change and to provide certainty that the timing of development and infrastructure delivery will be properly coordinated.	... Stages subdivision and development with necessary surrounding transport network infrastructure and upgrades where adverse effects on the transport network cannot be avoided, remedied and mitigate <u>including limiting the construction and occupancy of dwellings until after the Carrington Road upgrade is completed and the Woodward Road railway level crossing is replaced with a grade separated crossing.</u>
40.	I334.3.(22)	Amend	Needs to be updated to reflect the additional BMU zoning in the southern parts of the Precinct and proposed southern roading connections that will make the additional local streets more likely routes to St Lukes Road.	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 <u>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 / Mt Albert Road and Carrington Road/Great North Road / Pt Chevalier Road intersections, Laurel Street, Renton Road, Rhodes Avenue, Mark Road and the other local roads bounded by Carrington Road, New North Road, and Te Auaunga; Segar Ave, Tasman Ave, Rawalpindi St, Fontenoy Street, Fifth Ave, Seaview Terrace, Grant Street, Monaghan Ave, Parkdale Road, Martin Ave, Margaret Ave, Chatman Ave, Norgrove Ave, Verona Ave, Rossgrove Terrace, Linwood Ave, Asquith Ave and St Lukes Road</u>
41.	I334.3.(23)	Amend	Clarify that it is not a single application for over 3,000 dwellings that triggers the ITA requirement but when an application brings the total number of dwellings above that level.	Require an integrated transport assessment for the precinct for any new development <u>that would bring the total number of dwellings in the precinct above greater than 4,000 dwellings in the precinct</u> , and for any new development <del>greater than</del> <u>that would bring the total number of dwellings in the precinct above 3,000 dwellings in the precinct</u> , where the overall development within the precinct is not consistent with the previously modelled yield <u>of 8,200 people in the fully developed precinct.</u>
42.	I334.3.(27)	Oppose	Potentially affected residential areas are not only located to the south of the precinct.	Manage potential adverse amenity effects from buildings at the precinct boundary by:  ...  (c) Require graduated building heights and locate higher buildings <u>only in topographically low areas</u> and away from the precinct boundaries

				<p><del>that adjoin Mixed Housing Suburban residential areas to the south of the precinct.</del></p> <p><u>(d) Set back buildings from Carrington Road and provide for reduced height along the Carrington Road frontage.</u></p> <p><u>(e)</u></p>
43.	I334.3.(28)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<p><del>Encourage</del> <u>Require</u> 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 <u>including the requirement to have a comprehensive master plan approved prior the grant of resource consent for residential dwellings.</u></p>
44.	I334.3.(29)	Amend	The topography of the site discourages (and proposed closure of walking connections in the surrounding area to accommodate the CRL once operational) walking to these activities outside of the Precinct so need to be provided within the Precinct.	<p>Provide for the retail (including food and beverage) <u>and community</u> activities in identified locations on of the precinct which:</p> <p>...</p> <p>(b) serves local demand within the precinct; and <u>are located to minimise the number of vehicle trips outside of the precinct and to the precinct to access these activities</u></p>
45.	I334.3 (30A)	Amend	Recognise the contribution made by buildings with Character value on the site	Encourage the adaptive re-use of the existing buildings with historic value <u>or character value</u> for retail and other activities.
46.	I334.3 (31)	Oppose	Consequential amendment to reinsert reference to policy 15A.	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 1 <u>and Policy I334.3(15A).</u>
<b>Activity Tables</b>				
47.	I1334.1	Oppose	Exemplarily urban design outcomes requires provisions to apply conjunctively so that the most stringent activity status and standards are applied.	<p>The provisions in the zoning, Auckland-wide provisions and any relevant overlays apply in this precinct unless otherwise specified below.</p> <ul style="list-style-type: none"> <li>• 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) <u>and</u></li> </ul>



				(A45).	
48.	Table I334.4.1 (A17), (A17A), (A18), (A18A), (A19 and A19A)	Support	Required to mitigate the adverse effects of effects of light manufacturing and servicing and repair and maintenance services on the surrounding community	Retain the proposed additions relating to activities within 150m of Carrington Road activities	
49.	Table I334.4.1(A21CA)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<u>New buildings prior to a resource consent application for a comprehensive whole of precinct land use and built form master plan being approved.</u>	NC
50.	Table I334.4.1 (A21D)	Oppose	Required to provide certainty as to the extent of built form enabled by the Precinct.	Buildings within the Height Areas identified on Precinct plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct plan 3 – Te Auaunga Additional Height –	⊖ NC
51.	Table I334.4.1(A21E)	Oppose	Required to provide certainty as to the extent of built form enabled by the Precinct.	<del>Buildings within Height Area 1 identified on Precinct plan 3 – Te Auaunga Additional Height between 35m and 72m</del>	⊖
52.	Table I334.4.1(A21F)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<u>Buildings that exceed the height control Carrington Road (including after widening).</u>	NC
53.	I334.4.1(A21G)	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<u>Buildings within 20m of the precinct boundary with Carrington Road (including after widening).</u>	NC
54.	Table I334.4.1 (A31)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	Any development not otherwise listed in Table I334.4.1 that is generally in accordance with the Precinct plan 1 <u>and Policy I334.3(15A)</u>	
55.	Table I334.4.1 (A32)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	Any development not otherwise listed in Table I334.4.1 that is not generally in accordance with the precinct plan 1 <u>and Policy I334.3(15A)</u>	
56.	Table I334.4.1 (A33)	Oppose / Amend	Required to provide certainty as to the extent of built form enabled by the Precinct.	<u>Buildings that exceed Standard I334.6.4 Height or the height limits on Precinct Plan 3.</u>	NC

57.	Table I334.4.1 (A34)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	Any vacant lot subdivision proceeding in accordance with the precinct plan 1 <u>and Policy I334.3(15A)</u> and which creates lots consistent with the zone boundaries
58.	Table I334.4.1 (A35)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	Any vacant lot subdivision that is not generally in accordance with the precinct plan 1 <u>and Policy I334.3(15A)</u>
59.	Table I334.4.1 (A37)	Oppose / Amend	Required to provide certainty as to the extent of built form enabled by the Precinct.	Buildings that exceed Standard <u>I334.6.4 Height or the height limits on Precinct Plan 3.</u> <u>NC</u>
60.	Table I334.4.3 (A42), (A43), (A44), (A45)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	Consequential amendments to reinsert reference to policy 15A.
61.	Table I334.4.4 (A56), (A57)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	Consequential amendments to reinsert reference to policy 15A.
<b>Notification</b>				
62.	I334.5.(1B)	Oppose	Potentially wide variety of activities enabled by proposed rezoning requires notification to be assessed on a case by case basis in accordance with the statutory tests.	<del>An application for resource consent for a restricted discretionary activity listed in Tables I334.4.1, and I334.4.3 Activity table above that complies with the I334.6.4 height standard 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(4) of the Resource Management Act 1991.</del>
63.	I334.5.(2)	Oppose / Amend	Consequential amendment to reinsert reference to policy 15A.	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 which is not listed in Standards I334.5(1) and <del>I334.5(1A)</del> above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
<b>Standards</b>				
64.	I334.6.	Oppose	Application of underlying overlay and zone rules are required to ensure a high level of amenity, well functioning urban environment and exemplary urban design (unless the Preinct provisions are more stringent).	<u>The standards applicable to the overlays, zones and Auckland-wide provisions apply in this precinct.</u>  <del>(1) Unless specified in Standard I334.6(2) below, all relevant overlay, Auckland wide and zone standards apply to all activities listed in Activity Tables I334.4.1 to I334.4.3 above. (2) The following Auckland-</del>

				wide and zone standards do not apply to the activities listed in activity-tables above: (a) H13 Business – Mixed Use zone: (i) Standards H13.6.0 Activities within 30m of a Residential Zone (but only as it relates to sites fronting Carrington Road), H13.6.1 Building Height, H13.6.2 Height in Relation to Boundary, H13.6.3 Building setback at upper floors, H13.6.4 Maximum tower dimension and tower separation, H13.6.5 Yards, H13.6.6 Landscaping and H13.6.8 Wind.
65.	I334.6.4. Height	Oppose / Amend	Amendments required to mitigate the effects on the surrounding community of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	The maximum permitted height standard of the underlying zone applies, unless otherwise specified in the ‘Additional Height’ control, including the Mixed Use zone and Areas 1-2 – 4, identified on Precinct plan 3: Te Auaunga Height. <u>Buildings within the height limited area along the boundary with Carrington Road (including following the completion of the proposed Carrington Road upgrade) must not exceed the Carrington Road reduced height limit.</u>
66.	I334.6.5. Landscaping	Oppose	Retain the site landscaping requirement to mitigate the more intense forms of development enabled.	<p>(1) <u>At least 20 per cent of a site within the precinct must be landscaped.</u></p> <p>(2) <u>A range of appropriate plant species (including species that reach mature heights equal or greater to the heights of proposed buildings and fast growing species that can quickly mitigate the adverse visual effects of buildings);</u></p>
67.	I334.6.6. Precinct boundary set back	Amend	Amend to retain an adequate set back of buildings from Carrington Road.	<p>(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 <u>and a minimum width of 20m from the boundary of the Precinct with Carrington Road following the road widening.</u> This setback area may be used for walkways, cycleways, public transport facilities, site access, street furniture, outdoor dining and cafes. Other areas within the <del>28.2m setback area</del> not used for these activities must be landscaped. <del>This setback does not apply once the road widening affecting the WairakaTe Auaunga Precinct Carrington Road frontage has been vested in the Auckland Council</del></p>
68.	I334.6.7. Tree protection	Amend	Amendments required to mitigate the effects of the rezoning of a larger area as BMU and the greater intensity enabled by the Change. The adverse effects of changes to built form on Carrington Road	(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

			can be mitigated more quickly if trees in the road widening area are retained to the greatest extent possible when Auckland Transport designs the upgrade.	road-widening area along Carrington Road frontage are <del>not</del> subject to this control.
69.	Table I334.6.7.1 - Identified Trees	Amend	Amendments required to mitigate the effects on the surrounding community of the rezoning of a larger area as BMU and the greater intensity enabled by the Change. In the time since the AUP has been operative more trees will have grown to a size to be considered notable so reassessment is due.	Reassess the area along Carrington Road between the National Squash Centre and Woodward Road for additional notable trees or groves of trees and include in the schedule and Precinct Plan 2.
70.	I334.6.8. Access	Oppose / Amend	Amend for consistency with updated Precinct Plan 1 and to address adverse traffic effects on Carrington Road.	(1) The primary traffic access to the precinct must be from Carrington Road <u>with secondary access to the south of the precinct</u> at locations shown on Precinct plan 1.  (2) Any retail (including food and beverage) fronting the southern bus node, <u>must not have vehicle access directly off Carrington Road.</u>
71.	I334.6.10. Building to building set back	Amend	Required to maintain outlooks through and beyond the precinct if provision for taller buildings in Height Area 1 is retained.	1) In Height Area 1 on Precinct plan 3 – Te Auaunga Additional Height the minimum separation distance between buildings shall be <del>14</del> <u>30</u> m. This control shall be measured 8.5m above ground level.
72.	I334.6.11 Maximum tower dimension	Oppose / Amend		I334.6.11 Maximum tower dimension – Height Area 1 <del>and Area 2</del> Purpose: to ensure that high-rise buildings in Height Area 1 <del>and Height Area 2</del> on Precinct plan 3 – Te Auaunga Additional Height: <ul style="list-style-type: none"> <li>• <del>enable an appropriate scale of building to increase land efficiency in this part of the precinct;</del></li> <li>• allow adequate sunlight and daylight access to public streets and public open space;</li> <li>• provide adequate sunlight and outlook around and between buildings;</li> <li>• mitigate adverse wind effects;</li> <li>• discourage a high podium base on any one building, in order to positively respond to Area 1's <del>qualities as a visual gateway and its wider</del> landscape setting; and</li> </ul>

				<ul style="list-style-type: none"> <li>manage any significant visual dominance effects by applying a maximum tower dimension.</li> </ul> <p>(1) This standard only applies in Height Area 1 <del>and Height Area 2</del> identified on Precinct plan 3 – Te Auaunga Additional Height.</p> <p>(2) The maximum tower dimensions applying in Height Area 1 <del>and Height Area 2</del> identified on Precinct plan 3 – Te Auaunga Additional Height must not exceed the dimension specified in Table I334.6.11.1 below.</p>
73.	Table I334.6.11.1: Maximum tower dimensions	Amend	Required to maintain outlooks through and beyond the precinct and create a separated and slender built form for any taller buildings that occur in this area if provisions for taller buildings in Height Area 1 is retained	<p>Either delete in its entirety Buildings up to 35m – No Tower Dimension applies or amend to provide for fewer buildings with reduced height, reduced tower dimensions and greater space between buildings:</p> <p><u>A single Building above 35m with height up to 43.5m</u> 5-40m max. tower dimension</p> <p><del>Building with height up to 54m 50m max. tower dimension</del></p> <p><del>Building with height up to 72m 42m max. tower dimension</del></p>
74.	I334.6.13.Carrington Road Boundary setback	Amend	Amendments required to mitigate the effects on the surrounding community of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<u>(1) Buildings on land adjoining Carrington Road must be set back a minimum width of 20m from the Precinct Boundary. These setbacks must be landscaped and planted with mature trees no more than 5m apart, within and along the full extent of the setback. The purpose of this planting is to provide a well functioning and high amenity urban environment and to mitigate adverse visual and privacy effects.</u>
Assessment				
75.	I334.7.2.(2) Subdivision	Support / Amend	Amendments required to mitigate the effects on the surrounding community of the rezoning of a larger area as BMU and the greater intensity enabled by the Change.	<p>Subdivision:</p> <p>...</p> <p>(c) The effect of the site design, size, shape, contour, and location, including <u>the effects on existing buildings, and the ability to provide adequate manoeuvring areas, and outdoor living space and spaciousness between buildings in the precinct.</u></p>
I334.8. Assessment – restricted discretionary activities				
76.	I334.8.1. Matters of discretion	Support / Amend	Amendments and additional assessment criteria are required to achieve exemplary	<p>New buildings which comply with Standard I334.6.4 Height:</p> <p>...</p>

			urban design, well-functioning urban environments and high levels of amenity within and around the precinct.	<p>(b) Building form and character:</p> <p>(i) whether building design and layout achieves:</p> <p>...</p> <p><u>(ba) adequate separation between buildings and the avoidance of large horizontal extents in building form.</u></p> <p><u>(bb) avoidance of blank walls and long building frontages to the greatest extent possible.</u></p> <p>(c) articulation of any building façades which adjoin public roads and identified open space on Precinct plan 1, to <del>manage</del> <u>minimise</u> the extent of large blank and/or flat walls and/or façades;</p> <p><del>(d) corner sites provide the opportunity for additional building mass- and height so as to makes a positive contribution to the streetscape;</del></p> <p>(e) a high quality, clear and coherent design concept <u>that</u> <del>utilises a palette of durable materials to express the building form</del> <u>that expresses a consistent colour pallette across the entire building that is complementary to the design concept of surrounding buildings;</u></p> <p>...</p> <p>(g) rooftop mechanical plant or other equipment is screened or integrated in the building design <u>to ensure that it cannot be seen from other buildings including the tallest buildings enabled in the precinct;</u></p> <p>...</p> <p><u>(x) buildings are designed to minmise shading onto other properties external to the precinct and to minimise shading of open space (including the public realm of the road reserve).</u></p>
77.	I334.8.1. Matters of discretion	Amend	Clarify that it is not a single application for over 3,000 dwellings that triggers the ITA requirement but when an application brings the total number of dwellings above	<p>1A(f) Travel plans and integrated transport assessments:</p> <p>(i) proposed developments are consistent with any existing integrated transport assessment applying to the proposed development or any</p>

			that level.	<p>new integrated transport assessment or other traffic assessment lodged with any resource consent application and any corresponding travel plans are provided by way of conditions of any consent prior to occupation;</p> <p>(ii) whether any development <u>that would bring the total number of dwellings</u> in excess of 3,000 dwellings within the precinct either demonstrates that the assumptions of any existing integrated transport assessment are valid, or, if the transport network and generation is not consistent with the assumptions within the existing integrated transport assessment, provides an updated integrated transport assessment demonstrating the generated travel demand can be appropriately managed; and</p> <p>(iii) whether any development <u>that would bring the total number of dwellings</u> in excess of 4,000 dwellings either provides an integrated transport assessment demonstrating the generated travel demand can be appropriately managed, or demonstrates that the assumptions of any existing integrated transport assessment for in excess of 4,000 dwellings are valid.</p>
78.	I334.8.1. Matters of discretion		<p>Amendments required to mitigate the effects on the surrounding community of the rezoning of a larger area as BMU and the greater intensity enabled by the Change and for consistency with amendments sought to Policy I334.6.5.</p> <p>Landscaping</p>	<p>(1A)(h) Landscape:</p> <p>(i) <u>A minimum of 20 percent of each site is to be landscaped to</u> <del>landscaping is provided</del> to contribute to the achievement of quality amenity that is integrated with the built environment.</p> <p><u>Additional landscaping</u> may be provided in the form of courtyards, plazas and other areas that are accessed by residents, visitors or the public including lanes and pedestrian accessways <u>provided that 20 percent of the site landscaping</u> includes the provision of <del>both soft and hard</del> landscape elements such as trees, shrubs, ground cover plants, <del>paved areas and outdoor seating areas.</del></p>
79.	I334.8.1. Matters of discretion	Support / Amend	<p>MHUD's insertion gives better effect to the amendment sought by the Society to Policy I334.3(13). Further amendments sought to strengthen the application of Policy I334.3(13) and clarify that all o the matters in I334.8.1(1A) area applicable to the Carrington Road frontage.</p>	<p>(1A) (i) <u>Additional matters</u> applying to the Carrington Road frontage:</p> <p>(i) building frontages to Carrington Road are designed to express a scale of development that responds to Policy I334.3(13);</p> <p>(ii) the use of architectural treatments and design features, such as façade and roofline design, materials, <u>visual and physical</u> separation and layout to contribute to the visual character, and articulation of the Carrington Road frontage; and</p>

				(iii) building frontages to Carrington Road are designed to <del>address</del> <u>avoid</u> the perception of a solid walled mass through techniques including building recesses, clear visual <u>and physical</u> breaks between buildings, variation in roofline and overall building silhouette.
80.	I334.8.1. Matters of discretion		Amendments required to mitigate the effects on the surrounding community of the rezoning of a larger area as BMU and the greater intensity enabled by the Change if provision for taller buildings in Height Area 1 is retained.	<p>(1B) Buildings within the Height Areas identified on Precinct plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct plan 3 – Te Auaunga Additional Height, and Buildings within <del>the</del> Height Area 1 identified on Precinct plan 3 – Te Auaunga Additional Height <del>between 35m and 72m</del> <u>that exceed 35m</u>:</p> <p><del>(a) matters of discretion I334.8.1(1A)(a) – I334.8.1(1A)(h);</del></p> <p><del>(b) building design and location:-</del></p> <p style="padding-left: 40px;"><del>(i) In Height Area 1 on Precinct plan 3 – Te Auaunga Additional Height, how the design for any building greater than 35m in height relates to the Tāmaki Makaurau cityscape and contributes to making a visual landmark, either in isolation or as part of a composition of taller buildings such as through the architectural expression of its upper levels and rooftop;</del></p> <p><u>Delete and replace with a suite of assessment criteria designed to discourage non-compliance with precinct height limits and address the adverse effects of taller buildings on land within and surrounding the precinct.</u></p> <p style="padding-left: 40px;">(ii) The degree to which buildings provide sympathetic <del>contemporary</del> and high-quality design which enhances the <del>precinct's</del> built form <u>of the precinct and surrounding areas</u>.</p> <p>...</p>
81.	I334.8.1. Matters of discretion	Oppose / Amend	Consequential amendment	<p>(4) Any development not otherwise listed in Tables I334.4.1, and I334.4.3, and I334.4.4 that is generally in accordance with the precinct plan 1 <u>and Policy I334.3(15A)</u>:</p> <p>...</p> <p>(c) The effects on the recreation and amenity needs of the users of the precinct and surrounding residents <u>and the need to improve these recreation and amenity needs</u> through the provision of:</p> <p>(i) open spaces which are prominent and accessible by pedestrians;</p>



			The Change zones land further in the south easter portions of the Precinct for BMU residential purposes so requires additional public space in the south and / or eastern portion of the of the Precinct.	<p><u>(ia) open spaces that are prominent and accessible from Carrington Road</u></p> <p>(ii) the number and size of open spaces in proportion to the future intensity of the precinct and <u>proposed future intensity of the surrounding area</u>; and</p> <p>(iii) effective and safe pedestrian and/or cycle linkages;</p>
82.	I334.8.1. Matters of discretion	Oppose / Amend	Amendments required to ensure that landscaping used to mitigate the effects of taller buildings and increased intensity proposed by the Plan Change, that special circumstances are taken into account and that cumulative effects of proposed non-compliance with development standards are properly assessed.	<p>For development and/or subdivision that does not comply with Standards:</p> <p>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; I334.6.13 Height in relation to Boundary; I334.6.17(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:</p> <p>...</p> <p><u>(b) any special or unusual characteristic of the site which is relevant to the standard;</u></p> <p><u>(c) where more than one standard will be infringed, the cumulative effects of all infringements considered together; and</u></p> <p>(d) the effects of the following relevant matters:</p> <p><u>landscaping – the street edge, the delineation of pedestrian routes, the visual and pedestrian amenity effects caused by access ways, parking and service areas.</u></p>
83.	I334.8.2. Assessment criteria – Restricted	Oppose	Amendments required to ensure that the adverse effects of development enabled by the Plan Change are properly assessed and	<u>1(a) – (f) reinstate deleted provisions in full.</u>

	Discretionary		mitigated (rather than just assessed against policies enabling of more intense building forms) and to maintain amenity and ensure that the precinct develops as a well-functioning urban environment.	<p><u>(1A)(a)-(i) delete in full.</u></p> <p><u>(1B) – delete in full.</u></p> <p>(2) Parking buildings <u>and structures</u></p> <p><u>Reinstate application of assessment criteria to structures as well as parking buildings and reinstate provisions (a)-(v) proposed to be deleted by the Plan Change</u></p> <p>Note: Restricted activity criteria may require consequential amendment if the relief sought by the Society in relation to activity status is upheld.</p>
<b>Special Information Requirements</b>				
84.	1334.9	Oppose / Amend	Required to mitigate the adverse visual effects of the development enabled by the plan change in a timely way	<p>An application for development must include the following:</p> <p>A landscape management plan for <u>any</u> landscaped areas to be covenanted, public open space landscaping, roads and streetscapes and walkways. The plan must provide details on:</p> <p>(a) range of appropriate plant species (<u>including species that reach mature heights equal or greater to the heights of proposed buildings and fast growing species that can quickly mitigate the adverse visual effects of buildings</u>);</p> <p><u>(b) planting specifications including individual tree planting locations;</u></p> <p><u>(c)(b)</u> weed control and management;</p> <p><u>(d)(c)</u> implementation; and</p> <p><u>(e)(d)</u> 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.</p>
<b>Maps</b>				
85.	Zoning Map	Amend	Required to secure open space within the Precinct.	Zone land for open space in accordance with the open space requirements in the precinct provisions and in the locations shown on

				Precinct Plan 1 (as sought to be amended by the Society).
86.	I334.10.1 Precinct Plan 1	Amend	Required to secure open space and maintain amenity within the Precinct and surrounding areas	<p>Amend Precinct Plan One to:</p> <ul style="list-style-type: none"> <li>• Upgrade the indicative roading connection Unitec Gate 4 to retain a tree line boulevard access.</li> <li>• Reinstate the indicative east west walking connection between Farm road and access point 4.</li> <li>• Include additional indicative walking connections throughout the developable areas of the Precinct.</li> <li>• Retain the proposed open space adjacent to the former Carrington Hospital.</li> <li>• Reinstate open space from all locations proposed to be deleted by PC 94.</li> <li>• Make provision for the additional 7.1ha of private open space as sought by the Society.</li> <li>• Significantly increase the amount of public open space.</li> <li>• Include at least an additional southern neighbourhood park between the squash courts and Woodward Road.</li> <li>• Identify the areas and purposes for different parts of open space (including sports fields).</li> <li>• Identify the location of at least 7.1 ha of private open space (or an equivalent 7.1ha of additional public open space)</li> <li>• Identify buildings 055 (Penman House) and 054 for as character / heritage buildings for retention and adaptive reuse.</li> <li>• Reinstate bus nodes centrally within the precinct.</li> <li>• Identify the location of a community activities and retail hub and bus nodes / public transport connections in the centre of the precinct.</li> <li>• Amend the Precinct Boundary notation to provide for a 20m no build set back from the boundary of Carrington Road with</li> </ul>

				the Precinct (including once widened).
87.	I334.10.2 Precinct Plan 2	Amend	Required to secure open space and maintain amenity within the Precinct and surrounding areas	<p>Amend to include additional notable trees as follows:</p> <ul style="list-style-type: none"> <li>• The area between the Squash Centre and the Gate 4 Accessway around Building 054 (Area 1)</li> <li>• The Oak and Magnolia Trees lining the Gate 4 Accessway (area 2)</li> <li>• The flat areas surrounding Building 054 (Penman House) and sloped area behind it. (Area 3)</li> <li>• The Unitec Memorial Garden area (mature and juvenile trees planted in remembrance of former Unitec Staff who have passed away). (Area 4)</li> <li>• The terraced area along the Woodward Road boundary of the Precinct. (Area 5)</li> </ul> <p>Areas 1-5 are identified on an aerial photograph in <b>Schedule 2</b>.</p>
88.	I334.10.3 Precinct Plan3	Amend		<p>Amend Precinct Plan 3 to:</p> <ul style="list-style-type: none"> <li>• Reduce height limits along Carrington Road (including after the road is widened).</li> <li>• Otherwise reduce height limits in Height Area 4</li> <li>• Reduce height limits in Height Areas 1 and 2.</li> <li>• Either delete the provision for taller buildings in Area 1 or reduce and limit the number and height of buildings in Height Area 1.</li> <li>• Remove areas of open space or heritage protection areas from the height control areas in Precinct Plan 3.</li> </ul>
	I334.10.4 Precinct Plan 4	Insert		Insert a new Precinct Plan 4 to show the required width and corridor cross sections of indicative roading and walking corridors to ensure that sufficient space is provided for vehicles, pedestrians, cyclists, landscaping and stormwater management.

## **Schedule Two: Areas for further notable tree assessment and inclusion**

Area1: The area around the Squash Centre and the Gate 4 Accessway around Building 054:





Area 2: The Oak and Magnolia Trees lining the Gate 4 Accessway:





Areas, 3, 4 and 5 The flat areas surrounding Building 054 (Penman House) and sloped area behind it, the Unitec Memorial Garden area , and the terraced area along the Woodward Road boundary of the Precinct. (Area 5)





### Schedule Three: Additional Southern Open Space





## RESOURCE MANAGEMENT ACT 1991

### FURTHER SUBMISSION ON PRIVATE PLAN CHANGE 94 (WAIRAKA PRECINCT) TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

#### Clause 8 of the First Schedule

TO: Auckland Council,  
By Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

SUBMITTER: **OPEN SPACE FOR FUTURE AUCKLANDERS INCORPORATED** c/-  
Beresford Law at the address for service set out below.

1. The Submitter is an incorporated society whose members are primarily made up of community members who live close to parts of the Precinct proposed to be rezoned. The Submitter has an interest in ensuring that, as Auckland intensifies, enough good quality and easily accessible open space, for a variety of recreational and conservation purposes, is provided for. The Submitter made a submission, Submission No. 25, on Proposed Private Plan Change 94 (Wairaka Precinct) to the Auckland Unitary Plan Operative in Part (**PC 94**). Accordingly, the Submitter represents a relevant aspect of the public interest and is a person who has an interest in the proposal that is greater than the interest the general public has.
2. The Submitter makes further submissions in opposition to, or in support of, the relief sought in the primary submissions of other Submitter as set out in **Attachment 1**.
3. Where submissions are supported or opposed, it is to the extent that it is consistent with the relief sought by the Submitter in their primary submission. The specific parts of the submission supported or opposed are addressed, and the specific reasons for the Submitter's position are set out in **Attachment 1**.
4. The general reasons for this further submission are:
  - (a) In the case of submissions opposed, the submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Act; and rejecting the relief sought in the submissions would more fully serve the statutory purpose than would implementing that relief.
  - (b) In the case of those submissions supported, the submissions promote the sustainable management of natural and physical resources and are

consistent with the purpose and principles of the Act; and allowing the relief sought would more fully serve the statutory purpose than would disallowing that relief.

5. The Submitter wishes to be heard in support of this further submission.
6. If other parties make similar submissions, the Submitter would consider presenting a joint case with them at any hearing.

**DATED** 3 May 2024

A handwritten signature in blue ink that reads "JL Beresford".

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**JL Beresford**  
Counsel for **OPEN SPACE FOR FUTURE**  
**AUCKLANDERS INCORPORATED**

**Address for service of the Submitter:** Beresford Law, Level 6, 20 Waterloo Quadrant, Auckland, 1010. PO Box 1088, Shortland Street Auckland. Attention: Joanna Beresford. Phone +64 9 307 1277. Mobile +64 21 114 1277. Email: [joanna@beresfordlaw.co.nz](mailto:joanna@beresfordlaw.co.nz)

### Attachment 1: Further submission details

Further Submission Details					
Details of original submission that further submission is being made on				Details of further submission	
Original submitter	Submission number	Original submitter position	Relief sought as stated in the summary of submissions	Support or oppose	Reasons for support or opposition
Te Akitai Waiohū Investment Trust	12.1	Support	Opportunity for development of land will achieve cultural, social and economic objectives for Te Akitai Waiohū.	Oppose	Inappropriately prioritises developer interests over community and environmental interests.
NZ Notable Trees Trust	15.1	Oppose	Provide a qualified arborist's report to evaluate and specifically identify the remaining trees and assess them against the Notable Tree criteria for scheduling in the Unitary Plan.	Support	Comprehensive master planning and increased protection of trees and natural features and increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
	15.2		Provide a tree protection/tree works methodology to ensure that there are no short or long term adverse effects upon retained trees, and ensure there is a legal process implemented as part of the Plan Change to protect all retained trees in perpetuity.		
	15.3		Formally recognise the Mahi Whenua Sanctuary Gardens as a significant cultural site, with archaeological significance. Refer Attachment A11 Archaeological Assessment (R11/3134). Refer to the Māori gardening implements discovered in the area. Retain and zone this areas as Open Space.		
	15.4		Concerns raised in relation to the provision and distribution of Open Space across the Precinct in particular the Knoll Open Space and the Mahi Whenua Sanctuary Gardens.		
	15.5		Identify all of the significant trees to be retained within the Northern Open Space on a landscape plan.		
	15.6		Provide a detailed landscape plan for the Central Open Space.		
	15.7		Acknowledge and describe the relationship between the Te Auaunga Access Park and the Mahi Whenua Sanctuary Gardens		
	15.8		Retain the landscape grounds of Building 48 (the treed lawns, notable trees and other trees) as part of the Unitec campus. Continue to protect as part of the educational Precinct around Building 48.		
	15.9		Inferred] Confirm the stormwater function of the Southern Open Space to reconcile the statements in the Open Space Assessment at paragraphs 3.47 and 3.48.		
	15.10		Request for proposed South Open Space to be vested/zoned as such in the Unitary Plan to ensure that remaining trees within these areas are legally protected.		
	15.11		Move the plan change boundary by 20m to the north and 40m to the west of Building 48 to include the notable scheduled trees and the stand of 120 year old native trees. Require a covenant to ensure the trees are retained in perpetuity.		
	15.12		Require a masterplan to enable the public to evaluate detailed plans for the open space designs, including which trees will be retained.		

Te Akitai Waiohūa Waka Taua Incorporated	17.1	Support	Opportunity for development of land will achieve cultural, social and economic objectives for Te Akitai Waiohūa.	Oppose	Inappropriately prioritises developer interests over community and environmental interests.
School of Architecture, Unitec Te Pūkenga	18.1	Oppose	Opposes due to the lack of a masterplan or relevant information with sufficient information on trees and tree protection, key features of site, location of open space, protection of the sanctuary gardens, and preservation of the landscape context of Building 58.	Support	Comprehensive master planning and increased protection of trees and natural features and increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
	18.2		Opposes due to effects on existing trees and requests consideration of tree protection measures as detailed in the submission.		
	18.3		[Inferred] Seeks greater provision for open space.		
Gladstone Primary School Board of Trustees (Gladstone Primary)	20.1	Oppose	Seeks that greater provision be made for education facilities.	Support	Comprehensive master planning including the location of educational and community facilities is required to achieve good quality urban outcomes.
	20.2		Opposes due to effects on sufficient cycle and pedestrian access to the school, including during Construction.		Adverse traffic and pedestrian safety effects need to be properly avoided, remedied or mitigated.
	20.3		Opposes due to effects on traffic safety on the roading network.		Adverse traffic and pedestrian safety effects need to be properly avoided, remedied or mitigated.
	20.4		Seeks more provision for open space including close to and suitable for school use which is zoned for Open Space.		Greater open space required in these areas where PC 94 is proposing to rezone land.
	20.5		Seeks lower height and greater setbacks due to effects on privacy, dominance and shading.		Required to achieve good quality urban outcomes
	20.6		Seeks a master plan that will give context to educational facilities		Comprehensive master planning including the location of educational and community facilities is required to achieve good urban outcomes.
Fire and Emergency New Zealand	24.1	Seeks amendments	Seeks sufficient provision for infrastructure, in particular water supply for fire-fighting.	Support	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development.
	24.2		Seeks to amend I334.9 Special Information Requirements to include reference to suitable emergency access for future development.		Required for well-functioning urban environments and community and social well-being.
Ngāti Awa, Te Tawera Hapu	32.2	Oppose	Provide a masterplan that gives context to the placement of significant community services, facilities, and open space (whether public or private).	Support	Comprehensive master planning is required to achieve good urban outcomes.
Margaret Evans	39.1	Seeks amendments	Seeks confirmation that Unitec open space not be included in total open space.	Support	Public and private open space serve different planning purposes. Certainty about the amount and location of both is required.
Auckland Transport	40.2	Supports with amendments	AT should not fund and implement a residents only parking zone - this should be managed by the applicant. Refer to Attachment for details.	Support	Adverse effects of insufficient parking need to be internalized within the Precinct without affecting the surrounding road network and community.
	40.3		Seeks that discrepancies in the ITA traffic model be addressed through alignment with modelling for AT's Carrington Road upgrading project. Refer to Attachment 1 for details.	Support	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development.
	40.4		Amend the ITA to reflect agreements on intersection upgrades and expand Rule 1224.9 to capture this matter.	Support	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development.
	40.5		Seeks amendments to refer to the Northwestern Shared Path in the Precinct Description and that public transport will occur on the edge of the site (Carrington Road). Refer to Attachment 1	Oppose	The distances and topography in the Precinct mean that provision for public transport within the Precinct is required not just connections to surrounding areas.

			for details.		
	40.7		Amend Policy 19 'Pedestrian and cycle access, street quality and safety'. Refer to Attachment 1 for details.	Support	Improvements to these matters are required to achieve good quality outcomes.
	40.10		Supports deletion of references to an internal bus node	Oppose	The distances and topography in the Precinct mean that provision for public transport within the Precinct is required not just connections to surrounding areas.
	40.12		Supports proposed amendments to I334.6 Standards, particularly I334.6.6(3) set back standard on Carrington Road, I334.6.8(2) deletion of bus node references and I334.6.3 road run off.	Oppose	Increased setbacks and reduced heights on Carrington Road required to mitigate effects on surrounding environment. Provision for public transport within the Precinct required.
Garden Design Society of New Zealand	42.1-42.2	Oppose	Seeks same relief as NZ Notable Trees Trust.	Support	For the same reasons as stated above in relation to the NZ Notable Trees Trust.
Watercare Services Limited	45.1	Seeks amendments	Seeks clarification about ultimate development yield to understand what wastewater and water supply needs will be required.	Support	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development.
	45.2		Seeks a decision that ensures water and wastewater and servicing requirements will be adequately met.	Support	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development.
	45.3		Seeks the following amendments to the Precinct provisions (as set out in Attachment 1 to the submission): <ul style="list-style-type: none"> <li>• Amendment to require a bulk water supply and wastewater infrastructure capacity assessment where development beyond the previously modelled yield of 4000 DUEs is proposed.</li> <li>• Amendment to ensure a schedule is provided with a resource consent application which confirms the total number of additional DU Es within the Te Auaunga Precinct.</li> <li>• Amendments to the associated matters of discretion and assessment criteria to support the Restricted Discretionary Activity status.</li> <li>• Inclusion of new objective and policies to support the Restricted Discretionary Activity status.</li> </ul>	Support	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development.
Springleigh Residents Association (SRA)	57.1; 57.3-57.35; 57.38-57.55	Oppose	Refer summary of decisions requested and SRA Submission. SRA Submission is broader than matters covered in summary of submission so for the avoidance of doubt this further submission point is in support of the SRA Submission (excluding points related to 57.2, 57.36 and 57.37).	Support	Addressing the matters raised in the SRA submission and providing the further information and assessment requested in the SRA submission is required to properly assess the proposal and make any amendments necessary to avoid, remedy or mitigate the adverse effects of development enabled by PC 94.
	57.36	Oppose	Amend Policy (27) as follows: Manage potential adverse amenity effects from buildings at the Precinct boundary by: (a)... (c) Require graduated building heights and locate higher buildings away from the Precinct <del>boundary</del> <u>boundaries that adjoin the Mixed Housing Suburban residential areas to the south of the Precinct.</u>	Oppose in part	Graduated heights with higher buildings located away from Precinct boundaries should apply to all Precinct boundaries, particularly the residential areas along Carrington Road.
	57.37	Oppose	Delete proposed Policy (30A) relating to the adaptive re-use of the existing buildings with historic value for retail and other activities. Refer to page 54 of the submission for details.	Oppose in part	The Submitter supports adaptive reuse of heritage and character buildings in the Precinct but agrees with the SRA that a full assessment of heritage and character in

					the Precinct is required
The Ngāti Tamaoho Settlement Trust	63.1	Supports	Opportunity for development of land will achieve cultural, social and economic objectives for Ngāti Tamaoho.	Oppose	Inappropriately prioritises developer interests over community and environmental interests.
Te Whatu Ora Health New Zealand Waitemata	65.1	Supports subject to amendments	Seeks, to ensure consistency in respect of the application of the Precinct provisions: • Addition of a new rule A33A to Table 1334.4.1 - buildings or additions to buildings not complying with 1334.6.13 (as a non-complying activity), • Deletion of proposed (landscaping) standard 1334.6.16.	Oppose	Robust landscaping provisions required to ensure amenity in the Precinct.
Waiohūa Tamaki Rōpu (Waiohūa)	67.1	Supports	Opportunity for development of land will achieve cultural, social and economic objectives for Waiohūa.	Oppose	Inappropriately prioritises developer interests over community and environmental interests.
Auckland Council	68.1	Seeks amendments	Seeks amendments to incorporate the Medium Density Housing Standards (MDRS) in the Residential - Terrace Housing and Apartment Buildings Zone and the Residential -Mixed Housing Urban Zone, taking account of the relevant Qualifying Matters	Oppose	If proposed law reform results in the MDRS being optional then ought not be included in the Precinct.
Te Whenua Hāa Ora GP Limited	69.1	Supports subject to amendments	Amend the Precinct provisions (including assessment criteria) to provide more specific detail as to the assumptions in the Integrated Traffic Assessment that are to be reviewed and assessed once the threshold of 3,000 dwellings is met.	Support in part	Funding and delivery of adequate infrastructure needs to be coordinated to ensure it is in place prior to development. Development trigger levels are an appropriate tool to assist in this regard.
	69.2		Amend the Precinct provisions to ensure that the traffic-reducing mitigation measure of a "strict car parking constraint" for residential dwellings in the Precinct (of an average of 0.7 spaces per unit, across the Precinct as a whole) is delivered;		Adverse effects of insufficient parking need to be internalized within the Precinct without affecting the surrounding road network and community.
St Lukes Environmental Protection Society Inc (STEPS)	72.1	Seeks amendments	Seeks restoration and enhancement of biodiversity / ecology - including springs and daylighting. Use of setbacks and other responses detailed in the submission	Support	Required to achieve a high level of urban amenity and protection of natural features.
	72.2		Seeks more mature trees retained, protected and integrated into the development.		Required to mitigate adverse effects of development enabled by PC 94.
	72.3		Seeks a master plan prepared in consultation with the community.		Comprehensive master planning is required to achieve good urban outcomes.
	72.4		Retain I 334.9 Special Information Requirements - Stormwater Management or amendments to ensure appropriate management of stormwater		Funding and delivery of adequate stormwater infrastructure needs to be coordinated to ensure it is in place prior to development.
	72.5		Seeks protection of native fauna, especially birds, from the impacts of tall buildings		Required to mitigate adverse effects of development enabled by PC 94.
	72.7		Seeks identification / protection of the Sanctuary Gardens		Increased protection of trees and natural features and increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
	72.9		Seeks that the notable trees around Building 48 remain as part of the Unitec campus and a covenant required to ensure all trees are retained in perpetuity.		Increased protection of trees and natural features and increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
The Tree Council	79.1-79.12	Oppose	Seeks same relief as NZ Notable Trees Trust.	Support	For the same reasons as stated above in relation to the NZ Notable Trees Trust.
Ngā Ringa o Te	94.7	Seeks	Amend Policy I334.3(14) that in relation to built form and	Support	Increased protection of trees and natural features and

Auaunga - Friends of Oakley Creek		amendments	character, proposals should be sympathetic to the surrounding landscape.	in part	increased provision and retention (and clarity of purposes) of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
	94.8		Specify in the Precinct the amount of open space including what proportions are to remain private and public open space.		
	94.9		Ensure the amount of open space provides for the number of people who will live and work in the Precinct.		
	94.10		Clearly identify how open space will be used.		
	94.11		Land that serves as utility e.g. stormwater ponds, should not be included as open space.		
Sanctuary Community Organic Garden Mahi Whenua Inc.	104.3		Provide a masterplan that gives context to the placement of significant community services, facilities, and open space (whether public or private).	Support	Comprehensive master planning is required to achieve good urban outcomes.
	104.5		Seeks more provision for open space and that the Sanctuary Gardens be identified (detailed reasoning given).		Increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
Ockham Group Limited	112.2	Support	Seeks increases to the building height standards beyond those contemplated within the Plan Change, notably that 'Height Area 2' which stipulates a 35m building height be extended to include all of the land within 'Height Area 4' (prescribing a 27m height) north of the Gate 3 Road.	Oppose	Reduced heights from those proposed in PC 94 are sought to ensure development enabled by PC 94 integrates appropriately with surrounding residential environment and to mitigate adverse effects.
Marutūāhu Rōpū	120.2	Support	Seeks additional increases to the building height standards beyond those contemplated within the Plan Change, notably that 'Height Area 2' which stipulates a 35m building height be extended to include all of the land within 'Height Area 4' (prescribing a 27m height) north of the Gate 3 Road.	Oppose	Reduced heights from those proposed in PC 94 are sought to ensure development enabled by PC 94 integrates appropriately with surrounding residential environment and to mitigate adverse effects.
Geoffrey John Beresford	124.3	Oppose	Assess traffic and other infrastructural constraints to place a hard limit on the proposed number of dwellings.	Support	Limits are an appropriate tool for managing effects of development and demands on infrastructure
	124.15		Delete Objective I334.2(5) regarding the commercial laundry. Refer to Schedule 1, point 27 for details.		Precinct wide master planning and zoning should recognise the anticipated use this part of the Precinct.
	124.18		Add new Objective I334.2(7B) relating to urban forests. Refer to Schedule 1, point 30 for details		Required to mitigate the effects of more intense development enabled by PC 94.
	124.21		Delete Objective I334.2(13) relating to Height Area 1. Refer to Schedule 1, point 37 for details		Submitter has proposed amendments to height area 1 provisions in its primary submission but would also support deletion of provision for taller buildings (in which case this provision could be deleted).
	124.23		Amend Policy I334.3(4) relating to the provision of activities. Refer to Schedule 1, points 39-44 for details		Required to achieve better urban development outcomes.
	124.31		Delete Policy I334.3(14A) relating the provision of taller buildings in the north-west part of the Precinct.	Support in part	Submitter has proposed amendments to these provisions in its primary submission but would also support deletion of provision for taller buildings (in which case the provisions could be deleted).
	124.32		Delete Policy I334.3(14AA) relating to proposals for new buildings adjacent to the scheduled Hospital building.		
	124.33		Delete Policy I334.3(14B) limiting taller buildings to the central part of the Precinct only.	Support	Greater pedestrian connectivity improves overall urban development outcomes.  Pedestrian and cycle networks need to be of sufficient width to function effectively.
	124.37		Amend Policy I334.3.(16) to include walkways to provide better connectivity. Refer to Schedule 1, point 61 for details.		
	124.38		Amend Policy I334.3(17)as follows: Require development to maintain and provide a varied and integrated network of pedestrian and cycle linkages <u>that are of sufficient width to accommodate separate pedestrian and cycle lanes, amenity planting, stormwater management, and</u> open space and plazas		

	124.41		within the Precinct.		Development needs to be coordinated with required infrastructure upgrades.
	124.48		Amend Policy I334.3(22) making undergrounding of the Woodward Road rail crossing a trigger for development and managing roading connections including local streets to the south. Refer to Schedule 1, point 67 -68 for details		
	124.63		Amend I334.4 Activity Tables, Refer to Schedule 1 points 78 - 95 for details		
	124.65		Amend I334.8.1(2) Matters of discretion [Restricted discretionary activities] - Parking Buildings. Retain the existing provisions. Refer to Schedule 1, points 128 for details		
			Amend I334.8.1(5) Matters for Discretion [Restricted Discretionary activities] Development and/or subdivision that does not comply with standards. Refer to Schedule 1, points 132-135.		
Ngāi Tai ki Tāmaki	142.1	Support	Opportunity for development of land will achieve cultural, social and economic objectives for Ngāi Tai ki Tāmaki	Oppose	Inappropriately prioritises developer interests over community and environmental interests.
Mt Albert Residents Association	143.1	Seeks Amendments	Seeks no through road into southern suburbs from northern part of the Precinct.	Oppose in part	Opposed to the extent that it would increase adverse traffic effects on Carrington Road and on the road network to the east of the Precinct.
Heritage New Zealand Pouhere Taonga	162.1	Seeks Amendments	Amend the Precinct Description to include references to the historic heritage values of the site.	Support in part	Supports amendments to strengthen historic heritage protection but considers that the amendments should be broad enough to capture historic heritage values throughout the Precinct to be consistent with the Submitter's submission on retention and adaption of heritage / character building (in particular Penman House). Design should enhance both the Precinct's built form and give primacy to historic heritage buildings.
	162.1		Amend the Precinct Description to include references to the historic heritage values of the site. Refer to submission for details.		
	162.2		Amend Objective I334.2(10)(b) to incorporate the natural and built, that includes its historic heritage and cultural values, environmental attributes of the Precinct.		
	162.3		Insert a new objective to provide direction for the protection of the historic heritage landscape of the Precinct to ensure these values are recognised, protected and enhanced.		
	162.4		Amend Policy (14AA) to read: Require proposals for new high rise buildings adjacent to the former Oakley Hospital scheduled historic heritage building to provide sympathetic contemporary and high quality design which enhances the Precinct's built form the primacy of the historic heritage building.		
	162.5		Retain Proposed Policy 30A: 'Encourage the adaptive reuse of the existing buildings with historic value for [retail] and other activities.'		
	162.11		Amend I334.8(1B) Buildings within the Height Areas identified on Precinct plan 3 – Te Auaunga Additional Height(b)(ii) to read: The degree to which buildings provide sympathetic contemporary and high quality design which enhances the Precinct's built form the primacy of the historic heritage building.		
Liveable Communities Inc	179.1	Oppose	Seeks that all open space for passive recreation and associated trees should be retained and protected. Mechanisms include covenants or similar, and zoning of open space. Do not establish any more sport fields.	Support in part	Additional open space for a variety of functions and purposes (including sports fields) are required to serve a population of the size enabled by PC 94.
	179.2		Complete an evaluation of trees by a qualified arborist in	Support	Increased protection of trees and natural features and



	179.3		conjunction with notable trees listing.		increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct.
	179.4		Seeks archaeological / cultural site(s) to be protected		
			Seeks an overall plan, including established trees and open space areas, and incorporating community input.		
Lisa Paulsen	186.2	Oppose	Seeks a residential zone, not a business-mix zone.	Support	Would better enable more appropriate assessment of development proposals and enable the areas proposed to be rezoned to integrate with the surrounding residential areas.
Esther and Ross Vernon	206.7	Oppose	Set density at 3,000 new homes.	Support	An overall density limit for the Precinct at this level would assist in ensuring that adequate infrastructure and open space is provided.
Joanna Spratt	207.1	Oppose	[Inferred] Seeks more open space (concerned that open space does not meet WHO standards).	Support	Requiring open space that meets WHO standards will assist in achieving well-functioning urban developments and good planning outcomes.
Civic Trust Auckland	223.1	Seeks amendments	Seeks that remaining mature trees should be retained and protected, for example, by a covenant, and integrated into the development (including, as examples given, the Northern Open area, the Knoll Open Space and the context to the 1896 Building 48). An arboricultural report needs to be submitted to assess the remaining trees against the Notable Trees criteria for scheduling in the Unitary Plan.	Support	Increased protection of trees and natural features and increased provision and retention of open space is required to ensure well-functioning urban environments and a high level of amenity both within and surrounding the Precinct. Requirements for protection covenants in plan provisions are an effective tool for environmental protection.
	223.2		Seeks that the level of intensification and height proposals should be balanced with sufficient open space and trees.		
	223.3		Supports policies that encourage the retention and adaption of heritage buildings and heritage elements on the site. Seeks a comprehensive assessment of the whole site in terms of the remaining heritage buildings and other heritage features.	Support in part	Supports amendments to strengthen historic heritage protection in the Precinct but considers that the amendments should be broad enough to capture historic heritage values throughout the Precinct to be consistent with the Submitter's submission on retention and adaption of heritage / character building (in particular Penman House).
	223.4		Seeks a transition to greater heights for a more sensitive interface with the heritage building due to structures planned to be built, particularly the three massive towers, resulting in adverse environmental effects upon Building One.		
	223.5		Seeks Building 6 and Building 28 (the Mitchell Stout building) to be considered for protection. Inferred that a comprehensive assessment of the campus is required as an Historic Heritage Area (as defined in the AUP).		
	223.6		Seeks that the development should deliver much better heritage outcomes and at the very least involve no further 'partial demolition' of Building One.		
Waterview School	226.1	Opposes	Seeks a "Special Purposes- School Zone" to facilitate a new primary school on the site.	Support	Zoning would provide certainty as to the location and provision of educational facilities in the Precinct.
Ministry of Education	230.1	Seeks Amendments	Amend Objective 3 on the basis that the development needs to be supported by education facilities (not just tertiary education facilities). Refer to submission.	Support	Provision for educational facilities is required to achieve the objectives of the NPS UD.

## **ANNEXURE B**

### **Copy of the Decision**

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

**Private Plan Change 94 - Wairaka Precinct on  
Carrington Road, Mt Albert**

**Ministry of Housing and Urban Development**

**18 March 2025**

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TIRO WHĀNUI | OVERVIEW

Proposed Private Plan Change 94 (**PC94**) relates to the Wairaka Precinct (**Precinct**) on Carrington Road, Mount Albert. Parts of the current Special Purpose - Tertiary Education Zone, Special Purpose – Healthcare Facility and Hospital Zone and Terrace Housing and Apartment Buildings Zone are proposed to be rezoned to the adjoining Business - Mixed Use Zone.

A further strip of land is to be rezoned from Special Purpose - Tertiary Education to Residential - Mixed Housing Urban, adjoining existing land with that zoning in the southern part of the Precinct.

A revised Precinct plan and revised Precinct provisions are also proposed, with the principal change sought being to allow for greater height for residential buildings.

The application also seeks that the Precinct is renamed Te Auaunga Precinct.

This plan change is **Approved**. We have largely adopted the Applicant’s Reply Version Provisions (dated 10 December 2024) but have made the following key changes:

- Precinct description: changes to better align with wording in the Redress Deed;
- Height Area 1: adding a new Policy 14B and amending a related matter of discretion I334.8.1(1B) (b) (i) and (ii) to better address design matters for the proposed taller buildings;
- Height Area 1: amendments to matter of discretion I334.8.1(1B) (b) (i) and (ii) to better address the relationship of the proposed taller buildings with the Oakley Hospital Main Building;
- Height Area 2: increase height of Area 2 from 27m to 35m and increase Area 2 to also include the residual strip of Height Area 4 to the west of the consented site RC3 (i.e., the area between roads 1 and 2);
- Height Area 4: extend Height Area 2 to include part of Height Area 4 north of Gate 3 adjacent to the Carrington Road frontage, to enable a 35m height in conjunction with a proposed 6m setback for development over 27m in height;
- Special Information Requirement: addition of a requirement for a parking impact assessment in 1334.9;
- Precinct Plan 1: inclusion of an indicative cycleway at the western end of the main Oakley Main Hospital building; and
- Precinct Plan 3: changes to address the increase in height and spatial area covered for Height Area 2 and an increase in height adjacent to the Carrington Road frontage.

The reasons for our decision are set out in the sections that follow.

Private Plan Change:	94 - Wairaka Precinct on Carrington Road, Mt Albert
Applicant:	Ministry of Housing and Urban Development   Te Tūāpapa Kura Kāinga ( <b>HUD</b> or the <b>Applicant</b> )
Hearing	Monday 18, Tuesday 19, Wednesday 20, Thursday 21 and Friday 22 November 2024

<b>Hearing Panel (Panel):</b>	<p>Greg Hill (Chairperson)</p> <p>Gavin Lister</p> <p>Vicki Morrison-Shaw</p> <p>Councillor Chris Darby (as a commissioner)<sup>1</sup></p>
<b>Appearances:</b>	<p><b><u>For the Applicant:</u></b></p> <p><u>In Person</u></p> <ul style="list-style-type: none"> <li>• Francelle Lupis and Rachel Murdoch, Legal Counsel</li> <li>• John Duthie and Ian Smallburn, Planning – Strategic Overview</li> <li>• Hannah McGregor, Corporate</li> <li>• Rachel de Lambert, Landscape and Visual</li> <li>• Matthew Riley, Urban Design</li> <li>• Geoff Canham, Open Space</li> <li>• Adam Wild, Heritage</li> <li>• Donald McKenzie, Transport – Strategic Overview</li> <li>• Max Robitzch, Transport</li> </ul> <p><u>On Call</u></p> <ul style="list-style-type: none"> <li>• Philip Jaggard, Infrastructure (Stormwater, Water, Wastewater)</li> <li>• Paul Farrelly, Greenhouse Gas Emissions</li> <li>• Ross Paterson, Geotechnical</li> <li>• Philip Ware, Contamination</li> <li>• Tim Heath, Economics</li> <li>• Jason Smith, Ecology</li> <li>• Trevor Lee Joe, Transport Modelling</li> </ul> <p><b><u>For the Albert-Eden Local Board:</u></b></p> <ul style="list-style-type: none"> <li>• Kendyl Smith, Chair</li> <li>• Margi Watson, Deputy Chair</li> <li>• Vanessa Wilkinson, Planning consultant</li> </ul> <p><b><u>For the Submitters:</u></b></p> <p>Te Ākitai Waiohū Investment Trust, Te Ākitai Waiohū Waka Taua Incorporated and Ashley Rainsford for Waiohū Tāmaki Rōpū (<b>Waiohū</b>)</p> <ul style="list-style-type: none"> <li>• Mat Peters</li> <li>• Billy Brown</li> </ul> <p>Health New Zealand Te Whatu Ora – Waitematā (<b>Health NZ</b>)</p> <ul style="list-style-type: none"> <li>• Craig McGarr</li> </ul> <p>Ngā Ringa o Te Auaunga - Friends of Oakley Creek</p> <ul style="list-style-type: none"> <li>• Wendy John</li> </ul>

<sup>1</sup> This decision does not further reference to “Councillor” Chris Darby.

	<p>Auckland Transport</p> <ul style="list-style-type: none"> <li>• Marguerite Pearson</li> <li>• Terry Church</li> </ul> <p>Deborah Yates-Forlong</p> <p>Heritage New Zealand Pouhere Taonga (<b>HNZPT</b>)</p> <ul style="list-style-type: none"> <li>• Robin Byron</li> </ul> <p>Gardens4Health</p> <ul style="list-style-type: none"> <li>• Alice Nicholls</li> </ul> <p>Trevor Keith Crosby and Sanctuary Community Organic Garden Mahi Whenua Inc.</p> <ul style="list-style-type: none"> <li>• Trevor Crosby</li> </ul> <p>Te Tawera Hapū of Ngāti Awa</p> <ul style="list-style-type: none"> <li>• Gael Baldock</li> </ul> <p>Springleigh Residents Association</p> <ul style="list-style-type: none"> <li>• Hiltrud Gröger</li> </ul> <p>Mt Albert Residents Association (<b>MARA</b>)</p> <ul style="list-style-type: none"> <li>• Chris Judd</li> </ul> <p>Open Space for Future Aucklanders Incorporated (<b>OSFFA</b>)</p> <ul style="list-style-type: none"> <li>• Joanna Beresford, Legal Counsel</li> <li>• Jocelyn Noble, Committee Member</li> <li>• Rosalie Forbes, Member</li> <li>• Lisa Truttman, Heritage - Penman House</li> <li>• Ross Sandford, Community Member</li> <li>• Maylene Barrett, Open Space and Planning</li> </ul> <p>Kerry Stuart Francis</p> <p>School of Architecture, Unitec Te Pūkenga (<b>Unitec</b>)</p> <ul style="list-style-type: none"> <li>• Susan Wake</li> </ul> <p>Gladstone Primary School Board of Trustees</p> <ul style="list-style-type: none"> <li>• Dave Shadbolt, Principal</li> <li>• Joanna Beresford, Board Member</li> </ul> <p>The Tree Council</p> <ul style="list-style-type: none"> <li>• Dr Mels Barton</li> </ul>
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	<p>NZ Notable Trees Trust and Garden Design Society of New Zealand</p> <ul style="list-style-type: none"> <li>• Penny Clifflin</li> </ul> <p>Watercare Services Limited (<b>Watercare</b>)</p> <ul style="list-style-type: none"> <li>• Kirsty Dibley, Legal Counsel</li> <li>• Andrew Deutschle, Corporate</li> <li>• Richard Peterson, Planning</li> </ul> <p>Geoffrey Beresford</p> <p>Waiohua</p> <ul style="list-style-type: none"> <li>• Te Warena Taua (with Te Reo interpreter Tāne Karamaina)</li> </ul> <p>Marutūāhu Rōpū and Ockham Group Limited</p> <ul style="list-style-type: none"> <li>• Paul Majurey, Legal Counsel</li> <li>• Peter Kensington, Landscape</li> <li>• Richard Knott, Urban Design</li> <li>• Jethro Joffe, Planning</li> </ul> <p><b><u>For Auckland Council:</u></b></p> <p><u>In Person</u></p> <ul style="list-style-type: none"> <li>• Diana Hartley and Anne Buchanan, Legal Counsel</li> <li>• Peter Reaburn, Reporting Planner</li> <li>• Celia Davison, Manager Central South Planning and Resource Consents Department</li> <li>• Clare Wall Shaw, Team Lead Central South Planning and Resource Consents Department</li> <li>• Stephen Brown, Landscape</li> <li>• Alistair Ray, Urban Design</li> <li>• Dr Roja Tafaraji, Open Space</li> <li>• Andrew Temperley, Transport</li> <li>• Robert Greenaway, Open Space</li> </ul> <p><u>On Call</u></p> <ul style="list-style-type: none"> <li>• Carolyn O’Neil, Heritage</li> <li>• Treffery Barnett, Freshwater Ecology</li> <li>• Chris Wedding, Terrestrial Ecology</li> <li>• Christy Reynolds, Arborist</li> <li>• Susan Fairgray, Economics</li> </ul> <p>Chayla Walker, Kaitohutohu Whakawātanga, Hearings Advisor</p>
<b>Tabled evidence</b>	Fire and Emergency New Zealand Ministry of Education   Te Tāhuhu o Mātauranga
<b>Hearing adjourned</b>	Friday 22 November 2024
<b>Commissioners’ site visit</b>	Thursday 31 October 2024

## KUPU WHAKATAKI | INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**Council**) by Independent Hearing Commissioners Greg Hill (Chairperson), Gavin Lister, and Vicki Morrison-Shaw, and Commissioner Chris Darby, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).
2. We have been given delegated authority by the Council to make a decision on PC94 to the Auckland Unitary Plan Operative in Part (**AUP**).
3. PC94 was publicly notified on 16 November 2023 following a feedback process involving Iwi Authorities, as required by Clause 4A of Schedule 1 of the RMA. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change.
4. The submission closing date was 2 February 2024. A summary of submissions was notified for further submissions on 18 April 2024. A total of 231 submissions and 15 further submissions were made on PC94.

## TIRO WHĀNUI O TE PANONI HOAHOA TŪMATAITI ME TŌNA TAKE | OVERVIEW OF THE PRIVATE PLAN CHANGE AND ITS PURPOSE

5. PC94 was described in detail in the Application and section 42A hearing report (**s.42A Report**). A summary of key components of the plan change is set out below.
6. The existing Wairaka Precinct covers a 64.5 hectare (**ha**) block of land contained by Carrington Road, the North Western Motorway, Te Auaunga /Oakley Creek and a series of side roads and properties in the Woodward Road corridor in the south.
7. The application is by HUD, and is supported by three Rōpū, representing 13 iwi/hapū:
  - Marutūāhu Rōpū: comprising Ngāti Maru, Ngāti Paoa, Ngāti Tamaterā, Ngāti Whanaunga and Te Patukirikiri;
  - Ngāti Whātua Rōpū: comprising Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, and Te Rūnanga o Ngāti Whātua; and
  - Waiohua-Tāmaki Rōpū: comprising Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata, Te Ākitai Waiohua and Te Kawerau ā Maki;

who together, are leading the development of the Precinct.

8. As set out in HUD's Opening Legal Submissions:<sup>2</sup>

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<sup>2</sup> HUD Opening Legal Submissions, 13 November 2024 (**HUD Opening Legal Submissions**), at [1.2].

*Broadly, HUD's Plan Change request seeks to enable the anticipated development of the land within the Precinct under its Treaty redress obligations to Ngā Mana Whenua o Tāmaki Makaurau. As HUD is facilitating the delivery of this land for housing, it has taken the role of the Applicant in this process in order to coordinate planning outcomes across the land held for housing.*

9. PC94 takes account of, but excludes, the Mason Clinic site. The Mason Clinic site was the subject of Private Plan Change 75: Mason Clinic (**PC75**) which is now operative.
10. The current Precinct is characterised by five separate land uses and / or ownership interests:
  - the 13.39ha Mount Albert Unitec campus, used as a tertiary education institute;
  - the 6ha Mason Clinic forensic mental health hospital operated by Te Whatu Ora (subject to PC75);
  - the 2.5ha Taylors Laundry site, being a specialist industrial unit currently under leaseback to HUD, but which in the medium term will be included in the Rōpū housing development;
  - the 4.4ha of land largely vacant but zoned for residential development and owned by the Ngāti Whātua Ōrākei commercial subsidiary, Whai Rawa; and
  - land purchased by the Crown/HUD from Unitec under the “*Land for Housing*” programme, to be sold to the three Rōpū as commercial redress as part of their Treaty Settlements for them to undertake intensive housing development within the Precinct, which includes the Taylor’s Laundry site above and in total is 39.6752ha.
11. As set out in the Application, there are six key elements of PC94:
  - rezoning of land acquired by HUD from Unitec from ‘Special Purpose: Tertiary Education’ zone to Business Mixed-Use Zone (**BMU**) with the land primarily intended for residential development, but enabling a mix of ancillary activities to create an integrated community;
  - proposed amendments to the Precinct provisions to promote Māori economic development as a key objective for the Precinct;
  - identification of areas within the Precinct where additional height can be accommodated. This will enable the Precinct to deliver a higher yield than might otherwise occur in the underlying zone, therefore contributing to the Council’s growth strategy, as well as more variety in urban form;

- in areas where higher buildings are allowed, additional development controls around wind, separation of buildings, and the maximum dimension of floor plates are introduced;
- detailed design criteria to ensure all buildings, and particularly the higher buildings, achieve a high quality of design and functionality; and
- proposed amendments to the Precinct provisions to equitably redistribute retail provision within the Precinct (excluding Sub-Precinct A – the Mason Clinic) due to the redistribution of land from Special Purpose: Tertiary Education to zoning that enables housing development. The same overall retail cap is maintained.

12. In terms of density and population, HUD noted that:<sup>3</sup>

- There is already a considerable level of development enabled within the Precinct. In particular, the Precinct provides for an anticipated yield of approximately 2,500 dwellings and 1,000 specialist accommodation units, providing a population of approximately 8,200 people.
- The development enabled by PC94 was assessed at enabling between 4,000 to 4,500 dwellings (an increase of between 500 to 1,000) and a population of approximately 11,200 to 12,600 people (an increase of 3,000 to 4,400).

## **NGĀ KUPU TURE ME NGĀ HERENGA | STATUTORY PROVISIONS AND REQUIREMENTS**

13. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the s.32 report accompanying the notified plan change, and as summarised in Appendix A to HUD's Opening Legal Submissions.
14. We also note that s.32 clarifies that analysis of efficiency and effectiveness 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.
15. Having considered the application documents and evidence, we are satisfied, overall, that PC94 has been developed in accordance with the relevant statutory and policy matters required by the RMA. Accordingly, the rest of this decision addresses the substantive resource management issues and whether PC94 meets the RMA's purpose as set out in section 5 of that Act.
16. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting the submissions (primary and further) made to PC94. We have grouped all of the submissions in terms of topics set out in this decision report, and while all individual submissions and points may not be expressly

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<sup>3</sup> PC94 Application, Volume 1, Attachment 1A, at p.140.

referred to, all points have nevertheless been taken into account when making our decision.

17. The decision must also include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with s.32AA.
18. With regard to s.32AA, we note that the evidence presented by the Applicant, Submitters and Council effectively represents this assessment, and that the amended Precinct provisions should be read alongside this decision where we have determined that a change to PC94 was required.

## **NGĀ MEA HĀTEPE | PROCEDURAL MATTERS**

### **Expert conferencing**

19. We directed expert conferencing. It was undertaken for the following topics:
  - heritage;
  - open space;
  - urban design and landscape; and
  - transport.
20. The expert conferencing resulted in four Joint Witness Statements (**JWS**) which we have taken into account in making our decision. These statements were also addressed in the evidence of a number of the experts who appeared before us. We address the JWS further in the relevant hearing topic sections below.
21. We wish to thank those experts who participated in the expert conferencing sessions.

### **Expert witnesses excused**

22. On 5 November 2024, following our review of the evidence, we issued Direction#4 excusing the following expert witnesses from appearing:

#### **Applicant**

- Paul Farrelly – Greenhouse gas emissions
- Ross Paterson – Geotechnical
- Phillip Ware – Contamination
- Tim Heath – Economics
- Philip Jaggard – Stormwater
- Jason Smith – Ecology

- Trevor Lee-Joe - Transport modelling

#### Equivalent Experts for the Council

- Treffery Barnett, Freshwater Ecology
- Chris Wedding, Terrestrial Ecology
- Susan Fairgray, Economics

#### Equivalent Experts for Submitters

- None – all attended.

23. While we had no questions for these witnesses and they were excused from attending, we carefully considered their evidence and have placed reliance on it for those matters which were not in contention, which we discuss in a separate section later below.

#### **Panel directions**

24. During the course of the PC94 hearing process, we issued seven Directions. These related to:
- hearing and evidence exchange dates (Direction#1);
  - HUD filing an update to PC94 and the Council's s.42A Report (Direction#2);
  - expert conferencing (Direction#3);
  - excusing expert witnesses (Direction#4);
  - expert transport conferencing (Direction#5);
  - accepting a statement from Ngāti Whātua Ōrākei Whai Rawa Ltd after the hearing was adjourned (Direction#6); and
  - reply evidence (Direction#7).
25. We wish to record our appreciation to the Applicant, Council, submitters and their respective experts and counsel for the constructive and timely manner in which they responded to the Directions.

### **The Local Board**

26. The Albert/Eden Local Board (**Local Board**) presented to us.
27. The Local Board's concerns were set out in the s.42A Report<sup>4</sup> and in the material on its presentation. In summary, the matters raised by the Local Board included:
- concerns about the inadequacy of provision for open space;
  - opposition to increased height, including due to amenity effects and additional height not being necessary to meet strategic objectives;
  - concerns about the need to ensure there are sufficient community, recreational and social facilities;
  - concerns about pressure on schools;
  - a concern that additional re-zoning to BMU as proposed has the potential to result in adverse effects on the economic viability of the Point Chevalier and Mt Albert Business Town Centres;
  - seeking better amenity outcomes including through the introduction of the daylight, private open space and landscape standards of the Residential – Terrace Housing and Apartment Buildings Zone;
  - seeking a masterplan;
  - seeking all developments be assessed by the Auckland Council Urban Design Panel;
  - seeking no additional potential to connect the southern streets outside the Precinct to development within the Precinct; and
  - seeking further protection of historic heritage buildings and structures.

### **NGĀ KAUPAPA | TOPICS**

28. A number of issues arose during the course of the hearing process that we needed to determine. We have grouped these into the following nine topic areas, and address them in turn below:
- scope;
  - cultural considerations;
  - open space;
  - landscape and urban design;

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<sup>4</sup> Section 42A Report, at [21] and [222].

- transport;
- water and wastewater infrastructure;
- Health NZ;
- matters not in contention; and
- planning matters.

## HŌKAITANGA | SCOPE

29. In terms of scope, a number of issues were raised both in the evidence and in submissions made during the hearing. While we elected to hear submissions on these matters at the same time as the substantive issues, as the resolution of scope matters affects whether a merits consideration is required, we set out our discussion on the issues here. Due to the overlap in scope issues we have consolidated our findings into one section at the end of this part.

### Overview and legal principles

30. The four scope issues raised related to requests by the Council and/or submitters for:<sup>5</sup>
- (a) additional trees to be subject to specific protections under the AUP;
  - (b) additional heritage buildings to be subject to heritage protections under the AUP;
  - (c) protection of the Sanctuary Mahi Whenua gardens and/or additional protections for other ecological features of the site; and
  - (d) the inclusion of a financial contribution rule for open space.
31. The legal principles relevant to determining whether a submission is “on” a plan change are well settled, and were not contested by any party. These principles were described by the High Court in both the *Clearwater* and *Motor Machinist* cases as comprising the following two tests or limbs:<sup>6</sup>
- (a) whether the submission addresses the change to the status quo advanced by the plan change; and
  - (b) whether there is a real risk that persons potentially affected by such a change have been denied an effective opportunity to participate in the plan change process.

<sup>5</sup> As summarised in the HUD Opening Legal Submissions, at [3.6]; and HUD Reply Submissions, at [2.6].

<sup>6</sup> *Clearwater Resorts Limited v Christchurch City Council*, HC Christchurch AP34/02, 14 March 2003; and *Palmerston North City Council v Motor Machinists* [2013] NZHC 1290.



32. Where the contest arose was in relation to the breadth of the plan change, (which we have addressed in part above), and the application of the tests to the particular circumstances of PC94.

**Protection of additional trees, heritage buildings and ecological features**

33. HUD, in its Opening Legal Submissions, submitted that there was no scope to change the protections applying to existing trees, heritage buildings and ecological features within PC94, or to include additional trees, buildings or features as that relief fails both limbs of the *Motor Machinists* tests and is not “on” the plan change. In summary, this was because:<sup>7</sup>
- (a) The operative management regime for these resources is not addressed or otherwise altered by the Plan Change. In particular PC94:
    - i. was explicit that it did not propose to alter the AUP protections currently afforded to the existing heritage building or identified trees on the Site;
    - ii. did not identify any new buildings or trees to be subject to those protections; and
    - iii. did not propose any changes to the way in which the AUP addresses ecological features.
  - (b) Neither the operative Precinct or AUP generally reference the Sanctuary Mahi Whenua Gardens or provide for their protection in any way, and that status quo remains unaltered by PC94.
  - (c) PC94 is not a full plan review, and nor does it bring about a “sweeping change” to the planning framework which applies to the site, or the AUP generally:
    - i. the proposed rezoning is an extension of operative zones over approximately 16% of the site;
    - ii. outside of Height Areas 1 and 2, and along the Carrington Road frontage, the permitted building heights remain largely unchanged;
    - iii. while amendments are proposed to Precinct objectives and policies, the core directions remain intact; and
    - iv. the Precinct continues to provide for other key activities within the Site, being the Mason Clinic, Unitec and Taylor’s Laundry.
  - (d) There is a real risk that persons affected by a change in the extent or nature of protections afforded to trees, buildings or gardens, would be denied an effective opportunity to participate as:

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<sup>7</sup> HUD Opening Legal Submissions, at [3.10]-[3.27].

- i. Unitec, the owner of the land on which a number of the proposed additional buildings and trees are located, is not a submitter; and
    - ii. the Plan Change as notified was explicit that those features were not being addressed, and therefore amendments to the management of those features is not an outcome that Unitec, or any other person, should be expected to reasonably contemplate as being a potential outcome of the submission and hearing process.
  - (e) The Environment Court decisions in *Patterson Pitts* and *East Harbour* are relevant authorities that support the conclusion that a person reading the plan change would not have apprehended that those features could be affected, and to allow the changes, would disenfranchise such persons.<sup>8</sup>
34. HUD concluded that if the Council considered changes were required to the management regime of these features, or that new features should be included, the appropriate process was for Council to promulgate a separate Schedule 1 plan change.<sup>9</sup>
35. In response, the Council submitted that such changes were “on” the plan change as:<sup>10</sup>
- (a) PC94 proposed “sweeping changes” within the Precinct, including much greater intensification and development areas that have implications for effects;
  - (b) submissions have “fairly and reasonably raised” resource management concerns regarding the need for further protection of heritage buildings and trees in light of the greater intensification that PC94 would enable; and
  - (c) the matters of national importance in s.6 of the RMA that decision makers must recognise and provide for include the protection of significant indigenous vegetation and significant habitats of indigenous fauna as well as the protection of historic heritage from inappropriate subdivision, use and development.
36. OSFFA made similar submissions in support of these matters being within scope. In particular, OSFFA submitted that:<sup>11</sup>
- (a) In terms of the legal framework:
    - i. a submission point that was not included in the s.32 analysis but should have been, is not out of scope (as per the Environment Court decision in *Bluehaven*);<sup>12</sup>

<sup>8</sup> *Paterson Pitts Limited Partnership v Dunedin City Council* [2022] NZEnvC 234, at [102] and [105]; and *East Harbour Environmental Association v Upper Hutt City Council* [2016] NZEnvC 224, at [16].

<sup>9</sup> HUD Legal Submissions, at [3.26].

<sup>10</sup> Council Legal Submissions, at [33]-[35].

<sup>11</sup> OSFFA Legal Submissions, at [14]-[40].

<sup>12</sup> *Bluehaven Management Limited v Rotorua District Council & Bay of Plenty District Council* [2016] NZEnvC 191, at [36]-[39].

- ii. the s.32 report does not purport to “*fix the final frame*” of the plan change (as per the High Court decision in *Albany North*);<sup>13</sup>
    - iii. the purpose of a plan change must be apprehended from its provisions;<sup>14</sup> and
    - iv. the actual status quo of the plan change must be determined by reference to the nature and context of the notified change.<sup>15</sup>
  - (b) The changes PC94 proposes to the Precinct are not minor amendments or tweaks to isolated provisions in the Precinct but instead are a “*rewrite*” of the district planning rulebook or management regime for the Precinct and as such, PC94 is more akin to a plan review for the Precinct.
  - (c) Tree, ecological and heritage protections are part of the management regime that PC94 seeks to rewrite, and strengthening these protections:
    - i. to mitigate the adverse effects of more intense development would reduce (not extend) the development enabled by PC94; and
    - ii. is required to address the changes to the status quo (including zoning) sought by HUD.
  - (d) All landowners had the right to file submissions or further submissions.
  - (e) PC94 proposes a fundamental change in zoning (from tertiary education to BMU) which squarely places the question of the appropriate zone on the table – with the choice of zone potentially including residential or open space.
37. OSFFA also submitted that if we found there was no scope for the inclusion of the changes that they sought, the only option available to us would be to decline PC94 given its deficiencies.<sup>16</sup>
38. In its Reply Submissions, HUD maintained its position on scope and further submitted that:<sup>17</sup>
- (a) *Albany North* is not relevant as PC94 is not a full plan review, applies only to the Precinct, and is limited in that it largely retains the roading network and access points, and does not:
    - i. introduce any new zones;
    - ii. change the location or functions of any of the sub-Precincts;
    - iii. affect the height of the majority of the Precinct; or

<sup>13</sup> *Albany North Landowners v Auckland Council* [2017] NZHC 138, at [132].

<sup>14</sup> Auckland Plan Change 78 Independent Hearing Panel Interim Guidance, 12 June 2023.

<sup>15</sup> Auckland Plan Change 82 Decision, 16 February 2024, at [21].

<sup>16</sup> OSFFA Legal Submissions, at [41].

<sup>17</sup> HUD Reply Legal Submissions, at [2.2]-[2.3].

- iv. change the vast majority of activities provided for within the Precinct.
  - (b) The absence of a s.32 analysis while not fixing the final frame of the plan change, will be highly relevant to determining scope.
  - (c) There is no suggestion that the s.32 analysis is deficient, submissions seeking additional protections are a “*major alteration*” to the objectives of PC94 and not a reasonably foreseeable outcome.
  - (d) Natural justice issues are not cured by the opportunity to make a further submission.
39. HUD also submitted that irrespective of scope, there was insufficient information for us to make a decision on the appropriateness (or otherwise) of protecting those features, in the absence of: <sup>18</sup>
- (a) clear analysis of how that protection is able to mitigate an adverse effect (such as an increase in height opportunity);
  - (b) a full s.32 cost benefit analysis; and
  - (c) the input of one of the affected landowners, Unitec.

#### **Financial contribution**

40. Ms Barrett, the open space expert for OSFFA, recommended the inclusion of a rule within the Precinct that would enable a financial contribution to be taken for open space.<sup>19</sup> This issue was not addressed in OSFFA’s legal submissions but was addressed orally at the hearing by both Ms Barrett and counsel for OSFFA, Ms Beresford.
41. While Ms Barrett acknowledged that the OSFFA submission did not mention the inclusion of a financial contribution rule, she noted that the AUP includes provisions which allow for such contributions to be taken in certain precincts, although this Precinct was not currently listed as one of those. Ms Beresford added that, as the purpose of such a contribution was to mitigate the adverse effects of development enabled by PC94, it could be considered within scope on that basis.
42. In oral comments at the hearing, counsel for the Council (Ms Hartley) explained why the Council disagreed that a financial contribution rule could be introduced into the Precinct via this Plan Change. In summary:<sup>20</sup>
- (a) the question of additional open space is different from the issue of available funding mechanisms;

<sup>18</sup> HUD Reply Submissions, at [2.4].

<sup>19</sup> Summary Evidence of Maylene Barrett, 20 November 2024, at [54]-[55].

<sup>20</sup> Council Oral Submissions, 22 November 2024.

- (b) there are requirements under the Local Government Act 2002 (**LGA**) regarding the adoption of funding and financial policies, which include both development and financial contribution policies;
  - (c) any change to introduce a financial contribution would also necessitate a change to the development contributions policy; and
  - (d) there are also likely to be scope issues in terms of the *Motor Machinist* and *Clearwater* tests.
43. Ms Lupis addressed this issue in the HUD Reply Submissions. She agreed with the Council's view and noted that neither OSFFA nor any other submitter had sought such relief in their submissions. Ms Lupis also noted that the existing financial contribution provisions in the AUP are rollover 'legacy' provisions with development contributions having superseded them as the preferred method for levying for open space funding.

### **Discussion and findings**

44. We agree that the approach to scope is well settled and is set out in the *Clearwater* and *Motor Machinist* cases. We are also cognisant that in determining the scope of a particular plan change, the nature and context of the plan change is relevant.
45. We consider that the Council and OSFFA's categorisations of PC94 as making "sweeping" changes and amounting to an effective "rewrite" of the rule book respectively, are not borne out by a close analysis of the nature of the changes. While we accept that the changes to some aspects of the Precinct could be categorised as extensive, there are, as HUD submits, large parts of the Precinct provisions that are retained or only subject to consequential tweaks. We accept HUD's submission that PC94 is not equivalent to a full plan review of the Precinct, and consider HUD's categorisation of the plan change (which we have summarised earlier) is a more accurate reflection of the nature and extent of the changes that PC94 proposes.
46. In terms of the specific changes sought, we consider that all four requests fail both limbs of the *Clearwater/Motor Machinist* tests. The first three issues (trees, heritage buildings and ecological features) for the reasons given by HUD (and summarised by us above at paragraphs 33, 34, 38 and 39), and the fourth (financial contribution) issue for the reasons given by the Council and HUD (as summarised by us at paragraphs 42 and 43). We find accordingly.
47. We also accept HUD's submission that notwithstanding matters of scope, there is insufficient information to determine the appropriateness of the additional tree, heritage and ecological features and provisions, given the lack of a s.32 assessment and the lack of input from all affected landowners. We consider this criticism is well made, particularly given the potential flow on effects that the additional protections could have on achieving the objectives of PC94 and the ability to appropriately address other important Part 2 matters (such as cultural considerations). We consider this criticism (regarding a lack of information and

views) also holds true for the financial contribution rule request, as no wording was provided for the rule and no s.32 assessment undertaken.

48. In summary, we find that there is neither scope nor sufficient information to consider the four requests (for additional tree, heritage building, ecological feature protection and financial contribution provisions) and accordingly, these submissions are rejected.
49. As we have found that there is no scope for these matters, we do not address them further in the remainder of this decision. This includes:
- the evidence from the Dr Barton and Ms Clifflin, who criticised, as they saw it, the Applicant's minimal effort in identifying and protecting trees and other heritage assets; and
  - evidence in relation to heritage issues and values, other than where we address these matters under the heading "*Horanuku Me Te Tāone Ora | Landscape and Urban Design*".

## NGĀ WHAIWHAKAARO MĀORI | CULTURAL CONSIDERATIONS

### Overview

50. Cultural considerations feature prominently in this plan change. This is because the Crown-owned land within the Precinct is being transferred to the three Rōpū as commercial redress in accordance with the Crown's Treaty redress obligations to Mana Whenua under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed 2012 (**Redress Deed**) and Ngā Mana Whenua o Tāmaki Makaurau Act 2014 (**Redress Act**). Accordingly, while HUD is nominally the Applicant for this Plan Change, it has brought this application to enable the development anticipated by the Crown's redress obligations.<sup>21</sup>
51. A unique feature of this plan change is that it is supported by the three Rōpū, which as noted, comprise 13 different Mana Whenua groups. Te Warena Taua, the Executive Chair of Te Kawerau Iwi Tribal Authority and Settlement Trust, explained the significance of this unity and of the development opportunity as follows:<sup>22</sup>





*This development on the Unitec site represents a significant milestone, not only for Te Kawerau ā Maki but also for the wider Waiohua Tāmaki collective, Ngāti Whātua collective and the Marutūāhu Collective. This is the first time in History that multiple related groups have come together to support a commercial development of this magnitude. This is Historic and must progress. The significance of this unity cannot be overstated - this collaboration is both historic and future-focused, setting a precedent for collective economic prosperity that will enhance the wellbeing of our peoples.*

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<sup>21</sup> HUD Opening Legal Submissions, at [1.2]-[1.3].

<sup>22</sup> Summary Statement of Te Warena Taua, 21 November 2024, at [12].

52. Rewa Brown, the Chair of Ngāi Tai ki Tāmaki, outlined how the approach to development is underpinned by key mātāpono (principles) and uara (values) including manaakitanga, kaitiakitanga, whanaungatanga and kotahitanga. He also described the development as an “*exemplar of Kotahitanga, having agreed shared values and principles within the development area*”.<sup>23</sup>
53. Mr Majurey, who appeared for the Marutūāhu Rōpū and Ockham Group, explained how whanaungatanga and mana motuhake were paramount to the Rōpū. He noted that this was a “*taonga project*”, where Rōpū, supported by independent advice, were able to apply a mātauranga Māori design lens to ensure quality homes and appropriate open space outcomes. In support of the latter point, Mr Majurey provided us with a draft of “*Te Kukūnga Waka Cultural Masterplan*”, as it relates to open space. This illustrated how the approach to open space had been conceptualised as a waka, drawing on five key open space themes,<sup>24</sup> to provide a site specific cultural response to the nature, layout and proposed uses of the open spaces (refer excerpt below):

			
<b>MAUNGĀRONGO</b> Northern Open Space	<b>TE HAUMI</b> Central Open Space	<b>NGĀ HOE</b> Woodland Open Space	<b>TE PAEWAI</b> Southern Open Space
WELCOMING TO EVERYONE GATHERING SPACE HEALING AND RESPITE SENSORY PLAY CONNECTION WITH TE TAIAO CONNECTION WITH EACH OTHER CONNECTION TO THE MAUNGA CONNECTION TO THE MOANA SENSORY WALK INCLUSIVE	WELCOMING TO EVERYONE GATHERING SPACES CONNECTION WITH TE TAIAO CONNECTION WITH EACH OTHER DIVERSE AND INCLUSIVE FITNESS, PLAY AND RECREATION COMMUNITY AMENITIES ĀTEA AND WĀNANGA	CONNECTION WITH TE TAIAO CONNECTION WITH EACH OTHER MAHINGA KAI   RESOURCES RONGOĀ   KAI   WHAIHANGA   TOI FOOD FOR PEOPLE FOOD FOR FAUNA HEALING AND RESPITE MĀRA HUPARA SPACE FOR WAHINE	CONNECTION WITH WAI WAI MĀORI   WAI PARU EDUCATION AND LEARNING CONTEMPLATION MAHI TOI WAYFINDING

54. With that brief introduction we now turn to the specific cultural issues that arose, namely:
- (a) the relevance of the Treaty Settlement context and cultural economic aspirations to the statutory framework;
  - (b) the appropriate name for the Precinct; and
  - (c) references to Mana Whenua relationship with the area in other PC94 provisions.

**Relevance of Treaty settlement context and cultural economic aspirations to statutory framework**

55. The Treaty Settlement context (which we outlined at the start of this section) was not addressed in HUD’s Opening Legal Submissions, and accordingly those submissions did not address the relevance of that context to the statutory

<sup>23</sup> Summary Statement of Rewa Brown, 19 November 2024, at [5] and [7].

<sup>24</sup> The draft Masterplan stated the open spaces themes as comprising: Te Taha Hinengaro (Mental & Emotional), Te Taha Wairua (Spiritual), Te Taha Tinana (Physical) Whenua (Land / Roots), Te Taha Whānau (Family & Social); and showed them intersecting to deliver healthy thriving communities.

framework and our decision-making functions.<sup>25</sup> We raised the treaty settlement context at an early stage of the hearing so that any party who wished to address us on that issue could do so.

56. Mr Beresford, a civil/commercial litigator and Partner at Beresford Law, who appeared for himself, submitted that:<sup>26</sup>
- (a) while the Redress Deed and the Redress Act were “*clearly hugely significant for the governance of Auckland*”, they had limited relevance to our decision under the RMA, and “*it is impossible to see from what’s been presented what the Deed, and, the Redress Deed and Redress Act actually add;*”
  - (b) “*there is a tendency for critical thinking to be suspended when Treaty issues are on the table, and this is why, the Treaty is not a magic wand right, and my point is that if there are adverse effects, the fact that there is going to be redress and that’s commercial redress land doesn’t trump the RMA process and the considerations that the Panel has to take on board;*”
  - (c) it was an “*over-simplification*” and “*not entirely correct*” to describe the land as commercial redress land in the process of being transferred to the Rōpū, because the land could be vested in the Council for reserve;
  - (d) potentially Council may be obliged to acquire all remaining land in the Precinct for open space to address regional needs; and
  - (e) maximising short-term commercial profits did not justify the Rōpū going beyond the level of development provided by the operative AUP when infrastructure is needed to support the wider population.
57. OSFFA, while not addressing the Treaty settlement context, made similar submissions in relation to economic matters. In particular OSFFA submitted:<sup>27</sup>
- (a) while economic benefits are relevant RMA considerations,<sup>28</sup> the references to economic development in PC94 (in the Precinct description and Policies 4(e), 10(f) and 12) are unbalanced, and we infer, more aligned with the Fast Track Approvals Bill approach;
  - (b) PC94 would tip the balance too far towards commercial return over trying to obtain good environmental outcomes and a well-functioning urban environment as required by the National Policy Statement on Urban Development (**NPS-UD**); and
  - (c) the provisions risk an “*anything goes*” approach being justified on the basis of a greater commercial return.

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<sup>25</sup> HUD did however engage in this topic once Mr Majurey had addressed this for the Marutūāhu Rōpū, and clearly addressed the issue in its Reply Submissions.

<sup>26</sup> Written Submission of Mr Beresford, 21 November 2024, at [22]-[23], and [40]-[44]; and Mr Beresford Oral Submissions, 21 November 2024.

<sup>27</sup> OSFFA Legal Submissions, at [161]-[164].

<sup>28</sup> In terms of the enabling aspect of the sustainable management purpose and the assessment of positive effects of proposals.



58. Mr Majurey, in contrast, submitted that:<sup>29</sup>

- (a) the Redress Deed and Redress Act are mandatory Part 2 considerations;
- (b) the Fast Track Panel's decision on RC1,<sup>30</sup> although arising in a slightly different statutory context, contains useful guidance on the correct approach to Treaty considerations at paragraphs 29 to 41(a)-(b), which in summary state:<sup>31</sup>
  - i. the RMA definition of the Treaty of Waitangi includes Te Tiriti o Waitangi and therefore both versions apply and should be read to discern what mātāpono (principles) should apply;
  - ii. the Treaty/Te Tiriti gives rise to mātāpono of:
    - tino rangatiratanga;
    - kāwanatanga;
    - houruatanga (partnership);
    - whakaaro nui tētahi ki tētahi (mutual recognition and respect);
    - matapopore moroki (active protection);
    - te whai hua kotahi me te matatika mana whakahaere (mutual benefit and the right to development);
    - mana taurite (equity);
    - te whakatika (redress);
  - iii. Treaty settlements are an important aspect of the Māori – Crown relationship necessary to remove outstanding prejudice, prevent similar prejudice from arising, and to provide a practical settlement between peoples that achieves a reconciliation in fact;
  - iv. the Redress Act gives statutory force and recognition to the Redress Deed, which represents a positive step towards reconciliation in fact;
  - v. the Treaty settlement context is important given the requirement (under the Fast Track Act 2020)<sup>32</sup> to act consistently with the principles of the Treaty and Treaty Settlements;

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<sup>29</sup> Marutūāhu Summary Legal Submissions and Oral Legal Submissions, 22 November 2024.

<sup>30</sup> Being one of the Mana Whenua consented developments forming part of the PC94 site.

<sup>31</sup> While Mr Majurey's submissions for Marutūāhu referred to paragraph 49(a)(b), we have assumed this was meant to refer to paragraph 41(a)-(b), given the context to which the submission relates.

<sup>32</sup> COVID-19 Recovery (Fast Track Consenting) Act 2020 (**Fast Track Act**).

- vi. as part of the Settlement arrangements there is an agreement between Mana Whenua groups that they will not object to/hinder the development of the Project site;
- vii. the relevant objectives and policies in chapters B6 Mana Whenua, and E21 Treaty Settlement Land of the AUP:

1. require development to be enabled on Māori and Treaty Settlement land to ensure that these lands and their associated resources contribute to lifting Māori, social, cultural and economic wellbeing significantly (B6.2.1, B6.2.2, B6.4.1 and B6.4.2);
2. recognise that economic activities are necessary to support the ability for Mana Whenua to use and live on their Treaty Settlement land – including commercial redress land to support social and economic development (E21.2.(2));
3. provide for the integration of mātauranga Māori into design aspects;

(c) the land is Treaty Settlement/redress land - the fact that the transfer has not yet taken place does not change its status – there are contractual arrangements in place to enable that transfer;

(d) in a Treaty Settlement context, the return of land is most important, the route by which that is achieved (cultural or commercial redress) less so;

(e) the classification as commercial redress land does not diminish the cultural value or significance of the land, it simply indicates that where a tribe has to pay for the land, it needs to achieve a commercial outcome for the tribe as well as to fund development on the land; and

(f) Part 2 covers both economic and cultural matters with cultural considerations also incorporating Māori economic development.

59. The Council did not address these issues in their submissions.

60. HUD, in its Reply Submissions, supported the points made by Mr Majurey and submitted that:<sup>33</sup>

(a) the land is specifically provided for as commercial redress land in the Redress Deed and Redress Act;

(b) Part 2 considerations, and how these have been particularised through the NPS-UD and AUP are relevant:

- i. s.6(e) requires the recognition and provision of the relationship of Māori with their ancestral lands. The nature of that obligation is

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<sup>33</sup> HUD Reply Submissions, at [2.9]-[2.18].

stronger than the directives in sections 7 and 8, and has commonly been affected by investigating alternative options and methods which may better “*provide for*” the nature of that relationship;

- ii. s.8 requires that Treaty principles be taken into account. These principles include active protection, which imposes a positive duty on the Crown to protect Māori interests and taonga;
  - iii. Objective 5 and Policy 9 of the NPS-UD require local authorities to take account of the principles of Te Tiriti o Waitangi in relation to urban environments;
  - iv. Chapter B6 of the AUP, which is not limited to Treaty Settlement land, includes objectives that:
    - 1. recognise and provide for the principles of Te Tiriti o Waitangi in the sustainable management of natural and physical resources;
    - 2. direct that Māori economic, social and cultural well-being is supported; and
    - 3. provide for Mana Whenua to occupy, develop and use their land within their ancestral rohe;
- (c) s.6(e), the NPS-UD and the AUP therefore require specific consideration of the options before us which would better provide for the relationship of Mana Whenua with their ancestral land;
- (d) similarly (and consistent with a “*broad and generous construction*”), Te Tiriti and its principles invite consideration of outcomes that will support active protection of the Rōpū interests in this Site as a source of economic opportunity;
- (e) in *Beresford, Bunker & Rouse v Queenstown Lakes District Council*<sup>34</sup> the Court recognised that s.8 was not just about protection (i.e., for use as a shield) but could be used to positively enable particular outcomes in an RMA context;
- (f) this Treaty settlement context must shape what it means to promote sustainable management toward an outcome which will enable the highest and best use of the site for the Rōpū (noting the relevance of this to considerations of open space and height); and
- (g) achieving the RMA’s purpose of promoting sustainable management therefore invites consideration of an outcome which will best support the social and economic wellbeing of the Rōpū and enable the highest and best use of the Site for the Rōpū.

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<sup>34</sup> *Beresford, Bunker & Rouse v Queenstown Lakes District Council* [2024] NZEnvC 182, at [66].

## ***Discussion and findings***

61. We are not persuaded that the classification of the land as commercial redress is of “*limited relevance*”, or that the pursuit of an economic development on the land by the Rōpū is “*unbalanced*” as submitted to us by Mr Beresford and OSFFA respectively. Instead, we accept, for the reasons given by Marutūāhu and HUD (as addressed above); that the Treaty settlement context and cultural economic aspirations are important relevant statutory considerations, being matters of national importance, which must bear on our decision.
62. We acknowledge that the analysis in the RC1 decision provided to us by Mr Majurey arose in a Fast Track Act context, and that the required level of consideration of Treaty principles is somewhat stronger under that Act (being a requirement to act consistently with Treaty principles and Treaty settlements).<sup>35</sup> However, the decision is still useful in our view in identifying the importance of the Treaty settlement context and the recognition and provision for such in the relevant RMA documents.
63. We also agree with HUD that:
- (a) the Treaty settlement context must shape what it means to give effect to the sustainable management purpose of the RMA in this plan change; and
  - (b) the Part 2 Mana Whenua considerations are not just a shield but are also intended to positively enable particular outcomes.
64. However, that is not to say that such Mana Whenua considerations automatically trump all other considerations; nor did the Applicant suggest as much. Indeed, while the Applicant emphasised the importance of these considerations to our decision-making role, it also submitted that these aspects are not required to “*tip*” the balance in its favour, for open space, building heights, parking and other considerations. HUD submitted that these other matters, could, and in their view did, stand on their own in meeting the relevant NPS-UD and AUP objectives.
65. We discuss the detail of these matters in later sections of this decision. However, for current purposes, we simply confirm that we accept the general approach to Part 2 and Mana Whenua considerations outlined above, and have kept these considerations firmly in mind as we have worked through the other issues arising in this case.

### **Precinct name**

66. PC94, as well as proposing changes to the Precinct provisions, also proposed a change to the Precinct name (and associated references within the AUP), from Wairaka to “*Te Auaunga*”.
67. We understand that the Precinct was named Wairaka at the time the Precinct was created through the AUP process. However, since that time, and as part of this

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<sup>35</sup> Fast Track Act, s.6.

development, all 13 Mana Whenua groups have agreed that the name should be changed to Te Auaunga.

68. Te Warena Taua explained that the practice of changing names was a customary practice mai rānō (since time immemorial). He also explained the whakapapa and rationale for the name Te Auaunga:<sup>36</sup>

*It's a name that's actually was there since time immemorial too, from our ancestors, didn't relate just to that river, came all the way through and is a name that like a canoe you have paddled it right to where it belongs because it embodies principles, not of the Treaty, sort of, but of the canoe, the waka, and the lashings here there and everywhere, so it combines the whole lot of the tribes, bringing it into one. And so, do we accept it, absolutely, it has been referred back to each of the groups...*

*Its name that we can rekindle, because, not so much rekindle, but appropriate it through our customary rights to the area, because we all agree, because not one of us agree with the name Ōwairaka...*

*It's about recognising and acknowledging the mana of the children and of the ancestors of mana whenua and that's why this name change is supported, so that it all does not get lost in the future.*

69. At the hearing Mr Majurey confirmed that Marutūāhu and all the Rōpū supported the name Te Auaunga. He also confirmed support for the kōrero given by Te Warena Taua about the name and why the name Wairaka was not supported.<sup>37</sup>

70. Notwithstanding the above, the proposed name change was opposed by some submitters.<sup>38</sup>

71. Mr Beresford opposed the name change in his original written submission to the hearing. He explained this was on the basis that:

*This area is known locally as Unitec. It is easier and more transparent to use the name known by the public. It is also more practical to use English as it is difficult for English speakers to pronounce words that start with 5 vowels. It would most likely lead to the Precinct being referred to locally as the "Te A" Precinct (much like the common usage of "K road") or just as "the Precinct".*

72. When questioned about this submission at the hearing, Mr Beresford confirmed he was not opposing a Māori name, but had come to the view that the Wairaka Precinct was supportable as it was its legal name, was supported by some iwi, the Wairaka Stream flowed through the Precinct and was fundamental to the Precinct, whereas his understanding was that Te Auaunga was actually outside the Precinct.

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<sup>36</sup> Oral Evidence of Te Warena Taua, 21 November 2024.

<sup>37</sup> Marutūāhu Oral Submissions, 22 November 2024.

<sup>38</sup> We acknowledge there were other submitters that opposed the name change in their submissions, but to avoid repetition have only mentioned those that appeared and expanded on the reasons for their opposition at the hearing.

73. Dr Pouroto Ngaropō of Ngāti Awa, Te Tawera Hapū, also opposed the name change in his written submission on the following basis:

- *Geographical Inaccuracy: Te Auaunga refers to a stream located near Mount Roskill, distinctly different from the area around UNITEC and the Wairaka Precinct.*
- *Historical Significance: The name Te Auaunga, meaning the barking of the dogs of Wairaka, is historically tied to an event involving Wairaka's pet dogs near Mount Roskill, which is separate from the history and identity of the Wairaka Precinct.*
- *Cultural and Ancestral Relevance: The names Te Wai Unuroa o Wairaka and Te Wai o Rakataura, acknowledged for over 900 years, are deeply intertwined with the Ngāti Awa iwi's ancestral and spiritual heritage.*
- *Ngā kōrero o Ngāti Awa- Ancestral History and Whakapapa of Area.*

74. Dr Ngaropō was unable to attend the hearing to speak to his submission, but an appearance was entered for him by Ms Baldock. Ms Baldock, who described herself as being of Pākehā descent, explained that she had met Mr Ngaropō in protesting tree removal on Ōwairaka, and that he had adopted her as his “*whāngai sister*” at that time. Ms Baldock, who was not a submitter in her own right, spoke about the stories she had heard about Wairaka and Wairaka’s connection to the land (although not as mana whenua). Ms Baldock also expressed how for her personally, she was concerned that the change of name would result in “*wiping women from history*”.<sup>39</sup>

75. Te Warena Taua in his written evidence to the hearing responded to the matters raised by Dr Ngaropō as follows:<sup>40</sup>

*We challenge the assertions made by Pouroto Ngaropō in his submission, where he claims interests in this area on behalf of Ngati Awa. Evidence by way of a press release from Te Rūnanga o Ngāti Awa in 2020 makes clear that Ngaropō does not hold the mandate to represent the iwi he references. While Pouroto is a teina of mine with ancestral ties to Ngāti Pūkenga, Te Tāwera, and Ngāti Marukukere of Tapuika, his claims regarding the ancestor Wairaka of Mataatua waka interests in Owairaka are not supported by established historical boundaries. This area has long been recognised as the part of the tribal domain of Te Kawerau ā Maki and our related kin.*

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<sup>39</sup> For completeness we note that as Ms Baldock is not a submitter to PC94, to the extent she raised concerns going beyond those raised in Dr Ngaropō’s submission, we are unable to take those concerns into account.

<sup>40</sup> Summary Statement of Te Warena, 21 November 2024, at [11].

76. In his oral evidence at the hearing, Mr Taua strongly disagreed with the kōrero of Ms Baldock about Wairaka and indicated that the area had in fact been named for the tūpuna Raka-tāura, as Te Wai o Raka.<sup>41</sup>
77. In the original s.42A Report, Mr Reaburn noted that there were submissions both supporting and opposing the name change, and that he did not make a recommendation on that issue as he considered we should receive more information or evidence prior to approving a name change.<sup>42</sup> In his Addendum s.42A Report, Mr Reaburn confirmed that he did not oppose a change of name but that he maintained his view that this was a matter that needed to be fully heard and considered by us.<sup>43</sup> The Council made no legal submissions on the issue.
78. HUD acknowledged the opposition of some submitters to the name change, but noted that:<sup>44</sup>
- (a) the name change was not opposed by any of the landowners within the Precinct;
  - (b) the Council had not adopted the name in its provisions solely because Mr Reaburn considered it was a matter that needed to be determined by us; and
  - (c) the Rōpū have “*an in-depth understanding of the cultural and customary histories of the Site*”, and as they will receive the majority of the Site as Treaty redress, it is appropriate for the collective view of the Rōpū to be reflected.

### ***Discussion and findings***

79. In considering the issue of the appropriate name, we are conscious of the importance of names (he mana tō te ingoa). We are also conscious that Objective B6.3.1 of the AUP seeks that “*Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision making*”.
80. We accept, as Te Warena Taua pointed out, that the alignment of all 13 Mana Whenua groups on this development as a whole, and on the renaming of the Precinct is significant.<sup>45</sup> We also accept that Ngāti Awa Te Tawera Hapū are not mana whenua in this area.
81. Given the direction in the AUP to accord weight to Mana Whenua evidence and the direction in Part 2 that it is the relationship of Māori with their “*ancestral land*” that is to be recognised and provided for, we consider those directions would most appropriately be met by accepting the name change to Te Auaunga. Accordingly, we have made this change in our version of the provisions attached to this decision.

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<sup>41</sup> Oral Evidence of Te Warena Taua, 21 November 2024.

<sup>42</sup> s.42A Report, at [350]-[351].

<sup>43</sup> Addendum to s.42A Report, at [7(d)].

<sup>44</sup> HUD Opening Legal Submissions, at [4.113]-[4.115].

<sup>45</sup> Summary Statement of Te Warena Taua, 21 November 2024, at [12].

## **Other provisions referencing Mana Whenua**

82. In his original submission, Mr Beresford, provided a comprehensive list of concerns he had with the proposed PC94 provisions, including those of relevance to or referencing Mana Whenua. These included opposing:<sup>46</sup>
- (a) changing the name of Oakley Creek to Te Auaunga on the basis that it was not appropriate for the well-known English name to be deleted;
  - (b) including objectives for the restoration and enhancement of Māori capacity building and Māori cultural promotion and economic development as in his view this would discriminate on the basis of race and is contrary to the Bill of Rights Act 1990; and
  - (c) objectives I334.2(10)(f) and I334.2(12) and policy 1334.3(4)(e) regarding cultural promotion, economic development and restoration and enhancement of Māori capacity building, on the basis that this would prioritise the economic development outcomes of the developer over community outcomes.
83. In response to changes proposed in the s.42A Report and Addendum, Mr Beresford provided his updated position on specific submission points. Of relevance to Mana Whenua matters, Mr Beresford sought:<sup>47</sup>
- (a) changes to paragraph 2 of the Precinct description to:
    - i. remove reference to the Precinct having been occupied for over a “*millennium*” as in his view that was no evidence of occupation for that length of time;
    - ii. remove or amend reference to the Precinct forming part of Te Auaunga basin below Ōwairaka / Te Ahi kā a Rakataura, as it:
      - 1. indicated subserviency of the Precinct to the most dominant local geographical feature, and that if such a statement was required, Mt Albert should instead be used;
      - 2. it was unclear what part of Te Auaunga basin means;
      - 3. it was unclear how Te Ahi kā a Rakatāura related to the Precinct;
    - iii. clarify the references to “*significant waka portages*” and “*over successive generations*” as it was unclear what was being referred to and no timeframe was included; and
  - (b) amendment of Policy I334.3(4)(e) to remove reference to “*Māori capacity building, cultural promotion, and economic development*” as it was quite

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<sup>46</sup> Original Submission of Geoffrey Beresford, Schedule 1, Issues 2, 7, and 35.

<sup>47</sup> Submission of Mr Beresford, 21 November 2024, Schedule 1, at [3]-[5] and [46].



different from a policy promoting economic development and it was unclear what effects the proposed wording would have.

84. In response to a question at the hearing about the nature of the changes sought, Mr Beresford confirmed that while the historic use of the land should be acknowledged, it needed to be directly based on evidence, and the Council's proposed wording had a bunch of propositions that need to be fleshed out/substantiated.<sup>48</sup>

### ***Discussion and findings***

85. We accept Mr Beresford's submission that our decision must be based on the evidence, and his earlier submission (discussed in the Precinct name section above) that it needs to be made in an RMA framework.
86. We do not however accept his submission that including provisions regarding enhancing Māori capacity building and promoting cultural economic development are inappropriate. We consider, for the reasons given earlier (in the Treaty settlement context section), that the RMA and the relevant RMA documents (in particular the NPS-UD and AUP) provide strong directives, which mean it is appropriate to include such provisions within PC94.
87. In terms of Mr Beresford's concerns regarding the evidential base for the wording of some of the provisions, we had evidence before us from a number of the Mana Whenua groups indicating their longstanding (mai rānō) relationship to the area. We are also cognisant that the Redress Act and Redress Deed, acknowledge the relationship of Mana Whenua to the whenua and the cultural values and uses made of the land over many generations.
88. We therefore prefer the evidence and submissions of Mana Whenua and the Applicant on these matters.
89. We have however closely considered the clarity of the provisions, and whether they could benefit from some further elucidation. In relation to the portages, we have determined it is more appropriate to leave the reference generic as the names of all the portages and their specific locations were not specifically identified in the material before us.<sup>49</sup> We have however changed the reference from "millennium" to "a long period over many generations" which we consider better aligns with the Redress Deed. This change is minor, and does not change the provisions in any substantive way. Accordingly, we do not consider any s.32AA evaluation is required.

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<sup>48</sup> Mr Beresford Oral Submissions, 21 November 2024.

<sup>49</sup> We note that the Redress Deed specifically included reference to Te Tō Waka portage, but did not expressly refer to or name the other waka portages between the east and west coasts.

### Overview

90. The provision of open space was one of the more significant areas of contention between the Applicant, Council experts and some submitters, notably OSFFA. A significant number of submitters (approximately 53) raised the appropriateness of open space within the Precinct – mainly in the context of it not being sufficient. In summary these submissions sought:
- greater provision for open space, with a variety of open space typologies;
  - that Knoll Open Space (known as Knoll Park) be vested or zoned to ensure existing trees and the gardens be protected; and
  - to specify what proportions of open space are private or public.
91. For context we first set out below what open space was proposed as part of the notified PC94. We note that the quantum, location and nature of the open space (public/private) did not change through the hearing, nor in the Reply Submissions.
92. We then summarise the experts' views on 'methodology' – i.e., how to determine the appropriate quantum (and quality)<sup>50</sup> of open space in relation to the development that would be enabled by PC94, and the qualities of that open space. This includes the various experts' opinions on the appropriate methodology and metric to determine an appropriate (essentially) quantum of open space required to give effect to the NPS-UD and the Regional Policy Statement (**RPS**).
93. In this regard, we note that prior to the hearing it was clear there was no agreement between the parties on what was an appropriate methodology or metric to be applied to determine an appropriate open space network. Following expert conferencing (addressed further below) and the hearing, there was still no agreement on an appropriate methodology or metric. On this basis we determined that directing further expert conferencing, a possibility posed at the hearing, was unlikely to result in agreement between the parties.
94. We then briefly set out the relevant NPS-UD and RPS policies, before turning to address whether the provision of open space proposed by the Applicant, arising from the greater urban intensification of the site from PC94, is sufficient, adequate and/or appropriate.

### Open space context

95. HUD's application summarises the existing public open space within the Precinct and the public open space proposed by PC94 as follows:<sup>51</sup>

*The Te Auaunga Precinct provides for 5.1641ha of public open space land distributed in the northern, central and southern portions of the precinct. It*

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<sup>50</sup> The experts agreeing that quantum and quality go hand-in-hand, and it not possible to determine one without the other.

<sup>51</sup> Application Materials, Volume 1, Attachment 5, Open Space Assessment, 8 October 2023, at pp.513-514.

*provides an integrated network of open space to serve the new community that will establish over time within the Te Auaunga precinct area as well as the adjacent residential area.*

*The Te Auaunga Precinct also provides an extensive walkway and cycleway network which provides walking and cycling connections between the open space areas and to / from the wider urban area.*

*The existing Wairaka precinct provides for a 3,611m<sup>2</sup> neighbourhood park to service ~ 2,500+ dwellings envisaged within the Wairaka Precinct. The existing provisions also show 7.13ha of “private open space”. This includes approximately 1.2 ha of Unitec land This is unchanged through this plan change.*

*This plan change seeks to establish approximately 4.5ha of public open space (subject to the Council agreeing to accept the vesting of this land in accordance with the process set out in the Councils Development Contribution Policy and Open Space Acquisition Policy) plus an additional ~0.6ha of land contiguous with public open space which is intended to vest as a stormwater asset.*

*The open space provision proposed represents a ratio of approximately 1ha per 1,000 dwellings.*

*The provision of public open space for the intended population is appropriate to service the needs of the new community. The range of open space areas is intentionally diverse, i.e. to provide for recreational choice for the differing needs of the community. The proposed open space areas have the potential to provide for formal playgrounds for different age groups, informal play areas, passive and informal active recreation (kick-a-ball), picnicking and the like, as well as amenity planting, and access to an extensive public walkway network.*

*For completeness, it is recorded that the open space / park / or recreational facilities associated with the Mason Clinic are all internalised and provided for private use within that site. Similarly, Unitec provides for the open space and recreational needs of students within its facility, although obviously the students, staff and visitors are able to use all the public open space areas within the precinct and wider local area.*

*In terms of yield, the analysis provided when the current provisions of the operative Wairaka Precinct were established identified the potential for 2,500 dwellings plus 1,000 units of student accommodation (with the majority of the student accommodation being single bedroom, but with some family accommodation).*

*The Precinct is estimated at providing for a total of 4,000-4,500 dwellings with a range of typologies and dwelling configurations anticipated, from 1 to 4 bedroom dwellings. The net uplift therefore varies between 500 and 1,000 dwellings depending on the scenario modelled, although there is a significant change assumed in the percentage of student accommodation units (i.e. when Unitec was promoting the plan change) and hence a likely reduction in 1 bedroom units.*

*In terms of population, the 2,500 dwellings under the Wairaka Precinct and the 4,000-4,500 in Te Auaunga Precinct have been assessed at 2.8 people per*

dwelling. The 1,000 Unitec related accommodation units for students, staff and post graduate members have been assessed at 1.2 people per dwelling.

Consequently, the Te Auaunga Precinct has a modelled population of 11,200-12,600 compared to the Wairaka Precinct with an expectation of 8,200.

### **Open space**

*Precinct plan 1 as proposed through the plan change provides for a total of 6.1ha of land (including the Unitec land) being set aside for open space, and stormwater management. This represents 10.5% of the residential land of the precinct (i.e., excluding the Mason Clinic but including Unitec). This calculation excludes land required for the finer grained local road / cycle / pedestrian network, infrastructure, and any communal publicly accessible and / or private open space that will be provided as part of the further residential development of the superlots. The existing Precinct plan identifies both public and intended private open space. This plan change proposal identifies only intended public open space (subject to Council accepting it).*

*Considering open space alone, this proposal provides 5.1ha of open space across the 33.8 ha of the precinct available for residential development, representing 15% of the land area. This 33.8ha represents all Crown land held for housing (including the Taylor's laundry site) plus the land owned by Whai Rawa as shown in diagram 1. This is all the land available for residential and mixed-use development. It excludes the Mason Clinic and Unitec sites.*

*The 4.5ha of the public open space anticipated has a primary recreation function and a further ~0.6ha is anticipated to be vested with a primary stormwater function, whilst also affording open space amenity, and as it will be contiguous with vested open space. As this public open space is proposed to be vested in the Council, should that be agreed in accordance with Council's open space and acquisition policies referenced below, it will be secured in perpetuity. As noted above, this provision would represent 15% of the precinct land available for residential development potentially being set aside as public open space.*

[Our emphasis]

### **Methodology**

96. As already noted, this topic was the subject of expert conferencing. In the JWS (Open Space) the experts, excluding Ms Barrett (for OSFFA), agreed that open space could include:<sup>52</sup>
- open space areas accessible to the public excluding roads but including pedestrian or cycle links (regardless of ownership);
  - communal spaces for private use only; and
  - individual household-scale open spaces (yards, outdoor living spaces, landscaped areas).<sup>53</sup>

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<sup>52</sup> JWS (Open Space), 1 November 2024.

<sup>53</sup> Ms Barrett did not consider that outdoor living spaces should be considered as open space.

97. However, all experts acknowledged there is no agreed ‘industry’ methodology or metric to determine the appropriate amount of open space generally; nor within intensified urban environments such as is proposed by PC94. Furthermore, neither the RMA and its higher order policy documents such as the NPS-UD), nor any other local government statute provide explicit direction on the appropriate quantum or quality of open space that should be provided as part of a development or within a certain urban area. It was made clear to us that directions on such matters have generally been left to policy or strategy documents created under the LGA, many of which have been informed by international guidance, including from the World Health Organisation. We address these matters further below.

### **Evidence**

98. We received extensive open space expert evidence from:
- (a) the Applicant, Mr Canham, who considered that what had been proposed provided appropriate and sufficient open space to account for the increased density enabled within the Precinct through PC94;
  - (b) the Council’s experts, Mr Greenaway<sup>54</sup> and Dr Tafaroji,<sup>55</sup> who sought a larger quantum – essentially an additional neighbourhood park;<sup>56</sup> and
  - (c) Ms Barrett for OSFFA, who opined that a much greater amount of public open space was required, including a suburb park in the order of 5 to 10 ha.<sup>57</sup>

### **Council view and Applicant response**

99. For the Council, Mr Greenaway focussed on open space metrics and the range of open space needs of communities. His conclusion was:<sup>58</sup>

*A larger open space provision will far better serve the wellbeing of the new Wairaka community, and reduce impacts on existing neighbouring suburbs. I recommend that the figure of 20 m<sup>2</sup> per household as described in the Local Government Act 2002 (s203 (1)) and the Auckland Council Contribution Policy 2022 Variation A (s63) is the preferred starting point for a provision metric. Provision below this level should be justified by exceptional open space design.*

[Our emphasis]

100. Dr Tafaroji focused on the quality of open space areas to be provided, including against Council’s parks policies, namely:

- Council’s Open Space Provision Policy (2016);

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<sup>54</sup> An independent parks and recreation expert.

<sup>55</sup> Council’s Senior Parks Planner.

<sup>56</sup> We also note that open space matters were also referred to by Mr Brown (landscape) and Mr Ray (urban design).

<sup>57</sup> Summary Statement of Maylene Barrett, 20 November 2024, at [39].

<sup>58</sup> Section 42A Report, Volume 3, Appendix 6, Mr Greenaway Review, p.416, at [72].

- Parks and Open Space Strategic Action Plan (2013);
- Parks and Open Space Acquisition Policy (2013); and
- Albert-Eden Open Space Network Plan (2018).

101. Dr Tafaroji noted that the Open Space Provision Policy sets out provision targets for different types of open space (recreational and social) across the region and is intended to give effect to the Council's Parks and Open Spaces Strategic Action Plan.

102. Mr Reaburn stated in the s.42A Report:<sup>59</sup>

*In consultation with Council's Open Space Acquisition team Dr Tafaroji agrees that one more open space as a neighbourhood park is required in order to create green network across the precinct and the wider area. This park, of about 5,000m<sup>2</sup>, would be located between the two proposed Northern Open Space and Central Open Space areas within Lot 6 of the approved mega lot subdivision.*

103. Mr Canham, in response to the Council's experts' view, set out the following in his evidence:<sup>60</sup>

*3.4 Auckland Council has a range of policies which seek to resolve and/or respond to some of these challenges, each with slightly different area of focus and/or points of emphasis. However, the Strategic Action Plan 2013, Strategic Asset Management Plan 2015-2025, Provision Policy 2016 and Auckland Design Manual are key in informing Auckland Council's decisions on open space acquisition and design.*

*3.6 Importantly, while these directions are considered 'best practice' and are Council approved reference points in considering whether open space will serve its purposes for the current and future community, the ratios, quantities and provision metrics are not firm thresholds or standards against which proposals are able to be assessed. They are guiding parameters and, as with any policy, the directions included in these documents are often general in nature, meaning that the assessment of open space for a particular proposal will need to be grounded in the particular context/circumstances which relate to that proposal.*

*3.7 In practice, Auckland Council also waits for plan changes and consent applications to evaluate if and where its open space aspirations can be met. Auckland Council is not unique in this respect, but it brings an additional set of challenges in matching proposals with policy.*

[Our emphasis]

104. Ms Lupis in her Reply Submissions addressed the extent to which expectations in terms of the provision of open space are changing, or may need to change, in

<sup>59</sup> Section 42A report, Volume 1, at [210].

<sup>60</sup> Evidence of Geoff Canham, 17 October 2024, at [3.4], [3.6] and [3.7].

response to ongoing intensification of (Auckland's) urban environments. She submitted:<sup>61</sup>

*It is clear from the discussion at the hearing that the Council's open space reviewers, as well as Ms Barrett and other submitters, have approached the question of open space from the point of view that regardless of whether future residents of Auckland live in a highly urban location, or on the suburban or rural fringes of the city, they should have a similar level of access to outdoor public open space. While that may be an appropriate starting point for a greenfield development in a Future Urban or low density zone, an urban area which is highly suitable for intensification in accordance with the NPS-UD is a different proposition, and warrants a more modern, considered response.*

*While it is clear that planned urban built form that responds to the NPS-UD will result in significant change, for example to building height and scale, and that those changes are not of themselves adverse, there does not appear to be a corresponding acknowledgement by Council's reporting team that our open spaces will also change and adapt as a result. In our submission, Objective 4, Policy 1 and Policy 6 of the NPS-UD are instructive on this point. Read together, they highlight that:*

- (a) New Zealand's urban environments are developing and changing in order to meet the diverse and changing needs of future communities.*
- (b) Well-functioning urban environments enable the provision of sufficient and affordable housing, and have good accessibility to open spaces, including by way of public or active transport – confirming that people can travel to meet their recreational needs, but remaining silent on the quality or quantity of open spaces that may meet those needs.*
- (c) Planned urban built form may result in significant changes to an area, not simply in terms of the buildings themselves, but to the environment in which those buildings are located.*
- (d) That may result in changed amenity expectations for some members of the community, but that is to be balanced with the benefits of urban development and the ability to provide increased and varied housing densities.*

### **OSFFA view and Applicant response**

105. Ms Beresford's legal submissions set out the case for OSFFA. She submitted:<sup>62</sup>

*PC 94 should not be approved because of the very significant shortfall in the quantum and quality of open space required to serve the open space and recreational needs of the projected population of the Precinct. This shortfall cannot be met by reliance on open spaces within the wider Auckland open space network or by the Council officers' proposed running total of area per*

<sup>61</sup> HUD Reply Submissions, at [2.46]-[2.47].

<sup>62</sup> OSFFA Legal Submissions, at [5(b)].

*unit mechanism. This is a standalone matter, which is separate from and would not be resolved by granting the Society's other relief that seeks amendments to PC 94. The Society says that open space issues alone warrant the decline of PC 94.*

106. Ms Barrett provided expert evidence addressing open space (and other matters). It was Ms Barrett's opinion that more open space was required.<sup>63</sup> In her summary statement under the heading Open Space Requirements she stated:<sup>64</sup>

*Given the increase in population density anticipated by Plan Change 94, the quality and quantity of open space established under the Wairaka Precinct warrants re-evaluation. Mr Greenaway and Mr Reaburn have suggested that a minimum of 20m<sup>2</sup> of open space per household should be required, translating to at least 8 hectares for 4,000 homes.*

*My opinion is that this would be insufficient, and at least the World Health Organisation minimum area of 9m<sup>2</sup> per individual or 9ha for a population of 10,000 should be the starting point. The upper level of open space provision of 2.3ha/1,000 people that is the current level of service for the wider Albert-Eden local board area should also be considered, where for a population of 10,000 people this would be 23ha.*

*In my view, the existing assessments have not adequately addressed the necessity for new suburb parks, particularly in light of projected growth. Moreover, the walking distance standards for assessing park accessibility should rely on actual routes rather than direct "as the crow flies" distances. This necessitates a larger suburb park of at least 5 hectares to adequately serve the high-density development and ensure sufficient provision for the community, as existing parks like Waterview Reserve and Phyllis Reserve are likely to become overcrowded. In my view 5ha would be a minimum and a suburb park of up to 10 ha would be required given the anticipated population within the Precinct and anticipated population growth surrounding the Precinct.*

[Our emphasis]

107. Ms Barrett went on to address sports and recreational facilities as follows:<sup>65</sup>

*The Albert-Eden Sport and Active Recreation Facility Plan 2021 (Facility Plan) highlights a deficiency in current sports provisions across Albert-Eden local board area. Current metrics show that the Local Board area averages 4.5 playing fields, 6.5 outdoor courts and 2.3 indoor courts per 10,000 people, but the proposed Plan Change 94 would result in the loss of two playing fields and six indoor courts, with no plans to replace these facilities.*

108. In response to questions from us, Ms Barrett considered that PC94 needed to make provision for this scale of playing fields, outdoor and indoor courts. Again, in

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<sup>63</sup> Noting at paragraph 5 of that statement that she states, "My opinion remains the same as that set out in my primary evidence".

<sup>64</sup> Summary Statement of Maylene Barrett, 20 November 2024, at [37]-[38].

<sup>65</sup> Summary Statement of Maylene Barrett, 20 November 2024, at [41].



response to questions, it was her opinion that PC94 (and all developments/plan change proposals) needed to provide for all of their open space and recreational needs, irrespective of whether these facilities may be used or required regionally.

109. We note that Dr Tafaroji did not support (but did not oppose) Ms Barrett's position in relation to a suburb park.

110. In Ms Barrett's conclusion she stated:<sup>66</sup>

*Overall, in my opinion, the Plan Change 94 as proposed should not be approved as there is insufficient provision for informal and formal active and recreational open space and facilities for the future population.*

*The overall area of open space needs to be significantly increased. The projected future population for the Precinct requires a sports park and recreation facilities that can provide 4.5 sports fields, 2.3 indoor courts and 6.5 outdoor courts, a destination playground and sufficient neighbourhood parks to accommodate any further gaps in provision.*

[Our emphasis]

111. Throughout her evidence Ms Barrett highlighted what she considered to be deficiencies of the Applicant's s.32 evaluation in relation to open space. These were that the s.32 evaluation report did not adequately address the issue of the availability of sufficient open space to provide for the social well-being and health and safety of the future residents, and was silent on how existing recreation facilities could meet the needs of future generations.

112. While Ms Barrett opined that further sports and recreation facilities were necessary before PC94 could be approved, she did not undertake a s.32 or s.32AA evaluation as to the costs of providing for this "*significantly increased*" open space.

113. Ms Lupis responded to Ms Barrett's evidence in her Reply Submissions as follows:<sup>67</sup>

*It remains HUD's position that it is not appropriate to provide for these within the Precinct because:*

*(a) It is not the responsibility of HUD or the Rōpū to address regional shortages in available recreational facilities or large-scale public open spaces such as Suburb Parks.*

*(b) The Council and the Local Board have made it clear that the funding to acquire land within the Precinct for that purpose is not available.*

*(c) It remains unclear why the Council and the Local Board expect the Rōpū to carry the financial burden for providing those facilities, particularly when*

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<sup>66</sup> Summary Statement of Maylene Barrett, 20 November 2024, at [300]-[301].

<sup>67</sup> HUD Reply Submissions, at [2.44].

*there are options available for addressing those shortfalls within the Albert-Eden locality – for example, repurposing some of Chamberlain Park.*

### **Discussion and findings**

114. In relation to the matters raised by the Council, we agree with Mr Canham (at paragraph 103 above), that the Council policies provide guidance but are not directive, and that *“the assessment of open space for a particular proposal will need to be grounded in the particular context/circumstances which relate to that proposal”*.
115. We note that that the Council documents referenced by Dr Tafaroji pre-date the NPS-UD with its directives regarding urban growth. Accordingly, those documents may be ‘out of date’ or less instructive with respect to the requirements or expectations for open space required or preferred by people who choose to live in more intensified urban environments.
116. We therefore prefer Ms Lupis’ submissions on these matters (paragraph 104 above) which highlight that in light of the NPS-UD a *“more modern considered response”* is required to open space. In particular, the NPS-UD requires good accessibility to open space but does not require each development proposal to cater for every potential recreational need. As Ms Lupis correctly points out, inherent in the term *“good accessibility”* is the ability to travel to meet some of those needs if required.
117. This conclusion is similarly relevant to the matters raised by OSFFA (and summarised by us at paragraphs 105-108 and 110-112 above). In particular, we do not accept Ms Barrett’s opinions on the quantum and the nature of the open space required. To do so would effectively negate most sites from being able to intensify as envisaged by the NPS-UD. This cannot be right for the reasons set out by the Applicant. Accordingly, we prefer HUD’s evidence and submissions as to what the NPS-UD and relevant planning documents require in terms of open space assessment methodology.
118. As a final point in this section, we also find that there is a material difference in terms of open space between the operative Precinct and PC94 – that of public vs private open space, and that that distinction is material. In the operative Precinct, the key open space (private) is not, in planning terms, available to meet the open space needs of the community in accordance with Council’s own policies. The only public open space provided for in the operative Precinct is a 0.3 ha indicative Neighbourhood Park. Compared to that operative scenario, the Plan Change would provide significantly more public open space.

### **NPS-UD and RPS**

119. It is clear from our findings in the previous section, and agreed by the experts, that there is no standard or recognised methodology to determine the appropriate quantum and quantity of open space. Accordingly, we agree (as opined by Mr Canham - paragraph 103 above) that the assessment of open space needs to be considered in the particular context/circumstances of this proposal, and whether

the quantity/qualities of the open space proposed satisfies the policy direction of the NPS-UD and the RPS.

120. We set out the relevant objectives and policies of the NPS-UD and the RPS below, with our emphasis (underlining) of the particularly salient matters to PC94.

### ***NPS – UD***

*Policy 1 - Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport*

### ***AUP - RPS***

*Objective B2.7. Open space and recreation facilities*

#### *B2.7.1. Objectives*

*(1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.*

#### *B2.7.2 Policy*

- (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.*
- (2) Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.*
- (3) Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities.*
- (4) Provide open spaces and recreation facilities in areas where there is an existing or anticipated deficiency.*
- (5) Enable the development and use of existing and new major recreation facilities.*
- (6) Encourage major recreation facilities in locations that are convenient and accessible to people and communities by a range of transportation modes.*
- (7) Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities.*
- (8) Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities.*

[Our emphasis]

## **Provision of open space**

### ***Proposed changes (from the operative to the proposed Precinct)***

121. The operative Precinct Plan depicts “*key open space (private)*” located in the centre of the Precinct within and associated with the Unitec campus. It encompasses features including the central knoll, the upper section of Wairaka Stream, and the main stormwater pond.
122. The operative Precinct Plan also depicts *the “indicative location of a neighbourhood park”* of approximately 3,000m<sup>2</sup> (at the intersection of roads 1 and 2). All but the neighbourhood park is indicated as ‘private’ open space.
123. The proposed Precinct Plan depicts a central open space similar in pattern but smaller in area compared to the operative Precinct Plan. The proposed Precinct Plan does not include a neighbourhood park at the intersection of roads 1 and 2, but adds an area referred to as ‘central open space’ near the intersection of the spine road (Te Ara Pūtahi) and road 3 (Te Ara Kōkōwai – currently known as Farm Road).
124. The proposed Precinct Plan also depicts an additional triangular open space in front of the ‘Oakley Hospital Main Building’ in the north-east corner of the Precinct. In contrast to the operative Precinct Plan, PC94 proposes that most of the open space be ‘public’ open space and, subject to Council acceptance of the areas and a separate acquisition process, be vested as Council reserve.
125. Proposed changes to the Precinct provisions include:

- (a) the addition of Objective 10(ba) that:

*An integrated urban environment is created, which; - Ensures a range of high quality, well located and connected, and suitably sized open spaces are able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct;*

- (b) replacement of policy (15) with a new policy 15B to:

*Ensure provision of open space, including identified neighbourhood parks, other areas of open space identified on Precinct plan 1 and communal open space, that together provide a range of high quality, well located and connected, and suitably sized open spaces able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct;*

- (c) the addition of policy (19A) to: “*Ensure a safe and integrated network of public open spaces*”; and

- (d) an additional matter of discretion – 1334.8.1 (1A) b (v):

*The extent to which communal or private open space in the Business – Mixed Use Zone is provided and whether:*

- (a) private open space provides a functional area and shape accessible from the primary living area.*
- (b) communal open space in the form of plaza, podium, balcony or roof top spaces provides functional areas for the outdoor enjoyment and/or meeting of residents and their guests.*
- (c) open space connections linking through the site as part of a multi-unit development join up with the precinct walkway and cycleway network, as shown on Precinct Plan 1.*

### **Evidence**

126. The concept for the main open spaces in the middle of the Precinct was explained in Ms de Lambert's evidence and illustrated by diagrams (see below). The concept is a network of connected space focused around features such as the Wairaka Stream, the central treed knoll ('Knoll Park'), the existing stormwater ponds ('Southern Open Space'), a connection to Te Auaunga Stream ('Oakley Creek'), and the Oakley Hospital Main Building ('Northern open space'). The open spaces are to be integrated with, and connected by, the street network. It is also consistent with the conceptualisation of these spaces from a cultural perspective as referred to earlier in the cultural considerations section of our decision.

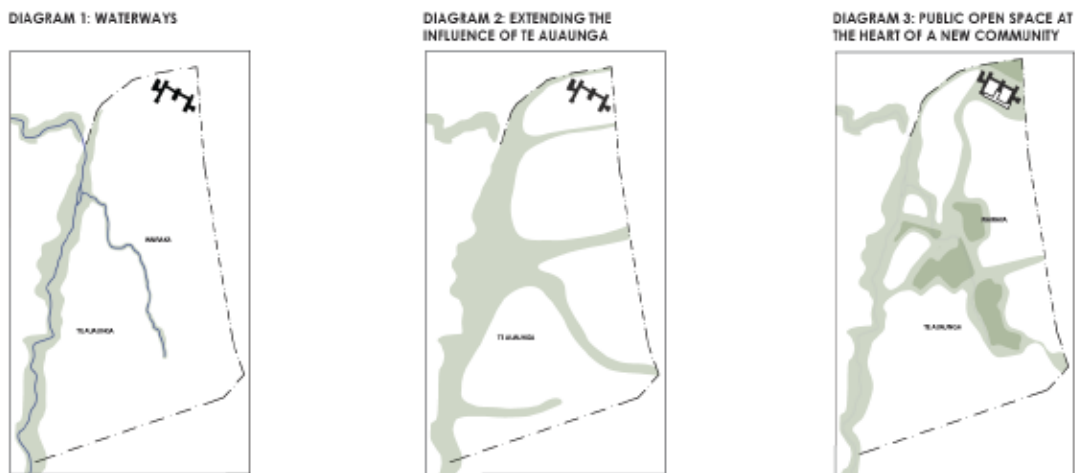


Figure 12: Diagrams expressing the way in which open space provision has been informed within the Precinct, including along future roading network.

127. Other experts did not dispute the open space concept outlined by Ms de Lambert, but criticised the qualities of the open spaces.
128. Ms Barrett criticised the configuration of the central open space and what she described as its disjointed connection with the knoll open space:<sup>68</sup>

<sup>68</sup> Summary Statement of Maylene Barrett, 20 November 2024, at [58].

*...the proposed central park is entirely inadequate in terms of size, shape, orientation to the street, availability of areas that are not subject to shade, significance, legibility and street frontage. It is disjointed from the Knoll Park and provides insufficient land to be of any significance to the future community.*

129. Ms Barrett recommended that the central open space be consolidated with the knoll area and expanded to be a “suburb park” which she depicted as also including a flat area able to accommodate sports fields with street frontages on three sides. She clarified in response to a question that a suburb park was characterised by its area and range of activities (attractors) and that sports fields were not an essential characteristic. She pointed to the nearest existing suburb park, Oakley Park (Waterview Reserve) on Herdman Street as an example of a suburb park. That park has an area of 3.4 ha and is approximately 700m walking distance from the Precinct.
130. Mr Brown likewise criticised the configuration of the open spaces because of what he described as their limited scale and elongated shapes, the sloping nature of the terrain, and the configuration of development sites around the spaces.<sup>69</sup> He considered *“this combination of factors suggests that the public open spaces proposed would be subject to significant over-shadowing on a daily basis, while the buildings in their immediate vicinity – up to 35m high – would be visually dominant to over-dominant relative to them.”*<sup>70</sup>
131. Mr Ray similarly raised concerns with respect to shading and building dominance. He said the proposals *“would allow for 35m tall buildings (up to 10 residential storeys) surrounding the proposed (public) open space including the proposed neighbourhood park. Buildings rising up 35m immediately to the north and east of this neighbourhood park would cause undue shading and building dominance to the point that I would consider the neighbourhood park severely compromised.”*<sup>71</sup>
132. Dr Tafaroji considered the proposed open spaces would not, on the whole, have the qualities that would meet Council’s criteria for acquisition of public open space.<sup>72</sup> She considered the central open space would meet most of the criteria but recommended a street frontage along the eastern side of the park.
133. However, while she considered the knoll reserve would not meet Council’s criteria as above, Dr Tafaroji, acknowledged its value in connecting spaces, but considered it was not a functional recreation space *“...due to the steep contour of the site (very limited flat area of approximately 0.2ha with a gradient of at least 6%), being heavily vegetated by established and notable trees on the site, and the poor shape of the site which does not provide for 30mx30m kickable area.”*<sup>73</sup>
134. Dr Tafaroji also considered that the southern open space adjacent to the stormwater ponds would not meet Council criteria because of its limited size and

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<sup>69</sup> Report of Stephen Brown, 23 September 2024, at p.16.

<sup>70</sup> Report of Stephen Brown, 23 September 2024, at p.17.

<sup>71</sup> Report of Alistair Ray, 11 September 2024, at [74].

<sup>72</sup> Report of Dr Roja Tafaroji, 1 October 2024, at [3.46]-[3.55].

<sup>73</sup> Report of Dr Roja Tafaroji, 1 October 2024, at [3.51].

flooding. Rather than fulfilling a dual function, she considered it “*could only function as a drainage reserve and must be totally considered for vesting to the Council’s Healthy Waters department.*”<sup>74</sup> She also raised concerns relating to management, public access, and safety with the adjoining open space that is to remain under Unitec ownership.

135. Dr Tafaroji did however consider the access to Te Auaunga / Oakley Creek would be acceptable from an open space connectivity perspective.
136. Dr Tafaroji also considered that a third neighbourhood reserve (in addition to the northern open space and central open space neighbourhood parks) should be included on Lot 6 to provide a “*connected open space network that is accessible to the public*”,<sup>75</sup> and to meet Council guidelines for neighbourhood reserves within 400m walking catchments.
137. The northern open space in front of the Oakley Hospital Main Building was however acknowledged as appropriate by the design, recreation, and heritage experts. It is flat, north facing, and has established trees. It would retain the open setting in front of the heritage building and coincides with that building’s extent of place. The only criticisms raised by some experts was poor connectivity between this neighbourhood park and the rest of the Precinct and its frontage to Carrington Road.
138. In terms of both quantum and amenity, the experts for the Applicant pointed out that communal and private open spaces contribute to the overall open space of an area. Messrs Duthie and Smallburn pointed to the recent developments:<sup>76</sup>

*Communal open space is an integral part of good design for large apartment complexes. Of the four resource consents for apartment buildings already granted for this Precinct, each of them provide a significant element of communal open space. Two of them provide an element of privately owned but publicly accessible open space. Part of this is the plaza and entranceways into the retail centre elements embodied within RC1. Others, as in RC2, are publicly accessible courtyards and plazas.*

### **Discussion and findings**

139. We accept the concept of a network of connected open space focused on the site’s natural and historic features as a basis for configuration of public open space. Such an approach will contribute to attractiveness and usefulness of the open space, and to the identity of the Precinct.
140. We also accept that communal open spaces incorporated into developments, such as those described by Messrs Duthie and Smallburn, will be important to the overall quality and amenity of the Precinct. Such spaces will complement, but not

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<sup>74</sup> Report of Dr Roja Tafaroji, 1 October 2024, at [3.53].

<sup>75</sup> Report of Dr Roja Tafaroji, 1 October 2024, at [3.57].

<sup>76</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.49].

substitute for, the network of public open spaces that will in effect be mostly green open space.

141. We agree that a legible walking and cycling connection at the western end of the main Oakley Main Hospital building, as provided for in the 'Addendum version' of the provisions, would ensure the northern open space is linked to the spine road (Te Ara Pūtahi) and the rest of the Precinct. It would be consistent with Ms de Lambert's diagrams. Without such a connection, future residents in most of the Precinct would rely on Carrington Road to access the northern neighbourhood park.
142. The Applicant had proposed that the connection be limited to a walking path because of cost and the need to provide for emergency and maintenance vehicle access. In our view the extension of the cycle path from the spine road (Te Ara Pūtahi) would contribute to legibility of the link, and would also provide a direct connection between the spine road and the North-Western Cycleway. We also do not consider walking and cycling is incompatible with occasional emergency or maintenance access.
143. We have included the cycle path in the Precinct provisions. To the extent concerns were raised regarding cost, we consider that the cost of a cycle path (in the order of 100m long) would be outweighed by the benefits to connectivity of the open space network.
144. We do not accept all of the criticisms of the open space areas from the Council experts and Submitters for the following reasons:
  - (a) We find the southern open space adjacent to the stormwater ponds is appropriate as part of the open space network. The ponds contribute to amenity values as well as fulfilling stormwater functions (it is an example of integrated design). We agree with Ms de Lambert and Mr Canham that the open area and rolling topography west of the main pond is suitable for informal recreation. We accept Mr Canham's evidence that the area of proposed public open space is 1.66 ha of which approximately one third comprises the ponds, and that most of the balance open space (i.e., approximately 1 ha) is unaffected by stormwater even with a 1% AEP flooding event.<sup>77</sup> That is relatively large as a neighbourhood reserve. We consider its public nature would be clear given frontages to both road 3 (Te Ara Kōkōwai) and road 4, in conjunction with normal cues in the park design such as paths, park furniture, and signs. While the adjoining Unitec open space would merge with the public open space, there is enough separation (the Unitec buildings are separated from the open space around the pond by Wairaka Stream and a low ridge) to avoid the area being perceived as private.
  - (b) We agree with Ms de Lambert and Mr Canham, and confirmed by our site visit, that the central knoll would contribute to the attractiveness and use of the open space network for informal recreation. The knoll's qualities are

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<sup>77</sup> Evidence of Geoff Canham, 17 October 2024, at [6.7].



accentuated by the mature trees on top of the knoll, its visibility from the spine road (Te Ara Pūtahi) and road 3 (Te Ara Kōkōwai) and its proximity as the backdrop to the recently daylighted and rehabilitated section of the Wairaka Stream and to the Pumphouse. Mr Canham also provided evidence that the criterion of a 30m x 30m flat 'kick a ball' area<sup>78</sup> would be met within the park, although we did not place much weight on that criterion given the proximity of the flat central open space.<sup>79</sup>

- (c) The connection with Te Auaunga Stream (Oakley Creek) would contribute to the Precinct's open space network by connecting to the different qualities of the stream corridor and the wider network. While it is a transitional space, the indicative shape opens out at both ends, and it will contribute to the open space qualities enjoyed by the residents.
- (d) While the central open space, knoll park, and southern open space do not form a single open space, they are in proximity and there are short connections between them. Collectively they comprise a reasonably sizeable 3.5 ha (excluding the stormwater ponds and the Unitec open space), larger than necessary for a neighbourhood park, and similar in size to Oakley Park. They encompass the Precinct's key features of Wairaka Stream, the treed knoll, and the stormwater pond. They also adjoin the Pumphouse which has the potential to be a central feature.
- (e) We do not find that a third neighbourhood park at Lot 6 is necessary to provide a connected or accessible open space network. Subject to a walking and cycling connection at the western end of Oakley Hospital Main Building (discussed above) there would be a connection between the northern and central open spaces along the spine road axis, and the relevant part of the Precinct would be within walking distance of either of these neighbourhood parks as indicated by the 300m radius proxy diagram in Dr Tafaroji's report.<sup>80</sup>

145. We have already addressed the reasons why we do not agree with Ms Barrett's opinion regarding the suburb park earlier in this section of the decision.

146. Notwithstanding the above, we do agree with some of the criticisms made with respect to the qualities of PC94's proposed open space network.

- (a) We accept the evidence that there would be some dominance effects from buildings enclosing the central open space given the combination of the open space's proportions and shape, the configuration and potential height of buildings around it, the narrow street frontages, and the lack of through sightlines. We accept that the addition of Standard I3334.6.9D Central Open Space – Shading to the provisions would provide for reasonable sun access in response to criticism that the surrounding buildings would shade the central open space. That standard ensures a 30m<sup>2</sup> circle in the middle of

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<sup>78</sup> A quality Dr Tafaroji claimed was lacking in the area as a potential neighbourhood park, as discussed above.

<sup>79</sup> Supplementary Evidence of Geoff Canham, 13 November 2024, at [4.10].

<sup>80</sup> Report of Dr Roja Tafaroji, 1 October 2024, Figure 6.

the central open space is not shaded between 10am and 3:30pm at the winter solstice which we were told is consistent with Council policies.

- (b) We accept that the prominence of Knoll Park will be reduced to a degree by the sandwiching of the narrow middle part of that park between two building development sites, and the location of one of the building sites forward of the knoll on the spine road.
  - (c) We accept that the public open spaces in the centre of the Precinct (central open space, Knoll Park, southern open space) are disjointed to the extent that they are three separate parks, although as noted above, they are close to each other and are connected by short links. We also consider the Pumphouse has the potential to be a central connecting feature (discussed below).
147. We also note that there is an inconsistency between the proposed Precinct Plan which depicts an indicative path around the eastern margin of the stormwater pond and preliminary designs introduced by Mr Majurey that illustrate the eastern margin of the pond is not within the open space network. Such a design, if adopted, would preclude the opportunity for people to walk around the pond and reduce the usefulness and attractiveness of this open space. Given the preliminary nature of that design, and that HUD's final reply provisions retained the indicative path, it may be that this inconsistency has been resolved. However, in any event, we have retained that path in our version of the Precinct Plan to encourage and enable the associated open space benefits it would provide.
148. We have considered all of the evidence related to open space, and accept there are strongly held and contrary views between the parties (experts and non-experts) about whether the open space proposed is appropriate both in terms of quantity and quality. It is necessary for us to determine whether the proposed open space will meet the needs of future residents (the Te Auaunga community), residents in the surrounding area, and the general public when considered against the provisions of the NPS-UD and the RPS.
149. For the reasons we have set out above, and those which follow, we agree with the Applicant's position that the provision of open space (notwithstanding some of the criticisms expressed above) will give effect to the relevant objectives and policies of the NPS-UD and the RPS, and is appropriate to the context and development enabled by PC94.
150. We agree with the HUD Reply Submissions that "*Open space on Precinct Plan 1 is the minimum*" and that:<sup>81</sup>

*As set out in our opening submissions, the Panel is not tasked with ensuring the delivery of all open space that will be ultimately available within the Precinct. The open space shown on Precinct Plan 1 will be supplemented by additional communal and private open spaces. It will also be supported by active connections throughout the Site – dedicated walking and cycle paths*

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<sup>81</sup> HUD Reply Submissions, at [2.39].

*that also have a recreational function, and provide links through to the existing open spaces which adjoin the Site.*

151. We also note that additional Precinct provisions have been included by the Applicant. These are set out in paragraph 125 above. We support those provisions and agree they will, in addition to the areas shown as 'open space' in the Precinct, support the provision of further open space at the time of development (resource consents). In particular, these provisions, combined with the open space shown on Precinct Plan, will enable decision-makers to assess and determine both the quality and quantum of open space proposed as part of developments within the Precinct. This will, in our view, ensure that the open space outcomes can be achieved, and that the AUP objectives relating to open space, will be met.
152. With respect to the relevant higher order planning provisions (as we have set out earlier), we are satisfied there will be good accessibility, as well as a range of open spaces and recreation facilities (providing a variety of activities, experiences and functions) accessible to people and communities. Also, any significant adverse effects of land use or development on open spaces and recreation facilities will be avoided, remedied or mitigated by the design, layout, and precinct provisions of PC94.

#### ***Overall finding on open space***

153. Overall, we find the approach taken by the Applicant to open space, as outlined in Ms de Lambert's and Mr Canham's evidence, along with the Precinct provisions as proposed by Messrs Duthie and Smallburn, is an appropriate response to the site's features and PC94 context. We are satisfied that the provisions of open space shown on the Precinct Plans and in the Precinct provisions, will give effect to the relevant objectives and policies of the NPS-UD and the RPS, and is appropriate to the context and development enabled by PC94.

### **HORANUKU ME TE TĀONE ORA | LANDSCAPE AND URBAN DESIGN**

154. In this section we address the landscape and urban design issues arising in PC94. These are addressed in the following topic areas:
- (a) vision and character;
  - (b) building height;
  - (c) Pumphouse; and
  - (d) Sanctuary Mahi Whenua Garden.

#### **Vision and character**

155. PC94 provides for an increase in residential intensity primarily by increasing building height standards and extending the BMU which also accommodates residential development. The nature and scale of intensification is reflected in the Precinct Description where it states that the Precinct "*provides for a mixed use*

*urban community including an ultimate residential community of 4,000 – 4,500 dwellings, supported by a range of retail and other support activities...".*

156. Additions to the Project Description recognise Māori aspirations given the land's earmarking for Treaty Settlement purposes. The additions also include more information on the land's history.
157. Otherwise, the intended vision and character is conveyed in the objectives and policies – of which those most relevant to the Precinct's character are Objectives (3), (10), and (13), and Policies (1), (4), (6), (13), (14), (14A), (14D), (15B) and in proposed increases in the building height standards.

### ***Evidence and submissions***

158. Concerns were raised by a number of parties regarding the vision for the Precinct.<sup>82</sup> Differences between experts engaged by the Applicant (Ms de Lambert and Mr Riley) and those engaged by Council (Mr Brown and Mr Ray) in the envisaged character of the Precinct were captured in the JWS (Urban Design and Landscape) following expert conferencing:<sup>83</sup>

*All experts agree that the intended built character for the precinct is based on a series of high quality intense/tall, predominately residential, buildings supported by a series of both public and private/communal open spaces and avoiding a vehicle-dominated environment. SB and AR additionally consider that descriptors such as "park like setting" together with "generous private/communal open spaces..." should be included in the above.*

*AR and SB explained a concern and uncertainty with the scale of development envisaged for the precinct and its underlying rationale, purpose, methods and overall fit in the scheme of Auckland's urban context. The key issue for AR and SB is: what is the intended built character of the precinct and can future proposals for resource consent be adequately assessed for in light of that? AR and SB consider that to address this, the following would be needed:*

*(a) a clearer precinct description of the intended character outcomes that includes its role relative to the wider Auckland urban context; and*

*(b) a design review process; and*

*(c) methods (to the extent practical) to guide the co-ordination and delivery the elements required to create a successful urban community.*

[Our emphasis]

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<sup>82</sup> Concerns were raised by the Council as well as submitters – the latter in particular raised issues regarding the intensity of development, the amount of open space, and character of the area.

<sup>83</sup> JWS (Urban Design and Landscape), 1 November 2024, at [3.1]-[3.2].

159. Mr Ray illustrated his evidence by reference to master planning undertaken in such places as Hobsonville Point and Stonefields, the use of design review Panels in those projects, and the more generous open space in such developments compared to that proposed in PC94. There were also references to earlier master planning carried out for the Precinct itself, such as the 'Grimshaw Master Plan'.
160. Mr Brown similarly concluded that: *"As Auckland's largest brownfield development and perhaps the largest of its kind in the country, the Plan Change should be a model for such planning mechanisms in NZ. Unfortunately, it presently falls short of such lofty ambitions and therefore does little to allay many submitters' concerns about PPC94"*.<sup>84</sup>
161. In response to Mr Ray and Mr Brown's evidence, Mr Reaburn for the Council recommended a number of changes to the PC94 provisions to:<sup>85</sup>
- (a) recognise a built form and landscape outcome in the Precinct description;
  - (b) amend Objective 2 to provide more specificity as to how comprehensive planning and integrated development could be achieved;
  - (c) include a new Policy 13A to require residential development to contribute to the overall built form character of the Precinct; and
  - (d) mandate a design assessment from a Design Review Panel and make associated changes to the information requirements and assessment criteria.
162. The Applicant adopted a number of these changes and proposed a number of further changes (some supplementary, some replacements) in its final reply version. However, there were a number of aspects the Applicant did not agree to. These included descriptors such as *"park-like setting"* or *"generous open space"* and a requirement for a masterplan. Further, neither the Applicant, nor the Rōpū, agreed with a mandatory design review (and associated provisions) being included.

### ***Discussion and findings***

163. The differences between the experts appear to follow from different visions rather than lack of clarity. While a *"park-like setting"* and *"generous open space"* would make for an attractive urban environment and echo the existing campus character, the Applicant's vision is clearly different: it is of a more intensive urban form that would optimise residential development.
164. The Applicant's vision is consistent the current Precinct description, which does not describe a park-like or landscape setting, and with the higher order policy documents. In relation to those documents, it is our finding that the proposed increase in intensity would give effect to Objective 3 of the NPS-UD to enable more people to live in urban environment areas with appropriate characteristics. It would

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<sup>84</sup> Section 42A Report, Volume 3, p.362.

<sup>85</sup> Addendum to s.42A Report, p.7, at [11].

also be consistent with the NPS-UD objective of a well-functioning urban environment (Objective 1) as defined by Policy 1.

165. As we have set out earlier, we find:

- (a) the changes from the existing campus to an intensive urban character is consistent with Objective 4 and Policy 6 of the NPS-UD; and
- (b) optimising the site's development potential is consistent with the identification of the land for Treaty commercial redress purposes.

166. We also find that the Precinct is separate and large enough to accommodate a character and intensity distinct from that of surrounding areas.

167. With respect to design process, we acknowledge the benefits of master planning and design review processes outlined by Mr Ray and Mr Brown. However, we accept the view set out in HUD's Opening Legal Submissions which stated:<sup>86</sup>

*However, while HUD's experts do not dispute the role of masterplans as a design method in principle, neither the RMA nor the AUP mandate the development of, or strict adherence to, a masterplan as a prerequisite to inform a large scale urban development proposal. There is simply no requirement to embed a masterplan outcome in the AUP as part of this, or any, plan change process.*

*Nevertheless, as HUD's experts have explained, significant masterplanning work has already been completed to support the future development of the Site. HUD's experts remain of the opinion that the Addendum Version supported by HUD reflects the key outcomes of the Reference Masterplan, and that more specific references to that Masterplan within those provisions are neither appropriate nor necessary.*

168. Furthermore, Mr Majurey alluded to a desire of the Rōpū to continue their exercise of rangatiratanga rather than responding to a pre-determined masterplan that may not fit their aspiration and design outcomes for the site – noting that each Rōpū had undertaken (or was in the process of undertaking) their own 'masterplans'. For Marutūāhu, Mr Majurey stated that the results of this process were clearly shown in the fast-track consents obtained and development that is currently taking place on site. In short, the Rōpū want to keep their design process in-house rather than embedding it in a master plan and a statutorily mandated design panel planning process. We agree that that approach is more appropriate for the reasons provided by the Rōpū and HUD (as outlined in this section).

169. With respect to the design review process, we accept Ms de Lambert's evidence that the proposed provisions (including the Precinct plans, and the objectives and policies) are appropriate, in conjunction with the normal Council review processes, to ensure a high-quality outcome. Ms de Lambert said that landscape and urban design assessments would likely be required for most resource consent applications given the matters of discretion, that it is standard practice for the

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<sup>86</sup> HUD Opening Legal Submissions, at [4.5]-[4.6].

Council to undertake specialist peer reviews, and that proposals could (but are not required to) be reviewed by the Auckland Council Urban Design Panel.

170. We also accept the Applicant's position on a bespoke design panel - as set out in its Opening Legal Submissions:<sup>87</sup>

*Finally on this matter [design panel], Messrs Duthie and Smallburn have reviewed Mr Reaburn's proposal to require the provision of a "design assessment report from the Wairaka Design Review Panel" as part of resource consents for new development. They consider that the relevant assessment criteria and matters of discretion for new development are such that any application will, as a matter of practice, be accompanied by a comprehensive urban design review. In their opinion, requiring the provision of that via a Design Review Panel is neither appropriate nor necessary.*

171. In summary, we find that adding such terms as "park like setting", "generous open space" or "an identifiable open space / landscape setting" to the Precinct description are not warranted, and nor are requirements for master planning and a dedicated design review Panel process, for the reasons outlined in this section.

### **Building Height**

172. PC94 proposes increasing the building height standards in identified Height Areas covering different parts of the Precinct. The design experts agreed in general terms that the Precinct can accommodate intense, tall, predominantly residential buildings. Differences related to the details for each of three 'Height Areas'. We address each area now in turn.

### **Height Area 1**

#### ***Proposed changes***

173. Height Area 1 is a discrete area in the north-west corner of the Precinct, elevated above the creek and motorway, and bounded on the inland side by the Oakley Hospital Main Building and Mason Clinic. Within this area, PC94 proposes to increase the 'base' height from 27m to 35m, and to provide for three taller buildings (up to 43.5m, 54m and 72m in height respectively) as restricted discretionary activities. The taller buildings are envisaged as a cluster of 'towers' that would provide a landmark.

#### ***Evidence***

174. The landscape and urban design experts agreed the towers in Height Area 1 will have high visibility and prominence but disagreed, firstly, on whether it is an appropriate location for a landmark and, secondly, whether the provisions would ensure the buildings have design qualities to contribute as a positive landmark.
175. With respect to location, Ms de Lambert and Mr Riley (for the Applicant) considered that the towers would mark an important gateway to the isthmus, while

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<sup>87</sup> HUD Opening Legal Submissions, at [4.10].

the adjacency to the motorway corridors would provide suitable scale and reduce potential dominance and shading.<sup>88</sup>

176. On the other hand, Mr Brown and Mr Ray (for the Council) considered that landmark towers in this location could detract from urban form legibility because such heights typically indicate a metropolitan centre which this location is not.<sup>89</sup> They questioned whether it was appropriate to highlight a motorway junction. Mr Brown also considered the towers would detract from the contribution the volcanic cones make to the cityscape and would specifically interrupt views to Maungawhau from a section of the Northwestern Motorway. Mr Brown expressed the view that the towers would be *“incongruous and visually disruptive in relation to the historic Oakley Hospital Building”*.<sup>90</sup>
177. With respect to design qualities, Mr Ray considered the buildings would potentially appear bulky and recommended the maximum floor plan dimension be limited to 40m (rather than the 42.5m and 50m proposed) or that the standard be replaced by the addition of ‘bulk’ as a matter of discretion.
178. The heritage experts likewise disagreed on the effects of the Height Area 1 provisions on the historic heritage values of the Oakley Hospital Main Building. Mr Wild and Ms O’Neil considered the provisions adequately addressed any potential adverse effects. Mr Wild pointed to the proposed configuration of the shortest ‘tower’ (43.5m) nearest the heritage building, the setback of the buildings behind the frontage line and to one side of the heritage building, and the consideration of design response to the heritage building as a matter of discretion.<sup>91</sup>
179. Ms Byron (for HNZPT) on the other hand, considered the towers would have adverse effects on historic heritage values. She said:<sup>92</sup>

*The very proximate location proposed for the three towers, outside of the extent of place, but within its setting, by way of their heights and grouping in relation to the heritage building create a sense of dominance and competes for visual attention that diminishes that of the heritage building.*

180. Ms Byron considered the potential contrast between the towers and heritage building would detract from the latter – stating:<sup>93</sup>

*The vertical emphasis and dominance of the towers are in stark contrast to the horizontal orientation of the Oakley Hospital Main Building towers (sic), there is little sense of connection with the lower built form, and I cannot see how proposed development can be made congruous or appropriately complementary due to the scale.*

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<sup>88</sup> Evidence of Rachel de Lambert, 17 October 2024, at [7.5], [7.7] and [7.14(e)]; and Evidence of Matthew Riley, 17 October 2024, at [6.32].

<sup>89</sup> Report of Alistair Ray, 11 September 2024, at [79]. Report of Stephen Brown, 23 September 2023, at p.8

<sup>90</sup> Report of Stephen Brown, 23 September 2024, at p.8.

<sup>91</sup> Evidence of Adam Wild, 17 October 2024, at [5.4], [5.5] and [5.8] respectively.

<sup>92</sup> Evidence of Robin Byron, 20 November 2024, at [3.4].

<sup>93</sup> Evidence of Robin Byron, 20 November 2024, at [3.8].



181. It was Ms Byron's opinion that open space should be retained on all four sides of the building, to preserve the ability to appreciate the building from all sides. In the JWS (Heritage) she added that an acceptable solution might be found if the towers were to be set back beyond the rear building line of the heritage building.<sup>94</sup>

### ***Discussion and findings***

182. While the AUP typically provides for tall buildings in the central city and metropolitan centres, there are instances of tall buildings elsewhere. Whether tall buildings are appropriate in locations other than the central city and metropolitan centres depends on context. In this instance, we consider the following contextual factors are relevant:
- (a) The position of Height Area 1 on a promontory (above the motorway and Te Auaunga Stream estuary) at the north-west corner of the site, and as a discrete sub-area bounded on its landward sides by the Mason Clinic and Oakley Hospital Main Building.
  - (b) Proximity (approximately 400m) to Point Chevalier town centre. We accept the proposition that a greater residential population would help remedy the effect that the motorway has had on the town centre's pedestrian catchment.
  - (c) Proximity to frequent bus routes on Carrington Road and Great North Road, and to the Northwestern Cycleway.
183. With respect to legibility, we accept that the towers would mark a node that includes Point Chevalier town centre and an important gateway to the isthmus. They would increasingly be seen in the context of Terrace Housing and Apartment Buildings zoning around the town centre – noting the six storey apartments recently built opposite the site. The towers would also be seen in the context of what will become a high intensity residential precinct with its own identity. These factors together provide context to towers in this location.
184. We agree that the influence of the buildings' design and appearance on cityscape will be amplified by their prominence. The proposed standards would provide for buildings with relatively wide faces and narrow ends – which might be described as having slab like proportions rather the slender proportions of a tower.
185. We accept that the clustering of buildings provides the potential to both accentuate bulk or, conversely, to mitigate it through the composition of buildings of varying height and their individual façade treatments. While design matters are included generally in the Precinct provisions (policies, matters of discretion, and assessment criteria), we consider they could be more direct with respect to the proposed landmark buildings because of Height Area 1's prominence and potential for both positive and negative outcomes. We have therefore made the following changes by adding a new policy, amending a matter of discretion, and amending the assessment criteria references to reflect these changes:

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<sup>94</sup> JWS (Heritage), at [3.4].

- add a new policy 14B:

Require the design and appearance of high rise buildings in Height Area 1 to contribute a positive visual landmark to the city.

- renumber current Policy 14AA to 14AAA; and
- amend the related matter of discretion to read as follows:

I334.8.1. Matters of discretion

(1B)(b) building design and location:

(i)(bullet point 2) contributes to making a positive visual landmark, either in isolation or as part of a composition of taller buildings including through such design matters as building composition, modulation of building forms, and façade treatment (including façade proportion, articulation, roofline and materials).

186. We accept the evidence of Mr Wild and Ms O’Neil that adverse effects on historic heritage values could be appropriately addressed through the Precinct provisions. In this respect we find that the Oakley Hospital Main Building will retain its landmark qualities because of its imposing width (mass) and horizontal proportions. While the adjacent tall buildings would also be a landmark, we accept that the setback behind the frontage line and to one side of the Oakley Hospital Main Building will help retain the primacy of the heritage building, especially in the key views to the front of the building from the northeast. In this instance, we consider contrast (in terms of proportion and design) would help legibility of both the heritage building and towers.
187. In response to questions, Ms Byron agreed that contrast can be an appropriate strategy, pointing to the Hotel Britomart as a successful example.<sup>95</sup> The use of complementary contrast means there would be benefit in the buildings in Height Area 1 having vertical proportions, avoiding a bulky appearance, and having a contemporary design. In this respect we agree with the addition of policy 14C:<sup>96</sup>

Policy 14C –

Require proposals for new high rise buildings adjacent to the Oakley Hospital Main Building to provide sympathetic contemporary and high quality design which complements the heritage values of the Oakley Hospital Main Building.

188. However we found that the key matter of discretion under I334.8.1(1B)(b) (bullet point 3) was somewhat ambiguous to the extent that it highlights treatment of the building’s lower floors but omits reference to such matters as proportion,

<sup>95</sup> Oral Evidence of Robin Byron, 20 November 2024.

<sup>96</sup> Which is now Policy 14AAA.

modulation, façade treatment, and materiality. We have amended that matter of discretion to be:

(1B) (b)(i)(bullet point 3) building design and location:

- responds to and complements the Oakley Hospital Main Building and its extent of place, which may include such design matters as architectural references to the scale and design of the Oakley Hospital Main Building and/or sympathetic contrast in form, proportion and façade treatment; and

189. There is a narrow extent of place (roughly the width of the existing road) around the western side of Oakley Hospital Main Building which maintains some open space and the ability to appreciate the building 'in the round'. Height Area 1 is outside the extent of place. The recommended open space connection (footpath and cycle path) would be consistent with the extent of place at this end of the building.

190. We agree with position expressed in HUD's Opening Legal Submissions that:<sup>97</sup>

*...the specific characteristics of Height Area 1 provide an appropriate, unique canvas for which prominent, "high-rise" buildings can, with the right design parameters, contribute positively to – rather than compromise – the urban form of the surrounding area and the way in which it is experienced from multiple viewpoints.*

191. We therefore find that the proposed provisions enabling taller buildings in Height Area 1, together with the minor changes we have made to the Precinct policies and matters of discretion discussed above, are acceptable and consistent with the relevant (higher order) policy direction, and set the right design parameters to enable the taller buildings to contribute positively to the area.

## **Height Area 2**

### ***Proposed changes***

192. The current height provision in Height Area 2 is 27m, which was proposed to be increased to 35m by PC94.

193. Marutūāhu Rōpū and Ockham Group Limited (**MO**) also sought two parts of Height Area 4 be included as part of Height Area 2. These comprised (i) a narrow strip behind the consented RC3 site, and (ii) the area fronting Carrington Road between the consented RC1 and RC2 sites.

### ***Evidence***

194. The design experts agree that the proposed increase from 27m to 35m will not have adverse effects within Height Area 2. This is due to the area being internal to the site, lower than Carrington Road, and behind other development sites. The only

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<sup>97</sup> HUD Opening Legal Submissions, at [4.22].

part of Height Area 2 with external frontage is an area adjacent to Te Auaunga Stream south of the Mason Clinic – an area that already has a consented development that transitions in height from the stream corridor up to slightly over 35m.

195. The design and heritage experts also supported the relief sought by MO with respect to that part of Height Area 4 area behind the RC3 site (i.e., between roads 1 and 2).

### ***Discussion and findings***

196. We accept the uncontested expert evidence that 35m can be appropriately accommodated in the centre of the Precinct. The additional height will give effect to the NPS-UD policy direction of enabling greater height and development potential, and is also consistent with optimising development potential given the land's identification for Treaty commercial redress purposes, as we have previously discussed.
197. We also accept the uncontested expert evidence in support of extending Height Area 2 to the narrow strip of residual Height Area 4 between RC3 and Height Area 2. Such an approach is logical given it is internal to the Precinct and would otherwise be sandwiched between an area with a 35m height standard, and developments with consents enabling buildings up to 36m.
198. We therefore find that the increase in the height standard from 27m to 35m for Area 2 and the request to adjust the boundary of Height Area 2 to include the residual strip of Height Area 4 to the west of the consented site RC3 (i.e., between roads 1 and 2), are appropriate. We note here that we address the MO submission with respect to the area fronting Carrington Road separately below.

### **Height Area 4 – Building Height on Carrington Road**

#### ***Proposed changes***

199. The current provisions enable building height of 18m on the Precinct's Carrington Road frontage, increasing to 27m beyond a 20m setback from Carrington Road. The setback would apply from Carrington Road as at 2015 – there was already an 8m setback in the building line to accommodate the planned widening of Carrington Road. It is proposed under PC94 to increase the height to 27m which would be consistent with the height standard in the balance of Height Area 4.
200. The proposed provisions include Policy (13) (cross referenced above) which is to *"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"*.
201. The proposed provisions also include extensive additional matters of discretion under I334.8.1.(1A) including urban design matters. The matters specific to the Carrington Road frontage under (1A)(i) are:

- (i) *building frontages to Carrington Road are designed to express a scale of development that responds to Policy I334.3.(13)*
  - (ii) *the use of architectural treatments and design features, such as façade and roofline design, materials, separation and layout to contribute to the visual character, and articulation of the Carrington Road frontage; and*
  - (iii) *building frontages to Carrington Road are designed to address the perception of a solid walled mass through techniques including roofline and overall building silhouette.*
202. The proposed development standards also increase the set back of buildings relative to the opposite side of Carrington Road from 28.2m to 30.2m. This would amount to a 2m setback from Carrington Road which is to be widened by 8m to 28.2m. The standard as proposed stated that the 2m setback would not apply once the widened road is vested in Council. The Applicant subsequently clarified that it is intended the 2m setback would remain once the widened road is vested in Council and has proposed revised text to that effect in its reply provisions.
203. A key additional consideration is that buildings with greater heights than those proposed under PC94 have already been consented on Carrington Road under the Fast Track Act, therefore are part of the 'existing environment'. The consented developments occupy approximately 60% of the 480m Carrington Road frontage between road 1 (Te Ara Taurapa) and road 3 (Te Ara Kōkōwai). They comprise the following apartment buildings (921 apartments in total):<sup>98</sup>
- (a) RC1: two 7 storey buildings (up to 25m) on Carrington Road and two 9 storey buildings (up to 34m) behind.
  - (b) RC2: two 7 storey buildings (up to 26m) – the top floor being set back – one 9 storey building (up to 30.5m) and one 10 storey building (up to 36m) along the Carrington Road frontage.
  - (c) RC3: five buildings – three of 6, 8, 9 storeys respectively and two of 10 storeys – with mixed heights up to 36m. RC3 is behind RC2 with respect to Carrington Road.
204. As noted above, MO sought in their submissions that Height Area 4 north of Gate 3, including land fronting Carrington Road, be included as part of Height Area 2. That change would increase the height standard in that area from 27m to 35m. Through the expert evidence,<sup>99</sup> MO sought to confine the relief to land allocated to Marutūāhu north of Gate 3 with frontage to Carrington Road, and to refine it such that any development above 27m be set back 6m from Carrington Road where it faces residentially zoned land. In practical effect it would apply to the unconsented land fronting Carrington Road between RC1 and RC2.

<sup>98</sup> The apartment buildings also incorporate 6 offices, 20 small retail premises, and a metro supermarket.

<sup>99</sup> Evidence of Jethro Joffe, 29 October 2024, at 38.

## **Evidence**

205. The design experts supported three positions with respect to appropriate height on Carrington Road:
- (a) Mr Brown supported increasing the height standard from 18m to 21m, rising to 27m beyond a 20m setback from Carrington Road.
  - (b) Ms de Lambert, Mr Riley and (following expert conferencing) Mr Ray supported the PC94 application to increase the building height to 27m consistent with the rest of Height Area 4.
  - (c) Mr Kensington and Mr Knott supported the submission by MO that would increase the building height standard to 35m in conjunction with a 6m setback above 27m.
206. Mr Brown considered the proposed 27m building height on Carrington Road would be out of place because it is a height that is expected near a City Centre or Metropolitan Centre rather than adjacent to a town centre such as Point Chevalier.
207. Ms de Lambert considered MO's proposal could lead to "*unacceptable cumulative built dominance of the street*". She said: "*Whilst I accept that some development above 27m in height could be appropriate, I consider that this is better managed through a site specific design and consenting process.*"<sup>100</sup>
208. In contrast, Mr Kensington considered the heights proposed by MO would be acceptable for the following reasons:<sup>101</sup>
- (a) The heights would be consistent with those of the RC1, RC2 and RC3 developments approved by existing consents.
  - (b) The unconsented section of Carrington Road between RC1 and RC2 is at a lower elevation (it is in a dip).
  - (c) The changes in topographic elevation and a subtle curve in the alignment of Carrington Road would help maintain variety in building frontage.
  - (d) A 6m setback was proposed from Carrington Road for building elements higher than 27m.
  - (e) The widening of Carrington Road by 8m to 28.2m would increase separation from properties on the opposite side of the road – as would the signalled works to include additional vehicle lanes (e.g. for public transport and cycle paths).
  - (f) MO have demonstrated through the existing consents the ability of design to avoid potential adverse effects through techniques such as a mix of heights,

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<sup>100</sup> Summary Statement of Rachel de Lambert, 18 November 2024, at [2.15].

<sup>101</sup> Mr Kensington provided photo simulations to illustrate the proposed building massing in conjunction with the consented developments.

setbacks of upper levels, modulation of building form, articulation of facades, and use of high-quality materials.

- (g) The additional assessment criteria proposed in PC94 would give sufficient ability to consider the design and appearance of applications for proposed buildings as restricted discretionary activities.

209. Mr Knott's supporting evidence added that the current and proposed PC94 provisions already provide for an asymmetrical streetscape, and that asymmetry of streetscape would not be a defensible reason against additional height in the context of the direction of the NPS-UD.

### ***Discussion and findings***

210. We accept that buildings of either 21m, 27m or 35m would be a significant change from the current campus character, and could appear imposing compared to the existing scale of suburban areas opposite. The relevant comparison, though, is with the 21m height of the existing provisions and in the context of current policy direction.
211. We were persuaded by Mr Kensington's reasons and illustrations. In reaching that position, we carefully considered the disparity between the proposed 27m or 35m building heights and the 11m height standard of the Mixed Housing Urban zone opposite the unconsented section of Carrington Road.
212. We accept that asymmetry is inherent in both the existing and proposed provisions, the differences being matters of degree. We find that the degree of asymmetry is acceptable in this instance given that the Precinct will have a character distinct from that of the surrounding area.
213. We also accept the evidence that the widened 28.2m road reserve and 2m additional building setback will provide an appropriate boundary and separation between the Precinct and areas opposite. We note that a variety of heights and character is also provided for on the opposite side of Carrington Road, which is a not uncommon characteristic along urban arterial roads.
214. We consider that Ms de Lambert's position that "*some development above 27m in height could be appropriate*" but is "*better managed through a site specific design and consenting process*"<sup>102</sup> is close to Mr Kensington's position which is likewise dependent on site specific design (he pointed to MO track record in that respect), and would similarly be subject to a restricted discretionary resource consent. The differences would be that the discretion would be exercised with respect to the design rather than height per se.
215. We therefore find in support of the 35m height adjacent to the Carrington Road frontage, in conjunction with the proposed 6m setback, as proposed in the submission by MO.

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<sup>102</sup> Summary Statement of Rachel de Lambert, 18 November 2024, at [2.15].

## **Pumphouse**

216. The Pumphouse is a character building adjacent to the Wairaka stream at the centre of the open space network. While it is not listed as a historic heritage site in AUP Schedule 14.1, the heritage experts agree it has heritage values. The Applicant has entered into a covenant in favour of Auckland Council which provides for retention, restoration, and adaptive reuse of the Pumphouse.
217. PC94 introduces references to the Pumphouse in the provisions including Objective (6A): *“Identified heritage values are retained by: (a) ensuring the retention and enabling the adaptation of the Oakley Hospital Main Building and the Pumphouse.”*, and Policy (11): *“Ensure the retention of and encourage the adaption of the Oakley Hospital Main Building and the Pumphouse”*. Other references to the Pumphouse have been added to Policies (12) and (14), and to matters of discretion for restricted discretionary activities under I334.8.1A.(b) building form and character.

## **Evidence and submissions**

218. Messrs Duthie and Smallburn set out in their planning evidence that:<sup>103</sup>
- One of the conditions of the Backbone Consent was the requirement to register a conservation covenant in respect of the former Pumphouse building which stipulates (among other outcomes) that the building must be retained, restored and adaptively reused.*
219. They also confirmed that this covenant has now been registered.
220. Mr Wild also addressed the covenant, noting that the heritage values of the Pumphouse had been acknowledged and protected by way of the existing conservation covenant in favour of Auckland Council.<sup>104</sup>
221. It was in this context that HUD had agreed to recognise the values of the Pumphouse by including specific acknowledgment of that building in Precinct provisions (as addressed above). Messrs Duthie and Smallburn explained that it is intended to retain the Pumphouse and adapt it for a public-facing use such as a café.<sup>105</sup>
222. Ms Lupis also addressed the Pumphouse in the HUD Reply Submissions. She stated:<sup>106</sup>
- In response to Commissioner Lister’s question regarding the space around the Pumphouse and why it is not shown on proposed Precinct Plan 1 as open space, HUD confirms that:*
- (a) *Open space in the central part of the Site is intended to be supported by publicly accessible active use(s) in the*

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<sup>103</sup> Evidence of John Duthie and Ian Smallburn, 17 October 2024, at [7.64].

<sup>104</sup> Evidence of Adam Wild, 17 October 2024, at [7.5(a)].

<sup>105</sup> Evidence of John Duthie and Ian Smallburn, 17 October 2024, at [7.64].

<sup>106</sup> HUD Reply Submissions, at [3.1].



*Pumphouse, which is protected by a heritage covenant that specifically supports its adaptive re-use.*

- (b) *The adaptive re-use of the Pumphouse will complement the publicly accessible open space connection between the proposed Knoll Park and Central Open Space and increase the public frontage of active, public uses to the Spine Road in this central part of the Site. It will also support the creation of a central social, destination heart for the community in the centre of the Site where informal recreation and social community activities are likely to be a focus.*
- (c) *The open space areas shown on Precinct Plan 1 are intended to be used and vested as public open space. The Pumphouse is not however proposed to be vested as public open space as the Pumphouse facility is intended to run as a commercial operation (providing, for example, community facilities or a café) which is separate to, but supportive of, the open space and the amenities of the Site available to the community. (Ms de Lambert has observed to us that the relationship might reflect that of the Williams Eatery adjacent to the Linear Park in proximity to Amey Daldy Park in the Wynyard Quarter or Hobsonville Point Café adjacent to Hobsonville Point Park.)*

### **Discussion and findings**

- 223. We agree that adaptive reuse would contribute to the use and enjoyment of the open space network, and to the qualities of the Precinct in general.
- 224. We therefore agree with the proposed provisions that provide, alongside the heritage covenant, for the adaptive reuse of the Pumphouse and the intention that publicly accessible active use(s) in the Pumphouse would support the public open space in the centre of the Precinct.

### **Sanctuary garden**

- 225. A community garden, the 'Sanctuary Mahi Whenua Garden', has been operating on what was formerly Unitec land. The garden site is not within the open space depicted in either the operative or proposed Precinct Plans. It falls instead within an area earmarked for housing development and for which a resource consent has already been issued for intensive residential development.
- 226. We heard submissions on the history and qualities of the community garden site, and its value to the community. We also heard matters relating to process. We were told that the sale and purchase agreement between Unitec and the Crown provided assurances with respect to the gardens that had not been honoured, and that there had been a lack of consultation between the gardens and development parties. It was requested that PC94 accommodate the gardens on a replacement site.

## ***Discussion and findings***

227. While we acknowledge the value of such gardens, and the submitters' concerns with process, these matters fall outside PC94. A community garden would be one of the competing uses for the open space within the Precinct. It is outside the scope of the PC94 process to determine those uses. Remedies with respect to claimed breaches of the sale and purchase agreement, including provision of a replacement site, are subject to a separate process.

## **MOMO WAKA | TRANSPORT**

### **Overview**

228. We received a considerable amount of expert transport and related planning evidence, including the JWS (Transport) from expert conferencing,<sup>107</sup> which we address below. While a number of transport related issues were raised, the main focus was on:
- the wider transport network of the surrounding area and its ability to cater for the increased vehicular traffic resulting from the development enabled by PC94; and
  - the impact of, and provisions for, car parking.
229. We also received non-expert evidence about transportation and traffic effects from a range of submitters. These included: OSFFA,<sup>108</sup> Springleigh Residents' Association, MARA, Gladstone Primary School Board of Trustees, and Mr Beresford. Their concerns related to the same matters (noted above by the experts), but also the impact on the 'southern' roads (Laurel Street, Renton Road, Rhodes Avenue and Mark Road) from the development enabled by PC94. The Local Board also raised concerns about the connections to these southern streets.
230. We summarise the expert evidence first below in relation to the three key topic areas (no wider network constraints, carparking, and intersection upgrades), followed by the non-expert evidence on transport matters. Our findings are then collated at the end of this section.

### **Expert Evidence**

231. The Applicant filed expert evidence from three transport experts: Mr McKenzie - who provided strategic transport evidence, Mr Lee-Joe - who addressed transport modelling (and also co-authored a joint statement agreed with Auckland Transport), and Mr Robitzsch - who addressed the substantive transport matters. Messrs Duthie and Smallburn provided the related planning evidence.

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<sup>107</sup> JWS (Transport), 13 November 2024.

<sup>108</sup> Ms Noble raised transport related matters. OSFFA also provided legal submissions on transport matters, noting that Ms Barrett, other than in very general terms, did not raise transport matters in her planning evidence.

232. Mr Church provided expert transport evidence for Auckland Transport. Ms Pearson, a planner by profession, provided corporate evidence for Auckland Transport.
233. Expert evidence was provided for Auckland Council by Mr Temperley – who provided transport evidence, and Mr Reaburn - who provided the related planning evidence.

#### **No wider network constraints**

234. Mr McKenzie opined that the location of PC94 was one of the most strategically, well-located brownfields development sites within the wider Auckland Isthmus area from a transportation point of view; and that it would enable future residents of and visitors to “*effectively and efficiently connect to numerous transport facilities and services across all modes of travel*”.<sup>109</sup>
235. Furthermore, he stated:<sup>110</sup>

*In my opinion, PC94 and its supporting provisions will enable a well-functioning, well-located urban environment that will be effectively and efficiently supported by a combination of the existing road network and planned upgrades to the surrounding transport network, and that will maintain appropriate levels of safety and transport effectiveness in the surrounding parts of the Auckland isthmus.*

236. There was no expert evidence to the contrary, i.e., that there would be wider network traffic constraints from the development enabled by PC94. Moreover, all of the transport specialists and planners (in the JWS (Transport)) unanimously agreed that the Site was extremely well serviced in terms of existing (and planned) public transport. There was also no transport evidence that said this Site was constrained in terms of public transport.

#### **Carparking**

237. With respect to carparking, there was disagreement between the experts for Auckland Transport and the Applicant.
238. Mr Church, for Auckland Transport, considered carparking had not been appropriately provided for. In opposing the Applicant’s proposed parking provision, he stated:<sup>111</sup>

*HUD’s maximum parking provision set out in the ITA results in an average maximum parking ratio of 0.525 parking spaces per unit (4,000 unit scenario) which I consider will lead to significant adverse efficiency and safety effects. The ITA in my view has overly focussed on the effect of peak hour trip generation when considering parking provision, rather than reflecting that people can own a car but not use it during the peak hour.*

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<sup>109</sup> Summary Evidence of Donald McKenzie, 18 November 2024, at [4].

<sup>110</sup> Summary Evidence of Donald McKenzie, 18 November 2024, at [7].

<sup>111</sup> Summary Statement of Terry Church, undated, at [16].

239. To ensure adequate parking would be provided to future residents, Mr Church instead proposed a parking maximum of 0.9 parking spaces per unit be adopted.<sup>112</sup>
240. Mr Church also supported the provision of a Parking Impact Assessment (as agreed in the JWS (Transport)) which would sit as part of the 1334.9 - Special Information Requirements. However, having had time to review the proposed wording since the JWS, he recommended some (what he referred to as) “*slight changes*” – being:
- (a) Bullet 2, sub-bullet 3 – adding the underlined words: “*Effect on safety and network operation*”; and
  - (b) Bullet 3 - adding the following underlined sentence at the end: “*Where mitigation is proposed on vested roads (or roads to be vested), any mitigation is to be agreed with Auckland Transport.*”
241. Mr Robitzsch, for the Applicant, addressed the issue of carparking in his summary evidence.<sup>113</sup> He disagreed with Mr Church’s concerns stating:<sup>114</sup>

*I then turn to concerns that residents not able to park cars within the Precinct may instead park in surrounding suburbs, using car parks that local residents already living there consider as their own resource. This “overspill” risk is a key concern of Auckland Transport. I do not claim that “overspill” will not occur at all. However, my evidence identifies the key reasons why I oppose mandating more car parking (than assumed in the proposed 2023 ITA) via the introduction of a parking requirement in the Precinct provisions*

*As set out in the JWS, Mr Church still seeks inclusion of a provision which sets a maximum parking rate of 0.9 spaces per dwelling. I consider that in practice, this risks becoming an effective “target number” for parking with the same adverse effects I am concerned about in my evidence.*

242. He went on to state:<sup>115</sup>

*.... the proposed Precinct provisions, in my view, provide an ability to “course-correct” should parking overspill effects exceed what I consider the likely levels, or if related circumstances mean that they are not appropriately managed. This could include a later relaxation of the current parking constraints, if absolutely required. Most crucial in this regard is the fact that unlike Precinct provisions that are “cast in stone” and require a new plan change to modify, the 2023 ITA is intentionally more flexible.*

*While the 2023 ITA proposes (intentionally) stringent parking constraints on development in the Precinct, future authority decisions can modify this ITA if it is found to not be adequate. This includes the ability to re-visit assumptions at the 3,000 dwelling stage. In my view, the assumptions of the 2023 ITA include*

<sup>112</sup> Evidence of Terry Church, 29 October 2024, at [7.1]-[7.25]; and Summary Statement of Terry Church, undated, at [13]-[19].

<sup>113</sup> Summary Evidence of Max Robitzsch, 18 November 2024, at [2.32]-[2.58].

<sup>114</sup> Summary Evidence of Max Robitzsch, 18 November 2024, at [2.41]-[2.42].

<sup>115</sup> Summary Evidence of Max Robitzsch, 18 November 2024, at [2.53], [2.54] and [2.58].

*parking, both in terms of the constraint and in terms of being manageable for the wider area.*

...

*Therefore, my evidence opposes any additional car parking, particularly via changes to the proposed ITA or through the introduction of parking rates in the Precinct provisions themselves, and I remain of this opinion subsequent to expert conferencing. I consider the proposed “parking impact assessment” provision as an acceptable way forward, allowing for individual development applications to seek more parking in response to the outcomes of that assessment, if the Panel considers this to be necessary.*

243. However, and as quoted above Mr Robitzsch did support provision for a Parking Impact Assessment.

244. Messrs Duthie and Smallburn, also for the Applicant, addressed transport issues (and carparking in particular given the issues raised above) in their primary and supplementary evidence.<sup>116</sup> They supported Mr Robitzsch’s evidence, stating:<sup>117</sup>

*As Mr Robitzsch sets out in his evidence, the transportation approach in PC94 is underpinned by a deliberate shift away from car parking ratios that have typically been provided in new developments. This is recognised by Mr Reaburn in his proposed additions to the Precinct description and Objective (2) which identify that planning and development of the Precinct is premised on “avoiding a car dominated environment”. As set out above, we have proposed to replace that drafting that acknowledges how the Precinct “promotes active and public transport modes.” In our opinion, that better reflects that the transport approach for the Precinct is not just about “avoiding cars”; it is about encouraging modal shift.*

245. With respect to carparking, Messrs Duthie and Smallburn concluded:<sup>118</sup>

*In our opinion, Mr Church’s commentary and recommendations fail to recognise the broader strategic transport context. This is a Precinct where there are very good public transport and cycleway connections and services, and the Plan Change has sought to take advantage of those through various initiatives that encourage take-up of those modes, and a reduction in reliance on private vehicle travel. If however that does not eventuate, PC94 has specific “checks” in place to enable an adaptive response; namely, the requirement to demonstrate consistency with the 2023 Integrated Transport Assessment (ITA) for all new buildings; the requirement to validate the assumptions of the ITA at 3,000 dwellings in respect of the transport characteristics of the Precinct; and the requirement for a new ITA at 4,000 dwellings.*

*In our opinion (and on the strength of Mr Robitzsch’s evidence), that remains the most appropriate approach – particularly in light of the clear directives in*

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<sup>116</sup> Evidence of Ian Duthie and John Smallburn, 17 October 2024, at [10.121(a)(ii)], [10.126]; and Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.55]-[3.64].

<sup>117</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.57].

<sup>118</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.59]-[3.60].

*the NPS-UD, the FDS, the AUP and other transport policy documents to increase up-take of public transport and encourage other lower emissions travel modes.*

246. Messrs Duthie and Smallburn did not consider it necessary to add a Special Information Requirement for a parking management plan/assessment. However, if our preference was to include a Special Information Requirement, they recommended that:

(a) it acknowledges the Precinct is about encouraging alternative forms of transport (walking, cycling and public transport use, communal vehicle pools etc) and reducing reliance on private vehicle travel; and

(b) any reference to illegal parking activity be removed.

247. Messrs Temperley and Reaburn, for the Council, addressed the above issues in the s.42A Reporting Team - Hearing Summary Notes; stating:<sup>119</sup>

*The 0.9 / dwelling parking maximum proposed by Auckland Transport is not supported. The proposed Parking Impact Assessment is however considered to be very important to gauge success in achieving sufficient parking without significant adverse effects. It will also, in turn, go some way to addressing Mr Temperley's concerns about how well public and active transport modes are working in practice.*

*I generally support the Parking Impact Statement amendments sought by Mr Church.*

### ***Intersection upgrades***

248. Auckland Transport (Ms Pearson and Mr Church) sought the inclusion of a standard requiring the delivery of two Carrington Road intersection upgrades at the point that 600 dwellings are delivered within the Precinct.

249. Ms Pearson, explained the rationale for the request in her summary evidence as follows:<sup>120</sup>

*The proposed Plan Change is premised on the idea that Carrington Road will be upgraded in a timely manner by AT because of the IAF Funding. I am seeking a clear provision to manage the potential impact IF the IAF funding is lost for some unknown reason. In the tight funding situation, we find itself in, there is no other funding for the upgrade of this road in the Regional Land Transport Plan. The ITA assessment concludes one intersection upgrade at 600 units at code of compliance, but to fully manage the effects of the proposal, the upgrade of two intersections is required.*

*The current intersections are not fully upgraded and there is nothing on Carrington Road itself at these gates. This is inadequate for the number of dwellings proposed for Precinct. The Applicant argues that this is unnecessary*

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<sup>119</sup> Council s.42A Reporting Team – Hearing Summary Notes, 22 November 2022, at [17]-[18].

<sup>120</sup> Heading - 1 Upgrade of two intersections.

*because of the IAF funding, however they cannot guarantee every future situation.*

250. Messrs Duthie and Smallburn responded to this concern in their supplementary evidence. They did not support Auckland Transport's request as in their opinion the upgrade triggers were not required nor necessary. It was their view that there were specific proposed Precinct provisions which require applicants to demonstrate consistency with the Integrated Transport Assessment (ITA). The ITA specifically contemplates that at least one intersection upgrade will be required once 600 dwellings are completed on the Site. They stated:<sup>121</sup>

*...In our opinion, that provides the appropriate comfort that the necessary upgrades will be delivered at that juncture. The ITA does not suggest a second intersection upgrade is required at 600 dwellings. We also note that in terms of consenting, far more than 600 units are already approved (over approximately 1,500 dwellings).*

251. With respect to funding, Messrs Duthie and Smallburn stated:<sup>122</sup>

*Issues of funding for those upgrades are not relevant for this process. Nevertheless, as Ms McGregor explains in her evidence, the Crown has provided \$113m in funding to Auckland Transport to support and accelerate the delivery of the Carrington Road Upgrade. In addition, developer funding will be provided for two intersection upgrades. The intersections can then be integrated with the future corridor widths to deliver a holistic upgraded street.*

*We suggest that it would be more appropriate to allow Auckland Transport to manage the Carrington Road Upgrade works holistically, rather than by including a plan provision. In this way, Auckland Transport has the funding source from the Crown, plus the developer funding for the two intersection upgrades. Auckland Transport can then co-ordinate timing to suit its programme. That also enables the principle of "dig once" in terms of road upgrades. That is a better solution in this circumstance, than setting certain standards within the Precinct.*

252. The Council's s.42A team (Messrs Temperley and Reaburn) also did not support the provisions recommended by Ms Pearson in respect of intersection upgrading.<sup>123</sup>

#### **Non-expert evidence and submissions on transport matters**

253. Ms Beresford for OSFFA provided legal submissions addressing traffic and parking matters under the following headings:<sup>124</sup>

- local road network;

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<sup>121</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.68].

<sup>122</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.69]-[3.70].

<sup>123</sup> Auckland Council s.42A Reporting Team - Hearing Summary Notes, 22 November 2024, at [19].

<sup>124</sup> OSFFA Legal Submissions, at [139]-[149].

- construction traffic and parking;
- traffic generation and parking; and
- transportation.

254. OSFFA did not provide expert evidence in relation to traffic and transportation; noting Ms Barrett's expert planning evidence made only very general passing references to transport issues. Ms Noble, for OSFFA, set out, as did other submitters, that it was important that planned new neighbourhoods integrate with the existing residential and commercial areas particularly in terms of open space, visual effects, and traffic.
255. The traffic issues raised in the expert evidence section above, and the potential effects on the 'southern roads' from the development that would be enabled by PC94, were major concerns for these submitters. This was in terms of significant additional traffic using the southern roads to enter and/or exit the PC94 Precinct (or use them for 'rat running') impacting on access as well as amenity values for residents as a result of the additional traffic.
256. Mr Robitzsch responded to the concerns regarding the use of the southern roads and additional traffic in his primary and summary evidence. In his summary he set out:<sup>125</sup>

*Access via the Southern Roads and control of traffic levels on these roads south of the Precinct has been raised by a number of submitters. My evidence, particularly my response to the S42A Report, discusses this.*

*In summary, I consider that the modified provisions safeguard the original intent of ensuring that these roads do not become "rat runs" around, or dominant routes for vehicular traffic into, the Precinct.*

*Before and after the modifications proposed by PC94 there would be very high assessment hurdles for any connection which could risk encouraging "through" traffic via the Southern Roads. The assessment criteria also specifically prohibit consideration of wider network benefits (avoidance/reduction of Carrington Road congestion) that could theoretically be gained from enabling such movements.*

257. Messrs Duthie and Smallburn also addressed this matter stating:<sup>126</sup>

*In respect of key changes to the activities within the Precinct:*

- (h) *PC94 makes it clear that extension of the southern cul-de-sacs (Laurel Street, Renton Road, Rhodes Avenue or Mark Road) into the Precinct and providing vehicle connections to the western road within the Precinct is a restricted discretionary activity.*

<sup>125</sup> Summary Evidence of Max Robitzsch, 18 November 2024, at [2.28]-[2.30].

<sup>126</sup> Evidence of John Duthie and Ian Smallburn, 17 October 2024, at [7.22(h)-(i)].



- (i) *PC94 clarifies that direct vehicle connection between Mark Road (along with the other southern cul-de-sacs) and the TEZ (i.e. the Unitec campus) is a non-complying activity.*

[Footnotes omitted]

258. They also set out, that in addition to the rule framework for these roads, the Precinct policies include:<sup>127</sup>

*Policy 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, Mark Road and the other local roads bounded by Carrington Road, New North Road, and Te Auaunga / Oakley Creek.*

*Policy 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 1.*

*Policy 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).*

**Discussion and findings**

***No wider network constraints***

259. We accept the expert evidence that there would be no wider network traffic constraints from the development enabled by PC94; that the Site is extremely well serviced in terms of existing (and planned) public transport, has excellent access to a variety of transport modes, and that the Site is not constrained in terms of public transport.
260. We also accept the experts' unanimous view that the Precinct's transport approach of avoiding a car dominated environment and encouraging walking, cycling and Public Transport is appropriate, and their support of the wording in the Precinct provisions - "*promotes active and public transport modes*".

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<sup>127</sup> Evidence of John Duthie and Ian Smallburn, 17 October 2024, Appendix A, at pp.16-17.

### ***Carparking***

261. With respect to carparking, its potential effects, and the appropriate Precinct provisions, we largely agree with the experts for the Applicant and the Council. The reasons for this are those addressed in their evidence (as summarised above).
262. To assist in addressing any potential adverse effects arising from the amount of parking proposed to be provided, we agree with the transport experts that a Parking Impact Assessment should be included as part of 1334.9 – Special Information Requirements. The agreed wording for this was set out in the JWS (Transport). While we note that Mr Church subsequently recommended changes to the wording of these requirements (which were supported by the Council experts), we do not support these changes. This is because “safety” is already included in Bullet 2, sub-bullet 2; and having to agree any mitigation on vested roads (or roads to be vested) with Auckland Transport would be tantamount to a ‘third party’ approval.
263. Further, while the Applicant’s planners did not consider such a requirement was necessary, they confirmed that if a special information requirement were to be imposed, the wording in the JWS (Transport) was appropriate. We have adopted that wording accordingly.

### ***Intersection upgrades***

264. We accept the Applicant and the Council’s.42A expert evidence that the intersection upgrade provisions sought by Auckland Transport are unnecessary. The reasons for this are those set out in the evidence of Messrs Duthie and Smallburn (as summarised by us above).
265. We are satisfied the Precinct provisions, as set out in the Applicant’s reply version, and which include Objective 8, Policies 20-23A, and Special Information Requirements relating to Integrated Transport Assessments, are sufficient and appropriate to ensure a safe and efficient roading network, including intersection upgrades.

### ***All other submissions/issues including the southern roads***

266. With respect to all of the submissions that raised transport related issues; including the wider network capacity, access to and from the ‘southern’ roads, the effect on amenity values to people living on those roads, access to and from the Gladstone Primary School, and parking; we agree with the expert evidence as set out above.
267. We are satisfied with the Precinct provisions that we have imposed, will appropriately address the transportation issues, including the amenity of the residents on the adjoining local roads. The provisions will also assist in creating a well-functioning urban (transport) environment as required by the NPS-UD (which we discuss further under Planning Matters later in this decision).

## HANGANGA MŌ TE WAI ME TE WAI PARA | WATER AND WASTEWATER INFRASTRUCTURE

268. The key water and wastewater infrastructure issues raised related to the co-ordination of infrastructure and development.

### **Evidence and submissions**

269. Watercare provided legal submissions (Ms Dibley) as well as corporate (Mr Deutschle) and expert planning evidence (Mr Peterson). Ms Dibley set out Watercare's case stating:<sup>128</sup>

*At the time Watercare's submission was prepared, Watercare considered the Precinct provisions needed to both:*

- (a) ensure that development was coordinated with the delivery of infrastructure with sufficient capacity; and*
- (b) require an assessment of the bulk water and wastewater network capacity for development above 4,000 dwelling unit equivalents ("DUE").*

*Following further detailed assessment, Watercare now considers that given there are a range of infrastructure upgrades which need to come online before development within the Precinct can be serviced, all new development requiring resource consent (not just applications for development over 4,000 DUE) needs to be accompanied by an infrastructure capacity assessment. This assessment needs to demonstrate there is sufficient capacity in the respective local and bulk water supply and wastewater networks to service the development subject to the relevant consent application.*

*In addition, removing the 4,000 DUE trigger for the infrastructure capacity assessment will be more efficient and effective. This is because it removes the need for applicants to maintain a schedule of DUE or dwellings within the Precinct.*

[Footnotes omitted]

270. Mr Peterson recommended the following amendments to the PC94 provisions:<sup>129</sup>

- the addition of a short issue description relating to water supply and wastewater servicing into the Precinct description 1334.1;
- deletion of the term "occupation" in Objective 9A, Policy 26A, Matter of Discretion 1334.8.1(1A)(d)(iv) and Assessment Criterion (7)(d);
- amendments to Policy 26B to make clear all resource consent applicants are required to assess the capacity of the water supply and wastewater networks servicing the proposed subdivision and development;

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<sup>128</sup> Watercare Legal Submissions, 13 November 2024, at [3.1]-[3.3].

<sup>129</sup> Evidence of Richard Peterson, 30 October 2024, at [1.8].

- the addition of a new policy to provide policy direction that subdivision and development should be avoided where it exceeds the capacity of the local and bulk water supply and wastewater network;
- amendments to matters of control, matters of discretion and assessment criteria to ensure the Precinct provisions are clear that all relevant resource consent applications need to assess the adequacy of the water supply and wastewater networks to service the proposal; and
- amendments to the Special Information Requirements 1334.9 under Water supply and wastewater Infrastructure Capacity Assessment to require all resource consent applicants to assess the capacity of the local and bulk water supply and wastewater networks to service the proposed subdivision and development.

271. Messrs' Duthie and Smallburn (for the Applicant) responded to Watercare's concerns in their evidence-in-chief and supplementary evidence. They addressed the concerns by topic as follows:<sup>130</sup>

- Avoid policy: They considered any uncertainty or challenges concerning the servicing of the development are well short of warranting inclusion of the avoid policy sought by Watercare. The planned upgrades were known; the central interceptor and its associated connections were well advanced, the enabling works (which provide the key trunk network within the Precinct for the three waters) were also well advanced, and the Precinct's objectives and policies already connect the provision of infrastructure to the pace of development.
- Occupation: They disagreed with Watercare that the trigger should be at construction rather than occupation of the dwelling. They noted that providing it earlier than required imposed holding costs which add to the cost of housing; Council's Future Development Strategy (which was adopted in December 2023) sets occupation as the trigger, and the risk of a disconnect between the delivery of infrastructure and the completion of homes was minimal here given the consents in place, the planned upgrades and the stage of works already underway.
- Infrastructure capacity assessment: They opposed Watercare's request for an infrastructure capacity assessment for each resource consent for new buildings. They considered such a requirement was unnecessary as a detailed infrastructure capacity had already been undertaken as part of PC94, and the matters of discretion for new buildings already required an applicant to demonstrate the building could be adequately serviced.

272. HUD also addressed these issues in their Reply Submissions as follows:<sup>131</sup>

<sup>130</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.76]-[3.90].

<sup>131</sup> HUD Reply Submissions, at [2.49]-[2.50].

*While HUD recognises that the relief sought by Watercare through its evidence may well be appropriate in a greenfield location, it is not appropriate for development within the Precinct because:*

- (a) Compared to a greenfield location, the timing and delivery for necessary trunk infrastructure upgrades to support development on the Site are well-known and, in many cases, well-advanced, designed or under construction. As Messrs Duthie and Smallburn point out, there are opportunities for Watercare to accelerate planned works to align with the Carrington Road Upgrade, which would achieve significant efficiencies.<sup>132</sup>*
- (b) As Mr Majurey explained in his presentation, the Rōpū have already had extensive engagement with Watercare in relation to development of the Precinct, and the Rōpū have acted in reliance on that engagement. The revised relief sought by Watercare, only very recently introduced via evidence, appears to undermine that agreed approach.*
- (c) That relief seeks to address a very worst-case scenario, the primary effects of which appear to be public-perception related (i.e. housing being constructed that is not yet connected to infrastructure, with consequent pressure placed on Watercare to deliver that infrastructure out of sequence). For the reasons set out in the supplementary evidence of Messrs Duthie and Smallburn, the risks of that scenario eventuating in this context are very low<sup>133</sup>. Comparatively, the effects of delaying the construction of housing pending the completion of infrastructure upgrades would be significant and are highly likely to eventuate.<sup>134</sup> We submit that that outcome would be inconsistent with the strong direction of the NPS-UD relating to housing affordability, the provision of housing generally and the position of the FDS on this matter.*

*HUD therefore continues to support “occupation” as the relevant trigger point for infrastructure delivery, and does not agree that an “avoid” policy as proposed by Watercare is necessary or appropriate*

### **Discussion and findings**

- 273. Having reviewed Watercare’s evidence and that of the Applicant, and having questioned the witnesses at the hearing, we prefer the evidence and legal submissions of the Applicant (as summarised above). In particular, we accept the opinions of Messrs’ Duthie and Smallburn that the changes sought by Watercare are unnecessary and we adopt their reasoning, together with the further reasons set out in the HUD Reply Submissions.
- 274. Accordingly, we accept the infrastructure provisions as proposed by the Applicant, and as attached to this decision.

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<sup>132</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.76(b)].

<sup>133</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.86].

<sup>134</sup> Supplementary Evidence of John Duthie and Ian Smallburn, 13 November 2024, at [3.83].

275. Health NZ lodged a submission to PC 94. Expert evidence was filed and presented by Mr McGarr, a planning consultant for Health NZ. Health NZ's key concern was to ensure that PC94 did not derogate from the provisions put in place as part of PC75.

### **Evidence**

276. Mr McGarr set out in his primary evidence that Health NZ supported PC94, subject to the relief set out in their submission, together with ensuring that there were no inadvertent consequential amendments to the provisions of the Precinct which amended or undermined the provisions of the recently operative Plan Change 75 (PC75).
277. In that regard, Mr McGarr's primary evidence raised several Precinct provisions that he considered needed to be addressed to ensure 'alignment' with PC75. These included: Interface Standard, Landscape Standard, Policy 15 A (related to open space) and Heritage Extent. As set out in Mr McGarr's Supplementary Statement, the general approach (to align with PC75) was not disputed between the parties:<sup>135</sup>

*Both Mr Raeburn for the Council, and Mr Duthie for the Applicant for PC94 have confirmed that the PC75 provisions are settled, and the PC94 application does not propose (or intend) to affect the activities or form of development enabled, or introduce new provisions which introduce new consent processes or information or assessment requirements.*

*Subject to the matters identified in my Primary and Supplementary evidence being addressed as sought, such an outcome will be achieved.*

278. Expert Conferencing, as well as direct discussions with the Council's and Applicant's planners, was held to resolve the outstanding matters relating to the wording.
279. The Precinct provisions of concern to Mr McGarr in his evidence (and Health NZ's submission) have been amended to give effect to Health NZ's submission). This was confirmed by Mr Duthie at the conclusion of the hearing.

### **Discussion and findings**

280. We accept that it important to ensure that the provisions of PC75 and PC94 align. We are satisfied that the provisions proposed in the Applicant's Reply version, and which we understand no party has objected to, appropriately address those matters. We have therefore adopted those into our decision version.

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<sup>135</sup> Supplementary Statement of Craig Mc Garr, 19 November 2024, at [3.2]-[3.3].

## NGĀ MEA TOHE-KORE | MATTERS NOT IN CONTENTION

281. There were also a number of matters that had been agreed or were not in contention as between the Applicant, the Council experts and most submitters.<sup>136</sup> In this respect, and as noted earlier, following our review of the evidence we issued Direction#4 excusing a number of expert witnesses from appearing in relation to the following topics:

- greenhouse gas emissions;
- geotechnical;
- contamination;
- economics;
- stormwater;
- ecology; and
- transport modelling.

### **Discussion and findings**

282. In the absence of any expert evidence to the contrary, we have accepted the expert evidence and proposed provisions of the Applicant and the Council on the matters not in contention as set out above.
283. Further, and to the extent that any issues are not specifically mentioned in the above list or addressed in other sections of this decision, we confirm that we accept the position taken by the Applicant and the Council on those matters for the reasons set out in the Applicant's evidence, the s.42A Report and the Council evidence.
284. The Precinct provisions attached to this decision address, where relevant, the matters set out above.

## NGĀ MEA MAHERE | PLANNING MATTERS

285. The key planning issue that arose was whether PC94 gave effect to the higher order planning documents, and in particular, the NPS-UD and the RPS. We received a range of submissions and evidence on these issues – with some parties agreeing that PC94 gave effect to these documents, and others not.
286. In this section, in order to avoid repetition and for ease of understanding, we have summarised our findings and the evidence and submissions on which those findings within the same section. Accordingly, the remainder of the paragraphs that follow set out our discussion and findings on these matters.

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<sup>136</sup> Noting that there were some lay submitters, such as the Springfield Residents Association, who contested these issues.

## **Evidence, discussion and findings**

287. We record at the outset our finding, subject to the changes we have made to the Precinct provisions, that PC94 gives effect to these ‘higher order’ planning documents – and will contribute to Auckland being a “*well-functioning urban environment*”.<sup>137</sup> In this respect we prefer the evidence (and legal submissions) of the Applicant to those of the Council’s<sup>138</sup> and Submitter’s experts (where they take a different or contrary view to those of the Applicant – we address this below).

### ***NPS-UD***

288. In this context, we find there are two key aspects of the NPS-UD which have particular bearing on PC94 – being Objective 3 and Policy 3.
289. Objective 3 refers to enabling more people, businesses and community services to live/locate in areas that:
- (a) are “*well-serviced by existing or planned public transport*” - which we note is broader than the “*existing and planned rapid transit stops*” referenced in Policy 3; or
  - (b) have “*high demand for housing or business land in the area, relative to other areas within the urban environment.*”
290. Furthermore, Objective 3 also clearly contemplates and supports intensification, and therefore greater height, in areas beyond those described in Policy 3.
291. Policy 3 is clear that enabling six storeys within a walkable catchment of those target locations is a minimum requirement – both in terms of the building height but also in terms of the extent of the areas in which that height is to be enabled.
292. Messrs Duthie and Smallburn, addressed the criteria identified in Objective 3 for enabling more people, businesses and community services to live/locate in certain areas in their primary evidence, and opined that they are all fulfilled by the site. They also addressed the “*Strategic Context*” of the site in relation to the NPS-UD, the RPS, the Future Development Strategy, the Strategic Transport Policy Context, and PC94’s response to those strategic documents.<sup>139</sup>
293. In summary, it is their evidence, with which we agree, that the site is proximate to the Mount Albert and Point Chevalier town centres; it is very well-serviced by both existing and planned public transport; and it is located in an area with high demand for housing. As they note in their Strategic Overview: Summary:<sup>140</sup>

*It has long been our opinion that if urban consolidation and the kind of urban outcomes envisaged by these documents are to be realised in Auckland, they must be capable of successful implementation on the Site. Put another way,*

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<sup>137</sup> NPS-UD, Objective 1.

<sup>138</sup> We note that the Council’s experts largely agreed with the Applicant’s experts in relation to giving effect to the NPS-UD and the RPS, other than in terms of open space.

<sup>139</sup> Evidence of John Duthie and Ian Smallburn, 17 October 2024, at [8.1]-[8.17].

<sup>140</sup> Evidence of John Duthie and Ian Smallburn, 17 October 2024, at [8.18].



*the Site, with its critical mass, its proximity to the city centre and its location within the wider transport network, is a 'litmus test' for those outcomes, and a significant opportunity for Auckland to help achieve its strategic growth objectives. In short, if the significant intensification anticipated at a national level is not achievable at the Precinct, it is difficult to conceive of it being achieved anywhere.*

294. We agree with the expert evidence that the site is identified as one of the best in suburban Auckland for public transport, walking and cycling. It is also within easy walking distance of two town centres (Point Chevalier in the north and Mount Albert in the south) as well as two train stations.

295. The other provisions of the NPS-UD which have particular relevance for PC94 are Objective 4 and Policy 6, both of which relate to changing amenity values in urban environments. Objective 4 recognises that those environments, including their amenity values, *"develop and change over time in response to the diverse and changing needs of people, communities and future generations."* Policy 6 directs decision-makers to have particular regard to the fact that:

*...planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes...*

*(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generation, including by providing increased and varied housing density and types; and*

*(ii) are not of themselves an adverse effect.*

296. We accept that the increases in building height proposed by PC94 do not constitute *"planned urban form in RMA documents"* (until PC94 is approved). However, the operative provisions are important and influential in this context. Firstly, there is already a considerable level of development enabled within the Precinct. Excluding the Mixed Housing Urban area to the south, the balance of the site already enables buildings of between 16m – 27m in height. That is *"planned urban form"* and, as already noted, that level of development would enable an anticipated yield of approximately 2,500 dwellings and 1,000 specialist accommodation units (a population of approximately 8,500).

297. As set out in the Applicant's legal submissions, *"If realised, that "planned urban form" would result in significant changes to the Precinct and its surrounding environment – changes which would give rise to various "effects" of the same nature as many of those raised in the submissions opposing PC94"*.<sup>141</sup>

298. We agree. In particular, we note that Policy 6 acknowledges that while the planned level of development may detract from amenity values experienced by some people, it will also improve amenity values appreciated by others, including by providing increased and varied housing densities and types. Further, the

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<sup>141</sup> HUD Opening Legal Submissions, at [3.57].

‘directions’ in the NPS-UD provisions clarify that, whatever peoples’ individual perspectives on amenity values may be, that an area may experience significant change as a result of a planning decision enabling intensification is not of itself an adverse outcome. We also refer here to our discussion of (and findings on) Objective 4 and Policy 6 in the open space and urban design and landscape sections of this decision report.

299. All of the technical experts, other than Ms Barrett for OSFFA, agreed that PC94, overall, would contribute towards giving effect to the NPS-UD and the RPS – albeit as we have acknowledged elsewhere in this decision there were differing opinions from some of the experts over the degree to which associated infrastructure (including open space) is to be provided, and the degree to which the proposed heights of the three taller buildings in Height Area 1 were appropriate.
300. Ms Barrett did not agree that overall PC94 would contribute to giving effect to these documents.
301. In terms of the NPS-UD, during the hearing, Ms Barrett expressed her opinion that the NPS-UD is a “*constraint*” on development and “*the Site is not within an area identified for intensification in the NPS-UD*”. We tested those matters with Ms Barrett during the hearing, who maintained her view that the NPS-UD was a constraint and PC94 was not consistent with it.
302. Further, it was Ms Barrett’s opinion that reference to growth around public transport corridors in the NPS-UD was limited to intensification areas located adjacent to train stations and dedicated busway stations.<sup>142</sup>
303. Ms Lupis addressed these matters in her Reply Submissions by setting out the statement made by Ms Barrett and the Applicant’s response. We quote this as follows:<sup>143</sup>

(a) *The NPS-UD is a “constraint” on development”. Clearly the NPS 50704653 UD includes a number of strong directives for local authorities and decision-makers to enable development in our urban environments – not to constrain it. In our submission, it would be difficult to interpret any of the objectives or policies of the NPS-UD as constraining or restricting development. To the contrary, the NPS UD imposes strict obligations on local authorities to:*

- i. provide sufficient housing and business land capacity to meet demand over a 30 year timeframe;*
- ii. make planning decisions which improve housing affordability by supporting competitive land and development markets;*
- iii. increase building heights to enable more intensified development;*
- and*

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<sup>142</sup> Re the definition of “*Rapid Transit Stop*” in the NPS-UD using the term “*largely separated from other traffic*”. It was Ms Barrett’s opinion that this only applied to the Northern Busway and the soon to be upgraded Eastern Busway, and not to dedicated bus lanes on roads.

<sup>143</sup> HUD Reply Submissions, at [2.24].

iv. *monitor issues of housing affordability and supply and demand, and respond “as soon as practicable” where there is insufficient capacity.*

(b) *The Site is not within an area identified for intensification in the NPS-UD.” Again, as noted above, Policy 3(c) identifies specific locations which are minimum targets for intensification. Specifically, it requires district plans to enable building heights of at least 6 storeys within at least a walkable catchment of those locations. That plainly contemplates that there are areas beyond just a walkable catchment of those locations where increased building heights will be appropriate. As our opening legal submissions set out, Objective 3 provides clear direction on other locations where intensification will be suitable. It is the evidence of Messrs Duthie and Smallburn that all the criteria in that objective are met by the Site. Ms Barrett’s suggestion that the NPS-UD does not support increased height within the Precinct is therefore incorrect.*

304. We disagree with Ms Barrett’s interpretation and instead accept HUD’s submissions on these matters. In addition, we find that the definition of “*rapid transit service*” in the NPS-UD would also encompass dedicated bus lanes (i.e., “*a permanent route that is largely separated from other traffic*”), such as what is proposed as part of the Carrington Road Upgrade. In this regard Policy 3 is clearly ‘engaged’ in evaluating PC94. Furthermore, and as we have already noted, the NPS-UD enables intensification in those locations as a minimum to be achieved – i.e., “*at least*” within walkable catchments of those locations.

### **RPS**

305. With respect to the RPS, its provisions and relevance to PC94 were well canvassed in the application documentation, the s.42A Report and the planning experts’ evidence, notably that of Messrs Duthie and Smallburn. We provide a brief overview of the relevant provisions below.

306. The RPS (and the NPS-UD) require Auckland to provide for growth (in the case of the NPS-UD, 30 years’ worth of growth). The RPS seeks to achieve this through both brownfields and greenfield expansion; but with a strong emphasis on urban consolidation as set out in Objective (B2.2.1(1)) and Policy (B2.2.2(4)) of the RPS. Objective (B2.2.1(1)) states:

*A quality compact urban form that enables all of the following:*

- a) a higher-quality urban environment;*
- b) greater productivity and economic growth;*
- c) better use of existing infrastructure and efficient provision of new infrastructure;*
- d) improved and more effective public transport;*
- e) greater social and cultural vitality;*
- f) better maintenance of rural character and rural productivity; and*
- g) reduced adverse environmental effects.*

307. The RPS (and NPS-UD) identifies the benefit of providing for high intensity growth adjacent to town centres and public transport corridors, being:<sup>144</sup>

*Enable higher residential intensification:*

*(a) in and around centres;*

*(b) along identified corridors; and*

*(c) close to public transport, social facilities (including open space) and employment opportunities.*

### **Overall findings**

308. While we find that the NPS-UD and RPS are aligned, and both support greater urban intensification, the RPS (other than PC 80)<sup>145</sup> predates the NPS-UD. Accordingly, we have placed considerable weight on the NPS-UD's provisions.
309. As we have set out (and as was strongly expressed in legal submissions and evidence), the relevant RMA policy and plan provisions are very directive in enabling for more people to live in, and more businesses and community services to be located in, areas of an urban environment where any one of more of the following apply:
- the area is in or near a centre zone, or other area with many employment opportunities;
  - the area is well-serviced by existing or planned public transport; or
  - there is high demand for housing, or for business land in the area, relative to other areas within the urban environment.<sup>146</sup>
310. It is our finding, and adopting the Applicant's evidence and legal submissions, that the site is clearly appropriate and 'qualifies' for the intensification envisaged by Objective 3 of the NPS-UD. Overall, and for all of the reasons set out above, we find that PC94 will give effect to the NPS-UD and the RPS.

### **NGĀ WHAKATAUNGA MŌ NGĀ TĀPAETANGA | DECISIONS ON SUBMISSIONS**

311. As addressed earlier in this report, clause 10 of Schedule 1<sup>147</sup> requires that this decision include reasons for accepting or rejecting the submissions (primary and further) made to PC94. It permits submissions to be addressed by grouping them according to the proposed plan provisions to which they relate, or by the matters (i.e., topics) to which they relate.<sup>148</sup> Clause 10(3) of Schedule 1 also states – "To

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<sup>144</sup> RPS, Policy 2.2.2(5).

<sup>145</sup> Plan change 80 was a relatively confined change, seeking to, in part, give effect to the NPS-UD by integrating the concepts and terms "well-functioning urban environment, urban resilience to the effects of climate change and qualifying matters".

<sup>146</sup> NPS-UD, Objective 3.

<sup>147</sup> Decisions on provisions and matters raised in submissions.

<sup>148</sup> Clause 10(2)(a)(i) of Schedule 1 of the RMA.

*avoid doubt, the local authority is not required to give a decision that addresses each submission individually.”*

312. Given the nature of PC94, (a change to an existing precinct within the AUP), we have grouped all of the submissions in terms of the provisions of PC94, and the topics set out in this decision report. We reiterate (as set out earlier in this report) that while all individual submissions and submissions points are not expressly referred to, all submissions and submissions points have nevertheless been taken into account when making our decision.
313. Appendices 9 and 10 of the s.42A Report provide a very detailed table setting out the s.42A Report author’s recommended decisions and reasons on the submissions and further submissions. We adopt those Appendices and reasons as our decisions to the extent they reflect the decisions we have made in this report. However, where we have made a different decision than that recommended in the s.42A Report, the decision on the submissions is set out in the following paragraphs.
314. Our decisions on the submissions are as follows:
- (a) We **accept** or **accept-in-part** those submissions that supported PC94, or supported it in part subject to the modifications sought, and where we have accepted the modifications to PC94 as set out in the submission;
  - (b) We **accept-in-part** those submissions that supported or supported in part the plan change where we have made modification to it in relation to other submissions, or have only partially agreed to modifications to PC94 as set out in the submission; and
  - (c) We **reject** those submissions that fully opposed the plan change (i.e., reject the entire plan change), or sought modifications to it which we have not made, again for the reasons set out in this report.
315. With respect to further submissions, as these can only support or oppose an initial submission, our decision on those submissions reflects our decisions on the initial submissions.

## **WHAKATAUNGA | DECISION**

316. Pursuant to Schedule 1, clause 10 of the Resource Management Act 1991, Proposed Private Plan Change 94 to the Auckland Unitary Plan (Operative in Part) is approved, subject to the modifications as set out in this decision.
317. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Applicant’s Evidence and Reply Provisions and the Council’s s.42A Report, Addendum to the s.42A Report, and evidence, except as identified above in relation to matters in contention.
318. The reasons for the decision are that Plan Change 94:

- (a) will assist the Council in achieving the purpose of the RMA;
- (b) is consistent with the provisions of Part 2 of the RMA;
- (c) gives effect to the national policy statements, in particular the NPS-UD;
- (d) gives effect to the Auckland Regional Policy Statement;
- (e) is supported by necessary evaluation in accordance with s.32; and
- (f) will help with the effective implementation of the AUP.



**Greg Hill**

**Chairperson**

**Date: 18 March 2025**

**PRIVATE PLAN CHANGE 94: 18 March 2025.**

**Hearing Panel's decision version of the precinct provisions  
– showing changes to the Auckland Unitary Plan  
(Operative in Part).**

**The underlining and ~~strike-outs~~ are the changes from the  
notified version of the PC 94 precinct provisions to this  
version (the Hearing Panel's decision version)**

**PRIVATE PLAN CHANGE 94:**

**PART A AMENDMENT TO THE MAPS**

**ZONING**

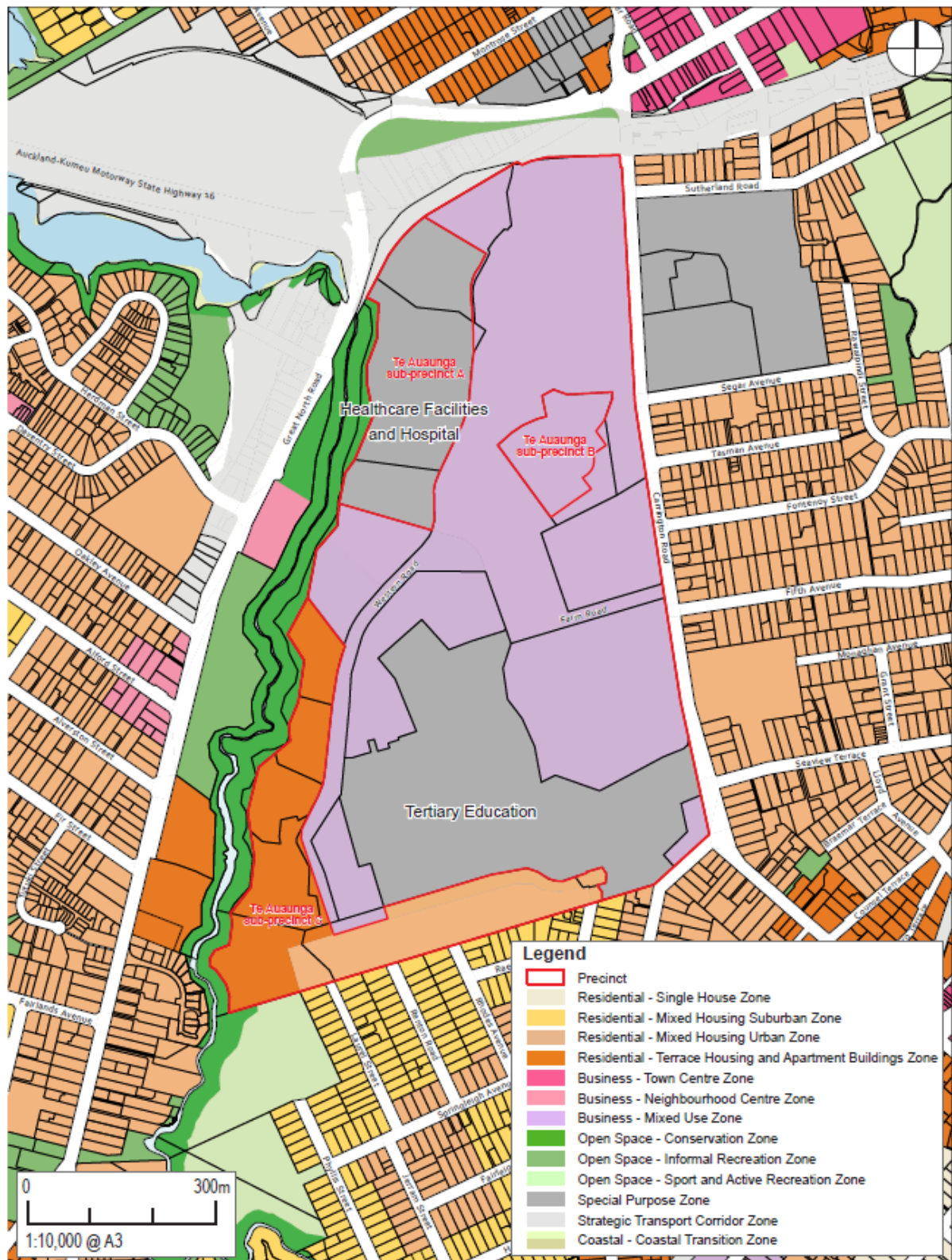
The land currently zoned Special Purpose - Tertiary Education, Special Purpose – Healthcare Facility and Hospital, and Residential - Terrace Housing and Apartment Buildings is rezoned Business: Mixed Use and Residential: Mixed Housing Urban as shown on the Map 1 plan.

**PRECINCT**

The Te Auaunga Sub-Precinct boundaries are amended as shown on the Map 1 plan.



Map 1 – Zoning and Precincts / Sub-Precincts



## PART B AMENDMENT TO I334 TE AUAUNGA PRECINCT

Insert the following new precinct provisions:

### I334. Wairaka Te Auaunga Precinct

#### I334.1. Precinct Description

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

The Precinct has been occupied for a long period over many generations, forming part of Te Auaunga basin below Ōwairaka / Te Ahi-kā-a-Rakataura, through which flows Te Wai o Raka and which comprised many mahinga kai. It is also beside one of the significant waka portages between the Waitematā and Manukau harbours. Over successive generations, it was a place of activity, including farming, harvesting and trade.

From the late 1800s the land formed part of the Oakley Hospital, one of New Zealand's oldest purpose-built psychiatric hospitals. The complex was established on 200 acres of farmland, which developed to comprise a series of historic buildings that supported the hospital's functioning, growth, and evolution during the late nineteenth and early twentieth centuries. Chief among these is the Oakley Hospital Main Building, a scheduled historic heritage place of outstanding significance that has long stood as a distinctive and recognisable landmark in the local landscape. The original Pumphouse also remains and is protected by a conservation covenant.

~~The purpose of the Wairaka Te Auaunga 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 institution. 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 Te Auaunga Precinct will provide for enables a variety of housing typologies and a range of community, commercial and social services 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 area 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 intended built character for the precinct is for a high quality intensive urban neighbourhood of predominately residential buildings which encourages a reduced car ownership environment by establishing walking and cycling paths and by promoting active and public transport modes, associated with a framework of public, communal and/or private open spaces.

A range of building heights are applied across the precinct that recognise the size, location and topography of the land within the precinct. These heights recognise the

relative sensitivities of adjoining and adjacent neighbouring properties, with greater height applied to areas where the potential adverse effects can be managed within the precinct. In the north-western corner of the site height is also proposed to act as a landmark for the development, supporting the urban legibility of the precinct. The Rōpū are committed to undertaking cultural and design review processes for new buildings of four levels or more.

The precinct incorporates the Medium Density Residential Standards (MDRS) set out in Schedule 3A of the Resource Management Act 1991. The MDRS provide for the use or construction of up to three dwellings as a permitted activity, complying with identified Standards in the relevant residential zones. The outcomes anticipated in the precinct correspond to the Residential – Mixed Housing Urban Zone and Residential – Terrace Housing and Apartment Buildings Zone with MDRS incorporated. The precinct provisions apply except to the extent the MDRS are incorporated.

~~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 Te Auaunga Precinct covers 64.5ha. It provides for a mixed use urban community including an ultimate residential community of 4,000 – 4,500 dwellings, supported by a range of retail and other support activities, including enabling schools and community services. It includes a major tertiary education institution (Unitec) and a major medical facility (Mason Clinic). Light industrial activities also occur on the site.

The Wairaka Te Auaunga Precinct provides objectives for the restoration and enhancement of Māori capacity building and Māori cultural promotion and economic development within the precinct.

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

- ~~• Sub-precinct A provides for healthcare/hospital related 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, as well as other activities or enabling works which do not compromise the laundry service while this facility is in operation.~~
- ~~• Sub-precinct C to at 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 Te Auaunga 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 Te Auaunga / Oakley Creek;
- An open space network linking areas within the ~~the Wairaka~~ Te Auaunga 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 stormwater management area which services ~~Wairaka~~ Te Auaunga 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 Main Building and historic heritage overlay extent of place, the Pumphouse, 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 1 outcomes is dependent on a series of works. The works focus on the provision of open space and a roading network including access ~~from the east~~ to the important Te Auaunga / Oakley Creek public open space, walking and cycling connections linking east to west to Waterview and areas further west to Point Chevalier/Mount Albert, north to south to Mount Albert and to Point Chevalier, and linkages to the western regional cycle network.

The precinct provides for stormwater treatment for all land within the precinct, prior to entering Te Auaunga / 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~~ Te Auaunga over-bridge to the ~~proposed bus node Carrington Road~~ bus services, the adjacent Northwestern shared path 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, including walking and cycling connections to nearby public transport;
- Managing vehicular movements through the connections to the south of the site;
- Managing parking to avoid, remedy, and mitigate 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 Plans 1, 2 and 3 and relevant policies, rules and assessment criteria encourage land owners to develop the land in a coordinated manner. This~~ These methods 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

#### **General – all of precinct**

- (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 Integrated~~ planning and integrated development of all sites within the precinct is achieved, including by enabling high quality, intensive, predominately residential buildings, encouraging a reduced car ownership environment by initiatives such as walking and cycling paths and facilitating active and public transport modes, associated with a framework of public, communal and/or private open spaces.
- (3) A mix of residential, business, tertiary education, education facilities, social and community facilities, recreation and community activities is are provided in locations that will serve local demands within the Wairaka Te Auaunga Precinct and which maximises the efficient and effective use of land.
- (4) The operation and intensification of the healthcare/hospital activity, 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, as well as other activities or enabling works which do not compromise the laundry service while this facility is in operation.
- (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. [Deleted]~~

(6A) Identified heritage values are retained by:

- (a) ensuring the retention and enabling the adaptation of the Oakley Hospital Main Building and the Pumphouse;
- (b) retaining identified trees;
- (c) managing Māori sites of significance on Te Auaunga / Oakley Creek land;  
and
- (d) recognising, protecting and enhancing the contribution that these features make to the precinct's character and landscape.

(7) Open spaces, cycling and pedestrian linkages from the ~~P~~precinct to the wider area and neighbouring suburbs, including linkages between activities and open spaces ~~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.

(9A) Occupation of development does not occur in advance of the availability of water supply and wastewater services for that development.

(10) An integrated urban environment is created, which:

- (a) Incorporates high quality built form and ~~urban~~ design including a variety of built form typologies;
- (b) Recognises, protects and enhances the natural and physical environmental attributes of ~~Wairaka the precinct in its planning and development of the Precinct;~~

- (ba) Ensures a range of high quality, well located and connected, and suitably sized open spaces are able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct;
- (c) Avoids, mitigates and remedies adverse effects on the environment and existing stormwater, water supply, wastewater and road/s infrastructure, recognising that the precinct stormwater system services areas beyond ~~Wairaka~~ the precinct boundary;
- (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; and
- (f) Contributes to Māori cultural promotion and economic development.
- (11) Provide for retail, food and beverage activities and commercial services in identified locations to serve local demands within the Wairaka Te Auaunga 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.
- (12) The restoration and enhancement of Māori capacity building and Māori cultural and economic development within the precinct is provided for, promoted and achieved.
- (13) Provide for varied heights in appropriate parts of the precinct so as to provide greater housing choice, promote land efficiency, benefit from the outlook from the precinct, and create 'landmark' buildings in the north western part of the precinct.

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

### **Sub-precinct C**

- (14) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
- (15) A relevant residential zone provides for a variety of housing types and sizes that respond to –
  - (a) Housing needs and demand; and
  - (b) The neighbourhood's planned urban built character, including 3-three-storey buildings.

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

- H5.2(2) Objectives
- H6.2(2) Objectives

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

**Note** – For the purpose of the following provisions, ‘dwelling’ means a residential dwelling that has an approved land-use consent or building consent (but excludes any form of dwelling located within Sub-precinct A, that is provided for in the Special Purpose – Healthcare Facility and Hospital Zone):

I334.3 (23), (23A) and (26B)

#### **Wairaka Te Auaunga Precinct – General – all of precinct**

- (1) Enable and provide for a wide range of activities, including education, business, office, research, healthcare, recreation, residential accommodation, community facilities, open space, 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~~ ensuring integrated development in accordance with the ~~pPrecinct pPlans 1, 2 and 3 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) Intensive residential accommodation activities;
  - (e) Economic development and employment, including supporting Māori capacity building and Māori cultural promotion and economic development;
  - (f) Public infrastructure that is integrated with existing infrastructure, recognising that Wairaka Te Auaunga 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 Oakley Hospital Main Building and the Pumphouse scheduled historic buildings,~~ identified trees, and provision of an integrated open space network;
- (j) Public road and open space access to Te Auaunga / Oakley Creek reserve; ~~or and~~
- (k) Pedestrian and cycle connections within the precinct and 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, including Māori.
- (6) Encourage a mix of residential lifestyles and a variety of housing typologies to cater for a diverse and high density residential community at Wairaka Te Auaunga.
- (7) Provide for a mix of residential and business activities which will enable development of a ~~residential core to~~ well-functioning urban environment in the Wairaka Te Auaunga Precinct.
- (8) Enable a broad range of educational, research, laboratory, office and business uses which meet the needs of, 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 Te Auaunga, 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 Te Auaunga / Oakley Creek and the Motu Manawa Marine Reserve.

### **Built Form and Character**

- (11) ~~Encourage~~ Ensure the retention of and encourage the adaptation of the ~~heritage and character buildings Oakley Hospital Main Building and the Pumphouse, and elements identified within the precinct,~~ Oakley Hospital Main Building and the Pumphouse
- (12) Provide for and encourage the adaptation of the ~~scheduled part of the heritage building~~ Oakley Hospital Main Building and the Pumphouse for economically viable activities (e.g. retail and other activities) which ensure ongoing economic sustainability for ~~this~~ these buildings and ~~its~~ their integration into ~~the Wairaka Te Auaunga~~ Wairaka Te Auaunga 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.
- (13A) Require residential development to contribute to the overall built form character of the precinct by:
- (a) providing high quality buildings associated with a framework of public, communal and/or private open spaces;
  - (b) encouraging a reduced car ownership environment by initiatives such as walking and cycling paths and facilitating active and public transport modes;
  - (c) screening any at-grade onsite resident car-parking from roads and open space areas identified on Precinct Plan 1.
- (14) Require proposals for new buildings, structures and infrastructure or additions to existing buildings, structures and infrastructure adjoining or adjacent to the Oakley Hospital Main Building, the Pumphouse, and scheduled historic heritage buildings, and/or the significant ecological area of Te Auaunga / Oakley Creek to provide appropriate native landscaping and to be sympathetic and provide contemporary and high-quality design, which enhances the precinct's built form and natural landscape, and is sympathetic to heritage values.
- (14A) Provide for taller buildings in the north western part of the precinct in this landmark location with enhanced outlook across the Waitematā Harbour and Waitākere Ranges, but in a location removed from residential neighbourhoods outside the precinct.
- (14B) Require the design and appearance of high rise buildings in Height Area 1 to contribute a positive visual landmark to the city.
- (14C) Require proposals for new high rise buildings adjacent to the Oakley Hospital Main Building to provide sympathetic contemporary and high quality design which enhances the precinct's built form.
- (14D) Provide for heights in the central and northern parts of the precinct that recognise the topographical and locational characteristics of this part of the precinct, and the ability to provide greater housing choice, increase land efficiency, benefit from the significant views and outlook from the precinct, and leverage the proximity and amenity of Te Auaunga.

## **Open Space**

- (15) Provide for public open space, including a neighbourhood park in the northern portion of the precinct. [Deleted]
- (15A) Provide open space in accordance with Precinct Plan 1 plus at least an additional 0.9 ha of key open space (private) within the precinct. [Deleted]

(15B) Ensure provision of open space, including identified neighbourhood parks, other areas of open space identified on Precinct Plan 1 and communal open space, that together provide a range of high quality, well located, and connected, and suitably sized open spaces able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct.

(16) Provide public connections to Te Auaunga / 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 the pedestrian and cycling connections to Te Auaunga / Oakley Creek, the adjacent Northwestern shared path and Waterview pedestrian/cycle bridge.

(19A) Ensure a safe and integrated network of public open spaces.

### **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 1~~ Pplan 1;

(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~~ Oakley Hospital Main 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 ~~P~~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, Mark Road and the other local roads bounded by Carrington Road, New North Road, and Te Auaunga / Oakley Creek.

(23) Require an new integrated transport assessment for the precinct as part of a resource consent for any new development that will increase the total number of dwellings within the precinct to for any new development greater than 4,000 dwellings. 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.

(23A) Require an updated integrated transport assessment for the precinct as part of a resource consent for any new development that will increase the total number of dwellings within the precinct to greater than 3,000 dwellings, where the transport characteristics of the precinct are not consistent with the approved integrated transport assessment.

(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. [Deleted]~~

(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 ~~p~~Precinct ~~p~~Plan 1.

(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).

### **Water Supply and Wastewater Infrastructure**

(26A) Require subdivision and development to provide water supply and wastewater infrastructure prior to the occupation of buildings.

(26B) Require an infrastructure capacity assessment for the precinct as part of a resource consent for any new development that will increase the total number of

dwellings within the precinct to greater than 4,000 dwellings.

### Integrated development

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

PC78 ([see modifications](#))

- (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 Te Auaunga / Oakley Creek.
  - (c) Require graduated building heights and locate higher buildings away from the precinct boundaries that adjoin Residential - Mixed Housing Suburban residential areas to the south of the precinct.
- (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 ~~p~~Precinct ~~p~~Plan 1 and Policy I334.3(15A).

### Sub-precinct A

- (32) Provide for a range of healthcare, hospital, community facilities, and related accessory activities for the Mason Clinic.
- (33) Enable detailed site-specific planning for the design and development of the Mason Clinic to reflect how the sub-precinct will be used.

- (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~~ Provide for other activities that do not undermine the role of the precinct, compromise the operation of the laundry service while this facility is in operation, 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.~~ [Deleted]

#### **Sub-precinct C**

- (39) Provide a broad range of residential activities adjacent to ~~the~~ Te Auaunga / Oakley Creek and residential neighbourhoods to the south of the precinct.
- (40) Provide quality dwellings which face west across Te Auaunga / Oakley Creek providing passive surveillance of the public lands within Te Auaunga / Oakley Creek Valley.
- (41) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments

developed in a way that takes into account existing features including identified trees, provides access to sunlight and private and / or communal open space, and mitigates adverse effects of visual domination, character, overlooking and privacy.

(42) Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

(43) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

(44) Enable housing to be designed to meet the day-to-day needs of residents.

(45) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

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

- Policies H5.3(1) – (5)
- Policies H6.3(3), (5) and (6)

#### **I334.4. Activity tables**

~~The provisions in the zoning, Auckland-wide provisions and any relevant overlays~~ All relevant overlay, Auckland-wide and zone activity tables 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) and (A45).~~
- 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 listed 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, I334.4.3 and I334.4.4 specify the activity status of land use, development and subdivision activities in the Wairaka Te Auaunga Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991 or any combination of all these sections where relevant.~~

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

Note:

All applications for subdivision consent are subject to section 106 of the Resource Management Act 1991 and Chapter E38 Subdivision - Urban.

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

Activity		Activity status
<b>Use</b>		
Accommodation		
(A1)	<del>Dwellings in the Special Purpose – Tertiary Education Zone up to a maximum gross floor area of 7,500m<sup>2</sup> [Deleted]</del>	P
(A2)	Student accommodation, <del>boarding houses</del> 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 <del>adjacent to</del> <u>within 150m of</u> , and accessed <del>from</del> <u>via</u> , 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 1,2700m <sup>2</sup> <del>adjacent to</del> <u>within 150m of</u> , and accessed <del>from</del> <u>via</u> , Farm Road	P
(A9)	One supermarket of up to 1500m <sup>2</sup> <u>of retail floor space adjacent to</u> <u>within 150m of</u> , and accessed <del>from</del> <u>via</u> , Farm Road	P
(A10)	Commercial services within 100metres of a supermarket	D
(A11)	Retail (including food and beverage) adjoining <del>the southern Carrington Road bus node between Access Point A and D</del> <u>gate access 3 and 4 shown on the Precinct Plan 1</u> , 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
Community facilities		
(A15)	Informal recreation	P
(A16)	Organised sport and recreation	P



Activity		Activity status
Industry		
(A17)	Light manufacturing and servicing <u>greater than 150m from Carrington Road</u>	D
(A17A)	<u>Light manufacturing and servicing within 150m of Carrington Road</u>	NC
(A18)	Repair and maintenance services <u>greater than 150m from Carrington Road</u>	D
(A18A)	<u>Repair and maintenance services within 150m of Carrington Road</u>	NC
(A19)	Warehousing and storage <u>greater than 150m from Carrington Road</u>	D
(A19A)	<u>Warehousing and storage within 150m of Carrington Road</u>	NC
(A20)	Waste management facilities in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	D
Mana Whenua		
(A21)	Marae	P
(A21A)	<u>Papakāinga</u>	P
(A21B)	<u>Whare Manaaki</u>	P
Development		
(A21C)	<u>New buildings</u>	RD
(A21D)	<u>Buildings within the Height Areas identified on Precinct Plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 – Te Auaunga Additional Height</u>	RD
(A21E)	<u>Buildings within Height Area 1 identified on Precinct Plan 3 – Te Auaunga Additional Height between 35m and 72m</u>	RD
(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, <u>or Mark Road</u> into the Pprecinct 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 Pprecinct with a private road (non-gated)	C
(A29)	<u>Connection of any roads to the Precinct with a public road</u> [Deleted]	RD
(A29A)	<u>Extension of Laurel Street, Renton Road, Rhodes Avenue or Mark Road into the precinct as a public road, and providing vehicular connections to the western road within</u>	RD

I334-Wairaka Te Auaunga Precinct

Activity		Activity status
	<u>the precinct</u>	
(A30)	Direct vehicle connection between Laurel Street, Renton Road or Rhodes Avenue or <u>Mark Road</u> , 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 <del>the p</del> <u>Precinct Plan 1</u> and <del>Policy I334.3(15A)</del>	RD
(A32)	Any development not otherwise listed in Table I334.4.1 that is not generally in accordance with <del>the p</del> <u>Precinct Plan 1</u> and <del>Policy I334.3(15A)</del>	D
(A33)	<del>Buildings that exceed Standard I334.6.4 Height [Deleted]</del>	<del>D</del>
<u>(A33A)</u>	<u>New buildings or additions to buildings that do not comply with standard I334.6.6(4)</u>	<u>NC</u>
<b>Subdivision</b>		
(A34)	Any vacant lot subdivision proceeding in accordance with <del>the p</del> <u>Precinct pPlan 1</u> and <del>Policy I334.3(15A)</del> and which creates lots consistent with the zone boundaries	C
<u>(A34A)</u>	<u>Subdivision of land for the purpose of construction and use of dwellings</u>	<u>RD</u>
<u>(A34B)</u>	<u>Subdivision of land for the purpose of construction and for uses other than dwellings</u>	<u>RD</u>
(A35)	Any vacant lot subdivision that is not generally in accordance with <del>the p</del> <u>Precinct pPlan 1</u> and <del>Policy I334.3(15A)</del>	D

**Table I334.4.2 Wairaka Te Auaunga Precinct sub-precinct B**

Activity		Activity status
(A36)	Light manufacturing and servicing associated with the commercial laundry services	P
(A37)	<del>Buildings that exceed the Standard I334.6.4 Height [Deleted]</del>	<del>D</del>
<u>(A37A)</u>	<u>Buildings within the Height Areas identified on Precinct Plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 – Te Auaunga Additional Height</u>	<u>RD</u>

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

Activity		Activity status
<u>(A37B)</u>	<u>Up to three dwellings per site, each of which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
<u>(A37C)</u>	<u>The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>

(A37D)	<u>Accessory buildings associated with a development of dwellings each of which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
(A37E)	<u>Internal and external alterations, and additions to existing dwellings which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
(A37F)	<u>Additions to an existing dwelling which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
(A37G)	<u>Buildings for one or more dwellings which do not comply with any of the Standards I334.6.17 to I334.6.25 inclusive</u>	<u>RD</u>
(A37H)	<u>Four or more dwellings per site</u>	<u>RD</u>
(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 <del>the pPrecinct pPlan 1 and Policy I334.3(15A)</del>	RD
(A43)	Any development not otherwise listed in Table I334.4.3 that is not generally in accordance with <del>the pPrecinct pPlan 1 and Policy I334.3(15A)</del>	D
(A44)	Any vacant lot subdivision proceeding in accordance with <del>the pPrecinct pPlan 1 and Policy I334.3(15A)</del> and which creates lots consistent with the zone boundaries	C
(A44A)	<u>Subdivision of land for the purpose of construction and for uses other than dwellings</u>	<u>RD</u>
(A45)	Any vacant lot subdivision that is not generally in accordance with <del>the pPrecinct pPlan 1 and Policy I334.3(15A)</del>	D
(A46)	Parking buildings within <u>the</u> 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)	<del>Buildings that exceed the Standard I334.6.4 Height[Deleted]</del>	<del>D</del>
<b><u>Subdivision for the purpose of the construction or use of dwellings</u></b>		
(A48A)	<u>Subdivision of land in accordance with an approved land use consent for the purpose of the construction, or use of dwellings as permitted or restricted discretionary activities in the precinct and meeting Standard I334.6.26 Standards for controlled subdivision activities</u>	<u>C</u>

(A48B)	Subdivision of land for up to three sites accompanied by:  a) A land use consent application for up to three dwellings, one or more of which does not comply with any of Standards I334.6.17 to I334.6.25 inclusive but does comply with all applicable zone, Auckland-wide and overlay standards; or  (b) A certificate of compliance for up to three dwellings each of which complies with Standards I334.6.17 to I334.6.25 inclusive and applicable zone, Auckland-wide and overlay standards	<u>C</u>
(A48C)	Any subdivision listed above not meeting I334.6.26 to I334.6.28 Standards for controlled subdivision activities	<u>RD</u>
(A48D)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	<u>RD</u>
(A48E)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	<u>RD</u>

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

Activity		Activity status
<b>Development</b>		
(A49)	All new buildings, and additions to existing buildings unless otherwise specified below	C
(A50)	Demolition	P
(A51)	Internal alterations to buildings	P
(A52)	Additions to buildings that are less than: (a) 25 per cent of the existing gross floor area of the building; or (b) 250m <sup>2</sup> GFA whichever is the lesser	P
(A53)	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	RD
(A54)	New buildings or additions to buildings not complying with I334.6.14 (2)	NC
(A55)	Any development not otherwise listed in Table I334.4.4 that is generally in accordance with <u>Precinct Plan 1</u> <del>the precinct plan and Policy I334.3(15A)</del>	RD
(A56)	Any development not otherwise listed in Table I334.4.4 that is not generally in accordance with <u>Precinct Plan 1</u> <del>the precinct plan and Policy I334.3(15A)</del>	D
(A57)	Justice Facilities	D
(A58)	Justice Facilities ancillary to forensic psychiatric services provided at the Mason Clinic	P

### **I334.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Tables I334.4.1, I334.4.3 and I334.4.4 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(9) of the Resource Management Act 1991.
- (1B) An application for resource consent for a restricted discretionary activity listed in Tables I334.4.1, and I334.4.3 Activity table above that complies with the I334.6.4 height standard 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.
- (2) Any other application for resource consent for an activity listed in Tables I334.4.1, I334.4.2, I334.4.3, and I334.4.4 which is not listed in Standards I334.5(1) and I334.5(1A) 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).

#### **Sub-precinct C**

- (4) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public notification of an application for resource consent is precluded if the application is for the construction and use of one, two, or three dwellings that do not comply with Standards I334.6.17 to I334.6.25 inclusive.
- (5) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of:
- (a) one, two or three dwellings that do not comply with one or more of the Standards I334.6.17 to I334.6.25; or
- (b) four or more dwellings that comply with all Standards I334.6.17 to

I334.6.25 inclusive

(6) Any application for a resource consent which is listed in I334.5(1) to I334.5(4) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

**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 must comply with the following standards.~~

Unless specified below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Tables I334.4.1 to I334.4.4 above.

The following Auckland-wide and zone standards do not apply to the activities listed in Activity Tables I334.4.1 to I334.4.4 above:

(a) H13 Business – Mixed Use zone:

- H13.6.0 Activities within 30m of a Residential Zone (but only as it relates to sites fronting Carrington Road)
- H13.6.1 Building height
- H13.6.2 Height in relation to boundary
- H13.6.3 Building setback at upper floors
- H13.6.4 Maximum tower dimension and tower separation
- H13.6.5 Yards
- H13.6.6 Landscaping
- H13.6.8 Wind

The following Auckland-wide and zone standards do not apply to the activities (A37B) to (A37F) listed in Activity Table I334.4.3 above:

- Residential - Mixed Housing Urban Zone:
  - H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
  - H5.6.5 Height in relation to boundary
  - H5.6.6 Alternative height in relation to boundary

- H5.6.7 Height in relation to boundary adjoining lower intensity zones
- H5.6.8 Yards
- H5.6.10 Building coverage
- H5.6.11 Landscaped area
- H5.6.12 Outlook space; and
- H5.6.14 Outdoor living space
- Residential - Terrace Housing and Apartment Buildings Zone:
  - H.6.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
  - H6.6.6 Height in relation to boundary
  - H6.6.7 Alternative height in relation to boundary
  - H6.6.8 Height in relation to boundary adjoining lower intensity zones
  - H6.6.9 Yards
  - H6.6.11 Building coverage
  - H6.6.12 Landscaped area
  - H6.6.13 Outlook space
  - H6.6.15 Outdoor living space

The activities listed as a permitted activity in Activity Table I334.4.3 must comply with permitted activity standards I334.6.17 to I334.6.25 inclusive.

The activities listed as a controlled activity in Activity Table I334.4.3 must comply with I443.6.2.26 to I334.6.28 Standards for controlled subdivision activities and the E38 subdivision standards listed in Activity Table I334.4.3.

#### **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~~ the total gross floor area of retail (including food and beverage and supermarket) must not exceed 6,500m<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>~~ 4,700m<sup>2</sup>; and
  - (c) ~~The~~ 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>~~ 1,800m<sup>2</sup>.
- (2) The total gross floor area of retail (including food and beverage) in the ~~Historic Heritage Place~~ Oakley Hospital Main Building must not exceed 1,000-m<sup>2</sup> subject to Standard I334.6.2(1)(a) above, provided that any unutilised gross floor area may be used elsewhere within the Business – Mixed Use Zone within the precinct.
- (3) All retail activities adjacent ~~to, or within,~~ 100m of ~~to~~ the supermarket must not exceed ~~4200m<sup>2</sup>~~ 1,700m<sup>2</sup> gross floor area, provided that:
  - (a) any unutilised gross floor area may be used elsewhere within the Business – Mixed Use Zone within the precinct; and
  - (b) the 1,700m<sup>2</sup> gross floor area may be increased by any transferred gross floor area under Standard I334.6.2(2).
- (4) Any supermarket ~~within 150m of, adjacent to and accessed from via,~~ 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 an~~ 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 set out below: [Deleted]~~
- (1A) The maximum permitted height standard of the underlying zone applies, unless otherwise specified on Precinct Plan 3: Wairaka Te Auaunga Additional Height.
- (2) The 43.5m high tower must be the most eastern tower within Height Area 1 on Precinct Plan 3, and the closest tower to the Oakley Hospital Main Building.
- (3) The 72m high tower must be the centrally located tower of the three towers within Height Area 1 on Precinct Plan 3.
- (4) Any part of a building fronting Carrington Road that is within 6m of the set back required by I334.6.6 (3) must not exceed 27m in height where the land at the directly opposite side of Carrington Road is included within the Residential - Mixed Housing Urban Zone.



Building location [Table deleted]	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. Business - Mixed Use Zone – 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[Deleted]~~
- (1A) At least 20 per cent of the of a site zoned Business – Mixed Use must be landscaped. For the purpose of this standard site means the first site subdivided after (operative date of PC 94) which contains an approved development. This standard does not apply to any subsequent subdivision provided that the 20% landscaped area provided on the first site is retained.
- (2) For the purpose of this standard, “landscaped” includes hard and soft landscaped areas.

#### **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 (Yards) and H13.6.6 (Landscaping) Business - Mixed Use Zone in Sub precinct C apply. (Note: this is a qualifying matter in Sub-precinct C).
- (2) Buildings on land adjoining Open Space – Conservation 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 (Yards) and H13.6.6 (Landscaping) Business - Mixed Use Zone apply. (Note: this is a qualifying matter in Sub-precinct C).
- (3) Buildings on land fronting Carrington Road must be set back a minimum width of 2830.2m when measured from the eastern edge of the Carrington Road road

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modifications)

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 ~~2830.2m~~ 20.2m not used for these activities must be landscaped. ~~This A 2m setback from the western side of Carrington Road does not apply~~ applies once the road widening affecting the Wairaka Te Auaunga Precinct Carrington Road frontage has been vested in the Auckland Council.

- (4) Buildings on land adjoining the northern boundary of Sub-precinct A 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.

For the purposes of Standards clauses (3) and (4) above, the following do not apply:

- (a) retaining walls with landscaping of any retained ground and any land at the base of the retaining wall, up to a distance of 5m from the boundary.
- (b) underground car-parking buildings less than 1.5m in height above ground level with landscaping above, up to a distance of 5m from the boundary.

#### I334.6.7. Tree protection

- (1) In addition to any notable tree, ~~S~~subject to Standard I334.6.7(2) below, the following trees identified in I334.140.2 Precinct Plan 2 – ~~p~~Protected ~~t~~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	Pōhutakawa	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
2	Pōhutakawa	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha

ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
3	Pōhutakawa	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
5	Oak	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
7	Karaka	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
9	Oak	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
10	Oak	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
11	Oak	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
13	Oak	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
14	Oak	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
15	Pōhutakawa	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 1 DP 211427 2.62ha
16	Swaine's Gold, Italian cypress	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
17	Michelia	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
18	<del>Sky Flower [Deleted]</del>	<del>Isthmus</del>	<del>1</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 5 DP 314949</del>
19	<del>New Zealand Ngaio [Deleted]</del>	<del>Isthmus</del>	<del>1</del>	<del>Carrington Road 1, Mount Albert</del>	<del>Lot 5 DP 314949</del>
20	<del>Mediterranean Cypress [Deleted]</del>	<del>Isthmus</del>	<del>1</del>	<del>Carrington Road 1, Mount Albert</del>	<del>Lot 5 DP 314949</del>
22	<del>Mediterranean Fan Palm [Deleted]</del>	<del>Isthmus</del>	<del>1</del>	<del>Carrington Road 1, Mount Albert</del>	<del>Lot 5 DP 314949</del>
23	Mountain Coconut, Coco	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
24	Chinquapin	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
25	White Mulberry	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
26	Totara	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
27	Australian Frangipani	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
28	Kauri	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
29	<del>Three Kings Glimmer [Deleted]</del>	<del>Isthmus</del>	<del>1</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 4 DP 314949</del>

ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
30	Norfolk Pine	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 5 DP 314949
31	<del>Pepper Tree, Peruvian Mastic Tree [Deleted]</del>	Isthmus	<del>1</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 5 DP 314949</del>
32	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 4 DP 314949
33	Jacaranda	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 4 DP 314949
34	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 4 DP 314949
35	<del>Variegated Five Finger [Deleted]</del>	Isthmus	<del>1</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 4 DP 314949</del>
36	Maidenhair Tree	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 4 DP 314949
37	Brazilian Coral Tree	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 4 DP 314949
38	Dogwood	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 4 DP 314949
42	Camphor Tree	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Pt Allot 33 Parish of Titirangi
43	Plum Pine	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Pt Allot 33 Parish of Titirangi
44	Camellia	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Pt Allot 33 Parish of Titirangi
45	Kōhūhū	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Pt Allot 33 Parish of Titirangi
46	Silver Poplar	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	Lot 2 DP 406935
47	Liquidambar	Isthmus	1	Carrington Road 1, Mount Albert ( <del>Unitec</del> )	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 ~~p~~Plan 1.
- (2) ~~Any retail (including food and beverage) fronting the southern bus node, must not have vehicle access directly off Carrington Road. [Deleted]~~

#### I334.6.9. Parking

- (1) No parking is required for activities located within the ~~scheduled heritage building~~ Oakley Hospital Main Building other than for the provision of loading requirements.

(2) ~~There must be no parking provided at the bus node for retail activities.~~

~~[Deleted]~~

#### **I334.6.9A. Building to building set back**

Purpose: to ensure adequate separation between taller buildings.

(1) In Height Area 1 on Precinct Plan 3 – Te Auaunga Additional Height the minimum separation distance between buildings must be 14m. This control must be measured 8.5m above ground level.

#### **I334.6.9B Maximum tower plan dimension – Height Area 1**

Purpose: to ensure that high-rise buildings in Height Area 1 on Precinct Plan 3 – Te Auaunga Additional Height:

- enable an appropriate scale of building to increase land efficiency in this part of the precinct;
- allow adequate sunlight and daylight access to public streets and public open space;
- provide adequate sunlight and outlook around and between buildings;
- mitigate adverse wind effects;
- discourage a high podium base on any one building, in order to positively respond to Area 1's qualities as a visual gateway and its wider landscape setting; and
- manage any significant visual dominance effects by applying a maximum tower dimension.

(1) This standard only applies in Height Area 1 identified on Precinct Plan 3 – Te Auaunga Additional Height.

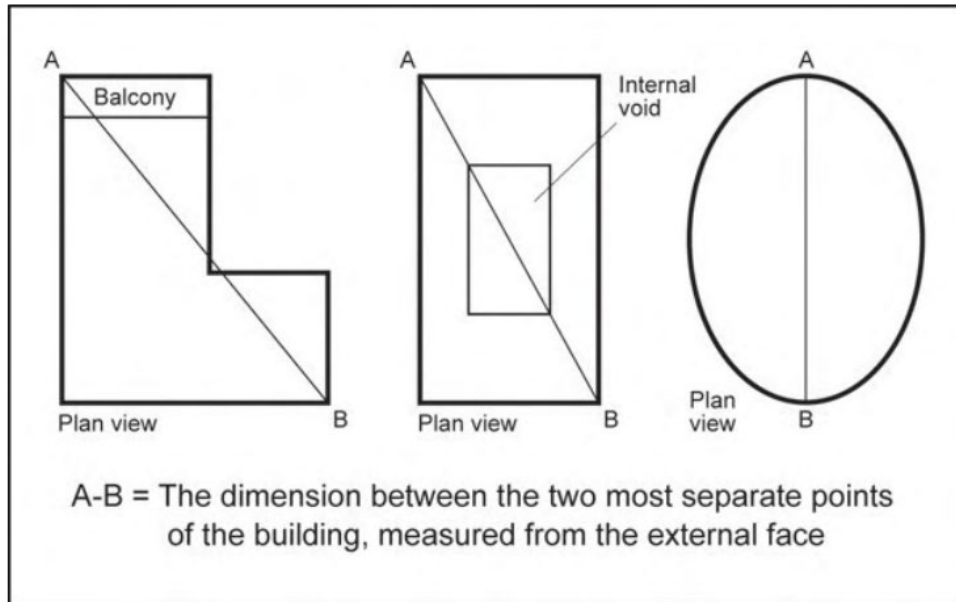
(2) The tower maximum dimensions applying in Height Area 1 identified on Precinct Plan 3 – Te Auaunga Additional Height must not exceed the dimension specified in Table I334.6.9B.1 below.

**Table I334.6.9B.1: Maximum tower plan dimensions**

	<u>Maximum Tower Plan Dimension</u>
<u>Buildings up to 35m</u>	<u>No max. tower plan dimension applies</u>
<u>Building with height up to 43.5m</u>	<u>50m max. tower plan dimension</u>
<u>Building with height up to 54m</u>	<u>50m max. tower plan dimension</u>
<u>Building with height up to 72m</u>	<u>42m max. tower plan dimension</u>

- (3) The maximum tower plan dimension is the horizontal dimension between the exterior faces of the two most separate points of the building and for the purposes of this standard applies to that part of the building as specified in Figure I334.6.119B.2 below.

**Figure I334.6.9B.2 Maximum tower plan dimension**



### **I334.6.9C. Wind**

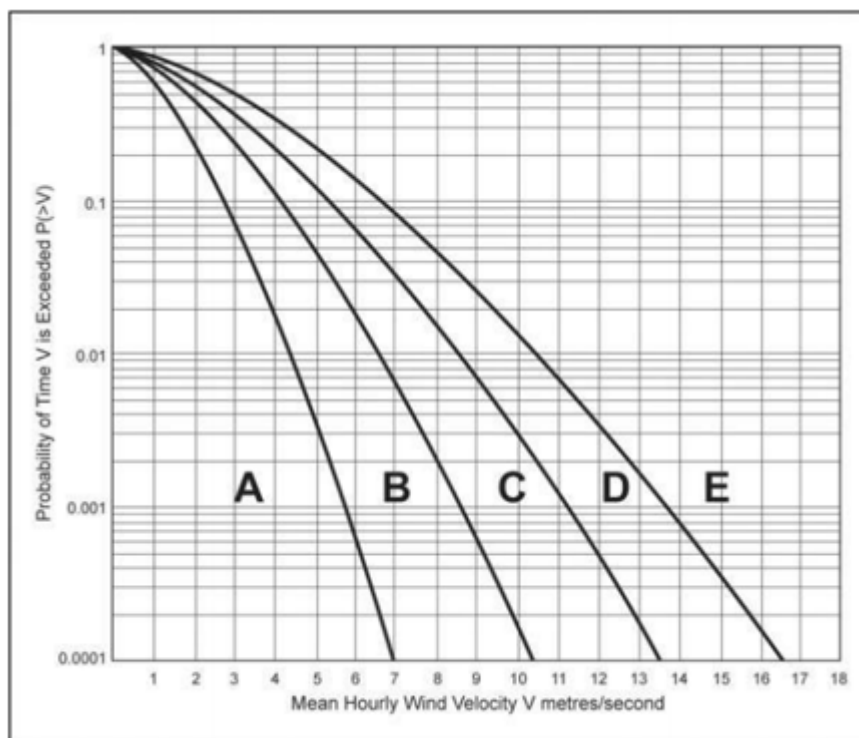
Purpose: to mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 27m in height and additions to existing buildings that increase the building height above 27m must not cause:
  - (a) The mean wind speed around it to exceed the category for the intended use of the area as set out in Table I334.6.9C.1 and Figure I334.6.9C.2 below;
  - (b) The average annual maximum peak 3-second gust to exceed the dangerous level of 25m/second; and
  - (c) An existing wind speed which exceeds the controls of Standard I334.6.9C.(1)(a) or Standard I334.6.9C.(1)(b) above to increase.
- (2) A report and certification from a suitably qualified and experienced person, showing that the building complies with Standard I334.6.9C.(1) above, will demonstrate compliance with this standard.
- (3) If the information in Standard I334.6.9C.(2) above is not provided, or if such information is provided but does not predict compliance with the rule, a further wind report including the results of a wind tunnel test or appropriate alternative test procedure is required to demonstrate compliance with this standard.

**Table I334.6.9C.1 Categories**

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

**Figure I334.6.9C.2 Wind Environment Control**



Derivation of the wind environment control graph:

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

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

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

and where:

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

e = The Napierian base 2.7182818285

v = the velocity selected;

k = the constant 1.5; and

c = a variable dependent on the boundary being defined:

A/B, c = 1.548

B/C, c = 2.322

C/D, c = 3.017

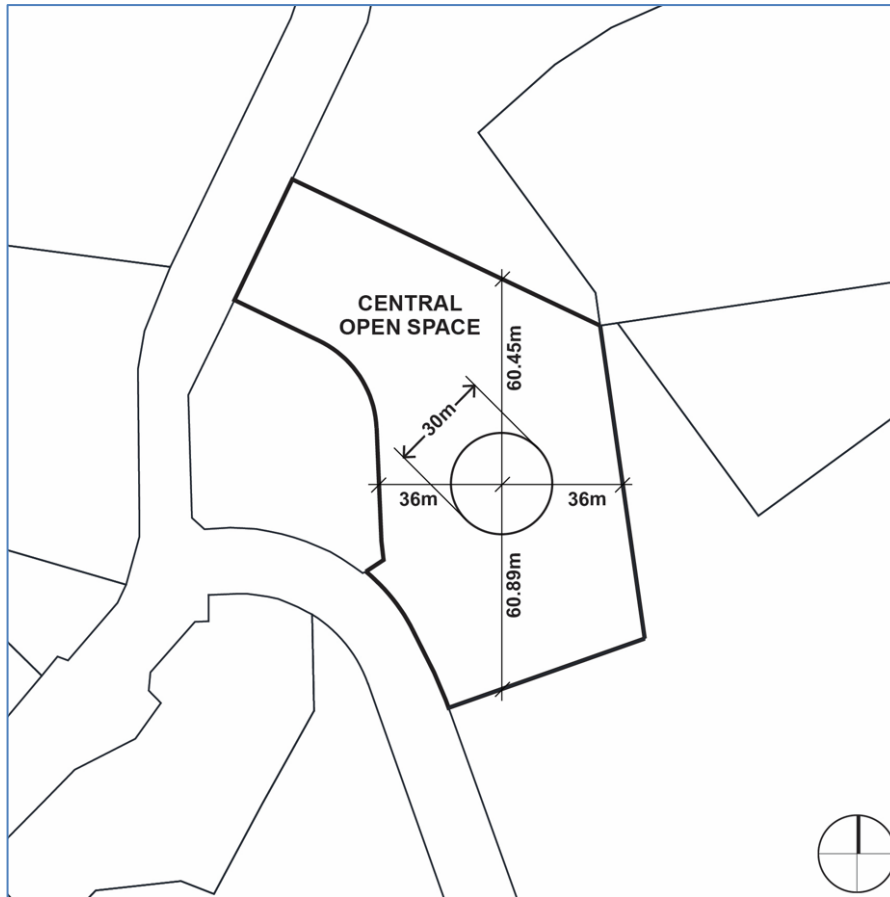
D/E, c = 3.715

#### **I334.6.9D Central Open Space - Shading**

- (1) Development adjoining the Central Open Space, as identified on Precinct Plan 1, must ensure that 80% of a 30m x 30m area with Central Open Space (as shown in Figure I334.6.9D.1 below) is free from shading between the hours of 10am and 3.30pm on the 21<sup>st</sup> of June.

#### **Figure I334.6.9D.1 – Central Open Space Shading**





### **Standards in Sub-precinct A**

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 [Deleted]~~**

- ~~(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.

For the purposes of clause (2) above, the following do not apply to the northern boundary:

- (a) retaining walls with landscaping of any retained ground and any land at the base of the retaining wall, up to a distance of 5m from the boundary
- (b) underground car-parking buildings less than 1.5m in height above ground level with landscaping above, up to a distance of 5m from the boundary.

- (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.

### **Standards in Sub-precinct C**

The development of dwellings on land zoned Residential – Mixed Housing Urban and Residential – Terrace Housing and Apartment Buildings must comply with the following Medium Density Residential Standards as specified below.

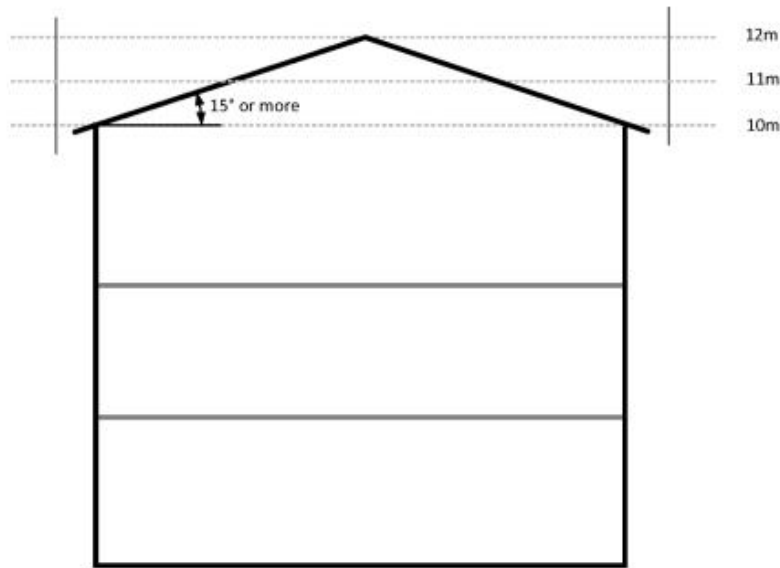
#### **I334.6.17 Number of dwellings per site**

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

#### **I334.6.18 Building height**

- (1) In the Residential – Mixed Housing Urban Zone, buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown in Figure I334.6.18.1 below:

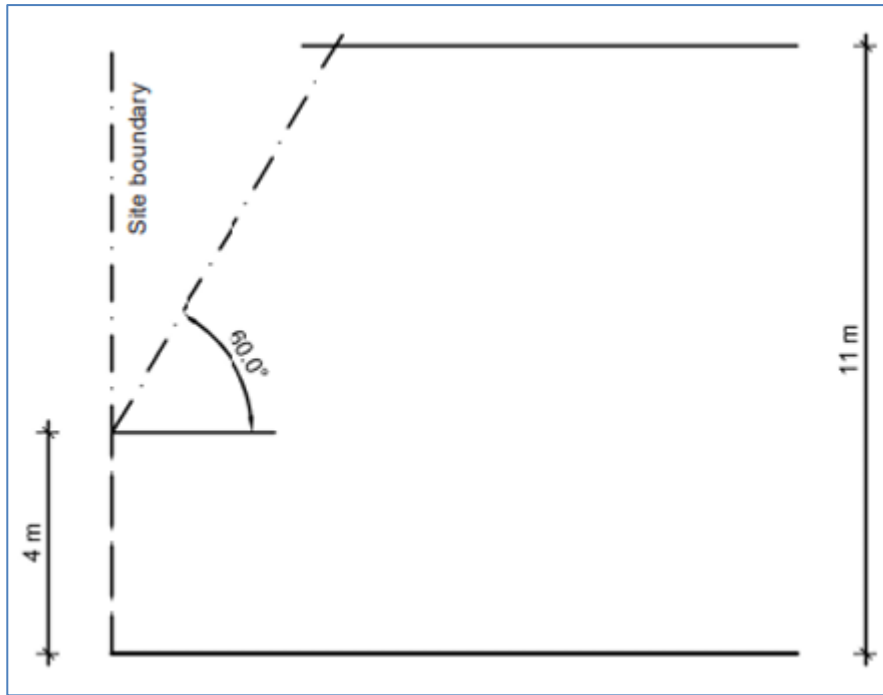
**Figure I334.6.18.1 Building height**



**I334.6.19 Height in Relation to Boundary**

- (1) Buildings must not project beyond a 60 degree recession plane measured from a point 4m vertically above ground level along the side and rear boundaries, as shown in Figure I334.6.19.1 below.
- (2) Standard I334.6.19(1) above does not apply to a boundary with a road.
- (3) Standard I334.6.19(1) above does not apply to a boundary, or part of a boundary, adjoining any Business Zone.
- (4) Standard I334.6.19(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (5) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard I334.6.19(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (6) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

**Figure I334.6.19.1 Height in relation to boundary**



#### **I334.6.20 Yards**

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I334.6.20.1 below except that when Standard I334.6.6 applies the relevant yard in Table I334.6.20.1 is not required by Standard I334.6.20(1).

**Table I334.6.20.1**

<b><u>Yard</u></b>	<b><u>Minimum Depth</u></b>
<u>Front</u>	<u>1.5</u>
<u>Side</u>	<u>1m</u>
<u>Rear</u>	<u>1m</u>

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

#### **I334.6.21 Building Coverage**

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

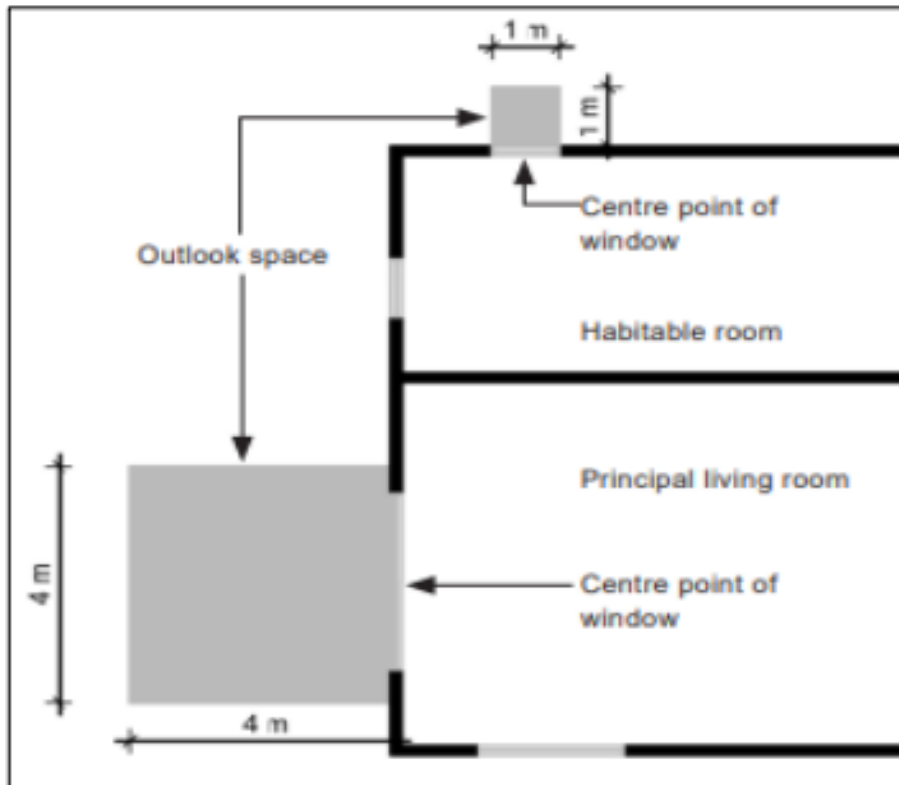
#### **I334.6.22 Landscaped Areas**

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

#### **I334.6.23 Outlook Space**

- (1) An outlook space must be provided for each development containing up to three dwellings as specified in this standard.
- (2) An outlook space must be provided from habitable room windows as shown in Figure I334.6.23.1 below.
- (3) The minimum dimensions for a required outlook space are as follows and as shown in Figure I334.6.23.1 below:
  - (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must:
  - (a) be clear and unobstructed by buildings; and
  - (b) not extend over an outlook space or outdoor living space required by another dwelling.

**Figure I334.6.23.1 Outlook Space requirements for developments containing up to three dwellings**



#### **I334.6.24 Outdoor Living Space**

- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m<sup>2</sup> and that comprises ground floor, balcony, patio, or roof terrace space that:
  - (a) where located at ground level, has no dimension less than 3 metres and
  - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
  - (c) is accessible from the dwelling; and
  - (d) may be:
    - (i) grouped cumulatively by area in 1 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:
  - (a) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
  - (b) is accessible from the dwelling; and

(c) may be:

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

(ii) located directly adjacent to the dwelling unit

#### **I334.6.25 Windows to street**

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

#### **I334.6.26 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct**

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

(1) Any subdivision relating to an approved land use consent must comply with that land use consent.

(2) Subdivision does not increase the degree of any non-compliance with standards I334.6.17 to I334.6.25 except that Standard I334.6.19(1) does not apply along the length of any proposed boundary where dwellings share a common wall.

(3) No vacant sites are created.

#### **I334.6.27 Subdivision around existing buildings and development**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in Sub-precinct C in accordance with Standards I334.6.17 to I334.6.25 inclusive.

(1) Prior to subdivision occurring, all development must meet the following:

(a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or

(b) Be a legally established dwelling.

(2) Subdivision does not increase the degree of any non-compliance with standards I334.6.17 to I334.6.25 except that Standard I334.6.19(1) does not apply along the length of any proposed boundary where dwellings share a common wall.

(3) No vacant sites are created.

**I334.6.28 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in Sub-precinct C.

- (1) The subdivision application and land use consent application or certificate of compliance relate to a site on which there are no dwellings.
- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently.
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards I334.6.17 to I334.6.25.
- (4) A maximum of three sites and three dwellings are created.
- (5) No vacant sites are created.

**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 ~~All controlled subdivision activities in Table I334.4.1:~~
  - (a) Boundaries of the precinct, sub-precincts, and/or zone aligning are consistent with the proposed site boundaries.



(2A) All controlled subdivision activities in Table I334.4.3:

- (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
- (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
- (c) the effects of infrastructure provision.

(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 cycleways; 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.

[Heading Deleted]

(1) [Deleted]

(2) Subdivision

- (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).
- (b) Compliance with an existing approved resource consent or concurrent land use consent application or certificate of compliance.
- (c) Compliance with the relevant overlay, Auckland-wide, precinct and zone rules.
  - (i) Refer to Policy E38.3(1) and (6)

- (d) The effect of the site design, size, shape, contour, and location, including existing buildings, manoeuvring areas and outdoor living space.
  - (e) The adequate provision and capacity of infrastructure.
    - (i) Refer to Policy E38.3(1), (6), (19) to (23)
  - (f) The effect on historic heritage and cultural heritage items.
- (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**

**Note** – For the purpose of the following provisions, ‘dwelling’ means a residential dwelling that has an approved land-use consent or building consent.

- I334.8.1(1A)(d)(iv)
- I334.8.1(1A)(f)(ii) and (iii)

The Council will restrict its discretion to 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 within 150m of, and accessed from via, Farm Road (A6); and or adjacent to the bus hub or Oakley Hospital building~~ 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 (A7):

- (a) ~~building interface with any public place; [Deleted]~~
- (b) ~~safety; [Deleted]~~
- (c) ~~services; [Deleted]~~
- (d) ~~traffic; [Deleted]~~
- (e) ~~travel plans and integrated transport assessments; [Deleted]~~
- (f) ~~design of parking and access; and [Deleted]~~
- (aa) matters of discretion I334.8.1(1A)(d) - I334.8.1(1A)(h); and
- (g) degree of integration with other centres.

(1A) New buildings which comply with Standard I334.6.4 Height (does not apply to Sub-precinct A):

- (a) Ground contours:
  - (i) whether proposed finished contour levels at a subject site abutting land identified as open space on Precinct Plan 1 or vested public roads across the subject land area adequately manages pedestrian access from the ground floor level of buildings to the adjoining identified open space land and public roads variations between the ground floor level of future buildings and adjoining existing and proposed public open space (where information is available and buildings are adjoining); and
  - (ii) where ground floor dwellings or visitor accommodation is proposed, whether some minor variations between the ground floor level and the level of adjoining open space or street (where adjoining) may be acceptable to provide for the privacy of residents and occupants/users.
- (b) Building form and character:
  - (i) whether building design and site layout achieves:

- in mixed use buildings;
  - legible entrances and exits from buildings to open spaces and pedestrian linkages;
  - articulation of any building façades which adjoin public roads and identified open space on Precinct Plan 1, to manage the extent of large blank and/or flat walls and/or façades;
  - corner sites provide the opportunity for additional building mass and height so as to makes a positive contribution to the streetscape;
  - a high quality, clear and coherent design concept utilises a palette of durable materials to express the building form;
  - high quality visual interest through the use of façade modulation and articulation, and/or the use of materials and finishes and ensures any otherwise unavoidable blank walls are enlivened by methods which may include artwork, mahi toi, articulation, modulation and cladding choice to provide architectural relief;
  - rooftop mechanical plant or other equipment is screened or integrated in the building design;
  - parking areas are designed and located to be visually discreet when viewed from public roads and open space identified on Precinct Plan 1;
  - long building frontages are visually broken up by façade design and roofline, recesses, awnings, balconies and other projections, materials and colours;
  - building form is designed to allow a reasonable level of daylight into land identified as open space within Precinct Plan 1 within the precinct, (but excluding public roads) appropriate to their intended use;
  - a sympathetic relationship with the Oakley Hospital Main Building and the Pumphouse;
- (ii) Numbering activities at ground level engage with and activate existing and/or proposed open spaces, streets and lanes;
- (iii) outdoor living areas and internal living spaces achieve privacy from publicly accessible areas while maintaining a reasonable level of passive surveillance; and

- (iv) whether any proposed publicly accessible spaces within a development, including pedestrian and cycle linkages, are integrated into the existing or planned pedestrian network.
- (v) The extent to which communal or private open space in the Business – Mixed Use Zone is provided and whether:

  - private open space provides a functional area and shape accessible from the primary living area.
  - communal open space in the form of plaza, podium, balcony or roof top spaces provides functional areas for the outdoor enjoyment and/or meeting of residents and their guests.
  - open space connections linking through the site as part of a multi-unit development join up with the precinct walkway and cycleway network, as shown on Precinct Plan 1.
- (c) Safety including passive surveillance:

  - (i) whether new buildings are designed in accordance with Crime Prevention Through Environmental Design principles, including by providing passive surveillance of publicly accessible areas. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within a tertiary education campus(es) will be considered as if they are public open spaces.
- (d) Services including infrastructure capacity and stormwater management:

  - (i) 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;
  - (ii) 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;
  - (iii) the effects of potential contamination of stormwater and ground water arising from discharges from roofing materials; and
  - (iv) whether any development that would bring the total number of dwellings in the precinct in excess of 4,000 dwellings provides an infrastructure capacity assessment that demonstrates that there is sufficient capacity in the bulk water supply and wastewater network to service the development at the time of occupation.
- (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 Te Auaunga Precinct, and slow traffic with an origin or

destination in the Special Purpose - Tertiary Education Zone or southern neighbourhoods.

(f) Travel plans and integrated transport assessments:

- (i) proposed developments are consistent with 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 any corresponding travel plans are provided by way of conditions of any consent prior to occupation;
- (ii) whether any development that would bring the total number of dwellings in excess of 3,000 dwellings within the precinct either demonstrates that the assumptions of any existing integrated transport assessment are valid, or, if the transport network and generation is not consistent with the assumptions within the existing integrated transport assessment, provides an updated integrated transport assessment demonstrating the generated travel demand can be appropriately managed; and
- (iii) whether any development that would bring the total number of dwellings in excess of 4,000 dwellings either provides an integrated transport assessment demonstrating the generated travel demand can be appropriately managed, or demonstrates that the assumptions of any existing integrated transport assessment for in excess of 4,000 dwellings are valid.

(g) Design of parking structures and vehicular access:

- (i) within the Special Purpose - Tertiary Education Zone avoids parking either at grade or within a building at or above ground level, having direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those streets), or the western road shown on Precinct Plan 1;
- (ii) minimises the extent to which parking within a building at or above ground level directly faces Te Auaunga and the Carrington Road frontage;
- (iii) parking areas are screened;
- (iv) parking structures minimise direct venting to pedestrian environments at ground level;
- (v) vehicle crossings and access ways prioritise pedestrian movement and in particular are designed to reduce vehicle speed and be separated from pedestrian access, or are designed as a shared space; and
- (vi) design of pedestrian routes between parking areas, building entrances/lobbies and the street ensures that these spaces are accessible by people of all ages and physical abilities and provide a high level of pedestrian safety.

(h) Landscape:

(i) landscaping is provided to contribute to the achievement of quality amenity that is integrated with the built environment. Landscaping may be provided in the form of courtyards, plazas and other areas that are accessed by residents, visitors or the public including lanes and pedestrian accessways. Landscaping includes the provision of both soft and hard landscape elements such as trees, shrubs, ground cover plants, paved areas and outdoor seating areas.

(i) Matters applying to the Carrington Road frontage:

(i) building frontages to Carrington Road are designed to express a scale of development that responds to Policy I334.3(13);

(ii) the use of architectural treatments and design features, such as façade and roofline design, materials, separation and layout to contribute to the visual character, and articulation of the Carrington Road frontage; and

(iii) building frontages to Carrington Road are designed to address the perception of a solid walled mass through techniques including building recesses, clear visual breaks between buildings, variation in roofline and overall building silhouette.

(i) Matters applying to development located on a site containing the Wairaka Stream:

(i) development is designed to recognise and contribute to the values of the stream, including planting of riparian margins.

(1B) Buildings within the Height Areas identified on Precinct Plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 – Te Auaunga Additional Height, and Buildings within the Height Area 1 identified on Precinct Plan 3 – Te Auaunga Additional Height between 35m and 72m:

(a) matters of discretion I334.8.1(1A)(a) - I334.8.1(1A)(h):

(b) building design and location:

(i) In Height Area 1 on Precinct Plan 3 – Te Auaunga Additional Height, how the design for any building greater than 35m in height and associated landscaping:

- relates to the Tāmaki Makaurau cityscape and how it is seen within the wider receiving environment, with consideration of how the articulation, modulation, and materiality of the building breaks up its vertical and horizontal scale as seen in short (within the precinct) mid (including within Point Chevalier town centre) and long distance views;
- contributes to making a visual landmark, either in isolation or as part of a composition of taller buildings



including through such design matters as building composition, modulation of building forms, and façade treatment (including façade proportion, articulation, roofline and materials);

- responds to and complements the Oakley Hospital Main Building and its extent of place, which may include such design matters as architectural references to the scale and design of the Oakley Hospital Main Building and/or sympathetic contrast in form, proportion and façade treatment; and
- landscaping responds to the presence of Te Auaunga and protected trees and vegetation.

(ii) The degree to which buildings provide sympathetic contemporary and high quality design which enhances the precinct's built form.

(c) shading:

(i) the extent degree to which the location and design of buildings ensures a reasonable level of sunlight access (measured at the Equinox) to residential units and open space areas; taking into consideration site and building orientation, and the planned built character of the precinct.

(2) Parking buildings/structures:

- (a) ~~ground contours; [Deleted]~~
- (b) ~~building interface with public places; [Deleted]~~
- (c) ~~safety; [Deleted]~~
- (d) ~~services including infrastructure and stormwater management; [Deleted]~~
- (e) ~~traffic; [Deleted]~~
- (f) ~~travel plans and integrated transport assessments; and [Deleted]~~
- (g) ~~design of parking and access; [Deleted]~~
- (h) matters of discretion I334.8.1(1A)(a), and I334.8.1(1A)(d) - I334.8.1(1A)(j).

(3) ~~Connection of any road to the Precinct with a public road. [Deleted]~~

(3A) Extension of Laurel Street, Renton Road, Rhodes Avenue or Mark Road into the precinct as a public road, and providing vehicular connections to the western road within the precinct (A29A):

- (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 ~~p~~Precinct p~~Plan 1 and Policy~~Plan 1 ~~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) ~~T~~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 minimise 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 to the public;~~
  - (ii) communal open spaces which are prominent and accessible to residents of the associated development; and
  - (iii) the number, ~~and size, and quality~~ of open spaces in proportion to the future intensity and needs of the precinct and surrounding area; ~~and~~
  - ~~(iii) effective and safe pedestrian and/or cycle linkages; [Deleted]~~
- (d) ~~The location, physical extent and design of open space; [Deleted]~~
- (e) ~~The location of anticipated land use activities within the development; [Deleted]~~
- (f) ~~The location and physical extent of parking areas; and [Deleted]~~
- (g) ~~The staging of development and the associated resource consent lapse period [Deleted]~~
- (h) ~~The location and form of building footprints and envelopes. [Deleted]~~
- (i) ~~Building scale and dominance (bulk and location). [Deleted]~~
- (j) Effective and safe pedestrian and/or cycle linkages;
- (i) the location, physical extent and design of open space;
  - (ii) the location of anticipated land use activities within the development;
  - (iii) the location and physical extent of parking areas; and
  - (iv) the staging of development and the associated resource consent lapse period;
  - (v) the location and form of building footprints and envelopes; and
  - (vi) 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)(e)(b) 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; [Deleted]~~
  - (vi) precinct boundary set back - ~~the~~ interface with the public realm and effects on neighbouring sites, building scale and dominance (bulk and location), and ~~the~~ 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 Main Building; ~~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 about 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).

(7) Subdivision of land for the purpose of construction and use of dwellings in the Business – Mixed Use zone:

- (a) Boundaries of the precinct and sub-precincts aligning with the proposed site boundaries.
- (b) Site size, shape, design, contour, layout and location.
- (c) Infrastructure.

(8) Buildings in a residential zone which do not comply with any of Standards I334.6.17 to I334.6.25

- (a) any precinct and zone policy which is relevant to the standard
- (b) the effects of the infringement of the standard
- (c) the effects of any special or unusual characteristics of the site which is relevant to the standard
- (d) the characteristics of the development
- (e) any other matters specifically listed for the standard
- (f) where more than one standard will be infringed, the effects of all infringements considered together.

**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 within 150m of, and accessed from via, Farm Road and or adjacent to the bus hub or Oakley Hospital building(A6); and 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 (A7):

(a) ~~Building interface with any public places;[Deleted]~~

- ~~(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: [Deleted]~~

- ~~(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]~~

(c) ~~Services:- [Deleted]~~

- ~~(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:- [Deleted]~~

- ~~(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:- [Deleted]~~

- ~~(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:- [Deleted]~~

- ~~(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-retail~~ does not have adverse effects on the role of other centres, beyond those effects ordinarily associated with trade effects or trade competition.

(1A) New buildings that comply with Standard I334.6.4 Height:

(a) Ground contours:

- (i) Refer to Policies I334.3.(13) and (27).

(b) Building form and character:

- (i) Refer to Policies I334.3.(13), (13A), (14) and (27).
- (ii) Whether the design of buildings adjacent to Oakley Hospital Main Building responds and relates appropriately to the scale and form of the Oakley Hospital Main Building and its extent of place, including through the scale and modulation of the building's lower floors.
- (iii) Whether buildings adjacent to Oakley Hospital Main Building provide sympathetic contemporary and high quality design which enhances the precinct's built form.

(c) Safety including passive surveillance:

- (i) Refer to Policies I334.3.(13), (14) and (27).

(d) Services including infrastructure and stormwater management:

- (i) Refer to Policies I334.3. (4)(f), (26A), (26B) and (27).

(e) Traffic:



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- ~~(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: [Deleted]~~
- ~~(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]~~
- (d) ~~Services including infrastructure and stormwater management: [Deleted]~~
- ~~(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: [Deleted]~~
- ~~(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:- [Deleted]~~

- (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:- [Deleted]~~

- (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.~~

(h) Assessment criteria I334.8.2(1A)(a) and I334.8.2(1A)(d) - I334.8.2(1A)(h).

(3) ~~Connection of any road to the Precinct with a public road. [Deleted]~~

(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; [Deleted]~~

(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.~~

(3A) Extension of Laurel Street, Renton Road, or Rhodes Avenue or Mark Road into the precinct as a public road, and providing vehicular connections to the Western road within the precinct:

(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 an 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 cycleways.
- (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 pPrecinct pPlan 1 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: [Deleted]~~
    - ~~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~~
- (ca) 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, Oakley Hospital Main Building, the Pumphouse, identified trees 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~~ 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 ~~p~~Precinct ~~p~~Plan 1 ~~and Policy I334.3(15A)~~, including the location of the transport network, open spaces and infrastructure; ~~and~~
  - (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~~ minimising 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 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 Te Auaunga 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;~~  
[Deleted]
  - (vii) ~~the building positively contributes to passive surveillance of the street, rear/sides of site and streetscape amenity; and [Deleted]~~
    - occupants are provided with a good standard of outlook and privacy between useable/occupied spaces on the same and adjacent sites;



- 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~~ Te Auaunga Precinct – General, and ~~the Wairaka~~ Te Auaunga 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~~ Te Auaunga Precinct-General, and ~~the Wairaka~~ Te Auaunga Precinct – Sub-precinct A;

*All buildings*

- (h) Those criteria contained in I33.7.2(3)(c) and (d).
- (7) Subdivision of land for the purpose of construction and use of dwellings, excluding Sub-precinct A and Sub-precinct C:
- (a) The extent to which subdivision boundaries align with the sub-precinct boundaries and with Precinct Plan 1 (or with any approved road network).
  - (b) The effect of the site design, size, shape, contour, and location, including existing buildings, manoeuvring areas and outdoor living space.
  - (c) The effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
  - (d) The adequate provision and capacity of infrastructure is provided prior to occupation of the buildings.
  - (e) The layout of sites provides safe, legible and convenient access to a legal road.
- (8) For buildings that do not comply with one or more of Standards I334.6.17 to I334.6.25
- (a) for all infringements to standards:
    - (i) refer to Policy I334.3(45)
    - (ii) the matters of discretion in Rule C1.9(3) of the general provisions apply.
  - (b) for building height:
    - (i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(45)

(c) for height in relation to boundary:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(45)

(d) for yards:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(43)

(e) for building coverage:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(43)

(f) for landscaped area:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(43)

(iii) refer to Policy H5.3(10) or Policy H6.3(10)

(g) for outlook space:

(i) refer to Policy I334.3(1)

(ii) refer to Policy I334.3(43)

(iii) refer to Policy I334.3(44)

(h) for outdoor living space:

(i) refer to Policy I334.3(41);

(ii) refer to Policy I334.3(44); and

(i) for windows facing the street:

(i) refer to Policy I334.3(43).

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

Note – For the purpose of the following provisions, ‘dwelling’ means a residential dwelling that has an approved land-use consent or building consent.

- I334.9 Integrated Transport Assessment; Water supply and wastewater Infrastructure Capacity Assessment; Stormwater Management Plan; and Parking Impact Assessment.

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

Integrated Transport Assessment

- (A1) Prior to any proposed development that will increase the total number of dwellings within the precinct to greater than 3,000 dwellings within the precinct, an assessment of the then actual transport characteristics compared to the ITA assumptions must be provided. If the transport network and generation is not consistent with the assumptions within the precinct ITA, then an updated ITA is required prior to residential development in excess of 3,000 dwellings.
- (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, proposed development that will increase the total number of dwellings within the precinct to greater than 4,000 dwellings,~~ the applicant is required to produce an new 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.~~
- (2) As part of any development, a schedule must be provided which confirms the number of car-parking spaces approved for resource consent within the precinct (excluding Sub-precinct A) at the time the application is made.

Water supply and wastewater Infrastructure Capacity Assessment

- (1) As part of any proposed development that will increase the total number of dwellings within the precinct to greater than 4,000 dwellings, the applicant is required to produce a bulk water supply and wastewater Infrastructure Capacity Assessment for the precinct to demonstrate there is sufficient capacity in the wider water and wastewater reticulated network.
- (2) As part of any proposed development, a schedule must be provided which confirms the total dwelling numbers approved for resource consent within the precinct at the time the application is made. The purpose of this is to keep a current record of the number of dwellings within the precinct.

Stormwater Management Plan

- (1) ~~The following applies to land use consent applications for the land in the precinct: [Deleted]~~
- ~~(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: [Deleted]~~
- ~~(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 practise and infrastructure standards; OR~~
- (3) ~~Demonstrate how stormwater will be managed in accordance with the stormwater management plan prepared for the precinct. [Deleted]~~
- (1A) As part of land use applications for development within the precinct, information must be provided to demonstrate how stormwater will be managed in accordance with the stormwater management plan for the precinct.

Parking Impact Assessment

- (1) As part of land use applications for new development within the precinct a parking impact assessment is to be provided as part of any transport assessment. The parking impact assessment must:
- (a) Outline the basis for the amount of on-site carparking proposed (including number and type of dwelling units and details of alternative modes available to provide for occupant's travel needs).
  - (b) Assess the potential for adverse effects that may arise from insufficient provision for the amount of residential on-site parking, including:
    - (i) On-street parking capacity within the precinct that is within walking distance (400m) of the subject site boundary;
    - (ii) Parking activity within the surrounding area which may compromise the safe operation of the transport network (including potential for increased conflict between all road users);
    - (iii) Effects on network operation as a result of displaced parking demand across the wider road network;
    - (iv) Effects on network performance as a result of greater or lesser amounts and rates of parking (than assumed in the approved ITA for the precinct) and the associated effects on trip generation.
  - (c) Outline the measures proposed to mitigate any identified adverse effects.

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 to be associated with the development proposed ~~(within the control of the landowner or leaseholder)~~, including the general location of soft and hard landscaping areas, such as parks, 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, emergency access 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 building 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 any landscaped areas to be covenanted, public open space landscaping, roads and streetscapes and walkways. The plan must provide details on:

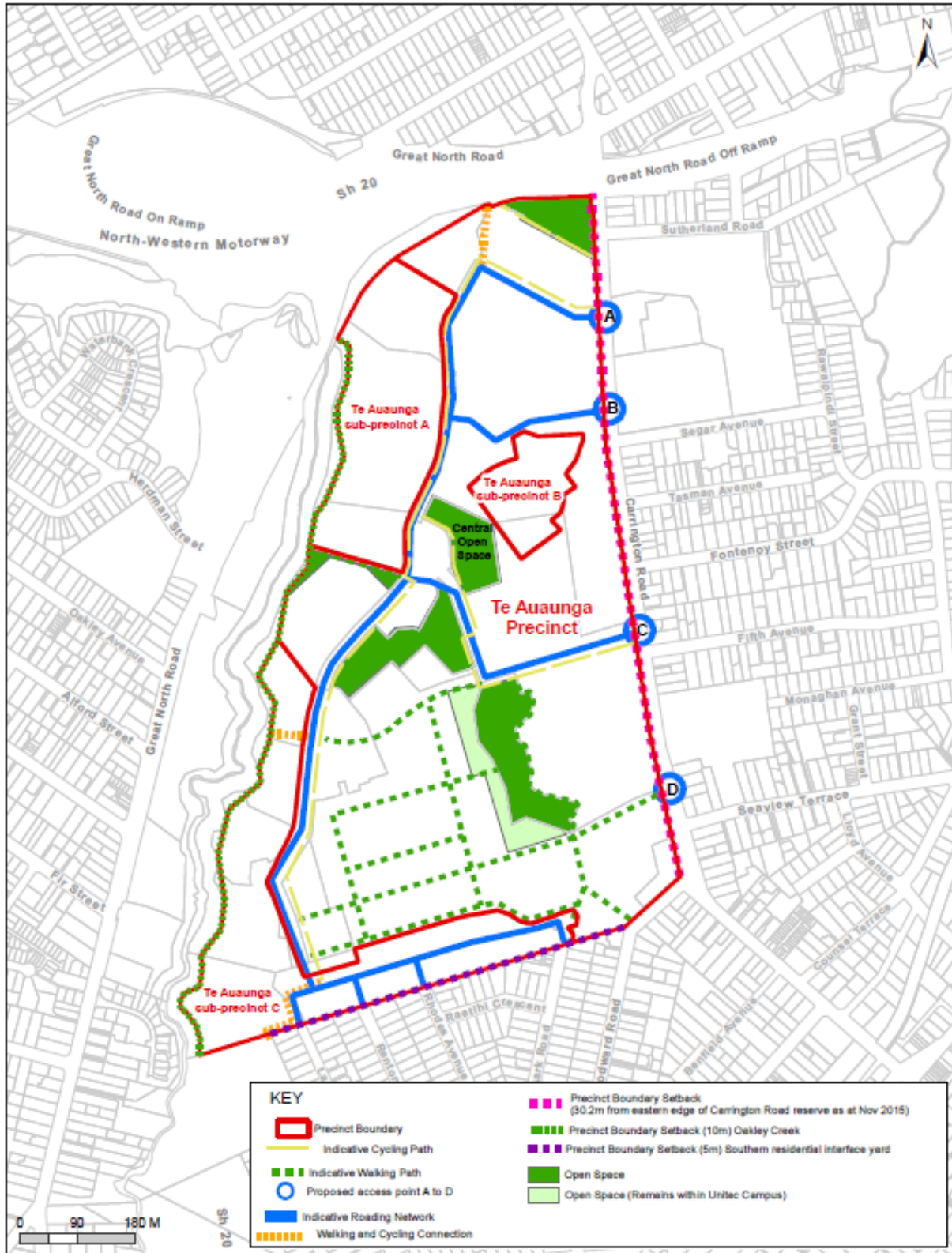
- (a) range of appropriate plant species ~~schedules~~;
  - (b) ~~planting specifications including individual tree planting locations;~~[Deleted]
  - (c) weed control and management;
  - (d) implementation; and
  - (e) the location and design of public seating, vehicle barriers, signage, pedestrian 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:~~[deleted]-[Deleted]
- (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 practise 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: [Deleted]~~
  - ~~(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 practise 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); and
  - (b) proposed staging of demolition, earthworks and building development, and where information is available, the staging of public open space.

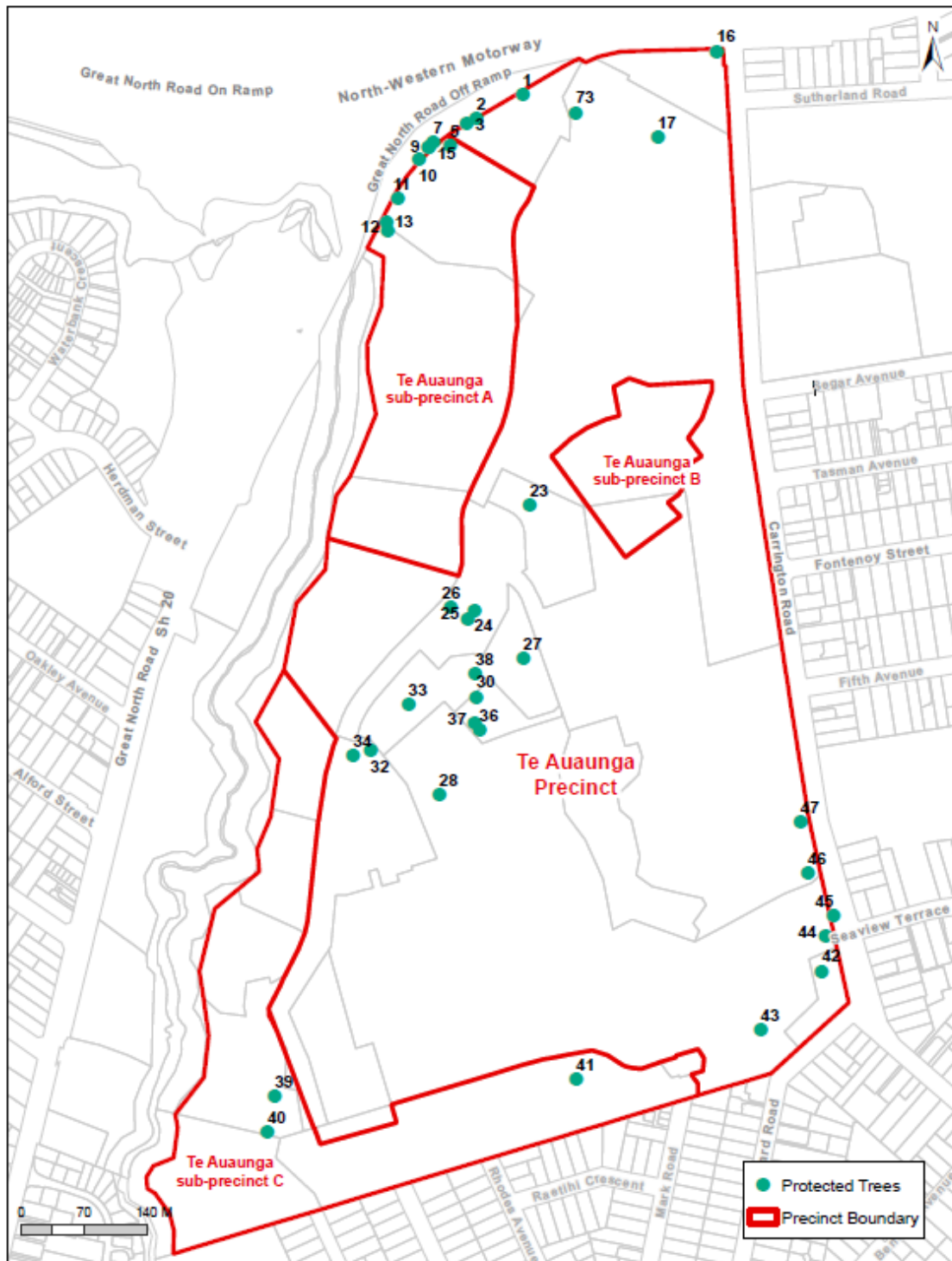


## PRECINCT PLANS

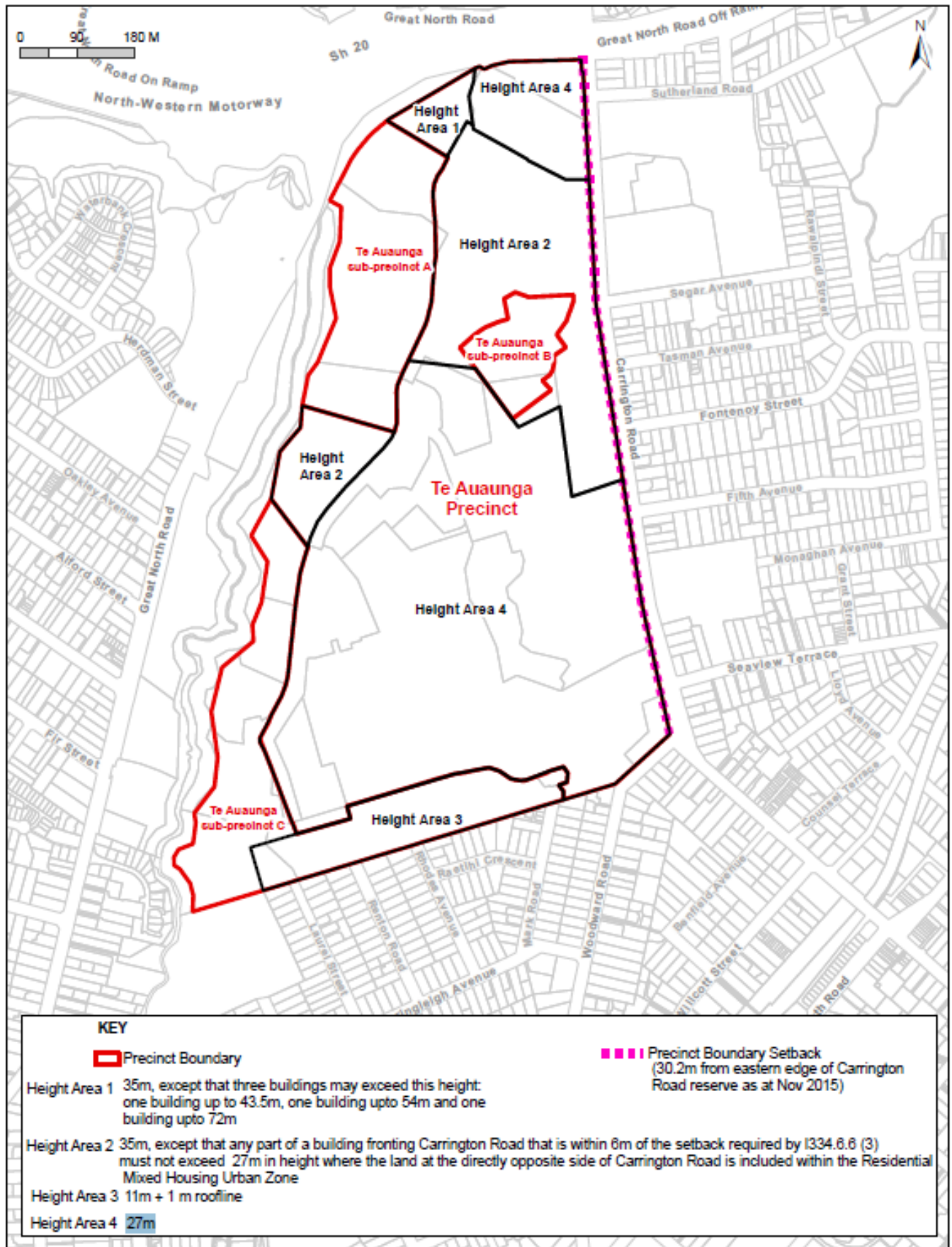
### Wairaka Te Auaunga: Precinct Plan 1



**Wairaka Te Auaunga: Precinct Plan 2 – Protected Trees**



**Te Auaunga: Precinct Plan 3 –Additional Height**



## **ANNEXURE C**

### **Report containing the Council Officers Recommended Version of the Plan Change**

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I hereby give notice that a hearing by commissioners will be held on:

**Date:** Monday 18, Tuesday 19, Wednesday 20,  
Thursday 21 and Friday 22 November 2024  
**Time:** 9.30am  
**Meeting room:** Council Chamber  
**Venue:** Ground floor, Auckland Town Hall  
301/317 Queen Street, Auckland

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**PRIVATE PLAN CHANGE 94**  
**ADDENDUM HEARING REPORT**  
**WAIRAKA PRECINCT IN CARRINGTON ROAD,**  
**MT ALBERT**  
**MINISTRY OF HOUSING AND URBAN**  
**DEVELOPMENT – HANNAH MCGREGOR**

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**COMMISSIONERS**

**Chairperson** Greg Hill (Chairperson)  
**Commissioners** Gavin Lister  
Councillor Chris Darby  
Vicki Morrison-Shaw

**Chayla Walker**  
**KAITOHUTOHU WHAKAWĀTANGA**  
**HEARINGS ADVISOR**  
Telephone: 09 890 2009 or 027 231 5937  
Email: [chayla.walker@aucklandcouncil.govt.nz](mailto:chayla.walker@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

### **Hearing Schedule**

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

### **Cross Examination**

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

### **The Hearing Procedure**

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

### **Please note**

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.



**A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY  
MINISTRY OF HOUSING AND URBAN DEVELOPMENT – HANNAH MCGREGOR**

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**Reporting officer, Peter Reaburn, Planner**

Reporting on proposed Private Plan Change 94 - Wairaka Precinct in Carrington Road, Mt Albert in summary, proposes the following:

- a) Parts of the current Special Purpose - Tertiary Education Zone no longer to be occupied by Unitec are proposed to be rezoned to the adjoining Business - Mixed Use Zone.
- b) A further strip of land is to be rezoned from Special Purpose -Tertiary Education to Residential - Mixed Housing Urban, adjoining existing land with that zoning in the southern part of the precinct.
- c) A revised precinct plan and revised precinct provisions are also proposed, with the principal change sought being to allow for greater height for residential buildings.
- d) The precinct is proposed to be renamed Te Auaunga Precinct.







## **Addendum Section 42A Hearing Report for Proposed Private Plan Change 94: Wairaka Precinct to the Auckland Unitary Plan (Operative in part)**

**Addendum Report date:** 6 November 2024

**Scheduled hearing date:** 18 November 2024

### **Introduction**

1. My full name is Peter Dean Reaburn.
2. I prepared the s42A report dated 10 October 2024. I refer to my qualifications and experience in my original report and do not repeat those matters here.
3. This s42A Addendum Report follows the receipt and review of evidence provided on behalf of the Applicants and submitters and expert conferencing held on 1 November 2024.
4. This Addendum is supported by Addendum Memoranda from:
  - Stephen Brown (Landscape)
  - Alistair Ray (Urban Design)
  - Dr Roja Tofaraji (Open Space)
  - Rob Greenaway (Open Space)
  - Carolyn O'Neil (Heritage)
  - Andrew Temperley (Transport)
  - Treff Barnett (Freshwater Ecology)
  - Chris Wedding (Terrestrial Ecology)
  - Susan Fairgray (Economics)
5. Together with this report I refer to this as the “**s42A team**”.
6. I attended expert conferencing on Friday 1 November 2024. My individual formal confirmation relates only to the Open Space Joint Witness Statement (JWS). However I observed the entire conferencing.

7. I have attached at Appendix A an “Addendum Version” of provisions. That version is based on the plan change as notified and the Applicant’s Evidence Version. The Addendum Version is explained as follows:
- (a) The Applicant’s planners Mr John Duthie and Mr Ian Smallburn have adopted many of the recommended changes made in the primary s42A report. In a limited number of cases the recommended changes have been further reworded, and that rewording has been accepted / supported by the s42A team. These agreed changes are identified in black text in the Addendum version. They are generally not referred to further in this report, acknowledging however that this is an agreement between the Applicant’s planners and the s42A team only and is not intended to represent agreement with all submitters.
  - (b) Subsequent to receipt of evidence and participation in expert conferencing I have discussed further recommended changes with the Applicant’s planners that we have agreed. This is also shown in black text in the Addendum version and, where significant, are referred to in this report.
  - (c) The Addendum Version highlights some recommended changes in orange text that I have not had the opportunity to discuss with the Applicant’s planners and which may or may not be acceptable to the Applicant. I expect that this will be clarified before the hearing commences.
  - (d) The blue text solely relates to the Precinct name issue. I maintain the position as indicated in the primary s42A report that I consider this matter needs to be fully heard and considered by the Panel. In the meantime the default, existing, Wairaka name is used – that can be readily changed should the Panel decide a change is justified. I would like to clarify that in retaining the current name this does not indicate that I oppose a name change.
  - (e) The red text identifies outstanding issues, i.e. where it is clear that the Applicant and s42A teams do not agree. This is a combination of Applicant’s provisions that the s42A team considers should be deleted and further provisions the s42a team proposes that the Applicant does not agree with.
8. To a large extent the issues identified in the primary s42A report remain as issues. However there are a number of refinements that are proposed in this Addendum reporting. These are discussed under the following Issues Topic headings. The overall evaluation that has been carried out is summarised in a s32AA table at the conclusion to this report.
9. It is recognised that the Panel will need to assess and make decisions on what evidence is to be preferred. The options are now fairly clear. My s32AA evaluation of the options is presented as part of this Addendum report, taking into account the primary s42A report and a further evaluation that has been conducted after considering the evidence received, and the JWSs.

## Issue Topic 1 – Master Plan / Vision

10. The Master Plan / Vision issue was a subject of expert conferencing. The Urban Design / Landscape JWS records the following:

- 3.1 All experts agree that the intended built character for the precinct is based on a series of high quality intense/tall predominately residential buildings supported by a series of both public and private/communal open spaces and avoiding a car dominated environment. SB and AR additionally consider descriptor “park like setting” together with “generous private/communal open spaces...” should be included in the above.
- 3.3 MR, PK and RdL consider that there is sufficient certainty and clarity, that future consent applications can be fully assessed, the proposed precinct plan contains sufficient precinct wide direction (and sets a spatial framework), and no additional provisions or guidance material is needed. In respect of the reference masterplan MR, PK and RdL consider this is not suitable for use in the assessment of consent applications. MR, PK and RdL is supportive of design review mechanisms. Notwithstanding this MR, PK and RdL are not opposed to additional description type material across the provisions explaining the intended character outcomes (which could be based on the statements in 3.1).

11. I have drafted a number of provisions following from this. They include:

(a) Recognition of a built form outcome in the precinct description:

The intended built character for the precinct is for a series of high quality intensive, predominately residential buildings which are located within an identifiable open space / landscaped setting, which is supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.

(b) The underlined addition to existing Objective 2:

Comprehensive planning and integrated development of all sites within the precinct is achieved, including by enabling high quality intensive, predominately residential buildings which are located within an open space / landscaped setting supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.

(c) A new policy 13A

Require residential development to contribute to the overall built form character of the precinct by providing buildings within an identifiable open space / landscape setting, supported by a series of both public and private/communal open spaces and avoiding car dominated environments.

(d) Reference to Policy 13A in the assessment criteria ((334.8.2 (1A)(b)(i))

(e) A new Special Information Requirement (I334.9(c))

A resource consent application for any development must include a design assessment report from the Wairaka Design Review Panel.

(f) Reference to the Design Review Panel Report in the assessment criteria (I334.8.2(1A)(b)(ii)):

The extent to which the development complies with the design assessment report of the Wairaka Design Review Panel.

12. Mr Ray and Mr Brown support these amendments, whilst still having reservations about the absence of a master plan.
13. I note all new building development in this precinct requires a resource consent. I consider, including with the extra provisions above, that there is a good assessment framework for giving greater confidence that there will be high quality built outcomes. Even so, regulation can only do so much to guarantee good outcomes. It is a lot easier when the developer themselves insist on high quality. While the Rōpū have been largely in the background through this plan change process I see no reason that this should not be the case based on the developments that have been proposed and approved to date. The development process can also be assisted by input from others, and for that reason I support a dedicated design review process that would be bespoke to this major intensification area of Auckland (and, for that matter, the country). This is not new – the process is already in place in through the Hobsonville Point Precinct provisions, for instance. Obviously, the Design Review Panel will need to be set up through an appropriate process and there will be costs. Those costs are well justified, in my view.

## **Issue Topic 2 – Height**

14. There are three issue matters relating to height.

### Height Area 1

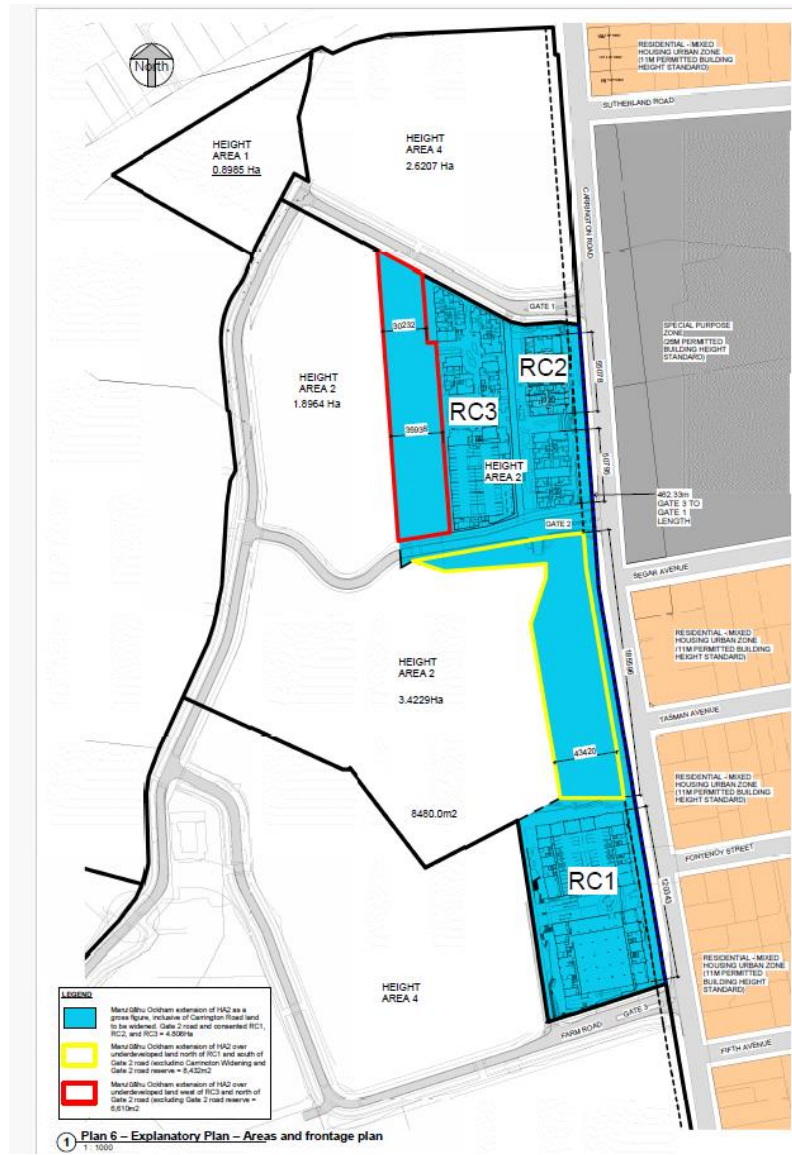
15. While the Applicant through their evidence has modified the proposed controls – the lower tower being required to be closest to the Oakley Main Hospital building - the Height Area 1 issues remain unresolved. The primary s42A report assessments should be referred to in that respect. Briefly, the tower heights proposed are not required to give effect to the NPS-UD – are not in a location that the NPS-UD, or the RPS, seek for the highest degree (height) of intensification. There are also effects, in particular landscape effects, that (relying on Mr Brown's evidence) cannot be mitigated. Mr Brown in his Addendum Review, adds adverse effects on views to a natural landmark - Maungawhau / Mt Eden – to his previously stated concerns. Mr Ray maintains the concerns he expressed in his primary memorandum, noting that some of these could be mitigated through extra design control.
16. Put simply, the s42A recommendations remain that Height Area 1 should be deleted – then becoming part of Height Area 2 (35m maximum). This is as shown on the revised Precinct Plan 3 in Appendix A. All references to provisions relating to Height Area 1 are also removed.
17. In terms of costs, of removing the ability (at least without complex resource consent processes) to construct towers, Ms Fairgray has concluded that these would be unlikely to be significant, either economically or, across the precinct as a whole, in terms of the dwelling yield likely to be delivered by the market within the precinct.

### Carrington Road

18. The Applicant has modified its height standard relating to the Carrington Road frontage. The 27m height originally sought remains, however this must now be at an entire building setback of 2m – previously it could be at the (future) site frontage.
19. Mr Brown maintains the view he expressed in his primary Review. As with my original recommendations I have adopted Mr Ray's position in the Amended Provisions – so there is now alignment in that respect with what the Applicant proposes. Should the Panel prefer Mr Brown's opinion then the provisions will need to change.

### Marutūāhu Rōpū and Ockham Group Limited Evidence

20. Marutūāhu Rōpū and Ockham Group Limited seek a number of changes relating to land in the northern part of the precinct, up to Carrington Road. These are summarised in the submitter's planning evidence from Jethro Joffe and include a substantial expansion of Building Height Area 2 (35m) into the notified Building Height Area 4 (27m). Associated changes are proposed to the height standards affecting the Carrington Road frontage.
21. An economic assessment of this submitter's proposal is given in the Addendum Review from Susan Fairgray. Ms Fairgray considers that the increased height is likely to increase the feasibility of apartment dwellings (taking into account the scale and timing of market demand) and therefore increase the dwelling supply from these developments. However, Ms Fairgray also notes that the change to height may have some effect on the dwelling mix in the precinct, through increasing the incentive in these areas to develop a greater portion of sites as apartment buildings over terraced housing. In my view the height limitations within the precinct are an important component of achieving a desired mix of dwellings and the changes sought may affect this balance
22. The changes sought are not supported by Mr Ray (urban design) or Mr Brown (landscape), apart from the area bordered in red in the plan below.



Plan 6 – Evidence of Jethro Joff

23. The area bordered in red is located between the approved development RC3, which exceeds 27m in height, and the notified Building Height 2 area. I agree that it is appropriate for this relatively narrow area of land to be relocated into the Building Height 2 area. This area is located within the precinct, i.e. away from precinct boundaries. As confirmed in the Heritage JWS, this change is not opposed by the heritage experts.
24. This amendment has been incorporated into the revised Additional Height Precinct Plan 3 in Appendix A.

### Issue Topic 3 – Trees / Historic Buildings / SEA

25. I have grouped the issues relating to trees, historic buildings and Significant Ecological Area (SEA). My understanding is that the Applicant's experts do not oppose the conclusions that have been reached by the Council's experts, i.e. that the features identified are worthy of consideration for identification or scheduling<sup>1</sup>. The issues relate more to scope, whether it is appropriate to use this plan change process rather than standard scheduling processes and whether the recommendations have been sufficiently assessed from a s32 perspective.
26. The primary s42A report addressed the issue of scope. I acknowledge that it would not be within scope to identify or schedule or change overlays relating to trees, historic buildings or an SEA in other parts of the AUP. Identification and management of these resources needs to be undertaken within the precinct provisions. In brief, I consider PC 94 to be a major change to the precinct that requires consideration of all resources within the precinct that may be affected by that change. As one example, the plan change identifies a development area in the south-eastern corner of the site which in my view has greater implications in relation to an historic building in that area – Penman House – than does the current precinct. Over the precinct as a whole, the significantly greater intensification proposed highlights the importance of retaining important elements of existing character – an issue raised in many submissions and also by Council's reviewing specialists.
27. In respect of whether PC 94 is an appropriate process I note, in respect of trees, there is already an identification and management regime within the precinct provisions. The recommendations that have been made in respect of trees update and add to what is already there.
28. I acknowledge that there are not similar provisions relating to the identification and management of historic buildings. However, as referred to by Ms O'Neil in her Addendum Review, there are examples in other AUP precincts.
29. The SEA proposed by Council's terrestrial ecology expert Chris Wedding was not recommended by me in the primary s42A report. That is because I had less confidence in being able to effectively replicate SEA overlay provisions within the precinct provisions. Unlike the tree and historic building matters referred to above I am not aware of a relevant example of this being done elsewhere in the AUP.
30. Mr Duthie and Mr Smallburn refer in their evidence to most of this area being within land that is retained by Unitec. While it is still part of the precinct I accept that the basis for addressing that area in response to what the plan change proposes – i.e. greater residential intensification – does not have the same relevance in this location of the precinct. On balance, therefore I do not recommend a precinct-specific response to this matter. This could be a matter revisited later, perhaps at the stage of AUP Review.

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<sup>1</sup> The Applicant has not provided an arboricultural review

31. In relation to a s32 analysis, I consider the basis for assessing the significance of these features is comprehensively addressed in the primary s42A reporting. There are benefits in retaining these resources. The cost of not offering them protection now, particularly in areas that are identified for development, is that they could be lost.
32. In respect of trees Mr Duthie and Mr Smallburn refer in their evidence to a particular concern over additional trees recommended in the primary s42A report – being trees numbered 56, 60, 68 and 72. These trees are considered by the Applicant to be in areas that would significantly compromise development. I have raised that matter with Council's specialist arborist, Christy Reynolds. Mr Reynolds has responded to me via email dated 5 November 2024, as follows:
- I've had a look at the trees the applicant has issue with.
- These trees are not overly significant and species wise are well represented in the area. If these are the only trees the applicant is concerned with then I can agree to have these removed from the plan.
- That being said as the applicant has not raised any concerns over any additional trees I would expect that no further tree removals would be required and that there is no objection to the other recommended trees being included in the Precinct Plan.
33. On this basis I have removed trees numbered 56, 60, 68 and 72 from the recommendations. This is reflected in an amended table and Precinct Plan 2 in Appendix A.
34. An economic assessment of the impact of the proposed historic building protection on dwelling development potential across the precinct is given in the Addendum Review from Susan Fairgray. Ms Fairgray concludes that the identification of Penman House in particular will have an effect on the development potential in that part of the precinct. However her analysis, taking into account the variables that exist over the precinct as a whole, is that the effects will not be significant. Protection of Penman House from demolition is unlikely to have a significant impact on the overall dwelling yield for the precinct with sizeable opportunity to alternatively achieve the same level of development in other parts of the precinct.
35. Notwithstanding the above I acknowledge that the originally proposed non-complying activity status for demolition of historic buildings may not be justified given the (as currently proposed) identification rather than scheduling status of those buildings. That category has been amended in Attachment A to now be Discretionary.
36. Also in relation to the proposed Historic Building provisions Craig McGarr in his evidence on behalf of Health New Zealand - Te Whatu Ora raises concerns about some of the provisions recommended in the primary s42A report relating to the identified buildings. I have refined the provisions of concern so that it is clear that they relate only to the buildings themselves and that they do not affect development



that is proposed outside those buildings.

37. Finally, I note that there has been a correction to the proposed activity (A33) in Activity Table I334.4.1 so that it correctly relates to managing demolition or destruction of 30% or more by volume or footprint of an Identified Historic Building (rather than 70%).

#### **Issue Topic 4 – Open Space**

38. The issues relating to open space remain unresolved. The analysis and conclusions reached in the primary s42A reporting are not repeated here, apart from the following.
39. I accept the point made by Mr Duthie and Mr Smallburn in their evidence that the bespoke standard relating to provision of open space (which they oppose generally) may not be justified in respect of Sub-precinct C. That Sub-precinct is not subject to the height changes proposed in PC 94 and contains standard Residential Mixed Housing Urban and THAB zonings. I acknowledge that the bespoke standard has been considered necessary because of the unique situation applying to the significant intensification to be enabled in the proposed Business – Mixed Use zoning and Additional Height areas. I have therefore amended the proposed standard so that it does not relate to Sub-precinct C. In order to provide the clarity sought in the evidence of Craig McGarr in his evidence on behalf of Health New Zealand - Te Whatu Ora it is also made clear that the standard does not apply to Sub-precinct A (the Mason Clinic site).
40. I also accept a point made by Maylene Barrett in her evidence on behalf of Open Space for Future Aucklanders Incorporated that there will be complexities in applying the standard in practice<sup>2</sup>. These will include the need to keep a running tally of open space.
41. I do not agree that the standard will be ineffective. However the wording of the standard has been amended in the Appendix A provisions now recommended so that it has greater clarity. It also potentially provides, in response to a concern raised by Mr Duthie and Mr Smallburn in their evidence, that the standard could be partially met, subject to set parameters, by communal areas within large private developments.
42. Ms Barrett outlines other options, being:
- (1) vesting of open space
  - (2) zoning the additional land open space (with commensurate height limits)
  - (3) the existing framework already established by the development contribution provisions

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<sup>2</sup> Maylene Barrett evidence, paragraphs 294 - 298

(4) by Financial Contributions

43. Options 1 and 3 are already part of Council's approach to acquiring land for open space. They have been envisaged and taken into account in the analyses that have been conducted by Dr Tafaroji and Mr Greenaway. Option 4 is theoretically a possibility, however the Council process in respect of open space uses development contributions rather than financial contributions.
44. Option 2 (zoning open space land) would provide greater certainty and in principle that is not an option I oppose. I assess it in the s32AA table below and consider it may have merit. I note that Precinct Plan 1 identifies areas of open space, rather than zoning them. In the Open Space JWS, and in her Addendum Review, Dr Tafaroji has indicated she is not opposed to a greater area of open space being shown on Precinct Plan 1, including as proposed by Ms Barrett. That is shown on an Option 2 Precinct Plan 1 in Appendix A. In my view that option, and any zoning option, would need to be associated with more certainty as to how those areas would be owned and managed.
45. In respect of the recommended Option 1 Precinct Plan 1 I note the legend has been amended so that the identification of open space areas is "indicative". That is a signal that the areas are not necessarily in their final location and / or shape. These are matters that would be assessed at later consenting stages, including the normal process of discussion with Council (and the Local Board) about acquisition / vesting.
46. Ms Fairgray has conducted an assessment of the effects of extra open space being required on dwelling yields across the precinct. While the new standard may require up to 4ha or more I have suggested Ms Fairgray use a figure of 3ha noting the change to the standard excluding Sub-precinct C and the opportunity to provide communal open space in large developments. Ms Fairgray confirms that, if some residential areas are instead used as open space, there is still the ability to achieve the same yield across the precinct overall through increased development in other parts of the precinct given the difference between the indicated yield (4,600) vs. the level of opportunity (potentially up to 7,300 if developed to the maximum enabled height). This could occur either through additional storeys on sites already suggested for apartment dwellings or as terraced housing sites instead developed as apartments (noting the impact on dwelling mix).

**Issue Topic 5 – Transport**

47. Andrew Temperley has provided an Addendum Review on transport matters. It raises potentially serious issues relating to parking and traffic generation. These issues were not envisaged in the original assessments made, however Mr Temperley made it clear in his primary s42A Transport Review that he was waiting on final modelling work. He reserved his position pending that work being provided.
48. As noted by Mr Temperley, Auckland Transport's (AT) evidence has now raised a

concern that the assumptions the Applicant has used for calculating the parking within the precinct are not supported and the parking assumed to be required is significantly less than what will practically be required.

49. In her corporate evidence for AT Marguerite Pearson seeks<sup>3</sup>:
- a. the addition of a standard in the General Provisions of the Precinct Provisions to manage car parking effects, which sets an average car parking rate to be based on area (1 parking space per 80m<sup>2</sup> GFA) across the Precinct.
50. No wording is provided for that recommendation and I am not sure what that could be, or whether it is relevant or justified. In that respect I note that the Applicant's parking assumptions are not in the provisions – they are in the ITA. On that basis it would seem more appropriate to change the ITA, not the provisions. It also seems to be implied that in setting a parking rate it becomes a minimum, which is not possible under the NPS-UD. Further clarification is required on this matter and I have not addressed it specifically in the Appendix A provisions.
51. What has been addressed is the matter of requiring a Parking Management Plan. The debate to date appears to have been about managing parking on roads – a matter AT does not wish to engage in. However Mr Temperley considers that parking management goes beyond just roads and should be a matter for a developer to address in applications. Given the concerns about parking overspill on to roads and, now, how much parking will be required the recommended response is to require an applicant to provide a Parking Management Plan as a special information requirement - to then be part of the overall development assessment. I support that change and have recommended extra provisions in Appendix A accordingly.
52. Mr Temperley observes that AT's concerns about parking required in the precinct being significantly greater than has been assumed will have a flow on effect in terms of traffic generation that has not been taken into account in modelling. That raises a concern about the adequacy of the modelling which needs to be addressed. Mr Temperley has advised me that he is available to take part in discussions between the experts on that issue.
53. Ms Pearson also recommends:
- b. an infrastructure trigger is included in the Precinct provisions that requires two Carrington Road intersections (Gate 1, 2 or 3) to be upgraded prior to exceeding 600 dwellings;
54. I assume this means Access positions A, B or C as shown on Precinct Plan 1. I am familiar with these trigger-type provisions and understand Mr Temperley is not opposed to the recommendation. However no provision wording has been provided by the submitter and it is not clear exactly what AT is seeking. I am available to further discuss this matter prior to the hearing so that the parties can be clear on what is sought.

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<sup>3</sup> Marguerite Pearson evidence, Paragraph 11.2

## Conclusion

55. In principle I remain in support of PC 94.
56. There outstanding issues have been considerably refined, at least as between the s42A team and the Applicant. The remaining issues are significant. I acknowledge that the open space issue and the more recently raised traffic generation issue in particular that may require further advice for the Panel to be satisfied that it has sufficient information on which to make a decision. The s42A team is available to assist as the Panel may require.



Peter Reaburn  
Reporting Planner  
6 November 2024

## Summary Section 32AA Evaluation – s42A Addendum Version

**Note: Key Provisions from Planning Instruments appear in evidence**

S42A Option Proposed	MHUD Option (Position as at 6 November 2024)	Costs and Benefits (see s42A reporting)	Risk of Acting/Not acting if insufficient Information	Effectiveness and Appropriateness
Built Form Outcome (Vision for the Precinct) Relates to: Precinct Description Objective (2) Policy 13A Assessment Criterion I334.8.2(1A)(b)(ii) Special information Requirement I334.9 (1)(d)	Accepts in principle however wording not agreed	Benefits of having clear built form outcome statements and a dedicated design review process are that there is greater certainty of high quality built form outcomes.  There will be an economic cost of setting up and running an Urban Design Panel  Cost of not having the extra provisions proposed and a dedicated design review process are that there is more risk of there being development that is not comprehensively addressed or integrated, and of an overall lower quality.	It is considered there is sufficient information.	The option is considered appropriate given an assessment of costs and benefits.  The provisions proposed can be efficiently and effectively administered through the type of processes that are well established and understood.
Height Area 1 (no Towers)  Relates to: Standard I334.6.4 Height Precinct Plan 3	Height Area 1 (Towers)  Relates to: Precinct Description Objective 13 Policy 14A Activity (A21E) Standard I334.6.4 Height Standard I334.6.9B Maximum tower dimension – Height Area 1 and Area 2 Matters of discretion I334.8.1(1B) Assessment Criteria I334.8.2(1B)	Benefits relate to avoiding adverse landscape effects and having a development form that is more aligned with the NPS-UD and RPS. Also less risk for effects on the Oakley Hospital Main Building (noting the possibility these could be mitigated through design changes)  Costs relate to the potential for adverse landscape effects and having a development form that is more aligned with the NPS-UD and RPS  There are acknowledged costs on the amenity towers may provide for residents, including views and proximity to Pt Chevalier town centre.  Costs on development potential – see Specialist Economic Review from Susan Fairgray. Taken overall for the precinct costs are not significant.	It is considered there is sufficient information.	The option is considered appropriate given an assessment of costs and benefits.  The provisions proposed do not affect efficiency and will be effective in mitigating adverse effects.
Height Area 2 Relates to: Precinct Plan 3	N/A – issue raised by	The change to building Height Area 2 recommended can be accommodated without significant costs on urban design, landscape or heritage. The full changes proposed create inappropriate urban design and landscape effects.  Benefits of extra development potential are at the risk of affecting housing typology mix – see the Specialist Economic Review from Susan Fairgray. This is acceptable for the limited change to building Height Area 2 recommended	It is considered there is sufficient information.	The recommended option is considered appropriate given an assessment of costs and benefits.  The full changes proposed by the submitter are not considered appropriate.  The provisions recommended do not affect efficiency and will be effective in balancing costs and benefits.
Trees Relates to: Precinct Description Table I334.6.7.1 Precinct Plan 2	No changes proposed to existing precinct	Benefits are that trees worthy of protection are identified and that an important part of the character of the precinct is better retained.  Costs on development potential – see Specialist Economic Review from Susan Fairgray. Taken overall for the precinct costs are not significant.	It is considered there is sufficient information.	The option is considered appropriate given an assessment of costs and benefits.  The provisions proposed can be efficiently and effectively administered through processes already established in the precinct provisions.
Historic Buildings Relates to: Precinct Description Objective (6) Policy (4)(i) Policy (11A) Activity (A33A) Standard I334.6.7A Table I334.6.7.1 Precinct Plan 4	No changes proposed to existing precinct	Benefits are that historic buildings worthy of protection are identified and that an important part of the character of the precinct is better retained  Costs on development potential – see Specialist Economic Review from Susan Fairgray. Taken overall for the precinct costs are not significant.	It is considered there is sufficient information.	The option is considered appropriate given an assessment of costs and benefits.  The provisions proposed can be efficiently and effectively administered through the type of processes that are well established and understood.

Parking Management Plan Relates to: Special information Requirement I334.9 (1)(e)	No changes proposed to notified provisions	Benefits relate to obtaining more certain information about the potential for adverse effects arising for parking or lack of parking, and responding accordingly.  There will be costs in the need to prepare a Parking Management Plan. The cost of not requiring that plan is the risk for adverse effects, including in relation to on-street or illegal parking.	Possibly insufficient information is a reason to require the further information and analysis that the extra provision would require.	The option is considered appropriate given an assessment of costs and benefits.
Building to Building Setback Relates to: Standard I334.6.9A	Alternative building separation standards are proposed	Benefits relate to mitigating effects of building dominance, shading and privacy.  Costs are estimated to be associated with design of buildings, for instance to ensure habitable rooms are not facing.  Alternative positions may be proposed in consent applications, however consent processes are required regardless.	It is considered there is sufficient information.	The option is considered appropriate given an assessment of costs and benefits.
Open Space Option 1 (20m <sup>2</sup> standard) Relates to: Activity (A33B) Standard I334.6.9C Special information Requirement I334.9 (1)(f) Precinct Plan 1	No changes proposed to notified provisions	Benefits are that future communities will have adequate access to open space.  The cost of not providing certainty that there is sufficient access to adequate open space is that future communities will be deprived of adequate access to open space  Costs of extra open space required on development potential – see Specialist Economic Review from Susan Fairgray. Taken overall for the precinct costs are not significant.	It is recognised that there are uncertainties relating to the required provision for open space due to the unique, high intensity nature of development that would be enabled. However the risk of not acting is that future communities will be deprived of adequate access to open space.	The option is considered appropriate given an assessment of costs and benefits.
Open Space Option 2 (Open Space Zoning or similar mapped open space, with or without an associated standard)	No changes proposed to notified provisions	Benefits (compared to Option 1) are that future communities will have more certain knowledge of what open space is available, and where.  Costs (relative to Option 1) include greater uncertainty relating to community / public vs private ownership and management arrangements.	As above, it is recognised that there are uncertainties relating to the required provision for open space due to the unique, high intensity nature of development that would be enabled.	The option is considered potentially appropriate given an assessment of costs and benefits but would need to be subject to an overall assessment of community / public vs private ownership and management arrangements.

PRIVATE PLAN CHANGE 94: 6 November 2024

## **S42A APPENDIX A Addendum Version**

In this version:

- The **black text** incorporates PC75 decision wording (anticipated to be made operative prior a decision on PC94) and **additions** / ~~strikethrough~~ to that wording that is agreed between the Applicant and Council. Note: this text does not reflect what are / may be outstanding issues for submitters.
- The **blue text** is the default (existing Wairaka) name of the precinct – the requested change (to Te Auaunga) is not opposed however a recommendation has not been made pending the Panel receiving further evidence on that matter.
- The **orange text** identifies further requested changes (**additions** and ~~deletions~~) which respond to the s42A Addendum Report recommendations, including matters arising from expert conferencing held 1 November 2024. These matters are not yet finally agreed as between the Applicant and Council and may or may not contain outstanding issues.
- The **red text** identifies changes to the Operative Precinct provisions which are:
  - (i) **underlined** - s42A recommendations understood to be opposed by the Applicant.
  - (ii) ~~strikethrough~~ – proposed by the Applicant and opposed in the s42A reporting
- Comments boxes are included to cross-reference parts of the s42A Addendum Report

I334 [Wairaka](#) Precinct

**PRIVATE PLAN CHANGE 94:**

**PART A AMENDMENT TO THE MAPS**

**ZONING**

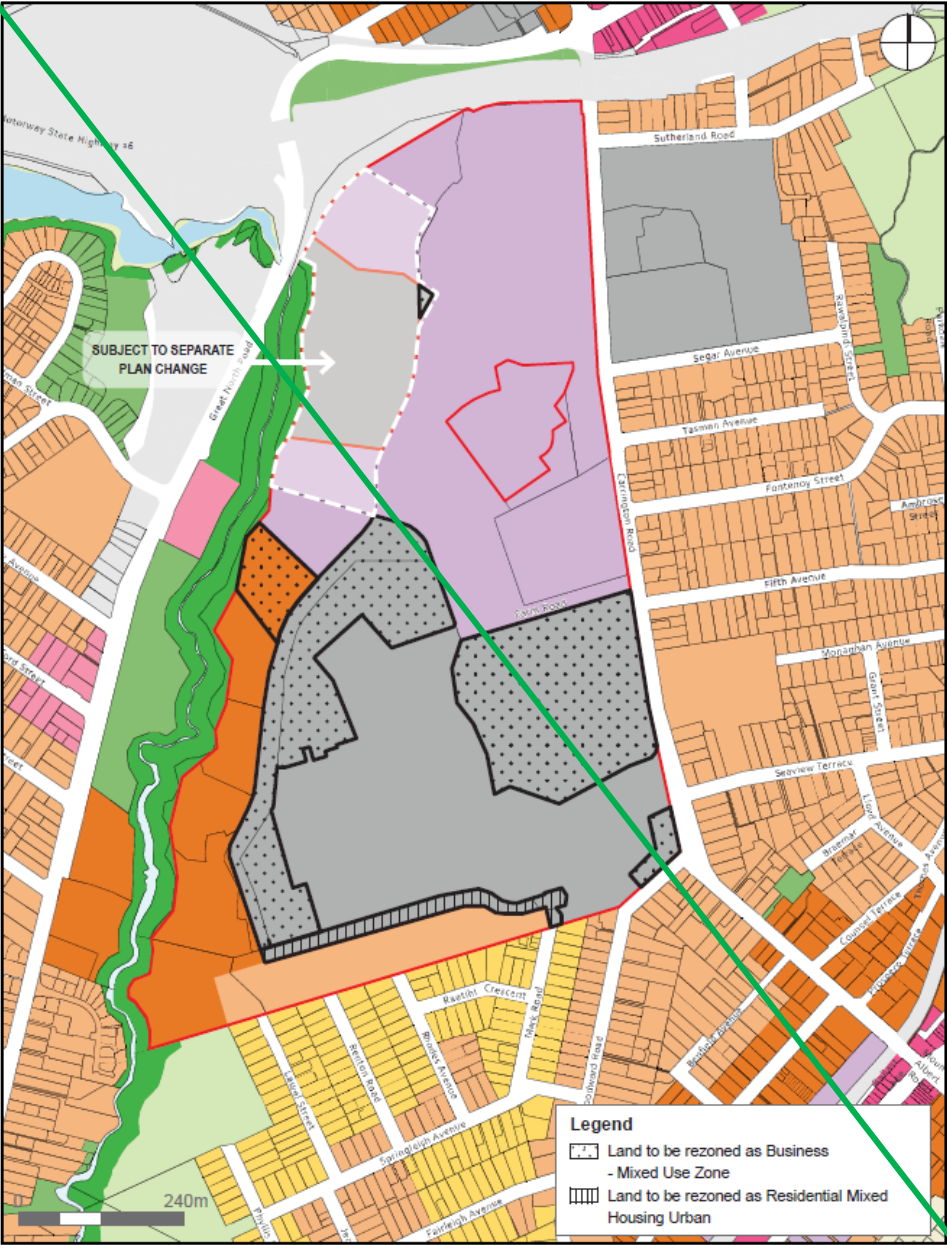
The land currently zoned Special Purpose - Tertiary Education and Special Purpose – Healthcare Facility and Hospital is rezoned Business: Mixed Use and Residential: Mixed Housing Urban as shown on the Map 1 plan.

**PRECINCT**

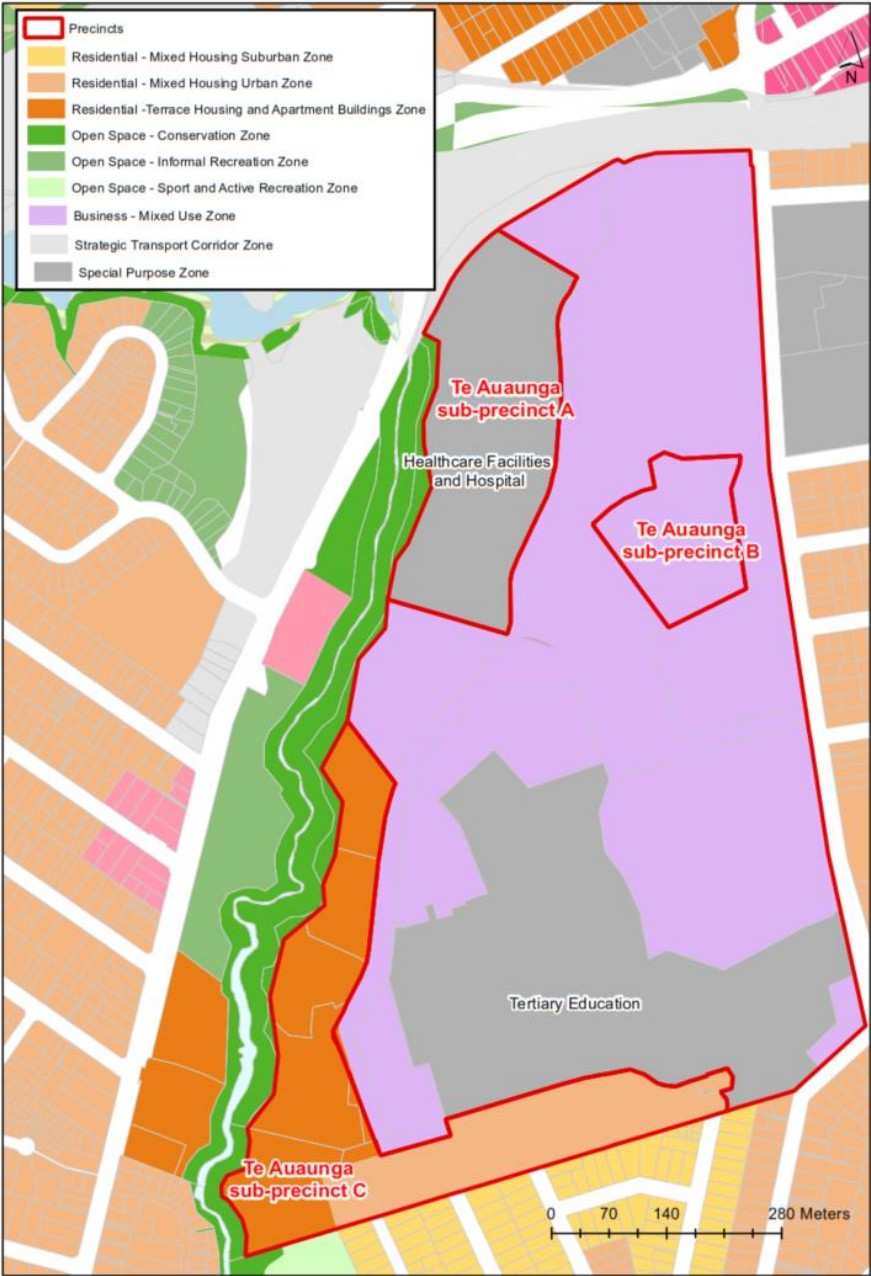
The [Wairaka](#) Sub-Precinct boundaries are amended as shown on the Map 1 plan.



Map 1 – Zoning



Map 1 – Zoning and Precincts / Sub-Precincts



## PART B AMENDMENT TO I334 TE AUAUNGA PRECINCT

Insert the following new precinct provisions:

### 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-Te Auaunga Waterway 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 Ngāi Whātua Ōrākei own contiguous blocks of land that make up the site.

The Precinct has been occupied for over a millennium, forming part of Te Auaunga basin below Ōwairaka / Te Ahi-kā-a-Rakataura, through which flows Te Wai o Raka and which comprised many mahinga kai. It is also beside one of the significant waka portages between the Waitematā and Manukau harbours. Over successive generations, it was a place of activity, including farming, harvesting and trade.

From the late 1800s the land formed part of the Oakley Hospital, one of New Zealand's oldest purpose-built psychiatric hospitals. The complex was established on 200 acres of farmland, which developed to comprise a series of historic buildings that supported the hospital's functioning, growth, and evolution during the late nineteenth and early twentieth centuries. Chief among these is the Oakley Hospital Main Building, a scheduled historic heritage place of outstanding significance that has long stood as a distinctive and recognisable landmark in the local landscape. The original Pumphouse also remains and is protected by a conservation covenant.

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 institution. 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 enables a variety of housing typologies and a range of community, commercial and social services 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 area 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 intended built character for the precinct is for a series of high quality intensive, predominately residential buildings which are located within an identifiable open space / landscaped setting, which is supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.

A range of building heights are applied across the precinct that recognise the favourable size, location and topography of the land within the precinct. These heights recognise the

relative sensitivities of adjoining and adjacent neighbouring properties, with greater height applied to areas where the potential adverse effects can be managed within the precinct. In the north-western corner of the site height is also proposed to act as a landmark for the development, supporting the urban legibility of the precinct.

The precinct incorporates the Medium Density Residential Standards (MDRS) set out in Schedule 3A of the Resource Management Act 1991. The MDRS provide for the use or construction of up to three dwellings as a permitted activity, complying with identified Standards in the relevant residential zones. The outcomes anticipated in the precinct correspond to the Residential – Mixed Housing Urban Zone and Residential – Terrace Housing and Apartment Buildings Zone with MDRS incorporated. The precinct provisions apply except to the extent the MDRS are incorporated.

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 covers 64.5ha. It provides for a mixed use urban community including an ultimate residential community of 4,000 – 4,500 dwellings, supported by a range of retail and other support activities, including enabling schools and community services. It includes a major tertiary education institution (Unitec) and a major medical facility (Mason Clinic). Light industrial activities also occur on the site.

The Wairaka Precinct provides objectives for the restoration and enhancement of Māori capacity building and Māori cultural promotion and economic development within the precinct.

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

- Sub-precinct A provides for healthcare/hospital related 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, as well as other activities or enabling works which do not compromise the laundry service while this facility is in operation.
- Sub-precinct C to at 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,

Commented [PR1]: s42A Addendum Report Issue Topic 2 Height

and future areas introduced through the development of the precinct. These include the following:

- The significant ecological area of Te Auaunga / 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 Main Building and historic heritage overlay extent of place, identified historic buildings the Pumphouse, 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 1 outcomes is dependent on a series of works. The works focus on the provision of open space and a roading network including access ~~from the east~~ to the important Te Auaunga / Oakley Creek public open space, walking and cycling connections linking east to west to Waterview and areas further west to Point Chevalier/Mount Albert, north to south to Mount Albert and to Point Chevalier, and linkages to the western regional cycle network.

The precinct provides for stormwater treatment for all land within the precinct, prior to entering Te Auaunga / 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-Te Auaunga over-bridge~~ to the proposed bus node Carrington Road bus services, the adjacent Northwestern shared path 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, including walking and cycling connections to nearby public transport and expansion of the public transport network through the precinct;

**Commented [PR2]:** s42A Addendum Report Issue Topic 3  
Trees / Historic Buildings / SEA



### I334 Wairaka Precinct

- Managing vehicular movements through the connections to the south of the site;
- Managing parking to avoid, remedy, and mitigate ~~the~~ 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 Plans 1, 2 and 3 and relevant policies, rules and assessment criteria encourage land owners to develop the land in a coordinated manner. ~~This~~ These methods provides for integrated development of the area and ensures high quality outcomes are achieved.

~~The precinct incorporates the Medium Density Residential Standards (MDRS) set out in Schedule 3A of the Resource Management Act 1991.~~

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

##### General – all of precinct

- (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, ~~including by enabling high quality intensive, predominately residential buildings~~ which are located within an open space / landscaped setting supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.
- (3) A mix of residential, business, tertiary education, ~~education facilities,~~ social and community facilities, recreation and community activities ~~are provided in locations that will serve local demands within the Wairaka Precinct and which maximises the efficient and effective use of land and provides for a variety of built form typologies.~~
- (4) The operation and intensification of the healthcare/hospital activity, 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, as well as other activities or enabling works which do not compromise the laundry service while this facility is in operation.
- (6) Identified heritage values are retained ~~through~~ by:
  - (a) ensuring the retention and enabling the adaptation of the Oakley Hospital Main Building and the Pumphouse ~~scheduled buildings;~~
  - (b) retaining and encouraging the adaptation of identified historic buildings;

**Commented [PR3]:** s42A Addendum Report Issue Topic 1  
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**Commented [PR4]:** s42A Addendum Report Issue Topic 3  
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- ~~(c) (b) retaining the retention of identified trees;~~
- ~~(d) (c) together with managing the management of the historic heritage, and~~  
Māori sites of significance on Te Auaunga / Oakley Creek land; ~~and~~
- ~~(e) (d) and the contribution they make recognising, protecting and enhancing the~~  
contribution that these features 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 ~~P~~precinct to the wider area and neighbouring suburbs, including linkages between activities and open spaces ~~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 ~~P~~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.
- (9A) Occupation of development does not occur in advance of the availability of water supply and wastewater services for that development.
- (10) An integrated urban environment is created, which:
  - (a) Incorporates high quality built form and ~~urban~~ design including a variety of built form typologies;
  - (b) Recognises, protects and enhances the natural and physical environmental attributes of ~~Wairaka the precinct in its planning and development of the Precinct;~~
  - (ba) Ensures a range of high quality, well located and connected, and suitably sized open spaces are able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct;

#### I334 Wairaka Precinct

- (c) Avoids, mitigates and remedies adverse effects on the environment and existing stormwater, water supply, wastewater and road/s infrastructure, recognising that the precinct stormwater system services areas beyond Wairaka the precinct boundary;
- (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; ~~and~~
- (f) Contributes to Māori cultural promotion and economic development.

(11) Provide for retail, food and beverage activities and commercial services in identified locations to serve local demands 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.

(12) The restoration and enhancement of Māori capacity building and Māori cultural and economic development within the precinct is provided for, promoted and achieved.

(13) Provide for varied heights in appropriate parts of the precinct so as to provide greater housing choice, promote land efficiency, benefit from the outlook from the precinct, and create 'landmark' buildings in the north western part of the precinct.

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

#### **Sub-Precinct C**

~~(A1)~~ (14) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

~~(B1)~~ (15) A relevant residential zone provides for a variety of housing types and sizes that respond to –

- (a) Housing needs and demand; and
- (b) The neighbourhood's planned urban built character, including 3-three-storey buildings.

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

- H5.2(2) Objectives
- H6.2(2) Objectives

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

**Commented [PR5]:** s42A Addendum Report Issue Topic 2 Height



**Note** – For the purpose of the following provisions, ‘dwelling’ means a residential dwelling that has an approved land-use consent or building consent:

I334.3 (23), (23A) and (26B)

**Wairaka Precinct – General – all of precinct**

- (1) Enable and provide for a wide range of activities, including education, business, office, research, healthcare, recreation, residential accommodation, community facilities, open space, 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~~ ensuring integrated development in accordance with the ~~pPrecinct pPlans 1, 2 and 3 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) Intensive Residential accommodation activities;
  - (e) Economic development and employment, including supporting Māori capacity building and Māori cultural promotion and economic development;
  - (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 Oakley Hospital Main Building, and the Pumphouse scheduled identified historic buildings~~, identified trees, and provision of an integrated open space network;

**Commented [PR6]:** s42A Addendum Report Issue Topic 3  
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- (j) Public road and open space access to Te Auaunga / Oakley Creek reserve; ~~or and~~
- (k) Pedestrian and cycle connections within the precinct and 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, including Māori.
- (6) Encourage a mix of residential lifestyles and a variety of housing typologies to cater for a diverse and high density residential community at Wairaka.
- (7) Provide for a mix of residential and business activities which will enable development of an intensive residential core to well-functioning urban environment in the Wairaka Precinct.
- (8) Enable a broad range of educational, research, laboratory, office and business uses which meet the needs of, 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 Te Auaunga / Oakley Creek and the Motu Manawa Marine Reserve.

#### Built Form and Character

- (11) ~~Encourage~~ Ensure the retention of and encourage the adaptation of the heritage and character buildings Oakley Hospital Main Building and the Pumphouse, and elements identified within the precinct.
- (11A) Encourage the retention of other identified historic buildings.
- (12) Provide for and encourage the adaptation of the ~~scheduled part of the heritage building~~ Oakley Hospital Main Building and the Pumphouse identified historic buildings for economically viable activities (e.g. retail and other activities) which ensure ongoing economic sustainability for ~~this~~ these buildings and ~~its~~ their 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.
- (13A) Require residential development to contribute to the overall built form character of the precinct by providing buildings within an identifiable open

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space / landscape setting, supported by a series of both public and private/communal open spaces and avoiding car dominated environments

**Commented [PR8]:** s42A Addendum Report Issue Topic 1 Master Plan / Vision

- (14) Require proposals for new buildings, structures and infrastructure or additions to existing buildings, structures and infrastructure adjoining or adjacent to the Oakley Hospital Main Building, the Pumphouse, and scheduled historic heritage buildings, and/or the significant ecological area of Te Auaunga / Oakley Creek to provide appropriate native landscaping and to be sympathetic and provide contemporary and high-quality design, which enhances the precinct's built form and natural landscape, and is sympathetic to heritage values.

~~(14A) Provide for taller buildings in the north-western part of the precinct in this landmark location with enhanced outlook across the Waitemata Harbour and Waitakere Ranges, but in a location removed from residential neighbourhoods outside the precinct.~~

**Commented [PR9]:** s42A Addendum Report Issue Topic 3 Trees / Historic Buildings / SEA

- ~~(14A) Require proposals for new high rise buildings adjacent to the Oakley Hospital Main Building to provide sympathetic contemporary and high quality design which enhances the precinct's built form.~~

- (14B) Provide for heights in the central and northern parts of the precinct that recognise the topographical and locational characteristics of this part of the precinct, and the ability to provide greater housing choice, increase land efficiency, benefit from the significant views and outlook from the precinct, and leverage the proximity and amenity of Te Auaunga.

## 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.~~

- (15) Ensure provision of open space, including identified neighbourhood parks, other areas of open space identified on Precinct Plan 1 and communal open space, that together provide a range of high quality, well located, and connected, and suitably sized open spaces able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct.

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

~~(16A) Ensure a safe and integrated network of public open spaces.~~

## 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 the pedestrian and cycling connections to Te Auaunga / Oakley Creek, the adjacent Northwestern shared path and Waterview pedestrian/cycle bridge.
- (19A) Ensure a safe and integrated network of public open spaces including through the establishment of park edge roads.

Commented [PR10]: See primary s42A report

#### 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 1~~;
  - (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~~ Oakley Hospital Main 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 ~~P~~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, Mark Road and the other local roads bounded by Carrington Road, New North Road, and Te Auaunga / Oakley Creek.

(23) Require an new integrated transport assessment for the precinct as part of a resource consent for any new development that will increase the total number of dwellings within the precinct to for any new development greater than 4,000 dwellings. 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 in the precinct, and for any new development greater than 3,000 dwellings in the precinct, where the overall development within the precinct is not consistent with the previously modelled yield.

(23A) Require an updated integrated transport assessment for the precinct as part of a resource consent for any new development that will increase the total number of dwellings within the precinct to greater than 3,000 dwellings, where the transport characteristics of the precinct are not consistent with the approved integrated transport assessment.

(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.~~~~[Deleted]~~

(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 p~~Precinct Plan 1.

(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).

#### **Water Supply and Wastewater Infrastructure**

(26A) Require subdivision and development to provide water supply and wastewater infrastructure prior to the occupation of buildings.

(26B) Require an infrastructure capacity assessment for the precinct as part of a resource consent for any new development that will increase the total number of dwellings within the precinct to greater than 4,000 dwellings.

#### **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.

PC78 (see  
modifications)

- (b) Establishing a 10m setback from the boundary of land that fronts Te Auaunga / Oakley Creek.
- (c) Require graduated building heights and locate higher buildings away from the precinct boundaries ies that adjoin Mixed Housing Suburban residential areas to the south of the precinct.
- (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, restrict 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 p~~Precinct Plan 1 and Policy I334.3(15A).

#### **Sub-precinct A**

- (32) Provide for a range of healthcare, hospital, community facilities, and related accessory activities for the Mason Clinic.
- (33) Enable detailed site-specific planning for the design and development of the Mason Clinic to reflect how the sub-precinct will be used.
- (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 Pprecinct and be of a quality design that contributes to the planning outcomes of the Pprecinct.

(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~~ Provide for other activities that do not undermine the role of the precinct, compromise the operation of the laundry service while this facility is in operation, 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.~~ [Deleted]

#### Sub-precinct C

- (39) Provide a broad range of residential activities adjacent to Te Auaunga / Oakley Creek and residential neighbourhoods to the south of the precinct.
- (40) Provide quality dwellings which face west across Te Auaunga / Oakley Creek providing passive surveillance of the public lands within Te Auaunga / Oakley Creek
- (41) Enable a variety of housing typologies types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.
- (42) Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).
- (43) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
- (44) Enable housing to be designed to meet the day-to-day needs of residents.

(45) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

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

- Policies H5.3(1) – (5)
- Policies H6.3(3), (5) and (6)

#### I334.4. Activity tables

The provisions in the zoning, Auckland-wide provisions and any relevant overlays All relevant overlay, Auckland-wide and zone activity tables 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) and (A45)~~
- 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 listed ~~ed~~ 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, I334.4.3 and I334.4.4 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.~~

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

Note:

All applications for subdivision consent are subject to section 106 of the Resource Management Act 1991.

**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)	<del>Dwellings in the Special Purpose – Tertiary Education Zone up to a maximum gross floor area of 7,500m<sup>2</sup></del>	P
(A2)	Student accommodation, <del>boarding houses</del> and visitor accommodation in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	P
Commerce		



Activity		Activity status
(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 <del>adjacent to within 150m of</del> , and accessed <del>from</del> via, 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 1,2700m <sup>2</sup> <del>adjacent to within 150m of</del> , and accessed <del>from</del> via, Farm Road	P
(A9)	One supermarket of up to 1500m <sup>2</sup> of retail floor space <del>adjacent to within 150m of</del> , and accessed <del>from</del> via, Farm Road	P
(A10)	Commercial services within 100metres of a supermarket	D
(A11)	Retail (including food and beverage) adjoining <del>the southern Carrington Road bus node between Access Point A and D gate access 3 and 4</del> shown on the Precinct Plan 1, 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
Community facilities		
(A15)	Informal recreation	P
(A16)	Organised sport and recreation	P
Industry		
(A17)	Light manufacturing and servicing <u>greater than 150m from Carrington Road</u>	D
(A17A)	<u>Light manufacturing and servicing within 150m of Carrington Road</u>	NC
(A18)	Repair and maintenance services <u>greater than 150m from Carrington Road</u>	D
(A18A)	<u>Repair and maintenance services within 150m of Carrington Road</u>	NC
(A19)	Warehousing and storage <u>greater than 150m from Carrington Road</u>	D
(A19A)	<u>Warehousing and storage within 150m of Carrington Road</u>	NC
(A20)	Waste management facilities in the underlying Special Purpose – Tertiary Education Zone accessory to tertiary education facilities	D
Mana Whenua		

I334 Wairaka Precinct

Activity		Activity status
(A21)	Marae	P
(A21A)	Papakāinga	P
(A21B)	Whare Manaaki	P
<b>Development</b>		
(A21C)	New buildings	RD
(A21D)	Buildings within the Height Areas identified on Precinct Plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 – Te Auaunga Additional Height	D
(A21E)	Buildings within Height Area 1 identified on Precinct Plan 3 – Te Auaunga Additional Height between 35m and 72m	RD
(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, or Mark Road 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 Extension of Laurel Street, Renton Road, Rhodes Avenue or Mark Road into the precinct as a public road, and providing vehicular connections to the western road within the precinct	RD
(A30)	Direct vehicle connection between Laurel Street, Renton Road or Rhodes Avenue or Mark Road, 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 1 and Policy I334.3(15A)	RD
(A32)	Any development not otherwise listed in Table I334.4.1 that is not generally in accordance with the Precinct Plan 1 and Policy I334.3(15A)	D
(A33)	Buildings that exceed Standard I334.6.4 Height	D
(A33A)	New buildings or additions to buildings that do not comply with standard I334.6.6(4)	NC
(A33A)	Demolition or destruction of 30% or more by volume or footprint (whichever is the greater) of an Identified Historic Building	D

**Commented [PR11]:** See primary s42A Report

**Commented [PR12]:** s42A Addendum Report Issue Topic 2 Height

**Commented [PR13]:** s42A Addendum Report Issue Topic 3 Trees / Historic Buildings / SEA

I334 Wairaka Precinct

Activity		Activity status
(A33B)	<u>Open space provision that does not comply with Standard I334.6.9C Open Space</u>	<u>D</u>
<b>Subdivision</b>		
(A34)	Any vacant lot subdivision proceeding in accordance with <del>the pPrecinct pPlan 1 and Policy I334.3(15A)</del> and which creates lots consistent with the zone boundaries	C
(A34A)	<u>Subdivision of land for the purpose of construction and use of dwellings</u>	<u>RD</u>
(A34B)	<u>Subdivision of land for the purpose of construction and for uses other than dwellings</u>	<u>RD</u>
(A35)	Any vacant lot subdivision that is not generally in accordance with <del>the pPrecinct pPlan 1 and Policy I334.3(15A)</del>	D

Table 0.4.2 Wairaka Precinct sub-precinct B

Activity		Activity status
(A36)	Light manufacturing and servicing associated with the commercial laundry services	P
(A37)	<del>Buildings that exceed the Standard I334.6.4 Height</del>  <u>Buildings within the Height Areas identified on Precinct Plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 – Te Auaunga Additional Height</u>	<u>D</u>

Commented [PR14]: See primary s42A report

Table 0.4.3 Wairaka Precinct sub-precinct C

Activity		Activity status
(A37A)	<u>Up to three dwellings per site which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
(A37B)	<u>The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
(A37C)	<u>Accessory buildings associated with a development of dwellings each of which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>
(A37D)	<u>Internal and external alterations, and additions to existing dwellings which complies with Standards I334.6.17 to I334.6.25 inclusive</u>	<u>P</u>

I334 Wairaka Precinct

(A37E)	Additions to an existing dwelling which complies with Standards I334.6.17 to I334.6.25 inclusive	P
(A37F)	Buildings for one or more dwellings which do not comply with any of the Standards I334.6.17 to I334.6.25 inclusive	RD
(A37G)	Four or more dwellings per site.	RD
(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 pPrecinct pPlan 1 and Policy I334.3(15A)	RD
(A43)	Any development not otherwise listed in Table I334.4.3 that is not generally in accordance with the pPrecinct pPlan 1 and Policy I334.3(15A)	D
(A44)	Any vacant lot subdivision proceeding in accordance with the pPrecinct pPlan 1 and Policy I334.3(15A) and which creates lots consistent with the zone boundaries	C
(A44A)	Subdivision of land for the purpose of construction and for uses other than dwellings	RD
(A45)	Any vacant lot subdivision that is not generally in accordance with the pPrecinct pPlan 1 and Policy I334.3(15A)	D
(A46)	Parking buildings within the 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
(A49)	Subdivision in accordance with an approved land use resource consent complying with Standard I334.6.22	C
(A50)	Subdivision around existing buildings and development complying with Standard I334.6.22	C
<b>Subdivision for the purpose of the construction or use of dwellings</b>		
(A48)	Subdivision of land in accordance with an approved land use consent for the purpose of the construction, or use of dwellings as permitted or restricted discretionary activities in the precinct and meeting Standard I334.6.26 Standards for controlled subdivision activities	C

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(A48A)	Subdivision of land for up to three sites accompanied by:  a) A land use consent application for up to three dwellings, one or more of which does not comply with any of Standards I334.6.17 to I334.6.25 inclusive but does comply with all applicable zone, Auckland-wide and overlay standards; or  b) A certificate of compliance for up to three dwellings each of which complies with Standards I334.6.17 to I334.6.25 inclusive and applicable zone, Auckland-wide and overlay standards.	C
(A48B)	Any subdivision listed above not meeting I334.6.26 to I334.6.28 Standards for controlled subdivision activities	RD
(A48C)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	RD
(A48D)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	RD

Table 0.4.4 Wairaka Precinct sub-precinct A

Activity		Activity status
<b>Development</b>		
(A49)	All new buildings, and additions to existing buildings unless otherwise specified below	C
(A50)	Demolition	P
(A51)	Internal alterations to buildings	P
(A52)	Additions to buildings that are less than: (a) 25 per cent of the existing gross floor area of the building; or (b) 250m <sup>2</sup> GFA whichever is the lesser	P
(A53)	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	RD
(A54)	New buildings or additions to buildings not complying with I334.6.14 (2)	NC
(A55)	Any development not otherwise listed in Table I334.4.4 that is generally in accordance with <u>Precinct Plan 1 the precinct plan and Policy I334.3(15A)</u>	RD
(A56)	Any development not otherwise listed in Table I334.4.4 that is not generally in accordance with <u>Precinct Plan 1 the precinct plan and Policy I334.3(15A)</u>	D
(A57)	Justice Facilities	D
(A58)	Justice Facilities ancillary to forensic psychiatric services provided at the Mason Clinic	P

### 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(9) of the Resource Management Act 1991.

~~(1B) An application for resource consent for a restricted discretionary activity listed in Tables I334.4.1, and I334.4.3 Activity table above that complies with the I334.6.4 height standard 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.~~

Commented [PR15]: See primary s42A report

(2) Any other application for resource consent for an activity listed in Tables I334.4.1, I334.4.2, I334.4.3, and I334.4.4 which is not listed in Standards I334.5(1) and I334.5(1A) 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).

#### Sub-precinct C

(4) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public notification of an application for resource consent is precluded if the application is for the construction and use of one, two, or three dwellings that do not comply with Standards I334.6.17 to I334.6.25 inclusive.

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

(a) one, two or three dwellings that do not comply with one or more of the Standards I334.6.17 to I334.6.25; or

(b) four or more dwellings that comply with all Standards I334.6.17 to

I334.6.25 inclusive

(6) Any application for a resource consent which is listed in I334.5(1) to I334.5(4) above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

**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.

Unless specified below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Tables I334.4.1 to I334.4.3 4 above.

The following Auckland-wide and zone standards do not apply to the activities listed in Activity Tables I334.4.1 to I334.4.4 above:

(a) H13 Business – Mixed Use zone:

- H13.6.0 Activities within 30m of a Residential Zone (but only as it relates to sites fronting Carrington Road)
- H13.6.1 Building height
- H13.6.2 Height in relation to boundary
- H13.6.3 Building setback at upper floors
- ~~H13.6.4 Maximum tower dimension and tower separation~~
- H13.6.5 Yards
- H13.6.6 Landscaping
- H13.6.8 Wind

The following Auckland-wide and zone standards do not apply to the activities (A37A) to (A37E) listed in Activity Table I334.4.3 above:

- Residential - Mixed Housing Urban Zone:
  - H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
  - H5.6.5 Height in relation to boundary
  - H5.6.6 Alternative height in relation to boundary

#### I334 Wairaka Precinct

- H5.6.7 Height in relation to boundary adjoining lower intensity zones
- H5.6.8 Yards
- H5.6.10 Building coverage
- H5.6.11 Landscaped area
- H5.6.12 Outlook space; and
- H5.6.14 Outdoor living space
- Residential - Terrace Housing and Apartment Buildings Zone:
  - H.6.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings
  - H6.6.6 Height in relation to boundary
  - H6.6.7 Alternative height in relation to boundary
  - H6.6.8 Height in relation to boundary adjoining lower intensity zones
  - H6.6.9 Yards
  - H6.6.11 Building coverage
  - H6.6.12 Landscaped area
  - H6.6.13 Outlook space
  - H6.6.15 Outdoor living space

The activities listed as a permitted activity in Activity Table I334.4.3 must comply with permitted activity standards I334.6.17 to I334.6.25 inclusive.

The activities listed as a controlled activity in Activity Table I334.4.3 must comply with I443.6.2.26 to I334.6.28 Standards for controlled subdivision activities and the E38 subdivision standards listed in Activity Table I334.4.3.

##### **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**



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- (1) The following thresholds apply in this precinct:
  - (a) ~~The~~ the total gross floor area of retail (including food and beverage and supermarket) must not exceed 6,500m<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>~~4,700m<sup>2</sup>; and
  - (c) ~~The~~ 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>~~1,800m<sup>2</sup>.
- (2) The total gross floor area of retail (including food and beverage) in the ~~Historic Heritage Place~~ Oakley Hospital Main Building must not exceed 1,000-m<sup>2</sup> subject to Standard I334.6.2(1)(a) above, provided that any unutilised gross floor area may be used elsewhere within the Business – Mixed Use Zone within the precinct.
- (3) All retail activities adjacent ~~to, or within, 100m of~~ the supermarket must not exceed ~~1200m<sup>2</sup>~~1,700m<sup>2</sup> gross floor area, provided that:
  - (a) any unutilised gross floor area may be used elsewhere within the Business – Mixed Use Zone within the precinct; and
  - (b) the 1,700m<sup>2</sup> gross floor area may be increased by any transferred gross floor area under Standard I334.6.2(2).
- (4) Any supermarket ~~within 150m of, adjacent to and accessed from~~ via 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~~ an 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 set out below:~~

- (1) The maximum permitted height standard of the underlying zone applies, unless otherwise specified on Precinct Plan 3: [Wairaka](#) Additional Height.

~~(2) The 43.5m high tower shall be the most eastern tower within Height Area 1 on Precinct Plan 3, and the closest tower to the Oakley Hospital Main Building.~~

Building location	Maximum height (m)
<del>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)</del>	18m
<del>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</del>	27m

<del>Housing Urban, Residential – Terrace Housing and Apartment Buildings and Special Purpose – Healthcare Facility and Hospital zones)</del>	
<del>Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings and Special Purpose – Healthcare Facility and Hospital zones</del>	<del>Specified zone height applies</del>
<del>Buildings within the Residential – Mixed Housing Urban Zone and within 10m of the southern precinct boundary</del>	<del>8m</del>

#### **I334.6.5. Business Mixed Use Zone – 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~~
- (1) At least 20 per cent of the of a site zoned Business – Mixed Use must be landscaped. For the purpose of this standard site means the first site subdivided after (operative date of PC 94) which contains an approved development. This standard does not apply to any subsequent subdivision provided that the 20% landscaped area provided on the first site is retained.
- (2) For the purpose of this standard, “landscaped” includes hard and soft landscaped areas.

#### **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 (Yards) and H13.6.6 (Landscaping) Business - Mixed Use Zone in Sub precinct C apply. (Note: this is a qualifying matter in Sub-precinct C).
- (2) Buildings on land adjoining Open Space – Conservation 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 (Yards) and H13.6.6 (Landscaping) Business - Mixed Use Zone apply. (Note: this is a qualifying matter in Sub-precinct C).
- (3) Buildings on land fronting Carrington Road must be set back a minimum width of ~~28~~30.2m 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~~30.2m 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.
- (4) Buildings on land adjoining the northern boundary of Sub-precinct A 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.

For the purposes of Standards (3) and (4), the following do not apply:

- (a) retaining walls
- (b) underground car-parking buildings less than 1.5m in height above ground level.

#### I334.6.7. Tree protection

- (1) In addition to any notable tree, ~~S~~subject to Standard I334.6.7(2) below, the following trees identified in I334.14Q.2 Precinct Plan 2 – ~~p~~Protected ~~t~~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 <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
2	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
3	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
5	Oak	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
7	Karaka	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
9	Oak	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
10	Oak	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
11	Oak	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
13	Oak	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha

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ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
14	Oak	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
15	Pohutakawa	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 1 DP 211427 2.62ha
16	Swaine's Gold, Italian cypress	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 5 DP 314949
17	Michelia	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	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	Lot 5 DP 314949
20	Mediterranean Cypress	Isthmus	1	Carrington Road 1, Mount Albert	Lot 5 DP 314949
22	Mediterranean Fan Palm	Isthmus	1	Carrington Road 1, Mount Albert	Lot 5 DP 314949
23	Mountain Coconut, Coco	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 5 DP 314949
24	Chinquapin	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 5 DP 314949
25	White Mulberry	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 5 DP 314949
26	Totara	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 5 DP 314949
27	Australian Frangipani	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 5 DP 314949
28	Kauri	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	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 <del>(Unitec)</del>	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 <del>(Unitec)</del>	Lot 4 DP 314949
33	Jacaranda	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 4 DP 314949
34	Golden Ash	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	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 <del>(Unitec)</del>	Lot 4 DP 314949
37	Brazilian Coral Tree	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 4 DP 314949

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ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
38	Dogwood	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 4 DP 314949
<del>39</del>	<del>Houpara</del>	<del>Isthmus</del>	<del>4</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 4 DP 314949</del>
<del>40</del>	<del>Oleander</del>	<del>Isthmus</del>	<del>4</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 4 DP 314949</del>
<del>41</del>	<del>Taupata</del>	<del>Isthmus</del>	<del>4</del>	<del>Carrington Road 1, Mount Albert (Unitec)</del>	<del>Lot 2 DP 406935</del>
42	Camphor Tree	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Pt Allot 33 Parish of Titirangi
43	Plum Pine	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Pt Allot 33 Parish of Titirangi
44	Camellia	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Pt Allot 33 Parish of Titirangi
45	Kohuhu	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Pt Allot 33 Parish of Titirangi
46	Silver Poplar	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 2 DP 406935
47	Liquidambar	Isthmus	1	Carrington Road 1, Mount Albert <del>(Unitec)</del>	Lot 2 DP 406935
<del>48</del>	<del>Pōhutukawa</del>	<del>Isthmus</del>	<del>1</del>	<del>139 Carrington Road, Mt Albert</del>	<del>SECT 1 SO 573867</del>
<del>49</del>	<del>Bay laurel</del>	<del>Isthmus</del>	<del>1</del>	<del>131 Carrington Road, Mt Albert</del>	<del>SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</del>
<del>50</del>	<del>English holly</del>	<del>Isthmus</del>	<del>1</del>	<del>131 Carrington Road, Mt Albert</del>	<del>SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</del>
<del>51</del>	<del>Japanese Tanoak</del>	<del>Isthmus</del>	<del>1</del>	<del>139 Carrington Road, Mt Albert</del>	<del>SECT 1 SO 573867</del>
<del>52</del>	<del>Boxelder</del>	<del>Isthmus</del>	<del>1</del>	<del>131 Carrington Road, Mt Albert</del>	<del>SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</del>

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ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
<a href="#">53</a>	<a href="#">Pōhutukawa</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">139 Carrington Road, Mt Albert</a>	<a href="#">SECT 1 SO 573867</a>
<a href="#">54</a>	<a href="#">Camphor tree</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">139 Carrington Road, Mt Albert</a>	<a href="#">SECT 1 SO 573867</a>
<a href="#">55</a>	<a href="#">Pōhutukawa</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">131 Carrington Road, Mt Albert</a>	<a href="#">SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</a>
<a href="#">57</a>	<a href="#">English oak</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">123 Carrington Road, Mt Albert</a>	<a href="#">Lot 2 DP 314949</a>
<a href="#">58</a>	<a href="#">Pūriri</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">131 Carrington Road, Mt Albert</a>	<a href="#">SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</a>
<a href="#">59</a>	<a href="#">Copper beech</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">131 Carrington Road, Mt Albert</a>	<a href="#">SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</a>
<a href="#">61</a>	<a href="#">London plane</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">139 Carrington Road, Mt Albert</a>	<a href="#">SECT 1 SO 573867</a>
<a href="#">62</a>	<a href="#">Totara</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">131 Carrington Road, Mt Albert</a>	<a href="#">SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</a>
<a href="#">63</a>	<a href="#">Titoki</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">139 Carrington Road, Mt Albert</a>	<a href="#">SECT 1 SO 573867</a>
<a href="#">64</a>	<a href="#">Fern pine</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">139 Carrington Road, Mt Albert</a>	<a href="#">SECT 1 SO 573867</a>

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ID	Common name	Auckland district	Numbers of trees	Location/ Street address	Legal description
65	<a href="#">Dragon tree</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">139 Carrington Road, Mt Albert</a>	<a href="#">SECT 1 SO 573867</a>
66	<a href="#">Liquidambar</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">1 Carrington Road, Mt Albert</a>	<a href="#">Pt Allot 33 Parish of Titirangi</a>
67	<a href="#">London plane</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">81A Carrington Road, Mt Albert</a>	<a href="#">Lot 2 DP 156226</a>
69	<a href="#">Liquidambar</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">1 Carrington Road, Mt Albert</a>	<a href="#">Pt Allot 33 Parish of Titirangi</a>
70	<a href="#">Pūriri</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">1 Carrington Road, Mt Albert</a>	<a href="#">Pt Allot 33 Parish of Titirangi</a>
71	<a href="#">Pūriri</a>	<a href="#">Isthmus</a>	<a href="#">1</a>	<a href="#">1 Carrington Road, Mt Albert</a>	<a href="#">Pt Allot 33 Parish of Titirangi</a>

#### I334.6.7A Historic Building protection

- (1) Demolition or destruction of the identified historic buildings identified in I334.11.2 Precinct plan 1 and in Table I334.6.7A.1 must be limited to no more than 30 per cent by volume or footprint of the building (whichever is the greater).

**Commented [PR16]:** s42A Addendum Report Issue Topic 3 Trees / Historic Buildings / SEA

**Table I334.6.7.1 - Identified Historic Buildings**

ID	Description	Location/ Street address	Legal description
HB1	<a href="#">No. 1 Auxiliary Building (Building 48)</a>	<a href="#">139 Carrington Road MOUNT ALBERT 1025</a>	<a href="#">SECT 1 SO 573867</a>
HB2	<a href="#">Pumphouse (Building 33)</a>	<a href="#">1 Carrington Road MOUNT ALBERT 1025</a>	<a href="#">SECT 3 SO 520006</a>
HB3	<a href="#">Medical Superintendent's Residence / Penman House (Building 55)</a>	<a href="#">131 Carrington Road MOUNT ALBERT 1025</a>	<a href="#">SECT 2 SO 573867, SECT 3 SO 573867, SECT 4 SO 573867, SECT 5 SO 573867</a>
HB4	<a href="#">Farm Building/Stables (Building 28)</a>	<a href="#">1 Carrington Road MOUNT ALBERT 1025</a>	<a href="#">SECT 3 SO 520006</a>

#### I334.6.8. Access

- (1) The primary traffic access to the precinct must be from Carrington Road at locations shown on the Precinct ~~pp~~Plan 1.
- (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 Oakley Hospital Main Building~~ other than for the provision of loading requirements.
- ~~(2) There must be no parking provided at the bus node for retail activities.~~

### **I334.6.9A. Building to building set back**

Purpose: to ensure adequate separation between taller buildings.

- ~~(1) In Height Area 1 on Precinct plan 3 — Te Auaunga Additional Height the minimum separation distance between buildings shall be 14m. This control shall be measured 8.5m above ground level.~~

~~For buildings exceeding 27m in height containing facing habitable rooms the minimum separation distance between buildings must be 18m.~~

**Commented [PR17]:** s42A Addendum Report Issue Topic 2 Height

**Commented [PR18]:** s42A Addendum Report Issue Topic 2 Height

### **I334.6.9B — Maximum tower dimension — Height Area 1 and Area 2**

~~Purpose: to ensure that high-rise buildings in Height Area 1 and Height Area 2 on Precinct Plan 3 — Te Auaunga Additional Height:~~

- ~~• enable an appropriate scale of building to increase land efficiency in this part of the precinct;~~
- ~~• allow adequate sunlight and daylight access to public streets and public open space;~~
- ~~• provide adequate sunlight and outlook around and between buildings;~~
- ~~• mitigate adverse wind effects;~~
- ~~• discourage a high podium base on any one building, in order to positively respond to Area 1's qualities as a visual gateway and its wider landscape setting; and~~
- ~~• manage any significant visual dominance effects by applying a maximum tower dimension.~~

- ~~(1) This standard only applies in Height Area 1 and Height Area 2 identified on Precinct Plan 3 — Te Auaunga Additional Height.~~
- ~~(2) The maximum tower dimensions applying in Height Area 1 and Height Area 2 identified on Precinct Plan 3 — Te Auaunga Additional Height must not exceed the dimension specified in Table I334.6.119B.1 below.~~

**Table I334.6.9B.1: Maximum tower dimensions**

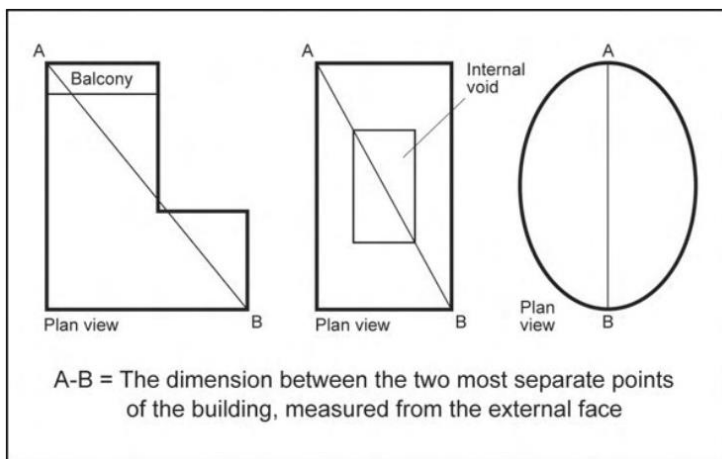
	<u>Maximum Tower Dimension</u>
<u>Buildings up to 35m</u>	<u>No tower dimension applies</u>
<u>Building with height up to 43.5m</u>	<u>50m max. tower dimension</u>



<u>Building with height up to 54m</u>	<u>50m max. tower dimension</u>
<u>Building with height up to 72m</u>	<u>42m max. tower dimension</u>

(3) The maximum tower dimension is the horizontal dimension between the exterior faces of the two most separate points of the building and for the purposes of this standard applies to that part of the building as specified in Figure I334.6.119B.2 below. This control shall be measured 8.5m above ground level.

**Figure I334.6.9B.2 Maximum tower dimension plan view**



#### **I334.6.9B. Wind**

Purpose: to mitigate the adverse wind effects generated by tall buildings.

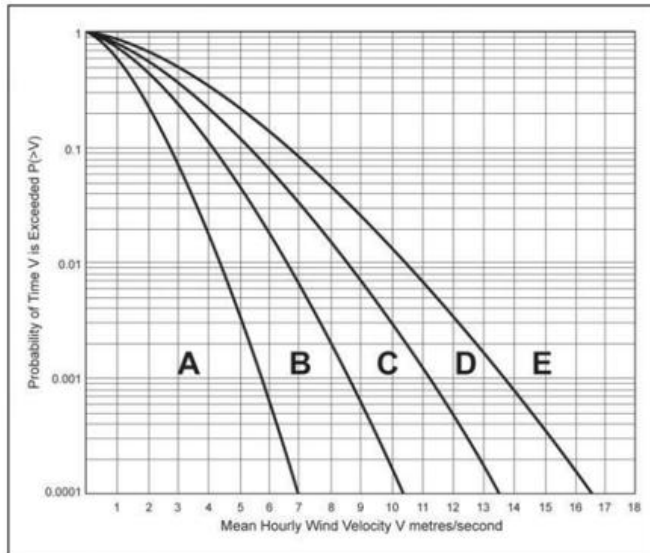
- (1) A new building exceeding 27m in height and additions to existing buildings that increase the building height above 27m must not cause:
  - (a) The mean wind speed around it to exceed the category for the intended use of the area as set out in Table I334.6.429C.1 and Figure I334.6.429C.2 below;
  - (b) The average annual maximum peak 3-second gust to exceed the dangerous level of 25m/second; and
  - (c) An existing wind speed which exceeds the controls of Standard I334.6.429C.(1)(a) or Standard I334.6.429C.(1)(b) above to increase.

- (2) A report and certification from a suitably qualified and experienced person, showing that the building complies with Standard I334.6.-429C.(1) above, will demonstrate compliance with this standard.
- (3) If the information in Standard I334.6.-429C.(2) above is not provided, or if such information is provided but does not predict compliance with the rule, a further wind report including the results of a wind tunnel test or appropriate alternative test procedure is required to demonstrate compliance with this standard.

**Table I334.6.9B.1 Categories**

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

**Figure I334.6.9B.2 Wind Environment Control**



Derivation of the wind environment control graph:

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

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

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

and where:

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

e = The Napierian base 2.7182818285

v = the velocity selected;

k = the constant 1.5; and

c = a variable dependent on the boundary being defined:

$$A/B, c = 1.548$$

$$B/C, c = 2.322$$

$$C/D, c = 3.017$$

$$D/E, c = 3.715$$

#### **~~I334.6.13. Sub-precinct A Northern Boundary setback~~**

- ~~(1) Buildings on land adjoining the northern boundary of Sub-precinct A 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.

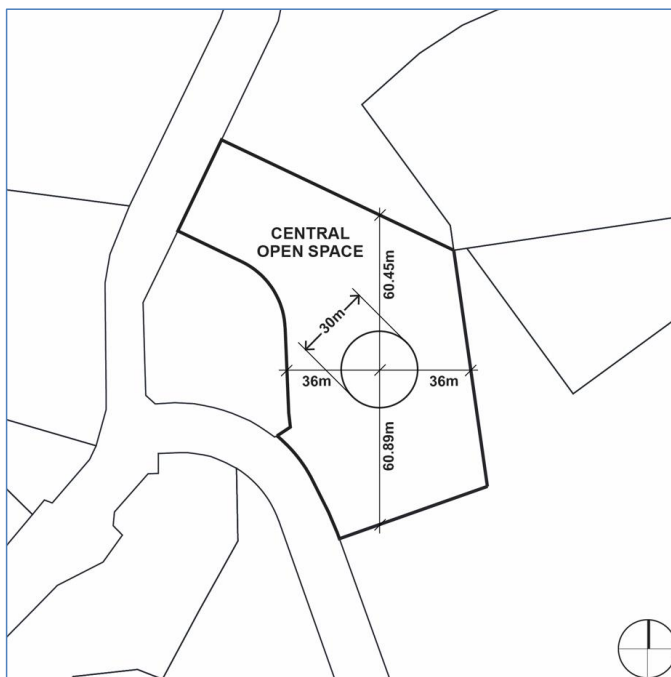
(2) This standard does not apply to:

- (a) retaining walls
- (b) underground car parking buildings less than 1.5m in height above ground level.

#### **I334.6.9C Central Open Space - Shading**

- (1) Development adjoining the Central Open Space, as identified on Precinct Plan 1, shall ensure that 80% of a 30m x 30m area with Central Open Space (as shown in Figure I334.6.9D.1 below) is free from shading between the
- (2) hours of 10am and 3.30pm on the 21<sup>st</sup> June.

**Figure I334.6.9C.1 – Central Open Space Shading**



**I334.6.9C Open Space (does not apply in Sub-precincts A and C)**

Commented [PR19]: s42A Addendum Report Issue Topic 4  
Open Space

- (1) Open Space must be provided at the ratio of 20m<sup>2</sup> of open space for every dwelling in the precinct.
- (2) For the purposes of this standard Open Space may comprise:
  - (a) Open Space within a Neighbourhood Park or other Open Space area identified on Precinct Plan 1 that has not been previously allocated in accordance with this standard;
  - (b) An extension to an existing Neighbourhood Park or other Open Space area identified on Precinct Plan 1;
  - (c) pedestrian or cycle links outside a road corridor;
  - (d) Additional areas of publicly accessible or communal Open Space for social or recreation purposes, comprising no less than 1,000m<sup>2</sup> in a contiguous, regular shaped, flat area of land.
- (3) The Open Space must be secured by a suitable legal mechanism at the stage of development and / or subdivision.
- (4) The calculation of Open Space at the ratio of 20m<sup>2</sup> of open space for every dwelling must include all dwellings in the precinct, excluding any dwellings in Sub-precincts A and C.

**Standards in Sub-precinct A**

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 [Deleted]**

- ~~(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.~~

**I334.6.13. 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.

For the purposes of Standard (2), the following do not apply to the northern boundary:

- (a) retaining walls with landscaping of any retained ground and any land at the base of the retaining wall, to a distance of 5m from the boundary
- (b) underground car-parking buildings less than 1.5m in height above ground level with landscaping above, to a distance of 5m from the boundary.

- (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.

**Standards in Sub-precinct C**

The development of dwellings on land zoned Residential – Mixed Housing Urban and Residential – Terrace Housing and Apartment Buildings must comply with the following Medium Density Residential Standards as specified below.

**I334.6.17 Number of dwellings per site**

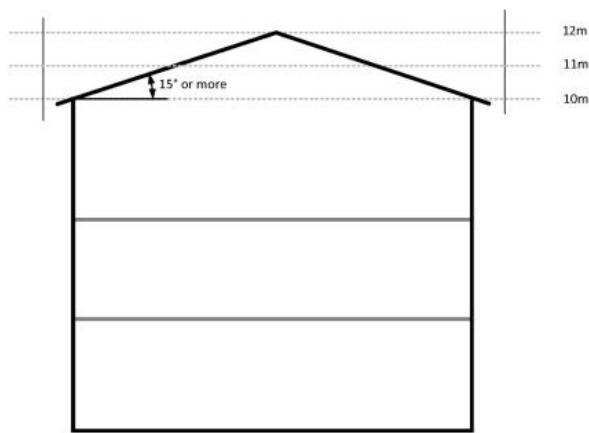
- (1) There must be no more than three dwellings per site.

**I334.6.18 Building height**

**Commented [PR20]:** Responds to concerns of Health New Zealand Te Whatu Ora

- (1) In the Residential – Mixed Housing Urban Zone, buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown in Figure I334.6.18.1 below:

**Figure I334.6.18.1 Building height**

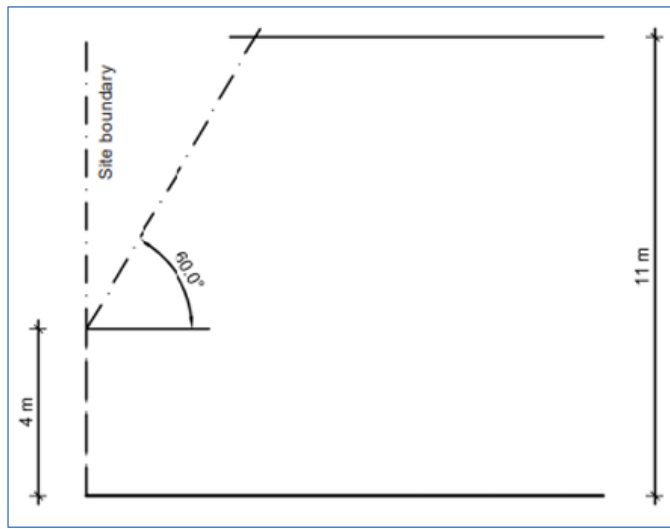


#### **I334.6.19 Height in Relation to Boundary**

- (1) Buildings must not project beyond a 60 degree recession plane measured from a point 4m vertically above ground level along the side and rear boundaries, as shown in Figure I334.6.19.1 below
- (2) Standard I334.6.19(1) above does not apply to a boundary with a road.
- (3) Standard I334.6.19(1) above does not apply to a boundary, or part of a boundary, adjoining any Business Zone.
- (4) Standard I334.6.19(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (5) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard I334.6.19(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

- (6) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

**Figure I334.6.19.1 Height in relation to boundary**



#### **I334.6.20 Yards**

- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I334.6.20.1 below except that when Standard I334.6.6 applies the relevant yard in Table I334.6.20.1 is not required by Standard I334.6.20(1).

**Table I334.6.20.1**

<b><u>Yard</u></b>	<b><u>Minimum Depth</u></b>
<u>Front</u>	<u>1.5</u>
<u>Side</u>	<u>1m</u>
<u>Rear</u>	<u>1m</u>

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

#### **I334.6.21 Building Coverage**



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

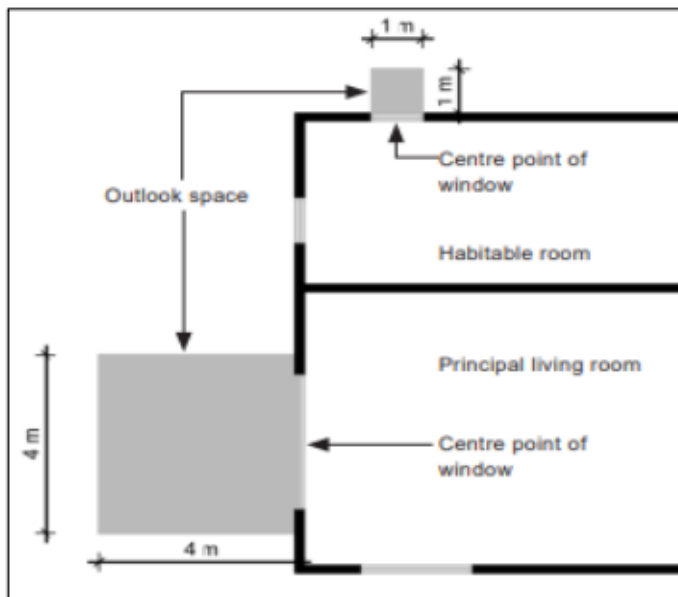
#### **I334.6.22 Landscaped Areas**

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

#### **I334.6.23 Outlook Space**

- (1) An outlook space must be provided for each development containing up to three dwellings as specified in this standard.
- (2) An outlook space must be provided from habitable room windows as shown in Figure I334.6.23.1 below.
- (3) The minimum dimensions for a required outlook space are as follows and as shown in Figure I334.6.23.1 below:
- (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
  - (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must:
- (a) be clear and unobstructed by buildings; and
  - (b) not extend over an outlook space or outdoor living space required by another dwelling

**Figure I334.6.23.1 Outlook Space requirements for developments containing up to three dwellings**



#### **I334.6.24 Outdoor Living Space**

- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m<sup>2</sup> and that comprises ground floor, balcony, patio, or roof terrace space that:
  - (a) where located at ground level, has no dimension less than 3 metres and
  - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and
  - (c) is accessible from the dwelling; and
  - (d) may be:
    - (i) grouped cumulatively by area in 1 communally accessible location; or
    - (ii) located directly adjacent to the unit; and
  - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.

(2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:

(a) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8 metres; and

(b) is accessible from the dwelling; and

(c) may be:

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

(ii) located directly adjacent to the dwelling. unit

#### **I334.6.25 Windows to street**

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

#### **I334.6.26 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in Sub-precinct C in accordance with MDRS permitted and restricted discretionary land use activities. ~~Standards I334.6.17 to I334.6.25 inclusive~~

(1) Any subdivision relating to an approved land use consent must comply with that land use consent.

(2) Subdivision does not increase the degree of any non-compliance with standards I334.6.17 to I334.6.25 except that Standard I334.6.19(1) does not apply along the length of any proposed boundary where dwellings share a common wall.

(3) No vacant sites are created.

#### **I334.6.27 Subdivision around existing buildings and development**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in Sub-precinct C in accordance with Standards I334.6.17 to I334.6.25 inclusive.

(1) Prior to subdivision occurring, all development must meet the following:

(a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or

(b) Be a legally established dwelling.

- (2) Subdivision does not increase the degree of any non-compliance with standards I334.6.17 to I334.6.25 except that Standard I334.6.19(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

**I334.6.28 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings**

Purpose: To provide for subdivision of land for the purpose of construction and use of dwellings in Sub-precinct C.

- (1) The subdivision application and land use consent application or certificate of compliance relate to a site on which there are no dwellings.
- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently.
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards I334.6.17 to I334.6.25.
- (4) A maximum of three sites and three dwellings are created.
- (5) No vacant sites are created.

**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 All controlled subdivision activities in Table I334.4.1:

- (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). Boundaries of the precinct, sub-precincts, and/or zone are consistent with the proposed site boundaries.

(3) All controlled subdivision activities in Table I334.4.3:

- (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
- (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
- (c) the effects of infrastructure provision.

(34) 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;

#### I334 Wairaka 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
  - (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).

(b) Compliance with an existing approved resource consent or concurrent land use consent application or certificate of compliance.

(c) Compliance with the relevant overlay, Auckland-wide, precinct and zone rules.

(i) Refer to Policy E38.3(1) and (6)

(d) The effect of the site design, size, shape, contour, and location, including existing buildings, manoeuvring areas and outdoor living space.

(e) The adequate provision and capacity of infrastructure.

(i) Refer to Policy E38.3(1), (6), (19) to (23)

(f) The effect on historic heritage and cultural heritage items.

(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

**Note** – For the purpose of the following provisions, ‘dwelling’ means a residential dwelling that has an approved land-use consent or building consent.

- I334.8.1(1A)(d)(iv)
- I334.8.1(1A)(f)(ii) and (iii)

The Council will restrict its discretion to 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 within 150m of, and accessed from via, Farm Road (A6); and or adjacent to the bus hub or Oakley Hospital building~~ 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 (A7):
  - ~~(a) building interface with any public place [deleted]~~
  - ~~(b) safety; [deleted]~~
  - ~~(c) services; [deleted]~~
  - ~~(d) traffic; [deleted]~~
  - ~~(e) travel plans and integrated transport assessments; [deleted]~~
  - ~~(f) design of parking and access; and [deleted]~~
  - (aa) matters of discretion I334.8.1(1A)(d) - I334.8.1(1A)(h); and
  - ~~(g)(ba)~~ degree of integration with other centres.

(1A) New buildings which comply with Standard I334.6.4 Height (does not apply to Sub-precinct A):

(a) Ground contours:

- (i) whether proposed finished contour levels at a subject site abutting land identified as open space on Precinct Plan 1 or vested public roads across the subject land area adequately manages pedestrian access from the ground floor level of buildings to the adjoining identified open space land and public roads variations between the ground floor level of future buildings and adjoining existing and proposed public open space (where information is available and buildings are adjoining); and

**Commented [PR21]:** Responds to concerns of Health New Zealand Te Whatu Ora



- (ii) where ground floor dwellings or visitor accommodation is proposed, whether some minor variations between the ground floor level and the level of adjoining open space or street (where adjoining) may be acceptable to provide for the privacy of residents and occupants/users.

(b) Building form and character:

- (i) whether building design and site layout achieves:
  - (a) separate pedestrian entrances for residential uses within mixed use buildings;
  - (b) legible entrances and exits from buildings to open spaces and pedestrian linkages;
  - (c) articulation of any building façades which adjoin public roads and identified open space on Precinct Plan 1, to manage the extent of large blank and/or flat walls and/or façades;
  - (d) corner sites provide the opportunity for additional building mass and height so as to makes a positive contribution to the streetscape;
  - (e) a high quality, clear and coherent design concept utilises a palette of durable materials to express the building form;
  - (f) high quality visual interest through the use of façade modulation and articulation, and/or the use of materials and finishes and ensures any otherwise unavoidable blank walls are enlivened by methods which may include artwork, māhi toi, articulation, modulation and cladding choice to provide architectural relief;
  - (g) rooftop mechanical plant or other equipment is screened or integrated in the building design;
  - (h) ~~any otherwise unavoidable blank walls are enlivened by methods which may include artwork, māhi toi, articulation, modulation and cladding choice to provide architectural relief;~~
  - (i) ~~parking areas are designed and located within or abutting buildings which are to be visually discreet when viewed from public roads and open space identified on Precinct Plan 1;~~
  - (j) long building frontages are visually broken up by façade design and roofline, recesses, awnings, balconies and other projections, materials and colours;
  - (k) building form is designed to allow a reasonable level of daylight into land identified as open space within Precinct Plan 1 within the precinct, (but excluding public roads) appropriate to their intended use;

- (i) a sympathetic relationship with the Oakley Hospital Main Building and the Pumphouse;
  - (ii) activities at ground level engage with and activate existing and/or proposed open spaces, streets and lanes;
  - (iii) outdoor living areas and internal living spaces achieve privacy from publicly accessible areas while maintaining a reasonable level of passive surveillance; and
  - (iv) whether any proposed publicly accessible spaces within a development, including pedestrian and cycle linkages, are integrated into the existing or planned pedestrian network.
- (c) Safety including passive surveillance:
  - (i) whether new buildings are designed in accordance with Crime Prevention Through Environmental Design principles, including by providing passive surveillance of publicly accessible areas. For the purpose of this assessment, internal open spaces, plazas, foyers, lanes and pedestrian and cycleway linkages within a tertiary education campus(es) will be considered as if they are public open spaces.
- (d) Services including infrastructure capacity and stormwater management:
  - (i) 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;
  - (ii) 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;
  - (iii) the effects of potential contamination of stormwater and ground water arising from discharges from roofing materials; and
  - (iv) whether any development that would bring the total number of dwellings in the precinct in excess of 4,000 dwellings provides an infrastructure capacity assessment that demonstrates that there is sufficient capacity in the bulk water supply and wastewater network to service the development at the time of occupation.
- (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.
- (f) Travel plans and integrated transport assessments:

- (i) proposed developments are consistent with 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 any corresponding travel plans are provided by way of conditions of any consent prior to occupation;
  - (ii) whether any development that would bring the total number of dwellings in excess of 3,000 dwellings within the precinct either demonstrates that the assumptions of any existing integrated transport assessment are valid, or, if the transport network and generation is not consistent with the assumptions within the existing integrated transport assessment, provides an updated integrated transport assessment demonstrating the generated travel demand can be appropriately managed; and
  - (iii) whether any development that would bring the total number of dwellings in excess of 4,000 dwellings either provides an integrated transport assessment demonstrating the generated travel demand can be appropriately managed, or demonstrates that the assumptions of any existing integrated transport assessment for in excess of 4,000 dwellings are valid.
- (g) Design of parking structures and vehicular access:
- (i) within the Special Purpose - Tertiary Education Zone avoids parking either at grade or within a building at or above ground level, having direct access from Laurel Street, Renton Road, Rhodes Avenue (or any extension of those streets), or the western road shown on Precinct Plan 1;
  - (ii) minimises the extent to which parking within a building at or above ground level directly faces Te Auaunga and the Carrington Road frontage;
  - (iii) parking areas are screened;
  - (iv) parking structures minimise direct venting to pedestrian environments at ground level;
  - (v) vehicle crossings and access ways prioritise pedestrian movement and in particular are designed to reduce vehicle speed and be separated from pedestrian access, or are designed as a shared space; and
  - (vi) design of pedestrian routes between parking areas, building entrances/lobbies and the street ensures that these spaces are accessible by people of all ages and physical abilities and provide a high level of pedestrian safety.
- (h) Landscape:
- (i) landscaping is provided to contribute to the achievement of quality amenity that is integrated with the built environment. Landscaping may be provided in the form of courtyards, plazas and other areas that

are accessed by residents, visitors or the public including lanes and pedestrian accessways. Landscaping includes the provision of both soft and hard landscape elements such as trees, shrubs, ground cover plants, paved areas and outdoor seating areas.

- (i) Matters applying to the Carrington Road frontage:
  - (i) building frontages to Carrington Road are designed to express a scale of development that responds to Policy I334.3(13);
  - (ii) the use of architectural treatments and design features, such as façade and roofline design, materials, separation and layout to contribute to the visual character, and articulation of the Carrington Road frontage; and
  - (iii) building frontages to Carrington Road are designed to address the perception of a solid walled mass through techniques including building recesses, clear visual breaks between buildings, variation in roofline and overall building silhouette.
- (i) Matters applying to development located on a site containing the Wairaka Stream:
  - (i) development is designed to recognise and contribute to the values of the stream, including planting of riparian margins.

**Commented [PR22]:** Note: this was "within 20m of" Wairaka Stream. The Applicant has agreed to a change referring to any site that may be subject to development to address the concern raised in the Addendum Review on Terrestrial Ecology

~~(1B) Buildings within the Height Areas identified on Precinct Plan 3 — To Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 — To Auaunga Additional Height, and Buildings within the Height Area 1 identified on Precinct Plan 3 — To Auaunga Additional Height between 35m and 72m:~~

**Commented [PR23]:** See primary s42A report Section 8.1

- ~~(a) matters of discretion I334.8.1(1A)(a) – I334.8.1(1A)(h);~~
- ~~(b) building design and location:~~
  - ~~(i) In Height Area 1 on Precinct Plan 3 — To Auaunga Additional Height, how the design for any building greater than 35m in height and associated landscaping:~~
    - ~~(i) relates to the Tāmaki Makaurau cityscape and how it is seen within the wider receiving environment, with consideration of how the articulation, modulation, and materiality of the building breaks up its vertical and horizontal scale as seen in short (within the precinct) mid (including within Point Chevalier town centre) and long distance views;~~
    - ~~(ii) contributes to making a visual landmark, either in isolation or as part of a composition of taller buildings such as through the architectural expression of its upper levels and rooftop;~~
    - ~~(iii) responds and relates appropriately to the scale and form of the Oakley Hospital Main Building and its extent of place, including~~

~~through the scale and modulation of the building's lower floors;  
and~~

(iv) ~~landscaping responds to the presence of Te Auaunga and  
protected trees and vegetation;~~

~~(ii) The degree to which buildings provide sympathetic contemporary and  
high quality design which enhances the precinct's built form;~~

(c) ~~shading;~~

~~(i) the extent degree to which the location and design of buildings  
ensures a reasonable level of sunlight access (measured at the  
Equinox) to residential units dwellings and open space areas; taking  
into consideration site and building orientation, and the planned built-  
character of the precinct;~~

(2) Parking buildings/~~structures~~:

(a) ~~ground contours;~~~~[deleted]~~

(b) ~~building interface with public places;~~~~[deleted]~~

(c) ~~safety;~~~~[deleted]~~

(d) ~~services including infrastructure and stormwater management;~~~~[deleted]~~

(e) ~~traffic;~~~~[deleted]~~

(f) ~~travel plans and integrated transport assessments; and~~~~[deleted]~~

(g) ~~design of parking and access;~~~~[deleted]~~

(a) matters of discretion I334.8.1(1A)(a), and I334.8.1(1A)(d) - I334.8.1(1A)(~~h~~)(i).

(3) ~~Connection of any road to the Precinct with a public road;~~~~[deleted]~~

(3A) Extension of Laurel Street, Renton Road, Rhodes Avenue or Mark Road into the  
precinct as a public road, and providing vehicular connections to the western  
road within the precinct (A29):

(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 ~~R~~oad);

(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 pPrecinct pPlan 1 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 minimise 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 to the public;~~
  - (ii) communal open spaces which are prominent and accessible to residents of the associated development;
  - (iii) ~~(ii)~~ the number, and size, and quality of open spaces in proportion to the future intensity and needs of the precinct and surrounding area; ~~and~~
  - (d) ~~(iii)~~ Effective and safe pedestrian and/or cycle linkages;
    - ~~(e)(i)~~ The location, physical extent and design of open space;
    - ~~(e)(ii)~~ The location of anticipated land use activities within the development;
    - ~~(f)(iii)~~ The location and physical extent of parking areas; ~~and~~
    - ~~(g)(iv)~~ The staging of development and the associated resource consent lapse period;
    - ~~(h)(v)~~ The location and form of building footprints and envelopes; and
    - ~~(i)(vi)~~ 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; I334.6.4410 Height in relation to Boundary; I334.6.4814 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)~~(e)(b)~~ 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; [deleted]~~
  - (vi) precinct boundary set back - ~~h~~ interface with the public realm and effects on neighbouring sites, building scale and dominance (bulk and location), and ~~O~~ outlook and privacy;
  - (vii) trees – ~~S~~ 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 ~~mMain bBuilding, 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).



(7) Subdivision of land for the purpose of construction and use of dwellings in the Business – Mixed Use zone:

- (a) Boundaries of the precinct and sub-precincts aligning with the proposed site boundaries.
- (b) Site size, shape, design, contour, layout and location.
- (c) Infrastructure.

~~(8) Buildings for 1 or more dwellings in a residential zone which do not comply with any of Standards I334.6.17 to I334.6.25~~

- (a) any precinct and zone policy which is relevant to the standard
- (b) the effects of the infringement of the standard
- (c) the effects of any special or unusual characteristics of the site which is relevant to the standard
- (d) the characteristics of the development
- (e) any other matters specifically listed for the standard
- (f) where more than one standard will be infringed, the effects of all infringements considered together.

~~(8) Four or more dwellings within Sub-Precinct C~~

- ~~(a) Matters of discretion H5.8.1(2) and H6.8.1(2) apply;~~
- ~~(b) The standards in IXXX.6.21(2)~~
- ~~(c) Infrastructure and servicing.~~

### **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 within 150m of, and accessed from via, Farm Road and or adjacent to the bus hub or Oakley Hospital building(A6);~~ and 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 (A7):

- ~~(a) Building interface with any public places;[Deleted]~~
- ~~(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: [Deleted]~~

- ~~(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~~

~~(c) Services: [Deleted]~~

- ~~(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:[Deleted]~~

- ~~(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:[Deleted]~~

- ~~(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:[Deleted]~~

- ~~(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)(a)~~ 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 retail does not have adverse effects on the role of other centres, beyond those effects ordinarily associated with trade effects or trade competition.~~

(1A) New buildings under I334.4.1(A24C) that comply with Standard I334.6.4 Height:

I334 Wairaka Precinct

(a) Ground contours:

- (i) Refer to Policies I334.3.(13) and (27).

(b) Building form and character:

- (i) Refer to Policies I334.3.(13), (13A), (14) and (27).
- (ii) The extent to which the development complies with the design assessment report of the Wairaka Design Review Panel.
- (iii) Whether the design of buildings adjacent to Oakley Hospital Main Building responds and relates appropriately to the scale and form of the Oakley Hospital Main Building and its extent of place, including through the scale and modulation of the building's lower floors.
- (iv) Whether buildings adjacent to Oakley Hospital Main Building provide sympathetic contemporary and high quality design which enhances the precinct's built form.

**Commented [PR24]:** s42A Addendum Report Issue Topic1 Master Plan / Vision

(c) Safety including passive surveillance:

- (i) Refer to Policies I334.3.(13), (14) and (27).

(d) Services including infrastructure and stormwater management:

- (i) Refer to Policies I334.3. (4)(f), (26A), (26B) and (27).

(e) Traffic:

- (i) Refer to Policies I334.3.(20) and (22).

(f) Travel plans and integrated transport assessments:

- (i) Refer to Policies I334.3. (4)(g), (20), (23), and (27).

(g) Design of parking structures and vehicle access:

- (i) Refer to Policies I334.3.(13), (14), (14A), (14B), (24) and (25).

(h) Landscape:

- (i) Refer to Policy I334.3.(13).

(i) Additional criteria applying to building frontage to Carrington Road:

- (i) Refer to Policies I334.3.(13) and (14).

(j) The matters of discretion in I334.8.1

~~(1B) Buildings within the Height Areas identified on Precinct Plan 3 – Te Auaunga Additional Height that exceed the heights specified on Precinct Plan 3 – Te Auaunga Additional Height; and Buildings within Height Area 1 identified on Precinct Plan 3 – Te Auaunga Additional Height between 35m and 72m:~~

~~(a) Refer to Policies I334.3 (13), (14), (14A), (14AA) and (14B).~~

~~(b) — Assessment criteria I334.8.2(1A)(d);~~

~~(c) — Matters of discretion under I334.8.1(1B)(b)(i);~~

Commented [PR25]: See primary s42A Report Section 8.1

(2) Parking buildings and structures;

~~(a) — Ground contours:[Deleted]~~

- ~~(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 visit 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:[Deleted]~~

- ~~(i) — the extent to which buildings have clearly defined public fronts that address the street and public open spaces to positively contribute to these 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 exists 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:[Deleted]~~

- ~~(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) 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, which meeting security requirements.~~

~~(d) Services including infrastructure and stormwater management:[Deleted]~~

~~(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:[Deleted]~~

~~(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:[Deleted]~~

~~(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:[Deleted]~~

~~(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.~~

(aa) Assessment criteria I334.8.2(1A)(a) and I334.8.2(1A)(d) - I334.8.2(1A)(h).

~~(3) Connection of any road to the Precinct with a public road [Deleted]~~

(3A) Extension of Laurel Street, Renton Road, or Rhodes Avenue or Mark Road into the precinct as a public road, and providing vehicular connections to the Western road within the precinct:

(a) Traffic:

- (i) the extent to which traffic management measures on roads which connect to the south of the Pprecinct are designed to avoid the southern connection becoming the primary entrance for tertiary education uses or becoming an faster alternative to Carrington Road for non-local traffic;

(b) Amenity and safety:

- (i) whether the design of the road and associated landscaping ing creates:
  - access consistent with the local road function;
  - street trees, planting and other landscaping ing 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.

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- (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 1 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;
  - ~~(d) 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~~ Oakley Hospital Main Building, the Pumphouse, and scheduled identified trees and historic heritage in and adjacent to the precinct; and
- ~~(d)~~(e) 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)~~(f) 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)~~(g) The location and physical extent of parking areas and vehicle access:
- (i) ~~The~~ 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)~~(h) The staging of development and the associated resource consent lapse period:
- (i) ~~Whether~~ 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)~~(i) 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 p~~ Precinct p Plan 1 and Policy I334.3(15A), including the location of the transport network, open spaces and infrastructure; and
  - (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~~ minimising 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.
- ~~(iv)~~ (i) Building scale and dominance (bulk and location):
- (i) the extent to which buildings that exceed the building height demonstrate that the height, location and design of the building allows reasonable sunlight and daylight access to:
- streets and public open spaces;

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- 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).

- (7) Subdivision of land for the purpose of construction and use of dwellings, excluding Sub-precinct A and Sub-precinct C residential units:

- (a) The extent to which subdivision boundaries align with the sub-precinct boundaries and with Precinct Plan 1 (or with any approved road network).
- (b) The effect of the site design, size, shape, contour, and location, including existing buildings, manoeuvring areas and outdoor living space.

- (c) The effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
- (d) The adequate provision and capacity of infrastructure is provided prior to occupation of the buildings.
- (e) The layout of sites provides safe, legible and convenient access to a legal road.

(8) For buildings that do not comply with one or more of Standards I334.6.17 to I334.6.25

(a) for all infringements to standards:

- (i) refer to Policy I334.3(45)
- (ii) ~~the matters of discretion in Rule C1.9(3) of the general provisions apply.~~

**Commented [PR26]:** MDRS matters - see primary s42A report

(b) for building height:

- (i) refer to Policy I334.3(41)
- (ii) (ii) refer to Policy I334.3(45)

Visual dominance

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

- the planned urban built character of the precinct; and
- the location, orientation and design of development.
- the effect of the proposed height on the surrounding and neighbouring development.

Character and Visual Amenity

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

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

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

(c) for height in relation to boundary:

- (i) refer to Policy I334.3(41)
- (ii) refer to Policy I334.3(45)

Sunlight access

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

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

- over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard I334.6.24: or
- over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard I334.6.24 .

(iv) in circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in I334.8.2(8)(b)(v):

- the extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard I334.6.19 Height in relation to boundary control; and
- the extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

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

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

Overlooking and privacy

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

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

(d) for yards:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(43)

(iii) the extent to which buildings set back from water bodies maintain and protect environmental, open space, amenity values of riparian margins of lakes, streams and coastal areas and water quality and provide protection from natural hazards.

(e) for building coverage:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(43)

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

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

(f) for landscaped area:

(i) refer to Policy I334.3(41)

(ii) refer to Policy I334.3(43)

(iii) refer to Policy H5.3(10) or Policy H6.3(10) and

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

(g) for outlook space:

(i) refer to Policy I334.3(1)

(ii) refer to Policy I334.3(43)

(iii) refer to Policy I334.3(44)

(iv) The extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.

(h) for outdoor living space:

(i) refer to Policy I334.3(41);

(ii) refer to Policy I334.3(44); and

(iii) the extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.

(i) for windows facing the street:

(i) refer to Policy I334.3(43)

(ii) the extent to which the glazing:

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

~~(8) Four or more dwellings within Sub-Precinct C~~

~~(a) Assessment criteria H5.8.2(2) and H6.8.2(2) apply~~

~~(b) The extent to which the development achieves the purpose of the Residential Density Standard I334.6.21.~~

#### I334.9. Special information requirements

Note – For the purpose of the following provisions, ‘dwelling’ means a residential dwelling that has an approved land-use consent or building consent.

- I334.9 (1)(a), and (b) and (d)

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

(a) Integrated Transport Assessment

(i) Prior to any proposed developments which would result in more that will increase the total number of dwellings within the precinct to greater than 3,000 dwellings within the precinct, an assessment of the then actual transport characteristics compared to the ITA assumptions shall be provided. If the transport network and generation is not consistent with the assumptions within the precinct ITA, then an updated ITA is required prior to residential development in excess of 3,000 dwellings.

(ii) 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, proposed development that will increase the total number of dwellings within the precinct to greater than result in the precinct exceeding 4,000 dwellings, the applicant is required to produce an new 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

**Commented [PR27]:** s42A Addendum Report Issue Topic 4 Open Space



~~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.~~

(b) Water supply and wastewater Infrastructure Capacity Assessment

- (i) As part of any proposed development that will increase the total number of dwellings within the precinct to greater than 4,000 dwellings, the applicant is required to produce a bulk water supply and wastewater Infrastructure Capacity Assessment for the precinct to demonstrate there is sufficient capacity in the wider water and wastewater reticulated network.
- (ii) As part of any proposed development, a schedule must be provided which confirms the total dwelling numbers approved for resource consent within the precinct at the time the application is made. The purpose of this is to keep a current record of the number of dwellings within the precinct.

(c) Stormwater Management Plan

- (i) As part of land use applications for development within the precinct, information must be provided to demonstrate how stormwater will be managed in accordance with the stormwater management plan for the precinct.

(d) Design Review

- (i) A resource consent application for any development must include a design assessment report from the Wairaka Design Review Panel.

(e) Parking Management Plan

- (i) As part of land use applications for development within the precinct a Parking Management Plan is to be provided. The Parking Management Plan must:
  - Outline the basis for the amount of on-site carparking proposed (including number and type of dwelling units and details of alternative modes available to provide for occupant's travel needs)
  - Assess the potential for adverse effects that may arise from insufficient provision for on-site parking, including:
    - Insufficient on-street parking capacity within walking distance of the subject site to cater for demand
    - Potential locations which may be prone to competing on-street parking demands
    - Any illegal parking activity or parking activity which serves to compromise the safe operation of the transport network

**Commented [PR28]:** s42A Addendum Report Issue Topic 1 Master Plan / Vision

**Commented [PR29]:** s42A Addendum Report Issue Topic 5 Transport

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(including potential for increased conflict involving vehicles and pedestrians as a result of parking reducing on-road visibility)

- o Adverse effects on network performance as a result of displaced parking demand across the wider road network
- Measures to mitigate any identified adverse effects.

(f) Open Space

- (i) As part of land use applications for development including dwellings within the precinct, information must be provided confirming the quantum and location of Open Space at a ratio of 20m<sup>2</sup> per dwelling for all dwellings located in the Precinct, existing and proposed, (excluding any dwellings in Sub-precincts A and C).

**Commented [PR30]:** S42A Amendment Report Issue Topic 4 Open Space

~~(1) The following applies to land use consent applications for the land in the precinct: [Deleted]~~

~~(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: [Deleted]~~

~~(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.~~
- (2) 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:
  - (a) Plans showing:
    - (i) 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;
    - (ii) where changes are intended, the relationship of site contours to existing and proposed streets, lanes, any public open space shown;
    - (iii) building footprints, profiles and height relative to existing and proposed streets, lanes and any existing or proposed public open space;
    - (iv) the location and layout of public open space areas to be associated with the development proposed ~~(within the control of the landowner or leaseholder)~~, including the general location of soft and hard landscaping areas, such as parks, pocket parks, plazas, pedestrian linkages, walkways, covered plazas and linking spaces that complement the existing public open space network;
    - (v) the location and layout of vehicle access, entries, exits, parking areas, emergency access including number of spaces and loading and storage areas;
    - (vi) the location and layout of services and infrastructure;
    - (vii) 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;
    - (viii) the general location and function of existing and proposed streets and lanes, including cross-sections where applicable; and
    - (ix) indicative location and layout of proposed sites, including their site areas and buildings types.

- (b) 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:
  - (i) overall building form and height (as opposed to detailed design);
  - (ii) indicative proposed floor to ceiling heights of each building storey;
  - (iii) areas at ground level adjoining public open space intended to be available for active uses; and
  - (iv) 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.
- (c) A landscape management plan for any landscaped areas to be covenanted, public open space landscaping, roads and streetscapes and walkways. The plan must provide details on:
  - ~~(a)(i)~~ range of appropriate plant species ~~schedules~~;
  - ~~(b)~~ planting specifications including individual tree planting locations; ~~[deleted]~~
  - ~~(c)(b)(ii)~~ weed control and management;
  - ~~(d)(c)(iii)~~ implementation; and
  - ~~(e)(d)(iv)~~ 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: [deleted]~~
  - ~~(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 practise 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: [deleted]~~
  - ~~(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~~

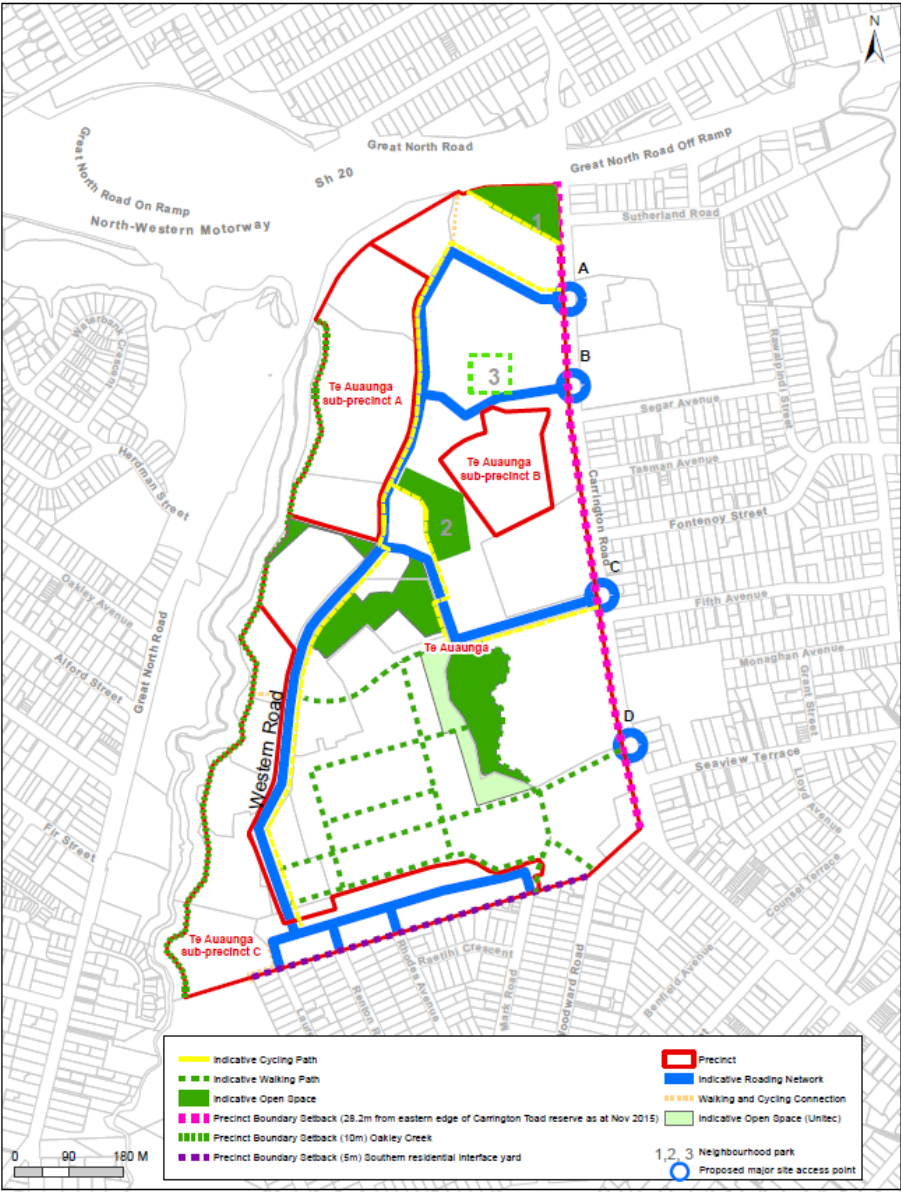
~~(b) be prepared in accordance with current best practice guidelines adopted by Auckland Transport.~~

- ~~(6)(4)(d)~~ The general location of activity types with potential to influence the staging and design of development across the subject land area including:
- (i) general proposed activity types at activity interfaces, including activity types to be established adjacent to existing lawful activities (including industrial activities); and
  - (ii) proposed staging of demolition, earthworks and building development, and where information is available, the staging of public open space.

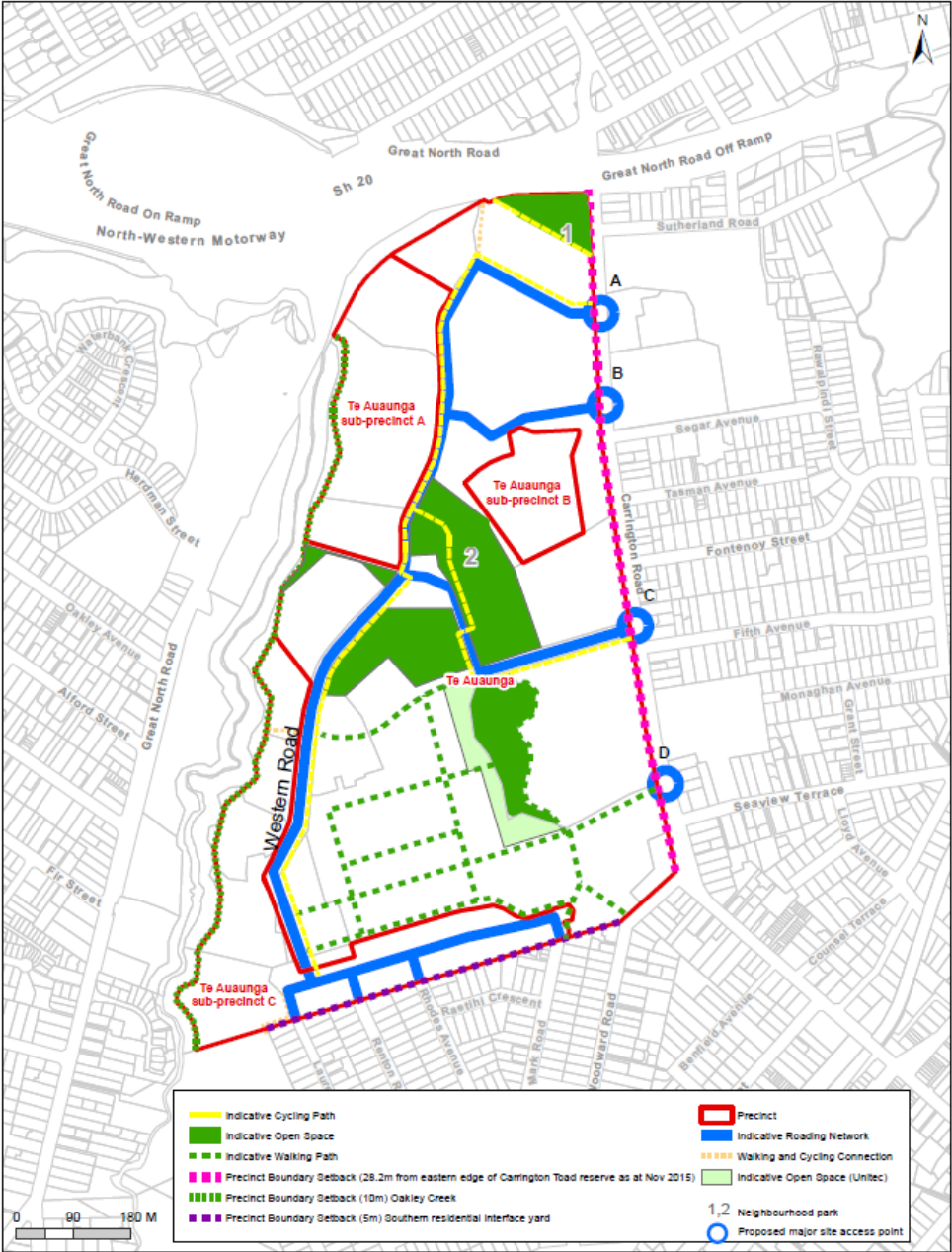
## **PRECINCT PLANS**

Note: In this s42 Addendum Version all Precinct Plans as notified have been deleted and replaced with the following revised recommended Precinct Plans. This is with the exception of Precinct Plan 1 Option 2 which is not a recommended plan but included as an option that is not opposed.

**Wairaka: Precinct Plan 1 (Option 1 – Recommended)**

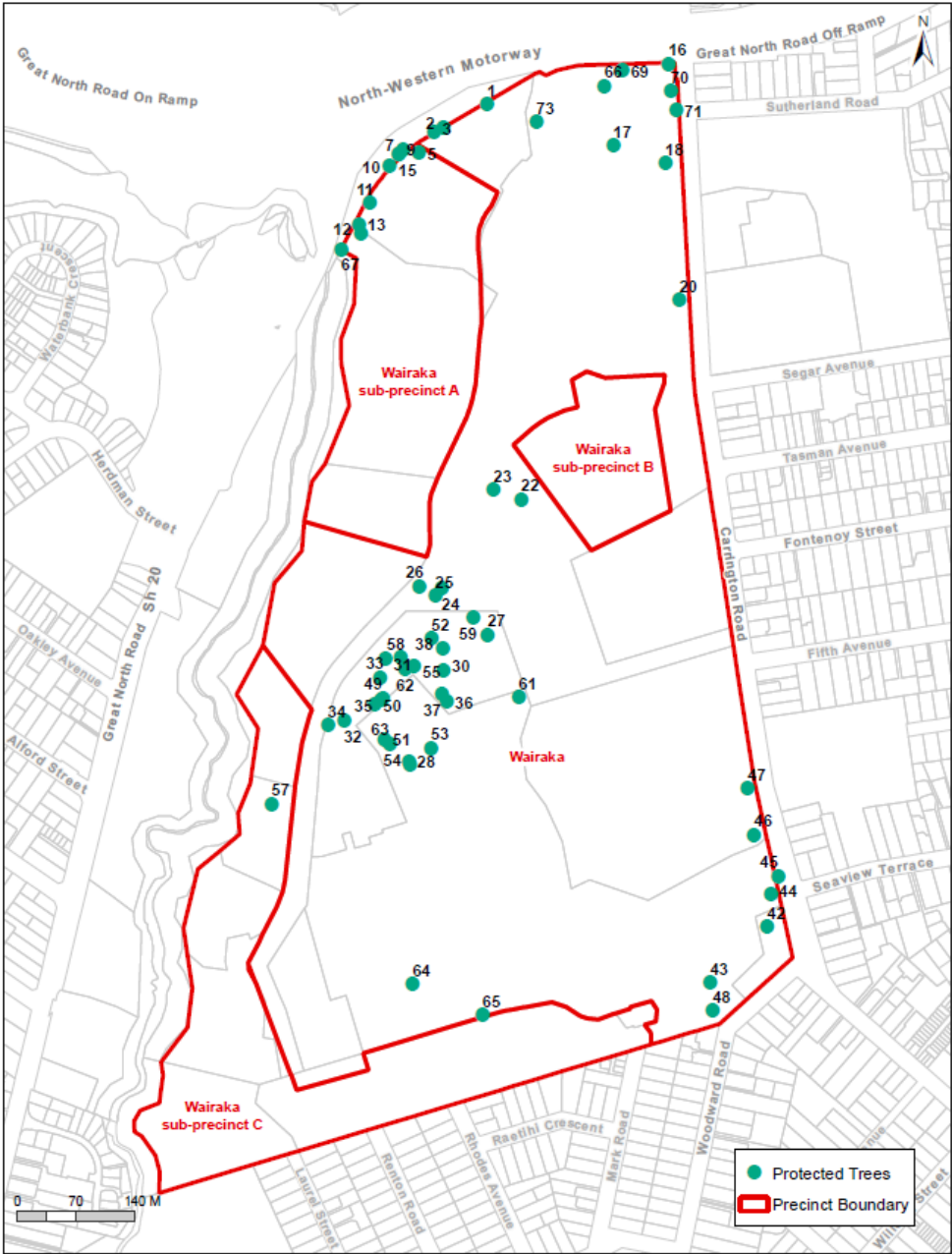


Wairaka: Precinct Plan 1 (Option 2 – Alternative)

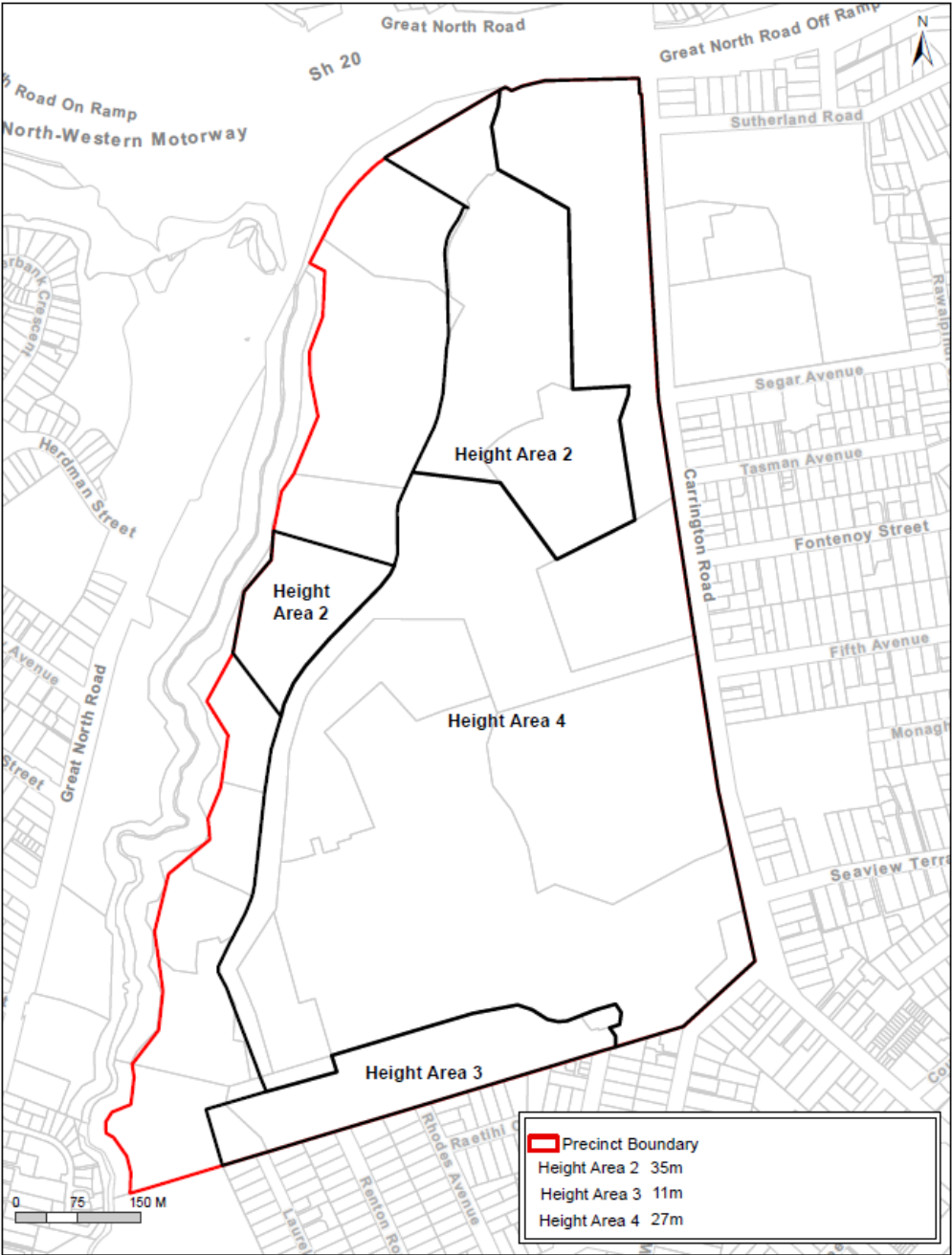




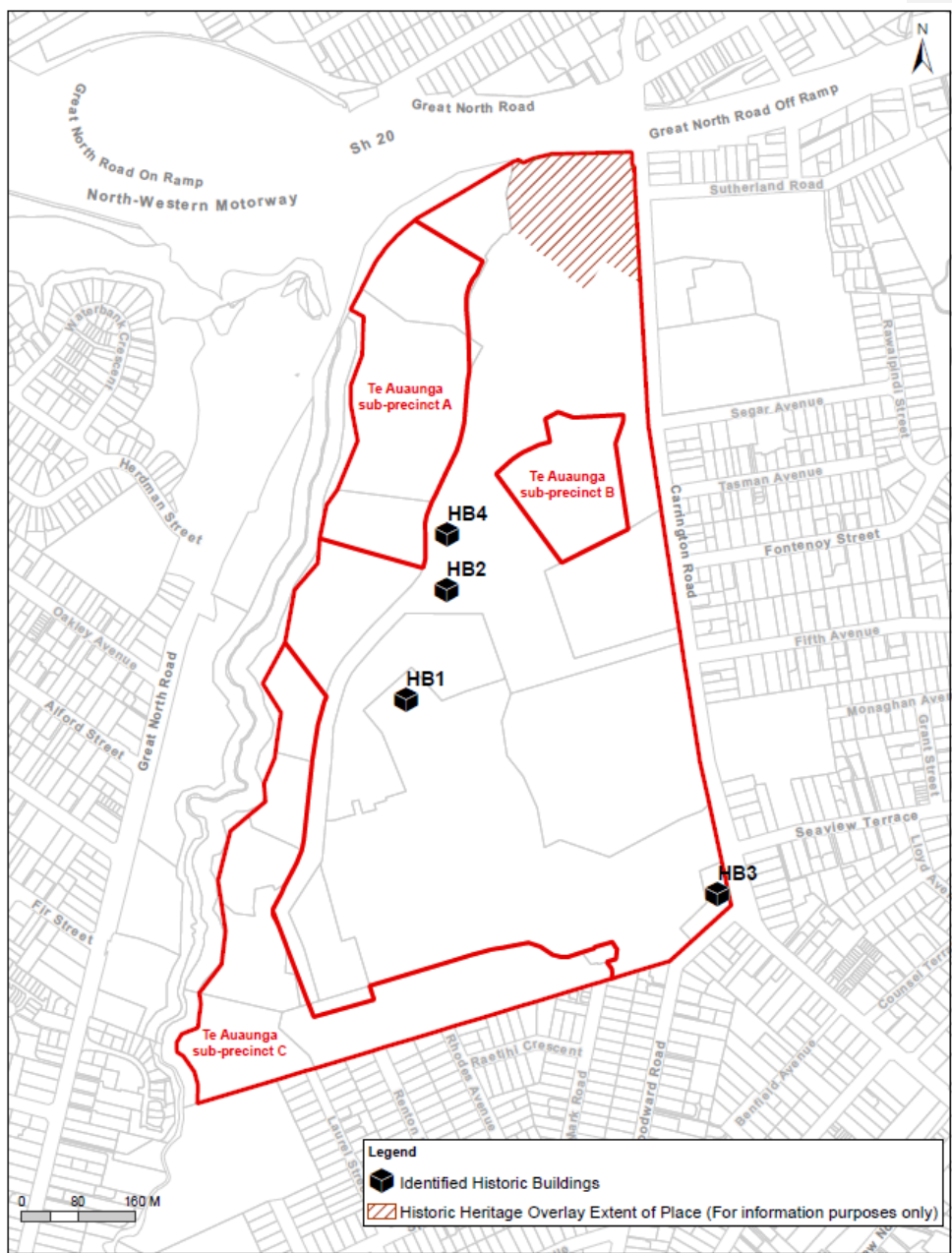
Wairaka: Precinct Plan 2 – Protected Trees



Wairaka: Precinct Plan 3 –Additional Height



Wairaka: Precinct Plan 4 – Historic Buildings





Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – (your discipline)  
From: Stephen Brown  
Date: 1<sup>st</sup> November 2024

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1. My full name is Stephen Kenneth Brown
2. I prepared a specialist review dated the 23<sup>rd</sup> September 2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of **Rachel de Lambert** (landscape and Visual) and **Matthew Riley** (Urban Design) on behalf of Te Tūāpapa Kura Kāinga / the Ministry Of Housing and Urban Development in relation to the following matters:
  - Carrington Road
  - Height Area 1
  - The Precinct's Proposed Open Spaces
  - A Masterplan

**Carrington Road:**

4. At paragraphs 9.5 to 9.12 focuses on the issue of building heights down the western side of Carrington Road. I agree with some of Ms de Lambert's comments – for example, that the built form character of development down Fanshawe Street is more commercial than that proposed on the PPC94 site – while I support Mr Duthie's proposal to increase the building set-back down the edge of Carrington Road from 28.2m to 30.2m. In reality, Mr Ray and myself are almost fully aligned in relation to the height of development down Carrington Road, but I am perhaps slightly more conscious of two factors.
5. The first of these is the interface with the remaining MHU development north of Fifth Avenue, as is discussed at pages 8-11 of my review report. Although much of this area would face towards the Ockham / Marutūāhu development proposals shown in Ms de Lambert's Figure 19, the general disparity in built forms between one side of the road and the other could still be significant in my view.
6. I am also conscious that, even though the various Figures of proposed development found in Ms de Lambert's revised assessment and statement capture 'face-on' elevations of the Ockham buildings (in particular), more angled and oblique views from the road corridor would capture more of the building 'steps' and 'set-backs' that I continue to support. Future development would appear less 'slab sided' and more responsive to the lesser scaled development down the eastern side of Carrington Road.

7. I also note that Marutūāhu Rōpū And Ockham Group Limited have requested an increased building height standard of 35m for that part of Height Area 4 located north of Gate 3. In my opinion, such a height control would accommodate development that is:
- a) Disproportionate to the width of Carrington Road;
  - b) Out of scale with the development that can occur within the MHU Zone across Carrington Road, together with the Special Purpose Healthcare Zone between Segar Avenue and Sutherland Avenue; and
  - c) Out of proportion to the scale of anticipated future development within Point Chevalier's Business - Town Centre Zone.
8. Taking into account these factors, together with the increased road set-back, I am of the opinion that future development within Height Areas 2 and 4 fronting Carrington Road should remain subject to a 21m height control, then a 6m set-back that then accommodates development up to 27m. As with the Ockham developments already consented, this would not preclude the consenting of appropriate developments above this standard, but exceptionally tall development would not become the 'norm' down Carrington Road.

#### **Height Area 1:**

9. At paragraphs 9.14 to 9.23 Ms de Lambert reiterates her support for a cluster of development, containing building footprints subject to height limits of 43.5m, 54m and 72m. Thus, at paragraph 9.28 Ms de Lambert states as follows:

*In my opinion this change to the landscape, with the introduction of taller marker buildings, contributes to the future urban form of the city; it is not incongruous in the context of people's appreciation of the changing urban form of the Site and city.*

10. At paragraph 9.27, Ms de Lambert she further opines:

*Travelling towards the city on this stretch of the Northwestern Motorway, my attention is frequently drawn to views of the harbour bridge juxtaposed with Rangitoto, the city centre skyline and other tower forms such as the two Jervois Road towers, as well as to the maunga that contribute to Auckland's distinctive urban skyline.*

11. I also acknowledge that for all of its journey towards Point Chevalier views from the Northwestern Motorway to Mt Albert stay well clear of Height Area 1. Yet, as I only belatedly realised after discussions with Mr Ray, one other feature would clearly be affected by the cluster of proposed buildings – that of Maungawhau / Mt Eden as the Northwestern Motorway's east-bound lanes approach, then pass, the Patiki Road interchange. To help illustrate this, the following Google Maps images are captured from the motorway between the end of Rosebank Road and the Patiki Road on-ramp. These are then followed by a series of Google Earth images prepared by JASMAX from the same stretch of motorway that show:

- 1. 'Present day' views from the motorway and interchange;

2. The same views with the 27m and 35m height contours of Height Areas 2 and 3 shown; and
3. The same views with the cluster of taller buildings in Height Area 1 also depicted.



**Google Maps Series of Photos From The North-western Motorway Towards The Wairaka Precinct and Maungawhau / Mt Eden:**

Google Maps Image – View From The North-western Motorway Passing Under The Rosebank Road Off-ramp:



Google Maps Image – View From The North-western Motorway Near The End of Rosebank Road:





Google Maps Image – View From The North-western Motorway Near The End of Rosebank Road:



Google Maps Image – View From The North-western Motorway Approaching the Patiki Road On-ramp:



Google Maps Image – View From The North-western Motorway Approaching the Patiki Road On-ramp:





**Google Earth Images From The North-western Motorway:**

**Motorway Viewpoint 1 From Near The End of Rosebank Road – Present-day View:**



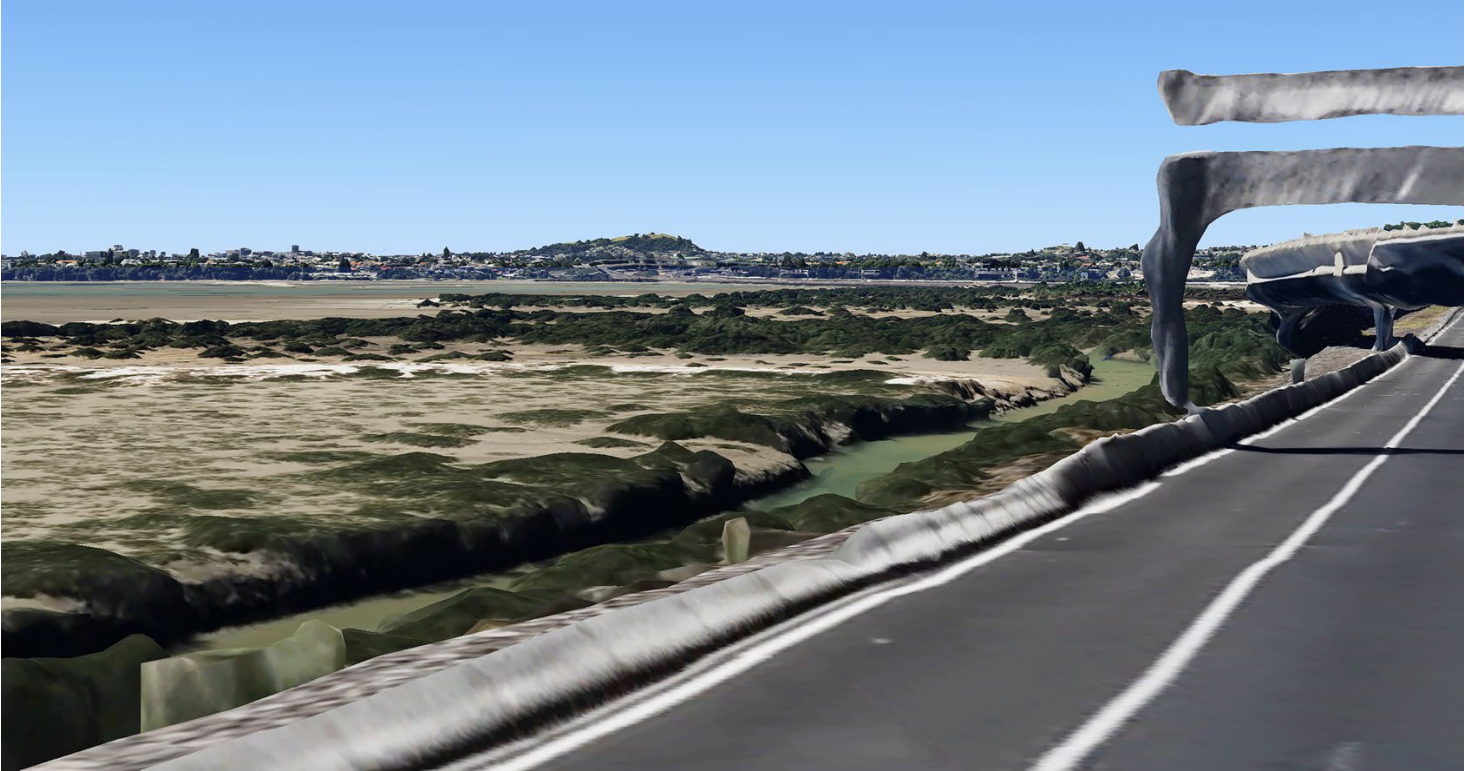
**Motorway Viewpoint 1 From Near The End of Rosebank Road – With The Proposed 27m & 35m Building Envelopes of Height Areas 2 & 4 Shown:**



**Motorway Viewpoint 1 From Near The End of Rosebank Road – With The Building Envelopes of Height Areas 1, 2 & 4 (27m - 72m) Shown:**

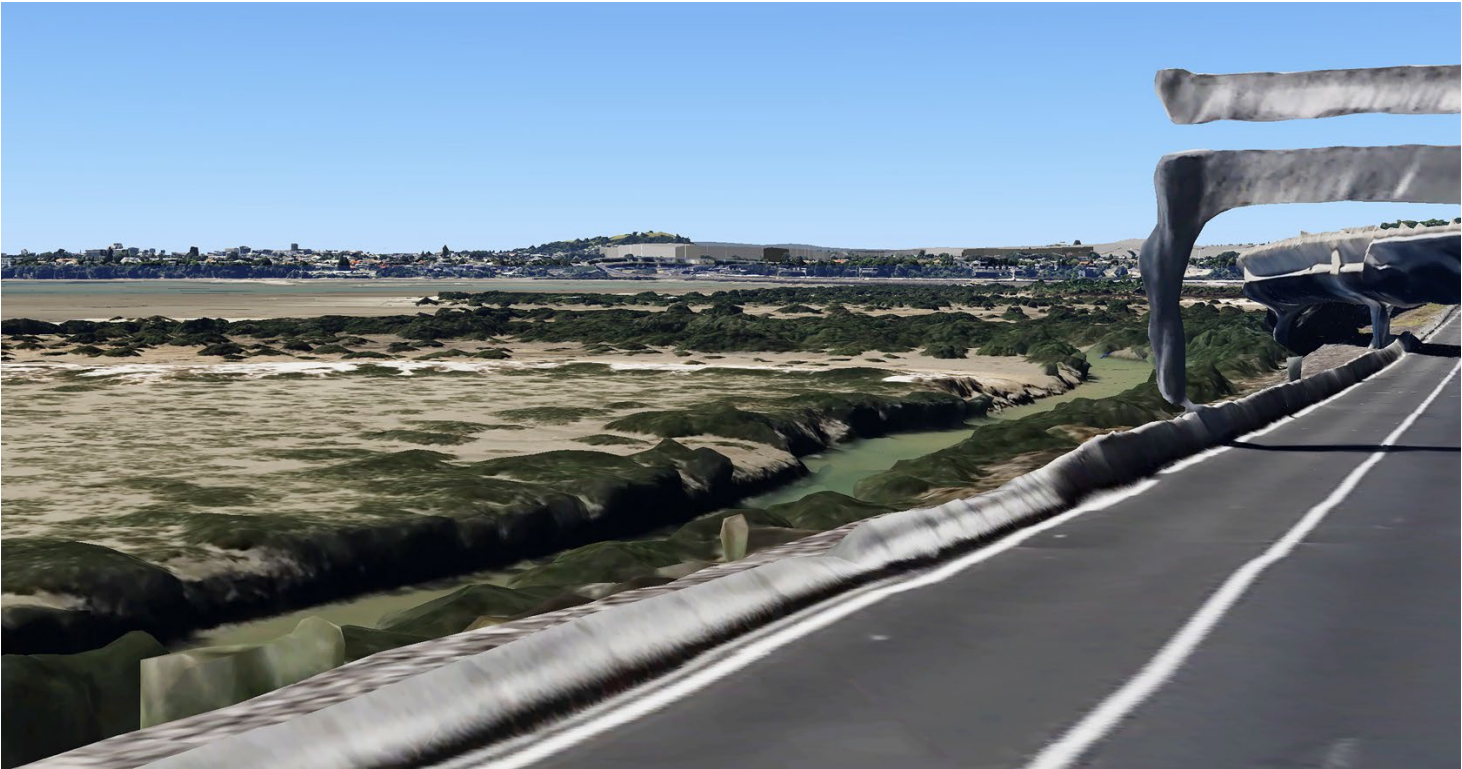


**Motorway Viewpoint 2 Approaching the Patiki Road On-ramp – Present-day View:**





**Motorway Viewpoint 2 Approaching the Patiki Road On-ramp – With The Proposed 27m & 35m Building Envelopes of Height Areas 2 & 4 Shown:**



**Motorway Viewpoint 2 Approaching the Patiki Road On-ramp – With The Building Envelopes of Height Areas 1, 2 & 4 (27m - 72m) Shown:**





Motorway Viewpoint 3 On The Patiki Road On-ramp – Present-day View:



Motorway Viewpoint 3 On The Patiki Road On-ramp – With The Proposed 27m & 35m Building Envelopes of Height Areas 2 & 4 Shown:





12. These images demonstrate that:

1. The rising profile of Maungawhau / Mt Eden is closely associated with Point Chevalier – as the ‘landing point’ for the North-western Motorway on the Auckland Isthmus – throughout the journey between the Rosebank and Patiki Road interchanges and, indeed, beyond it as well
2. The Wairaka Precinct lies close to this ‘landing point’ or ‘gateway’, as Ms de Lambert describes it;
3. In more distant views from near Rosebank Road the proposed building envelopes of Height Areas 2 and 4 would not greatly alter or impinge upon, the profile of the Isthmus, but as one passes the Patiki Road on-ramp they increasingly disrupt, then obscure most of Maungawhau / Mt Eden; and
4. Within that same sequence of views, the cluster of buildings proposed within Height Area 1 would initially sit off to one side of the maunga, but would increasingly ‘compete’ with it visually, then intrude into its profile, before obscuring it almost completely near the Patiki Road on-ramp.

13. This creates a clear tension between the existing feature that Maungawhau / Mt Eden clearly is and the new skyline ‘feature’ that would be created by development to and near the height limits proposed within Height Area 1, in particular. Whereas the development envelopes of Height Areas 2 and 4 would largely mimic the natural contours and landform found near Point Chevalier, the ‘towers’ of Height Area 1 would initially challenge the visual profile of Maungawhau / Mt Eden when viewed from near Rosebank Road, but would then disrupt its distinctive form before obscuring it near the Patiki Road interchange. From this point through to Point Chevalier – past the Waterview Lagoon – the

cluster of ‘towers’ would combine with future development in Height Areas 2 and 4 to both screen out and supplant Maungawhau / Mt Eden.

14. Although the subject sequence of views to Maungawhau / Mt Eden does not comprise one of the AUP’s Maunga Viewshafts, it nonetheless captures the maunga at a key point in the journey towards the Auckland Isthmus and its series of volcanic features – of which Maungawhau / Mt Eden is unquestionably one of its most distinctive and important from a landscape standpoint. The proposed ‘towers’ would, in effect, supplant an iconic feature of Auckland City that is already expressive of approaching, then arriving at, the Auckland Isthmus.
15. I accept that this ‘screening’ and displacement of the maunga becomes an insurmountable issue once past the Patiki Road interchange – if only because of the effects that more widespread development across the Wairaka Precinct, together with residential intensification near the Waterview Lagoon and Point Chevalier, will eventually have on such interaction in the future. Nevertheless, I am of the opinion that views from other parts of the North-western Motorway (as described and shown above) remain important, both in relation to Maungawhau / Mt Eden specifically and the wider array of volcanic features captured on and near the Isthmus skyline – including Owairaka / Mt Albert, Maungakiekie / One Tree Hill and even Rangitoto.
16. As a result, I remain sceptical about the purported value of the cluster of buildings proposed for Height Area 1 as a ‘feature’ in its own right and consider that it would have a significant and adverse effect on a key part of the Isthmus skyline from a landscape standpoint. In my view the height controls proposed for Height Area 1 remain inappropriate, both for the reasons stated in my review report and this addendum report.

#### **Open Spaces:**

17. Since I prepared my review report, Mr Reaburn has recommended a new standard that would provide for a minimum of 20% of the Precinct to comprise open space – between buildings – throughout the Precinct, setting aside car parking and roading. In addition, the applicants have proposed another new standard which requires a measurable minimum amount of sunlight access to this park over a specified period of time. In my opinion, these standards would make a positive contribution to the urban-residential environment that PPC94 sets out to achieve, and I fully support them.
18. They might not resolve issues related to the fundamental size, form and relative scale of the open spaces proposed, or even their future utility. However, I accept that these are matters which should be left to specialists in this area, although I also welcome the open space review / audit undertaken by Thrive Spaces and Places Ltd (as mentioned in Ms de Lambert’s paragraph 6.11).

#### **A Masterplan:**

19. In my review I raised concern about the absence of an updated Grimshaw *Reference Masterplan & Strategic Framework* to provide guidance in relation to the expected design and character outcomes for the Precinct, particularly as the residential population now



expected to reside within the Wairaka ‘campus’ has increased very substantially since 2019. Mr Ray’s Addendum Report addresses this matter at his paragraphs 10-28. More specifically, I might have expected such a framework to identify some of the Precinct’s key qualitative outcomes, including:

- A proportionality between its buildings and the open spaces – both public and private – that both frame such development and cater to the needs of the Precinct’s future residents;
- In a related vein – the setting of future development within a setting that has a garden-like aesthetic, or at least a generosity of open space and planting;
- The creation of an environment that is cohesive and coordinated, rather than a collection of individual, but co-located developments;
- Connection and integration of the Precinct’s open space network / frame with Te Auaunga and the Point Chevalier Town Centre;
- The creation of a highly connected, pedestrian and cyclist friendly environment – not one that is dominated by private vehicles, their use and parking areas; and
- The avoidance of excessive visual over-domination and overshadowing by buildings in relation to public open spaces

20. I also note that the likes of Auckland’s Wynyard Quarter and Hobsonville Point have benefitted from quite rigorous management via design guidelines and frameworks – in conjunction with masterplans and a consent application process that is managed by design review panels that are fully aware of the outcomes anticipated for both development areas. For the most part, these have successfully managed the growth within such areas. In my opinion, the Wairaka Precinct should be an exemplar in this regard, particularly as PPC94 has been prepared on behalf of Te Tūāpapa Kura Kāinga / the Ministry Of Housing and Urban Development. Yet, neither a design framework / masterplan nor design review panel (for the Wairaka Precinct specifically) are proposed as part of the Plan Change. In my view, this is a retrograde step.

21. To avoid repetition, I can therefore only state that I fully endorse Mr Ray’s comments about the relative absence of a framework that would effectively guide and manage the evolution of the Wairaka Precinct. In my opinion, this remains a significant shortcoming of the proposed Plan Change.

22. Having said this, I note that Mr Reaburn has addressed some of the ‘vision / character’ matters discussed at Expert Conferencing on the 1<sup>st</sup> November, and prepared additional objectives, policies and criteria that are, from my point of view, beneficial in this regard. They include the following:

***I334. Te Auaunga Precinct***

***I334.1. Precinct Description***

*The intended built character for the precinct is for a series of high quality intensive, predominately residential buildings which are located within an identifiable open space*

*/ landscaped setting, which is supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.*

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

#### **General – all of precinct**

- (2) *Comprehensive planning and integrated development of all sites within the precinct is achieved, including by enabling high quality intensive, predominately residential buildings which are located within an open space / landscaped setting supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.*

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

#### **General – all of precinct**

- (13A) *Require residential development to contribute to the overall built form character of the precinct by providing buildings within an identifiable open space / landscape setting, supported by a series of both public and private/communal open spaces and avoiding car dominated environments.*

23. The Assessment Criteria for New Buildings (I334.8.2) are, in turn, linked back to Policy 13A, as well as other policies. In my opinion, these additions would not circumvent the positive qualities and guidance of a masterplan, but would be a ‘step forward’ in this relation to the provision of a framework for future development across the Precinct.

### **Conclusions:**

24. I have carefully considered the evidence of Ms de Lambert and Mr Riley. Even so, I remain of the opinion that:

1. Buildings down Carrington Road should remain subject to a 21m height control, which accommodates up to an additional 6m of height set back at least 6m from the building frontage;
2. Building heights within Height Area 1 should be subject to a 35m height standard, perhaps even 27m given the issues highlighted above;
3. The two additional standards designed to address open space, generally, within the Precinct and sunlight access to its defined public open spaces should be adopted; and
4. The future development within the Precinct should ideally be subject to a masterplan that clearly expresses the character and design outcomes expected throughout the Precinct and/or the additional provisions suggested by Mr Reaburn.

Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – Urban Design  
From: Alistair Ray  
Date: 5<sup>th</sup> November 2024

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1. My full name is Alistair Ray
2. I prepared a specialist review dated 11<sup>th</sup> September 2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. I reiterate my general support for PC94 and recognise the strategic value of this site and the opportunities it provides.
4. I also stand by my position outlined in my original review and do not repeat the reasons for that position here, except where I qualify that position in response to evidence as set out below.
5. The purpose of this memorandum is to specifically respond to the evidence of:

Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development  
Mr Matthew Riley – Urban Design  
&  
Marutūāhu Rōpū And Ockham Group Limited  
Mr Richard Knott – Urban Design

#### **Expert Conferencing and Joint Witness Statement**

6. I took part in the Expert Conferencing session on Friday 1<sup>st</sup> November 2024 facilitated by Mr Ian Munro on the topic of urban design. I confirm that the Urban Design and Landscape Joint Witness Statement (JWS) is an accurate record of the discussion that took place and the agreed positions taken by the various experts.
7. As part of that discussion, I confirmed that one of my major concerns was the lack of an adequate description of the intended built character for the precinct. I consider this to be particularly important as this will make it difficult for any person or group assessing subsequent resource consents or proposals, as they would have little to assess the proposal against that is specific to the intended design of this precinct, as opposed to just generic design guidance.
8. The experts agreed that the precinct description could be amended to provide a greater level of clarity over the intended built form character, although myself and Mr Brown

considered this could go further to describe the intent to provide buildings in a “*parkland setting*” and provide “*generous amounts of private/communal open spaces.*”

9. This matter is further addressed below.

### **A guiding masterplan**

10. In my review, I suggested that for a site of this size, complexity and importance, it would be typical good practice for a masterplan to be used to guide and shape future development as well as form the basis of assessment for all subsequent development.
11. It is recognised that the Grimshaw “Reference” Masterplan has been used to inform the proposed planning provisions. However, I am concerned that the built form character and design outcomes in that document are not adequately described in the Precinct provisions.
12. I consider that my concerns raised in my initial review are still valid and I do not repeat them here.
13. However, from Mr Riley’s evidence it is worth noting the following points.
14. Mr Riley suggests that the proposed Precinct provisions accurately reflect the vision from the Reference Masterplan through an extensive list of objectives and policies on the outcomes that should be achieved in regard to built form and character, open space, and pedestrian and cycle access.
15. There is little in the planning provisions that describe the built form character and outcome that is intended and that is described in words and pictures within the Reference Masterplan. This is important as it is difficult for those who will be assessing the subsequent individual resource consents to know whether the particular proposal in front of them is in line with the intended vision for the precinct.
16. This is also important because PC94 appears to be light on the amount of open space provided considering the number of future residents proposed, an issue dealt with in more detail by Mr Greenaway. But the built form character described in the Reference Masterplan is that of high-density residential buildings sited in generous amounts of open space – which appears in many forms (hard and soft spaces) as useful amenity space for residents of this future community. It is this generosity of open space surrounding the buildings, combined with the spaces defined on Precinct Plan 1, that provides comfort that the built form outcome for such a high population will be sufficient.
17. But with no reference to this built form character, there is little to help those assessing subsequent resource consents to determine if sufficient open space is being provided.
18. The Reference Masterplan also paints a picture where there is little surface parking and the environment is not one dominated by vehicles and parking, a generally good urban design outcome. Yet I am concerned that if a proposal is submitted that includes large

areas of surface parking, there is insufficient objectives, policies or standards that could be applied to resist such an approach.

19. The objectives simply include a statement that the urban environment “*incorporates high-quality built form and design including a variety of built form typologies.*” Hobsonville Point, Long Bay and Wynyard Quarter all incorporate high-quality built form with a variety of built form typologies, but all are very different in character and provide very different urban form outcomes. Without a clear vision for the precinct, it will be very difficult to make an assessment on the design response of individual consents. For example, if one of the development partners chooses to provide rows of low-rise (but well-designed) terraced houses with parking in the front yard, will this be considered appropriate for the precinct?
20. Mr Riley makes reference to the fact that the buildings within Wynyard Quarter do not sit within generous amounts of open space and that the character of the urban environment is quite different and if such an outcome were to eventuate at Wairaka this would be a success. I agree, if delivered like Wynyard Quarter, the Wairaka precinct would be a success. But it must be noted that the character of the two precincts is quite different and so is the method of delivery. The buildings at Wynyard Quarter sit within a framework of high-quality public realm with an abundance of open spaces, walkways, streets and lane-ways – a concept which has been clearly identified as an important design approach within the masterplan and design framework. Consequently, all building proposals can be assessed knowing that sufficient open space has already been provided in the neighbourhood through other means.
21. I do recognise that an additional objective and additional policy have been added to the proposed provisions with respect to providing additional open space as follows:
- Ensures a range of high quality, well located and connected, and suitably sized open spaces are able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct;*  
I334.2 10 (ba)
- Ensure provision of open space, including identified neighbourhood parks, other areas of open space identified on Precinct plan 1 and communal open space, that together provide a range of high quality, well located and connected, and suitably sized open spaces able to be developed for a range of passive and active recreational activities commensurate with the intensification and population enabled within the precinct.*  
I334.3 15A
22. I consider these both valuable additions with respect to ensuring additional open space is provided beyond that identified on Precinct Plan 1.
23. I note that Mr Reaburn has addressed some of the ‘vision / character’ matters discussed at the Expert Conferencing, and prepared additional objectives, policies and criteria that are, from my point of view, beneficial in this regard. They include the following:

***I334. Te Auaunga Precinct***

### **I334.1. Precinct Description**

*The intended built character for the precinct is for a series of high quality intensive, predominately residential buildings which are located within an identifiable open space / landscaped setting, which is supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.*

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

#### **General – all of precinct**

- (2) *Comprehensive planning and integrated development of all sites within the precinct is achieved, including by enabling high quality intensive, predominately residential buildings which are located within an open space / landscaped setting supported by a series of both public and private/communal open spaces, and which avoids a car dominated environment.*

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

#### **General – all of precinct**

- (13A) *Require residential development to contribute to the overall built form character of the precinct by providing buildings within an identifiable open space / landscape setting, supported by a series of both public and private/communal open spaces and avoiding car dominated environments.*

24. The Assessment Criteria for New Buildings (I334.8.2) are, in turn, linked back to Policy 13A, as well as other policies.

25. In my opinion, these additions are a positive step and would assist those assessing future Resource Consents by providing greater clarity of the intended built form character. However, for a site of this size, importance and complexity, I am still concerned that this does not provide a sufficiently robust design assessment framework to assist those reviewing future Resource Consents.

26. I agree with Mr Brown's Addendum Report that I consider that such a framework could help by defining some of the Precincts key qualitative design aspirations, including:

- Defining the relationship between building coverage and open space, with the proposed parkland or garden-like setting with a generosity of open space and planting sufficient to cater for the needs of the Precinct's future residents;
- The creation of an urban environment that is cohesive and coordinated, rather than a collection of individual and unrelated building forms;
- The creation of a highly connected, walkable and cyclist friendly environment – not one that is dominated by private vehicles, servicing and parking areas;
- Connection and integration of the Precinct's open space network with Te Auaunga and the Pt Chevalier Town Centre;
- The avoidance of excessive visual over-domination and overshadowing by buildings in relation to public open spaces.

27. Wynyard Quarter and Hobsonville Point, arguably New Zealand's two most successful large scale urban projects, have both benefited from a robust design framework including design guidelines, design frameworks for each precinct and a robust design review process. It should be noted that the Wairaka Precinct is approximately twice the size of Wynyard Quarter.
28. Mr Riley suggests that in response to the success of Hobsonville Point and Wynyard Quarter, there is an opportunity for the establishment of a bespoke design panel for the site. It is not clear whether this is just a possibility or a proposal, or what terms of reference and design guidance such a panel would be able to refer to in the absence of clearer definitions of the intended design direction within PC94. But I would support such an approach at the Wairaka precinct if this can be delivered.
29. Mr Reaburn's proposed provisions make reference to the provision of a site specific urban design review panel within the assessment criteria and within the "Special Information Requirements" and I support these insertions.

#### **Carrington Road interface**

30. As stated in my original review, I support an increase in building height along Carrington Road. I contested that the particular circumstances in place at the Wairaka precinct – with lower more suburban height limits in place on the eastern side of the street and a location within the predominantly suburban character of Mt Albert – would suggest that a height control as proposed in my original review may be more appropriate. This is a height limit of 21m immediately adjacent to the road reserve (a "street-wall height control") with the ability to rise to the requested 27m building height if the upper part of the building is setback by at least 6m.
31. However, having reviewed Mr Riley's evidence and the proposed amendments to the planning provisions, I am prepared to accept the height controls as proposed by the applicant.
32. I recognise that there are now a number of precedents of buildings of this height along similar road corridors and also that such a change has effectively already been signalled by the consents for the Maungarongo (RC2) Ockham development in the northern section of Carrington Road. Combined with the proposed modification to the provisions (I334.6.6 (3)) requiring a setback of at least 30.2m from the eastern edge of the Carrington Road road reserve (effectively an additional setback of 2m), I agree that this proposed new height limit is appropriate along Carrington Road from an urban design perspective.
33. The suite of policies, matters of discretion and assessment criteria are also crafted to be able to address any potential adverse effects of larger scale buildings along Carrington Road.

#### *Carrington Road minimum floor to floor height at ground level*

34. My review recommended that a standard be introduced into the Precinct requiring buildings fronting Carrington Road to have a minimum 4m floor to floor height at ground floor.
35. As Mr Riley points out, other similar main roads with BMU zone such as parts of Great North Road, Green Lane East and Williamson Avenue are not subject to a “standard” for a minimum floor to floor height at ground floor level. However, those locations do at least benefit from the inclusion of BMU zone Policy H13.3(6) which *encourages*, but does not prescribe the ground floor to be adaptable to a range of uses.
36. However, the expert conferencing session confirmed that such BMU policies (including the above) will still apply to the precinct. The proposed planning provisions state that in addition to the policies within the proposed provisions, all relevant overlay, Auckland-wide and zone policies still apply in this precinct.

#### **Marutūāhu Rōpū And Ockham Group Limited submission – additional height**

37. It is noted that Marutūāhu Rōpū And Ockham Group Limited (MROCL) have made a submission requesting additional increases to the building height standards beyond those contemplated within the Notified Plan Change, notably that a 35m building height (as proposed in Height Area 2) be extended to part of Height Area 4, along the boundary with Carrington Road north of Gate 3.
38. I do not support this request for the reasons largely set out in my original review which dealt with the request by the applicant for a 27m height limit along Carrington Road. In summary, these reasons relate to the height of the buildings in relation to the width of the Carrington Road (proposed to be 28.2m), the fact that the east side of Carrington Road is zoned for much less building height for most of its length (including parts at just 11m height limit), and the fact that the wider neighbourhood around this site has a more general suburban and lower-rise character.
39. As stated above, having read the Mr Riley’s evidence, I have changed my position on the applicant’s request for additional height (27m) along Carrington Road. This is due to the reference of several good precedents; the presence of existing consents with buildings over the existing allowable height; the fact that buildings setback at upper floors are often negotiated away during the consenting process due to construction costs; and the proposed additional 2m setback to Carrington Road.
40. Whilst I am prepared to agree to the applicants request for 27m height, I consider that the submitters request for 35m along the Carrington Road interface is a step too far. I accept that buildings deeper within the site could rise to 35m with less impact on the surrounding neighbourhood due to the separation distance and the falling topography, buildings consistently at 35m along Carrington Road will be disproportionate to the street and considerably taller than the buildings on the eastern side, which are due to fragmented private ownership are not likely to change at a considerable rate.



41. It is noted that this issue was discussed at Expert Conferencing and that the urban design and landscape design experts representing both the applicant and Auckland Council all agreed that this request for additional height is not supported.
42. Mr Knott points out that where there are height limits on the eastern side of Carrington Road, buildings above these height limits could still be allowed subject to consents. For example buildings in the Residential Mixed Housing Urban zone which exceed the 11m height limit simply become a Restricted Discretionary Activity. In which case, buildings could indeed be higher on the eastern side than the current height limits.
43. However, this argument could equally apply to the Wairaka Precinct side of Carrington Road. Whilst I agree with the applicants request for a 27m height limit, this argument would also not stop proposals for taller buildings but subject to a discretionary consent.
44. The approved Resource Consent 2 for (MROCL) demonstrates a good urban design outcome with a variety of buildings heights along Carrington Road – four buildings ranging from 7 storeys to 11 storeys with the variety providing good visual relief whilst the tallest element (approximately 35m) does not dominate. But a height limit provides a baseline standard at which height is generally not questioned and encourages buildings of all the same height, which can be a less than ideal outcome.
45. I consider that a 27m building height standard is still the most appropriate in this location and proposals for anything taller will need to present a good argument with good design outcomes to justify anything taller.

### **Space between buildings**

46. In my review, I recommended the introduction of a standard requiring a minimum 18m separation distance between buildings that are greater than 27m in height and contain facing habitable room windows.
47. As Mr Riley points out, PC94 proposes to apply the outlook space standard from the BMU Zone in the Precinct. This is the primary tool the BMU Zone uses to manage privacy, a purpose of which is “to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent site.” The standard does not require a minimum 18m separation between buildings.
48. However, the existing BMU zone does require increased separation between buildings as they increase in height. Standard H13.6.3 requires the upper floor of buildings to be setback from the site frontage above 18m when facing residential zones, or above 27m in all other zones. The purpose of this standard is described as:
- provide adequate daylight access to streets;
  - manage visual dominance effects on streets;
  - manage visual dominance, residential amenity and privacy effects on residential zones;

- mitigate adverse wind effects.

49. This standard effectively recognises the increasing importance of separation as buildings increase in height. Yet this standard is not present in PC94. It is for this reason that I propose an increase in building separation of 18m, just for buildings over 27m in height. If this standard is not to be introduced, then I recommend the existing BMU zone standard is re-instated into the provisions, to be in line with other BMU zones, noting that this is potentially more onerous on the applicant as it applies to all building frontages, regardless if they already achieve the separation distance of 18m that I prescribe.

### **Shading and building dominance to open space**

50. In my review, I expressed concern about potential shading and visual dominance effects from the scale of buildings that would be enabled by PC94 adjacent to the open spaces identified on Precinct Plan 1.

51. I note that two additional elements have been added to the proposed provisions. One is a new assessment criterion as proposed by Mr Reaburn. The other is a new standard which requires a measurable minimum amount of sunlight access to this park over a specified length of time.

52. I am satisfied that these two additions will help alleviate the concerns I initially raised, subject to understanding how this standard will be applied in practice given that resource consents for buildings may come one at a time.

53. For example, the first building to be consented alongside the central open space will have a relatively easy time passing this standard. But if built and it is relatively tall and close to the open space, it may mean that subsequent consents for buildings may be find meeting the standard quite difficult. I assume that some degree of “common sense” may need to be applied to the first consent to ensure it does not render other sites undevelopable, or require a change to the standard.

### **Building height and form in Height Area 1**

54. PC94 proposes to enable three buildings above 35m height in Height Area 1, one up to 43.5m, one up to 54m, and one up to 72m. I have two concerns regarding these buildings.

55. Firstly, I consider that that rationale for taller buildings in this area has not been well-made.

56. Having considerable experience in tall building policy, guidance, consents and plan changes, I consider that the reasons set out in Mr Riley’s evidence do not represent good practice strategic urban planning justification for a cluster of tall buildings:

- It is not located within a defined existing or emerging centre (metropolitan or town centre).
- It is not immediately adjacent to a public transit node.
- It is not located at the intersection of land and sea – the site is approximately 1 km from the coastal edge.
- The intersection of two motorways is not a valid justification for a tall building. A “motorway intersection” (described as transport infrastructure) has nothing like the same strategic urban planning importance and should not be regarded as the same as a “transit node”. People do not need to be guided to the former, whereas transit nodes need to be clearly legible.

57. I am also concerned by the idea of a “cluster” of taller buildings together with their proposed height, given the lack of a clear justification. At 72m, the tallest building will be as high as those allowed in Auckland’s Metropolitan centres – which on the hierarchy of centres is second only to the city centre. Yet there is nothing that suggests this site should be considered as important as a metropolitan centre. If this were just one taller building, or if it were at a lower height, then perhaps a stronger case could be made.

58. For example, the case referred to on Esmonde Road by myself and Mr Riley, is for just one taller building element. But this is only 48m tall, and with other controls will be a relatively slender building form, much less so than those proposed here in PC94.

59. I would therefore consider that a more appropriate urban design solution would be if either the height proposed was reduced, or the idea of a “cluster” of taller elements was removed.

60. I do accept that the site could form a “gateway” to the Auckland isthmus and forms an arrival experience as one approaches from the west on SH16. It must be noted however that the tall buildings will be seen immediately in front of Maungawhau (Mt Eden) when travelling across the causeway of SH16, and this could be argued is also a gateway feature, although admittedly further distance from the arrival point on the isthmus. However, this is a wider landscape visual impact issue, to which I will defer to Mr Stephen Brown.

61. I also recognise that the proposed North-West rapid transit network may provide a station/stop within the Pt Chevalier town centre, and that the site of the taller buildings will be relatively close to this transit node.

62. So, whilst I feel that a strong strategic urban planning case has not been well made for a cluster of tall buildings, I recognise that there are some mitigating strategic elements and there is relatively little harm in perhaps one tall building in this location, subject to resolving the conflict with Maungawhau (above). For example, there are no immediate neighbours to cause any issues with regard to overlooking and loss of privacy and overshadowing. I am therefore open to the idea of taller buildings in Height Area 1, subject to resolving Mt Stephen Brown’s wider landscape and visual impact concerns.

63. My second concern relates to the form of the taller buildings.

64. I recognise that there are assessment criteria within the proposed provisions, including some recent additions, relating to the design of the building including articulation, modulation, scale, materiality etc. I accept that this list of assessment criteria is helpful in assessing the design quality of any taller building elements.
65. However, the presence of a “built form standard” relating to the horizontal diagonal dimension (which informs the massing of the building) implies that that particular issue will then not be a matter of discretion. I.e. if the building is within the standard horizontal dimension, then matters of discretion are reserved to its (architectural / elevation) appearance only, and that its dimensions cannot be questioned.
66. I stand by my concerns and opinions expressed in my initial review as to why this horizontal dimension is an issue and could result in buildings that are overly bulky.
67. It is noted in my initial review and in Mr Riley’s evidence that the horizontal dimension emanates from the City Centre (and Metropolitan Centre) standards. However, dealing with taller building in these two centre hierarchies are quite different in strategic urban planning terms than a site such as Wairaka precinct that is clearly not in such a centre. Both the City Centre and the emerging Metropolitan Centres either already have or are expected to have a range of taller buildings including commercial buildings that generally require a larger floorplate to be commercially viable.
68. Notwithstanding my concern over the principle of a cluster of tall buildings, I consider there to be two options to provide appropriate design control over the form and massing of the building. Either the horizontal tower dimension standard can be removed, and this matter becomes another matter of discretion, with the overall form and shape of the proposed building design being a consideration. Alternatively, the horizontal tower dimension needs to be reduced to avoid buildings that are excessively bulky.

## **Conclusion**

69. In conclusion, my position in my original review is largely the same. I am generally supportive of this proposed plan change and recognise the strategic value of this site and the opportunities it provides.
70. However, I have a number of concerns from an urban design perspective as set out in my review.
71. The insertion of an additional objective and policy with respect to the provision of open space is a welcome addition.
72. I also consider the additional description, objectives, policies and assessment criteria proposed by Mr Raeburn in response to the Expert Conferencing is a positive step that will assist those assessing future Resource Consents. However, I consider that for a site of this size, importance and complexity would benefit from additional elements to describe the qualitative design aspirations for the precinct together with appropriate design review mechanisms.

73. I have softened my position on the Carrington Road interface and the issue of shading and building dominance to open space, although I do not agree with the submission from Marutūāhu Rōpū And Ockham Group Limited for an increase in building height to 35m along the Carrington Road frontage.
74. I still have concerns as to whether a sufficient and appropriate justification is made for a cluster of taller buildings in Height Area 1, although I do recognise that the harm of such buildings is relatively minor (subject to resolving Mr Stephen Brown's concerns). I still have concerns over the bulk and massing (not so much the height) of the taller buildings.



Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – (Open Space assessment)  
From: Roja Tafaraji, Senior Parks Planner, Auckland Council  
Date: 05.11.2024

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1. My full name is Roja Tafaraji.
2. I prepared a specialist review dated 01.10.2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of:

Applicant

- a. Mr Geoff Canham, Open Space
- b. Mr Matthew James Riley, Urban Design
- c. Ms Rachel De Lambert, Landscape and Visual
- d. Ms Hannah Louise McGregor, Applicant (MHUD)
- e. Mr John Duthie and Mr Ian Smallburn, Planning

Submitter

- f. Ms Maylene Barrett, Open Space and Planning
4. I respond to the open space assessment provided by the above experts in their evidence regarding the provision of open space in PC94 and its alignment with relevant Council policies and frameworks - matters also relevant to the quality of open spaces proposed in PC94.
  5. I agree and would like to emphasise key themes of Auckland Council's policies and directions summarised by Mr Canham under point 3.37 in his evidence. I agree that these key themes give the decision maker a useful check list when reviewing the outcome envisaged by PC94:
    - (a) *Open spaces are designed to meet community needs and enhance the quality of life for Auckland residents, promoting recreational opportunities and cultural engagement. A diversity of open spaces should be provided which are accessible to all members of the community.*
    - (b) *Local context consideration: Emphasising, understanding, and responding to local geographical, demographic, and environmental factors to create high-quality open space networks that reflect community identity.*
    - (c) *Investment and development guidance related to open space, offering direction to developers, planners, and designers to align with the council's goals.*

- (d) *Network principles as the foundation for most policies. These foundational principles guide the configuration and location of open spaces, ensuring they are high-quality and responsive to the social, built, and natural environments. This includes enhancing existing parks and natural features.*
  - (e) *Aiming to connect open spaces with each other, as well as with the surrounding urban fabric and green infrastructure, to foster a cohesive community linkage.*
  - (f) *Strategic integration between policies: The Provision Policy 2016, Auckland Plan and the Strategic Action Plan 2013 emphasise the importance of integrating open spaces into the broader urban and community planning framework.*
6. I however disagree with Mr Canham on his concluding points in his assessment of each proposed open space in the context of Wairaka precinct when considering the above summarised principles and policies.
  7. Mr Canham refers to an open space guideline prepared by the New Zealand Recreation Association (**NZRA**). Mr. Canham uses the guideline and framework to critique the Open Space Provision Policy (**OSPP**). I question the relevance of referring to this guideline and framework when assessing the proposed open spaces in PC94 which are not clearly identified within the proposed plan. I consider this assessment to be outside the scope of PC94. In this respect, it is my view that any assessment of open space must concentrate on the outcome envisaged by this plan change from an open space perspective, in terms of quantum and quality, to ensure it would support community wellbeing. It is also important to note that I have clarified since the beginning of processing this plan change (as set out in Clause 23 Requests, OS1) that reliance should not be placed on the **OSSP** for assessment of open space provision as part of this plan change. The scale and density of development proposed by this plan change is not envisaged by Council's policies. Therefore, while I agree with Mr Canham on some gaps in the policy, which does not include specific ratios when it comes to open space provision, I do not consider it necessary to critique the Council's policy as part of this plan change.
  8. In my view, NZRA which is the open space guideline and framework introduced by Mr Canham in his evidence is not a helpful guideline as it does not have specific size consideration for the open space, and that it cannot capture the capacity of open space within the PC area as well as surrounding area, in terms of both quantity and quality, because it does not take into account the population to be served within a specific area. I consider the assessment of quantum and quality of open space would differ for each development depending on whether it is in a low density versus high density development area where different population scenarios are envisaged to be residing around that open space. On this basis, I do not have the same view as of Mr Canham about using the NZRA guidelines and framework for assessing the proposed open space outcome in PC94.
  9. I have read Mr Rob Greenaway's addendum memorandum which responds to the assessment of the quantum of open space provided by Mr Canham. I agree with his response on the approach taken by Mr Canham to his assessment of the open space catchment area and the existing network. On this basis, I, continue to support Mr



Greenaway's recommendation in the section 42a report, to apply a standard of 20m<sup>2</sup> open space provision per new dwelling (or similar such standard) within the precinct as the starting point for an assessment of open space provision.

10. In his evidence, Mr Canham expands on the issue of the ownership of open spaces (public versus private) where he expressed his view that those privately owned open spaces cannot be considered as "*public open space*" and that all public open spaces must be owned by Auckland Council (see paragraphs 5.20 and 5.25 of Mr Canham's evidence). I consider the ownership of open space is not relevant to the matter of how much and what quality of open space is required under PC94. I agree with Mr Canham that the discussion around the ownership of the open spaces is outside of the process of plan change. However, I consider the proposed function and location of those open spaces should appropriately provide for the needs of the community regardless of their ownership. In my view, an indicative demonstration of the function, distribution, location and configuration<sup>1</sup> of (publicly and privately owned) open spaces within the precinct preferably supported by a master plan in the process of the plan change can assist with a more meaningful analysis of those open spaces to be publicly accessible or not.

11. In my view, it is important to ensure that the proposed open space outcome in PC94 meets the needs of the community as per the AUP objective for open space areas as well as RPS objective for:

- **AUP-Open space Objective H7.2(1):** *Recreational needs are met through the provision of a range of quality open space areas that provide for both passive and active activities.*
- **RPS- Urban Growth and Form- Open space and recreation facilities Objective B2.7.1(1):** *Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.*

12. In discussing design considerations, Mr Canham refers to the importance of consultation and community engagement at the design stage for the development of open space.. While I agree with him on this point, I emphasise the importance of including relevant provision requirements within the precinct plan as the basis for determining open space requirements within the precinct. Such provisions would guide any engagement. Additionally, it is important that such provisions set the benchmark for open space provision and some basic standard design requirements such as size, linkages, location, function, and the like.

13. I also agree with the point made by Mr Canham around the increased pressure on open space capacity as a result of PC94 both within and outside the precinct area. However, he does not provide clarification on the capacity issue at the plan change stage but rather refers to design being detailed at a later stage, which in his view is not at the plan change stage. In my view, later considerations of design cannot compensate for any fundamental capacity issue with the provision of open space. The relevant objectives

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<sup>1</sup> According to OSPP (2016), function, distribution, location, and configuration are four inter-related factors to be considered for the provision of open space at a network scale.

and policies under the RPS are very clear on *provision of quality urban form where sufficient development capacity is provided to accommodate social facilities* (including open spaces) *to support growth (B2.2.1(3))*.

14. Mr Canham refers to the total proposed open space in PC94 relying heavily on Council's acquisition, which is speculative given the uncertainty whether any such land will or can be acquired, and in my view, this is a separate matter and process from the plan change process. While I agree that it is appropriate for the plan change to refer to the (three) Neighbourhood Parks Council currently indicates it may wish to acquire, it is not appropriate for the plan change to refer to acquisition of any open space as any form of determinant of the open space outcome envisaged as a result of PC94 and how that would meet the recreational/social needs of the community.
15. Mr Canham notes in his evidence that the provision of open space must be considered during each stage of the development process for any of the areas within the precinct. I disagree with Mr Canham on this point as it is important for the precinct plan to set the scene for the provision of open space and its network at precinct level and also in line with the surrounding precincts/areas within the local board area. The development and design stage is not the time to negotiate for open space, as the provision can't be enforced without direction in the plan provisions. This is why I consider it important that the plan change makes it as clear as possible that a minimum amount of and quality of accessible open space is required.
16. Relevant to the discussion points around the shading on open spaces, particularly on the central open space, I refer to the evidence of Mr Riley and Ms de Lambert where they suggest a new Precinct Standard (*I334.6.9D*) that requires *a minimum 80% of a 30m x 30m identified area within the Central Open Space to be free of shading between 10am and 3.30pm on 21 June (the Winter Solstice)*. Given the outcome envisaged by this standard, I agree with Mr Riley and Ms de Lambert on this point and that the shading effects from the development on the central open space can be avoided, remedied or mitigated through the design of development in relation to the open space.
17. I also agree with Ms de Lambert on the importance of the Central Open Space neighbourhood reserve and its interface with the surrounding future developments. In this regard I support Ms de Lambert's application of the matter of discretion *I334.8.1(1A)(i) 'Matters applying to the Carrington Road Frontage' to buildings fronting the Central Open Space*.
18. In regard to the open space quality commentary provided in Mr Canham's evidence, I have the following comments:
  - (a) Northern Open Space- Mr Canham refers to some positive qualities of this open space which I agree with some of them in terms of being visible in the wider context, having some quality open space functions, and bordering the Northwestern Cycleway on its northern boundary. However, as noted in my primary s42A report, I am not fully convinced that the northern open space would function at its full capacity as a neighbourhood park due to the restrictions on the site relevant to the heritage overlay as well as the site being undersized from a provision perspective.

- (b) Knoll Park- Mr Canham notes that the majority of provision issues will be satisfied at the design stage. I do not share the same view of Mr Canham's on this matter. While the acquisition process is relevant to the ownership of the land, the quality of the open space land is a fundamental aspect of the use of the open space and its location regardless of the design. I do not agree with Mr Canham on his point about the Knoll Park being "*suitable for informal recreation and amenity*". I retain my position about Knoll Park being considered as a connection between central and southern open space, and refer to the rationale I already pointed out in my s42A report that this open space cannot hold active recreational functions which is due to the steep contour of the site (very limited flat area of approximately 0.2ha with a gradient of at least 6%), being heavily vegetated by established and notable trees on the site, and the poor shape of the site which does not provide for 30mx30m kickable area.
- (c) Southern Open Space- I agree with Mr Canham that the stormwater function of the reserve may not necessarily prevent other uses on that open space such as connectivity. I consider the principal function of this open space is for stormwater and that there is limited recreational value.
- (d) Third Neighbourhood Park- Mr Canham states that Mr Reaburn does not support my proposed (third) open space of 5000m<sup>2</sup> as was introduced in my s42a report. Mr Reaburn has informed me that the paragraph Mr Canham refers to was solely relating to open space proposed by the Applicant, not that recommended by me. Mr Reaburn clarifies in his Addendum statement that the three Neighbourhood Parks are recommended, as proposed in my primary report. I also understand from the evidence of Mr Canham, paragraph 9.42, that he refers to the third open space of 5000m<sup>2</sup> as a Suburb Park. I need to clarify that while I agree that there is no need for a suburb park within the precinct from a wider network perspective, this proposed open space and its size would align with the requirements of a neighbourhood park not a suburb park as per **OSPP**. On this basis, I retain my recommendation for provision of the third public open space within the precinct as indicated in Figures 6 and 7 of my s42a report.

19. Mr Canham refers to all open spaces proposed in PC94 to be "*appropriate to be utilised as public open space*". I disagree with this statement of Mr Canham as the proposed outcome will not facilitate the Open Space objective in AUP (H7.2(1)) which is to meet the recreational needs of the community through the provision of a range of quality open space areas that provide for both passive and active activities.

20. Having read the evidence provided by Mr Canham, I understand Mr Canham does not acknowledge the gap in PC94 in terms of the proposed open spaces from a provision and network perspective as the implication of the proposed PC94. Consequently, this would lead to an under provision of open space where a large scale of urban intensification being proposed within Wairaka precinct.

21. In the evidence prepared by the Applicant, Ms Mc Gregor states the following:  
*Auckland Council may decide not to acquire those spaces, (for example, because it considers one or more areas are not suitable to perform a public open space function). If Council does not acquire that land for public open space, HUD and its project partners will work through subsequent consenting*

*processes to determine the appropriate configuration of the open space provision within the Precinct, subject to the relevant directions of the AUP and any other relevant statutory criteria.*

22. While I acknowledge that this is an approach that can be taken by the Applicant, in my opinion, the above statement highlights the importance of ensuring an adequate provision of open spaces at plan change stage along with proposed requirements for both provision and quality of those open spaces to ensure that the open spaces delivered meet the needs of the community within the precinct as well as the wider area.
23. In their evidence Mr Duthie and Mr Smallburn propose amendments to the precinct provisions relevant to open space. I continue to support the recommended provisions in my primary s42a review, as follows:

- a. **Objective I334.2(10)(ba)**- In my proposed wording for this objective, I recommended reference to “publicly accessible open spaces”. Mr Duthie and Mr Smallburn have removed “publicly accessible” from the objective. While I agree with the statement in their evidence that this objective has positive social and environmental benefits, establishing clear direction on the quality outcomes anticipated for open space, I do consider that the consideration of “publicly accessible” open spaces is important to ensure the positive social and environmental benefits for the community within the precinct and the wider area.
- b. **Pedestrian and cycle access, street quality and safety Policy I334.3(19A)**- Mr Duthie and Mr Smallburn do not accept my recommended policy to ensure a safe and integrated network of public open spaces including through the establishment of park edge roads. They state in their evidence that Policy (15A) is sufficient to capture all design considerations for open space requirements within the precinct. I have a particular concern around not considering the need for establishment of park edge roads where necessary. In my view the proposed precinct plan 1 has the following deficiencies:
- i. The frontage of the proposed Northern Open Space interfaces with an arterial route to the east which I do not support from an open space provision policy perspective.
  - ii. The location and configuration of the proposed Central Open Space, as the most adequately identified open space within the precinct, will require some park edge road provision (ideally) to the west to provide visual/physical connections with other open spaces.

In my view, the park edge road provision policy I have proposed would better ensure quality street frontages to each open space, enhance connectivity to the park and promote passive surveillance to and from the park. I, therefore, consider the recommended policy I334.3(19A) should be retained.

- c. **Special information requirements “Open Space” I334.9**- Mr Duthie and Mr Smallburn state in their evidence that the recommended special

requirement, which is for provision of a quantum of 20m<sup>2</sup> open space per new dwelling within the precinct, is not necessary as compliance with the Open Space standard will need to be confirmed at the time of each individual consent. I have a concern with this comment as in my view without this requirement I don't see that there is any mechanism within the precinct plan provisions to enforce the applicant to provide for the appropriate amount of open space when it comes to the resource consent stage.

- d. **Open Space standard I334.6.12-** Additional to the above point and to ensure the sufficiency of open space design requirements, I confirm my support for the recommended new 20m<sup>2</sup> per dwelling standard for Open Space (I334.6.12) to be retained.

24. I have also reviewed the proposed Open Space standard with amendments by Mr Reaburn as per the statements provided in the Joint Witness Statement (JWS) for Open Space matters. I agree with the recommended standard set out below:

**I334.6.9C Open Space (does not apply in Sub-precincts A and C)**

- (1) Open Space must be provided at the ratio of 20m<sup>2</sup> of open space for every dwelling in the precinct.
- (2) For the purposes of this standard Open Space may comprise:
  - (a) Open Space within a Neighbourhood Park or other Open Space area identified on Precinct Plan 1 that has not been previously allocated in accordance with this standard;
  - (b) An extension to an existing Neighbourhood Park or other Open Space area identified on Precinct Plan 1;
  - (c) pedestrian or cycle links outside a road corridor;
  - (d) Additional areas of publicly accessible or communal Open Space for social or recreation purposes, comprising no less than 1,000m<sup>2</sup> in a contiguous, regular shaped, flat area of land.
- (3) The Open Space must be secured by a suitable legal mechanism at the stage of development and / or subdivision.
- (4) The calculation of Open Space at the ratio of 20m<sup>2</sup> of open space for every dwelling must include all dwellings in the precinct, excluding any dwellings in Sub-precincts A and C.

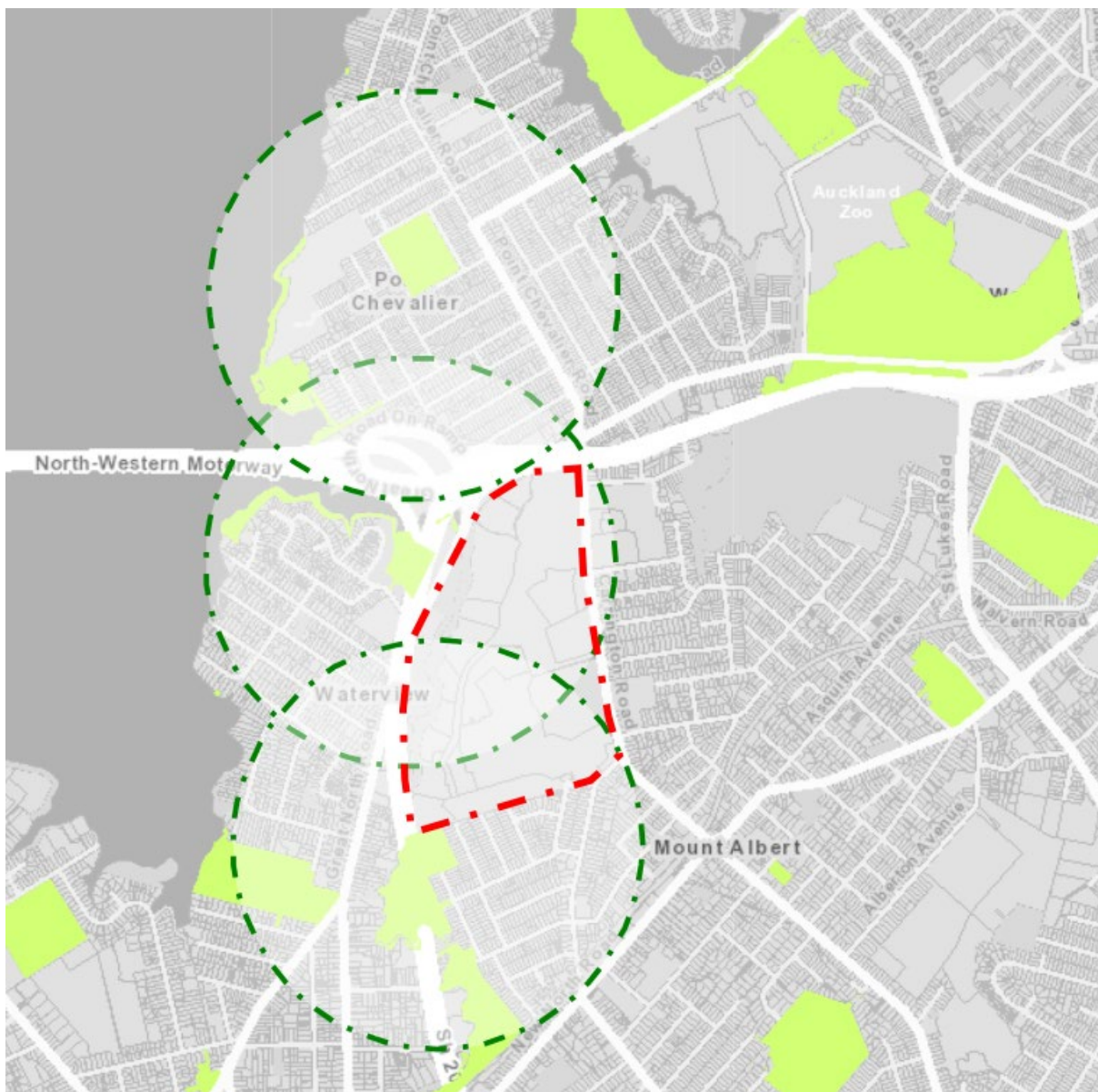
**Ms Maylene Barrett, open space and planning**

25. I read Ms Barret's evidence and agree with her concerns around the quantum of open spaces proposed in PC94. I rely on the report and addendum memo from Mr Greenaway for determining the quantum of the open space provision, where he extensively explains

the gaps in provision as well as the rationale behind the proposed provision requirement for open space per number of dwellings within the precinct.

26. Ms Barret, in her evidence, proposes for one suburb park of at least 5 hectares being a combination of Knoll Park and Central Open Space (and perhaps beyond that). While she relies on the walking distance measurement from **OSPP**, she refers to a gap in the precinct for a suburb park. I do not hold the same view as Ms Barrett on there being a gap for a suburb park within the precinct. The **OSPP** outlines that 1000m walking distance and/or 750m radial distance proxy should be used for the provision target for suburb parks in high and medium density development scenarios. According to the diagram below (Figure 1) produced based on using 750m radial proxy for medium-high density development, I do not consider there is a need for a suburb park to be provided within the precinct based on the policy.

Figure 1. Diagram showing the precinct being covered within the catchment of surrounding suburb parks.



27. However, as stated in JWS for Open Space matters, I do *not oppose* Ms Barrett's recommendation for a larger open space of a size of approximately 4.7ha, being a

combination of the proposed Central Park (~2.8ha) and Knoll Park (~1.9ha) in the centre of the precinct. In her evidence, Ms Barrett refers to this open space as a “suburb park”. While acknowledging there is no gap in the network for a suburb park within the precinct, I do consider this option of a larger area of open space as being a good outcome to cater for growth and connectivity for the wider community based on the following reasons:

- (a) There is already a recognised shortfall for sports fields and active recreation opportunities within the scale of local board area as I have already noted in my primary s42A report. A larger open space can accommodate for more (formal and informal) active recreational opportunities to meet the needs of the changing and growing population within the precinct as well as the wider network.
  - (b) A larger open space can provide for wider street frontages, less shaded area, and (physical and visual) access for the public to the open space within a high-density development particularly when there is no master plan provided to understand the proportion and relationship between open versus built space within the precinct.
28. Generally, I support the concerns of Ms Barrett regarding the quality of the proposed open spaces as part of PC94. However, I am not in full agreement with Ms Barret when referring to the proposed Central Open Space that it is “*entirely inadequate*” as it has some of the criteria from an open space provision perspective such as size, gradient, and location being in the centre of the precinct. I do, however, agree with Ms Barrett regarding the absence of a masterplan as part of PC94, which could support a more comprehensive analysis of the quantum and quality of open space to be provided in PC94.
29. I consider the commentaries made by Ms Barret around the (in)sufficiency of any Council policy or approach in acquisition of open space, to be irrelevant and outside the scope of discussion for PC94.

## **Conclusion**

30. I continue to support the views expressed in my primary s42a report except for the section in my report where I raised concern around the shading effects on the central open space.
31. In regard to the proposed open space provision requirements in the precinct, I continue to support the proposed objectives, policies, standards, and special information provisions relating to open space provision as recommended in my primary s42A report and Mr Raeburn’s report.
32. I recommend that Precinct Plan 1 identify the three Neighbourhood Parks sought by Council.



**Prepared by:**

***Roja Tafaraji***

***Senior Parks Planner, Parks & Community Facilities***



Memorandum to: Peter Reaburn, Reporting Planner  
Subject: PPC94 s42A Addendum Report – Open Space  
From: Rob Greenaway  
Date: 5 November 2024

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1. My full name is Robert James Greenaway.
2. I prepared a specialist review dated 1 October 2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of:

Applicant

- a. Mr Geoff Canham, open space

Submitter

- b. Ms Maylene Barrett, open space and planning

4. I have focused only on issues relating to the quantum of open space proposed by the applicant. Ms Roja Tafaraji responds in more detail to issues of quality.

**Mr Geoff Canham, open space**

5. I respond to the quantum of open space assessment provided by Mr Canham and his review of the suitability of the open space areas proposed by the applicant.

*Open space catchment*

6. Mr Canham refers to an “existing catchment” for open space provision relevant to the PPC94 area (shown in his Figure 2).<sup>1</sup> He references the *Auckland Open Space Provision Policy 2016*, p30, as his prime source. This policy defines the expected walking distances between a residence and a park of a certain type, which Mr Canham finds to be “reasonable and appropriate distances for future occupants of the Site to travel to access open space”<sup>2</sup>. Of relevance here, p30 of the policy defines the following park types and accessibility, and nothing more in terms of an open space catchment:
  - a. Pocket Parks: Typically between 0.1 to 0.15 hectares. Voluntarily provided at no capital cost and only on agreement by Council, and not to be located within 100 m of other open space. These are in addition to requirements for neighbourhood parks.
  - b. Neighbourhood Parks: Typically between 0.3 to 0.5 hectares and a 400 m walk in high and medium density residential areas. These provide a range of different recreation opportunities between nearby neighbourhood and suburb parks.

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<sup>1</sup> His paragraph 5.3 and following

<sup>2</sup> His paragraph 5.3

- c. Suburb Park: Typically 3 to 5 hectares if providing for informal recreation uses only and up to 10 hectares or larger if also accommodating organised sport uses. A 1000 m walk in high and medium density residential areas. These provide a range of different recreation opportunities between nearby neighbourhood and suburb parks as well as a neighbourhood park function for immediately neighbouring residential areas.
7. Mr Canham has added an additional larger area to create his “existing catchment” considering cycling distances, extending 2-3 km from the Precinct. Cycling does not form part of Council’s open space provision requirements. There is no reference to a wider catchment for open space provision in the *Auckland Open Space Provision Policy 2016* and no reference to a 2-3 km open space catchment.
8. Mr Canham’s review of PPC94 in relation to his large “local catchment”<sup>3</sup> compares that area’s level of open space provision with the total population of the Mount Albert Electorate (approximately 67,125 people in 2018).<sup>4</sup> However, Mr Canham’s “local catchment” area does not match the electorate boundary, which does not include Waterview (in the Kelston electorate) and includes Western Springs, Westmere and Grey Lynn in the Waitematā Local Board Area. My estimate of the 2018 resident population within Mr Canham’s local catchment is approximately 39,600,<sup>5</sup> meaning his further provision calculations are not useful (his local catchment does not include the population count he relies on). My population count would make Mr Canham’s metrics appear even better (the same open space but shared amongst fewer people), but they remain irrelevant.
9. The proposal for PPC94 allows for an additional 12,600 residents in Mr Canham’s local catchment – an increase of 32% on its 2018 population of 39,600. PPC94 proposes increasing Mr Canham’s calculated area of 134 ha of open space within his local catchment by 4.6 ha – an increase of 3.4%.
10. While my primary s42A Review does not suggest a great improvement on the ratio between open space and residents in the wider catchment, I use these figures to indicate the likely stress that PPC94 is going to place on the existing open space network. Most of the demand for open space will occur within a far smaller area than that suggested by Mr Canham (if we rely on the *Auckland Open Space Provision Policy 2016* provisions for park accessibility for high and medium density developments).

#### *Walkability analysis*

11. The standard walkability analysis carried out by Auckland Council is from the centre of a development area rather than the boundary. This accounts for the distance from one side of a development area to the other. In the PPC94 area this distance is substantial, at approximately 1000 m, and is the expected maximum walking distance to a ‘suburb park’ from a residence according to *Auckland Open Space Provision Policy 2016*. Mr Canham includes in his Table 1 a walkability assessment for all areas of open space in his local

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<sup>3</sup> His paragraph 5.4

<sup>4</sup> His paragraph 7.12 and taken from: <https://www.parliament.nz/en/mps-and-electoralates/electorate-profiles/mt-albert-electorate-profile/>

<sup>5</sup> Point Chevalier West 3858, Point Chevalier East 4596, Mount Albert North 4044, Morningside 3981, St Lukes 2397, Sandringham Central 2388, Mount Albert Central 3675, Mount Albert South 2415, Owairaka East 2967, Owairaka East 3225, Mount Albert West 2694, Waterview 3357. Relying on the Sport NZ Insights tool for 2018 Census demographic data: <https://sportnz.org.nz/resources/sport-nz-insights-tool/>

catchment. These measurements appear to be taken from the nearest boundary of the Precinct. For example, if I take the western dog-leg of Farm Road as the centre of the Precinct, my walking distance to Heron Park is 1350 m compared with Mr Canham's 848 m.

12. I am therefore unable to accept Mr Canham's analysis of the availability of open spaces for future residents of the Wairaka Precinct for two reasons. The first I have mentioned above with his local catchment having no bearing to Council's open space provision requirements; and secondly that their accessibility is not measured accurately.
13. The latter is important for a walkability analysis relying on the *Auckland Open Space Provision Policy 2016*. Council's policy requires local access to areas of open space to satisfy local demand. The policy does not expect a local resident to have to bypass local reserves because they are too busy or inadequate, and to keep walking (up to 3.3 km in Mr Canham's Table 1) before they find a suitable area of open space – or better still, to jump on a bicycle. Nor does it include pocket parks as part of its provision since they are 'nice to have' if a developer sees fit, and are never acquired by Council as they have very limited open space value.
14. If I exclude all areas beyond 1000 m from the Site **boundary** as measured by Mr Canham, my estimate is 40.5 ha of open space. If I include only those reserves within 1000 m from the **centre** of the Site my estimate is 21.5 ha, made up largely of Oakley Creek Reserve, Phyllis Reserve/Albie Turner Field and Waterview Reserve. In Mr Canham's paragraph 8.22 he notes that Phyllis Reserve is, "over-subscribed to meet current demand due to the limitations of grass sports fields." This is substantially less than the ~134 ha that Mr Canham relies on, 25% of which is over 2 km from the Site boundary.

*10% as a standard for open space provision*

15. Mr Canham refers to the use of a 10% open space provision target, describing the allocation of up to 15% of the total development area via PPC94 as open space, and therefore appropriate.<sup>6</sup> I was not aware of the 10% metric and have had to follow Mr Canham's references to understand it.
16. His first reference is "Parks and Leisure Australia, Public Open Space Planning in Australia Developer contributions to Open space, Position Paper page 13 (2019)". I requested a copy of this paper from Parks & Leisure Australia (PLA) and received the email from Dr Tower appended as my Attachment 1 (with permission). The paper is apparently not a PLA position paper and has no formal Association support. The 2022 version of the paper, to which Dr Tower is referring, states:<sup>7</sup>

#### *7.1.3 Open Space Allocations*

*Where housing density is increased, as in the case of urban infill the proportion of high-quality open space should seek to adhere to the standard of 10%. However, it is suggested that open space allocations of up to 50% need to be considered in areas containing high density structures and where regional attractions (such as*

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<sup>6</sup> His paragraphs 6.5 (b), 7.10 and 7.14.

<sup>7</sup> Parks & Leisure Australia (2022). *Public Open Space Planning in Australia Developer Contributions to Public Open Space Parks & Leisure Australia Position Paper*. Update from Public Open Space Planning in Western Australia: New residential developments Position Paper March 2010 Revised October 2011

*foreshore, river systems, large event spaces) increase visitation beyond local residents.*

17. I note a similar statement made in the 2011 version of this paper.<sup>8</sup>

18. Mr Canham's second reference is "Grose, M.J., Changing relationships in public open space and private open space in suburbs in south-western Australia. *Landscape and Urban Planning*, 2009. 92: page 53-63." This report states that the 10% metric is problematic; for example:<sup>9</sup>

*Despite an apparent ground-shift in the views of POS [public open space] since 1955<sup>10</sup> – part of the renaissance (Barber, 2006) of how we view green areas in urbanised landscapes – the pressures on POS to fulfil multiple objectives today is compounded by the often highly programmatic design of many recent public spaces (e.g. amphitheatre, 'village green' = public square), which carry neither traditional uses of POS given prior to 1955 nor more recent ecological agendas. Sawyer (2005) notes that "we are cramming our public spaces with more and more stuff in the fear that we will run out of things to do—a public space of perpetual motion." Conflicts over the use of POS will only be resolved when statutory planning deals with POS for structured recreation, urban water management, and with newer issues such as ecological functions and potential for biodiversity function.*

*Despite the growing pressure on POS seen in Fig. 8, there are also pressures to reduce the allocation for POS amongst some stakeholders in new residential developments. More recent policies in Western Australia have encouraged an 8% allocation to POS which seems a problematic stance in the light of findings presented here. Indeed, the combination of decreased private open space and additional objectives of POS suggest that more POS as higher percentage of developable land than the current 10%, is required.*

19. The paper otherwise focuses on the problems of using POS provision targets in areas with high biodiversity values, and is not so useful.

20. My conclusion is that the 10% metric is not relevant here (or possibly anywhere), is apparently very light in high density developments, and that the application of generic standards for open space provision is increasingly considered problematic generally.

#### *Carrying Capacity*

21. Mr Canham refers to the issue of carrying capacity, and notes that there is no available assessment of the carrying capacity of existing open space in the catchment, and the necessary "management interventions [that] would be required based on certain thresholds."<sup>11</sup> A fundamental issue here is providing an adequate quantum of accessible open space in the first instance, rather than playing catch-up via – inevitably – the

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<sup>8</sup> Carter, M. (2011) *Public open space planning in Western Australia: New residential developments Position Paper March 2010 Revised October 2011*. Parks and Leisure Australia Western Australia

<sup>9</sup> Grose, M.J. (2009). Changing relationships in public open space and private open space in suburbs in south-western Australia. In *Landscape and Urban Planning* 92 (2009) 53–63

<sup>10</sup> The 10% POS concept was first suggested in 1955 based on provision in England.

<sup>11</sup> His paragraph 7.26

hardening of open spaces to cope with too intense use (“cramming our public spaces with more and more stuff”, as per my quote above).

#### *Open space network*

22. I see that Mr Canham bases his assessment and discussion largely on the concept of an open space network, referring to Council policies which use that term. However, in the case of PPC94, we are focussing on the open space that is required to be provided within the PPC94 Precinct to support local demand by residents of the Precinct – without overloading the local open space network.
23. Mr Canham acknowledges that, “there is a shortfall of sports fields, and active recreation reserves across Auckland, as well as locally within the Albert-Eden Local Board area” relying on the findings of the Albert-Eden Sport & Active Recreation Facility Plan (2021).<sup>12</sup> The latter report recommends many additions to the open space network in the Albert-Eden Ward to address some of these concerns, with substantial reference to opportunities provided by the ‘Unitec Institute of Technology Site’, also described as the ‘Carrington Residential Development’, with the potential for up to 3,000 homes in a high-density setting within what is now the Precinct. At the time, the Facility Plan relied on MHUD’s *Unitec Reference Plan & Strategic Framework June 2020*. This document also referred to provision for up to 3,000 homes, and in terms of open space provision, suggested a suite of ‘Key Structuring Moves’ including (my underlining):
- *Create a generous provision of interconnected, prominent open space setting with the amenity necessary to support the new community and its residential neighbours.*
  - *Build on the natural assets of the site, including opening up and daylighting the Wairaka Stream.*
  - *Enhance a significant green corridor linking Carrington Road to Te Auaunga with multiple East / West connections.*
  - *Celebrate water in the landscape – reinforce the Wairaka and Te Auaunga waterways, and incorporate design that makes the stormwater capture, conveyance, treatment and re-use visible.*
  - *Improve existing recreation areas for informal sport, and build new places for family kick-a-ball and games, imaginative play, multi-age, accessible playgrounds, and for residents to gather, cook and eat.*
  - *Enhance the site’s bio-diversity and grow seasonally responsive habitat / plantings. Preserve significant trees.*
  - *Protect features that will provide continuity during the transition of the site into an urban village.*
24. The Albert-Eden Sport & Active Recreation Facility Plan (2021) suggested the need for the provision of several sports fields within the ‘Unitec Site’, and to:

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<sup>12</sup> His paragraph 8.14

- *Consider and explore the potential for the provision of sport field/s to meet the current and future shortfall identified for lit fields in Albert-Eden.*
- *Provide for a wide range of recreational activities with a focus on young people – particularly young women aged between 5-18 years.*
- *Be inclusive of emerging sporting trends and support the sport and recreation of ethnic communities.*
- *Provide a diverse offering of spaces for families, friends and community groups to gather for passive recreation and social gatherings.*
- *Increase the opportunities for Māori participation in sport and recreation and apply the Te Aranga Design Principles through the design and delivering stages of the project.*

25. Both of these expectations and recommendations relied on adding to the local open space network, and not relying on it to address shortfalls.

26. The provision of sports fields within the Precinct has been agreed by Council to be unnecessary within PPC94. However, it appears that most of the key expectations from MHUD's *Unitec Reference Plan & Strategic Framework June 2020* have also been lost – and certainly for the 'generous' provision of 'prominent open space areas' – paralleling a significant increase in population density.

27. The issue is that, in my opinion, PPC94 will place potentially significant additional strain on the 'open space network', and has proposed an inadequate supply of open space to meet the immediate and local needs of its future residents. It is the latter that I have focused on in my assessment.

#### *Summary – Mr Canham's evidence*

28. Considering my review of Mr Canham's evidence I retain my recommendation that a quantum of 20 m<sup>2</sup> per new household (9 ha for 4,500 households) remains the starting point for an open space provision assessment – for want of any other standard, and in light of the metrics Mr Canham, Ms Barrett and I have referred to. Mr Canham describes this as a "novel open space metric" and prefers reference to "Auckland Council's standing policies and strategies."<sup>13</sup> As I noted in paragraph 35 of my primary s42A Review, the 20 m<sup>2</sup> metric is Council policy within the *Auckland Council Contribution Policy 2022 Variation A* (s63). Mr Canham asks, "some examples of where Council have previously utilised this different approach would assist. It is unclear why PC94 has been selected for a departure from the established policy."<sup>14</sup> The development contribution policy, as Council policy, is applied as a standard in all cases. Indeed, Mr Canham notes that, "development contributions would, in my opinion, be the appropriate method for securing the purchase of the PC94's open space assets."<sup>15</sup>

29. While Mr Canham defines the 20 m<sup>2</sup> metric as a fiscal maximum<sup>16</sup> – which is correct – it is based on the value of land within the development footprint; meaning that it equates to the

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<sup>13</sup> His paragraph 9.6

<sup>14</sup> His paragraph 9.9

<sup>15</sup> His paragraph 5.23

<sup>16</sup> His paragraph 9.21

area of land able to be acquired in the same location (that is, it ultimately represents a defined area of land that should not vary based on its value).

30. Mr Canham and I agree that there is no standard international or national metric for defining open space requirements on a per-person or household basis – although the Local Government Act (s203 (1)) sets a maximum development contribution limit for reserves. However, Auckland Council policies are clear about recommended park sizes and accessibility (as per my paragraph 6 above), and has a policy defining an expected level of open space provision (reflecting the Local Government Act). However, the applicant has not provided an assessment of community need for open space, or a corresponding proposal for open space development via some form of masterplan. We are left with the need to set an adequate minimum standard within which suitable service delivery can be achieved.
31. I maintain that the PPC94 proposal for open space is not based on an adequate demand analysis. Retrofitting the broad preferences for open space quality as defined in the Council policies referred to by Mr Canham<sup>17</sup> does not satisfy the issues I raised in my primary s42A Review, summarised in its conclusion. The functions and capacity of the proposed areas of open space have not been clarified. In sections 6 and 7 of Mr Canham's evidence, their potential functions remain vague. I remain of the opinion that the applicant's proposals for open space provision lack clarity and are inferior to that of the operative plan, which is itself light on open space provision.
32. Ms Tafaroji further responds to Mr Canham's assessment and I support her findings.

### **Ms Maylene Barrett, open space and planning**

33. Ms Barrett reviews the applicant's proposals for open space provision from a statutory planner's perspective. Like me, she finds that PPC94 proposes an inadequate area of open space, and provides a lack of certainty about service delivery. She finds my use of the 20 m<sup>2</sup> metric to be too light and prefers higher levels of provision.<sup>18</sup> I can only agree that more is always better, but at the regional level I have found no other metric to apply as a standard. Had the applicant provided a review of the capacity for development and use of the areas of open space proposed – in the form of a masterplan or similar development proposal – we would be in a better position to comment more specifically on whether PPC94 will provide an adequate quantum of open space.
34. I support Ms Barrett's suggested additions to the Central Open Space and Knoll Park,<sup>19</sup> as it is shown in the Precinct Plan 1 - Option 2. This would increase the total area of open space provision in the Precinct Plan to approximately 7.43 ha (including the 0.5 ha 'Lot 6

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<sup>17</sup> Summarised in his paragraph 2.4

<sup>18</sup> Her paragraph 109

<sup>19</sup> Her Figures 8 and 9 and paragraph 174

Neighbourhood Park’),<sup>20</sup> and “create a generous ... interconnected, prominent open space setting” as per the *Unitec Reference Plan & Strategic Framework June 2020*.<sup>21</sup>

## Conclusion

35. I have retained my original conclusions after reviewing the evidence of Mr Canham and Ms Barrett. I prefer Ms Barrett’s assessment, and, considering the lack of a masterplan, would like to be able to recommend higher levels of open space provision than that proposed by both the operative plan and PPC94. However, I have relied on the only metric that stands as Council policy and is available to land developers as a recognised expectation for open space provision.
36. I would countenance the inclusion of ‘private open space’ within the Precinct in the public open space quantum if it was clearly and permanently open to the public. Mr Canham provides a good summary of the relevant issues to be considered,<sup>22</sup> as does Ms Tafaroji in her addendum statement, but this option does not appear to have been fully defined. Either way, it will still come down to quantum and quality. Under PPC94 the former is lacking and the latter is unclear.
37. Subsequent to attending the joint witness conference, I have become more confident in my 20 m<sup>2</sup> per household recommendation. This sets, in my opinion, a fair expectation for a quantum of provision that is not extreme or unexpected (it is in Council policy), and treads a path that is within the bounds of national and international levels of service. It is a figure with which developers are familiar.
38. Ms Barrett details how this standard is not always achieved nationally, and how it can be applied, and this is useful.<sup>23</sup> However, I am referring to it as a relevant baseline for open space provision in the case of PPC94, where we have a very high density proposal for which Auckland Council has not prepared targeted general policy.
39. In setting a contribution when applying the 20 m<sup>2</sup> expectation, a council may require a portion to be taken in cash to apply to land acquisition outside the development area – for sports parks for example – and the remainder as land within the site. In the case of PPC94, this might also be the case, and Council might acquire, via purchase, less than the proposed 9 ha maximum in the Precinct considering the need to support that external

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Location	Area (ha)
Northern Open Space	0.7551
Central Open Space	2.8708
Te Auaunga access	0.3246
The Knoll Open Space	1.9438
Southern Open Space	1.0340
Lot 6 Neighbourhood Park	0.5000
<b>Total</b>	<b>7.4283</b>

<sup>21</sup> My paragraph 26 above

<sup>22</sup> From his paragraph 5.18

<sup>23</sup> Her paragraphs 182 to 185



demand. Nonetheless, in my opinion, the 9 ha is a satisfactory target for provision within the Precinct.

40. At the consent stage, the applicant has the opportunity to define how this level of service will be met, and I am comfortable if that provision includes, as defined in the Open Space JWS (3.3), “Open space areas accessible to the public excluding roads but including pedestrian or cycle links (regardless of ownership).”
41. I therefore support both Policy 15 and standard I334.6.9C as per the S42A Appendix A Addendum Version of PPC94.



Prepared by: ***Rob Greenaway, consultant***

## Attachment 1. Response from Parks and Leisure Australia

On Thu, 24 Oct 2024, 1:32 pm John Tower, <[John.Tower@vu.edu.au](mailto:John.Tower@vu.edu.au)> wrote:

Hi Garry, John S and Neal (main author of the requested document)

I have a copy of the paper that the colleague from New Zealand has requested. Unfortunately, I do not support the distribution of this document for a range of reasons listed below. The Position Paper was never accepted as a Position Paper by PLA Board, so it is not appropriate to distribute the manuscript as a PLA Position Paper. I have also reviewed the paper and provide the following detailed comments. My comments are guided by the content in *Community Leisure and Recreation Planning* by Marriott, Tower and McDonald (2021).

1. Change the status of the manuscript by removing any mention of PLA Position Paper, and PLA policies or endorsements.
2. Include a disclaimer at the beginning indicating the manuscript is the view of the authors, i.e, Neal Ames and May Carter.
3. Although pursuing a National Approach for Contribution Schemes may have merit, I am not aware of any willingness from any of the states to adopt this approach. Are the manuscript intentions too ambitious? Victoria is currently debating many of the issues related to Developer Contributions – PLA VicTas should be involved in this, but I am not sure if they are engaging in the debate.
4. I am wary of all the mentions of the use of Standards to guide open space planning without explaining the deficiencies of this approach. Marriott, Tower & McDonald (2021) provide a case for why standards should not be used to guide open space planning.
  - a. Appendix 2 provides a summary of Standards without any recognition of the deficiency of a Standards approach. I would not support the distribution of the document without addressing the deficiency of a Standards approach to open space developments.
5. The development of Greenfield and Brownfield (Grey) sites neglects the breadth of consideration that should be considered in a leisure planning process.
6. The Guiding Principles listed on pages 6 – 9 have merit.
7. The development of a National Terminology (p. 9) has merit but neglects to consider the need to engage with urban planners, architects, landscape architects, etc. for this process to have any hope of eventual adoption. Can PLA lead the collaboration for this type of project?
8. The Open Space Allocation section on p. 9 draws on the use of Standards. Point 4 above explains why I would not support this.
9. The Hierarchy of Open Space on p. 10 also uses a Standards approach to guide the hierarchy. I do not support this approach.
10. The Inter-Sectoral Open Space Planning approach has merit, but I question PLA's capacity to lead this kind of development. See comment #7 above.

I recognise the nature of the work that Neal and May Carter put into the preparation of this manuscript. The manuscript was completed before my work with Advisory. I recognise the merit in what was attempted but do not agree with many of the points, especially Standards. The manuscript would need significant revision before seeking endorsement by PLA Board.

Cheers

John

Dr John R Tower, PhD

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Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – Built heritage  
From: Carolyn O’Neil  
Date: 5 November 2024

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1. My full name is Carolyn Louise O’Neil.
2. I prepared a specialist review dated 3 October 2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of:

Applicant

- Adam Wild – Heritage
- John Duthie and Ian Smallburn – Planning

Submitter

- Richard Knott on behalf of Marutūāhu Rōpū and Ockham Group Limited
- Craig Irving McGarr on behalf of Health New Zealand – Te Whata Ora

4. In responding to this evidence, this memorandum has been structured as follows:
  - a. ‘Identified historic buildings’
  - b. Amendments to the precinct plan provisions
  - c. Other matters
  - d. Extension of proposed Height Area 2
  - e. Policy 14 / heritage extent
5. I attended expert witness conferencing for Plan Change 94 (**PC94**) on 1 November 2024. The outcome of this session is documented in the corresponding Joint Witness Statement (**JWS**) in relation to Heritage.

**‘Identified historic buildings’**

6. In reviewing the Statement of Evidence of Mr Wild and the Joint Statement of Evidence of Mr Duthie and Mr Smallburn, there are some matters I wish to clarify around the purpose of the ‘identified historic buildings’.
7. I am not seeking that the four buildings<sup>1</sup> identified as ‘identified historic buildings’ be included on Schedule 14.1 Schedule of Historic Heritage of the Auckland Unitary Plan (Operative in part) (**AUP**) through PC94. I understand this would likely require a separate plan change process, including a comprehensive planning analysis. For completeness, however, if the current plan change allowed for the inclusion of these buildings on Schedule 14.1, I would support that.

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<sup>1</sup> As identified in Appendix 8 of the Auckland Council’s s42A Hearing Report, and being No. 1 Auxiliary Building (Building 48); Pumphouse (Building 33); Medical Superintendent’s Residence/Penman House (Building 55); and Farm Building/Stables (Building 28).

8. The purpose of identifying the ‘identified historic buildings’ in the precinct plan is to enable the retention of these buildings that, in my view, have heritage value, contribute to the broader amenity, character, and landscape qualities of the precinct, and are currently under threat of demolition. This provision, if accepted, would ensure that a resource consent is required for the demolition or substantial demolition of these buildings. As set out in my original review, this approach goes some way to responding to PC94 submissions and to aligning with aspirations set out in the Reference Masterplan<sup>2</sup>.
9. As confirmed in the JWS (Heritage), it is my opinion that these four buildings would meet the threshold for scheduling as historic heritage places in the AUP.<sup>3</sup> This was based on historical research and the preparation of a statement of significance for each of the buildings (included in Attachment 2 of my original review). This analysis was guided by the AUP’s historic heritage criteria<sup>4</sup> and associated methodology<sup>5</sup> and provided the justification for recommending that the demolition of the buildings be managed through the precinct plan.
10. I note that Mr Wild does not disagree with my findings that these buildings have heritage value, acknowledging in his evidence that some *“might meet the threshold for scheduling as historic heritage places in the AUP.”*<sup>6</sup> However, he considers that the statements of significance *“alone are not in themselves sufficient to warrant inclusion in a formal heritage list. For example:*
  - a. *They do not define an associated EOP [extent of place].*
  - b. *While providing a level of historic research, the assessments lack more site-specific analysis of what historic heritage values are evident on the Site today.”*<sup>7</sup>
11. I acknowledge that a historic heritage evaluation would normally support the recommended inclusion of a place on Schedule 14.1, which would then be subject to the provisions of Chapter D17 Historic Heritage Overlay of the AUP. However, it is not intended to afford the same level of protection/management to the ‘identified historic buildings’ through the precinct plan.
12. While I acknowledge that a statement of significance does not have the same level of written detail as a historic heritage evaluation, it is an important part of the evaluation process that summarises key findings and outlines how and why a place is important. The statements of significance prepared for the ‘identified historic buildings’ capture aspects of their history and built form, and identify their historic heritage values and the reasons for those values. The identification of an extent of place (i.e. an area around the building that illustrates its values) would be required if a place was proposed to be added to Schedule 14.1. As this was not my current recommendation, this has not been provided.
13. I consider the statements of significance to be robust, to clearly state the heritage values, and to justify the proposed retention of the ‘identified historic buildings’ through the management of demolition.

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<sup>2</sup> Grimshaw, A Reference Masterplan & Strategic Framework, Ngā Mana Whenua Tāmaki Makaurau & Crown, 4 February 2019, pp.42, 55 and 110.

<sup>3</sup> Specialist Review Built Heritage of Carolyn O’Neil, page 11, para. 45 and JWS in relation to Heritage, para. 3.6b.

<sup>4</sup> AUP, Policies B5.2.2.(1) (a) to (h).

<sup>5</sup> Auckland Council, Methodology and guidance for evaluating Auckland’s historic heritage, August 2020, Version 2  
<https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage/protecting-our-heritage/Documents/methodology-guidance-evaluating-aucklands-historic-heritage.pdf>

<sup>6</sup> Statement of Evidence of Adam Wild, page 23, para. 7.4.

<sup>7</sup> Statement of Evidence of Adam Wild, page 24, para. 7.8 and 7.9.

14. I also note that Mr Wild raises concern that *“the concept of “identified” (rather than scheduled) heritage buildings introduces a new mechanism into the AUP which, without further clear justification, is both risky (as it undermines an established method for protecting historic heritage in the AUP) and inappropriate.”*<sup>8</sup>
15. The identification of the ‘identified historic buildings’ is not intended to undermine or be a substitute for scheduling, nor would it preclude scheduling from occurring in the future. It is proposed as a precinct-specific approach that, if accepted, would support the retention of buildings with heritage value as part of this plan change process. In my view, it is instead *“risky”* to not encourage the retention of these buildings through the management of their potential demolition.
16. Moreover, other precincts in the AUP use a similar mechanism to recognise and manage the heritage values of unscheduled buildings and the positive contribution they make to the built form of those precincts. For example, Hobsonville Point Precinct identifies six ‘Existing buildings of heritage character’ in a list and on a plan, with associated rules that enable consideration to be given to matters such as retention, adaptive reuse, alterations and extensions.<sup>9</sup> Britomart Precinct is another example, where unscheduled ‘character’ buildings are subject to heritage rules and approved conservation plans.<sup>10</sup>
17. I acknowledge that the Pumphouse (one of the recommended ‘identified historic buildings’), which is subject to a restrictive covenant, is now specifically referenced in the objective and policies of the Evidence Version of the precinct plan. This is proposed to ensure that its heritage values are retained through adaptive reuse and by encouraging sympathetic adjacent development. In principle, I support these amendments as they go some way to achieving the heritage outcome initially sought by referencing at least one of the proposed ‘identified historic buildings’.
18. Consistent with my original review, however, I continue to support the inclusion of ‘identified historic buildings’ in the precinct plan. Appendix A – Addendum Version of the s42A Hearing Report includes minor amendments to the provisions that seek the identification and retention of ‘identified historic buildings’ alongside rules associated with the demolition and substantial demolition of the buildings. I support these amendments.

### **Amendments to the precinct plan provisions**

19. In response to the s42A Hearing Report and submissions, the applicant has made consequential amendments to several aspects of the precinct plan that are of interest from a built heritage perspective. These are set out in Appendix A – Evidence Version of the Joint Statement of Evidence of Mr Duthie and Mr Smallburn, with some provisions also addressed by Mr Wild. The amendments include:
- a. **Policy I334.3(11)** – Minor amendments to incorporate examples of adaptive re-use following the removal of the notified Policy 30A.

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<sup>8</sup> Statement of Evidence of Adam Wild, page 25, para. 7.11.

<sup>9</sup> I605 Hobsonville Point Precinct – refer to Note 4 under Table I605.4.2 Activity table – Sub-precinct F; I605.10.6 Precinct plan 6; and I605.10.7 Precinct plan 7 and associated rules.

<sup>10</sup> I201 Britomart Precinct – refer to I201.6.7 Heritage buildings and associated rules.

- b. **Policy I334.3(14)** – The reintroduction of focus on the Oakley Hospital Main Building and heritage values, which had been removed from the notified version.
  - c. **Policy I334.3(14AA)** – The retention of the policy (largely as notified), which requires new high rise buildings adjacent to Oakley Hospital Main Building to provide sympathetic contemporary and high quality design.
  - d. **Standard I334.6.4 (Height)**<sup>11</sup> – The introduction of a new standard to ensure that the shortest (43.5m high) tower in Height Area 1 is the closest to the Oakley Hospital Main building to achieve a transition in height.
  - e. **Matter of discretion I334.8.1(1A)(b)(i)(I)** – The introduction of a new matter of discretion that enables consideration to be given to whether the design and layout of new buildings achieve a sympathetic relationship with the Oakley Hospital Main Building and the Pumphouse.
  - f. **Matters of discretion I334.8.1(1B)(b)(i)(a) and (c)**<sup>12</sup> – The introduction of new matters of discretion that enable consideration to be given to the design and location of new buildings above 35m in Height Area 1 and associated landscaping, within the context of Oakley Hospital Main Building, its extent of place and wider environment. Matters include consideration of how articulation, modulation, materiality breaks up its vertical and horizontal scale of the buildings, and how their design responds and relates appropriately to the scale and form of the Oakley Hospital Main Building and its extent of place.
20. Notwithstanding the unresolved issue regarding ‘identified historic buildings’ (addressed above), and as recorded in the JWS (Heritage), I support these amendments. In my opinion, they provide for a stronger and more targeted set of provisions that will help manage and mitigate effects on historic heritage values, while enabling a greater level of consideration and assessment to be given to the relationship between new development (particularly taller buildings) and the adjacent Oakley Hospital Main Building, as sought in my original review. I also recognise the ongoing intention to secure the long-term future of the Oakley Hospital Main Building through adaptive reuse.
21. In my original review, I raised concerns about the introduction of Policy 14AA (as notified) in lieu of reference to the Oakley Hospital Main Building in Policy 14. Operative Policy 14 required consideration to be given to proposals for new buildings, structures, infrastructure and additions adjacent to the Oakley Hospital Main Building, while notified Policy 14AA required consideration to be solely given to new high rise buildings adjacent to the scheduled building. In my view, this change was unduly limiting. I acknowledge that Policy 14 in the Evidence Version has been amended to reintroduce focus on the Oakley Hospital Main Building and its heritage values, and in my view, the inclusion of Policy 14AA is now a positive accompaniment that serves to strengthen Policy 14. I note that Policy 14AA is now proposed Policy 14A in Appendix A – Addendum Version of the s42A Hearing Report.

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<sup>11</sup> I note that this standard is not included in Appendix A – Addendum Version of the s42A Hearing Report to align with Auckland Council’s overall position.

<sup>12</sup> I note that these matters of discretion are not included in Appendix A – Addendum Version of the s42A Hearing Report to align with Auckland Council’s overall position.



## Other matters

22. In his evidence, Mr Wild agrees with the suggested use of 'Oakley Hospital Main Building' throughout the precinct plan to ensure consistency around the description of the scheduled building. This matter is recorded in the JWS (Heritage).
23. Mr Wild also supports the recommended inclusion of a paragraph in the Precinct Description that speaks to the significant historic heritage values of the Oakley Hospital Main Building and the broader historic landscape of the precinct, and provides a linkage through to the precinct provisions. I acknowledge that this has also been incorporated into the Evidence Version of the precinct plan with some updates to include further history relating to the site. I support these updates.
24. Finally, I note that a refinement has been made to the boundary of Height Area 2 in the Evidence Version of Precinct plan 3 to ensure that the Oakley Hospital Main Building extent of place is included entirely in Height Area 4. I support this refinement.

## Extension of proposed Height Area 2

25. As set out in the Statement of Evidence of Mr Knott, submitters Marutūāhu Rōpū<sup>13</sup> and Ockham Group<sup>14</sup> are seeking additional increases to building height beyond those proposed in PC94. They request that the 35m height proposed in Height Area 2 be extended to cover part of Height Area 4, which currently enables heights of up to 27m. Mr Knott supports the amended relief in general.
26. From a built heritage perspective, I note the following relevant statement in Mr Knott's evidence:
- I consider that in the context of the scale of development established by the consented developments at RC2 and RC3, which now form part of the existing environment and which are located closer to the primary features of the Oakley Hospital Main Building than the proposed land, the topography of the local area and the location of the Consented Gate 1 Road, I see no historic heritage reasons why the height of this area west of RC3 should not be included in the extended Height Area 2 and increased to 35m as proposed by the submitter.<sup>15</sup>*
27. I agree. For the reasons outlined by Mr Knott, it is my opinion that the amendment sought would have no greater effect on the historic heritage values and setting of the Oakley Hospital Main Building than the development already consented and under construction. This development well exceeds the 27m height currently proposed in Height Area 4 (and enabled in the operative precinct plan), aligning more closely with the heights anticipated in Height Area 2.
28. As set out in the JWS (Heritage), I am satisfied that, from a built heritage perspective, no additional provisions or amendments are required to the plan provisions in light of the proposed extension to Height Area 2.

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<sup>13</sup> Submission #120.

<sup>14</sup> Submission #112.

<sup>15</sup> Statement of Evidence of Richard Knott, page 18, para. 5.7.

## **Policy 14 / heritage extent**

29. In his Statement of Evidence for Health New Zealand – Te Whata Ora, Mr McGarr queries the reference to ‘identified historic buildings’ in proposed Policy 14 in Appendix 8 of the s42A Hearing Report<sup>16</sup>. I have discussed this matter with Mr Peter Reaburn. Given that the proposed identification of ‘identified historic buildings’ in the precinct plan is to manage their demolition, I accept that their inclusion in this policy goes beyond that intent. With the exception of the Pumphouse, I note that the policy wording proposed in the Appendix A – Addendum Version of the s42A Hearing Report has been amended to remove reference to ‘identified historic buildings’. I support this amendment.

## **Conclusion**

30. For the reasons outlined above, the views expressed in my original review regarding the identification of ‘identified historic buildings’ and the management of their demolition remain unchanged.

31. The amendments to the precinct plan provisions as set out in Appendix A – Evidence Version of the Joint Statement of Evidence of Mr Duthie and Mr Smallburn, largely respond to the recommendations made in my original review and, on balance, have alleviated my initial concerns about the effects of increased height on the historic heritage values of the Oakley Hospital Main Building.

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<sup>16</sup> Dated 4 October 2024.

**Memorandum to:** Peter Reaburn, Reporting Planner  
**Subject:** S42A Addendum Report – Transportation  
**From:** Andrew Temperley, Traffic Planning Consultants  
**Date:** 01 November 2024

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1. My full name is Andrew John Temperley.
2. I prepared a specialist review dated 09 September 2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of:

*Auckland Transport (AT) and Applicant*

Joint Statement on Traffic Model Alignment and Predicted Results, dated 03 October 2024

*Applicant*

Max Robitzsch, Principal Engineer with Stantec

*Submitters*

Marguerite Pearson, Auckland Transport (Corporate)  
Terry Church, on behalf of Auckland Transport (Transport)

**4. Summary**

- 4.1 As a summary of information contained in this addendum, I consider that there are too many inter-related matters concerning car parking and trip generation yet to be resolved and/or for which sufficient information has been provided for me to support the Proposed Plan Change as currently promulgated.

**5. Joint Statement on Traffic Model Alignment and Predicted Results**

- 5.1 In paragraph 6.3 of my Section 42A Review, I state that my support towards PC94 is tentative and subject to confirmations of key findings and conclusions from the Joint Transport Modelling Expert Statement (**JTMS**), including confirmation of adopted assumptions and appropriate supporting information for the latest traffic modelling work.
- 5.2 While the emerging findings of the joint traffic modelling to be documented in this statement were relayed to me verbally in a meeting on 30 August 2024, I subsequently

reaffirmed a request for supporting information for the traffic modelling assessment, including:

- I. **Assessment of Parking demand and Localised parking Management Plan** – Confirmation as to whether AT still support this work being undertaken, as per their original submission.
- II. **Trigger for Carrington Road intersection upgrades prior to first 600 dwellings** – Confirmation as to the continued validity of this trigger point.
- III. **Multi-modal trip generation**, including breakdowns of levels of uptake of alternative modes of travel, in addition to vehicle trip rates, i.e., corresponding trip generation rates for public transport, active mode users, working from home, etc.

5.3 Further to reviewing the JTMS and other expert statements on the subject matter of transport, from both the applicant and AT, I remain concerned that matters I and III of the above have not been addressed. I consider this information to be of key importance in order for me to support the transport modelling work and in turn, the acceptability of PC94 in transport terms.

5.4 In relation to item I, the JTMS provides little information in relation to the inter-relationship between trip generation, network performance and parking demand and management. Furthermore, the subsequent evidence provided by both the applicant and AT conveys conflicting views between the two parties in relation to the assessment and management of parking demand. I am particularly concerned that AT's evidence advocates for an alternative approach towards assessing car parking demand, based on future Gross Floor Area (GFA) of residential development, which would result in an increased parking provision on site. However, AT's evidence does not consider the consequent implications of this change on wider elements of the transport assessment, such as network performance, uptake of alternative transport modes and on-street parking.

5.5 For example, if more car parking is provided on the site, this will potentially lead to a higher traffic generation (perhaps as high as 67% more than has been analysed) meaning that the transport effects indicated in the JTMS have been significantly underreported.

5.6 The JTMS is silent on how the effect of off-site parking demand is captured in determining the total traffic generation potential of the development of the site and what this may mean for the traffic modelling reported and from which conclusions on acceptability have been drawn.

5.7 I discuss these matters later in this report, as part of my reviews of evidence provided by the respective parties.

5.8 In relation to item III, the matter of multi-modal trip generation has similarly not been addressed. I elaborate upon my concerns in relation to this below.

5.9 The JTMS sets out the following:

- The process adopted to gain alignment between Auckland Transport and the Ministry of Housing and Urban Development (**MHUD**) in relation to the traffic modelling used to assess transportation effects of the development associated with PC94
- Key trip generation inputs adopted in the modelling associated with the different activities
- Key trip distribution assumptions adopted in the modelling
- Key development scenarios assessed

5.10 Section 4.1 of the JTMS sets out assumptions adopted in the hearing model in relation to trip generation inputs for the residential activities. It refers to reference guidance by the Sydney Roads and Traffic Authority (**RTA**), which includes reference trip rates for *high density residential flat dwellings* per car parking space provided. The guidance in question confirms that the survey data from which these trip rates are derived is based on 10 residential developments, mostly located in the Sydney area which were *close to public transport*.

5.11 The Guidance note does not elaborate on the surveyed sites with regard to their geographical characteristics and transportation provisions, however, by comparison to Auckland, Sydney is known to benefit from a denser rail-based public transport network with higher capacity services. This could thus result in a comparatively higher take up of public transport by residents and a lesser dependence on car travel.

5.12 The analysis undertaken in the JTMS similarly does not elaborate on how representative the subject site is in characteristics to sites on which the RTA trip rates are based.

5.13 While the JTMS confirms a strategic approach to limit vehicle trip generation through car parking space provisions, whilst encouraging adoption of alternative modes of travel, it does not elaborate on numbers of trips that would be expected to travel by alternative modes and a breakdown of trip numbers by mode of travel. One particular concern which may serve to limit adoption of alternative modes of travel is the capacity of the public transport networks within reasonable walking distance of the site.

5.14 To illustrate and quantify this concern, I have set out a brief analysis below:

- If we compare the estimated vehicle peak hour trip generation for our subject site with corresponding peak hour generation which may be expected for residential dwellings in a location which offers comparatively limited choices for alternative travel modes, this could provide a closer indication for overall trip numbers generated by any mode of travel. As a starting point, the RTA Guide indicates a peak hour vehicle trip rate of 0.85 trips per dwelling for 'dwelling houses', which offer few other alternative travel choices.
- Applying a trip rate of 0.85 trips per dwelling to 4000 dwellings within the Wairaka Precinct, as a proxy for trips by all modes, would result in some 3,400 peak hour journeys being undertaken across all travel modes.

- The JTMS adopts vehicle trip rates of 0.3 peak hour trip rates per unit (for 3000 dwellings) and 0.25 peak hour trips per unit for the remaining 1000 dwellings). This would result in some 1,150 peak hour vehicle trips being generated by the development.
- However, the question then arises as to what travel modes will be adopted by the remaining 2,250 trips. Whilst some of these trips may take place by means of active modes or working / studying at home, it appears that a high reliance is being placed on public transport, in the event that peak hourly trip demands for public transport in the area are into the 1000s.
- By means of a high-level analysis, a double decker bus has a maximum capacity of around 100 passengers (including people standing), thus an hourly demand of say, 1000 passengers would fill at least 10 double decker buses.
- For comparison, Don McKenzie's statement of evidence refers to future bus service frequencies along Carrington Road of some 4 to 6 buses per hour in either direction. Bearing in mind that these services will additionally cater for passengers who are not travelling to or from the Wairara Precinct, it is expected that the future Carrington Road bus corridor alone would have insufficient capacity to cater for public transport demand resulting from PC 94.

5.15I consider that the above outline analysis reaffirms the need for further analysis in relation to travel demand associated with non-vehicular travel modes, including in particular public transport trips undertaken by both bus and rail services.

## **6. Evidence of Max Robitzsch**

- 6.1 In paragraphs 7.79 and 7.80 of his evidence, Mr Robitzsch acknowledges the request by Auckland Transport and Auckland Council to assess the potential extent of 'overflow' parking from the Precinct into the surrounding area, however he states that he does not consider such an assessment to be beneficial. His stated reasons are that some overflow parking would align with the vision of a low-car residential development, for the new development enabled by PC94, in addition to which such an assessment would be of limited practical application, on account of a wide variety of assumptions being adopted, many of which would be speculative in nature and subject to change over time.
- 6.2 I remain of the view that an assessment of likely parking demand and effects associated with overflow parking is appropriate, in line with AT's recommendations. While minimum parking requirements for activities have been removed from the Auckland Unitary Plan Transport Chapter, following the National Policy Statement for Urban Development, the Transport Chapter objectives still require parking provisions to be:
- *managed to support urban growth and the quality compact urban form*
  - *commensurate with the character, scale and intensity and alternative transport options of the location*
  - *managed to support functional and operational requirements of activities*

- 6.3 I consider that an upfront assessment of on-street parking demand and effects to be an important tool to fulfil the above Unitary Plan objectives and inform a proactive approach towards managing parking, including overspill parking onto nearby streets. While Mr Robitzsch states that he does not support this approach on account of its adoption of assumptions based on a degree of speculation, I consider that this would be within reasonable limits, based on assessment already undertaken by the applicant to date.
- 6.4 I note that from paragraphs 7.97 to 101 of his evidence, Mr Robitzsch confirms his support towards the implementation of a localised parking management plan, in cooperation with the developers, in anticipation of expected high levels of on-street parking occupancy.
- 6.5 I remain in support of a parking management plan being undertaken, noting expected high levels of on-street parking occupancy and the support of such a plan towards an ongoing Travel Demand management strategy. However, as a measure to manage effects of future development, I consider that it should be a developer-led initiative.

## **7. Evidence of Marguerite Pearson**

- 7.1 In paragraph 9.1 of her evidence, Ms Pearson cites AT's principal outstanding concern as being car parking and management of parking effects on-site and on the surrounding road network. In my Section 42A Report, I have previously confirmed my alignment with AT in relation to requesting further assessment in relation to parking demand and effects outside the precinct.
- 7.2 Ms Pearson reaffirms that AT does not support residents' only parking schemes as being suitable in this location. She further reaffirms a key principle from AT's Parking Strategy, that *car parking provision should be designed and delivered to prevent developers passing on the costs of car parking to ratepayers, and that streets [...] should not be considered as an area for permanent private vehicle storage.*
- 7.3 Ms Pearson goes on to reaffirm existing Precinct Provisions which refer to *managing parking to avoid, remedy, and mitigating adverse effects on the surrounding transport network.* In paragraph 9.5, Ms Pearson sets out AT's preferred approach for establishing car parking provisions under PC94, through implementing a parking provision rate of 1 space per 80 sqm GFA of development, as opposed to a maximum restriction of 2,100 car parks for the new residential development, as proposed by the applicant. The reasons for this approach are discussed in more detail in Terry Church's statement, on which I provide comments below.
- 7.4 In paragraph 9.6 of her evidence, Ms Pearson states her disagreement with the applicant's proposal that AT should undertake a parking management plan to identify potential car parking effects on the surrounding road network, as per Mr Robitzsch's evidence. AT's position on this matter is elaborated upon in Mr Church's Evidence, to which I have provided comments in the following section of this report.

- 7.5 As noted under my response to Max Robitzsch's evidence, I maintain a position of support towards the implementation of a Parking Management Plan, but as a developer-led initiative.
- 7.6 In paragraphs 11.1 and 11.2 of her evidence, Ms Pearson identifies additional amendments to the Precinct Provisions to fully address AT's submission points. These include:
- a) The addition of a standard in the General Provisions of the Precinct Provisions to manage car parking effects, which sets an average car parking rate to be based on area (1 parking space per 80m<sup>2</sup> GFA) across the Precinct
  - b) A trigger to require two intersection upgrades on Carrington Road prior to the completion of 600 dwellings
  - c) Amendment to the Precinct Plan 1 to show an active mode connection between Access Road 1 and the Northwestern Shared Path
- 7.7 While I support the latter two of these amendments, I elaborate on my position in relation to AT's proposed approach to managing car parking and effects in my review of Terry Church's evidence below.

## **8. Evidence of Terry Church**

- 8.1 The Executive Summary of Mr Church's evidence summarises key areas where he does not support the position of HUD or their approach towards addressing key transportation issues. The principal of these concerns relates to analysis around parking provisions for the expected development and consequent effects on neighbouring streets. Aligned with this concern, Mr Church's evidence opposes the applicant's proposed provision of only 2,100 parking spaces for the new residential development, however he opposes the implementation of a Parking Management Plan. I discuss each of these points in the paragraphs below.
- 8.2 In paragraphs 7.1 to 7.25 of his evidence, Mr Church discusses parking effects associated with PC94 and considers the 2,100 spaces proposed by the applicant to serve 4,000 dwellings represents a significant shortfall. His subsequent analyses and evidence include case studies of other Auckland-based residential developments and reference sources to support the case for increased on-site parking, based on a parking rate of 1 space per 80 sqm Gross Floor Area (GFA) of residential development.
- 8.3 While Mr Church's evidence does contain some relevant analyses in relation to parking demand and car ownership, to inform likely outcomes associated with development resulting from PC94, these differ from underlying analyses and adopted assumptions underpinning the recently completed joint traffic modelling exercise between AT and HUD. Mr Church's statement does not clarify what impact the revised approach to car parking provision would be expected have on trip generation rates adopted in the JTMS. Noting that the JTMS refers to car parking provision as a basis of its analysis of residential trip rates, I consider that it is important to understand how this impacts on wider elements of the transport assessment for PC94, including the network performance assessment.



- 8.4 I additionally consider that this further highlights my previously raised concern in relation to multi-modal trip generation, as noted in paragraph 4.1 of this report, noting the expected inter-relationship between parking provision, car ownership and adoption of more sustainable modes of travel.
- 8.5 To quantify the degree of difference resulting from Mr Church's proposed parking provision rate of 1 space per 80 sqm GFA, Mr Church's analyses in paragraph 7.18 of his evidence estimate a shortfall of between 1000 and 1,500 spaces. Relative to the currently proposed car parking provision of 2,100 spaces, this represents an increase of between 43% and 67%. Based on reference trip rates from the RTA Guidance for residential trip generation per number of car parking spaces, as referenced by Mr Church in the JTMS, this could result in a corresponding increase of 43% to 67% in the number of trips generated within the precinct.
- 8.6 To put this quantum of additional car parking demand into perspective, if it all occurred on the street, it would equate to a kerb space length of between 8km and 12km (allowing for vehicle crossings but no other parking demand from other activities). This is approximately the length of Dominion Road (from View Road in the north to the Roskill South shops in the south) with cars parked on both sides of the road.
- 8.7 Based on the above, while I consider that, Mr Church's proposed parking rate may serve to alleviate my level of concern with regard to car parking impacts in the wider area, I consider that further work would be required to understand wider potential changes to the Transport Assessment for PC94. I am therefore not in a position to confirm support towards Mr Church's proposed new parking rate at the time of writing.
- 8.8 From paragraph 11.1 of his evidence onwards, Mr Church discusses concerns shared by both AT and myself in relation to potential for parking pressures in neighbouring residential streets, as a result of development enabled by the Plan Change. I have previously reaffirmed my position on this matter in sections 5 and 6 of this report. However, as a further observation, I note that the effect of overflow parking on network performance has not been subject to particular discussion in the JTMS. I would deem this to be a key element of future analysis in relation to overflow parking.
- 8.9 In paragraph 11.4, I note that Mr Church conveys a contrary view of that presented by AT in their original submission of 19 January 2024 in relation to the recommended provision of a Parking Management Plan. While AT's original submission supported the provision of a Parking Management Plan, Mr Church states that he does not support this, citing potential difficulties in determining which development a parking issue may be attributed towards and limited methods to mitigate the issue of a specific development once constructed.
- 8.10 As noted under my response to Max Robitzsch's evidence, I maintain a position of support towards the implementation of a Parking Management Plan as a tool to manage on-street parking pressures, in view of potentially high parking demands and to support a travel demand management strategy.

## 9. Conclusion

9.1 Following my review of the expert evidence provided by the applicant and Auckland Transport, I consider that I am unable to support PC94 as being acceptable in transport terms.

9.2 As outlined in this report, I consider that further work is required in relation to the following key areas, in order to be able to determine the acceptability of transport effects associated with PC94:

- **Re-assessment of transport effects resulting from AT's proposed increase in on-site Car Parking Provision** – AT's proposed new parking rate of 1 space per 80 sqm GFA would potentially result in wider changes to transport assessment work undertaken to date, including the findings documented in AT's recently provided JTMS. At the time of writing, I am not in a position to support the alternative approach to parking without understanding the scope of change to other elements of the Transport Assessment.
- **Multi-modal trip generation analysis**, to confirm expected indicative mode shares for non-vehicular modes of travel and that expected public transport demand can be accommodated on the adjoining transport network.
- **Assessment of Car Parking Demand and Effects** resulting from the proposed new residential development, which I note is similarly supported by AT. While I note AT's change in position with regards to no longer supporting the provision of a Parking Management Plan, I maintain my position of support towards this measure, as a means of managing long-term transport effects and supporting a travel demand management strategy.

9.3 I recommend the following addition to the Wairaka Precinct Provisions in relation to Parking Management:

### Parking Management Plan

(i) As part of land use applications for development within the precinct a Parking Management Plan is to be provided. The Parking Management Plan must:

- Outline the basis for the amount of on-site carparking proposed (including number and type of dwelling units and details of alternative travel modes available to provide for occupants' travel needs)
- Assess the potential for adverse effects that may arise from insufficient provision for on-site parking, including:
  - Insufficient on-street parking capacity within walking distance of the subject site to cater for demand
  - Potential locations which may be prone to competing on-street parking demands

- Any illegal parking activity or parking activity which serves to compromise the safe operation of the transport network (e.g. potential for increased conflict involving vehicles and pedestrians as a result of parking reducing on-road visibility)
  - Adverse effects on network performance as a result of displaced parking demand across the wider road network
- Implement appropriate measures to mitigate any identified adverse effects.



Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – Freshwater Ecology  
From: Treffery Barnett  
Date: 29 October 2023

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1. My full name is Treffery Jean Barnett
2. I prepared a specialist review dated (29 September). I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of:

Jason Smith - Ecology

4. Mr Smith states that PC94 will result in a Net Gain in level of effect on freshwater [paragraph 4.15], based on increased shading and stormwater. This is contradicted and not supported by the statements made in the body of Mr Smith's evidence. At the very best the level of effect could be neutral, not a net gain.
  - a) In paragraph 4.8, Mr Smith states that '*The increased height provided for in the northern part of the Site **could** increase shading on the northern extent of Te Auaunga / Oakley Creek; however, this **is considered unlikely to be noticeable** given the shading provided by the existing mature, dense and wide riparian vegetation*'. [Paragraph 4.8]. The bold is my emphasis.
  - b) In paragraph 4.12, Mr Smith states that the Stormwater Management Plant (SMP) that has been prepared under the operative Precinct provisions, including the works already underway, is appropriately managing stormwater, and that '*no changes to that SMP (and its approach to managing ecological values) are required to accommodate the additional capacity provided for by PC94 from an ecological perspective*'.
  - c) In addition, Mr Smith states that the net gain in freshwater values resulting from the SMP which is required for the operative Precinct, is not directly attributable to PC94 [paragraph 4.18].
  - d) Therefore, I cannot see any evidence of freshwater ecological benefits of the proposed PC94 over the operative Precinct, and the argument that increased shading by higher buildings that could remotely have a positive effect on Te Auaunga, will more probably result in an adverse effect on the riparian vegetation of Te Auaunga .
5. Mr Smith agrees that riparian planting can improve ecological functions [paragraph 6.15], but does not provide for any requirement for planting of the riparian yard with PC94. He considers that the inclusion of assessment criteria relating to riparian margins along the Wairaka Stream may be appropriate, but his recommended edits to I334.8.1.(1A)(j) do not have any *requirements* for planting, only that the development is designed to recognise and

contribute to the values of the stream. Where Wairaka Stream is currently shaded by riparian planting in the upper and lower reaches, the water is clear, running over rocky substrates, providing excellent quality habitat for aquatic fauna. Where Wairaka Stream has no riparian planting (i.e. adjacent to the unnamed northern road off Farm Road) the stream is dominated by silt, clogged with exotic macrophytes and providing poor quality aquatic habitat. I maintain my position that riparian planting of Wairaka Stream, and it's additional daylighted tributary, should be a requirement of PC94.

Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – Terrestrial Ecology  
From: Chris Wedding  
Date: 25 October 2023

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1. My full name is Christopher James Wedding
2. I prepared a specialist review dated (date). I refer to my qualifications and experience in my original review and do not repeat those matters here.
3. The purpose of this memorandum is to respond to the evidence of:

Jason Smith - Ecology

4. Appendix 1 of the AUP (OP), Section 1.4.2, states that the plan change must demonstrate how the development will protect, maintain and enhance indigenous biodiversity values. Mr Smith both acknowledges and then dismisses significant indigenous biodiversity values that are recorded within the proposed plan change area, including the presence of Threatened and At-Risk species. These features are ecologically significant and I do not consider Mr Smith's assessment to be accurate in this regard. I respond to Mr Smith's assessment with respect to two identified areas below:
5. Additional Significant Ecological Area ('Mature Mixed Canopy')
  - a. Mr Smith states that the area identified as 'mature mixed canopy' is within an area owned by Unitec and where changes are not proposed. The mature mixed canopy area is within the proposed plan change area and should be subject to Appendix 1 of the AUP (OP), Section 1.4.2, as identified in point 4, above.
  - b. Mr Smith contends that this area should not necessarily be identified as a Significant Ecological Area (SEA), despite acknowledging that it supports an obvious trigger for SEA status in accordance with factor 2, Schedule 3 (AUP): - it supports the occurrence of a plant, animal or fungi that has been assessed by the Department of Conservation and determined to have a national conservation status of threatened or at risk: this species is kauri, *Agathis australis*- which is assessed as nationally 'At Risk- declining'<sup>1</sup>. Kauri presence is also a trigger for SNA status under Appendix 1 of the NPS-IB: Criteria for identifying areas that qualify as significant natural areas- specifically, - rarity and distinctiveness C(6a)).

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<sup>1</sup> de Lange, P.J.; Gosden, J.; Courtney, S.P.; Fergus, A.J.; Barkla, J.W.; Beadel, S.M.; Champion, P.D.; Hindmarsh-Walls, R.; Makan, T.; Michel, P. 2024: Conservation status of vascular plants in Aotearoa New Zealand, 2023. New Zealand Threat Classification Series 43. Department of Conservation, Wellington. 105 p.

- c. Mr Smith suggests that the composition and value of indigenous and naturally regenerating vegetation that comprise the canopy and understory of this ecosystem do not align with an indigenous ecosystem, on the basis that:
- i. Pōhutukawa *are not a podocarp* [para 6.9]- this statement appears to suggest that this species does not align with the kauri, podocarp, broadleaved forest type because it is not a podocarp species. If this is what Mr Smith is suggesting, it is misleading- pōhutukawa are a broadleaved forest tree, and the WF11 forest type supports a mixture of both podocarp **and** broadleaved forest trees. Pōhutukawa are an important component of indigenous coastal forests in the Auckland Region, and are also present where such coastal forests (e.g. pōhutukawa, pūriri, broadleaved forest (WF4, Singers et al. 2017<sup>2</sup> - Regionally Endangered) transition to WF11 forest. With groves of mature pōhutukawa and kahikatea present within the fragment [para 6.7], as well as a diversity of other indigenous podocarp and broadleaved forest trees in the canopy and understory, as Mr Smith acknowledges (whilst also acknowledging a similarly strong presence of exotic species), then this small forest fragment comprises a relatively moderate indigenous diversity with clear signatures of an ecotone between two threatened ecosystem types (WF4 and WF11). On this basis it would also trigger SEA status in accordance with factor 3, Schedule 3 (AUP): Diversity (AUP)- It is any indigenous vegetation that extends across at least one environmental gradient resulting in a sequence that supports more than one indigenous habitat, community or ecosystem type (being a transition between WF4 and WF11). It would also trigger SNA status (NPS-IB) in accordance with criterion B: Diversity and Pattern, on the basis that (a) it has moderate diversity of indigenous species, and (b) there is a presence of indigenous ecotones, complete or partial gradients or sequences (WF4 and WF11).
  - ii. Pōhutukawa are now considered to be 'Not Threatened' [para 6.9]. Mr Smith appears to suggest that his value assessment of the mature mixed canopy is accurate because the threat status of pōhutukawa has since been downgraded by the Department of Conservation. The publication date of the DOC report that Mr Smith refers to is October 2024- which was released approximately two weeks before the date of his primary evidence. However, as acknowledged by Mr Smith, 'At-Risk' kauri occur within the forest fragment and therefore the mixed native and exotic canopy fragment should still be recognised as a significant feature.
  - iii. Exotic species that equally comprise canopy and privet dominates in the understorey [para 6.8]. This description differs from Mr Smith's earlier description (Clause 23 response 3, and which I concur with, based on my site observations), that: "*The understory is comprised of self-seeded natives, largely karamu (Coprosma robusta), karo (Pittosporum crassifolium), tarata (Pittosporum eugenioides), and less commonly, juvenile nikau (Rhopalostylis sapida), karaka (Corynocarpus laevigatus)*

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<sup>2</sup> Singers, N., Osborne, B.; Lovegrove, T.; Jamieson, A.; Boow, J.; Sawyer, J.; Hill, K.; Andrews, J.; Hill, S. and Webb, C. (2017). Indigenous Terrestrial and Freshwater Ecosystems of Auckland. Auckland Council.



*and kawakawa (Piper excelsum)*". These species are all characteristic of both WF4 and coastal WF11 forest ecosystem types.

- d. I maintain my position that the area identified as 'mature mixed canopy' meets criteria for SEA status under Schedule 3 (AUP) in accordance with factors 2 and 3. It also qualifies as SNA in accordance with Appendix 1 of the NPS-IB, meeting criteria B (5) and C (6a). This feature should be recognised as significant in the Plan Change as per Appendix 1 of the AUP (OP), Section 1.4.2.

## 6. Lichens

- a. Multiple submissions were received with respect to the presence of the lichens *Cladia blanchonii*- a threatened species, and *Porpidia albocaerulescens*, an At-Risk species. In my specialist review, I suggested that recognition and protection could be achieved through open space zoning- the rationale for this being that opens space could offer additional stability of the surrounding environment. However, I concede that Open Space is not the appropriate mechanism to protect, maintain and enhance indigenous biodiversity values under the AUP, but SEA is and I would therefore recommend that the submitter identify the location of these lichens on a map so that they can be appropriately assessed.
- b. Mr Smith considers that lichens are not regulated in the AUP. I assume he is referring to the wording in Schedule 3 (2(b)) of the AUP that recognises the occurrence of a plant, animal or fungi. Lichen represent a unique plant-fungi relationship and therefore I consider that both components are recognised by the AUP. Irrespective, the NPS-IB recognises all indigenous species and as such their habitats would be recognised as significant under this framework (Appendix 1 of the NPS-IB).
- c. All indigenous species with threat assessments are classified by relevant experts using the standardised New Zealand Threat Classification System<sup>3</sup>. The value of threatened lichens within the PC, should be recognised in accordance with Appendix 1 (Section 1.4.2) and Schedule 3 of the AUP, and Appendix 1 (NPS-IB).

## Conclusion

1. The values that Mr Smith has assigned to indigenous biodiversity within the Plan Change are not consistent with EIANZ guidelines that require acknowledgement of 'At-Risk' and 'Threatened' species as 'High' and 'Very-High' value, respectively (Appendix 2 of Appendix 6: Ecological Impact Assessment). This resulted in significant indigenous biodiversity (AUP, NPS-IB) being dismissed due to a focus on exotic composition.
2. I maintain my opinion, that the mature mixed canopy and lichen areas should be mapped and protected as per the AUP (OP), Section 1.4.2.

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<sup>3</sup> Molloy, J.; Bell, B.; Clout, M.; de Lange, P.; Gibbs, G.; Given, D.; Norton, D.; Smith, N.; Stephens, T. 2002: Classifying species according to threat of extinction. A system for New Zealand. Threatened species occasional publication 22, 26 p.

3. I concede that my former suggestion that Open Space Zoning could achieve recognition and protection of the lichens has changed. I consider that further information is required before this matter can be properly assessed.

Memorandum to: Peter Reaburn, Reporting Planner  
Subject: s42A Addendum Report – (Economic assessment)  
From: Susan Fairgray (Economics)  
Date: 05.11.2024

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My full name is Susan Michelle Fairgray.

I prepared a specialist review dated 28 September 2024. I refer to my qualifications and experience in my original review and do not repeat those matters here.

I have been asked by Council's reporting planner Mr Reaburn to consider discrete matters that may have an effect on development potential within the precinct.

The following areas are covered in this addendum:

- i. Potential impact of additional heritage buildings on development potential and likely dwelling yield.
- ii. Potential impact of Ockham proposed height increases on potential dwelling yield and development patterns.
- iii. Potential impact of additional open space on development potential and likely dwelling yield.

I assess these matters below. In the limited time I have had available this review is necessarily high level.

### ***Heritage Building Protection***

Four additional heritage buildings have been recommended by Council's heritage building specialist Carolyn O'Neil.

HB1	No. 1 Auxiliary Building (Building 48)
HB2	Pumphouse (Building 33)
HB3	Medical Superintendent's Residence / Penman House (Building 55)
HB4	Farm Building/Stables (Building 28)

The proposal is to protect these buildings from demolition. I understand that the proposed provisions do not limit adaptive use within the buildings.

I have been requested to undertake a high-level examination of the potential impact of the proposal (for the additional four buildings) on likely dwelling development yields and patterns within the precinct. In undertaking this assessment, I have assumed that residential development could not occur on land areas occupied by each building or on immediately surrounding areas that may hold heritage value from their association with the building. In the absence of the building, these areas may be able to be developed.

My assessment is limited to considering the potential impact on the eventual residential development pattern of the precinct with and without development on the areas covered by

the identified buildings. This high level review does not consider the likely timing of residential development.

This high level review does not include an economic assessment of the potential benefits of protecting these buildings from demolition. The benefits and heritage value are instead covered in the Heritage Specialist and Planning Reports.

I have met with Ms O'Neil to obtain information on location and status of the buildings within the PPC and the approximate surrounding area related to the buildings.

Based on this discussion, I summarise my understanding of the potential for assessment of each building on development opportunity as follows:

- i. HB1 is located on an area not identified for residential development within the PPC. The surrounding areas related to the building are currently identified as open space in the PPC. Consequently, I consider that the protection of HB1 is unlikely to have any impact on the residential development potential of the precinct.
- ii. I understand that HB2 is also subject to a restricted covenant. Therefore, I consider that the proposed provisions will not have any additional effect on development potential beyond that existing within the baseline position.
- iii. The protection of HB3 and HB4 may have some impact on the potential yield or configuration of development on these sites. These are discussed further below.

#### HB4 (Stables – Building 28)

HB4 occupies a minor portion (6%) of the land area within the middle part of a block proposed for residential development. I understand that buildings have previously been constructed (now demolished) immediately adjacent to HB4, with the area of the site likely to be unable to be developed limited to the building footprint of HB4.

I consider that the protection of HB4 may only have a limited impact on the potential dwelling yield within its surrounding block area, and it is likely that the site is able to be developed to achieve a dwelling yield of at least the same level as that suggested by the applicant. The Clause 23 responses suggests the development of a 4-storey walk-up apartment block that covers 50% of the site area and contains 62 dwellings.

Based on a high-level analysis, buildings of the same height (as suggested in the applicant's indicative yield) could either be configured to occur on areas not covered by the building (noting that building coverage of 50% has been assumed), or constructed to contain a greater number of storeys (noting that the indicative yield is based on 4 storeys, with up to 7 storeys enabled). While HB4 is located towards the centre of the site, I note that buildings have previously been developed immediately adjacent to the building.

#### HB3 (Penman House – Building 55)

I have examined the location and scale of HB3 within its proposed residential development area. In summary, I consider that protection of HB3 will reduce the potential dwelling yield on this site, but is unlikely to have a significant impact on the overall dwelling yield of the PPC, with sizeable opportunity to alternatively achieve the same level of development in other parts of the PPC.

HB3 is located in the southeastern corner of the precinct (block 22 within the applicant's Clause 23 P1 response). Together, with its surrounding yard area, it occupies a sizeable portion of this site. If development of this site were limited to the area not covered by the

building or yard area, then it would be likely to achieve a lower dwelling yield than that currently suggested by the applicant (102 apartment dwellings within a 6-storey building) for the site.

I have examined the potential dwelling yield by location, typology and height across the PPC in relation to the proposed provisions. I have considered the dwelling yield suggested by the applicant as part of the P1 Clause 23 response as well as an indicative<sup>1</sup> maximum potential dwelling yield that I have calculated on each site through applying the same development assumptions<sup>2</sup> (as the P1 response) up to the maximum proposed heights. This is indicatively summarised in the tables below. The first table shows the yield by location and dwelling typology, while the second table shows how the difference in yield occurs between each scenario in relation to either changes in dwelling typologies or increased levels of development within a typology.

I consider that there is a sizeable difference between the estimated likely dwelling yield of the PPC based on the pattern of development suggested by the application and the potential maximum yield if all sites were able to be developed up to their maximum permitted heights ("Potential Full Build Out" scenario). While I consider that the full build out scenario is unlikely to occur (and that the precinct is likely to develop with a yield closer to that indicated by the applicant), it indicates that there is significant potential for increased development to occur in other parts of the precinct beyond the level of development that would produce the indicated yield of 4,600 dwellings.

The second table (column 1) shows the increases in yield that could potentially occur with changes in development patterns. The indicative potential increases are large in comparison to the level of development (102 dwellings) that is indicated for the site that contains HB3. This suggests that the same level of development for the PPC overall could theoretically occur through changes in development elsewhere, including through constructing additional storeys within sites indicated as apartment developments.

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<sup>1</sup> I consider that this is an indicative theoretical maximum only to consider the approximate level of development opportunity. Further information on any site constraints may result in a lower level of development than estimated within the same parameters applied in the applicant's indicative assessment. I note that this indicative assessment does not include any impact of view shafts that may apply on areas within the proposed height limits in height precincts 2 to 4.

<sup>2</sup> This includes site efficiency within each block, site coverage and building efficiency.

Table 8-1: Indicative Estimated Potential Dwelling Yield Scenarios by Location and Typology within PPC94

Height Area Precinct	PPC Zone	Dwelling Typology	Estimated Dwelling Yield Scenarios		
			Applicant Suggested <sup>1</sup>	Potential Full Build Out <sup>2</sup>	Yield with Development Potential from Ockham Suggested Change <sup>3</sup>
Height Area 1	BMUZ	Apartment	307	307	307
<b>Sub-Total</b>			<b>307</b>	<b>307</b>	<b>307</b>
Height Area 2	BMUZ	Apartment	1,135	1,750	1,135
Height Area 2	BMUZ	Walkup	219	-	219
Height Area 2	THAB	Apartment	-	449	-
Height Area 2	THAB	Walkup	125	-	125
Height Area 2	THAB	Terrace	25	-	25
<b>Sub-Total</b>			<b>1,504</b>	<b>2,199</b>	<b>1,504</b>
Height Area 3	MHU	Terrace	147	147	147
<b>Sub-Total</b>			<b>147</b>	<b>147</b>	<b>147</b>
Height Area 4	BMUZ	Adaptive Use	80	80	80
Height Area 4	BMUZ	Apartment	804	1,942	2,388
Height Area 4	BMUZ	Walkup	298	-	-
Height Area 4	BMUZ	Terrace	106	-	-
Height Area 4	Special Purpose	Office	-	-	-
Height Area 4	Special Purpose	Apartment	345	1,994	623
Height Area 4	Special Purpose	Walkup	463	-	397
Height Area 4	Special Purpose	Terrace	107	-	88
<b>Sub-Total</b>			<b>2,203</b>	<b>4,016</b>	<b>3,576</b>
None	THAB	Apartment	-	601	-
None	THAB	Walkup	282	282	282
None	THAB	Terrace	174	-	174
<b>Sub-Total</b>			<b>456</b>	<b>883</b>	<b>456</b>
<b>TOTAL PPC</b>			<b>4,617</b>	<b>7,552</b>	<b>5,990</b>

<sup>1</sup> Dwelling yields are from the suggested yield table supplied in P1 as part of the applicant's Clause 23 response.

<sup>2</sup> Estimated by applying same development parameters in applicant suggested yields to typologies enabled under max height provisions.

<sup>3</sup> Combination of applicant-suggested yields (Height Areas 1, 2, 3 and remainder) with estimated yields portion of Height Area 4 with Ockham-suggested increase.

Table 8-2: Indicative Change in Dwelling Yield Between Scenarios by Type of Change in Development Pattern

Type of Change	Difference Potential Full Build Out vs. Applicant Suggested	Ockham Difference to Applicant Suggested	Portion of Ockham Difference Above Enabled Full Build Out
Increased Storeys on Midrise	219	195	508
Increased Storeys - Walkup to Midrise	944	457	-
Terraced to Apartments	1,478	721	-
Office to Apartments	294	-	-
<b>Total Difference</b>	<b>2,935</b>	<b>1,373</b>	<b>508</b>

### ***Indicative Change in Dwelling Yields and Development Patterns with Ockham Suggested Height Changes***

I have conducted a high-level indicative assessment (within the limited time available) to understand the potential impact of the proposed additional heights in Height Area 4 that are detailed within the Ockham evidence. I have assumed that the proposed height increase from 27m to 35m would enable the construction of an additional 2 storeys within this area, increasing development potential from 7 to 9 storeys. The yield scenario presented in the tables has not been produced by Ockham. It is instead produced by applying the additional height sought in the Ockham submission and evidence to the indicative yield tables provided by the applicant.

My high-level indicative assessment is contained as the final columns in the above tables where I have estimated the dwelling yield that could be achieved in the parts of Height Precinct 4 with the proposed height increase. Within this scenario, I have assumed the applicant-suggested yield across all other areas.

The tables indicate that the proposed height increase may produce a significantly higher yield in Height Area 4 than indicated by the applicants suggested yield. If this area were fully developed to the maximum potential 9 storeys, then the yield may be around 1,300 to 1,400 dwellings higher than with the dwelling mix and level of development indicated by the applicant's scenario. However, it is important to note that most of this difference in yield is already able to occur within the existing proposed provisions (up to 27m) where the applicant's suggested yield is at lower levels of development than enabled by the proposed provisions. The final column in the table shows the additional yield (around 500 dwellings) that may be enabled by the proposed further increase beyond that already enabled by the originally proposed provisions.

Table 8-2 shows that around half of the difference in yield between the Ockham change scenario and the applicant-suggested yield could occur through the construction of additional storeys on sites already suggested for apartment development. I consider that the further height increase proposed by Ockham may incentivise some other sites to develop as apartment buildings due to the improved feasibility from the additional enabled yield as well as the increased relativities to other alternative development options. While most of the difference in yield (to that of the applicant's suggested yield) shown in Table 8-2 can already occur under the PPC, the greater returns may increase the propensity for this to occur.

Any changes to the development pattern across this area may result in a change in dwelling mix. The table below summarises the dwellings by typology within each scenario. The construction of additional storeys on apartment buildings is likely to increase the contribution of these sites to dwelling supply. Any changes in development patterns on sites from terraced dwellings to apartment buildings in response to additional height will increase the total dwellings, but also reduce the number of terraced dwellings. This may have implications for the alignment of future dwelling supply with patterns of housing demand, with terraced housing likely to be more suitable for larger households.

Table 8-3: Indicative Difference in Dwelling Mix by Potential Development Scenarios

Dwelling Typology	Applicant Suggested Yield <sup>1</sup>	Potential Full Build Out Yield <sup>2</sup>	Difference Potential Full Build Out vs. Applicant Suggested	Yield with Development Potential from Ockham Suggested Change <sup>3</sup>	Ockham Difference to Applicant Suggested	Portion of Ockham Difference Above Enabled Full Build Out
<b>Estimated Dwelling Yields by Scenario and Difference</b>						
Apartment	2,591	7,043	4,452	4,453	1,862	508
Walkup	1,387	282	1,105	1,023	364	-
Terrace	559	147	412	434	125	-
Adaptive Use	80	80	-	80	-	-
<b>Total PPC</b>	<b>4,617</b>	<b>7,552</b>	<b>2,935</b>	<b>5,990</b>	<b>1,373</b>	<b>508</b>
<b>Share of Estimated Dwelling Yield by Typology</b>						
Apartment	56%	93%		74%		
Walkup	30%	4%		17%		
Terrace	12%	2%		7%		
Adaptive Use	2%	1%		1%		
<b>Total PPC</b>	<b>100%</b>	<b>100%</b>		<b>100%</b>		

<sup>1</sup> Dwelling yields are from the suggested yield table supplied in P1 as part of the applicant's Clause 23 response.

<sup>2</sup> Estimated by applying same development parameters in applicant suggested yields to typologies enabled under max height provisions.

<sup>3</sup> Combination of applicant-suggested yields (Height Areas 1, 2, 3 and remainder) with estimated yields portion of Height Area 4 with Ockham-suggested increase.

### Additional Open Space

Council's reporting planner has asked that I assess the impact of extra open space being provided within the precinct. The assumed figure I have been asked to use is 3ha (additional space), as explained in Mr Reaburn's Addendum Report.

This would increase the applicant-proposed open space from 5ha to 8ha across the precinct in total.

I understand that a further provision is proposed for open space to be able to be provided outside of sub-precincts A and C in contiguous areas of at least 1,000m<sup>2</sup> that could contribute to the suggested increased total open space requirement. I understand that open space provided in this way within sites developed for residential dwellings has not currently been included within the applicant-proposed 5ha open space provision. Any open space provided through this provision has therefore been considered as net additional to the existing proposed 5ha.

I have undertaken a high-level indicative assessment of the land areas proposed for residential development by suggested typology across the PPC. This is summarised in the table below and is based off the land areas provided in the indicative suggested yield provided by the applicant in the P1 Table as part of the Clause 23 response.

As with the other matters assessed, I have not undertaken an economic assessment of the potential benefits of additional provision for open space. The benefits and value of different types of open space are instead covered in the Open Space Specialist and Planning Reports.

I understand that apartment developments (walk-ups and apartments) have the greatest potential to be developed to contain contiguous areas of communal open space greater than 1,000m<sup>2</sup>. The land areas indicated for development into these typologies are shown in the first three rows of the table.



Overall, nearly half (15.2 ha) of the precinct land area developed for residential uses is indicated as likely to contain apartment buildings. Taking into account the land efficiency (generally ranging from 75% to 100%), a net area of 12.66 ha is likely to be developed into apartment dwellings. Within this area, the yield assessment has generally assumed a building site coverage of 50%, meaning that 6.39 ha of this area is likely to be covered by buildings, with a remaining 6.27 ha of the net site areas not covered by buildings.

I consider that some of the additional open space area is likely to be able to occur within the areas of sites developed for apartments that are not covered by buildings. Any additional open space provision that is met within these areas would therefore not reduce the likely dwelling yield of the PPC.

*Table 8-4: Residential Development Land Areas by Typology and Precinct Location*

	Gross Raw Land Area	Land Area for Development with Typology	Building Cover	Implied Development Area Not Covered by Buildings
<b>Land Areas (Ha) of PPC excl. Sub-Precincts A and C</b>				
Apartment	8.98	7.57	3.64	3.93
Walkup	6.22	5.09	2.76	2.33
<b>Sub-Total Apartment Areas</b>	<b>15.20</b>	<b>12.66</b>	<b>6.39</b>	<b>6.27</b>
Terrace	5.96	5.96	n/a	
Adaptive Use	1.83	1.83	0.80	
<b>Total</b>	<b>22.99</b>	<b>20.45</b>	<b>7.19</b>	
<b>Land Areas (Ha) of PPC Sub-Precincts A and C</b>				
Walkup	1.42	1.21	0.66	
Terrace	8.03	8.03	-	
<b>Total Sub-Precincts A and C</b>	<b>9.45</b>	<b>9.24</b>	<b>0.66</b>	
<b>Total PPC94</b>	<b>32.44</b>	<b>29.69</b>	<b>7.86</b>	

My indicative analysis of dwelling yields by typology and location has indicated increased dwelling yields are likely to be able to be achieved on sites through increasing the level of development on sites to that closer to the enabled maximum heights. This could occur through either additional storeys constructed on sites already indicated for apartment development or through alternatively developing sites into apartment dwellings that were initially indicated for terraced dwellings (Table 8-2). I consider that this suggests that some of the additional open space is likely to potentially be able to be achieved within the precinct (within the initially proposed residential development areas) without a proportional reduction in dwelling yield.



## ANNEXURE D

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

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