

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Report to Auckland Council
Hearing topics 016, 017
Changes to the Rural Urban
Boundary; 080, 081 Rezoning
and precincts

Annexure 2
Precincts Central

July 2016

Annexure 2 Precincts Central

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Part 1 Precincts supported

The Panel recommends the precincts below for inclusion in the Auckland Unitary Plan.

303 Auckland War Memorial Museum Precinct

1. Summary of recommendations

The Panel supports the retention of the precinct generally as amended by the Council and the submitter subject to further amendments for consistency and alignment with the Plan.

This precinct was heard in Topic 080.

2. Precinct description

The Auckland War Memorial Museum (Tāmaki Paenga Hira) Precinct is located in the Auckland Domain (between Newmarket, Parnell and the City Centre) and comprises the museum building, the underground parking area and roading around those structures. It does not include the Cenotaph and consecrated ground which is administered by Auckland Council.

The zoning of land in the precinct is Open Space – Community Zone and the zoning of the rest of the Auckland Domain is Open Space – Informal Recreation Zone.

The Auckland War Memorial Museum Precinct initially provided for those activities that are necessary for the museum's ongoing use and development where such activities are not provided for by the notified underlying Open Space – Informal Recreation zone.

3. Key issues

All submissions received on the precinct were received from Tāmaki Paenga Hira - Auckland War Memorial Museum (5496).

Informal discussions between the parties resolved some matters and agreement was reached on other matters as a result of evidence exchange. For example, the submitter did not pursue zoning as a major recreation facility and instead accepted a zoning of Open Space – Community Zone and the precinct (evidence in chief, Mark Vinall, paragraph 7.1). The precinct boundary was modified to include the underground parking area and exclude the Cenotaph and parade ground.

At the hearing, there were three primary outstanding issues:

- i. the activity status of works in association with a conservation plan;
- ii. the development control for height in the precinct; and
- iii. whether the development controls of the underlying zone should apply in the precinct.

The issue of activity status for works in association with a conservation plan was addressed in Topic 032 Historic Heritage Schedules. In that topic, Ms Rowe for the Council said that the role of a conservation plan is to describe the historic heritage values of a place. The effect of enabling activities provided for in the conservation plan as permitted activities would be to remove consideration of resource management matters from the consent process (paragraph 9.208 of Ms Rowe's evidence in chief, as quoted in Mr Matthew Spiro's evidence in rebuttal paragraph 4.4). The Panel agrees with Ms Rowe that activity status is a resource management matter that cannot be circumvented by this method. It is however appropriate to consider the conservation plan as a relevant document when assessing a resource consent application under section 104(1) (c) of the Resource Management Act 1991.

Auckland War Memorial Museum sought a maximum height of RL91m instead of 8m which is the permitted maximum in the Open Space – Community Zone. RL91m is the height of the existing building and its adoption would set a new permitted baseline. For the Council, Mr Spiro supported an 8m maximum because the Museum is a regionally significant building located in a regionally significant open space. The building has significant (Category A) heritage values, such that the assessment of the height of any additional development is appropriate (paragraphs 4.11 and 4.12 of his evidence in rebuttal). Mr Vinall said that an 8m height limit is inappropriate for a building of the scale and significance of the Museum. However, no evidence was provided demonstrating the likely effects of building to RL 91m over the full extent of the precinct. Such a development may have effects on amenity values and therefore the Panel agrees with Mr Spiro that assessment of the effects of height is appropriate given the Museum's importance. As a restricted discretionary activity consent will have to be obtained to carry out external additions and alterations under the Historic Heritage Overlay provisions, there is no regulatory burden imposed by retaining the 8m maximum height provided for in the zone.

The parties reached agreement with respect to building coverage (85 per cent) and maintenance of 270 car parking spaces, including 8 bus parking spaces. Parking is spatially limited within the precinct. The Panel agrees that it is appropriate to maintain the current levels of parking, but not to require additional parking in the circumstances.

The submitter sought to delete all of the development controls in the Open Space – Community zone. Mr Spiro for the Council said that while deletion of some controls would not result in significant adverse outcomes, no evidence was provided about each control proposed to be deleted (evidence in chief, paragraph 4.18). As above, the Panel considers that it is appropriate for infringements of standards to be considered as a Restricted Discretionary activity as provided for generally in the Plan. This does not impose a regulatory burden given the Category A status of the Museum as an historic heritage place.

The Panel has amended the wording of Policy 4(a) because it is too broad and therefore uncertain in its application. Narrowing the scope of the policy to address landscaping and its effects on the protected Auckland War Memorial Museum viewshaft ensures both certainty as well as justification for the development constraint imposed by the policy.

The Council's position in relation to the Auckland War Memorial Museum Precinct is set out in the planning evidence in chief of Mr Spiro (dated 3 December 2015) and evidence in rebuttal (dated 26 January 2016). Planning evidence for the submitter was presented by Mr Mark Vinall (December 2015).

4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to enable the ongoing use and development of the Auckland War Memorial Museum - Tāmaki Paenga Hira, a treasured place.

The Panel supports the retention of the precinct generally as amended by the Council and the submitter subject to further amendments for consistency and alignment with the Plan.

5. Reference documents

Auckland Council

[080 Ak Cncl - Auckland Museum Precinct \(M Spiro\) - Planning](#) (3 December 2015)

[080 Ak Cncl - Public Open Space - Auckland Museum Precinct \(M Spiro\) - Planning - REBUTTAL](#) (26 January 2016)

Tāmaki Paenga Hira – Auckland War Memorial Museum

[080 Tamaki Paenga Hira - Auckland War Memorial Museum \(M Vinall\) - Planning](#) (19 December 2015)

305 Avondale 1 Precinct

1. Summary of recommendations

The Panel supports the retention of the Avondale 1 and 2 Precincts and agrees with the Avondale Jockey Club that the indicative roads and intersections be deleted from the Avondale 1 Precinct. As a consequence of this recommendation, the Panel is also recommending the deletion of the indicative roads and intersections from the Avondale 2 Precinct and the infrastructure rule from both precincts.

These precincts were heard in Topic 081.

2. Precinct description

The Avondale 1 and 2 Precincts apply to land on northern and western periphery of the Avondale Racecourse.

Avondale 1 Precinct comprises two sub-precincts. Sub-precinct A is zoned Business - Mixed Use Zone and Sub-precinct B is zoned Residential - Terrace Housing and Apartment Buildings Zone.

The Avondale 2 Precinct comprises three sub-precincts, all of which are zoned Business - Town Centre Zone.

The purpose of the precincts is to enable a transition from the existing racecourse uses to more intensive residential and commercial uses that are integrated with the surrounding environment and that support the Avondale Town Centre.

3. Key issues

As set out in Council's closing statement there are only three outstanding issues between the Council and the Avondale Jockey Club and these are:

- i. the indicative road network shown on the Avondale 1: Precinct plan;
- ii. the inclusion of the 'wedge-shaped' land south of Elm Street within Avondale 1 Precinct; and
- iii. land use control 2.1 (the infrastructure rule).

In relation to the indicative road shown on the Avondale 1 Precinct plan, Avondale Jockey Club's planning witness Mr Brown considers that the inclusion of the indicative road is unnecessary as the consent process will ensure that access within the precinct is not compromised or frustrated. He also considers the indicative connections offer few advantages in terms of travel distance for trips to the Avondale Town Centre and railway station and the need for the public road connections has not been demonstrated.

The Council's witnesses Mr Pollard and Mr Peake consider the indicative road is required to serve development within the precinct, to ensure that the development integrates with the surrounding traffic network (including with public transport) and with the Avondale 2 Precinct, and to support the function, role and amenity of Avondale Town Centre.

With regard to the infrastructure rule, Mr Pollard is of the view that the rule is a necessary method to ensure that vehicle access points and public roads are formed as development occurs, and he supports a non-complying activity status where the rule is not met.

Mr Brown is of the view that the infrastructure rule is unnecessary, fails to recognise the normal staged implementation that is often utilised for development of land and in practice he considers it may prevent the staged development of the land.

The Auckland Jockey Club has sought the removal of a wedge-shaped piece of land between Elm Street and Racecourse Parade from the Avondale 1: Precinct plan. Mr Brown considers that the inclusion of this land within the precinct coupled with the indicative road and intersection would significantly reduce the development potential of this area of land.

The Council on the other hand is of the view that the removal of this land from the precinct could sever any direct transport connection between the Avondale 1 Precinct and the Avondale 2 Precinct and the Avondale Town Centre. The Council considers that the zone and Auckland-wide provisions are not adequate to ensure the integration of this site into the surrounding environment, and that precinct-specific provisions are required to manage future development.

4. Panel recommendations and reasons

In Topic 028 the Panel agreed with submitters regarding the deletion of indicative roads and open space overlays from the Future Urban Zone and considered the inclusion of these overlays to be unhelpful and not assist land owners to plan for future development of their land.

The Panel is of a similar view with regard to the indicative roads and intersections in these precincts and agrees with the concerns raised by the Jockey Club. The Panel's view is that the indicative roads and intersections could unnecessarily constrain how the site is developed and could compromise the efficient use of the land. The Panel considers that there are clear and directive objectives and policies (precinct, zone and Auckland-wide) that provide the ability to ensure future subdivision and development is well connected and that will facilitate a range of transport choices.

It is for these reasons that the Panel is recommending that the indicative roads and intersections be deleted from the Avondale 1 Precinct. As a consequence of this, the Panel is also recommending that that the indicative roads and intersections be deleted from the Avondale 2 Precinct. This is a consequential change given the interrelationship of the two precincts and is therefore not considered to be out of scope.

With the removal of the indicative roads and intersections from the Avondale 1 and 2 Precincts and the requirements for framework plans (as discussed below) the infrastructure rule has no basis and should be deleted.

Regarding the removal of the wedge-shaped piece of land between Elm Street and Racecourse Parade from the Avondale 1: Precinct plan, the Panel is recommending that the land remains within the precinct. The reason for this is that the land provides a physical connection with the Avondale 2 Precinct and the policy framework of both precincts promotes the interconnectedness of the precincts and the connection of the Avondale 1

Precinct with the Avondale Town Centre. The removal of the indicative roads and intersections from the precinct plans will provide greater flexibility in terms of how the land is developed and the options for achieving the necessary connections.

As set out in the Panel's overview of recommendations, the Panel is proposing that the framework plan/consent provisions should not be included in the Plan. Consequently, the framework plan/consent provisions should be deleted from the Avondale 1 and 2 Precincts. The deletion of these provisions and removal of the indicative roads and intersections has required the redrafting of a number of the precincts objectives, policies and assessment criteria. These are consequential changes and therefore not considered to be out of scope.

The parties had agreed on the provisions relating to the former sanitary block and casualty room and the Panel supports these provisions. The Panel is however, recommending the removal the reference to these buildings as being 'significant historic heritage places' in the precinct plan. This is because they are not listed in the Plan's Schedule 14.1 Schedule of Historic Heritage and the inclusion of this reference is misleading.

5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 132\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 464\)](#)

[081d Ak Cncl - West - Precincts \(Avondale 1 and 2\) - \(N Pollard\) - Planning \(26 January 2016\)](#)

[081d Ak Cncl - West - Precincts \(Avondale 1 and 2\) - \(N Pollard\) - Planning - REBUTTAL \(26 February 2016\)](#)

[081d Ak Cncl - West - Precincts \(Avondale 1 and 2\) - \(M Peake\) - Transport \(26 January 2016\)](#)

[081d Ak Cncl - West - Precincts \(Avondale 1 and 2\) - \(M Peake\) - Transport- REBUTTAL \(26 February 2016\)](#)

[081 Avondale Jockey Club \(P Brown\) - Planning \(14 February 2016\)](#)

306 Avondale 2 Precinct

Please see 305 Avondale 1 Precinct.

308 Central Park Precinct

1. Summary of recommendations

The Panel recommends the retention of the Central Park Precinct subject to number of consequential amendments to ensure better alignment with the zone and Auckland-wide provisions.

This precinct was heard in Topic 081.

2. Precinct description

The Central Park Precinct is located at 666 Great South Road, Ellerslie. It comprises a 6.25 hectare triangular shaped block of office development between Great South Road and State Highway 1, where they connect via the Ellerslie - Panmure Interchange.

The purpose of the Central Park Precinct is to provide for employment and office activities within an office park environment.

The precinct is separated into four development areas. The four areas have different building heights, reflecting the existing built environment, the nature of the site, its location near Ellerslie town centre and surrounding protected views.

The zoning of the land within the Central Park Precinct is the Business – Business Park Zone.

3. Key issues

There are no outstanding key issues in respect of this precinct. The Panel has made a number of consequential changes to the precinct to ensure better alignment with the business zone provisions and for consistency with a number of Auckland-wide provisions. These include removal of matters of discretion and assessment criteria for infringements of standards and reliance on the provisions of Chapter C General rules and removal of the requirement to provide integrated traffic assessments.

4. Panel recommendations and reasons

The Panel supports the retention of the Central Park Precinct and is recommending a number of consequential amendments to ensure better alignment with the zone and Auckland-wide provisions.

5. Reference documents

Auckland Council

[081e Ak Cncl - Central - Precincts \(Central Park\) - \(A Papaconstantinou\) - Planning](#) (26 January 2016)

309 Cornwall Park Precinct

1. Summary of recommendations

The Panel supports a precinct as generally proposed by the principal submitter, Cornwall Park Trust Board.

This precinct was heard in Topic 080.

2. Precinct description

The Cornwall Park Precinct is comprised of 172 hectares of land that lies both north and south of Green Lane West Road. The area south of Green Lane West Road has a picturesque semi-rural pastoral setting, with sheep and cattle grazing, natural features, stone walls, and expanses of green open space that provide a 'country' experience in the city.

Cornwall Park is a privately owned and managed landscaped park, governed by the Cornwall Park Trust Board through a Trust Deed that requires the land to be maintained as parkland for the benefit of the public. The park is designed for public recreation and enjoyment and is a highly used and valued open space.

The park flanks a volcanic cone, Maungakiekie/One Tree Hill, which includes the scoria cone that largely lies in the adjacent One Tree Hill Domain, and the surrounding volcanic landforms. A pre-European Māori fortification (Pā) was built on the cone, many features of which can still be seen. Cornwall Park has significant natural and historic values, which have been scheduled.

The purpose of the Cornwall Park Precinct is to provide for the ongoing operation and development of the park for public use and enjoyment while protecting its significant vegetation, built heritage and archaeological and geological scheduled features.

The precinct has seven sub-precincts as set out below.

- i. Sub-precinct A: Parkland Conservation, which includes the lower slopes of Maungakiekie/One Tree Hill and the grove of scheduled olive trees. The zoning is Open Space – Informal Recreation Zone.
- ii. Sub-precinct B: Parkland Informal Recreation, which includes the majority of the open parkland used for informal recreation, events and farm activities. The zoning is Open Space – Informal Recreation Zone.
- iii. Sub-precinct C: Parkland Development, which includes open parkland used for informal recreation, events, farm, and restaurant and café activities. The zoning is Open Space – Informal Recreation Zone.
- iv. Sub-precinct D: Parkland Sport and Active Recreation, which includes the parts of the park used for sport and active recreation including associated fields and facilities for tennis, bowling, rugby, rugby league and cricket, and is in three parts. The zoning of the two areas north of Green Lane West Road is Open Space - Sport and Active Recreation Zone and Open Space – Informal Recreation Zone; the area south of Green Lane West (the area currently leased

by Cornwall Districts Cricket and Sports Association) is zoned Open Space – Informal Recreation Zone.

- v. Sub-precinct E: Parkland Visitor/Information, which is comprised of the park's visitor and information centre and restaurant/kiosk, and the scheduled historic Acacia Cottage and Huia Lodge buildings and car parking areas. The zoning is Open Space – Informal Recreation Zone.
- vi. Sub-precinct F: Parkland Farm Activities, which is comprised of farming structures including farm implement and shearing sheds. The zoning is Open Space – Informal Recreation Zone.
- vii. Sub-precinct G: Parkland Administration and Operations, which provides for park administration and operations buildings, including park depot and storage facilities, and the park's plant nursery. The zoning is Open Space – Informal Recreation Zone.

The precinct includes a significant number of overlays, including the Historic Heritage Overlay, the Notable Trees Overlay, the Outstanding Natural Features and Outstanding Natural Landscapes Overlay, and the Volcanic Viewshafts and Height Sensitive Areas Overlay.

3. Key issues

The key issues of difference between Council and Cornwall Park Trust Board related to:

- i. the extent to which the precinct provisions would override overlay provisions;
- ii. the location of sub-precinct boundaries; and
- iii. whether the two areas of sport and active recreation in Sub-precinct D should be separately zoned.

3.1. Precinct override

The Cornwall Park Trust Board sought bespoke precinct provisions that override the Historic Heritage, Outstanding Natural Features and Notable Trees overlays. Council opposed those proposed provisions because of the park's heritage values (geological, natural and cultural).

In summary, noting that the park was not publicly funded, the Board's submission related to:

- i. its duties under the Trust Deed;
- ii. its history of care and protection;
- iii. its relationship with the public of Auckland and New Zealand;
- iv. the fact that farming was a necessary part of park activity; and
- v. ongoing maintenance, and the cost of compliance in obtaining resource consents.

Having considered the evidence presented, the Panel agrees to some relatively small changes to two overlay provisions to permit conservation planting, including the restoration and revegetation or ground-cover on the slopes where this is required to prevent further

damage, and to increase the diameter of branches that may be trimmed, including for scheduled notable trees, to 150mm.

While these changes run counter to the Panel's general principle of precinct provisions not overriding overlays, in this instance these changes recognise the fact that the park is a working environment requiring ongoing management, and the evidence persuaded the Panel that it can have confidence that the Board's management principles and practices are consistent with the values and objectives of the respective overlays. The Panel also notes that the Auckland-wide vegetation management and biodiversity provisions will continue to apply, and permit deadwood removal and emergency tree works. The Panel was not persuaded that more extensive overriding of the overlay provisions is warranted at this time without further investigation and discussion.

3.2. Sub-precinct boundaries

The Cornwall Park Trust Board sought changes to a number of the notified sub-precinct boundaries to better accommodate management intentions (and as broadly indicated in the draft 100-year master plan introduced in the evidence of Ms Rachel de Lambert). Council responded with a mix of acceptance and opposition, expressing particular concern about how some of those changes might affect the values of the various overlays.

The Panel does not share Council's concern in this respect. There is no necessary relationship between the overlay boundaries and sub-precinct boundaries over such a large area, particularly when the entire park is managed by a single entity. The Panel considers that the matter of internal sub-precinct boundaries is one for the Board to determine since, as has just been discussed, the overlays are not overridden by the precinct provisions except for minor variations. Accordingly the Panel prefers the sub-precinct boundaries sought by the Board as they will facilitate their on-the-ground park management. The Panel accepts that this may result in various overlays crossing sub-precinct boundaries, but that is a matter for the Board to manage.

3.3. Sub-precinct D

Cornwall Park Trust Board sought to differentiate Sub-precinct D into D1 and D2; D1 being the area north of Green Lane West, including the triangle that currently accommodates the tennis courts, and D2 being the area currently leased by the Cornwall Districts Cricket and Sports Association with proposed zones of Open Space – Sports and Active Recreation Zone and Open Space – Informal Recreation Zone respectively. Mr Dean Bartlett, General Manager of Cornwall Districts Cricket and Sports Association supported that proposal for D2 subject to the provisions proposed in Council's joint rezoning statement of evidence dated December 2015 remaining substantially unchanged.

The proposed split was not supported by Council, which considered the justification for this, based on the presence of the historic heritage extent of place and outstanding natural feature overlays on proposed D2, insufficient and resulting in additional complexity. The Panel agrees with Council that Sub-precinct D should not be split between a D1 and D2. A single Sub-precinct D is recommended

However, as noted elsewhere, the Panel has adopted a principle whereby zones, precincts and overlays operate independently of each other, so that the respective values can be separately compared when required.

For the area north of Green Lane West the Board also sought that Sub-precinct B (Puriri Drive area) and the Sub-precinct G area adjoining the ASB Showgrounds be merged into Sub-precinct D. To facilitate the Board's on-the-ground park management, as discussed above, the Panel supports the incorporation of these areas into to Sub-precinct D.

3.4. Other

Two other relatively minor matters have been addressed relating to areas where grazing by animals other than sheep are permitted, and clarification regarding plant nursery activities (which has required an amendment to the definition of 'horticulture'):

- i. the precinct provisions restrict grazing in Sub-precinct A to sheep in order to protect the slopes of the cone; and
- ii. in recognition of the fact that nursery activities occur in Sub-precincts F and G, horticulture is made a permitted activity.

The main differences between the Cornwall Park Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of a comprehensive suite of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional assessment criteria and discretion matters.

Provisions are both more restrictive and more enabling than those provided for by the zones, but are appropriate for the precinct. Activity status and development control provisions are generally more permissive; land use controls are generally more restrictive.

Council's review of, and conclusions on, relevant submissions is included in Ms Katrina David's planning evidence in chief and rebuttal which drew upon the technical evidence of a number of other Council witnesses (and particularly Mr Robert Brassey on historic heritage, and Mr Alastair Jamieson on geology and outstanding natural features).

Cornwall Park Trust Board's overall submissions are contained in the planning evidence in chief and Summary Statement of Mr Mark Vinall which relied upon the technical evidence in particular of Dr Bruce Hayward (geoheritage), Dr Rod Clough (archaeology) and Ms Rachel de Lambert (landscape and visual).

4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the principal submitter, Cornwall Park Trust Board; the sub-precinct boundaries proposed by the Board; and miscellaneous consequential and other minor amendments to the provisions for the reasons set out in section 1.3 above.

5. Reference documents

080 Ak Cncl - Joint rezoning Statement (C Stewart, A Reidy, L Deverall, J Cox) - Planning - Attachment D2 (4 December 2015)

080 Ak Cncl - Observatory and Cornwall Park (K David) - Planning (4 December 2015)

080 Ak Cncl - Public Open Space - Observatory and Cornwall Park (K David) - Planning - REBUTTAL (27 January 2016)

032 - Hrg - 8 - (Heritage) - Robert Brassey - REBUTTAL (11 September 2015)

019 - Hrg - Auckland Council (Alastair Jamieson) Geological/Planning - ONFs (22 July 2015)

080 Cornwall Park Trust Board (R de Lambert) - Landscape and Visual (19 December 2015)

080 Cornwall Park Trust Board (M Vinall) - Planning (22 December 2016)

080 Cornwall Park Trust Board (B Hayward) - Geology (19 December 2015)

080 Cornwall Park Trust Board (R Clough) - Heritage (22 December 2016)

080 Cornwall Park Trust Board (R de Lambert) - Landscape and Visual (19 December 2015)

311 Ellerslie 1 Precinct

1. Summary of recommendations

The Panel supports the precinct with three main amendments to the provisions that address the remaining matters to be decided after hearing from the Council and the two submitters that attended the hearing.

This precinct was heard in Topic 081.

2. Precinct description

The Ellerslie 1 precinct applies to 6.0974ha of land within the Auckland Racing Club's Ellerslie Racecourse. The land, most of which is not used for racing purposes, is south of the racetrack and fronts onto Morrin Street.

The purpose of the precinct is to allow urban residential living that is comprehensively planned, capitalises on the park-like setting of Ellerslie Racecourse, and is complementary to the surrounding residential environment. The area is suited to residential intensification due to the high visual and recreational amenity offered by the racecourse and the proximity of the land to Ellerslie town centre and to Greenlane and Ellerslie train stations. The precinct also provides for intermittent activities associated with the Ellerslie Racecourse, and enables a limited range of commercial and community activities.

Buildings of between four and eight storeys are provided for in the precinct. The controls on building height and use are progressively more restrictive towards the eastern side of the site to achieve a transition from the racecourse grandstand through to the adjacent established residential area. Other features that contribute to the amenity of the precinct and the surrounding area which are to be retained and enhanced include:

- i. open space with densely planted trees located on the southern part of the site and adjoining Morrin Street;
- ii. linkages and routes into and through the precinct to the Ellerslie Racecourse; and
- iii. sightlines from the public grandstand and visual connections into the Ellerslie Racecourse from the local road network.

The zoning for sub-precincts A, B and C is Residential - Terrace Housing and Apartment Buildings Zone and for sub-precincts D and E is Residential - Mixed Housing Suburban Zone.

3. Key issues

The key issues at the hearing related to the sightline rule, the indicative roading layout and the height in relation to boundary rule.

At the hearing The Ellerslie Stables Precinct Limited was represented by Mr Kit Littlejohn and Ms Kim Hardy and the Auckland Racing Club (the Club) by Mr Daniel Minhinnick, Mr Vijay Lala and Ms Rachel de Lambert. Ms Tania Richmond provided advice for the Council.

The Panel supports the precinct for this site in providing for comprehensive residential development that acknowledges the park-like feature of the racecourse and its proximity to the Ellerslie town centre and the Greenlane and Ellerslie train stations.

The sightline rule is intended to ensure an unobstructed line of sight from the Club's grandstand to the 2400m line on the racecourse. Ms Hardy considered the provision in the Plan further following the hearing by arranging a survey of the sightline and providing that information and revised wording of the rule to the Panel. The Panel is however of the view that this information and wording does not provide the certainty required of rules and would need to include or refer to a standard or specification to do so. The sightline is to be maintained and should there be a proposal that impacts on it then the merits of that proposal can be assessed as part of an application for resource consent. That approach will provide flexibility in building design while providing certainty that the sightline will be appropriately maintained. The Panel agrees with Ms Richmond and Mr Lala and accepts the rewording presented by the Council.

The amendment to the assessment criterion relating to the indicative roading layout is to make it clear that a variation to the roading layout may be acceptable. The extent of such variation will be a matter to be considered at the time of an application. The amendment to the height in relation to boundary rule will clarify that it is intended to manage the effects of development on residential-zoned sites in sub-precincts D and E and on the wider precinct boundaries and is not to apply within the other sub-precincts.

The Panel agrees with these two amendments for the reasons stated above.

Otherwise a number of amendments are made to the provisions for clarity. These amendments do not alter the intent of the provisions.

4. Panel recommendations and reasons

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions as amended by Council, largely in agreement with submitters, in response to the submissions are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

The sightline rule is amended to read:

4.10 Sightline from the existing grandstand to 2400m start chute

No part of any building can extend north-east of the sightline from the public grandstand to the 2400m line as shown in the precinct plan 2.

The assessment criterion relating to the indicative roading layout is amended to read:

1. Design and layout
 - a. Development should be in general accordance with the precinct plan 2. Variations to the roading layout may be acceptable as part of a comprehensive masterplan that demonstrates positive urban design outcomes.

The height in relation to boundary rule is amended to read:

- 4.3 Height in relation to boundary
2. Where separated from residential zoned land outside sub-precincts A, B and C by a public or private road:
 - a. The maximum allowable building height shall not extend through a recession plane of 6m plus 45 degrees measured from the nearest public or private road boundary which provides frontage or access to residential zoned land outside sub-precincts A, B and C on its opposite side, provided that the measuring point at the eastern end of sub-precinct B shall be the private road boundary or the building line shown on sub-precinct plan 2, whichever is the more restrictive.

5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) Attachment E, p 8

[081e Ak Cncl - Central - Precincts \(Ellerslie 1\) - \(J Styles\) – Acoustics -LATE](#) (25 February 2016)

[081e Ak Cncl - Central - Precincts \(Ellerslie 1 and 2\) - \(T Richmond\) - Planning](#) (26 January 2016)

[081e Ak Cncl - Central - Precincts \(Ellerslie 1 and 2\) - \(T Richmond\) - Planning - Supplementary statement](#) (27 April 2016)

[081e Ak Cncl - Central - Precincts - \(Ellerslie 1 and 2\) - \(T Richmond\) - Planning - REBUTTAL](#) (25 February 2016)

The Ellerslie Stables Precinct Limited

[081 The Ellerslie Stables Precinct Limited \(K Hardy\) - Planning](#) (15 February 2016)

[081 The Ellerslie Stables Precinct Limited \(K Hardy\) - Planning - Summary Statement](#) (31 March 2016)

[081 The Ellerslie Stables Precinct Limited \(K Hardy\) – Planning - Response to panel question](#) (13 April 2016)

Auckland Racing Club

[081 Auckland Racing Club \(Rachel De Lambert\) - Expert](#) (11 February 2016)

[081 Auckland Racing Club \(Vijay Lala\) - Planning](#) (11 February 2016)

[081 Auckland Racing Club \(V Lala\) - Planning - REBUTTAL](#) (1 March 2016)

312 Ellerslie 2 Precinct

1. Summary of recommendations

The Panel supports the precinct with some amendments to the provisions that address matters raised by the submitter and the remaining matters to be decided after hearing from the Council and the submitter at the hearing.

This precinct was heard in Topic 081.

2. Precinct description

The Ellerslie 2 Precinct is located in the south western corner of the Ellerslie Racecourse, bordered by the southern motorway and an avenue of phoenix palms, which is part of the main entrance to the racecourse. The land contains a mixture of pervious and impervious surfaces and was once frequently used for parking in conjunction with race meetings.

The purpose of the precinct is to provide for a limited range of mixed uses that complement existing land uses to the north-west of the precinct and do not compromise the economic vitality of the neighbouring Ellerslie town centre.

There are three sub-precincts:

- i. Sub-precincts A and B introduce variations in land use and design development controls from the underlying Business - Mixed Use Zone that manage the built form, limit the range of activities and protect landscape values.
- ii. Sub-precinct C manages the formation and public use of a private road for through access.

The zoning of land within this precinct is Business - Mixed Use Zone.

3. Key issues

The precinct for this land was not contested through submissions. It is agreed by the Panel as being warranted on the basis that it provides for specific activities of the Auckland Racing Club along with variations to some of the associated controls. The key issues at the hearing related to three remaining differences between the Council and the Auckland Racing Club.

Mr Vijay Lala appeared for Auckland Racing Club and supported amendments being made to Policy 4(c) to refer to “standard engineering standards” rather than “any relevant codes of practice or engineering standards”. Ms Tania Richmond for the Council remained of the view that reference to such codes is appropriate. The Panel finds that a minor amendment to the policy to be more specific regarding ‘relevant’ engineering standards maintains the policy while giving reasonable cognisance to the concern of Auckland Racing Club.

The Panel agrees with Auckland Racing Club that car parking should be provided for as a permitted activity and need not be limited to only being permitted when associated with events in the precinct. The Panel acknowledges that could allow public car parking within the precinct but does not see that as a difficulty. Both Mr Lala and Ms Richmond

acknowledged parking has occurred within the precinct area over many years without creating adverse effects.

The Panel agrees with the evidence of Ms Richmond in relation to the extent of the lava caves beneath part of the site. That wider area for the lava caves is as shown on the Outstanding Natural Features Overlay in the Plan and there is no sound reason to override that overlay to provide for a lesser area as part of the precinct.

Other amendments are made to address best practice matters that the Panel seeks across the Plan and to improve the clarity of the provisions.

4. Panel recommendations and reasons

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions, as amended in response to the submissions, are the most appropriate way to achieve the purpose of the precinct, the Regional Policy Statement and the Resource Management Act 1991.

Policy 4(c) is amended to read:

Requiring pedestrian footpaths/routes linking with existing footpaths to be designed and constructed in accordance with any relevant codes of practice or any relevant engineering standards to provide continuous and integrated access with the existing and vested road connections; and

The activity table is amended by:

“Car parking associated with events in the Ellerslie Racecourse Precinct” being amended to “Car parking” as a permitted activity in each of the sub-precincts.

5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) Attachment E, page 8

[081e Ak Cncl - Central - Precincts \(Ellerslie 1 and 2\) - \(T Richmond\) - Planning](#) (26 January 2016)

[081e Ak Cncl - Central - Precincts \(Ellerslie 1 and 2\) - \(T Richmond\) - Planning - Supplementary statement](#) (27 April 2016)

Auckland Racing Club

[081 Auckland Racing Club \(Rachel De Lambert\) - Expert](#) (11 February 2016)

[081 Auckland Racing Club \(Vijay Lala\) - Planning](#) (11 February 2016)

[081 Auckland Racing Club \(V Lala\) - Planning - REBUTTAL](#) (1 March 2016)

314 Epsom Precinct

1. Summary of recommendations

The Panel supports this precinct and notes both Council and the University of Auckland have agreed that a precinct is appropriate for this land.

The Panel agrees with the University of Auckland and the Council that, noting in particular the size and location of the site, this precinct represents a significant opportunity in the context of Auckland's broader intensification objectives.

In relation to the zoning of the land and the precinct provisions the Panel has preferred the approach of the University of Auckland to that of the Council. The Panel recommends a zoning of Residential – Terrace Housing and Apartment Buildings Zone for the majority of the site with Residential – Mixed Housing Suburban zoning for portions of the site that are either height-sensitive (north-western edge of the site) or are essentially standalone sites on Epsom Avenue physically separate from the majority of the site.

This precinct was heard in Topic 080.

2. Precinct description

The Epsom Precinct covers an 8.48 hectare site at 74 Epsom Avenue, Epsom. The purpose of the precinct is to enable the continued development and operation of a range of education-focussed activities until such time as the University of Auckland exits this campus and sells the property. At that time it is proposed that land would be available for redevelopment for residential purposes.

The Epsom campus was acquired through the University of Auckland's merger with the Auckland College of Education in 2004. The land is in the final stages of being transferred into University of Auckland's ownership and the evidence presented to the Panel advised that the cessation of tertiary activity at Epsom Campus is currently scheduled to occur in 2021.

3. Key issues

The University of Auckland was the only submitter in relation to this precinct. The Panel noted that there was considerable agreement on the specific provisions to be included within the precinct. The zoning of the site was the key issue in contention.

Council and University of Auckland agreed that the underlying zoning should provide for residential intensification. The areas of disagreement related to:

- i. whether the underlying zone should be primarily Residential - Terrace Housing and Apartment Buildings Zone (University of Auckland position) or primarily Residential - Mixed Housing Suburban Zone (Council position); and
- ii. whether additional height should be provided for on the site.

The Panel agreed with the evidence of Mr Karl Cook and his conclusion (in paragraph 12–13):

That the proposed Residential - Terrace Housing and Apartment Buildings Zoning will best achieve the objectives and policies because the land is close to the Mount Eden Town Centre and the frequent bus service networks on Mount Eden Road and Manukau Road and is adequately serviced by network utilities. Further, it would best enable a form of development on the land that would facilitate the retention of the substantial trees as opposed to a more conventional suburban pattern of subdivided lots or terraced housing.

The Residential - Mixed Housing Suburban Zoning proposed for the two fingers of campus land adjoining Epsom Avenue best achieves the objectives for the zone due to the emphasis on buildings addressing the street, positively responding to the site and its context, and complementing the neighbourhood's planned suburban built character of predominantly one-two storey buildings, in a variety of forms and a generally spacious setting. (Paragraph 12-13.)

The Panel considered that the underlying zone provisions as modified by the precinct provisions will ensure that any adverse effects arising from any future redevelopment within the precinct can be appropriately managed. In particular the size and shape of the site enables greater height limits to be provided for the portions of the site at least 20 metres from site boundaries.

The Panel does not agree with the Council that the Residential - Terrace Housing and Apartment Buildings zoning within this precinct would represent a significant departure from the Council's rezoning principles. A Residential - Terrace Housing and Apartment Buildings Zone in this location is consistent with the urban rezoning principles that have been recommended by the Panel on a region-wide basis.

Overall the large size of this site, strategically located between Mount Eden and Manukau Roads and within 1.5km of Newmarket and 5km from the Central Business District, provides a significant opportunity to enable residential intensification to give effect to the regional policy statement and the purpose of the Resource Management Act 1991.

In relation to the remaining precinct provisions that were in contention they essentially came down to how activities accessory and complementary to tertiary education facilities are to be provided for within the precinct. Consistent with the approach the Panel has recommended in relation to other tertiary education precincts, the Panel has provided for accessory activities but not complementary activities.

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and more minor changes are made to the provisions to improve their functionality and for clarity.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Epsom Precinct, as largely agreed by the University of Auckland and by Council, be adopted. Once amended further by best practice approaches, as outlined above, these provisions are considered the most appropriate way to achieve the purpose of

the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

[080 University of Auckland - Epsom Campus \(K Cook\) - Planning](#) (18 December 2015)

315 Gabador Place Precinct

1. Summary of recommendations

The Panel recommends that the precinct be confirmed to enable a range of port and non-port related activities, but that it does not include an overlay preventing the establishment of people-intensive activities within a 500 metre buffer zone outside the precinct in order to better enable the use of land within the precinct for the storage of hazardous bulk liquids.

This precinct was heard in Topic 080. The Panel notes this was also heard at Topics 033 and 034 Coastal and 039 Hazardous Substances. The Panel's report on Topic 039 addresses Hazardous Facilities – Sensitive Activity Restriction. (See Report to Auckland Council – Hearing topic 039 Hazardous substances July 2016.)

2. Precinct description

The land and coastal marine area at Gabador Place, Mt Wellington, on the Tāmaki River, is used for a variety of marine and port activities, including boat dry stack, boat building and travel lifts, and the handling and transferring of bulk liquids (including hazardous substances) and sand and shingle. Commercial and private vessels regularly use the Tāmaki River to access the boat dry stack and boat building yards and to transport chemicals, sand and gravel by barge to the wharves located at the Gabador Place facility.

The precinct provides for the integrated and efficient operation and development of the Gabador Place Precinct by providing for the operation, development, and expansion of marine and port activities. This provides integrated management across the land and coastal marine area as these activities are anticipated in the Coastal - Minor Port Zone for the coastal marine area.

The precinct also provides for other compatible industrial activities to allow greater flexibility in maintaining efficient use of the land. The precinct restricts some activities that would otherwise be provided for in the Business - Light Industry Zone, in order to retain land for marine and port activities and to minimise reverse sensitivity effects.

The underlying zoning of land within this precinct is Business - Light Industry Zone. The underlying zoning of the coastal marine area within this precinct is Coastal - Minor Port Zone.

3. Key issues

The key outstanding issue was whether the precinct should include an overlay preventing the establishment of people-intensive activities within a 500 metre buffer zone outside the precinct in order to better enable the use of land within the precinct for the storage of hazardous bulk liquids.

4. Panel recommendations and reasons

Ports of Auckland Limited and Stolthaven Australia Propriety Limited sought a new precinct for land at Gabador Place, Mt Wellington.

In its original submission, Stolthaven Australia Propriety Limited sought that the precinct establish an overlay preventing the establishment of people-intensive activities within a 500 metre buffer zone outside the precinct in order to better enable the submitter to use land within the precinct for the storage of hazardous bulk liquids. The submitter supported the proposal for a new precinct, as included in the evidence in chief of Ms Coombes, planner for the Council.

Stolthaven Australia Propriety Limited also sought the risk overlay through its submission on Topic 039 Hazardous Substances and Industrial and Trade Activities. It further sought that, should the risk overlay be agreed, the precinct provisions refer to and support the overlay. The Council opposed this request at the hearing on Topic 039 and continued to oppose it at the hearings on precincts. Mr Schaffoener, for the Council in relation to this Topic 080 Rezoning and Precincts, said in his evidence that while he did not oppose the principle of a risk overlay, the area sought is not supported or justified by any risk assessment, and is therefore both arbitrary and potentially excessive.

Stolthaven Australia Propriety Limited, which did not appear at the 080 hearing, had lodged additional evidence but this did not advance its evidence with respect to supporting the 500m exclusion zone for sensitive activities. Ports of Auckland Limited's expert planner (Mr Arbuthnot) stated that while there was merit in the approach, there was insufficient information to determine the extent of the overlay therefore it should not be included. The Council agreed with this position. The Panel also agrees for the same reasons.

The Panel also notes that Ports of Auckland Limited, which owns the land where the Stolthaven Australia Propriety Limited activity takes place, agrees that further analysis would be required on the implications of any overlay before one could be imposed. This is set out in the evidence of Mr Arbuthnot (paragraphs 6.1-6.4) for Ports of Auckland Limited.

The Panel understands the concerns raised by Stolthaven Australia Propriety Limited in relation to the future of its Gabador Place facility, and the need to balance its ongoing requirements for a site where it can continue to operate (both in terms of operational constraints and with respect to risk) against the needs of adjoining or nearby land uses. However for the reasons set out above the Panel is not recommending the inclusion of the requested overlay.

Notwithstanding the above, the Council advised in its legal submissions that:

Council's response to the relief sought by Stolthaven through the Plan hearings process does not mean that Council is opposed to a bulk liquid facility being located within the Auckland region, or at this site. The Council will, outside of the Plan hearings, work with the industry to identify opportunities to further explore and address the matters raised by Stolthaven, as well as those raised by other parties.

Stolthaven is currently a participant in the reference group associated with the Ports Future Study which Council has commissioned. All relevant stakeholders, including Stolthaven, will be invited to participate in any other such processes where relevant. (Paragraphs 11.9, 11.10.)

In addition to the matters addressed, Ms K Baverstock, expert planner for Stolthaven Australia Propriety Limited, sought some amendments to the precinct for 'entertainment

facilities' and 'education facilities' not otherwise provided for, which would be discretionary activities in accordance with the underlying zone provisions. Ms Baverstock considers that these activities should be elevated from discretionary (in the Business - Light Industry Zone) to non-complying in the more specific precinct provisions. This would be consistent with the stated intention of limiting 'people-attracting' activities that could create reverse sensitivity effects on existing uses. Ms Coombes agreed with Ms Baverstock and considers that the precinct should be amended as sought. The Panel supports these changes and these have been included in the precinct provisions recommended by the Panel.

The evidence in chief and evidence in rebuttal of Ms Clarke, expert planner for the Council, addressed two particular issues regarding the proposed precinct provisions – coastal hazards and flood hazards. Her rebuttal evidence recorded the areas where the parties are now agreed, and where they remain apart in relation to those two issues. Mr Blackburn's evidence (for the Council) responded to a proposal by Ports of Auckland Limited for inclusion in the precinct of 'bespoke' industrial and trade activity provisions, and associated discharge provisions. Mr Blackburn saw no reason why Ports of Auckland Limited should have reduced obligations in respect of these matters compared to others who are carrying out industrial and trade activities, when Ports of Auckland Limited's activities have been assessed as having a similar level of risk and of contaminants of concern.

Mr Arbuthnot (at paragraphs 5.8 -5.13 of his evidence) advised that Ports of Auckland Limited was no longer pursuing bespoke provisions in respect of its industrial and trade-related activities at Gabador Place. Ports of Auckland Limited is still seeking bespoke provisions for its activities more generally, and this is being addressed as part of the wider issues regarding industrial and trade activities.

The Council supports Ports of Auckland Limited's proposal for the inclusion of a new precinct for Gabador Place, to be named the Gabador Place Precinct. The reasons for Council's support are set out in the evidence in chief of Ms Coombes and Ms Clarke. Again the Panel agrees with Council's position and the reasons set out in its evidence.

The Panel supports the amended precinct provisions as set out in Attachment A to Ms Coombes' evidence in rebuttal.

5. Reference documents

Auckland Council

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) - Planning](#) (4 December 2015)

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) - Planning - REBUTTAL](#) (27 January 2016)

[080 Ak Cncl - Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place \(N Schaffoener\) - Hazardous Substances](#) (3 December 2015)

080 Ak Cncl - Onehunga 3 new (Port of Onehunga), Mt Wellington 1 new (Ports of Auckland, Gabador Place) - (L Clarke) - Planning (4 December 2015)

080 Ak Cncl - Onehunga 3 new (Port of Onehunga), Mt Wellington 1 new (Ports of Auckland, Gabador Place) - (L Clarke) - Planning - REBUTTAL (27 January 2016)

080 Ak Cncl - Onehunga 3 new (Port of Onehunga), Mt Wellington 1 new (Ports of Auckland, Gabador Place (L Blackburn) - ITA's (16 February 2016)

080 Ak Cncl - Legal submissions (Coastal) (16 February 2016)

Submitters

080 Ports of Auckland (M Arbuthnot) - Planning (19 December 2015)

080 Stolthaven Australia Propriety Ltd (K Baverstock) - Planning (19 December 2015)

316 Grafton Precinct

1. Summary of recommendations

The Panel supports this precinct and notes both Auckland Council and the University of Auckland have agreed that a precinct is appropriate for this land and have also agreed on the wording of the precinct provisions.

This precinct was heard in Topic 080

2. Precinct description

The Grafton Campus land includes 85 Park Road as 'the Main Campus'; 41 and 53 Park Road as 'the Park Road blocks'; and 2-6, 8 and 22-30 Park Avenue as the 'Park Avenue blocks.'

The purpose of the Grafton Precinct is to enable the development and operation of a range of tertiary education and accessory activities, including teaching and research, and catering for the diverse requirements of the student population, employees and visitors. Community use of the facilities is also provided for, including the Auckland District Health Board (Auckland City Hospital) use of the MRI unit and mortuary.

3. Key issues

The zoning of the land within the Grafton Precinct was agreed between the Council and the University of Auckland. The Grafton Residents Association and Martin L Dickson sought that the zoning of the University of Auckland's site does not affect the historic heritage character of Grafton. The Panel agrees with the Council that the proposed zoning does not affect the Council's ability to recognise and protect Grafton's heritage values.

The Panel recommends that the land within the Grafton Precinct be zoned Business - Mixed Use Zone for the main campus, Residential - Terrace Housing and Apartment Buildings Zone for the Park Avenue land and Business - Local Centre Zone for the Park Road land as agreed by Council and the University of Auckland.

The Panel noted that there was agreement between the Council and the University of Auckland on the specific provisions to be included within the precinct.

A number of changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan, including the removal of provisions duplicated by the zoning, and more minor changes are made to the provisions to improve their functionality and for clarity.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Grafton Precinct, as largely agreed by the University of Auckland and by Council, be adopted. Once amended further by best practice approaches outlined above

these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

080 Ak Cncl – Mt Albert 2 sub-precinct A and B; Lincoln sub-precinct A and B; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 (joint statement) - Planning (3 December 2015)

080 Ak Cncl - Public Open Space, Tertiary (excl Wairaka), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS (18 March 2016)

081e Ak Cncl - Central - Rezoning - City Centre Fringe - (P Ampanthong, H Scott) - Planning (28 January 2016)

Submitters

080 Grafton Residents Association (J Wilkinson) (19 December 2015)

080 Martin L Dickson (21 December 2015)

080 University of Auckland - Grafton Campus (K Cook) - Planning (19 December 2016)

080 University of Auckland – Grafton Precinct (K Cook) – Planning – Supplementary Evidence – final proposed revisions – Post hearing (1 March 2016)

317 Hillsborough Precinct

1. Summary of recommendations

The Panel supports a precinct as generally proposed by Council and the principal submitter, The Selwyn Foundation.

This precinct was heard in Topic 080.

2. Precinct description

The Hillsborough Precinct is located between the Three Kings and Royal Oak Town Centres. It is bound by Korma Road in the north, Queenstown Road in the east, Herd Road in the south, and adjoins Monte Cecilia Park along the western boundary. The precinct area has a southern aspect overlooking the Manukau Harbour, and enjoys north easterly views to One Tree Hill.

The purpose of the precinct is to provide for retirement village development. The precinct provisions acknowledge the significance of the amenity and outlook from the adjacent Monte Cecilia Park, through suitable building setbacks, controls on building heights and provision of viewshafts across the site, tree protection, access and heritage.

Sub-precinct A provides for greater building heights to enable more intensive retirement village development on the site. It enables taller building heights to be located within the inner core of the site. Sub-precinct A also identifies the location of the future building platforms.

Sub-precinct B provides for the protection of the physical/archaeologic remains of this access, the former alignment and the gate posts at the Pah Road frontage, while providing for development within the existing building platforms up to the permitted building height for the zone.

The zoning of land within this precinct is Residential - Mixed Housing Urban Zone.

An agreed list of identified trees for protection is included.

3. Key issues

The key remaining issue of difference between Council and The Selwyn Foundation relates to the latter's translation of the original RL-based plan into equivalent metres in height; and whether the general retirement village assessment criteria for restricted discretionary activities should be modified.

On the first matter, Council was concerned that no information was provided as to the basis for that conversion and therefore preferred to return to the RL-based plan, which it accepted.

While the Panel has a preference for building heights in metres to be shown on plans, in this instance it agrees with Council to adopt the RL-based precinct plan.

On the second matter, the Panel agrees with Council that the generic list of restricted discretionary activity assessment criteria for retirement villages should apply in the absence of compelling reasons to the contrary, and such were not advanced, in addition to specific new criteria.

The main differences between the Hillsborough Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of a tailored set of objectives and policies;
- ii. additional activity and development controls – including tree trimming and protection provisions; and
- iii. additional matters of discretion and assessment criteria.

Council's review of and conclusions were included in Ms Sukhdeep Singh's planning evidence in chief and rebuttal.

The Selwyn Foundation's overall submissions are contained in the planning evidence in chief of Mr Craig McGarr.

4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the principal submitter, The Selwyn Foundation, with the exception of the matters noted above, for the reasons set out in section 3 above.

5. Reference documents

Auckland Council

[080 Ak Cncl - Hillsborough precinct, Selwyn Care retirement villages \(S Singh\) - Planning](#) (7 December 2015)

[080 Ak Cncl - Retirement Village - Selwyn Foundation \(S Singh\) - Planning - REBUTTAL](#) (28 January 2016)

[080 The Selwyn Foundation \(C McGarr\) - Planning](#) (19 February 2016)

318 Monte Cecilia Precinct

1. Summary of recommendations

The Panel supports a modified precinct for Pah Homestead, but not including Monte Cecilia Park.

This precinct was heard in Topic 080.

2. Precinct description

The Monte Cecilia Precinct is located halfway between Three Kings and Royal Oak. It is situated in the middle of a large block between Mount Albert and Herd Roads to the north and south and between Hillsborough and Queenstown Roads to the west and east.

The precinct as notified comprised two sub-precincts: Monte Cecilia Park Sub-precinct and Pah Homestead Sub-precinct. Specific controls apply to each sub-precinct to recognise and manage the individual characteristics within these areas. The precinct has specific controls relating to artworks, arts and cultural activities, earthworks, tree alteration and a variety of other activities.

Monte Cecilia Park is an area of exceptional heritage value to the immediate area and within the wider Auckland region.

The purpose of the precinct as notified is to protect the heritage and landscape qualities of Monte Cecilia Park and the Pah Homestead, while enabling its use for arts and cultural activities, as well as conferences, meetings and functions. The rules of the precinct are intended to provide for such activities so long as the park's heritage values are maintained as a priority.

The Monte Cecilia Precinct is zoned Open Space - Conservation Zone.

3. Key issues

No submissions were received on this precinct.

The two key issues for Council were:

- i. the need for the Monte Cecilia Park Sub-precinct in view of the overlay and associated provisions which manage historic heritage and notable trees; and
- ii. whether to include in the precinct the Monte Cecilia School site, which is now owned by Council and, specifically, the Pah Homestead Sub-precinct.

Council considered it advisable to retain the Monte Cecilia Park Sub-precinct, minus the provisions that are already managed by the relevant overlays, and to incorporate the school site. Further amendments to the Pah Homestead Sub-precinct provisions were recommended in Ms Juliana Cox's rebuttal evidence following discussion with the Pah Homestead lessee, James Wallace Arts Trust.

Having reviewed Ms Cox's evidence the Panel agrees that the overlay, Auckland-wide and zone provisions will appropriately manage the core values of historic heritage and trees, but does not agree that the sub-precincts are so interdependent that they should both continue. Accordingly the Panel recommends that the Monte Cecilia Park Sub-precinct be deleted and the precinct provisions modified in consequence.

The main differences between the Monte Cecilia Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a tailored set of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional matters of discretion and assessment criteria.

Council's review of and conclusions were included in Ms Juliana Cox's planning evidence in chief and rebuttal (dated December 2015 and January 2016 respectively).

4. Panel recommendations and reasons

For the reasons set out above, the Panel:

- i. supports a modified precinct for the Pah Homestead to include the Monte Cecilia School site;
- ii. does not support a sub-precinct for Monte Cecilia Park and recommends its deletion; and
- iii. recommends the changes generally proposed by Council for Pah Homestead, with minor amendments for consistency with the Plan.

5. Reference documents

Auckland Council

[080 Ak Cncl - Public Open Space - Regional Parks, Monte Cecilia, Waitemata Gun Club, Mt Wellington 5 \(J Cox\) - Planning \(7 December 2015\)](#)

[080 Ak Cncl - Public Open Space - Regional Parks, Monte Cecilia, Waitemata Gun Club, Mt Wellington 5 \(J Cox\) - Planning - REBUTTAL \(29 January 2016\)](#)

320 Mount Albert 2 Precinct

1. Summary of recommendations

The Panel supports the Mount Albert 2 Precinct. The Panel notes that the only submissions received to this precinct were from the Auckland Council and that the only evidence lodged in relation to this precinct was from the reporting planners.

This precinct was heard in Topic 080.

2. Precinct description

The Mount Albert 2 precinct covers the site currently occupied by the Auckland Institute of Studies St Helens, a tertiary education facility. The St Helens campus is located on Linwood Avenue in Mount Albert adjacent to the Chamberlain Park Golf Course and established residential areas.

The purpose of the precinct is to provide for tertiary education and accessory activities of a scale and intensity compatible with the surrounding residential and open space zones.

The precinct is separated into two sub-precincts. Sub-precinct A applies to the established built out area of the site, and therefore does not anticipate additional development outside of existing building platforms. Sub-precinct B provides for future development while controlling its location and scale, in order to protect the amenity values of Chamberlain Park Golf Course and the surrounding residential area.

The underlying zoning of land within this precinct is Residential – Mixed Housing Suburban Zone.

3. Key issues

The Panel has accepted the tracked changes recommended in the evidence presented on behalf of the Council, noting that these provisions were not contested. A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity. None of these changes alter the agreed intent of the precinct provisions.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Mount Albert 2 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

080 Ak Cncl – Mt Albert 2 sub-precinct A and B; Lincoln sub-precinct A and B; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 (joint statement) - Planning (3 December 2015, page 18)

080 Ak Cncl - Legal Submissions (POS, Tertiary and Other zones) (15 February 2016) (Page 17, paragraph 5.1)

322 Mount Wellington 5 Precinct

1. Summary of recommendations

The Panel generally supports the provisions of the Mount Wellington 5 Precinct, as proposed by Auckland Council, with the exception of making special allowance for netball activities. The precinct provisions recommended by the Panel have been modified to incorporate this matter reflecting the Panel's position on the Open Space - Sport and Active Recreation Zone, and to improve their functionality and clarity.

This precinct was heard in Topic 080.

2. Precinct description

The Mount Wellington 5 Precinct occupies 7.5 hectares of land containing a large, purpose-built sports centre. The centre is used predominantly for netball activities and was the subject of Environment Court consent order 1049/00 in August 2004. This precinct seeks to maintain this site for the purposes of organised sport and recreation, and, in particular, netball activities. This precinct is within the Open Space - Sport and Active Recreation Zone.

3. Key issues

During the hearing on the Mount Wellington 5 Precinct, it was submitted that all parties were in agreement with the precinct provisions proposed by the Auckland Council. The Council based the agreed version of the provisions on a precinct format developed for major recreation facilities.

The Panel generally supports this agreed position. While the Panel agrees that enabling this precinct to host organised sport and recreation activities is important for the well-being of the community, it does not consider that there is any resource management justification to make a special allowance for netball activities. Referring more broadly to organised sport and recreation activities provides precinct operators with the flexibility to ensure efficient use is made of this physical resource.

The Panel acknowledges the long-standing use of this site for organised sport and recreation activities and supports adopting the concept plan provisions in the operative district plan which specify the location of playing areas and buildings. Provision is also made within the precinct to weatherproof hard court areas in the future.

4. Panel recommendations and reasons

Having regard to all the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, the Panel agrees that the provisions of the Mount Wellington 5 Precinct, as proposed by the Council, are generally the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991. The precinct provisions recommended by the Panel have been modified to incorporate the above matters, to reflect the Panel's position on the Open Space - Sport and Active Recreation Zone, and to improve their functionality and clarity.

5. Reference documents

Auckland Council

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\)](#) (15 February 2016)

[080 Ak Cncl - Public Open Space - Regional Parks, Monte Cecilia, Waitemata Gun Club, Mt Wellington 5 \(J Cox\) - Planning](#) (7 December 2015)

Submitters

[080 Auckland Netball Centre Inc \(D Serjeant\) - Planning - LATE](#) (23 December 2015)

323 Observatory Precinct

1. Summary of recommendations

The Panel supports a precinct as generally proposed by Council and the Auckland Observatory and Planetarium Trust Board.

This precinct was heard in Topic 080.

2. Precinct description

The Observatory Precinct includes both the Auckland Observatory and Planetarium (Stardome) located within One Tree Hill/Maungakiekie Domain.

The purpose of this precinct is to provide for the ongoing use and development of the observatory and planetarium. The precinct enables a range of activities that enhance the operation, use and enjoyment of these facilities and manages effects on the heritage values and landscape character of One Tree Hill/Maungakiekie Domain.

The land within the precinct is scheduled:

- i. within the Historic Heritage Overlay as part of the extent of place identified for the One Tree Hill/Maungakiekie Domain;
- ii. within the Volcanic Viewshafts and Height Sensitive Areas Overlay; and
- iii. as an outstanding natural feature in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, as part of the outstanding natural feature identified for the One Tree Hill/Maungakiekie Domain.

The land within this precinct is zoned Open Space – Informal Recreation Zone.

3. Key issues

The key issues of difference between Council and the Auckland Observatory and Planetarium Trust Board related to the relief sought that the precinct should not be subject to the underlying zone development controls, should be exempt from the zone's gross floor area control of 100m², and should include a two-step maximum building height in areas A and B of 9m and 3m respectively. Auckland Council opposed these proposals.

The Auckland Observatory and Planetarium Trust Board's reasons included the fact that existing buildings already exceed that gross floor area. The board instead proposed a maximum building coverage rule of 50 per cent (accepted by Council), and a stepped approach to height based on the rising slope of the ground such that views to Maungakiekie are not impeded.

The Panel agrees with the submitter that the zone development controls are unnecessary as they are otherwise substituted by the standards proposed with the exception of maimai controls (which do not apply).

The Panel agrees with the submitter that the gross floor area control is effectively redundant and is satisfied that the remaining controls (i.e. height and coverage in particular) are sufficient for the purpose.

With respect to the height proposition, the Panel notes that Council's concern will be met by the fact that the Volcanic Viewshafts and Height Sensitive Areas Overlay controls are not overridden by the precinct and will need to be satisfied regardless. Accordingly, the Panel accepts the merit of the proposed two-step height control.

The main differences between the Observatory Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a tailored set of objectives and policies; and
- ii. the additional activity and development controls.

A number of the amendments sought by the submitter – for example, for conference facilities as a permitted activity – are not required because of changes to the Plan provisions recommended by the Panel.

Council's review of, and conclusions on, relevant submissions is included in Ms Katrina David's planning evidence in chief and rebuttal (dated December 2015 and January 2016 respectively).

Auckland Observatory and Planetarium Trust Board's overall submissions are contained in the planning evidence in chief of Mr Mark Vinall (dated December 2015).

4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the principal submitter, Auckland Observatory and Planetarium Trust Board, with modifications and other minor amendments to the provisions for the reasons set out above.

5. Reference documents

Auckland Council

[080 Ak Cncl - Observatory and Cornwall Park \(K David\) - Planning](#) (4 December 2015)

[080 Ak Cncl - Public Open Space - Observatory and Cornwall Park \(K David\) - Planning - REBUTTAL](#) (27 January 2016)

[080 Auckland Observatory and Planetarium Trust Board \(M Vinall\) - Planning](#) (19 December 2015)

324 Ōkahu Bay Precinct

1. Summary of recommendations

The Panel recommends the deletion of part of the Coastal - Mooring Zone in Ōkahu Bay as sought by Ngāti Whātua Ōrākei, and that a precinct is introduced that prohibits moorings within the precinct within 12 months of the Plan becoming operative.

This precinct was heard in Topics 033 and 080.

2. Precinct description

Ngāti Whātua Ōrākei advised that Ōkahu Bay has special value and significance to them, and that the presence of mooring in the bay was adversely affecting their relationship with the area, the bay and coastal marine area. Ngāti Whātua Ōrākei requested that the mooring zone be removed and a precinct provided which prohibits moorings.

3. Key issues

Whether to delete part of the Coastal - Mooring Zone in Ōkahu Bay as sought by Ngāti Whātua Ōrākei, and whether a precinct should be introduced that prohibits moorings within the precinct within 12 months of the Plan becoming operative.

4. Panel recommendations and reasons

Ngāti Whātua Ōrākei sought to delete that part of the Coastal - Mooring Zone in Ōkahu Bay, and to introduce a precinct that prohibits moorings within the precinct within 12 months of the Plan becoming operative.

Ōkahu Bay has special value and significance to Ngāti Whātua Ōrākei. They advised the Panel that the presence of moorings in Ōkahu Bay impacts on those values, including the mauri of the water, kaimoana, cultural recreation use (waka ama), and visual effects on the outlook from the marae and ancestral lands.

The Panel acknowledges that these values are Part 2 Resource Management Act 1991 matters that need to be recognised and provided for.

Having heard the evidence from Ngāti Whātua Ōrākei and from the Council (supporting the removal of the moorings) the Panel agrees that the moorings should be removed from Ōkahu Bay. The issue before the Panel was the best method to achieve this from a planning perspective.

The evidence of Auckland Council suggested that the Coastal - Mooring Zone could remain, but the portion in Ōkahu Bay should have an objective, policy and rule that prohibits moorings in that part of the zone. The preference of Ngāti Whātua Ōrākei was the deletion of part of the zone and its replacement with a precinct with provisions that prohibit moorings in that precinct.

The Panel supports and recommends a precinct as requested by the submitter. A prohibition on moorings in a zone intended to enable moorings is not the appropriate

planning mechanism. As such, the Panel agrees that the creation of the Ōkahu Bay Precinct best achieves the promotion of the relationship of Ngāti Whātua Ōrākei with their ancestral land and waters by prohibiting moorings in the precinct from 12 months after the Plan is made operative.

The Council's Harbourmaster, Mr Moss, confirmed that the current moorings in that part of the zone to be deleted could all be relocated to that part of the mooring zone to be retained.

5. Reference documents

Auckland Council

[080 Ak Cncl - Mooring zone, Marina zone, Rowing & Paddling Precinct \(C Moss\) - Harbourmaster's opinion](#) (3 December 2015)

Ngāti Whātua Ōrākei Whai Maia Limited

[033 and 034 Hrg - Ngati Whatua Orakei Whai Maia Ltd - \(D Tamaariki\)](#) (3 March 2016)

[033 and 034 Hrg - Ngati Whatua Orakei Whai Maia Limited - \(Nicolas Roberts\) - Planning](#) (5 March 2016)

[033 and 034 Hrg - Ngati Whatua Orakei Whai Maia Ltd - Legal Submissions](#) (31 March 2016)

325 Ōkahu Marine Precinct

1. Summary of recommendations

The Panel recommends the retention of the precinct with some amendments to the precinct description as requested by the submitter. With respect to the parking provisions, the only key outstanding issue at the hearing, the Panel prefers the Council's position of excluding the Auckland-wide parking provisions due to wanting to enable a range of activities to occur in this area which is essentially public open space.

This precinct was heard in Topic 081.

2. Precinct description

The Ōkahu Marine Precinct is located at Ōkahu Bay, Tāmaki Drive. It covers an area of approximately 4.5 hectares, including both the coastal marine area and the adjoining land at Ōrākei Marina, the Ōkahu landing and Watene Reserve. The precinct was contained in the notified proposed Auckland Unitary Plan and the Council and submitter support its retention.

The precinct has three sub-precincts with the following underlying zonings:

- i. Sub-precinct A which applies to the Ōrākei Marina (including the coastal marine area and a cantilevered deck) and which has an underlying Coastal - Marina Zone;
- ii. Sub-precinct B which applies to the hardstand area adjacent to the Ōrākei Marina utilised for a mix of recreation and marine-related activities and which has an underlying Open Space-Sport and Active Recreation Zone; and
- iii. Sub-precinct B also applies to the boat ramp adjoining Ōkahu Landing and part of the coastal marine area. The area located below mean high water springs is zoned Coastal – General Coastal Marine Zone.
- iv. Sub-precinct C which applies over the Watene Reserve and provides for the overflow of trailer parking during peak periods. Sub-precinct C is zoned Open Space – Informal Recreation Zone.

The purpose of the precinct is to provide for marina, marine-related and recreational activities in an integrated manner across land and sea. Many of the marinas within the Plan contain a combination of Coastal - Marina Zone and a precinct to reflect local circumstances.

3. Key issues

There was only one key outstanding issue for this precinct at the hearing. This was the rule regarding car parking within the precinct.

In relation to the car parking rule, the notified precinct provisions excluded the

Auckland-wide rules requiring minimum parking levels to be provided by additional activities setting up within the precinct (e.g. retail, food and beverage).

4. Panel recommendations and reasons

The Ōrākei Marina Management Trust through its legal submissions and planning evidence sought that this exclusionary rule be deleted so the Auckland-wide rules apply and a minimum number of car parks are required to be provided by any new activity at the site. The submitter argued that a resource consent should be required if an inadequate number of car parks was provided by a new activity.

The Ōrākei Marina Management Trust's main concern was the potential adverse impact from new activities establishing at the marina without being required to provide new car parks and no assessment of those potential impacts being required under the Plan. While the Panel understands the concerns of the submitter, it agrees with the Council's position, as presented by its legal counsel and planning witness.

The Panel was advised that there is existing car parking at the marina for berth holders, pursuant to the resource consent that established the marina. Berth holders can use those car parks free of charge but members of the public must pay an hourly rate.

Mr M Spiro's planning evidence for the Council was that there were potential benefits in not requiring additional car parking for a range of land use activities, given the precinct's purpose (largely recreational) and recognising the open space zoning over much of the precinct. Mr Spiro accepted that there may be effects on the marina users from the failure to require new car parking for new activities, but his opinion was that those effects will be no more than minor and are acceptable in the context of providing wider public benefits from enabling marine-related and recreational activities.

The Panel notes that the policy approach supported by Mr Spiro of not having minimum parking standards was outlined in some detail by the Council in the transport-related hearing topics (033 and 034). The approach in this precinct is consistent with that approach.

While the Panel recommends the position of the Council, clarification of the number of parking spaces has been made in the precinct provisions.

Other amendments were sought to the precinct including description of the precinct areas. Both parties agreed the changes, other than the precinct descriptions, but acknowledged at the hearing that this issue is not of critical concern. The Panel's recommendation is to amend the descriptions as requested by the submitter, as they more accurately reflect those precinct areas.

For the reasons set out above the Panel prefers the Council's position of excluding the Auckland-wide parking provisions to enable a range of activities to occur in this area that is essentially public open space. Some amendments to the precinct description as requested by the submitter are recommended.

An addition has also made to provide for new buildings and external additions or alterations to existing buildings as a permitted activity on the land area in Sub-precinct B (Ōkahu Landing).

This change was made as a consequential amendment in response to the Panel's changes to the activity status of new buildings and external additions to buildings in the Open Space –

Active Sport and Recreation Zone from a permitted activity (as proposed by Council) to a discretionary activity (by the Panel). The precinct provisions as drafted would have relied on the permitted activity status in the Open Space – Active Sport and Recreation Zone as proposed by Council.

The standards provided for in the precinct clearly anticipated new buildings within Sub-precinct B and the additional rule has been added to enable new buildings as a permitted activity subject to these standards.

5. Reference documents

Auckland Council

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March) (page 163)

[081e Ak Cncl - Central - Precincts \(Okahu Marine\) - \(M Spiro\) - Planning](#) (26 January 2016)

[081 Orakei Marina Management Trust - Hearing Summary](#) (31 March 2016)

[081 Orakei Marina Management Trust \(M Dunn\) - Planning](#) (14 February 2016)

326 Ōrākei 1 Precinct

1. Summary of recommendations

The Panel supports the retention of the Ōrākei 1 and 2 Precincts and agrees with Ngati Whatua Ōrākei Whai Rawa Limited regarding the zoning of 6-20 Te Arawa Street from Residential - Mixed Housing Urban Zone to Residential - Terrace Housing and Apartment Buildings Zone.

These precincts were heard in Topic 081.

2. Precinct description

The overarching purpose of both the Ōrākei 1 Precinct and the Ōrākei 2 Precinct is to enable a suite of provisions that re-establish Ngati Whatua Ōrākei Whai Rawa on their Whenua Tupuna (ancestral land) within an integrated and sustainable community that reflects Ngāti Whātua Ōrākei Mātauranga, and which enables Ngāti Whātua Ōrākei to be meaningfully involved in the management and decision making processes relating to their ancestral land.

The precincts rely heavily on the underlying zone provisions, and seek to simply provide a layer over the top of those zone provisions that ensures Ngāti Whātua Ōrākei are able to re-establish on their ancestral land.

Ōrākei 1 Precinct applies to land that sits generally above and behind the public open spaces of Ōrākei Domain, and Whenua Rangatira (Bastion Point and Michael Joseph Savage Memorial Park).

Ōrākei 2 Precinct includes Ōrākei Domain, Whenua Rangatira, Ōkahu Bay Beach and the urupā adjacent to Tāmaki Drive. Limited development, appropriate within the cultural uses and public open space context of the land, is provided for by the precinct.

3. Key issues

There are no remaining issues between Ngati Whatua Ōrākei Whai Rawa Limited and the Council regarding the precinct provisions. The only outstanding area of disagreement between Ngati Whatua Ōrākei Whai Rawa Limited and the Council is in relation to the zoning of 6-20 Te Arawa Street. Council supports a Residential - Mixed Housing Urban Zone for these sites and Ngati Whatua Ōrākei Whai Rawa Limited considers that a zoning of Residential - Terrace Housing and Apartment Buildings Zone is more appropriate.

The reason given by the Council for retaining a Residential - Mixed Housing Urban Zone at Te Arawa Street is to retain a transition between the higher-intensity development enabled along Kupe Street, and the established 'suburban' development surrounding the precinct.

Mr Roberts, the planning witness for Ngati Whatua Ōrākei Whai Rawa Limited is of the view that the proposed extension of the Residential - Terrace Housing and Apartment Buildings Zone to Te Arawa Street will directly adjoin the Residential - Mixed Housing Urban Zone to the north, and will provide a transition between the Residential - Terrace Housing and Apartment Buildings Zone and the Residential - Mixed Housing Suburban Zone to the south and east using Te Arawa Street as the zone interface. Mr Roberts considers this to be more

appropriate than boundary-to-boundary zone interfaces which create design challenges (due to multiple zone controls applying across the development area) resulting in less efficient development outcomes. The development controls of the Residential - Terrace Housing and Apartment Buildings Zone provide for a reasonable level of residential amenity for adjacent privately-owned residential properties, as sought by the objectives of the residential zones.

Mr Roberts has also undertaken an assessment of the proposed rezoning against the interim guidance from the Panel (31 July 2015) outlining best practice approaches to rezoning.

4. Panel recommendations and reasons

The Panel agrees with Mr Roberts' assessment and shares his concerns regarding boundary-to-boundary zone interface issues. The Panel considers that a zoning of Residential - Terrace Housing and Apartment Buildings Zone will enable a more efficient use of the land, provide additional housing capacity and choice and that Te Arawa Street, coupled with the topography of the area, will provide an appropriate transition between the proposed zone and the lower-density Residential - Mixed Housing Suburban Zone. The Panel is therefore recommending the rezoning of 6-20 Te Arawa Street from Residential - Mixed Housing Urban Zone to Residential - Terrace Housing and Apartment Buildings Zone.

The Panel is recommending a number of additional amendments to the text of the precinct provisions to improve clarity and the overall workability. These amendments include: changes to the activity table in Ōrākei Precinct 1 to clarify when the zone activity tables apply and when the precinct activity table applies; and the recasting of discretionary activity assessment criteria as policies in Ōrākei Precinct 2. The Panel does not support the use of discretionary activity assessment criteria in the Unitary Plan.

The Panel has also included in Ōrākei Precinct 1 the provisions that were agreed between Ngati Whatua Ōrākei Whai Rawa Limited and the owner of 105 Kupe Street relating to sunlight and amenity protection.

5. Reference documents

Auckland Council

[081e Ak Cncl - Central - Precincts \(Orakei 1 and 2\) - \(R Cooper\) - Planning \(26 January 2016\)](#)

[081e Ak Cncl – Central – Rezoning – Eastern Isthmus \(L Lucas, A Papaconstantinou\) – Planning \(27 January 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(Attachment E, page 28\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(Page 805\)](#)

[081 Ngati Whatua Orakei Whai Rawa \(N Roberts\) - Planning - Orakei 1 & 2 \(12 February 2016\)](#)

Panel interim guidance

[Best practice approaches to rezoning, precincts and changes to the Rural Urban Boundary](#)
(31 July 2015)

327 Ōrākei 2 Precinct

Please refer to 326 Ōrākei 1 Precinct.

328 Ōrākei Point Precinct

1. Summary of recommendations

The Panel recommends the precinct provisions as notified, but accepts that they may not be the most appropriate given the current situation, and that a plan change is more appropriate once the necessary work and section 32 evaluation has been completed. Given the significant and extensive changes sought to the precinct plan, including those received after the close of the hearing, and that the master plan was not completed, there is insufficient time in the hearing process to develop, agree and finalise an amended precinct.

This precinct was heard in Topic 081.

2. Precinct description

The notified Ōrākei Point Precinct enables a transit-orientated development that is the result of a comprehensive plan change (Plan Change 260) and Environment Court appeal process that concluded in 2013.

3. Key issues

The developer behind the project, Ōrākei Bay Village Limited, had advised the Council in October 2015 that due to agreements not being able to be reached between the key parties (particularly Ōrākei Bay Village Limited, Auckland Council/Auckland Transport and KiwiRail) the precinct as notified was no longer a viable development for them. Matters not agreed included the inability of Ōrākei Bay Village Limited to purchase the air space over the rail corridor, and Auckland Council's preference to retain ownership of the park-and-ride site.

Ōrākei Bay Village Limited sought a suite of amendments to the notified precinct. However the Council considers the changes are a significant departure from the outcomes of the plan change and the Environment Court process.

The key changes proposed to the notified provisions by are set out below.

- i. Deletion of the precinct plans and replacement with a single precinct plan. This includes removal of sub-precincts within the Ōrākei Point Precinct.
- ii. Amendments to the precinct boundaries to include the public open space to the north of the precinct and the deleted public open space to the south of the precinct. There is a proposed new southern coastal yard in place of the notified public open space.
- iii. There is no longer any development proposed over the railway. Aside from the additional site area created, including for public spaces, a key benefit of this element of the project would have been the rail noise mitigation such development provided. There are no changes proposed to the notified noise controls.
- iv. Use of the framework plan process to enable additional development (up to the levels provided for via the development controls) and a new activity table to provide for framework plans.

- v. Amendments to the precinct description and objectives and policies to reflect the development now proposed.
- vi. Deletion of the activity table in favour of the activities and associated controls provided for in the Business - Mixed Use Zone and Auckland-wide provisions.
- vii. Deletion of the land use controls.
- viii. Deletion of some development controls, notably the removal of building platforms, the removal of the site intensity (gross floor area) allocation previously provided through the sub-precincts, the landscaping requirement for the Ōrākei Road frontage and the staging provisions. Other precinct-specific development controls are proposed to be retained, either as notified or with amendments (e.g. height, noise, tree protection).

In Council's opening legal submissions and evidence, the Council supported some level of redevelopment within the Ōrākei Point Precinct. However it was not able to support all of the changes requested by Ōrākei Bay Village Limited.

The Council was concerned about issues of procedural fairness when making changes which it considered depart from the objective of the transit-orientated development at Ōrākei Point. This was because the notified proposed Auckland Unitary Plan provisions reflect the recent decision of the Environment Court, and because only limited changes to those replicated provisions in the Plan were sought by Ōrākei Bay Village Limited in its submissions.

The Council was of the view that a number of the requested changes went beyond what is reasonably and fairly raised in the original submissions. This is because the submissions largely supported the Ōrākei Point Precinct and the relief sought could be described as minor changes of a tidying nature or 'fine tuning'. Also the changes represent a substantial departure from the recent Environment Court decision. In that regard, the Panel notes Mr Spiro's opinion (the Council's expert planner) that the overall balance of development provided for in the notified precinct would not be achieved.

The Panel shares the views of the Council.

Ōrākei Bay Village Limited's legal submissions and planning evidence (Mr J Duthie) set out why the plan provisions as notified were no longer appropriate (similar to the points in the Council's legal submissions as set out above).

Mr Duthie had provided a revised set of precinct provisions, but he and legal counsel stated that six weeks would be required to agree and provide to the Panel a master plan; a critical component to providing a complete set of provisions to deliver an integrated development.

Three options were proposed to the Panel by the submitter; the submitter acknowledging that option 2 and option 3 were out of scope and would require the Panel to exercise its 'out-of-scope' jurisdiction.

- i. Option 1 was to confirm the proposed plan provisions as notified, subject to minor amendments if the Panel considered them appropriate to address issues raised in submissions lodged.

- ii. Option 2 was to approve an amended Ōrākei Point Precinct generally as proposed by Orakei Bay Village Limited in its evidence lodged for this hearing, subject to amendment to address concerns raised by the Council in its evidence.
- iii. Option 3 was to remove the Ōrākei Point Precinct entirely, thereby allowing the underlying Business - Mixed Use Zone to govern future development of Ōrākei Point.

It is noted that Ōrākei Bay Village Limited filed supplementary submissions in May 2016 (after the hearing) setting out that option 3 may not be out of scope relying on a submission from Ms C van Camp. This is addressed further below.

Ōrākei Bay Village Limited's strong preference was for option 2 as it would enable the appropriate development of Ōrākei Point once the plan provisions were finalised. The submitter stated that the almost certain consequence of option 1 would be that Ōrākei Point would remain 'in limbo' for an indeterminate period of time pending application for, and approval of, a further plan change to remove the Plan Change 260 impediments which presently prevent development of the land. Option 3, in the submitter's view, would also enable appropriate development of Ōrākei Point once the plan provisions were finalised.

As set out above Ōrākei Bay Village Limited filed further legal submissions and revised precinct provisions. It is understood the revised provisions were not discussed with other submitters who had presented evidence on this matter. They had been discussed with the Council, and were addressed in the Council's closing statement. As set out in the latest legal submissions, Ōrākei Bay Village Limited, having seen Council's revised provisions, did not agree with them all. Accordingly there is no agreed set of provisions.

As addressed in Council's closing statement, Mr Spiro prepared a tracked change version of the notified Ōrākei Point Precinct provisions. It was stated that the majority of those amendments are included to bring the precinct provisions into line with the other plan precincts. In addition the Council proposed, as an out of scope amendment, a new discretionary activity to recognise that it may be necessary for Ōrākei Bay Village Limited to apply for development which is not in accordance with Precinct Plan 5 of the notified precinct.

With respect to option 3, the Panel is not persuaded by the legal submissions that Ms van Camp's submission provided scope to delete the precinct. The Panel notes that the parties to the Environment Court appeal (KiwiRail and Ports of Auckland Limited) stated at the presentation of their case that they did not support deletion of the precinct and would have submitted against that approach if it had been raised in any submission on the Ōrākei Point Precinct.

The Panel records that deleting the precinct and relying on the 'underlying zoning' is not the appropriate outcome given the purpose of Plan Change 260 and the notified precinct.

4. Panel recommendations and reasons

The Panel notes that Mr Duthie, in his summary statement of evidence presented at the hearing, recorded that since the lodging of evidence in rebuttal, there had been further and

constructive discussions between the Council and Ōrākei Bay Village Limited over the precinct provisions. Mr Duthie considered that the submitter and Council were close to an agreed set of 'in principle' provisions for the precinct.

Mr Duthie stated that the modified provisions take account of all the concerns regarding noise and vibration and notification of KiwiRail and Ports of Auckland Limited. The provisions also take account of the Ngāti Whātua concerns in terms of the gross floor area for sub-precinct A, and the status of their open space land. The only specific issue of disagreement was the reverse sensitivity issues associated with the cycleway. In this respect there was a difference in opinion between Mr Duthie and Mr Arbuthnot (for Ports of Auckland) and Ms Raeburn (for KiwiRail). Mr Duthie did not think there are issues of reverse sensitivity from a cycleway alongside the rail corridor.

Since the hearing, further discussions and revised provisions have been provided to the Panel from Ōrākei Bay Village Limited and the Council. Those provisions are not an agreed set of provisions, and they have not been provided to the other submitters.

The Panel also notes that it does not support the use of the framework plan process, as set out in this and other precincts. Accordingly further work would be required to redraft the precinct provisions without the framework plan consent concept.

Mr Duthie accepted that there was still work to do on the master plan and the precinct plan diagrams which flow from this master plan. At the hearing the submitter sought a further six weeks to complete the master plan. This would have resulted in the replacement of four of the five precinct plan diagrams attached and would not impact the objectives, policies, rules or assessment criteria. The Panel did not support the extension of time, given the statutory reporting requirements, but also because there could be no guarantee that an agreement would be reached, and this is borne out in the latest sets of precinct provisions provided to the Panel from Ōrākei Bay Village Limited and the Council.

While it is clear to the Panel that a lot of work had gone into attempting to get an agreed set of precinct provisions, this has not been achieved. The framework plan issue that was addressed earlier would add further work. Moreover, the necessary master plan still needs to be developed and agreed, and there is insufficient time within the Unitary Plan hearing process to accommodate the development of that plan.

The Panel records it did attempt to redraft the provisions in an attempt to provide a workable set of precinct provisions, and to reconcile the differences between the submitters and Council. However this was not possible due to the complexity of the precinct provisions and the extensive changes required.

Overall, due to the time it would take to agree a master plan and present it to the Panel, the significant and extensive changes to the precinct plan, that there is no agreement between the parties, and the statutory deadline imposed on the Unitary Plan hearing and recommendation process, there is insufficient time to enable all parties to engage with the revised provisions, hear and make an informed recommendation on this set of planning provisions.

Accordingly the Panel recommends the precinct provisions as notified, but accepts that they may not be the most appropriate given the current situation. As was set out by the Council

and discussed by the Panel at the hearing, a plan change is likely to be more appropriate once the necessary work and section 32 evaluation had been completed.

5. Reference documents

Auckland Council

[081e Ak Cncl - Central - Precincts \(Orakei Point\) - \(M Spiro\) – Planning](#) (26 January 2016)

[081e Ak Cncl - Central - Precincts \(Orakei Point\) - \(M Spiro\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment E, page 38)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (Attachment D, pages 815-867)

Submitters

[081 Ngati Whatua Orakei Whai Rawa \(N Roberts\) - Planning - Orakei Point](#) (12 February 2016)

[081 Orakei Bay Village - Orakei Point Precinct - Legal submissions](#) (24 March 2016)

[081 Orakei Bay Village - Orakei Point Precinct - Supplementary Legal submissions](#) (18 May 2016)

[081 Orakei Bay Village Ltd \(J Duthie\) - Planning](#) (13 February 2016)

[081 Orakei Bay Village Ltd \(J Duthie\) - Planning - Summary statement](#) (24 March 2016)

[081 Ports of Auckland KiwiRail - Legal Submissions](#) (31 March 2016)

[081 Ports of Auckland \(M Arbuthnot and C Reaburn\) - Planning](#) (12 February 2016)

329 Saint Heliers Precinct

1. Summary of recommendations

The Panel supports this precinct. The Panel recommends that the precinct provisions proposed by the Council and generally supported by Ancona Properties Limited be adopted with modifications.

This precinct was heard in Topic 081.

2. Precinct description

The Saint Heliers Precinct covers the existing Saint Heliers commercial centre, including a small area at the south-western corner of St Heliers Bay Road and Polygon Road.

Saint Heliers is strongly defined by its relationship to the bay and beachfront of Saint Heliers Bay, the Hauraki Gulf, Rangitoto Island and Tāmaki Drive. The urban structure of Saint Heliers is based on the intersection of Tāmaki Drive and St Heliers Bay Road, which forms the key axis of the centre and provides connections with the Saint Heliers Village hinterland and the waterfront. This has led to a structure of primary and secondary commercial frontages and the differentiation of character within Saint Heliers Village.

The grid street network and its amphitheatre setting, adjacent to a large open space and foreshore, defines the seaside village character of the local centre. The retail precinct has a suburban character and is a compact, mixed-use, pedestrian-orientated centre. There is a wide variety of commercial, retail and restaurant/café premises, as well as community facilities including the St Heliers Community Library and the War Memorial Hall. There is a generally integrated relationship between the village centre and the adjacent residential neighbourhood.

The village has a significant number of buildings from the 1920s and 1930s together with a very small number from 1860 to 1920, and a mix of more recent buildings. Its sense of place is derived from a combination of its beachfront setting, the pattern of subdivision and roads, the diverse range of building types and styles (predominantly one and two storeys in height), and how buildings relate to their street frontages and the wider Saint Heliers Bay waterfront.

The purpose of the precinct is to maintain and enhance the key characteristics of Saint Heliers Village and to protect and enhance its important amenity values. The development provisions applying within the precinct encourage sympathetic” the built environment. Change, whether by adaptive re-use of existing buildings, or through new development, is to be managed to protect the distinctive ‘sense of place’ of the village. Innovative and congruent development intended to add to the qualities of Saint Heliers Village is encouraged.

The zoning of land within this precinct is Business – Local Centre Zone.

3. Key issues

All parties agreed for the need for the Saint Heliers Precinct, however there was disagreement on the wording of precinct provisions and the development outcomes to be pursued by the precinct.

Save Our Saint Heliers and the Glendowie Residents Association sought a lower height limit and provisions that supported the contention that Saint Heliers merits special treatment to reflect its unique status, heritage and historic factors, and relationship to the Hauraki Gulf.

Ancona Properties Limited owns, occupies and leases out a substantial part of the Saint Heliers Village commercial centre. Its position, and that of its expert witness Mr Smith, was aligned with the expert witnesses for the Auckland Council, aside from the proposition in the rebuttal evidence of Mr Matthew Reilly that the setback provision in the precinct development control should be increased from 2.5m to 4.0m.

The Council's proposed Saint Heliers Precinct in the notified version of the proposed Auckland Unitary Plan was largely developed from the Saint Heliers Village Centre Plan proposed through Plan Changes 145 and 145a to the Auckland Council District Plan – Operative Auckland City – Isthmus Section 1999, and subject to an Environment Court decision.

A key issue in relation to this precinct was the character of Saint Heliers and the special character statement that formed part of the precinct provisions. The Panel, as part of its recommendations on Topic 029 Special Character, has not identified Saint Heliers as a special character area. As a consequence the special character statement has been deleted, as have all references to it within the precinct provisions.

In all other regards, except height, there remained a high level of agreement between the parties at the end of the hearing. For all the reasons put forward in the legal submissions and the evidence on behalf of Ancona Properties Limited, Mr Smith's version of the precinct provisions is recommended, apart from a number of further minor changes to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.

4. Panel recommendations and reasons

The Panel having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Saint Heliers Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (03 March 2016) (Page 171)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Page 200)

081e Ak Cncl - Central - Precincts (St Heliers) - (M Riley) - Urban Design (26 January 2016)

081e Ak Cncl - Central - Precincts (St Heliers) - (M Riley) - Urban Design - REBUTTAL (24 February 2016)

081e Ak Cncl - Central - Precincts (St Heliers) - (R Cooper) - Planning (26 January 2016)

081e Ak Cncl - Central - Precincts (St Heliers) - (R Cooper) - Planning - REBUTTAL (24 February 2016)

081 Ancona Properties Limited - Legal submissions (11 April 2016)

081 Ancona Properties Limited (M Markham) - Corporate - REBUTTAL (07 April 2016)

081 Ancona Properties Limited (V Smith) - Planning (16 February 2016)

081 Ancona Properties Limited (V Smith) – Planning - REBUTTAL (25 February 2016)

081 Ancona Properties Limited (V Smith) - Planning - Supplementary Statement (07 April 2016)

081 Ancona Properties Ltd (Vaughan Smith) Markup (12 April 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc - Legal Submissions (10 March 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc - (T Hotop) - Supplementary Evidence - Marked up version - AMENDED 10.03.2016 (11 March 2016)

081 Save our Saint Heliers Inc (S Peake) - Landscape - Business Special Character Overlay (12 February 2016)

081 Save our Saint Heliers Inc (S Peake) - Landscape - St Heliers Bay Village Centre (12 February 2016)

081 Save our Saint Heliers Inc (S Peake) - Landscape - St Heliers Bay Village Centre - Summary Statement (10 March 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (D Simpson) - REBUTTAL (26 February 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (G Burgess) - hearing statement (14 June 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (G Burgess) - presentation at hearing (14 June 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (G Burgess) - REBUTTAL (28 February 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (Margaret King) - Supplementary Evidence (26 February 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (T Hotop) - Planning - REBUTTAL (26 February 2016)

081 Save our St Heliers Inc & Glendowie Residents' Ass Inc (T Hotop) - Planning -
REBUTTAL – Summary statement (10 March 2016)

081 Save our St Heliers Inc & St HeliersGlendowie Residents' Ass Inc (Margaret King) -
Statement of Evidence (11 February 2016)

330 Saint Lukes Precinct

1. Summary of recommendations

The Panel recommends a precinct as generally proposed by Council along with a number of the changes sought by submitters.

This precinct was heard in Topic 081.

2. Precinct description

The Saint Lukes Shopping Centre is one of Auckland's premier retail destinations and performs the role of anchor for the wider Saint Lukes Town Centre. It is strategically located in the western part of the Auckland isthmus and is well connected to the surrounding road network. Several bus routes serve the integrated shopping town centre and the Morningside Railway Station is within walking distance.

The three precinct plans provide for the future expansion and development of the Saint Lukes Shopping Centre. The principal focus of the precinct plans is to allow flexibility for the configuration of the shopping centre's expansion and to enable a range of permitted activities, while including a set of provisions to manage potential external effects. The precinct plan provisions enable and encourage the establishment of a wide range of uses including retail, entertainment, education, civic, commercial and residential activities.

The precinct has two broad activity areas as follows:

- i. Area A where the dominant activities include retail, entertainment, restaurants, cafes and other eating places; and
- ii. Area B where dominant activities include retail, offices and community facilities.

Area A broadly fronts Aroha Avenue.

The purpose of the Saint Lukes Precinct is to enable the future expansion and development of the shopping centre to keep pace with the growth and development of other parts of urban Auckland, but within the consented gross floor area cap of 92,500m² (currently at 58,826m² with the recently consented Stage 4 development).

3. Key issues

The key point of difference between Council and submitters concerned the additional height sought by Scentre (New Zealand) Limited. Council opposed any amendment to the heights granted in 2011 by the Environment Court through Plan Change 8 to the Auckland Council District Plan – Operative Auckland City – Isthmus Section. Scentre seeks a gradation of increases across the site up to 32.5m.

Apart from its sub-regional overview submissions, Council did not present any substantive evidence regarding the relief sought by Scentre. There were no other primary submissions.

The main differences between the Saint Lukes Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. additional building height development controls that are more appropriate to the surrounding context as that has developed since 2011; and
- iii. reframing of assessment and discretion criteria.

Provisions are generally more restrictive than those provided for by the underlying Business – Town Centre Zone but are a little more enabling than the notified provisions.

In summary, the Council's position in relation to the Saint Lukes Precinct is set out in the joint planning evidence of Mr Joao Machado and Ms Paulina Wythes (dated 26 January 2016); and Council's Closing Remarks Volume 1.

Scentre's position is as stated in Mr Craig McGarr's planning evidence of 10 February 2016.

On the key matter of building height controls, the Panel agreed with Scentre that, being a town centre, additional height with graduation should be enabled as follows:

- i. 30m at the intersection of Saint Lukes Road and Morningside Drive to provide flexible and high quality urban design outcomes;
- ii. 20m within the majority of the site to provide for flexible design outcomes; and
- iii. 15m and 12.5m at the sensitive interfaces with adjoining residential land to the north and east respectively.

Uncontested landscape and visual evidence of the appropriateness of those heights was provided by Ms Rachel de Lambert.

The Panel was not persuaded to adopt Council's submissions to the effect that the provisions should go no further than those determined by the Court in 2011. The Panel accepted Scentre's evidence that planning responses in the vicinity have moved on since then with a significant uplift in residential development opportunity rendering a number of the existing interface controls largely redundant, and that this warranted additional flexibility within the existing gross floor area cap.

Furthermore, as a town centre surrounded by an identified area of growth, the Panel considers that the core provisions should apply unless there is good reason to the contrary. Accordingly it has adopted that approach with the precinct provisions..

4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the submitter, Scentre, and the building height development controls proposed by the submitter, along with miscellaneous consequential and minor other amendments to the provisions for the reasons set out in section 1.3 above.

5. Reference documents

Auckland Council

[081e Ak Cncl – Central– Rezoning and Precincts – Sub Regional Overview \(J Machado, P Wythes\) – Planning \(27th January 2016\)](#)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts -
Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Page 208)

Scentre

081 Scentre (C McGarr) - Planning (16 February 2016)

081 Scentre (Rachel de Lambert) - Landscape Architect (16 February 2016)

331 St John's Theological College Precinct

1. Summary of recommendations

The Panel supports this new precinct generally as proposed by the St John's College Trust Board and amended by changes agreed between the parties. The Panel has also made amendments as a consequence of its findings on activities and standards, for workability and alignment with the whole Plan.

The Panel supports a Residential – Mixed Housing Suburban Zone within the precinct and a Residential – Mixed Housing Urban Zone on the area leased for a proposed Summerset Retirement Village to the west of the college campus.

This precinct was heard in Topic 080.

2. Precinct description

St John's Theological College was established as a residential college for the Anglican Church in New Zealand in 1846 and has operated more or less continuously ever since. Currently, the college collaborates with the University of Auckland and students travel between the campuses.

The purpose of the precinct is to enable the ongoing operation and future expansion of the college in accordance with the St John's College Trusts Act 1972. This act provides for the site to be used for the education of candidates for ordination, and for the education of students in the principles of the Christian religion, according to the doctrine and discipline of the Church of England. The complex comprises teaching rooms, residential accommodation, a library building, an office, a chapel and a graveyard as well as parking areas.

The zoning of land in the precinct is Residential – Mixed Housing Suburban Zone and the land is subject to the following overlays: the Historic Heritage Overlay; the Notable Trees Overlay; and the Significant Ecological Areas Overlay.

3. Key issues

The St John's College Trust Board is the only submitter seeking the precinct.

The St John's College Trust Board's position is set out in the planning evidence in chief of Ms Claire Covington and Ms Lauren White's supplementary evidence (urban design). Ms Covington outlined the consultation undertaken with the Council over a period of about two years commencing with publication of the Draft Unitary Plan. By the time of the hearing, the parties had agreed on the need for the precinct and many of the provisions including its physical extent and providing for parking buildings as restricted discretionary activities. The outstanding matters included:

- i. the zoning of the college campus and the area leased for a proposed retirement village to the west (Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone versus Residential – Mixed Housing Suburban Zone);

- ii. provision for commercial services and offices accessory to tertiary education facilities;
- iii. maximum building coverage (40 per cent); and
- iv. maximum height particularly in proximity to residential zone boundaries.

The Council's position is set out in its planning evidence on the Special Purpose - Tertiary Education Zone (joint statement, section 23) and evidence in rebuttal of Jason Evans (urban design). In its closing remarks, the Council identified zoning as the principal outstanding matter. The parties also disagreed on maximum building coverage and maximum height in proximity to adjoining residential zones.

4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to enable the ongoing operation and expansion of the Theological College. The new precinct serves a similar function to the Special Purpose - Tertiary Education Zone which the Panel has removed from this site and most other campuses, pursuant to its recommendations on special purpose zones (see the Panel's Report to Auckland Council - Hearing topic 055 Social facilities July 2016). A precinct enables a more tailored planning approach compared to a zone.

The extent of the new precinct was settled by agreement (see the joint statement, paragraph 23.19) and the Panel supports this agreement.

The Panel agrees with the Council that the Residential – Terrace Housing and Apartment Buildings Zone is not appropriate for the college campus because the property does not satisfy most of the strategic zoning principles. In particular, it is not within walking distance of a business centre and terrace housing does not fit the established character of the area. A key reason for the Trust's submission was to enable more intensive development of the site. The Panel notes that in all residential zones, except the Residential – Single House Zone, integrated residential development is a discretionary activity. This activity category, together with changes to the density standards, will enable the Trust's ambitions for the site to be advanced in most residential zones. For these reasons, the Panel supports Residential – Mixed Housing Suburban zoning for the precinct.

On the land leased for a proposed retirement village to the west of the campus, the Panel supports Residential – Mixed Housing Urban zoning in accordance with its strategic determination that, in general, this zoning is appropriate for existing and proposed retirement village sites. In particular, this zoning is apt because of the form and nature of modern retirement complexes. The maximum height in this zone is 11m (with an allowance for a further 1m) which enables efficient use of these large sites.

With respect to activities, the definition of tertiary education facilities includes 'accessory accommodation, administrative, cultural, health, retail and communal facilities' (see Chapter J Definitions). This definition enables most of the accessory activities sought by the St John's College Trust Board. The Panel supports the inclusion of 'commercial services' as permitted activities because these land uses meet the day-to-day needs of students and faculty, some of whom are resident on campus. For example, banking, hair dressing and dry cleaning meet personal needs and in a campus setting are typically of modest scale.

The Panel agrees with the Council's planner, Mr Young, that a maximum building coverage of 40% will promote a spacious campus-like complex.

The precinct is about six hectares in area and can therefore accommodate additional height, particularly in the core area. The Panel agrees with Ms Covington and the Council that the maximum height in the core area should be 16m because this enables three to four storey buildings and a variety of roof forms. The maximum height within 20m of a residential boundary should be compatible with the maximum height of the relevant adjoining zone to manage amenity values at the interface. In the Residential – Mixed Housing Urban Zone which applies to the west, this is 11m (plus 1m for roof variation). Properties in Ripon Crescent are zoned Residential – Mixed Housing Suburban which has a height limit of 8m (plus 1m for roof variation). As the precinct is to the south of these properties, there is no reason to reduce the maximum height to 9m within 20m of their rear boundaries. The Panel considers that a similar standard should apply to the boundary of the Open Space – Conservation Zone and the road because this will encourage the development of the core area as the main campus.

For these reasons, the Panel supports the new St John's Theological College Precinct generally as proposed by the St John's College Trust Board and amended by changes agreed between the parties. The Panel supports further amendments based on the above determinations and for workability and alignment with the whole Plan.

The Panel supports a Residential – Mixed Housing Suburban Zone within the precinct and a Residential – Mixed Housing Urban Zone on the area leased for a proposed Somerset Retirement Village to the west of the college campus.

5. Reference documents

Auckland Council

[080 Ak Cncl - Tertiary Education - St Johns Theological College Precinct \(J Evans\) - Urban Design - REBUTTAL \(27 January 2016\)](#)

[080 Ak Cncl – Mt Albert 2 sub-precinct A and B; Lincoln sub-precinct A and B; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 \(joint statement\) - Planning \(3 December 2015\)](#)

[080 Ak Cncl - Public Open Space, Tertiary \(excl Wairaka\), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS \(18 March 2016\)](#)

[080 Saint Johns College Trust Board \(C Covington\) - Planning \(18 December 2015\)](#)

[080 St Johns College Trust Board - \(L White\) Supplementary Evidence \(23 February 2016\)](#)

332 Tāmaki Precinct

1. Summary of recommendations

The Panel supports the Tāmaki Precinct.

This precinct was heard in Topic 080.

2. Precinct description

The Tāmaki Precinct applies to land located at 231 and 261 Morrin Road, Glen Innes. The site is over 12 hectares in area. It has been owned by the University of Auckland since 1945 and was developed as its Tāmaki Innovation Campus.

The precinct is occupied by the University of Auckland, Landcare Research and the Ministry for Primary Industries. The University will be exiting the site in the short to medium term.

The purpose of the precinct is to enable the land to be used for other uses than those provided for in the Business - Mixed Use Zone along with ongoing use for a range of teaching, research and associated activities. In addition, to enable development of the site for future uses, possible changes to the existing buildings are provided for which allow flexibility for ongoing tertiary education activities until such time as the precinct is comprehensively redeveloped.

The underlying zoning of land within this precinct is Business - Mixed Use Zone.

3. Key issues

The Panel notes that the only submitter who provided evidence in relation to this precinct was the University of Auckland.

The Panel also notes that following the decision of the hearing commissioners in relation to Plan Change 375 to the Auckland Council District Plan - Operative Auckland City - Isthmus Section released on 20th January 2016 that there was a significant degree of agreement between the Council and the University of Auckland.

There was a small number of matters that remained in contention and the Panel has generally preferred the evidence of Mr Karl Cook to that of Ms Rebecca Greaves, except in relation to complementary activities. Consistent with the approach the Panel has recommended in relation to other tertiary education precincts, the Panel has provided for accessory activities but not complementary activities.

The Panel has accepted the tracked changes recommended in the evidence presented on behalf of the Council, noting that these provisions were not contested. A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity. None of these changes alter the agreed intent of the precinct provisions.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Tāmaki 1 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

[081e Ak Cncl - Central - Precincts \(Tamaki\) - \(R Greaves\) - Planning](#) (26 January 2016)

[081e AK Cncl - Central - Precincts \(Tamaki\) - \(R Greaves\) - Planning - REBUTTAL](#) (26 February 2016)

[080 Ak Cncl – Mt Albert 2 sub-precinct A and B; Lincoln sub-precinct A and B; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 \(joint statement\) - Planning](#) (3 December 2015)

[080 Ak Cncl – Mt Albert 2; Lincoln; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 \(joint statement\) - Planning - REBUTTAL](#) (27 January 2016)

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\)](#) (15 February 2016)

[081 University of Auckland \(K Cook\) - Planning](#) (14 February 2016)

[081 University of Auckland \(K Cook\) - Planning – Rebuttal – Summary Statement \(Newmarket campus\)](#) (14 April 2016)

[080 Ak Cncl - Public Open Space, Tertiary \(excl Wairaka\), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS](#) (18 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment E, page 58)

University of Auckland

[080 University of Auckland - Tamaki Campus \(K Cook\) - Planning](#) (23 December 2015)

[080 University of Auckland - Tamaki Campus \(K Cook\) – Planning – Summary Statement and REBUTTAL](#) (24 February 2016)

333 Three Kings Precinct

1. Summary of recommendations

The Panel recommends that the Three Kings Precinct is included in the Unitary Plan as largely agreed between the Council and the predominant land owner, Fletcher Construction Developments Limited (Fletcher).

The Panel also recommends that the Three Kings Residential Design Guide is included in the Unitary Plan.

This precinct was heard in Topic 081.

2. Precinct description

The Three Kings Precinct is intended to enable the redevelopment of the Three Kings Quarry which is zoned Business 7 in the Auckland Council District Plan - Operative Isthmus Section. The precinct covers 21.6ha and Fletcher owns 15.2ha and the Crown/Council owns 6.4ha (evidence in chief of Mr Duthie dated 10 Feb 2016 and loaded to the aupihp website on 11 February). Approximately 8ha of the site will be open space, or 37 per cent of the site.

Having been operated as a quarry, the site has been excavated and the quarry floor (riu) is well below the neighbouring ground level. The quarry is in the process of being clean filled and compacted in accordance with relatively recent decisions of the Environment Court (*Envirowaste Services Limited v Auckland Council* [2011] NZ EnvC130 and 214). The Panel understands that once the ground level reaches the level provided for in the precinct, which will be approximately 15 metres below Mt Eden Road, development will then be able to be undertaken within the quarry area itself.

The features of the proposed precinct were comprehensively set out in Fletcher's and the Council's evidence, as listed in their respective legal submissions. This description section therefore is a selection of matters that the Panel wishes to highlight.

The Panel understands from the evidence that a special housing area has been granted over part of the precinct and consent has been granted for a residential development that is currently being constructed.

2.1 Te Tātua a Riukiuta – Big King

The Precinct adjoins Te Tātua a Riukiuta – the Big King maunga which is a valued volcanic cone and the last remaining cone of the original three cones in the vicinity. The cone is a public open space reserve and is much used for passive recreation activities. It is important to note that the Panel is recognising the importance of Big King, as part of Topic 020, by recommending that:

- i. the Height Sensitive Area Overlay in the proposed Auckland Unitary Plan be retained and that Fletcher's relief seeking its reduction in the southern part be refused; and

- ii. that two existing viewshafts in the operative Auckland Council Regional Policy Statement, K1 and K2 be retained in the Unitary Plan, notwithstanding evidence from technical witnesses to the hearing on Topic 020 Viewshafts agreeing to the removal of those two viewshafts.

(See the Panel's Report to Auckland Council – Hearing topic 020 Viewshafts July 2016.)

The Panel also notes that the precinct provides for the retention of sightlines to the maunga as shown on Three Kings: Precinct Plan 2.

2.2 Proposed provisions

The Three Kings Precinct provisions were set out by the parties in the:

- i. Council's closing remarks which included blue text for the Council's right of reply and purple text which are revisions following the Environment Court's declaration on framework plan provisions;
- ii. the Council's evidence in rebuttal of Mr van Kampen dated 24 February 2016;
- iii. the proposed Three Kings Residential Design Guide attached to the evidence of Mr van Kampen for the Council dated 26 January 2016; and
- iv. for Fletcher, an updated rebuttal version of the precinct provisions dated 29 March 2016 attached to the summary statement of John Duthie.

The Panel notes that after the hearing, on 2 June 2016, it received a memorandum from Fletcher with planning evidence from Mr Duthie attached that it requested be accepted by the Panel. The evidence was primarily a revised precinct plan that Fletcher indicated was the outcome of expert caucusing by party witnesses from the Environment Court plan change appeal process. The main change on the revised plan was an increased area of open space between the maunga and the development. The Panel forwarded the material on to other parties that had submitted on the precinct and inquired as to whether or not there were any objections to the revised evidence being placed before the Panel. The Societies (South Epsom Planning Group Incorporated and Three Kings United Group Incorporated) objected so that Panel has not considered that evidence further.

As the precinct description outlines, the intention of the precinct is to create a vibrant sustainable urban village on the former quarry land. The main underlying zonings sought in the precinct are: Business - Town Centre Zone, Residential - Terrace Housing and Apartment Buildings Zone, Open Space - Informal Recreation Zone and Open Space - Sport and Active Recreation Zone.

The Panel heard that a master planning exercise had been undertaken to create the opportunity for between 1,200 to 1,500 additional homes with different typologies, including apartments that cascade over the rock faces. The Council and Fletcher considered the precinct maintains the sight lines and amenity and heritage values of Big King, provides open space linkages, reinforces public transport, supports the Three Kings town centre and will appropriately manage stormwater onsite. The intention is to develop a high-quality urban design outcome as reflected in the request to include the Three Kings Residential Design Guide in the Unitary Plan.

The maps showing the zoning within the precinct recommended by the Panel can be seen in the recommendation version of the GIS map viewer on the Auckland Council website.

The precinct provisions contain:

- i. a description;
- ii. objectives;
- iii. policies;
- iv. activity tables for the Residential - Terrace Housing and Apartment Buildings Zone and open space zones that modify the underlying generic zoning;
- v. notification rules that limit the circumstances for notification;
- vi. standards for land use and development;
- vii. assessment for controlled activities; and
- viii. assessment for restricted discretionary activities, including criteria and information requirements.

The maps for the precinct attached to the Council's closing remarks include:

- i. Three Kings: Precinct Plan 1 - Zoning;
- ii. Three Kings: Precinct Plan 2 - Precinct Provisions;
- iii. Three Kings: Precinct Plan 3 - Building Height;
- iv. Three Kings: Precinct Plan 4 - Te Tātua a Riukiuta Sightlines; and
- v. Three Kings: Precinct Plan 5 - Stormwater Management Concept Plan.

3. Key issues

In submissions and evidence the Panel identified the following key issues regarding the Three Kings Precinct.

- i. The potential adverse amenity and visual effects of the intensity of development enabled by the precinct on the amenity values of the Big King Reserve (an outstanding natural feature) and surrounding neighbourhoods.
- ii. Whether or not the precinct has properly taken into account the relationships of Mana Whenua with the maunga.
- iii. Whether or not an alternative layout proposed by the South Epsom Planning Group Incorporated and Three Kings United Group Incorporated (the Societies) would better promote the purpose of the Resource Management Act 1991. They proposed to fill the quarry to a higher reduced level and then locate development further to the west and closer to Mt Eden Road, thereby creating more horizontal separation between the maunga and development.
- iv. The relative merits of the urban design outcomes, including providing for cascading apartments on the western quarry wall.

- v. Whether or not the precinct is properly integrated with the wider Three Kings area and the town centre.
- vi. Whether or not the precinct could benefit from broader structure planning to better integrate it and whether or not it should be included in the Unitary Plan at this stage, pending the outcome of that process.
- vii. Related to the above, whether or not consultation and community engagement had been adequate.
- viii. The amount of roading required to service the development.
- ix. The treatment and management of stormwater.
- x. The procedural relationship with Private Plan Change 372 to the operative plan.

4. Panel recommendations and reasons

The submissions and evidence presented to the Panel in regard to the Three Kings Precinct were relatively polarised. On the one hand, Fletcher and the Council told the Panel that the precinct would enable a unique, innovative and vibrant living opportunity to be created that would achieve high amenity outcomes for the residents and the local community. That position was supported by submissions and evidence from Housing New Zealand, the Ministry of Business, Innovation and Employment and the Minister for the Environment (refer to legal submissions on behalf of the Minister for the Environment from Ellis Gould dated 29 March 2016).

On the other hand, the Panel heard from the Societies that the development proposed was too intensive and too close to the maunga and would therefore dominate the outstanding natural feature and did not properly respect the amenity values of the maunga. The Societies and the Local Board were also concerned about the process leading to the notification of the precinct and criticised Fletcher for an alleged lack of consultation and community engagement.

The Panel was greatly assisted by the effort that parties, both in support and in opposition to the precinct, put into providing the Panel with detailed submissions and expert evidence on topics including:

- i. planning;
- ii. urban design;
- iii. landscape architecture;
- iv. Mana Whenua values;
- v. traffic; and
- vi. engineering issues, including stormwater, wastewater, contaminated land, geotechnical and infrastructure.

At least some of the expert evidence from parties was also peer reviewed by other consultants.

Having heard all of the evidence, the Panel recommends that the Three Kings Precinct be included in the Unitary Plan for the reasons set out below.

- i. The quarry represents a significant resource management opportunity to develop a large brownfield site that is centrally located on the isthmus (8km from the Central Business District). The precinct will enable people to provide for their social and economic well-being and for their health and safety, by meeting their housing needs.
- ii. The high level strategic policy framework from the Auckland Plan, as reflected in the recommendations of the Panel on the regional policy statement, is to achieve a quality compact city. Therefore, in accordance with the evidence from the Council, Fletcher and as supported by the central government agencies, the Panel concludes that the intensity of development proposed will promote the purpose of the Resource Management Act 1991.
- iii. The Panel is satisfied that the relationships between Mana Whenua and the maunga have been properly taken into account in the design of the precinct and the consultation with Mana Whenua and the evidence of Rau Hoskins for Fletcher is referred to (evidence in chief dated 10 February 2016 and summary statement dated 29 March 2016).
- iv. There is generous provision of open space for recreational opportunities that will be available for the new residents and the wider community (8ha). For example, the two new playing fields and the cycle and walkways will provide significant public benefit outcomes that will improve the social and cultural well-being of people.
- v. The Panel heard contested evidence on landscape and urban design from the Council (Mr Jew and Mr Reeve) and Fletcher (Mr De Keijzer, Mr Ray, Mr Lord and Ms de Lambert) on the one hand and for the Societies (Ms McCredie and Mr Reid) on the other. After weighing the respective evidence, the Panel prefers the evidence of the Council and Fletcher. For example, the Panel considered that the evidence of Mr Lord and Mr De Keizjer showed that the precinct:
 - i. respects the unique historical quarrying activity by maintaining a height differential of 15 metres between Mt Eden Road and the river;
 - ii. enables a high quality, innovative and exciting urban design outcome, including cascading apartments, in direct response to the unique topography;
 - iii. provides sufficient separation between the maunga and development by the use of both horizontal and vertical intervening open space; and
 - iv. enables housing choice and opportunities not currently available in Auckland.
- vi. The framework plan provisions have been deleted.

- vii. The notification provisions are appropriate because the precinct has been extensively master planned and, apart from the exceptions listed, the adverse effects from the development are known.
- viii. The Panel concludes that the precinct promotes the purpose of Part 2 of the Resource Management Act 1991 and also satisfies other statutory requirements including those outlined in section 32 (refer to the evidence of Mr Duthie for his section 32 analysis for Fletcher).

The Panel was also persuaded by the favourable respective peer reviews of the Fletcher evidence by consultants that had not been involved in the development of the master plan for the precinct.

4.1. Societies' submissions and evidence

For the Societies in opposition to the precinct, their main focus appeared to be to persuade the Panel that an alternative layout and design for the Three Kings Precinct would be a superior outcome to that proposed by Fletcher. Their proposal involved filling the base of the quarry to a higher level and creating a larger area of horizontal open space adjacent to Big King Reserve.

The Panel can see that the Societies put a lot of effort into this alternative proposal, but it was not persuaded to reject the proposed precinct by the Societies' submissions and evidence for the reasons set out below.

- i. The test for the Panel under the Resource Management Act 1991 is not to determine the best proposal from alternatives but to determine whether the proposed provisions, that have been notified and modified by submissions, meet the purpose of Part 2 of the Act. The Panel concludes that the precinct it is recommending does meet that purpose.
- ii. In any event, the Panel prefers the Fletcher proposal on its merits because the Societies' proposal to fill the whole quarry area almost to the original ground level pays little homage to the quarrying history and the very unique topography of the site. The Panel considers that the Societies' approach undervalues a significant design opportunity.
- iii. The Panel is not in a position to compel Fletcher to, for example, fill the quarry floor to a higher level or to arrange development in a manner that the Societies propose. The Panel heard evidence that to fill to the level proposed by the Societies would take many years and significantly delay development.
- iv. The Societies' proposal also needs the co-operation and agreement of landowners that were not before the Panel and their positions are unknown.
- v. The Panel also heard there would be significant commercial implications for the supporters of the precinct if the Panel did recommend the layout proposed by the Societies.

4.2. Three Kings Residential Design Guide

The Panel supports the inclusion of the Three Kings Residential Design Guide into the Unitary Plan to facilitate a quality urban design and landscape outcome. The guide has been developed to support the bespoke objectives, policies and rules by the main landowner and therefore if this guide can be used as part of future consenting processes, the Panel sees no reason not to include it in the Unitary Plan.

4.3. Special housing area

The Panel was told that an intensive housing development has already been consented for part of the site as a special housing area which was approved in February 2015 and construction is underway (refer to the evidence in chief of Mr van Kampen (26 January 2016 – Section 8) and the Fletcher Fact Sheet dated 29 March 2016). The Panel understands that this development is proceeding by way of resource consent (not a variation to the proposed Unitary Plan) so there is no need to remove this area from the precinct.

4.4. Private Plan Change 372

The Panel was advised about, and received submissions and evidence on, a parallel planning process under the Auckland Council District Plan - Operative Auckland City - Isthmus Section that is now subject to appeals to the Environment Court (*Ngati Te Ata v AC* (ENV-2015-AKL-000158) and *South Epsom Planning Group Inc v AC* (ENV-2016-AKL-000001)). It is understood that these appeals have been heard in the Environment Court.

The appeals are from Private Plan Change 372 to the operative plan. The Council decision being appealed was made by a commissioner on 2 November 2015. The Panel understands that the parties to the Unitary Plan precinct hearings are similar to those also involved in the private plan change application and its appeals.

Some submitters before the Panel were critical of Fletcher for seeking a change to the operative plan at the same time as seeking a precinct under the proposed Auckland Unitary Plan. The Panel also notes that the Minister for the Environment joined the Environment Court Appeals and corresponded with the Panel regarding the same (refer to letter from Hon Dr Nick Smith to the Panel received on 2 March 2016). The Panel responded to the Minister on 16 March 2016 and Judge Kirkpatrick stated the following in regard to Private Plan Change 372 and the proposed Three Kings Precinct:

Where issues arise in submissions on the PAUP which also arise in plan changes still being considered in relation to operative plans, the Panel must consider those submissions on their merits and without making any assumptions about what the outcome of the parallel plan change process may be.

The Panel also noted that it is very respectful of separate Environment Court processes. The Panel observes that it does not have the ability to control the statutory opportunities available to applicants under the Resource Management Act 1991 and the special planning provisions for the proposed Auckland Unitary Plan. Therefore, whether or not Fletcher pursues both planning opportunities is a matter for it alone to determine.

The Panel acknowledges that the issues raised in both sets of proceedings may be similar but the higher level policy frameworks of the operative Auckland Council Regional Policy Statement and the Unitary Plan regional policy statement section are different. The Panel's recommendations on the Three Kings Precinct are based on the statutory planning framework, the submissions and the evidence that it has heard.

4.5. Structural Changes

The Panel version of the provisions includes structural changes to be consistent with the style and formatting in other parts of the Unitary Plan. Those changes include:

- i. changes required as a result of the deletion of framework plans including to the activity table;
- ii. separation of controlled and restricted discretionary assessment criteria;
- iii. refinement of the matters of control/discretion; and
- iv. best practice as applied by the Panel.

5. Reference documents

Panel documents

[IHP reply to letter from Minister for the Environment Hon. Dr Nick Smith re: best practice approach to rezoning](#) (16 March 2016)

[Section 75 HASHA Legal Advice](#) (8 September 2014)

Auckland Council

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016)

[081e Ak Cncl - Central - Precincts \(Three Kings\) - \(J Lew\) - Landscape](#) (26 January 2016)

[081e Ak Cncl - Central - Precincts \(Three Kings\) - \(M Reeve\) - Urban Design](#) (26 January 2016)

[081e AK Cncl - Central - Precincts \(Three Kings\) - \(S Van Kampen\) - Planning](#) (2 February 2016)

[081e AK Cncl - Central - Precincts \(Three Kings\) - \(S Van Kampen\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment E, pages 63-70)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (Attachment D, pages 887-916)

Fletcher Construction Developments

[081 Fletcher Construction Developments \(A Ray\) - Urban Design](#) (11 February 2016)

[081 Fletcher Construction Developments \(J Duthie\) - Planning](#) (11 February 2016)

081 Fletcher Construction Developments (J Lord) - Landscape (11 February 2016)

081 Fletcher Construction Developments (K De Keijzer) - Urban Design (11 February 2016)

081 Fletcher Construction Developments (R De Lambert) - Landscape (11 February 2016)

081 Fletcher Construction Developments (R Hoskins) - Cultural (11 February 2016)

081 Fletcher Construction Developments (A Ray) - Urban Design Peer Review - Summary Statement (29 March 2016)

081 Fletcher Construction Developments (B Loutit) - Legal Submission (29 March 2016)

081 Fletcher Construction Developments (R de Lambert) - Landscape Peer Review - Summary Statement (29 March 2016)

081 Fletcher Construction Developments (R Hoskins) - Cultural Landscape Architect - Summary Statement (29 March 2016)

081 Fletcher Construction Developments (J Duthie) - Planning - Summary Statement (1 April 2016)

081 Fletcher Construction Developments - Fact Sheet (Dated 29 March; loaded to website 2 June 2016)

Minister for the Environment

081 Fletcher Construction Developments - Minister for the Environment - (C Kirman & A Devine) - Legal Submissions (30 March 2016)

Letter from Minister for the Environment Hon. Dr Nick Smith re: best practice approach to rezoning (2 March 2016)

South Epsom Planning Group (Incorporated)

081 South Epsom Planning Group (J McCredie) - Urban Design (14 February 2016)

081 South Epsom Planning Group (R Reid) - Landscape (13 February 2016)

081 South Epsom Planning Group & Three Kings United Group - Legal submissions (30 March 2016)

334 Wairaka Precinct

1. Summary of recommendations

The Panel supports this precinct but has preferred the approach that was largely agreed between Unitec, and the Mount Albert Residents Association, with respect to the likely future roading connections to the residential areas to the south, rather than the approach proposed by Council in response to these roading issues.

This precinct was heard in Topic 080.

2. Precinct description

The Wairaka Precinct is located between Point Chevalier and Mount Albert. The purpose of the precinct is to provide for an urban community within which there is a high quality tertiary education institution. The precinct covers 64.5ha and is located on Carrington Road and comprises of:

- i. the Wairaka Campus of Unitec Institute of Technology (Unitec);
- ii. the Mason Clinic (Regional Forensic Psychiatry Services) owned by the Waitemata District Health Board;
- iii. a commercial laundry facility operated by Taylors Laundry Services and owned by Norak Properties Limited; and
- iv. three largely undeveloped lots owned by Ngāti Whātua Ōrākei Trustee Limited.

Unitec owns 83 per cent of the land within the precinct.

3. Key issues

The main parties through mediation agreed to the underlying Special Purpose – Tertiary Education Zone being reduced in size and replaced with residential zones wrapping around the south-western side of the precinct, together with a Business – Mixed Use Zone and Special Purpose – Healthcare Facility and Hospital Zone at the northern end of the precinct. The Panel agrees with this approach as these zones better reflect the outcomes sought by this precinct.

The primary issue of contention between parties involves the connection of the precinct with the streets to its immediate south. The Mount Albert Residents Association and the Springleigh Residents Association oppose any connection between the precinct and the southern streets. While the Panel acknowledges this opposition, its view is that the development of the precinct needs to integrate and support the transport network. By setting direction and limitations through the activity table, and the provision of the integrated transport assessment, the Panel is satisfied that these connections can be appropriately managed. This is the Mount Albert Residents Association's alternative relief to address these connections and other transport issues. It is largely supported by Unitec Institute of Technology and is the agreed position of the Panel. The above approach establishes clearer parameters within which transport effects can be assessed and is preferable to

Council's position of leaving the details of these roading connections to consenting processes.

Another issue was the absence of an integrated transport assessment being presented in evidence. The Panel is, however, satisfied that the transport effects of development in the precinct are well understood based on the evidence of Unitec, Mount Albert Residents Association and Council. Through the identification of varying types of connections in the precinct activity table, and the special information requirements of an integrated transport assessment, the development proposals can be assessed against policies and criteria. These provisions are considered appropriate for considering effects such as through-precinct traffic, overflow car parking and the operation of the surrounding transport network.

The provision of open space within the precinct was another issue raised by parties. The Panel agrees with Council's position on this matter set out in its closing statement. The provision of open space in the precinct is considered adequate for future needs and is supported by criteria to consider any proposed variances from what is provided in the precinct plan.

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to implement across the Plan. The framework plan provisions have been removed from the precinct with the precinct plan itself considered sufficient to show the arrangement of key elements to support future development. Development and subdivision are recommended to be assessed against this precinct plan. Proposals in general accordance with the precinct plan will proceed through more enabling consenting processes than proposals that are not in general accordance.

Integrated transport assessments and stormwater management plans have been changed from standards to special information requirements. These are more appropriately special information requirements to be provided with consent applications. Where proposals are not accompanied by these information requirements it is expected that Council will exercise its powers under section 88 (3) of the Resource Management Act 1991.

Other more minor changes are made to the provisions to improve their functionality and for clarity.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends amended provisions for the Wairaka Precinct, partly as proposed by Unitec and partly as proposed by Council.

Once amended further by best practice approaches outlined above, these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

[080 Ak Cncl - Wairaka Precinct \(M Peake\) - Traffic](#) (03 December 2016)

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\)](#) (15 February 2016)

[080 Ak Cncl - Tertiary Education - Wairaka Precinct - CLOSING REMARKS](#) (1 April 2016)

Unitec Institute of Technology

[080 UNITEC \(D McKenzie\) - Transport](#) (19 December 2015)

[080 UNITEC - Legal Submissions](#) (24 February 2016)

[080 UNITEC - Closing comments](#) (23 March 2016)

Mount Albert Residents Association

[080 Mt Albert Residents Association \(J Parlane\)](#) (19 December 2015)

[080 Mt Albert Residents Association - Legal submissions](#) (25 February 2016)

Part 2 Precincts unsupported

Churchill Park Precinct

1. Summary of recommendations

The Panel does not support a new precinct for Churchill Park.

This matter was heard under Topic 080 Rezoning and Precincts (General). Relevant issues were also canvassed in Topic 058 Public open space and in relation to the request by Friends of Regional Parks for a new regional park precinct or zone.

This precinct was heard in Topic 080.

2. Precinct description

Churchill Park is an expansive farm park (44 hectares) located in the eastern isthmus. It is managed in accordance with the Churchill Park Reserve Management Plan 1996 which the submitters characterised as promoting 'countryside in the city'.

The park is subject to three zones in the proposed Auckland Unitary Plan:

- i. Open Space – Informal Recreation Zone which applies to most of the park;
- ii. Open Space – Sport and Active Recreation Zone which applies to the tennis and bowls club at the southern end; and
- iii. Open Space – Community Zone which applies to the existing care centre, scout hall/guides' hall to the north-west.

3. Key issues

The issue is whether there should be a precinct for Churchill Park in addition to the three zones that apply in the proposed Auckland Unitary Plan.

4. Panel recommendations and reasons

Friends of Churchill Park (5090) seek a new precinct to provide a policy and rule framework to recognise and protect the park's informal recreation character and purpose. Over the years, the community has experienced many threats from proposed developments and uses that, if given effect to, would have jeopardised the park's integrity as an informal open space. Members of the community assist with weeding and planting in the park, and have been working with Auckland Council over a number of years to improve the park for the wider Auckland community (see the Council's legal submissions, paragraphs 1.3-1.5). A key concern is the 'watering down' of the zoning provisions compared to the Open Space 2 Zone that applied in the Auckland Council District Plan - Operative Auckland City - Isthmus Section (as discussed in paragraph F of Dr Eric Walton's hearing statement).

The Council's planning witness, Dr Carole Stewart, did not support a new precinct for the following reasons (outlined in paragraph 10.9 of her evidence in chief):

- i. the proposed precinct does not provide for a unique activity type; and
- ii. the Auckland-wide rules, the Open Space - Informal Recreation Zone rules and the Churchill Park Reserve Management Plan provide sufficient protection of the park.

In Dr Stewart's opinion, there are:

a variety of parks across Auckland that are similar to Churchill Park, which have reserve management plans, but do not have a precinct.

She cited examples such as parts of the Auckland Domain and Totara Park, as well as Craigavon Park and Western Springs Lakeside Park (evidence in chief, paragraphs 10.5-10.6).

While Dr Stewart acknowledged that the proposed precinct would create a more restrictive rule regime, she said that it does not of itself prevent privatisation, development, exclusive use, active recreation or inappropriate buildings. Resource consents can be obtained although the precinct provisions would make it harder to obtain consent. Further, any proposal needs consent from the Council, as landowner. In her opinion, it is not necessary for the Plan and the reserve management plan to be totally aligned and integrated (evidence in rebuttal, paragraphs 8.2-8.3).

In considering all the evidence, the Panel's starting position is the open space provisions as amended through the hearing process on Topic 058, see the Panel's Report to Auckland Council – Hearing topic 058 Open space July 2016. In summary, the Panel found that:

- i. having so few zones has created issues for the appropriate management of all open space across Auckland (section 1.3 of the Panel's report);
- ii. it is inappropriate to link what is permitted in the Reserve Management Plans to those activities permitted in the open space zones of the Unitary Plan (section 2.2);
- iii. open space, particularly that which is publicly owned, should remain as open as possible, and that greater use of resource consents is required to determine the appropriate range of activities within areas zoned open space (section 3.2); and
- iv. activities and buildings should be separated for clarity to enable better assessment of effects on the environment (section 3.2).

In addition, the Panel concluded elsewhere that the normal notification tests should apply to applications for resource consent (see section 7 of the Panel's Report to Auckland Council – Hearing topic 004 General rules July 2016).

The Panel agrees with Friends of Churchill Park that this park has special attributes given its size, location and sub-regional function. The Panel also agrees with the submitter that Churchill Park's informal recreation role will become more important as residential intensification takes place in the eastern isthmus. Churchill Park is not alone in facing pressure from population growth. As stated in the Panel's Report to Auckland Council – Hearing topic 058 Open space July 2016 (section 1.3):

The Panel generally agrees with those submitters seeking that open space, and in particular publicly-owned open space, remains open, as much as possible, as a 'first

principle'. The Panel accepts that open space will be under greater pressure from a growing and more intensified Auckland and that as a result open space will need to be multi-functional. Notwithstanding this, the Panel is recommending changes to the provisions such that most buildings (other than small-scale public amenity and parks infrastructure buildings) and activities seeking exclusive use of open space would generally require resource consents. The main policy approach is that effects on the open space itself and the ability of the public to use that space, will need to be assessed on a case-by-case basis.

Accordingly, to give effect to this policy approach and the consequential separation of activities from development, the Panel has provided for 'new buildings and external additions to existing buildings that do not comply with the one or more standards' as discretionary activities in the Open Space – Informal Recreation Zone.

In the Open Space - Sport and Active Recreation Zone, the Panel has recommended:

deleting the permitted activity status of buildings, including deleting the height requirement, and requiring a resource consent to assess the effects of any development on a case-by-case basis (See Panel's report on Topic 058 as referenced above, section 4.2).

With respect to the structure of the Plan, the Panel considers that precincts are an appropriate method of providing a place-based response to planning issues and/or development opportunities. In the Panel's view, a precinct does not have to provide for a unique activity type, as stated by Dr Stewart. The same activity in different locations may warrant a precinct to address the management of site specific resources, proposed developments and effects on the surrounding environment.

A precinct is particularly appropriate for large parks where a single zone does not provide a suitable policy framework. Cornwall Park and Monte Cecilia are examples of precincts being used in this way. On the continuum of large parks and recreation facilities, Bruce Pulman Park has a precinct under the auspices of the Special Purpose - Major Recreation Facility Zone. Where a reserve management plan is outdated and there is no clear commitment to review it, or it does not have support from the Council, the Panel considers that a precinct may be an apt way to ensure local planning issues are addressed.

Having said this, and acknowledging the validity of the submitter's concerns about loss of informal recreation to buildings or other activities, the Panel considers that a new precinct is not justified at this time. This option should be considered as part of a wider review of open space zoning and preferably in the context of the Churchill Park Reserve Management Plan review. This is because there is a structural weakness in the policy framework for the management of regional parks and large parks generally that needs to be addressed.

In its report on a submission by the Friends of Regional Parks seeking retention of the regional park precinct or a new regional parks zone, the Panel agreed with the submitter that there is a structural weakness in the proposed Auckland Unitary Plan with respect to the management of regional parks. Options for addressing this structural weakness were explored however the Panel concluded that:

The most apt model would depend on well-designed and executed policy analysis, information that was not available to the Panel in this process (see the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016, Annexure 1, Regional Parks Precinct, section 4).

In the Panel's view, Churchill Park is part of a group of large parks serving a regional or sub-regional function that ought to be included in a review of the Plan's structure and management approach for these parks. The future of regional and sub-regional parks which have a key role in meeting the recreational needs of a growing population should be planned for proactively rather than managed in an ad hoc fashion.

For these reasons, the Panel does not support a new precinct for Churchill Park.

5. Reference documents

Auckland Council

[080 Ak Cncl - Churchill Park Proposed Precinct \(C Stewart\) - Planning - LATE](#) (7 December 2015)

[080 Ak Cncl - Public Open Space - \(Joint Statement\) - Planning - REBUTTAL](#) (3 December 2015)

[080 Friends of Churchill Park \(E Walton\) - Chairman - Summary Statement](#) (19 February 2016)

[080 Friends of Churchill Park \(B Matheson & M Doesburg \(JOINT STATEMENT\) - Legal submissions](#) (19 February 2016)

[080 Friends of Churchill Park \(E Walton\)](#) (19 December 2015)

[080 Friends of Churchill Park \(E Walton\) - Amended at Hearing](#) (22 February 2016)

Newmarket 2 Precinct

1. Summary of recommendations

The Panel does not support this precinct.

The Panel notes both Council and the University of Auckland have agreed that a precinct is appropriate for this land however as a consequence of the Panel's recommendation to increase the extent of Business - Metropolitan Centre Zone around Newmarket, including all the land within the proposed precinct, the precinct is no longer considered necessary.

This precinct was heard in Topic 081.

2. Precinct description

The proposed Newmarket 2 Precinct is located on the corner of Khyber Pass Road and Park Road and is bounded to the east by Sutter and Kingdon Streets and to the north by the western rail line.

The precinct is close to and is part of the Newmarket Metropolitan Centre and has excellent access to good public transport links the rapid and frequent transport network, both bus and rail. Grafton railway station is located adjacent to the western boundary of the precinct.

The University of Auckland own the majority of the precinct site and have established a campus and identified it as a future innovation centre for the co-location of research and innovation facilities.

The purpose of the precinct was to:

- i. enable development and operation of a range of tertiary education and accessory activities to cater for the diverse requirements of the student population, employees and visitors to a high-quality education campus with a predominantly research-focussed character that integrates with and complements the Newmarket metropolitan centre;
- ii. enable a range of other activities appropriate to a large site that is part of the Newmarket metropolitan centre;
- iii. enable building scale and form that is appropriate to the opportunity of a large site that is part of the Newmarket metropolitan centre; and
- iv. enable community use of some of the tertiary education facilities within the precinct.

3. Key issues

Although the Council and the University could not agree on the wording of a number of the provisions within the proposed precinct, there was agreement on the desirability of the precinct for this land.

The Panel however, after carefully considering the University's intentions for its land, has taken a wider view of the relationship of this site to Newmarket, the physical extent of the

proposed Business - Metropolitan Centre Zone at Newmarket and the excellent access to the rail and bus networks, including the Grafton railway station at the western edge of the site. In assessing the strategic location of the University land in relation to Newmarket, in the context of the proposed zonings in the notified Plan, together with other submitter requests seeking to extend the Business - Metropolitan Centre Zone, the Panel has recommended the rezoning of this land rather than adopting the proposed precinct.

The Panel notes that the University originally sought a Business - Metropolitan Centre Zone for the eastern portion of the site and that this request was not pursued when this matter was heard.

Mr Richard Brabant on behalf of the University in his legal submissions at paragraph 6 stated that:

The strategic location of the land acquired for the Newmarket campus led to the University submission to the PAUP that the eastern sector of the land be zoned Metropolitan Centre rather than Mixed Use. This was to recognise the opportunity for at least that area of the site to accommodate a range of activities complimentary to or associated with the Newmarket campus that would have a synergy with and add to the Newmarket metropolitan centre commercial facilities, including retail. A good example being a Metro supermarket meeting the needs of staff and students but the wider shopping public as well. Additionally that MC zone provides for more generous building envelopes than the notified provisions of the Mixed Use zone. The refined position proposed through the evidence of Karl Cook and his recommended precinct provisions retains the Mixed Use zone across the entire area, with changes to development opportunities (including an increase in maximum height) and broader activity provisions.

The Panel has also given careful consideration to the evidence of Professor Stuart McCutcheon the Vice-Chancellor of the University. He advised that in relation to the Newmarket Campus:

9. The Newmarket Campus is being developed initially as a centre for Engineering and Science research to accommodate rapidly growing areas that can no longer be accommodated only on the City campus and/or are to be repatriated from the Tamaki Campus. The Newmarket campus is also ideally suited to building relationships with industry partners and colocators in the engineering and science sectors.

10. In the longer term, we would envisage further development of research and postgraduate facilities and potentially also student accommodation. I note in this regard that enabling co-location and development of activities accessory or complimentary to tertiary education facilities is desirable on all campus sites.

11. The University acquired Newmarket with the strong support of the City, but it will also incur significant "holding costs" in owning the property through an extended period of gradual development. The university therefore needs as much flexibility as possible in use of the property to undertake activities that meet those holding costs during the years that it transitions to a fully academic site.

The Panel taking into account the provisions of the Business - Metropolitan Centre Zone and the extent of the Business - Metropolitan Centre Zone now being recommended, considers that the development plans of the University will be appropriately enabled by the zone provisions and that there is no need for a precinct. The Business - Metropolitan Centre Zone enables the wide range of activities sought by the University (and considered appropriate by the Panel) and enables greater flexibility in terms of development options, recognising that the volcanic viewshafts that apply to the University land will establish the maximum height of future buildings on the site.

The Panel is confident that the Auckland-wide provisions, together with the provisions of the Business - Metropolitan Centre Zone, will appropriately enable the future development of this site, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Newmarket 2 Precinct not be adopted. The rezoning of the land within the proposed precinct to Business - Metropolitan Centre Zone, consistent with the rezoning of other land in the vicinity also to Business - Metropolitan Centre Zone, is considered the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) Attachment E, p174

[081e Ak Cncl - Central - Precincts \(Newmarket 2\) - \(B Overwater\) - Planning](#) (27 January 2016)

[081 University of Auckland - Legal submissions](#) (14 April 2016)

[081 University of Auckland \(S McCutcheon\) - Corporate](#) (12 February 2016)

Ōnehunga 3 (Port of Auckland) Precinct

1. Summary of recommendations

The Panel's recommendation is that there be no Ōnehunga Port Precinct included in the Plan. The Panel supports the concept, but finds it is premature to include a precinct at this time.

This precinct was heard in Topic 080.

2. Precinct description

The area is the existing Port of Ōnehunga, which is likely to transition to a mixed use type of environment over time.

3. Key issues

Whether a precinct should be provided over the Port of Ōnehunga to provide for the ongoing use of the area for port-related activities and other activities, while also providing for its transition over time to something other than port-related activities, such as mixed use (e.g. similar to the Wynyard Quarter).

4. Panel recommendations and reasons

Ports of Auckland Limited sought a precinct to ensure the Port of Ōnehunga could continue to operate for port activities while also enabling a range of non port-related activities. Ports of Auckland Limited confirmed (in the evidence of its planner, Mr Arbuthnot, in paragraph 4.6) that Ports of Auckland Limited and Council had agreed that Ports of Auckland Limited's concerns can be met by amendment to the Coastal - Minor Port Zone provisions to provide for a wider range of non port-related activities, such as light industry, at the Port of Ōnehunga. The Panel understands that Ports of Auckland Limited no longer seeks a precinct for this area.

The Manukau Harbour Restoration Society Incorporated and other submitters requested a new precinct with a mixed-use focus. This is to provide for the expected long-term future of the Port of Ōnehunga as a mixed use environment rather than exclusively for port activities. The submitters provided draft precinct provisions in support of this proposal. The Panel acknowledges the amount of work put in by the submitters to develop the proposed precinct provisions.

The Panel also notes that this proposal was considered by the Council in Topic 033/34 – Coastal and was not supported. The evidence of Ms Coombes, the Council's planner, supported in principle the intent of the mixed-use precinct and acknowledged that this is likely to be the long-term use of the area. The Panel supports the Council's position; that significant further work is needed before such a precinct could be included in the Plan and that it is premature to put a precinct in place.

The Panel's view, supporting the Council's position, is that the long-term future of the area needs be developed in consultation with all affected stakeholders, including the fishing

industry, the community, Transpower and all parts of the Council and the Council Controlled Organisations. For the reasons set out in Ms Coombes' evidence, it is the Panel's recommendation that the precinct should not be included in the Plan at this stage.

5. Reference documents

080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new (Port of Onehunga), Mt Wellington 1 new (Ports of Auckland, Gabador Place) - (K Coombes) - Planning (4 December 2015)

080 Ak Cncl - Legal submissions (Coastal) (16 February 2016)

080 Ports of Auckland (M Arbuthnot) - Planning (19 December 2015)

080 Onehunga Bus Ass, Manukau Restoration Society, Onehunga Enhancement Society - Port of Onehunga (16 December 2015)

Sylvia Park Precinct

1. Summary of recommendation

The Panel does not support the precinct proposed by Council and recommends its deletion.

This matter was heard in Topic 081.

2. Precinct description

The Sylvia Park Precinct is an existing precinct located at 286 Mount Wellington Highway, Mount Wellington.

The Sylvia Park Precinct has a long history of plan change developments, with a total of four plan changes to the Auckland Council District Plan I – Operative Isthmus Section between 1999 and 2010. The most recent plan change, Plan Change 235, became operative in 2010.

The purpose of the Sylvia Park Precinct as notified was to guide future development towards supporting a greater range of activities for it to become a Business - Metropolitan Centre Zone.

Sylvia Park Precinct as notified in the proposed Auckland Unitary Plan was divided into three separate areas A1, A2 and B. These were renamed as Sub-precincts A, B and C. Specific controls apply to each sub-precinct to recognise and manage the individual characteristics and the environmental issues within these areas.

The precinct is zoned Business - Metropolitan Centre Zone.

Council and the principal submitter, Kiwi Property Group Limited, both supported the precinct but differed, by the end of the hearing, regarding two provisions relating to height limits in Sub-precinct B and business zone yard controls.

3. Key issues

Apart from the two provisions noted above, Council also drew attention to a 160m stream that runs through the site, which the submitter regards as a drainage channel, and that would attract a 10m riparian yard requirement along either side. The submitter opposed the addition of that rule.

In line with the Panel's general approach to centre zones and their strategic purpose and function, it has reviewed the need for additional controls of the sort proposed on this metropolitan centre. Having done so, and taking into account the history of plan changes, its neighbourhood, and its future as a metropolitan centre, the Panel sees no particular planning merit in the precinct provisions proposed. The Business - Metropolitan Centre Zone (and broader Plan) provisions will enable consideration of the matters of concern raised (including the additional matter raised above) and ensure that further development of buildings is designed, located and orientated appropriately with respect to its planned context and function.

The Panel notes that the provisions relating to the limited earthworks corridor, which identifies the course of a historic, spiritual and culturally significant stream of importance to Mana Whenua, have been transferred to E12 Land disturbance - District.

In summary, the Council's position in relation to the Sylvia Park Precinct is set out in the planning evidence in chief and rebuttal of Ms Marie Stainwright and Council's closing remarks Volume 1.

The position of the submitter, Kiwi Property Group Limited and Kiwi Property Holdings Limited, was as stated in the legal submissions of Mr Douglas Allan and the planning evidence in chief and summary statement of Mr Gerard Thompson.

Having reviewed the evidence from parties, the Panel finds that the precinct is no longer necessary with the changes recommended to the general provisions for the Business - Metropolitan Centre Zone, along with other Plan requirements. Concerns regarding urban design and spatial form can and will be addressed through the relevant provisions of the Plan.

4. Panel recommendations and reasons

The Panel does not support the precinct proposed by Council and recommends its deletion for the reasons set out in section 3 above.

5. Reference documents

[081e Ak Cncl - Central - Precincts \(Sylvia Park\) - \(M Stainwright\) - Planning \(26 January 2016\)](#)

[081e Ak Cncl - Central - Precincts \(Sylvia Park\) - \(M Stainwright\) - Planning - REBUTTAL \(24 February 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 210\)](#)

[081 Kiwi Property Group Ltd \(Sylvia Park and New Lynn precinct\) - Legal submissions \(21 April 2016\)](#)

[081 Kiwi Property Group Ltd \(G Thompson\) - Planning - Sylvia Park \(12 February 2016\)](#)

[081 Kiwi Property Group Ltd \(G Thompson\) - Planning - Sylvia Park– Summary Statement \(21 April 2016\)](#)

[081 Kiwi Property Group Ltd \(Sylvia Park and New Lynn precinct\) - Legal submissions \(21 April 2016\)](#)

Tāmaki Redevelopment Precinct

1. Summary of recommendations

The Panel does not support this precinct.

This precinct was heard in Topic 081.

2. Precinct description

The precinct and its purpose were set out in the Council's legal submissions on precincts dated 3 March 2016 at page 175 as set out below:

1. The notified Tamaki precinct encapsulates Glen Innes and Panmure and the general business areas that interpose these town centres, as well as some business land extending southwards along the Mount Wellington Highway. The precinct includes the residential suburbs of Glen Innes, Point England and Panmure and extends approximately 5 km north to south between St Heliers Bay Road to Panmure Basin, and 3 km west to east from College Road to the Tamaki River. The precinct, as notified, covers a large area of approximately 832 ha. Because of this there are 11 underlying zones and a large number of overlays within the Tamaki precinct, reflecting the varied urban settings to which it is applied. The notified precinct provisions respond only to several underlying zones, however, both of which are residential.

2. The purpose of the Tamaki precinct is to provide for residential growth. Consequently the precinct includes a number of mechanisms to promote growth and residential intensification in the Tamaki area. This implements the Auckland Plan Development Strategy Map D.2 which includes a goal of growth and revitalisation of Tamaki. It is also important to note the existence of the Tamaki Redevelopment Company (TRC), formed in partnership with the Crown as a non-regulatory method to foster redevelopment and growth in Tamaki. The TRC is to be transferred the substantial landholdings of HNZ in Tamaki.

And

5. The Council proposes a number of amendments to the notified precinct provisions including reducing the overall size of the precinct and changes to the precinct description, objectives, policies and methods. The main changes and issues related to the precinct are listed below.

Sub precinct A

6. Sub precinct A relates to approximately 16 hectares of land within the Tamaki precinct that straddles the disused Tamaki rail station. The notified precinct included a Transit Oriented Development (TOD) focussed around reopening the rail station and providing for higher development yields through use of the framework plan over land to the west and east of the rail station.

7. The Council proposes deleting sub-precinct A and the associated TOD. Ms Perrins, on behalf of Auckland Transport, explains in her evidence that there is currently insufficient planning, funding or information about the impact of reopening the Tamaki rail station on the rapid and frequent services network to commit to reopening of the station at this time. Ms Greaves explains in her rebuttal statement that the western portion of the sub-precinct is affected by a notice of requirement for a regional road whose severance effects are unlikely to sustain the fine grained redevelopment envisaged by the sub-precinct. While the eastern portion of the sub-precinct is appropriately situated for comprehensive redevelopment, the zoning of the land is the appropriate planning response.

Framework plans

8. The Council proposes deleting framework plans from the Tamaki precinct as they are not considered appropriate given the vast size of the precinct and the fragmented landownership.

3. Key issues

The primary submitters that the Panel heard legal submissions and evidence from were the Tāmaki Redevelopment Company, Goodman Property Limited and Diana Drive Investments Limited.

The key issues between the submitters and the Council related to:

- i. Sub-precinct A;
- ii. the need for the proposed precinct; and
- iii. the zoning of land within the proposed precinct.

3.1. Sub-precinct A

The Panel agrees with the evidence of Council and Auckland Transport that the sub-precinct be deleted because there is insufficient planning, funding, or information about the impact on the rapid and frequent services network from reopening the Tāmaki rail station and encouraging a transport-oriented development at this time.

3.2. The need for the precinct

The Panel notes that the Council recommended the deletion of many of the precinct provisions in its evidence, leaving only a few provisions to provide for intensification in the Tāmaki area. The Tāmaki Redevelopment Company in the evidence of Mr Mark Vinall sought that the precinct provisions be amended, but to a lesser extent than proposed by Council. Mr Vinall also sought that framework plans/consents be retained to enable integrated development of sites in the sub-precinct and precinct. Mr Vinall noted that large areas of land within the precinct will be in the ownership of the Tāmaki Redevelopment Company and that integrated development can be achieved using the framework plan/consent approach.

As a consequence of the Panel's recommendation to delete framework plans/consents from the Plan (see the Panel's Report to Auckland Council – Overview of recommendations July 2016) the framework plan/consent approach is no longer an option for this precinct.

The Panel agrees that the purpose of the precinct (to provide for residential growth and re-generation) is important in this area. However, the Panel considers that the residential rezoning recommended in response to submissions, and as a consequence of applying the Panel's principles of zoning around town centres, sufficiently enables the growth and regeneration purpose. The residential zoning as notified was a mix of:

- i. Residential - Single House Zone;
- ii. Residential - Mixed Housing Suburban Zone;
- iii. Residential - Mixed Housing Urban Zone; and
- iv. Residential - Terrace Housing and Apartment Buildings Zone.

It is now recommended that the residential zoning be comprised of:

- i. Residential - Mixed Housing Suburban Zone;
- ii. Residential - Mixed Housing Urban Zone; and
- iii. Residential - Terraced Housing and Apartment Buildings Zone.

The Panel considers its residential provisions are more enabling than the notified Plan, therefore the refinement of provisions to support more intensive residential development in the Tāmaki redevelopment area (i.e. through precinct provisions for this location) is unnecessary.

The Panel has concluded that the zonings that have been recommended are the most appropriate way to enable the development of the proposed precinct land, provide for the expected growth and revitalisation of Tāmaki, and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

4. Panel recommendations and reasons

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, for the reasons discussed above, recommends that the Tāmaki Redevelopment Precinct not be adopted. The rezoning of the land within the proposed precinct as recommended by the Panel is considered the most appropriate way to enable the development of the proposed precinct land, provide for the expected growth and revitalisation of Tāmaki and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

5. Reference documents

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (Page 175)

[081e Ak Cncl - Central - Precincts \(Tamaki\) - \(R Greaves\) - Planning](#) (26 January 2016)

[081e AK Cncl - Central - Precincts \(Tamaki\) - \(R Greaves\) - Planning - REBUTTAL](#) (26 February 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Page 214)

081 Tamaki Redevelopment Company Ltd (M Vinall) - Planning (14 February 2016)

Refer to [hearings webpage](#) for all evidence documents logged on behalf of Tamaki Redevelopment Company (081 Rezoning and Precincts (Geographical Areas) - IHP DOCUMENTS AND SUBMITTERS EVIDENCE)