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

Proposal

To rezone part of Ellerslie Racecourse from Special Purpose – Major Recreation Facility zone to a combination of Residential – Terrace Housing and Apartment Buildings zone and Residential – Mixed Housing Urban zone.

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

Private Plan Change:	Private Plan Change 104 - 79 Ladies Mile, Remuera
Applicant:	Fletcher Residential Limited
Hearing commenced:	Wednesday 26 February 2025
Hearing panel:	David Mead (Chairperson) Kim Hardy Ina Kara-France
Appearances:	For the Applicant: Daniel Minhinnick, Legal Sam Mason, Legal Vijay Lala, Planning Hinsan Li, Corporate Vaughan Crang, Civil Engineering Pranil Wadan, Stormwater Graham Norman, Transport Kevin Brewer, Urban Design Julia Wick, Landscape & Visual For the Ōrākei Local Board: David Wong, Member For Council: Clare Wall Shaw, Team Leader Daniel Kinnoch, Reporting Officer Stephen Brown, Landscape & Design Gerhard Van der Westhuizen, Traffic Engineer Lee Te, Healthy Waters Roja Tafaroji, Parks Planning Allan Holmes, Arborist Emeline Fonua, Auckland Transport Rebecca Ramsey, Archaeology Alicia Wong, Ecologist

	Senior Hearings Advisor: Patrice Baillargeon
Hearing adjourned:	26 February 2025
Commissioners' site visit:	20 February 2025
Hearing closed:	8 April 2025

Introduction

1. This decision is made on behalf of the Auckland Council ("**the council**") by Independent Hearing Commissioners David Mead (Chairperson), Kim Hardy and Ina Kara-France, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").

2. The Commissioners have been given delegated authority by the council to make a decision on Plan Change 104 ("PC 104") to the Auckland Council Unitary Plan Operative in Part (the AUP) after considering all the submissions, the section 32 evaluation, the reports prepared for the hearing and evidence presented during and after the hearing of submissions.

3. PC 104 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).

4. The plan change was publicly notified on 25 July 2024. The submission period closed 22 August 2024. A total of 14 submissions were made on the plan change. A summary of submissions was notified for further submissions on 26 September 2024. No further submissions were received.

SUMMARY OF PLAN CHANGE

5. The proposed plan change is described in detail in the application material and the council's hearing report. In summary, the private plan change seeks to rezone approximately 6.2 hectares of land at 79 Ladies Mile, Remuera (the site) from Special Purpose - Major Recreation Facility zone with Ellerslie Racecourse Precinct provisions applying to a combination of Residential - Terrace Housing and Apartment Buildings (THAB) and Residential - Mixed Housing Urban (MHU) zones, and a new 'Remuera Precinct', to be incorporated within the AUP.

6. The proposed precinct includes specific rules and standards relating to building heights up to 25m in the THAB zone, the provision of public roads and pedestrian linkages and the integration of land use with supporting infrastructure. One significant pōhutukawa tree (Tree #13) along the Ladies Mile frontage is to be added to the AUP's Schedule 10: Notable Trees. Furthermore, a bespoke precinct standard will provide protection for other mature pōhutukawa trees along the Ladies Mile frontage.

7. The design of open spaces (public and private), and pedestrian paths and 'garden streets' as identified in the precinct plans are to be subject to precinct specific landscape guidelines – The Hill Landscape Package, August 2022.

8. The site is in single ownership, being owned by Fletcher Residential Limited (the plan change requestor). The site was previously owned by the Auckland Thoroughbred Racing Incorporated and used for steeplechase racing.

9. Fletcher Residential has obtained resource consents through the fast-track process set out in the COVID-19 Recovery (Fast-track Consenting) Act 2020 to construct 357 residential dwellings on the site (the "Hills fast-track consent'). The consents, granted by an Expert Consenting Panel on 17 April 2023, enable a master planned residential development on the site. This consent is being implemented with site works underway at the time of the plan change hearing.

10. The Hills fast track consent enables[1]:

    a) 264 apartment units in four buildings, ranging in height from 22m to 24m.

    b) 93 stand-alone houses and terrace houses, with these being mostly two storey dwellings, all less than 11m high.

11. The plan change request effectively seeks to update the zoning of the land so that it is in alignment with the development enabled by the fast-track consents.

RELEVANT STATUTORY PROVISIONS CONSIDERED

12. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in the requestor's section 32 assessment of the proposed plan change, the council's hearing report and the plan change requestor's evidence. We do not need to repeat these matters in detail as there was no dispute between the parties as to the relevant statutory tests.

Existing Planning Context

13. The plan change area is currently zoned Special Purpose - Major Recreation Facility zone. This zone is applied to facilities within Auckland capable of hosting large-scale sports, leisure, entertainment, art, recreation, or event and cultural activities. The Ellerslie Racecourse Precinct applies. This Precinct provides specific planning controls for the use of the Ellerslie Racecourse.

14. Part of the site is subject to Chapter 14 of the AUP: Natural Heritage - Locally Significant Volcanic Viewshafts Overlay - O10, One Tree Hill. The purpose of this overlay is to manage development to maintain locally significant views to Auckland's volcanic cones (maunga). Buildings that intrude into a locally significant volcanic viewshaft are permitted up to 9m in height, beyond which they require restricted

[1] Page 45 to 51 AEE

discretionary activity consent. The O10 viewshaft sits at varying heights above the plan change site, between 20.5m and 41.5m above ground level.

15. A method employed by the Ellerslie Racecourse Precinct to manage effects on neighbouring properties is the Interface Control Area (ICA). This area is delineated on the Ellerslie Racecourse Precinct Plan 1. The ICA provisions require that new buildings, external building alterations or additions to buildings must be located outside the ICA.[2] Where proposed within the ICA, resource consent is required as a restricted discretionary activity.[3] The ICA serves as a buffer, helping to mitigate potential adverse effects of the racecourse activities on adjacent properties, particularly those in adjoining residential zones to the north and east of the precinct.

16. An Arterial Road control applies to Ladies Mile. This control is used to restrict the construction or use of vehicle crossings on parts of a site boundary that have frontage to an arterial road, as identified on the planning maps, to ensure the safe and efficient operation of the transport network.

17. Surrounding residential land is zoned Residential – Mixed Housing Suburban and is subject to Plan Change 78 (PC 78). PC78 is the council's intensification planning instrument that incorporates the Medium Density Residential Standards (MDRS) requirements into "relevant residential zones" and gives effect to Policies (3) and (4) of the National Policy Statement -Urban Development.

18. The MDRS to be incorporated into the AUP are set out in Schedule 3A of the RMA and include objectives, policies, subdivision requirements and density standards. The MDRS effectively enable three storey 'town house and terrace house' type development across most of urban Auckland. PC 78 proposed that surrounding residential land be re zoned as Residential – Mixed Housing Urban (with an 11m height limit applying), in accordance with the MDRS.

19. Mana whenua have had involvement in both the fast-track consents and the plan change process[4]. The plan change request AEE[5] noted the following important cultural values were highlighted in pre notification consultation on the plan change:

- The spiritual relationship with the maunga visible from the site.
- Passage across the land between the Manukau Harbour and the Ōrākei Basin and beyond
- The fertile lands used for growing crops
- The lava caves within the wider Ellerslie Racecourse site.

[2] Standard I313.6.8
[3] Rule I313.4.1(A40)
[4] Three CIAs were provided: Ngāi Tai ki Tāmaki Tribal Trust, Te Ara Rangatu o Te Iwi o Ngāti Waiohua, and Ngaati Whanaunga Incorporated Society, and the iwi planning document prepared by Ngāti Whātua Ōrākei Trust Board (Iwi Management Plan).
[5] Fletcher Residential Limited Request for Private Plan Change Remuera Precinct Plan Change Report Section 32 Analysis Assessment of Environmental Effects, page 159.

20. The Hills fast-track consent decision[6] also identified the adverse effects of incremental development on wastewater overflows, and the importance of protecting and enhancing Te Mauri o Te Wai in the context of such overflows, as well as stormwater management more generally.

21. The fast-track consent details a range of actions that must be taken to manage environmental effects arising from development of the land including earthworks, stormwater management, open space provision and landscaping, traffic and transport upgrades and building design.

22. Currently the site is being developed in accordance with the fast-track consent requirements. Should an alternative form of development be proposed for the site once re zoning is complete, it will be required to comply with either a variation to the existing fast track consent or a new consent sought under the relevant AUP provision. Subject to timing a variation to the existing or new consent would be assessed against the proposed plan change provisions.

SUMMARY OF HEARING AND EVIDENCE

23. The Council planning officer's report was circulated prior to the hearing and taken as read. This report recommended that the plan change request be granted, subject to minor modifications. A memo dated 13 February 2025 from council's senior parks planner was circulated prior to the hearing, updating her position on boundary fencing.

24. Expert evidence for the requestor was pre-circulated and taken as read. The Ōrākei Local Board attended the hearing with their representative providing speaking notes. Watercare provided a letter dated 10 February 2025 addressing their submission but did not attend the hearing. No other submitters provided any evidence expanding upon their submissions or attended the hearing.

25. The Hearing was adjourned on the 26 February 2025 so that the requestor could provide additional information associated with the Locally Important Viewshaft (O10) that affects part of the site. A Direction was issued outlining the required information and giving the council the opportunity to respond to any new or additional analysis.

26. The requestor's response was received in writing on 5 March 2025, with council's comments received on 11 March 2025. A further memo from the requestor was provided on 14 March 2025, responding to council's comments as to the content of the proposed precinct plans.

Requestor

27. Daniel Minhinnick provided legal submissions on behalf of Fletcher Residential. These outlined the background to the rezoning request; the analysis undertaken and discussed the few points in contention between the requestor and the council.

[6] RECORD OF DECISION OF THE EXPERT CONSENTING PANEL UNDER CLAUSE 37 OF SCHEDULE 6 OF THE FTA IN RELATION TO THE HILL AT ELLERSLIE RACECOURSE 17 April 2023, Para 5.27

Responses to submissions were outlined. He noted that Fletcher Living and Watercare have agreed on amendments to Objective 6 and Policy 15 of the Precinct provisions to resolve Watercare's concerns with PC104.

28. He further noted that PC104 seeks to reflect the outcome of the consent obtained by Fletcher Living under the COVID-19 Recovery (Fast-track Consenting) Act 2020. To provide 'comfort' that PC104 reflects that consent, Fletcher Living has proposed a non-complying activity status for the construction of more than 357 dwellings on the site, which is the number of dwellings authorised under the consent.

29. Mr Hinsan Li – Development Manager at Fletcher Living - outlined the development enabled by the fast-track consent and how the development was being staged.

30. Mr Vaughan Crang (engineering) briefly addressed infrastructure matters, noting that there were no major points in contention. His assessment was that there are no infrastructure or civil engineering issues that would prevent the rezoning and development of the site. Physical earthworks are already underway on the site in accordance with the granted consents.

31. Mr Pranil Wadan (stormwater) considered PC104 adequately addresses water quality, flood risk and stormwater management with the requirement in the Precinct provisions that the Stormwater Management Plan ("SMP") be implemented. A comprehensive treatment train approach is required including raingardens, swales, and stormwater reuse via a new irrigation pond constructed on the racecourse site.

32. Mr Graham Norman (transport) addressed the transport related provisions of the proposed Precinct. These include a range of improvements to the immediate transport network. In response to submissions and council review, he noted that these provisions had been extended to include:

    a) A precinct-based cap on dwellings of 357;

    b) Flush median on Ladies Mile opposite the Upper Loop Road intersection; and

    c) Pedestrian crossing facility opposite 15 Derby Downs Place.

33. In response to questions over transport impacts of different land use scenarios to that enabled by the fast-track consent, he referred to the proposed cap on development. This cap means that should alternative plans be proposed the transport improvements required in the Precinct provisions will continue to address any effects, provided the density cap is not exceeded. Should an increase in dwellings above the cap be proposed, a non-complying activity consent will be required together with an assessment of the associated transport effects.

34. Mr Kevin Brewer (urban design) identified the 25m height of the proposed Residential - Terrace Housing and Apartment Buildings ("THAB") zone as being the most sensitive area to test in terms of possible effects on the amenity of nearby residential dwellings. The apartment buildings fronting Ladies Mile are separated from existing

detached housing by the width of Ladies Mile and the proposed 6m setback relating to the existing trees. A buffer strip of Residential - Mixed Housing Urban ("MHU") housing to the southern boundary also creates separation. This, combined with the solar orientation of houses on the opposite side of Ladies Mile and the retention of pōhutukawa trees, means privacy, shading and visual dominance effects are sufficiently mitigated.

35. The southern apartment building site by Derby Downs Place is also separated from existing housing, as much as possible. MHU-zoned, two-level terrace housing is located as a visual screen to southern neighbours on Derby Downs Place. Trees along Derby Downs Domain and future allowable development on land already zoned THAB (18m height) screens effects from Lonsdale Road properties.

36. Mr Brewer spent some time discussing the implications of the Medium Density Residential Standards introduced by way of Plan Change 78. These modify the standards (such as height in relation to boundary) of the MHU zone. The RMA requires that the MDRS must be implemented (unless modified by qualifying matters) and their more generous building envelope compared to the operative AUP MHU zone could mean a more concentrated pattern of housing in the area identified as MHU, compared to that authorised by the fast-track consent, should a fresh consent be sought.

37. In particular, the Hills fast track consent enables predominantly 2 - 3 storey detached dwellings around the external perimeter of the site. These dwellings are setback by between 4 – 5 m from their boundary with the existing residential development and do not have their primary living areas or outdoor living spaces facing the existing residential dwellings. The buildings comply with a 2.5m + 45 degree recession plane which is the standard that is applied to general residential development in the Single House and Mixed Housing Suburban Zone[7]. By way of contrast, the MDRS provide for a 4m + 60 degrees recession plane.

38. Mr Brewer concluded that in the areas of the site that adjoined existing residential development, the detached housing lots authorised by the Hill fast-track consent make it impractical to build three level houses even with the MDRS in place.

39. Ms Julia Wick (landscape and visual) concluded that PC104 will not result in significant adverse landscape or visual effects within the plan change area. She considered that PC104 will:

    a) not result in any adverse landscape effects; and

    b) result in low adverse effects on viewing audiences in the area.

40. Her evidence appeared to be based on the assumption that the proposed 25m height limit of the THAB zone would not intrude into the O10 viewshaft[8]. She corrected that after discussion with her colleagues. She noted that the existing D14 provisions will

[7] Page 122 The Hill AEE.
[8] For example, para 1.8, Statement of Evidence: Landscape and Visual, February 2025.

continue to appropriately manage the landscape effects of future development that may seek to intrude into the O10 viewshaft.

41. Mr Vijay Lala (planning) outlined the proposed precinct provisions and provided an assessment of PC104 against the relevant statutory and policy framework. He noted that the ICA was no longer relevant in the area to be rezoned, with racecourse activities to be replaced by residential development.

Local Board

42. Mr David Wong, Ōrākei Local Board member spoke to the Board's comments on the plan change request. He noted a range of issues being faced by the Board in relation to intensification and infrastructure issues.

Submitters

43. No submitters appeared at the Hearing.

44. Key themes of the written submissions included zoning and development capacity, building height and density, traffic and transport effects, pedestrian access and connectivity, infrastructure capacity (water supply and wastewater), interface with existing residential areas, open space and amenity and consistency with Medium Density Residential Standards. Ngāti Te Ata Waiohua sought continued implementation of the recommendations set out in a cultural impact assessment prepared by them for the fast-track resource consent.

45. Prior to the hearing Watercare provided a letter setting out its agreement to revised policy wording addressing capacity issues. On the basis that these agreed provisions address Watercare's submission points, Watercare no longer sought to be heard in support of its submission.

Council

46. Council's comments on the evidence presented at the hearing reiterated the main points of the section 42A report. Mr Brown confirmed that any issues with a new apartment building seeking to utilise the 25m height limit in a way that intrudes into the locally important view shaft could be managed by the existing plan provisions.

47. Following the hearing, in response to Minute 3, council's reporting planner noted a number of minor inconsistencies between matters discussed in the 42A report and the precinct plans. These inconsistencies related to matters such as labelling and plan legends.

Applicant's Reply

48. The applicant's response and closing was provided on the 20 March 2025. This included an updated set of precinct plans, addressing the points raised in council's memo of the 11 March 2025 and a final set of precinct provisions. Further analysis of

the options to manage development in relation to the Locally Important Viewshaft was provided.

PRINCIPAL ISSUES

49. By the time of the hearing, there was no significant disagreement between the requestor and council as to the appropriateness of the proposed zoning and the standards to be applied. While no submitter attended, we note that a range of issues were raised in submissions, four of which have some impact on the appropriateness of the zones proposed to be applied and the related precinct provisions. These related to:

    a) Building heights

    b) Implications of the MDRS

    c) Transport related upgrades.

    d) Mana whenua values.

Height of buildings

50. A 25m building height standard is sought for the two areas to be zoned THAB. This height is higher than the 'standard THAB' height limit of 16 metres. It was noted in evidence and during the hearing that it is not uncommon for the standard THAB height to be modified to reflect local circumstances. The proposed height reflects the height of buildings enabled under the current AUP provisions for the site as well as the fast-track consent.

51. The usual method to implement greater or lesser height is the Height Variation Control. In this particular case, the requestor has proposed a precinct-based standard for 25m. Having a precinct standard (rather than utilising the height variation control mechanism) reflects the detailed master planning undertaken for the area.

52. As noted by Mr Brewer, the THAB area adjacent to Ladies Mile is separated from existing detached housing on the north side of Ladies Mile by the width of Ladies Mile as well as the proposed setback to the existing trees (6m). A buffer strip of MHU housing lies along the site's southern boundary with existing residential housing.

53. The THAB area beside the track in the southwest corner of the site is separated from existing houses. Large trees on Derby Downs Reserve screen views from existing houses on Lonsdale Street and Derby Downs Place. The Site is also beside existing THAB zoning on Racecourse land so is consistent with possible development.

54. The 42A report, while supportive of the increased height of development in the THAB zone did note that this height would overlap with the building height controlled by the MV 010 locally important viewshaft.

55. The MV O10 viewshaft applies across the site at varying heights, with a small area along Ladies Mile where the viewshaft height of approximately 23.5m is below the 25m maximum building height to be enabled by the precinct. For the majority of the 25m THAB area, the O10 viewshaft sits above this height. The fast-track consent decision concluded that the approved apartment buildings (with maximum RLs between 74m and 79.1m) would be at least 1m below the O10 viewshaft plane height of RL 80m to 81m.

56. Both the requestor and council noted that it was not unusual for area-based building height standards to exceed the minimum height of a local viewshaft, given Auckland's varied topography. Development that intrudes into the viewshaft is subject to AUP Chapter D14. We sought assurances that the D14 rules and assessment matters are sufficient to manage any instance where a consent may be required for an infringement into the locally significant MV O10 viewshaft, either as a restricted discretionary activity under rule D14.4.1(A6) or fully discretionary if a s127 application was sought to vary the existing approved fast-track consents for the site.

57. D14 reserves a wide discretion for council in relation to the potential impacts of buildings on the integrity of the identified viewshafts, including:

    a) effects on the visual integrity of the view of the maunga from the identified viewing point or line;

    b) location, nature, form and extent of proposed works;

    c) mana whenua values associated with the maunga[9]; and

    d) the functional or operational need for the proposal and any alternatives considered to fulfil that need without the intrusion into the viewshaft or exceeding the maximum height limit of a height sensitive area.

58. Having reviewed the evidence, we are of the view that the 25m height standard is appropriate for the area and its context and that there are sufficient safeguards in D14 in relation to the integrity of MV O10 should consent be sought in the future to intrude into the viewshaft.

Implications of MDRS

59. This issue concerns the implications of the MDRS that are required to be incorporated into the AUP, as set out in Schedule 3A of the RMA. The MDRS includes objectives, policies, subdivision requirements and set 'density' standards.

60. Under the RMA, the MHU zone is a 'relevant residential zone' and council must incorporate the related MDRS standards into the zone. These standards include a more generous height in relation to boundary standard than was used to develop and

[9] In this regard, we note that Ngaati Te Ata Waiohua's Cultural Impart Assessment for the Fast Track consent identified the cultural importance of viewshafts.

assess the fast-track consent. The MDRS may be modified by identified qualifying matters.

61. The side boundary arrangements along with the lots approved in the fast-track consent lead to 'detached building volumes' as opposed to continuous attached buildings, as described by Mr Brewer. He noted that the resulting detached volumes are more consistent with the surrounding, existing Residential Mixed Housing Suburban context.

62. Submissions sought the retention of the existing MHU zone and the height to boundary conditions as consented through the fast-track consent.

63. We note that once operative, the MDRS could lead to 'new' resource consent applications that seek a different lot configuration and associated built form to that of the fast-track consent on the areas proposed to be zoned MHU. Equally, the MDRS could see existing surrounding housing redevelop into more intensive forms.

64. Application of the MDRS is a mandatory requirement and we are not able to impose a lesser density of development (to a form of development more akin to that authorised by the Hills fast track consent), on the basis of amenity values through qualifying matters. We accept that the MHU is the appropriate zone for the majority of the land, and that in practical terms, based on Mr Brewer's evidence, there is little difference in outcomes between the MDRS and the AUP's MHU provisions prior to PC 78.

Transport upgrades / provisions

65. The plan change area fronts Ladies Mile, an arterial road, and Derby Downs Place, a local road. The site is located approximately 1,000m from Ellerslie train station and 1,200-1,400m from Greenlane train station.

66. Submissions noted a number of transport related issues, including access to properties and impact on walking and cycling.

67. To manage transport related effects, the following works are identified in the proposed precinct (and as agreed between the requestor and the council's traffic experts):

- Installation of a footpath on the western side of Ladies Mile
- Installation of pedestrian crossings at the Ladies Mile/Abbotts Way intersection
- Installation of new bus stops as identified on Precinct Plan 3
- Installation of a flush median along Ladies Mile opposite the Upper Loop Road intersection
- Upgrade the Derby Downs Place/Ladies Mile intersection to a signalised two-lane intersection with separate through lanes and turning lanes including pedestrian crossings

- Installation of a pedestrian crossing facility on Derby Downs Place opposite 15 Derby Downs Place.

68. One submission[10] sought additional roading that links Ladies Mile to Greenlane East and/or Peach Parade. The council and requestor both noted that provision of such a link was outside the scope of the works needed to manage the effects of the development enabled by the zoning. We agree with that assessment.

69. In response to issues around potentially different land use development scenarios to that authorised by the fast-track consents, the requestor has proposed that any activity, development and/or subdivision that would result in or enable more than 357 dwellings within the Remuera Precinct be a non-complying activity.

70. Vehicle access to and from Ladies Mile is controlled, reflecting its arterial status. Council (as a submitter) considered the existing AUP Vehicle Access Restriction – General Control that applies to arterial roads may be preferable to the proposed PC104 provision. The requestor responded that a precinct specific control was the more appropriate provision. We also agree with that assessment.

Mana whenua

"Mehemea Kaaore he Whakakitenga, Ka mate Te Iwi"

(Without foresight the people will perish)

(Ngāti Te Ata Waiohua "The Hill" Ellerslie Cultural Values Assessment March 2022)

71. The Panel acknowledges and appreciates the extensive consultation and engagement with mana whenua conducted by the requestor throughout the Private Plan Change processes.

72. The Panel notes the Hills fast-track Expert Consenting Panel's findings regarding mana whenua and Treaty Settlements areas of interest regarding the project site as follows.

73. Eight mana whenua[11] expressed an interest in being involved in discussions regarding the fast-track proposal, including in respect of the future design and implementation activities, namely:

- Ngāi Tai ki Tāmaki
- Ngāti Whātua Ōrākei
- Ngāti Tamaoho
- Ngāti Whanaunga
- Ngāti Paoa Iwi Trust

[10] Submission 3.1.
[11] Expert Consenting Panel Fast-Track Consenting "The Hill – Ellerslie application: p.p.26,27.

- Ngāti Paoa Trust Board
- Ngāti Maru
- Ngāti Te Ata Waiohua.

74. There are eight statutory acknowledged Treaty settlements that apply to the area in which the plan change is located (or "very close" to it).[12] as follows:

- Ngāi Tai ki Tāmaki Claims Settlement Act 2018
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Tamaoho Claims Settlement Act 2018
- Te Patukirikiri Deed of Settlement, signed on 7 October 2018
- Ngāti Paoa Deed of Settlement, signed on 20 March 2021
- Te Kawerau ā Maki Claims Settlement Act 2015
- Te Ākitai Waiohua Deed of Settlement, signed on 12 November 2021
- Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014.

75. Three mana whenua prepared Cultural Values Assessments (CVAs) for the fast-track consent and which were referred to in the plan change request:

- Ngai Tai ki Tāmaki Tribal Trust, representing Ngāi Tai ki Tāmaki
- Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohua, representing Ngāti Te Ata
- Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga

76. One Iwi Environmental Management Plan prepared by Ngāti Whātua Ōrākei was referred to[13].

77. Ngāti Te Ata Waiohua submission to the Private Plan Change was the only mana whenua submission received on the plan change with the request that “their Cultural Impact Assessment Report recommendations are provided for[14].”

78. As noted in paragraph 20, mana whenua values associated with the subject land have been identified through the fast track and plan change processes[15]. These include the following:

- Recognition and acknowledgement of the spiritual relationship with the maunga surrounding The Hill. This includes Maungakiekie, Maungawhau, Te Kopuke, Ōhinerau and Maungarei.

[12] Expert Consenting Panel Fast-Track Consenting “The Hill – Ellerslie application: p.p.26,27.
[13] Expert Consenting Panel Fast-Track Consenting “The Hill – Ellerslie application: p.p.26,27.
[14] PC104 – Submissions: Sub 10. Ngāti Te Ata Waiohua; p.6.
[15] Assessment of Environment Effects: Section 8.3. Cultural Effects, p.p.159,160.

- Recognition that the racecourse site was one associated with passage across the land between the Manukau Harbour and the Ōrākei Basin and beyond.

- Recognition that the fertile lands of the racecourse and environs were historically used for growing crops and as a food source.

- Recognition that the historic lava caves within the wider Ellerslie Racecourse site were referred to as Waiatarua. This translates as “two songs”, the name refers to a waiata or song that emanated from caves. It was believed that this singing was created by water and air blowing from a larger cave into a smaller passage, making it vibrate. To clarify, there are no known lava caves within the plan change site.

79. The above values are acknowledged and recognised in the plan change. Several of the values identified are proposed to be reflected in the landscaped areas of the development through:

    a) A “welcome feature” to the site/development at the top of the Belvedere Garden entrance as a potential art opportunity.

    b) A resting and appreciation location within the Belvedere Gardens where outlook to the surrounding maunga is available.

    c) Recognition of the historical passage through the site within or beside the trackside pathway. The inclusion of these matters in the Remuera Precinct Landscape document will ensure they are given effect to as part of any future development.

80. Should new or amended consents be sought, the proposed precinct provisions detail a number of additional methods to those currently contained in the AUP (such as those associated with earthworks, sediment control and accidental discovery) to recognise and provide for cultural values identified through the various engagement processes. These include:

    a) protection of the mature pōhutukawa trees along Ladies Mile;

    b) integration of cultural design elements within public spaces including the Belvedere Gardens and trackside walkway;

    c) the incorporation of the Remuera Precinct Landscape documentation in Appendix A of the precinct provisions;

    d) compliance with the approved stormwater management plan, which has been compiled in accordance with Te Mana o te Wai principles; and

    e) recognition of the capacity of wastewater networks in relevant policies.

81. The Panel acknowledges the collaborative input of mana whenua and the ongoing recognition and acknowledgement of cultural values in the Precinct provisions, by the requestor. Overall, we agree that the proposed precinct provisions appropriately recognise mana whenua values.

DISCUSSION

82. Having considered the evidence and relevant background documents, we are satisfied, overall, that PC 104 has been developed in accordance with the relevant statutory and policy matters. The plan change will clearly assist the council in its effective administration of the AUP.

83. The plan change is in accordance with the National Policy Statement on Urban Development by enabling intensification in an accessible location close to public transport and amenities. It gives effect to the quality compact city outcomes of the Regional Policy Statement of the AUP.

84. We have examined the extent to which the proposed zoning and precinct provisions of the plan change could enable greater height and density of development than that authorised by the fast-track consent. We are satisfied that the zone and precinct provisions are appropriately 'calibrated' to the site and its context.

85. Current AUP provisions relating to matters such as viewshafts, earthworks and discharges will continue to apply to any new consents, or consents that seek to vary the Hills fast-track consents. In addition to the AUP's 'standard' set of provisions that apply to development in the THAB or MHU zones, the proposed precinct adds additional standards relating to stormwater management, wastewater capacity, protection of existing mature trees, road design, open spaces, public access and landscaping.

86. This decision sets out the reasons why we have approved PC 104 and the reasons for our decisions on changes sought by submitters to the precinct provisions. Our decisions on submissions with reference to specific points are set out in Attachment 2. Attachment 2 should be read in conjunction with this decision.

87. The precinct provisions are those as appended to the requestor's final submissions (as attached as Appendix 1).

DECISION

(a) That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 104 to the Auckland Unitary Plan (Operative in Part) be approved, as modified by the requestor in response to issues raised by council and submitters.

(b) 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 council's section 42A report.

(c) The reasons for the decision are that Plan Change 104:

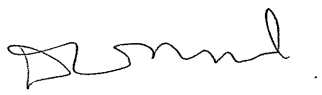
a. will assist the council in achieving the purpose of the RMA;

b. is consistent with the Auckland Regional Policy Statement;

c. is consistent with the provisions of Part 2 of the RMA;

d. is supported by necessary evaluation in accordance with section 32; and

e. will help with the effective implementation of the plan.



David Mead

Chairperson

15 May 2025

Appendix One – Plan Change provisions

IXXX. Remuera Precinct

IXXX.1 Precinct Description

The Remuera Precinct comprises approximately 6.2 hectares of sloping land which was formerly part of the Ellerslie Racecourse Precinct. The Remuera Precinct is located at the eastern end of the racecourse site and is bound by Ladies Mile and Derby Downs Place.

The Remuera Precinct enables housing choice including medium to high density living opportunities with development up to 25m in height provided within the Residential - Terrace Housing and Apartment Buildings *Z*one. The Remuera Precinct incorporates the Medium Density Residential Standards contained in Schedule 3A of the Resource Management Act 1991, except that additional building height is enabled to respond to the land's graduated rise from the racecourse and westward aspect encompassing the racecourse and its facilities, and communally accessible private outdoor spaces, which are required when high density living occurs. Development of the Remuera Precinct is defined by identified publicly accessible open spaces, areas of private open space, privately owned and maintained garden streets, an attractive frontage to Ladies Mile along which existing mature pōhutukawa trees are retained, buildings set back from the arterial road, and a safe and attractive environment created for pedestrians by restricting vehicle access and providing roading improvements.

Movement through the Remuera Precinct is provided by two new public roads, one of which connects to Ladies Mile while the other connects to Derby Downs Place. Entry markers are proposed at these locations. A series of interconnected commonly owned access lots in combination with identified pedestrian routes provide internal linkages within and through the Remuera Precinct. An existing tunnel also connects Derby Downs Place with the infield of the racecourse.

Stormwater is managed by the Stormwater Management Plan approved for the development and functioning of the Remuera Precinct.

The zoning of the land within the Remuera Precinct is Residential - Terrace Housing and Apartment Buildings (Sub-precinct B) and Residential – Mixed Housing Urban (Sub-precinct A). All relevant overlay, Auckland-wide and zone provisions apply in this Precinct unless otherwise specified below.

IXXX.2 Objectives

(1) A well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.

(2) A relevant residential zone provides for a variety of housing types and sizes that respond to:

(a) housing needs and demand; and

(b) the neighbourhood's planned urban built character, including three-storey buildings.

(3) The Remuera Precinct is a well-functioning urban environment that is serviced with adequate infrastructure and which recognises the importance of intensification of this locality in proximity to the Ellerslie Rail Station.

(4) Development is based around an integrated and connected series of public streets, publicly accessible open spaces, garden streets and publicly accessible pedestrian routes.

(5) An accessible, safe and well-connected transport network is established for all modes within the Remuera Precinct and to the surrounding transport network which enables travel choice including public transport services, pedestrian, cycle, vehicle access and egress.

(6) Subdivision and development in the Remuera Precinct is coordinated with the adequate provision of required three waters, energy and communications infrastructure.

(7) Adverse effects on the safe and efficient operation of the road network are avoided.

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:

- Objective H5.2(2).

IXXX.3 Policies

(1) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.

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

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

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

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

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

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

(b) providing for residents' safety and privacy while enabling passive surveillance on the street;

(c) minimising visual dominance effects to adjoining sites; and

(d) maintaining a level of privacy, and sunlight and daylight access for adjoining sites.

(7) Require a high-quality open space and landscape outcome as set out on IXXX.10.2 Precinct Plan 2 that achieves all of the following:

(a) Publicly accessible open spaces

(b) A sloping 10m wide visual corridor along the alignment of Abbotts Way through to the racetrack

(c) Private open spaces within Sub-precinct B

(d) Retention of identified mature pōhutukawa trees along the Ladies Mile frontage

(e) Two public roads

(f) Garden streets.

(8) Require development to positively respond to the natural and physical features of the area while delivering the planned built outcomes of the Remuera Precinct including a spacious frontage from Ladies Mile and a visual link between the racecourse and the Ladies Mile/Abbots Way intersection at the crown of the hill.

(9) Provide for varying building heights through the application of a 25 metre building height area as shown on IXXX.10.1 Precinct Plan 1.

(10) Enable a variety of residential dwelling types to meet varying housing needs of the community.

(11) Require that stormwater is managed in accordance with the approved Stormwater Management Plan.

(12) Implement the transport network connections and elements as shown on IXXX.10.3 Precinct Plan 3 including the following:

(a) The upgrade of the Derby Downs Place/Ladies Mile intersection to a signalised intersection.

(b) A new pedestrian footpath along the western side of Ladies Mile adjacent to the Remuera Precinct boundary

(c) New pedestrian crossings at the Ladies Mile/Abbotts Way intersection and on Derby Downs Place

(d) New bus stops on Ladies Mile

(e) Two public roads

(f) A flush median on Ladies Mile opposite the Upper Loop Road intersection.

(13) Restrict vehicle access to Ladies Mile other than to / from the Upper Loop Road as shown on IXXX.10.1 Precinct Plan 1 to support the effective, efficient and safe operation of the arterial road network.

(14) Avoid any activity, development and/or subdivision that would result in adverse effects on the safe and efficient operation of the road network from more than 357 dwellings within the Precinct.

(15) Require subdivision and development in the Remuera Precinct to be coordinated with the provision of adequate capacity for stormwater, wastewater, and water supply infrastructure.

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

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

IXXX.4 Activity table

All relevant overlay, Auckland-wide and zone activities apply unless the activity is specified below at IXXX.4(1)-(5).

(1) E27.4.1(A5) Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3).

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

(3) H6.4.1(A3) Dwellings (for up to three dwellings on a site)

(4) H6.4.1(A4) The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.

(5) H6.4.1(A35) New buildings and additions to buildings (for up to three dwellings on a site).

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

A blank in the activity status column means that the activity status in the relevant overlay, Auckland-wide or zone provision applies.

Note 1

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

Table IXXX.4.1 Activity Table

Activity		**Activity Status**
(A1)	Up to three dwellings per site each of which complies with Standards IXXX.6.1 to IXXX.6.20 inclusive	P

Activity		Activity Status
(A2)	The conversion of a principal dwelling into a maximum of three dwellings each of which complies with Standards IXXX.6.1 to IXXX.6.20 inclusive	P
(A3)	Accessory buildings associated with a development of dwellings each of which complies with Standards IXXX.6.1 to IXXX.6.20 inclusive	P
(A4)	Internal and external alterations to buildings for a development of dwellings all of which complies with Standards IXXX.6.1 to IXXX.6.20 inclusive	P
(A5)	Additions to an existing dwelling which complies with Standards IXXX.6.1 to IXXX.6.20 inclusive	P
(A6)	Any buildings that do not comply with one or more of Standards IXXX.6.2 to IXXX.6.9	RD
(A7)	Any activity, development and/or subdivision that does not comply with one or more of Standards IXXX.6.10 to IXXX.6.18	RD
(A8)	Any activity, development and/or subdivision that does not comply with Standard IXXX.6.19 Arterial Road Access Restriction	D
(A9)	Any activity, development and/or subdivision that does not comply with Standard IXXX.6.20 Subdivision and Development Staging & Transport Network Infrastructure Requirements	D
(A10)	Any activity, development and/or subdivision that would result in or enable more than 357 dwellings within the Remuera Precinct	NC
Subdivision for the purpose of the construction or use of dwellings		
(A11)	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, and meeting IXXX.6.21 Standards for controlled subdivision activities	C
(A12)	Subdivision for up to three sites accompanied by: (a) A land use consent application for up to three dwellings one or more of which does not comply with any of Standards IXXX.6.2 to IXXX.6.9 inclusive but does comply with all applicable zonal, Auckland-wide, overlay and all other precinct standards; or	C

Qualifying matter under s77I(j) of the RMA

Activity		Activity Status
	(b) A certificate of compliance for up to three dwellings each of which complies with Standards IXXX.6.2 to IXXX.6.20 inclusive and applicable zone, Auckland-wide, precinct and overlay standards	
(A13)	Any subdivision listed above not meeting IXXX.6.21 Standards for controlled subdivision activities	
(A14)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	D
(A15)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D

IXXX.5 Notification

(1) 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 IXXX.6.2 to IXXX.6.9.

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

(a) a land use consent application for the construction and use of one, two or three dwellings that do not comply with one or more of Standards IXXX.6.2 to IXXX.6.9; or

(b) four or more dwellings for which a land use consent has been approved for the purpose of the construction, or use of dwellings as a restricted discretionary activity in the Remuera Precinct.

(3) 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 four or more dwellings on a site all of which comply with Standards IXXX.6.2 to IXXX.6.9.

Note 2

RMA Schedule 3A Part 2 density standards do not apply to four or more dwellings on a site. The AUP already incorporates MDRS in providing for four or more dwellings on a site as a restricted discretionary activity (see underlying zone). IXXX.5(3) is included only to satisfy clause 5(2) Schedule 3A, RMA but cannot be utilised as no application can be made for four or more dwellings on a site all of which comply with Standards IXXX.6.2 to IXXX.6.9 under any Activity Table IXXX.4.1 rule.

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

IXXX.6 Standards

Unless specified below, all relevant overlay, Auckland-wide and zone standards apply to all activities in Activity Table IXXX.4.1 above.

The following zone standards do not apply to a permitted activity listed in Activity Table IXXX.4.1 above:

Residential – Mixed Housing Urban Zone:

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

(b) H5.6.4 Building height;

(c) H5.6.5 Height in relation to boundary;

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

(e) H5.6.7 Height in relation to boundary adjoining lower intensity zones;

(f) H5.6.8 Yards;

(g) H5.6.10 Building coverage;

(h) H5.6.11 Landscaped area;

(i) H5.6.12 Outlook space; and

(j) H5.6.14 Outdoor living space.

Residential – Terrace Housing and Apartment Buildings Zone:

(k) H6.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings;

(l) H6.6.5 Building height;

(m) H6.6.6 Height in relation to boundary;

(n) H6.6.7 Alternative height in relation to boundary within the Residential – Terrace Housing and Apartment Buildings Zone

(o) H6.6.8 Height in relation to boundary adjoining lower intensity zones;

(p) H6.6.9 Yards;

(q) H6.6.11 Building coverage;

(r) H6.6.12 Landscaped area;

(s) H6.6.13 Outlook space; and

(t) H6.6.15 Outdoor living space.

The following Auckland-wide standards do not apply to activities listed in Activity Table IXXX.4.1 above - Standards E27.6.4.1(2) and (3) Vehicle Access Restriction.

The activities listed as a permitted activity in Activity Table IXXX.4.1 must comply with permitted activity standards IXXX.6.1 to IXXX.6.20.

Activities listed as a controlled activity in Activity Table IXXX.4.1 must comply with Standards IXXX.6.21 Standards for controlled subdivision activities.

IXXX.6.1 Number of dwellings per site

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

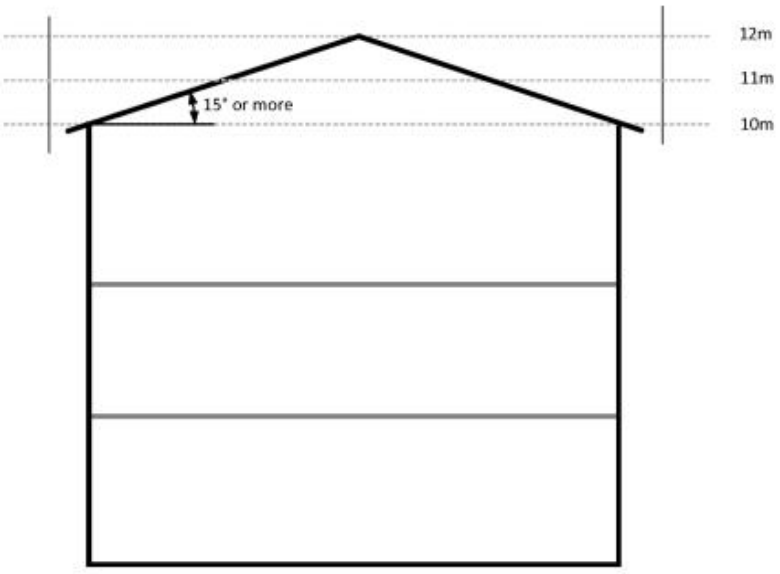
IXXX.6.2 Building height

Purpose: To manage the height of buildings to:

- achieve the planned urban built character of predominantly three storeys and to enable higher building intensity and scale of up to 25 metres in specified areas;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

(1) In the Residential – Mixed Housing Urban Zone buildings must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in Figure IXXX.6.2.1 below.

Figure IXXX.6.2.1 Building height



(2) In the Residential – Terrace Housing and Apartment Buildings Zone buildings must not exceed 25 metres in height.

IXXX.6.3 Height in relation to boundary

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

(1) Buildings must not project beyond a 60-degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries as shown in Figure IXXX.6.3.1 Height in relation to boundary below.

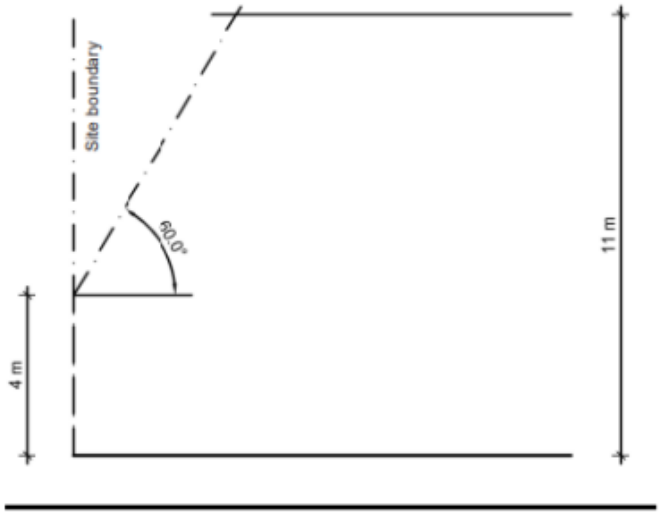
(2) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard IXXX.6.3(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

(3) Standard IXXX.6.3(1) above does not apply to a boundary, or part of a boundary, adjoining any Business Zone.

(4) Standard IXXX.6.3(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

(5) Standard IXXX.6.3(1) above does not apply to existing or proposed internal boundaries within a site.

Figure IXXX.6.3.1 Height in relation to boundary



IXXX.6.4 Yards

Purpose:

- to create an urban streetscape character and provide sufficient space for landscaping within the front yard including protecting the health of existing pōhutukawa trees along the Ladies Mile frontage;
- to ensure a sufficient set back from the Ladies Mile frontage to protect the character and amenity of the street while minimising dominance effects from higher intensity apartment buildings;

- to maintain a reasonable standard of residential amenity for adjoining sites; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

Qualifying matter under s77I(j) of the RMA

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

(a) Front yard: 1.5m, except in Sub-precinct B where the boundary is with the Ladies Mile frontage shown on IXXX.10.1 Precinct Plan 1, in which case the front yard is 6m

(b) Side yard: 1m

(c) Rear yard: 1m.

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

IXXX.6.5 Building coverage

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

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

IXXX.6.6 Landscaped area

Purpose:

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

(1) A dwelling at ground floor level must have a landscaped area of a minimum of 20 per cent of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.

(2) The landscaped area may be located on any part of the development site, and does not need to be associated with each dwelling.

IXXX.6.7 Outlook space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with H5.6.13 or H6.6.14 Daylight Standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

(1) An outlook space must be provided for each development as specified in this standard.

(2) An outlook space must be provided from habitable room windows as shown in Figure IXXX.6.7.1 Outlook space requirements.

(3) The minimum dimensions for a required outlook space are as follows and as shown in Figure IXXX.6.7.1 Outlook space requirements:

(a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and

(b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.

(4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.

(5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.

(6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

(7) Outlook spaces may be under or over a balcony.

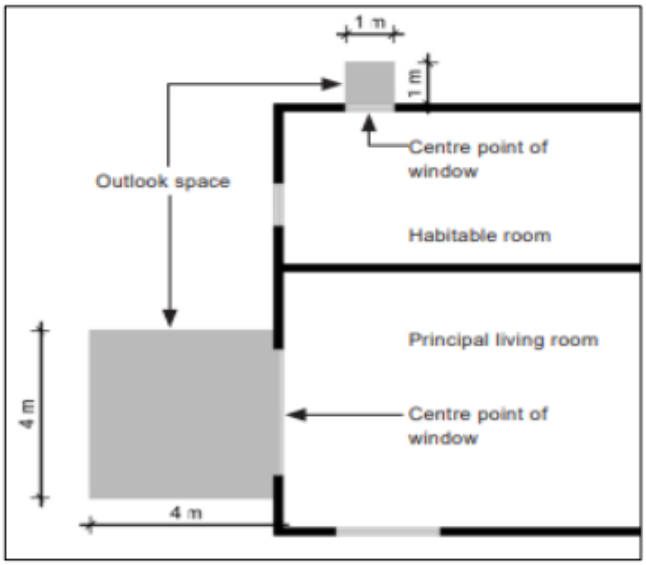
(8) Outlook spaces required from different rooms within the same building may overlap.

(9) Outlook spaces must—

(a) be clear and unobstructed by buildings; and

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

Figure IXXX.6.7.1 Outlook space requirements



IXXX.6.8 Outdoor living space

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

- private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen;
- communal outdoor living spaces are conveniently accessible for all occupants.

(1) A dwelling at ground floor level must have an outdoor living space that is at least 20m^2 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^2 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 dwelling; 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^2 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.

IXXX.6.9 Windows facing the street

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

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

IXXX.6.10 Visual Corridor

Purpose:

- To ensure public views from Ladies Mile through the Remuera Precinct to the racecourse and the infield along the alignment of Abbotts Way as identified on IXXX.10.2 Precinct Plan 2.

(1) Buildings must not be located within the 10m wide Visual Corridor identified on IXXX.10.2 Precinct Plan 2.

IXXX.6.11 Publicly Accessible Open Space

Purpose:

- To ensure a publicly accessible network of connected open spaces that are available for public use and enjoyment

(1) Any activity, development and/or subdivision within any part of the Remuera Precinct must provide the Publicly Accessible Open Spaces identified on IXXX.10.2 Precinct Plan 2 in accordance with the Remuera Precinct Landscape at Appendix A and ensure these spaces are accessible to the public at all times. The Publicly Accessible Open Spaces must be located in the areas identified and with the dimensions specified on IXXX.10.2 Precinct Plan 2.

(2) A landscape plan demonstrating compliance with this standard shall be prepared and lodged with any resource consent or building consent application.

IXXX.6.12 Publicly Accessible Pedestrian Routes

Purpose:

- To ensure a connected and publicly accessible pedestrian network within the Remuera Precinct.

(1) Any activity, development and/or subdivision within any part of the Remuera Precinct must provide the Publicly Accessible Pedestrian Routes within the Precinct that are identified on IXXX.10.3 Precinct Plan 3 in accordance with the Remuera Precinct Landscape at Appendix A and ensure these routes are accessible to the public at all times except where they need to be temporarily closed for safety, security, maintenance or repair purposes.

(2) The Publicly Accessible Pedestrian Routes within the Remuera Precinct must be located in the areas identified and with the dimensions specified on IXXX.10.3 Precinct Plan 3.

(3) A landscape plan demonstrating compliance with this standard shall be prepared and lodged with any resource consent or building consent application.

IXXX.6.13 Existing Pōhutukawa Trees

Purpose:

Qualifying matter under s77I(j) of the RMA

- To retain a mature landscaped frontage along the Ladies Mile boundary of the Remuera Precinct by protecting identified pōhutukawa trees along this frontage.
- To provide a landscaped buffer for the potential 25m high apartment buildings within this part of the Remuera Precinct.

(1) Any activity, development and/or subdivision within any part of the Remuera Precinct must not result in the removal of the pōhutukawa trees identified on IXXX.10.2 Precinct Plan 2 or any works within the protected root zone of these trees, except as provided for by Standard E17.6.3 Works within the protected root zone.

(2) Any trimming or alteration of the pōhutukawa trees identified on IXXX.10.2 Precinct Plan 2 is subject to Standard E17.6.1 Tree trimming or alteration.

(3) Standard IXXX.6.13 does not apply to Tree #13 identified on IXXX.10.2 Precinct Plan 2, on the planning maps, and in Schedule 10: Notable Tree Schedule.

IXXX.6.14 Garden Streets

Purpose:

- To ensure a connected network of privately owned and maintained Garden Streets within the Remuera Precinct to provide vehicular and pedestrian access to dwellings.

(1) Any activity, development and/or subdivision within any part of the Remuera Precinct must provide the relevant Garden Street identified on IXXX.10.2 Precinct Plan 2 and IXXX.10.3 Precinct Plan 3 necessary to access the activity, development and/or subdivision.

(2) The Garden Street must be located in the area identified and with the dimensions specified on IXXX.10.2 Precinct Plan 2.

(3) The Garden Street must be provided in accordance with the Remuera Precinct Landscape at Appendix A.

(4) A landscape plan demonstrating compliance with this standard shall be prepared and lodged with any resource consent or building consent application.

IXXX.6.15 Planted Embankment

Purpose:

- To ensure a landscaped Planted Embankment within the Remuera Precinct to improve visual amenity and acknowledge the distinctive Ellerslie racecourse landform.

(1) Any activity, development and/or subdivision within any part of the Remuera Precinct must provide the Planted Embankment identified on IXXX.10.2 Precinct Plan 2 in accordance with the Remuera Precinct Landscape at Appendix A.

(2) The Planted Embankment must be located in the area identified and with the dimensions specified on IXXX.10.2 Precinct Plan 2.

(3) A landscape plan demonstrating compliance with this standard shall be prepared and lodged with any resource consent or building consent application.

IXXX.6.16 Private Open Space

Purpose:

- To ensure useable communal private open space for people residing in higher intensity residential development within the Remuera Precinct
- To ensure higher intensity residential buildings are well-integrated with communal private open space and whose building forms do not dominate the Ladies Mile streetscape or the Remuera Precinct.

(1) Any activity, development and/or subdivision within Sub-precinct B must provide the Private Open Space identified on IXXX.10.2 Precinct Plan 2 and in accordance with the Remuera Precinct Landscape at Appendix A, except that:

(a) where a permitted activity listed in Activity Table IXXX.4.1 is undertaken, the application is required to satisfy Standard IXXX.6.8 and Standard IXXX.6.16, subject to Standard IXXX.6.16(1)(b)

(b) private open space is to be provided in compliance with Standard IXXX.6.16(2) and neither Standard IXXX.6.8(1)(d)(i) nor Standard IXXX.6.8(2)(c)(i) applies

(c) where a controlled activity listed in Activity Table IXXX.4.1 is undertaken the application is required to satisfy IXXX.6.8 and IXXX.6.16, subject to Standard IXXX.6.16(1)(b).

(2) The Private Open Spaces must be located in the general areas identified and with the dimensions specified on IXXX.10.2 Precinct Plan 2 or in an alternative location within the relevant part of Sub-precinct B as long as the total area of Private Open Space is no less than that identified on IXXX.10.2 Precinct Plan 2.

(3) A landscape plan demonstrating compliance with this standard shall be prepared and lodged with any resource consent or building consent application.

IXXX.6.17 Entry Point Identifier

Purpose:

- To enable a high-quality landscape feature at the prominent public entrances to the Remuera Precinct.

(1) Any development within the Upper or Lower Loop Road blocks shall construct the entry point identifiers in the locations identified on IXXX.10.3 Precinct Plan 3 and in accordance with the Remuera Precinct Landscape at Appendix A.

(2) A landscape plan demonstrating compliance with this standard shall be prepared and lodged with any resource consent or building consent application.

IXXX.6.18 Stormwater Management

Purpose:

- To ensure stormwater is managed in accordance with the approved Stormwater Management Plan.

(1) The management of stormwater from any activity, development and/or subdivision shall be in accordance with the approved Stormwater Management Plan.

IXXX.6.19 Arterial Road Access Restriction

Purpose:

- To restrict road intersections onto Ladies Mile.

- To avoid direct vehicle access from individual sites to Ladies Mile.
- To achieve the effective, safe and efficient operation of the arterial road network and existing and future transport network for all modes.
- To avoid or mitigate adverse safety and operational effects on the transport network including Ladies Mile, Abbotts Way, Marua Road and Derby Downs Place.

(1) No road intersections shall be permitted directly onto Ladies Mile except for the two intersections indicated on IXXX.10.3 Precinct Plan 3.

(2) No private vehicle access from any property shall be permitted directly onto Ladies Mile in the location of the Arterial Road Access Restriction identified on IXXX.10.1 Precinct Plan 1.

IXXX.6.20 Subdivision and Development Staging & Transport Network Infrastructure Requirements

Purpose:

- To ensure subdivision and development is integrated with the delivery of the required transport infrastructure upgrades identified in Table IXXX.6.20.1.
- To ensure that the required transport infrastructure upgrades are implemented to avoid or mitigate the adverse traffic effects of any activity, development and/or subdivision on the existing and future transport network.
- To ensure that the required transport infrastructure upgrades are implemented in an integrated and planned manner, and coordinated with development in the Remuera Precinct.
- To ensure an efficient, safe and effective transport network, with infrastructure and service connections for all modes to and through the Remuera Precinct.

(1) Activities, development and/or subdivision (excluding site preparation works, retaining, infrastructure and earthworks) must not exceed the thresholds specified in Column 1 in Table IXXX.6.20.1 until the transport network infrastructure upgrades and measures identified in Column 2 have been implemented, constructed and are operational.

Note 3:

Works in the legal road require prior written agreement from the road controlling authority.

Table IXXX.6.20.1: Transport Network Infrastructure Upgrades and Measures

Column 1 Activity, development and / or subdivision thresholds for transport network infrastructure upgrades and measures		Column 2 Transport network infrastructure upgrades and measures required
(a)	Prior to occupation of the 20th dwelling with access from Derby Downs Place	• Upgrade the Derby Downs Place/Ladies Mile intersection to a signalised two-lane intersection with separate through lanes and turning lanes including pedestrian crossings as identified on IXXX.10.3 Precinct Plan 3 (Upgrade 1) • Construction of the Lower Loop Road in the location identified on IXXX.10.3 Precinct Plan 3 (Upgrade 2) • Installation of a pedestrian crossing facility on Derby Downs Place opposite 15 Derby Downs Place in the location identified on IXXX.10.3 Precinct Plan 3 (Upgrade 3)
(b)	Prior to the occupation of the first dwelling within the northeastern part of Sub-precinct B adjacent Ladies Mile (shown on IXXX.10.1 Precinct Plan 1), or the first dwelling requiring access to the Upper Loop Road, whichever occurs first	• Construction of the Upper Loop Road in the location identified on IXXX.10.3 Precinct Plan 3 (Upgrade 4) • Installation of the Ladies Mile footpath on the western side as identified on IXXX.10.3 Precinct Plan 3 (Upgrade 5) • Installation of pedestrian crossings at the Ladies Mile/Abbotts Way intersection as identified on IXXX.10.3 Precinct Plan 3 (Upgrade 6) • Installation of new bus stops as identified on IXXX.10.3 Precinct Plan 3 (Upgrade 7) • Installation of a flush median along Ladies Mile opposite the Upper Loop Road intersection (Upgrade 8)

IXXX.6.21 Standards for controlled subdivision activities

Purpose:

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

IXXX.6.21.1 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct

(1) Any subdivision relating to an approved land use consent must comply with that land use consent.

(2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1 to IXXX.6.9 except that Standard IXXX.6.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.

(3) No vacant sites are created.

IXXX.6.21.2 Subdivision around existing buildings and development

(1) Prior to subdivision occurring, all development must meet the following:

(a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or

(b) Be in accordance with an approved land use consent.

(2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1 to IXXX.6.9 except that Standard IXXX.6.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.

(3) No vacant sites are created.

IXXX.6.21.3 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings

(1) The subdivision application and land use consent application or certificate of compliance relate to a 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 IXXX.6.2 to IXXX.6.9;

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

(5) No vacant sites are created.

IXXX.7 Assessment – controlled activities

IXXX.7.1 Matters of control

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

(1) All controlled activities in Table IXXX.4.1:

(a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;

(b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;

(c) the effects of infrastructure provision.

IXXX.7.2 Assessment criteria

(1) The Council will consider the relevant assessment criteria below for controlled activities:

(a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance:

(i) refer to Policy E38.3(6);

(b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;

(i) refer to Policy E38.3(1) and (6);

(c) whether there is appropriate provision made for infrastructure including:

(i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(ii) whether appropriate management of effects of stormwater has been provided;

(iii) refer to Policies E38.3(1), (6), (19) to (23).

IXXX.8 Assessment – restricted discretionary activities

IXXX.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application, in addition to the matters specified under Auckland-wide Rule C1.9(2):

(1) For buildings that do not comply with one or more Standards IXXX.6.2 to IXXX.6.9:

(a) any precinct and zone policies relevant to the standard;

(b) the purpose of the standard;

(c) the effects of the infringement of the standard;

(d) the effects on the urban built character of the precinct;

(e) the effects on the amenity of neighbouring sites;

(f) the effects of any special or unusual characteristic of the site which is relevant to the standard;

(g) the characteristics of the development;

(h) any other matters specifically listed for the standard; and

(i) where more than one standard will be infringed, the effects of all infringements considered together.

(2) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.10 Visual Corridor:

(a) The width of the visual corridor

(b) Street furniture, artworks, other public amenity elements or retaining structures.

(3) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.11 Publicly Accessible Open Space:

(a) The size, location, dimensions, topography, aspect and landscaping of the open space.

(b) The strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the open space.

(4) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.12 Publicly Accessible Pedestrian Routes:

(a) The strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the pedestrian routes.

(b) Temporary closures for safety, security, maintenance or repair purposes.

(5) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.13 Existing Pōhutukawa Trees

(a) Matters of discretion E17.8.1(1).

(6) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.14 Garden Streets:

(a) The strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the garden streets.

(7) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.15 Planted Embankment:

(a) The strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the planted embankment.

(8) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.16 Private Open Space:

(a) The strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the private open space.

(9) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.17 Entry Point Identifier:

(a) The strategy and outcomes identified in the Remuera Precinct Landscape at Appendix A for the entry point.

(10) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.18 Stormwater Management:

(a) The approved Stormwater Management Plan.

IXXX.8.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities.

(1) For buildings that do not comply with one or more of Standards IXXX.6.2 to IXXX.6.9:

(a) for all infringements to standards:

(i) refer to Policy IXXX.3(5)

(ii) refer to Policy IXXX.3(6)

(b) for building height:

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

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

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;
- the location, orientation and design of development; and
- 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 urban built character of the surrounding area, including natural landforms and features;

(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 IXXX.3(1)

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

Sunlight access - Residential – Mixed Housing Urban Zone

(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 IXXX.6.8; or

- over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard IXXX.6.8.

(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 IXXX.8.2(1)(c)(iii):

- 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 IXXX.6.3 Height in relation to boundary; 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.

Daylight access - Residential – Terrace Housing and Apartment Buildings Zone

(v) the extent to which the height and bulk of development maintains daylight access and minimises visual dominance effects to adjoining sites and developments taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

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

- the planned urban built character of the zone;

- the location, orientation and design of development;

- the physical characteristics of the site and the neighbouring site;

- the design of side and rear walls, including appearance and dominance; and

- providing adequate visual and/or physical break up of long continuous building forms.

Overlooking and privacy

(vii) the extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(d) for yards:

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

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

(e) for building coverage:

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

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

(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 planned urban built character anticipated for the precinct; and
- 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.

(f) for landscaped area:

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

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

(iii) refer to Policy H5.3(10)

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

(g) for outlook space:

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

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

(iii) refer to Policy IXXX.3(4)

(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 IXXX.3(1)

(ii) refer to Policy IXXX.3(4)

(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 IXXX.3(3)

(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.

(2) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.10 Visual Corridor:

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) Whether the width of the corridor exceeds 10m in parts to compensate for any reductions in the 10m width.

(c) Whether street furniture, artworks, other public amenity elements or retaining structures will enable a reasonable view corridor to be achieved.

(3) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.11 Publicly Accessible Open Space

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) The extent to which the strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the open space are achieved in the Remuera Precinct.

(4) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.12 Publicly Accessible Pedestrian Routes

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) The extent to which the strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the pedestrian routes are achieved within the Remuera Precinct.

(c) The extent to which any temporary closures of these routes are required for safety, security, maintenance or repair purposes.

(5) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.13 Existing Pōhutukawa Trees

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) Assessment Criteria E17.8.2(1).

(6) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.14 Garden Streets

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) The extent to which the strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the garden streets are achieved within the Remuera Precinct.

(7) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.15 Planted Embankment

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) The extent to which the strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the planted embankment are achieved within the Remuera Precinct.

(8) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.16 Private Open Space

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) The extent to which the strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the private open space are achieved within the Remuera Precinct.

(9) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.17 Entry Point Identifier

(a) The extent to which the purpose of the standard is achieved or alternative solutions that achieve the purpose of the standard are demonstrated within the Remuera Precinct.

(b) The extent to which the strategy and outcomes identified in the Remuera Precinct Landscape Appendix A for the entry point are achieved within the Remuera Precinct.

(10) For any activity, development and/or subdivision that does not comply with Standard IXXX.6.18 Stormwater Management

(a) The extent to which the provisions of the approved Stormwater Management Plan are met, including the following matters:

(i) The design and efficacy of stormwater management devices;

(ii) Stormwater management calculations that confirm the design and capacity of the stormwater management device is fit for purpose and satisfies the requirements of the approved Stormwater Management Plan;

(iii) The operation and maintenance of the stormwater system, including whether safe and direct access is provided to enable maintenance;

(iv) Whether there will be health and safety effects associated with stormwater detention and retention ponds and wetlands and the extent to which these can be mitigated through measures such as fencing;

(v) Whether new buildings and alterations and additions to buildings are made of inert materials; and

(vi) Flood effects in the 10% and 1% AEP storm events (including climate change effects) and the extent to which any attenuation measures are required within the Remuera Precinct.

(b) Where alternatives to any approved or consented landscaping are proposed, whether the amended landscape plan will ensure the stormwater management outcomes are maintained and achieved.

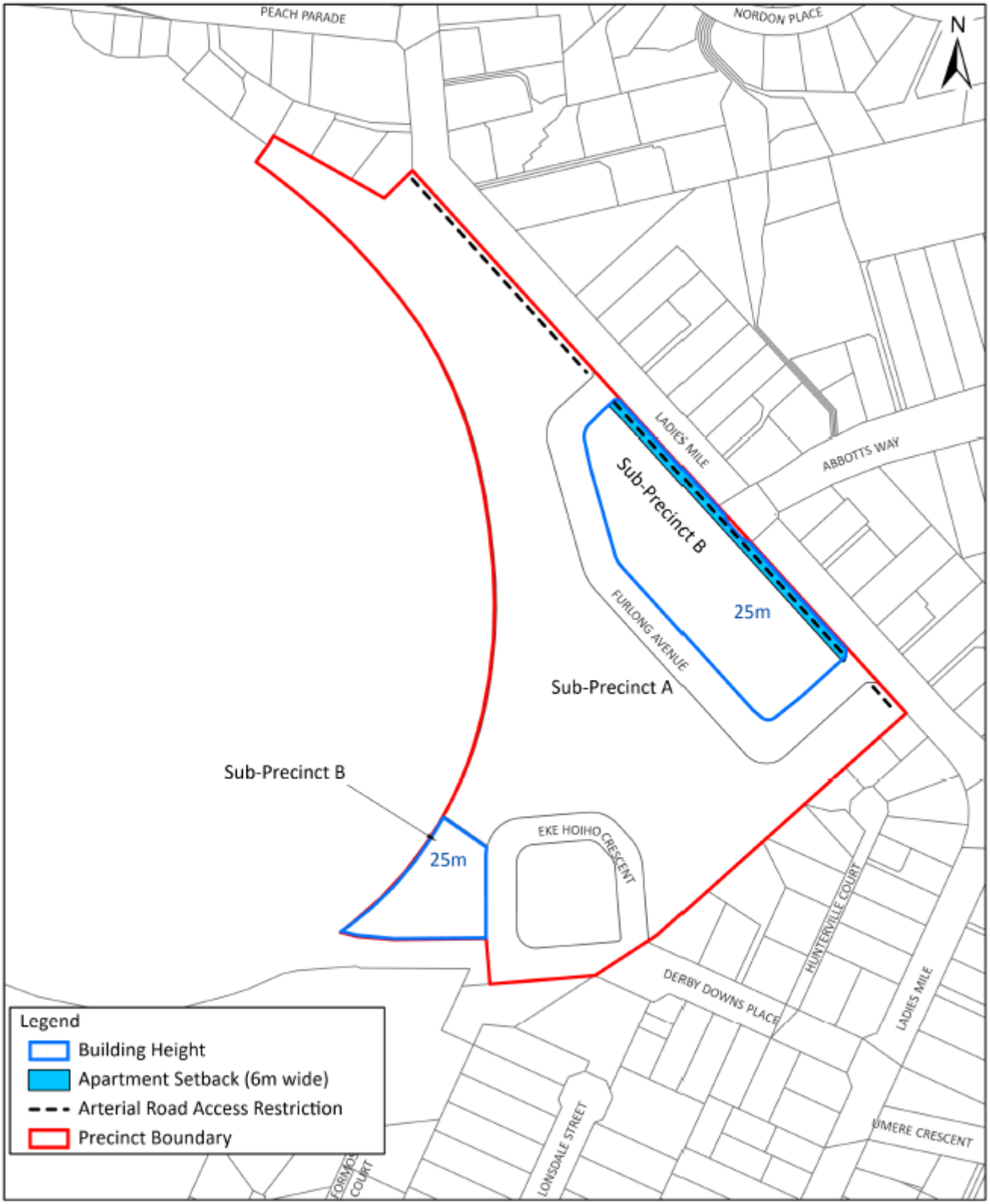
(c) The extent to which interference with public use and enjoyment of proposed open space is minimised where stormwater detention and retention ponds and wetlands are proposed to be located in or adjacent to proposed public open space.

IXXX.9 Special information requirements

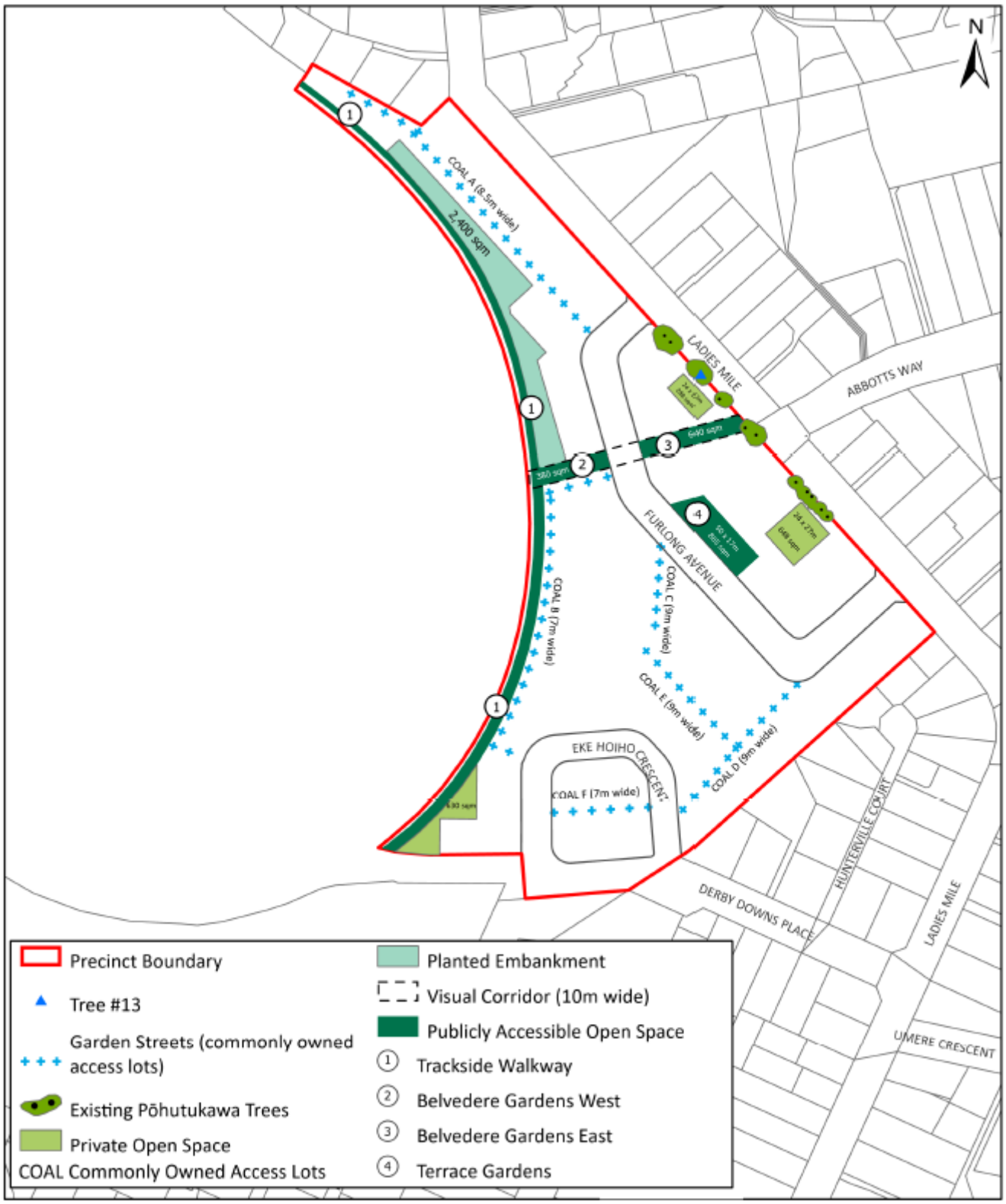
There are no special information requirements in this precinct.

IXXX.10 Precinct plans

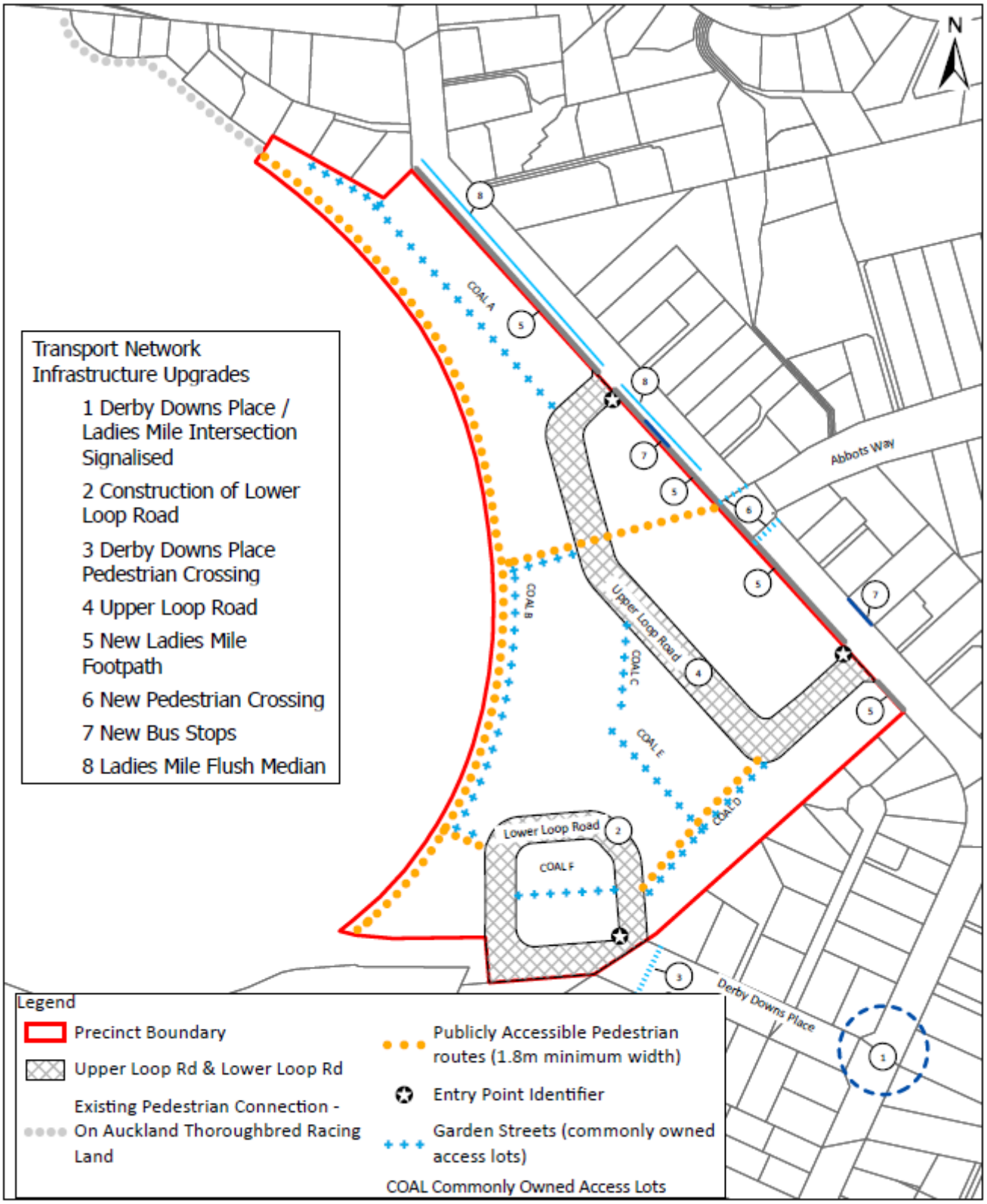
IXXX.10.1 Remuera Precinct Plan 1 – Sub-Precincts and Building Controls



IXXX.10.2 Remuera Precinct Plan 2 – Open Space & Features

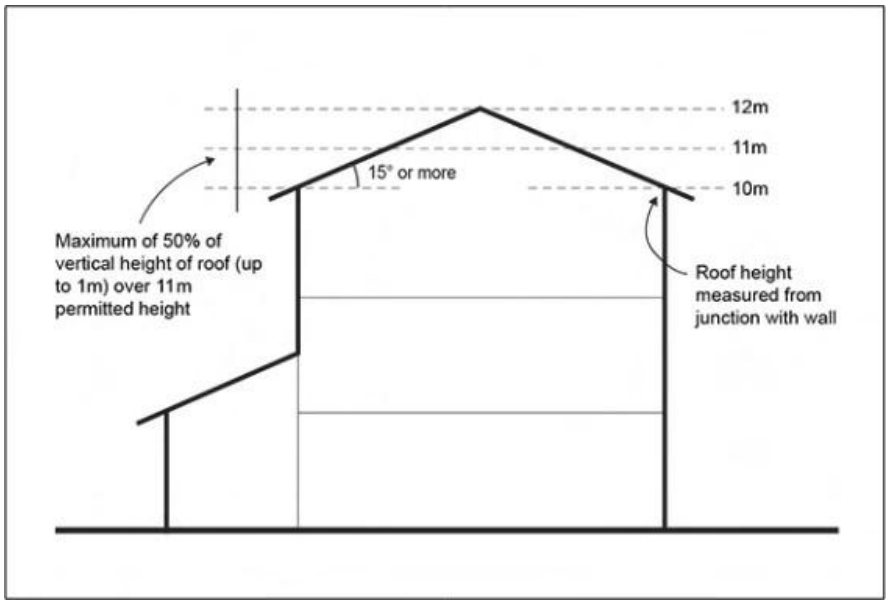


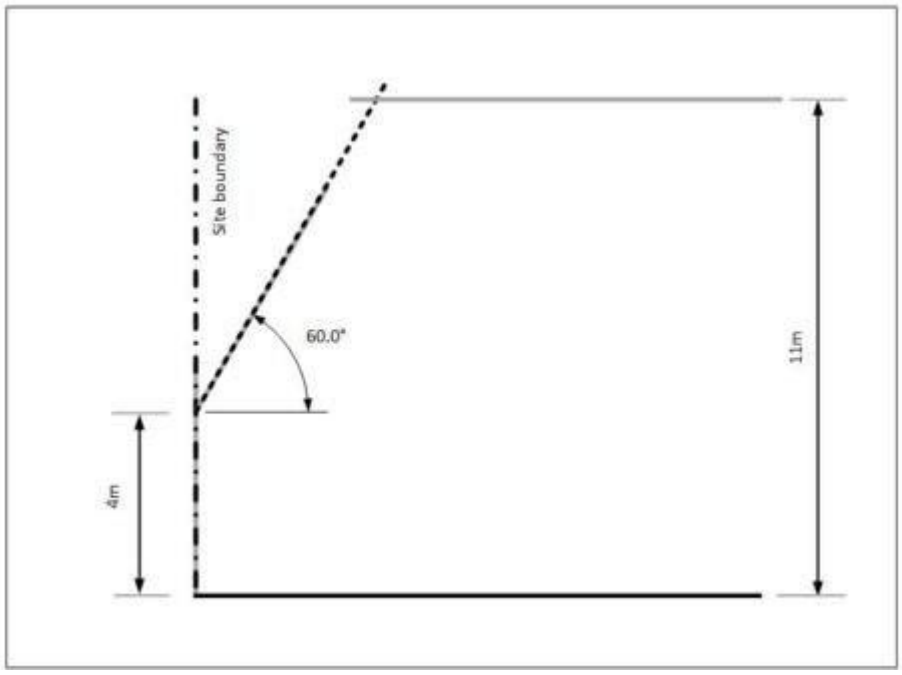
IXXX.10.3 Remuera Precinct Plan 3 – Movement

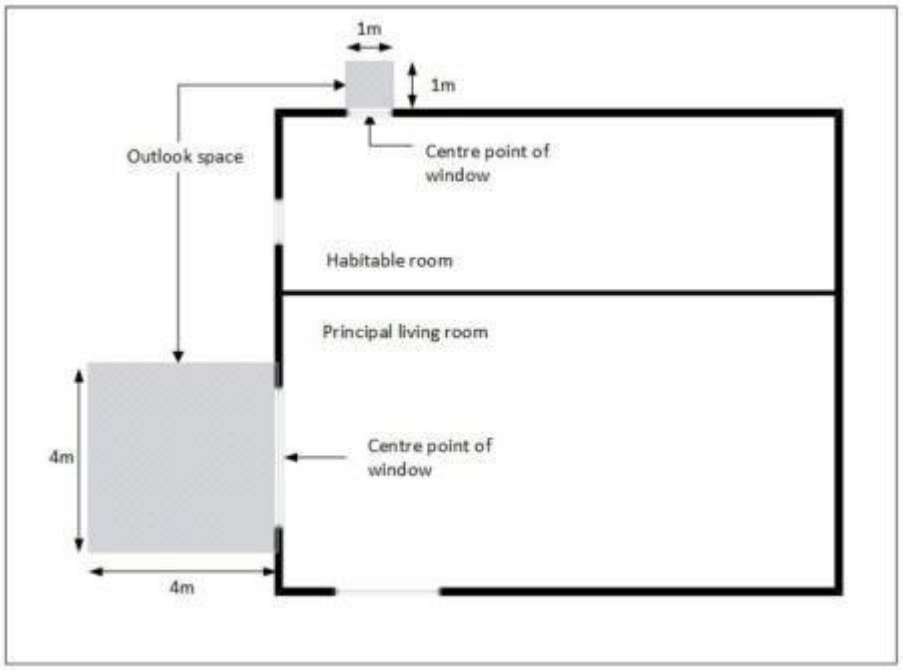


IXXX.11 Appendix

IXXX.11.1 Remuera Precinct Landscape – Refer Separate Attachment


12m
11m
10m
15° or more
Maximum of 50% of vertical height of roof (up to 1m) over 11m permitted height
Roof height measured from junction with wall



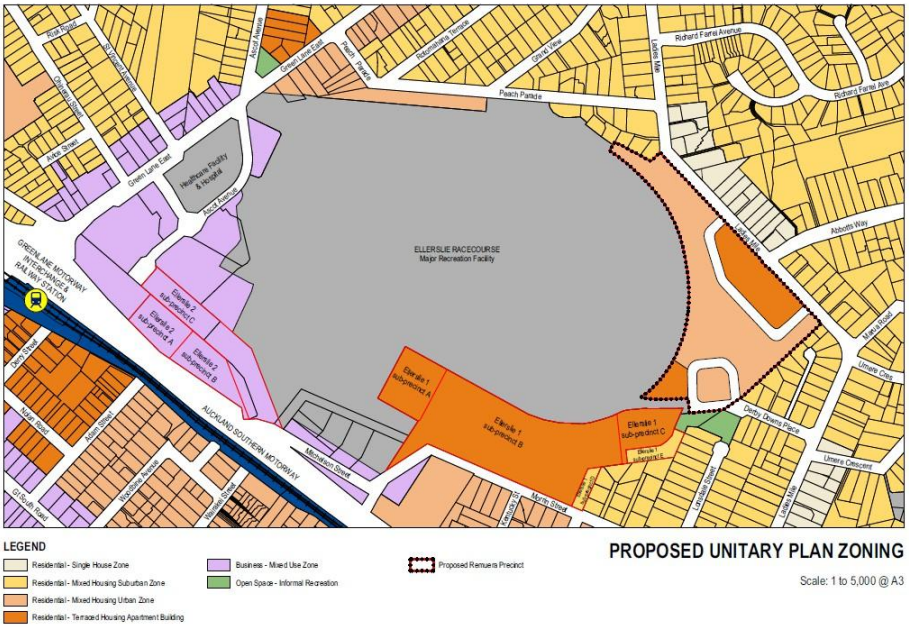


Activity	Activity Status
Subdivision for the purpose of the construction or use of dwellings, which are provided for as either permitted or restricted discretionary activities in the Residential – Low Density Residential Zone, Residential – Mixed Housing Urban Zone and Residential – Terrace Housing and Apartment Buildings Zone	

Note 1 All Applicants for subdivision consent, including controlled activities A13A and A13B, are subject to section 106 of the RMA.		
(A13A)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.1A.1	C
(A13B)	Subdivision around existing buildings and development complying with Standard E38.8.1A.2.	C

PART B

- Rezone the 6.2-hectare area of land identified as the Remuera Precinct in the plan below from Major Recreation Zone and Ellerslie Racecourse Precinct to Remuera Precinct and Residential – Mixed Housing Urban and Residential – Terrace Housing and Apartment Buildings zones.



PART C

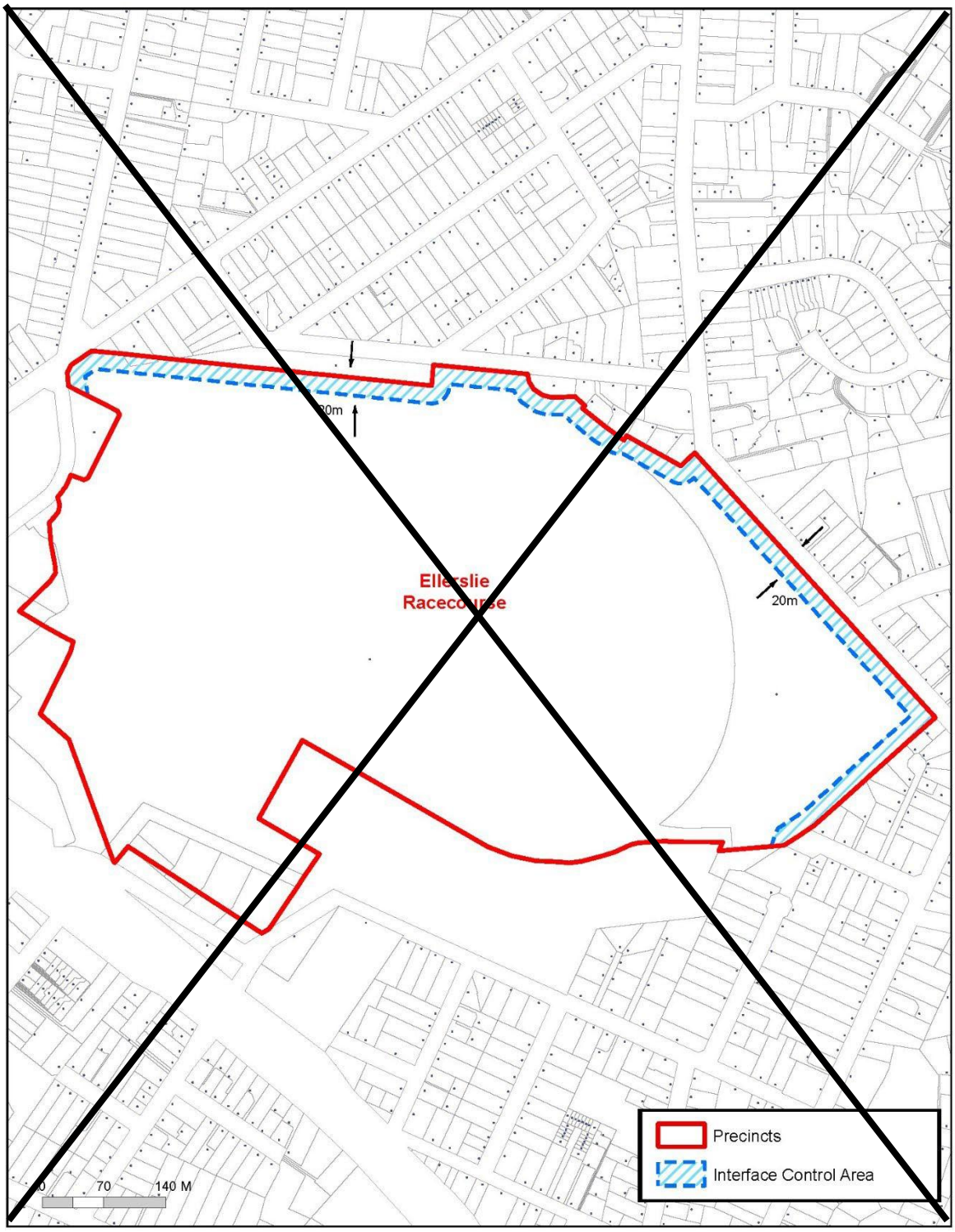
Amendments to I313 Ellerslie Racecourse Precinct

1. Amend I313.1 Ellerslie Racecourse Precinct Description as set out below

I313.1. Precinct description
The Ellerslie Racecourse Precinct provides specific planning controls for the use of the Ellerslie Racecourse. The Ellerslie Racecourse is a major horse racing venue that covers approximately 49 hectares of privately-owned land.

2. Amend I313.10 Precinct Plans Ellerslie Racecourse Precinct I313.10.1 Ellerslie Racecourse: Precinct Plan 1

Delete the Below Precinct Plan 1

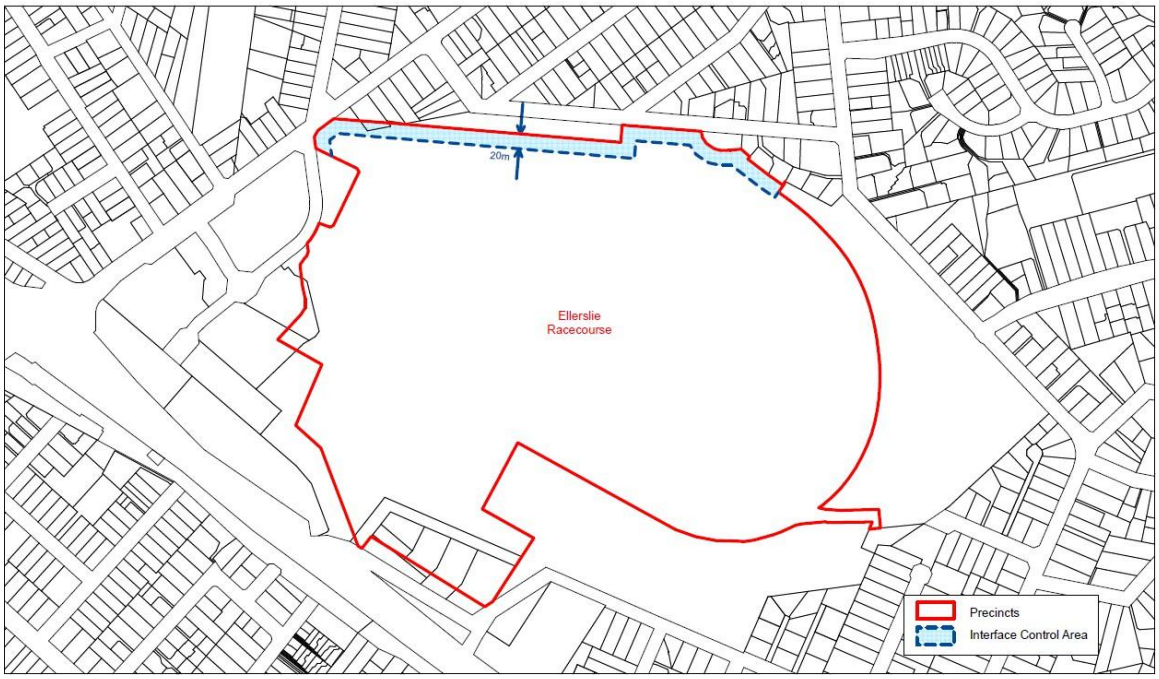


Replace I313.10.1 Ellerslie Racecourse: Precinct Plan 1 With the Proposed Amended Precinct Plan 1 Below

I313.10.1 Ellerslie Racecourse: Precinct Plan 1

I313.10. Precinct plans

I313.10.1. Ellerslie Racecourse: Precinct plan 1



PART D

Amend Schedule 10: Notable Tree Schedule As follows:

Schedule is divided into Auckland Districts and is organised into alphabetical order by street name.

The Notable Tree Overlay symbols are marked on the Planning maps and should be viewed in conjunction with the Schedule below. The symbols indicate the presence of a notable tree, trees or groups of trees.

ID	Botanical Name	Common Name	Number of Trees	Location/Street Address	Locality	Legal Description
166	*Quercus robur*	English Oak	1	Kohimarama Road 65 (reserve)	Kohimarama	Lot 1 DP 28945
165	*Araucaria heterophylla*	Norfolk Island Pine	2	Kohimarama Road 177	Kohimarama	Lot 27 DP 27807
318	*Quercus canariensis, Agathis australis*	Algerian Oak, Kauri	2	Korau Road 7	Greenlane	Lot 16 DP 25557
312	*Ulmus glabra*	Elm	1	Korau Road 14	Greenlane	Lot 23 DP 25557
311	*Ulmus glabra*	Elm	1	Korau Road 16	Greenlane	Lot 22 DP 25557
498	*Cinnamomum camphora, Quercus cerris*	Camphor Laurel, Turkey Oak (2)	3	Korma Road 30	Royal Oak	Lot 3 DP 327333
43	*Vitex lucens*	Puriri	1	Kotare Avenue 3A	Westmere	Lot 1 DP 120050
709	*Metrosideros excelsa*	Pōhutukawa	1	Kurahaupo Street 45	Orakei	Lot 296 DP 58659
670	*Vitex lucens*	Puriri	2	Kuranui Place 5B	Otahuhu	Pt Section 2 Blk VI Otahuhu SD
XXX	*Metrosideros excelsa*	Pōhutukawa	1	Ladies Mile 79	Remuera	Lot 1 DP 585358
342	*Metrosideros excelsa*	Pōhutukawa	1	Ladies Mile 112	Ellerslie	Lot 28 DP 7838
341	*Metrosideros excelsa, Ulmus glabra*	Pōhutukawa, (2) Wych Elm	3	Ladies Mile 118	Ellerslie	Part Lot 30 DP 7838, Lot 31 DP 7838
431	*Metrosideros excelsa*	Pōhutukawa	1	Ladies Mile 170	Ellerslie	Lot 1 DP 324725

432	*Metrosideros excelsa*	Pōhutukawa	1	Ladies Mile 170D	Ellerslie	Lot 1 DP 140735
490	*Metrosideros excelsa*	Pōhutukawa	8	Lagoon Drive 36-46	Panmure	Allotment 45 SECT 2 VILL OF Panmure
989	*Metrosideros excelsa*	Pōhutukawa	1	Landscape Road 5	Mount Eden	Eden
961	*Metrosideros excelsa*	Pōhutukawa	1	Landscape Road 7	Epsom	Lot 19 DP 6826
962	*Metrosideros excelsa*	Pōhutukawa	1	Landscape Road 8	Epsom	Lot 3 DP 19644
783	*Metrosideros excelsa*	Pōhutukawa	1	Landscape Road 9	Mount Eden	Lot 2 DP 53440
987	*Metrosideros excelsa*	Pōhutukawa	1	Landscape Road 11	Epsom	Lot 1 DP 53440
943	*Agathis australis*	Kauri	1	Landscape Road 13	Mount Eden	Lot 1 DP 99091
988	*Araucaria cunninghamii*	Hoop Pine	1	Landscape Road 14	Mount Eden	Pt Lot 1 DP 7015
839	*Quercus robur*	English Oak	1	Levonia Street 23	Western Springs	Allotment 52 SECT 5 SBRS OF Auckland
391	*Metrosideros excelsa*	Pōhutukawa	1	Lewin Road 1A	Epsom	Lot 37 DP 4280
378	*Vitex lucens*	Puriri	1	Lewin Road 6	Epsom	Lot 3 DP 17113
931	*Agathis australis*	Kauri	1	Lewin Road 16	Epsom	Pt Lot 23 DP 7434
377	*Vitex lucens, Phoenix canariensis*	Puriri, Phoenix Palm (3)	4	Lewin Road 19	Epsom	Lot 2 DP 33754
241	*Fraxinus excelsior 'aurea'*	Golden Ash	1	Line Road 50	Glen Innes	Lot 39 DP 42355
365	*Metrosideros excelsa*	Pōhutukawa	1	Liverpool Street 27	Epsom	Lot 3 DP 42495

364	*Vitex lucens, Podocarpus totara, Picea abies, Ilex aquifolium, Quercus robur, Cedrus deodara, Chamaecyparis lawsoniana*	Puriri (3), Avenue of trees including: Puriri (5), Totara (3), Spruce, Holly, English Oak (2), Cedar, False Cypress	17	Liverpool Street 40	Royal Oak	Lot 1 DP 8648
257	*Vitex lucens, Phoenix canariensis*	Puriri, Phoenix Palm (2)	3	Lloyd Avenue 39	Mt Albert	Lot 1 DP 44143
170	*Metrosideros excelsa*	Pōhutukawa	2	Long Drive 106	St Heliers	Lot 2 DP 46553
91	*Phoenix canariensis*	Phoenix Palm	3	Long Drive (road reserve on intersection with Tamaki Drive)	St Heliers	

Appendix Two - Decision on Submissions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Planner's Recommendation
1.1	Kelsey Bergin	Approve the plan change without amendments	Accept in part
2.1	Stephanie Gale	Approve the plan change without amendments	Accept in part
3.1	Samuel Fielding	Seeks additional roading that links Ladies Mile to Greenlane East and/or Peach Parade	Reject
4.1	Katarina Pochyba	Decline the plan change	Reject
5.1	Vita Nova Projects Ltd	Decline the plan change	Reject
6.1	Simon McMullen	Seeks clarification on whether a full sized flush median strip will be installed along Ladies Mile, and in particular properties at 82-88 Ladies Mile, opposite the development.	Reject
6.2	Simon McMullen	Seeks further details of roading layouts (figures 4.5-4.12) to consider vehicles entering/exiting the residential slip lane	Reject
6.3	Simon McMullen	Seeks clarification on design and strength of current slip lane barrier	Reject
6.4	Simon McMullen	Seeks clarification on increased risk of slip lane barrier being struck by vehicles with new roads/layouts	Reject
6.5	Simon McMullen	Seeks confirmation of plans for on-road parking	Reject
6.6	Simon McMullen	Seeks clarification on proposals to reduce single lane congestion between 70-88 Ladies Mile at peak times	Reject
6.7	Simon McMullen	Seeks clarification on impacts of 25m building heights on privacy, daylight access and zone character	Reject
7.1	Ian Calhaem	Move Interface Control Area from boundary with Hunterville Court/Derby Downs to boundary between racecourse and new development	Reject
7.2	Ian Calhaem	Retain existing provisions of THAB zone	Reject
7.3	Ian Calhaem	Retain existing provisions of MHU zone	Reject
7.4	Ian Calhaem	Retain existing height to boundary conditions as	Reject

		consented through Fast Track consent	
7.5	Ian Calhaem	Include pedestrian crossing opposite 15 Derby Downs Place	Accept
7.6	Ian Calhaem	Add pedestrian crossing across Morrin St to Robert St	Reject
8.1	Deborah Anne Keightley	Seeks to rezone the upper area near Ladies Mile to THAB zone	Accept in part
8.2	Deborah Anne Keightley	Seeks to rezone the lower/southerly area to Medium Density of 3/4 storeys rather than THAB	Reject
9.1	Auckland Council	Seeks various amendments to improve plan drafting, consistency with AUP style guide, and incorporation of MDRS	Accept in part
9.2	Auckland Council	Amend Precinct Plan 1 to remove the 25m height limit and instead use the Height Variation Control layer	Reject
9.3	Auckland Council	Change references from 'THAB zoned areas' to 'Sub-Precinct A' and 'Mixed Housing Urban zoned areas' to 'Sub-Precinct B'	Accept
9.4	Auckland Council	Review proposed Arterial Road Access Restriction rule and consider using existing Vehicle Access Restriction Control	Reject
9.5	Auckland Council	Review provisions and amend as necessary to reflect the AUP style guide	Accept in part
9.6	Auckland Council	Amend Policy IXXX.3(5) by replacing "Ensure" with "Require"	Accept
9.7	Auckland Council	Amend provisions to properly incorporate all MDRS requirements	Accept
9.8	Auckland Council	Clarify that all aspects of MDRS have been incorporated	Reject
9.9	Auckland Council	Review and where appropriate remove references to PC78	Accept
9.10	Auckland Council	Clearly annotate or identify any Qualifying Matters	Accept
10.1	Ngāti Te Ata Waiohua	Seeks that CIA Report recommendations are provided for	Accept
11.1	Watercare Services Limited	Amend precinct provisions to ensure development in excess of 357 dwellings requires assessment of network capacity	Reject
11.2	Watercare Services Limited	Require development in excess of 357 dwellings to be reassessed by Watercare	Reject
11.3	Watercare Services Limited	Provide for protection of wastewater and water infrastructure assets	Reject

11.4	Watercare Services Limited	Amend Objective 4 regarding infrastructure delivery wording	Accept in part
11.5	Watercare Services Limited	Add new Objective 6 regarding effects on stormwater, water and wastewater networks	Reject
11.6	Watercare Services Limited	Add new Policy 9 regarding infrastructure coordination	Accept in part
11.7	Watercare Services Limited	Add new Policy 10 regarding development exceeding 357 dwellings	Reject
11.8	Watercare Services Limited	Add new Special information requirement for Infrastructure Capacity Assessment	Reject
11.9	Watercare Services Limited	Ensure water and wastewater servicing requirements are adequately met	Reject
13.1-13.6	Craig McErlane	Pro forma submission - seeks identical relief to submission points 7.1-7.6	As per above for submission points 7.1-7.6
14.1-14.6	McErlane Investment Trust	Pro forma submission - seeks identical relief to submission points 7.1-7.6	As per above for submission points 7.1-7.6