

27 July 2021

Direct Dial: 09 890 4027

To the Submitters

Tēnā koe

**PLAN MODIFICATION – NOTICE OF HEARING**

Applicant	BEI Group Limited
Plan modification number	Plan Modification 59
Application description	to rezone approximately 13.72 ha of land from Residential – Mixed Housing Suburban to residential – Terraced Housing and Apartment Buildings. It also seeks to amend Albany 9 precinct provisions and to introduce a new Albany 10 Precinct within the Auckland
Site address	Albany 10 Precinct

The safety and wellbeing of our customers, team members and communities in Auckland is always our utmost priority. We want to assure you that we're taking the necessary precautions to prevent the spread of COVID-19. We're dedicated to protecting against COVID-19. For the most up to date information on COVID-19 please visit [www.covid19.govt.nz](http://www.covid19.govt.nz). For the most up to date information about council's services please visit [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz).

Auckland is at COVID-19 alert level 1 at the time of this hearing notification. While most participants will be attending the hearing in person, there are alternative options to attend virtually if required. Please contact the Hearings Advisor to discuss these options no later than Thursday 21 October 2021.

Attendees at a hearing under COVID-19 Alert level 1 are still encouraged to:

- maintain good hygiene practices
- keep track of where you have been using the QR code on arrival
- keep your distance from people you don't know
- use a face-covering if desired
- no participants are to attend who have COVID-19 symptoms or who need to be in isolation/quarantine for any reason.

Should the COVID-19 Alert Level retract to level 2 or above at the time this hearing is scheduled to be held, the Hearings Advisor will contact you about how we will proceed with the hearing.

The above proposed plan modification will be heard by Hearing Commissioners **David Hill, Trevor Mackie and Reginald Proffit** at a hearing to be held as follows:

**Date:** Monday 1 November to Wednesday 3 November 2021 with additional overflow day on Thursday 4 November 2021 only if required

**Time:** 9.30am

**Venue:** Council Chamber  
Ground Floor, Auckland Town Hall  
301 Queen Street, Auckland

You are invited to attend the hearing where the Hearing Commissioners will consider submissions in support of/ or opposing the application. Attendance via Skype is available on request, by contacting the hearings advisor by Thursday 21 October 2021.

Please note the commissioners will carry out a site visit, individually or together, either before, during or after the hearing which may involve them going on to the application site and, if necessary, submitters' sites. During the site visit, the commissioners will not speak to any of the parties directly about the application's merits.

The chair has directed that evidence is to be pre-circulated for this hearing. See the attached Direction. In accordance with the Direction, evidence is due to be received by the Hearings Advisor as follows.

Key Dates for this hearing	
Council S42a report available	Monday 27 September 2021
Applicant's evidence due	Monday 4 October 2021 by 12 noon
Submitters expert evidence due	Monday 11 October 2021 by 12 noon
Council S42a addendum report	Monday 18 October 2021
Applicant's supplementary evidence and legal submissions requested	Thursday 21 October 2021 by 12 noon
Submitter's non-expert evidence requested	Thursday 21 October 2021 by 12 noon
Appearance forms returned	Thursday 21 October 2021 by 12 noon

The officer's report and evidence will be made available on council's website at:

<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/find-auckland-unitary-plan-hearing.aspx>

The following apply:

- (a) **The council** is required to provide its officer's reports and any evidence at least 15 working days prior to the date of the hearing. This report will be available on the council website no later than 5pm on Monday 27 September 2021.
- (b) **The applicant** is required to provide all its briefs of evidence by 12 noon Monday 4 October 2021. You will be advised once the evidence is available.
- (c) **Any submitter** proposing to call expert witnesses is required to provide briefs of evidence from those experts by 12 noon Monday 11 October 2021.

The submitter is required to provide:

- 10 hard copies of the evidence
- 1 soft copy - briefs of evidence to be provided via email or on a data stick, each file should be less than 10Mb.

Electronic copies of evidence can be sent to the Hearings Advisor at [DS-Hearings@aucklandcouncil.govt.nz](mailto:DS-Hearings@aucklandcouncil.govt.nz), Attn: Laura Ager

- (d) A short-written summary for briefs of evidence in excess of 10 pages is helpful. It is likely the commissioners will request that this at least is read at the hearing.
- (e) Email will be the address for service for the submitters unless advised otherwise.

If you wish to attend the hearing, please fill in the attached appearance form and return it to me by Thursday 21 October 2021.

Please do not hesitate to contact me on 09 890 4027 if you have any questions in relation to this hearing.

Ngā mihi



Laura Ager  
Senior Hearings Advisor

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of **Private Plan Change 59** – Albany Precinct 10 to the Auckland Unitary Plan

### **HEARING DIRECTION #2 FROM THE HEARING PANEL**

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners with David Hill as Chairperson. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change.
2. On 14 June 2021 the Hearing Panel directed the Applicant to file a memorandum outlining what, if any, changes to the notified plan change are proposed to be recommend and outline which changes are in response to which submissions. The Applicant filed the memorandum on 28 June 2021. Both documents are attached to this Direction.
3. The Hearing Panel has considered the Applicant's memorandum and accordingly directs the following:
  - (a) Pursuant to section 42A of the RMA, the S42A hearing report is to be with Council's Senior Hearings Advisor, Laura Ager, by 9am on Wednesday 22 September 2021 and shall be released to all parties no later than 5pm **Monday 27 September 2021**.

**Note:** The Hearing Panel is not able to direct the section 42A hearing report to include an assessment of any revised provisions as that is considered contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant's expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council's Senior Hearings Advisor no later than midday, **Monday 4 October 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
- (c) Should changes to the notified Plan Change be proposed by the Applicant the evidence provided in (b) must include a S32AA report on and reasons why any proposed changes are in scope.
- (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Senior

Hearings Advisor no later than midday, **Monday 11 October 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.

- (e) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report to the Council's Senior Hearings Advisor no later than midday, **Monday 18 October 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
  - (f) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence by the Applicant is to be provided to the Council's Senior Hearings Advisor no later than midday, **Thursday 21 October 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
  - (g) The hearing shall commence on **Monday 1 November 2021** and has been set down for 3 days, with 1 overflow day.
4. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Senior Hearings Advisor no later than midday, **Thursday 21 October 2021** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
  5. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Thursday 21 October 2021**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
  6. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
  7. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Ms Ager, by email at [laura.ager@aucklandcouncil.govt.nz](mailto:laura.ager@aucklandcouncil.govt.nz).



David Hill  
Chairperson

14 July 2021

**IN THE MATTER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of **Private Plan Change 59** – Albany 10 Precinct to the Auckland Unitary Plan

**HEARING DIRECTION #1 FROM THE HEARING PANEL**

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed the chair of the Hearing Panel – David Hill (Chairperson). The hearing panel members will be appointed shortly. The Hearing Panel's function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change.
2. Plan Change 59, in summary, seeks to rezone approximately 13.72 ha of land from Residential – Mixed Housing Suburban to residential – Terraced Housing and Apartment Buildings. It also seeks to amend Albany 9 precinct provisions and to introduce a new Albany 10 Precinct within the Auckland Unitary Plan (Operative in Part) 2016 at 473 Albany Highway, Albany.
3. Before the hearing timetable is set down, the Chair directs the applicant to file a memorandum outlining what, if any, changes are recommended to the proposal and outline which changes are in response to which submissions. This memorandum should be lodged with the Council's Senior Hearings Advisor, Laura Ager, by 5pm, Monday 21 June 2021.
4. The reason for this is, in accordance with Part 2 of Schedule 1 of the RMA, any modifications to the plan change application must be made prior to the Local Authority considering the request under S25 of Schedule 1. As this private plan change has already been notified, the S42A report will be based on the private plan change as notified. The Chair, in setting the hearing timetable, will take into consideration the extent of any proposed changes to ensure all parties have sufficient time to prepare for the hearing.
5. You are also invited to prepare an addendum addressing the relevant matters now required by the 'Resource Management (National Environmental Standards for Freshwater) Regulations 2020' (NES:FW) and National Policy Statement on Freshwater (NPS:FW) – which became operative after your request was lodged.
6. Any enquiries regarding these Directions or related matters should be directed to the Council's Senior Hearings Advisor, Laura Ager, by email at [laura.ager@aucklandcouncil.govt.nz](mailto:laura.ager@aucklandcouncil.govt.nz).



David Hill, Chairperson  
14 June 2021

**BEFORE AUCKLAND COUNCIL**

**UNDER THE**

Resource Management Act 1991

**IN THE MATTER OF**

A request by Bei Group Limited for a private plan change to the Auckland Unitary Plan (Operative in part) to rezone 13.7210 hectares at 473 Albany Highway, Albany from Residential – Mixed Housing Suburban to Residential – Terrace Housing and Apartment Buildings and to apply a new Albany 10 Precinct

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**MEMORANDUM OF COUNSEL ON BEHALF OF BEI GROUP LIMITED  
– RESPONSE TO HEARING PANEL DIRECTION #1**

Date: 28 June 2021

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

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## 1 Introduction

- 1.1 This memorandum is filed on behalf of the Applicant, Bei Group Limited (*the Applicant*) in response to Direction #1 of the Hearing Panel (*the Direction*), dated 14 June 2021.
- 1.2 The proceeding is in respect of an application for a private plan change to rezone 13.7210 ha at 473 Albany Highway, Albany and apply a new Albany 10 Precinct (*PC59*).

## 2 Information sought in Direction

- 2.1 The purpose of this memorandum is to respond to the Direction which required the Applicant:<sup>1</sup>
  - (a) outline what, if any, changes are recommended to the proposal and outline which changes are in response to which submissions; and
  - (b) to prepare an addendum addressing the relevant matters now required by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (*NES-FW*) and National Policy Statement on Freshwater Management 2020 (*NPS-FM*) – which became operative after PC59 was lodged.

### *Revised provisions*

- 2.2 **Attachment 1** to this memorandum comprises a marked-up version of PC59 provisions incorporating amendments proposed by the Applicant (*Revised Provisions*).
- 2.3 The Revised Provisions include comment boxes specifying the submissions that the proposed changes respond to. The Revised Provisions include in particular specific responses to a number of detailed submissions made by Auckland Council and Auckland Transport.
- 2.4 The Applicant confirms that it will seek at the hearing of PC59 the relief specified in the Revised Provisions.

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<sup>1</sup> Hearing Direction #1 from the Hearing Panel, at [3] and [5].



*NES-FW and NPS-FM*

- 2.5 **Attachment 2** is a memorandum, prepared by Boffa Miskell, setting out the relevant matters now required by the NES-FW and NPS-FM and how those are addressed in PC59.
- 2.6 **Attachment 3** is a memorandum, prepared by Campbell Brown, in respect of the application of the NES-FW and NPS-FM to PC59.
- 2.7 **Attachment 4** to this memorandum is a revised set of precinct plans, to reflect amendments made to the precinct provisions and the removal of the proposed stormwater pond as outlined in the memorandum prepared by Campbell Brown.
- 2.8 The Applicant confirms that while there are considerations which are now relevant to PC59 in light of the NES-FW and NPS-FM becoming operative, the matters required to be addressed by the NES-FW and NPS-FM are met by the PC59 provisions as amended.

**DATED** this day 28th of June 2021



**F M Lupis**

Counsel for Bei Group Limited

## **Attachment 1**

## I552 Albany 10 Precinct

### I552.1 Precinct Description

The Albany 10 Precinct applies to part of the former Massey University Albany Campus which extends across 13.7 hectares of land between the Albany Highway, gradually falling away towards the Days Bridge Esplanade Reserve, beyond which lies the Oteha Stream and Fernhill Escarpment.

The precinct benefits from the existing amenity, landscape and ecological values that the Fernhill Escarpment and Oteha Stream provide to the surrounding urban environment; and is strategically located adjacent to Albany Highway which provides direct multi-modal transport connections to Albany Village and the Albany Metropolitan Centre. The precinct also benefits from proximity to, and connections with, the walking tracks throughout the Fernhill Escarpment, which extend along the Oteha Stream to the northeast, and towards Lucas Creek to the west. These features are identified within the precinct as integral to support urban growth and residential liveability.

The purpose of the precinct is to provide for a comprehensive and integrated redevelopment of part of the former Massey University Albany Campus. The precinct enables a new residential community comprising a mixture of housing types including terrace housing, low and mid-rise apartment buildings and integrated residential development such as retirement villages within a unique urban setting. The variety of housing typologies enabled by the precinct will help cater for Auckland's projected growth and will integrate comfortably within the existing urban environment. [The precinct does not preclude the provision of social infrastructure or educational facilities, given the underlying Terrace Housing and Apartment Building Zone.](#)

The precinct seeks to maintain the ecological functions and water quality of existing streams, while also enhancing the landscape and open space amenity values of the area through the provision of publicly-accessible open space that incorporates established trees, planting (including riparian planting), visual corridors, shared pedestrian cycle paths, walkways and informal recreation and play areas.

The zoning of the land within the precinct is Residential - Terrace Housing and Apartment Buildings Zone. A location-specific range of residential densities and building forms are provided for that includes commercial [activities](#) and healthcare [activities](#) [facilities](#) in identified locations around a Community Hub identified on Precinct Plan 1, intended to support the local community while not undermining the role, function and viability of existing centres nearby.

Height control areas have been applied to recognise the favourable size, location and topography of the precinct to accommodate a range of buildings heights. The enabled heights recognise the relative sensitivities of adjoining and adjacent neighbours, with greater height located where potential adverse effects can be managed within the precinct and/or there is capacity to accommodate greater building height. Buildings of up to ten storeys are enabled in identified locations through the centre of the precinct, transitioning to six storeys along the Days Bridge Esplanade Reserve and the northern frontage of the precinct to Albany Highway. In areas where there is an interface to lower

**Commented [MOE1]:** 139.4 – Wording added to clarify the intention of the precinct and relationship with underlying zone and discretionary activity status for such activities.

**Commented [AT2]:** 127.26 – Consequential amendments for consistency with AUP definitions and across precinct provisions.

intensity zones or the Days Bridge Esplanade Reserve, the precinct enables a built character of development of predominantly three storeys.

The precinct seeks to ~~control the number of dwellings that are enabled in order to~~ manage effects on the transportation network and on intersections providing access to the precinct. Triggers are provided for within the precinct to assess the capacity of the ~~local~~ transport network to accommodate the planned growth, and to provide for upgrades to the two ~~primary~~ signalised intersections servicing the precinct, along with upgrades to cycle paths.

Development of this precinct will be guided by the following precinct plans:

- Precinct Plan 1 – Albany features plan.
- Precinct Plan 2 – Albany movement network.
- Precinct Plan 3 – Albany height and building coverage control areas.
- Precinct Plan 4 – Albany frontage controls.

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

## 1552.2 Objectives [dp]

### Development

- (1) Creation of a vibrant and diverse community that enables a range of household sizes and dwelling typologies, including integrated residential development.
- (2) Subdivision and development are undertaken in a comprehensive manner in general accordance with Precinct Plans 1 – 4, and are designed to align with the provision of open space and, where required, the upgrading and installation of infrastructure including transport infrastructure and services (~~road and pedestrian linkages and accessways~~), water, wastewater and stormwater.
- (3) Subdivision and development provides for an efficient use of land to deliver housing supply in proximity to existing centres.
- (4) Non-residential activities are provided for in identified locations, proximate to the central Community Hub identified on Precinct Plan 1, to support residential occupation within the precinct.
- (5) Subdivision and development within the precinct contributes to, and models the principles of, a sustainable urban neighbourhood as identified in the Green Star Sustainable Communities rating tool, or other equivalent rating system.

### Built form

- (6) New buildings and structures respond and positively contribute to the amenity values of streets, open spaces and the surrounding environment.
- (7) Development is in keeping with the planned urban built character of the precinct, enabling buildings between three and ten storeys in height in identified locations.

**Commented [AT3]:** 127.2 – Consequential amendment: Trip generation cap imposed as sought by Auckland Transport and Auckland Council in part, results in removal of the dwelling density cap. This 1800 dwelling figure was derived from the theoretical development capacity of the master plan.

Consequential amendment to therefore remove reference to control of dwelling numbers by such a standard.

**Commented [AT4]:** 127.3 – Support.

**Commented [AT5]:** 127.40 – Consequential amendment due to removal of the northern vehicle access.

**Commented [WC6]:** 59.2 – Support.

**Commented [AT7]:** 127.4 – Support with consequential amendment/deletion.

**Commented [AC8]:** 73.12 – Supported consequential amendments for consistency.

**Commented [AC9]:** 73.12 – Supported consequential amendments for consistency.

- (8) Subdivision and development in the precinct respond positively to the natural and physical features of the area, while at the same time providing for the planned built-outcomes within the precinct.

*Open space and public realm*

- (9) Pedestrian and cycle linkages within the precinct are provided, including connections within to the wider roading and pedestrian network and adjacent land, taking into account topography, visual corridors, watercourses and vegetation, to enhance recreation and connectivity and create a network that links open spaces within the precinct and the wider environment.
- (10) Recreational needs of the community are met through:
  - (a) the provision of open space areas in accordance with Precinct Plan 1 – Albany features plan, that are publicly accessible and integrated with the movement network and Community Hub; and
  - (b) promoting common informal recreational spaces in areas of intensity identified within Precinct Plan 3 – Albany height and building coverage control areas.
- (11) Accessible open spaces recognise and take advantage of the natural features of the site, including the incorporation of existing waterways, existing riparian margins and identified existing mature trees within the open space network.

**Commented [AT10]:** 127.5 – Support.

- (12) The ecological values of existing streams, wetlands and habitats are recognised and protected, and where practicable, enhanced.
- (13) The natural and environmental values of the precinct are maintained and, where practicable, enhanced.

**Commented [HP11]:** Updated in response to request for consideration of the National Policy Statement for Freshwater Management and National Environmental Standard for Freshwater.

**Commented [AC12]:** 73.38 – Supported change to reflect the potential for enhancement of ecological values, consistent with proposed standards.

*Infrastructure*

- (14) Subdivision and Development ~~is are~~ integrated with the capacity of the local transport network ~~internal to the precinct~~ to ensure travel demand is supported by suitable transportation infrastructure.
- (15) Land use and development within the precinct promotes the safe and efficient operation of the local transport network.
- (16) Subdivision and development within the precinct facilitate a transport network that:
  - (a) supports pedestrian, cycle and public transport use; and
  - (b) facilitates and promotes alternative transport choices.
- (17) The adverse effects of stormwater runoff within the precinct are avoided or mitigated to maintain water quality and preserve the mauri of the Oteha Stream.
- (18) Development is integrated and sequenced with the upgrading of and/or installation of new water and wastewater infrastructure.

**Commented [AC13]:** 73.13 – Supported in part with consequential wording amendment.

**Commented [AT14]:** 127.6 – Support.

**Commented [AT15]:** 127.2 and 127.6 – Consequential amendment: Trip generation cap imposed as sought by Auckland Transport and Auckland Council in part now addresses wider network effects (not just internal to precinct).

**Commented [AC16]:** 73.36 – Supported.

**Commented [WC17]:** 59.3 – Accepted.

In addition to the objectives specified above, all relevant overlay, Auckland-wide and zone objectives apply in this precinct.

### I552.3 Policies [dp]

#### Development

- (1) Promote comprehensive and integrated subdivision and development of the precinct in general accordance with Precinct Plans 1 – 4.
- (2) Ensure that subdivision and development within the precinct contributes to a 'sustainable community rating' under the Sustainable Community Rating Tool – Green Building Council, particularly through the principles of energy efficiency, accessibility including cycling and public transport, sustainable water management, biodiversity and compact walkable neighbourhoods.
- (3) Enable development in a variety of forms and heights to ensure an efficient use of land, while responding to the planned urban built character of adjoining residential sites, preserving the character and amenity of the Days Bridge Esplanade Reserve and Fernhill Escarpment, and providing high-quality on-site amenity.
- (4) Promote an integrated urban form, with pedestrian and cycleway movement networks to provide an alternative to, and reduce dependency on, private motor vehicles as a means of transportation.
- (5) Enable commercial activities and healthcare facilities activities in identified areas through a commercial frontage control located in proximity to the community hub identified on Precinct Plan 1, to service the needs of the community while ensuring that:
  - (a) the commercial uses will not detract from the residential amenity of the precinct; and
  - (b) the scale and intensity of commercial activities will not have an adverse effect on the role, function and viability of Albany Village and the Albany Metropolitan Centre.
- (6) Reflect a strong cultural narrative within the Precinct through mahi toi, and provide high quality open spaces, revegetated riparian margins and high-quality stormwater management to achieve positive Mana whenua outcomes.

**Commented [AC18]:** 73.14 – Supported consequential amendment.

**Commented [AC19]:** 73.14 – Supported consequential amendment.

**Commented [AT20]:** 127.46 – Consequential amendment to ensure the community rating is across all development, and therefore consistent in wording throughout precinct.

**Commented [AC21]:** 73.53 – Consequential amendment: consistency of terminology with AUP/Auckland Council

**Commented [AC22]:** 73.65 – Te Aranga not identified through consultation as a matter of interest or concern for Iwi. Additional policy proposed to address submission point and tie mana whenua outcomes together. Criteria also added as a consequential amendment to address residual concerns around reuse of native vegetation that is not practical to be retained.

**Commented [AC23]:** 73.14 – Supported consequential amendment.

#### Built form

- ~~(6)~~(7) Ensure subdivision and development is of a scale and form that maintains adequate sunlight access to residential units and open space, and mitigates the effects of bulk, dominance and overlooking.
- ~~(7)~~(8) Require that new buildings:
  - (a) achieve a high-density urban built character of three to ten storey buildings in identified locations in a variety of forms;-
  - (b) are appropriate in scale to the internal street network and public frontage to the precinct along Albany Highway;

- (c) provide a transition in height between Albany Highway and the Days Bridge Esplanade Reserve;
- (d) are located to support both the identified Visual Corridors through to the Fernhill Escarpment and key open space and pedestrian connections within the site; and
- (e) do not result in significant shading, bulk and dominance effects on residential land within and/or adjacent to the precinct, having regard to the planned outcomes for the zone.

~~(8)~~(9) Ensure residential development achieves a high standard of amenity by:

- (a) providing functional and accessible outdoor living spaces that are suitable for different dwelling typologies;
- (b) discouraging fencing in identified locations to ensure a permeable and legible pedestrian environment;
- (c) controlling fence heights in identified locations, to provide a reasonable level of on-site privacy while enabling passive surveillance of streets and open spaces;
- (d) controlling building coverage, impervious areas and minimum landscaped areas;
- (e) requiring the setback of buildings above 5 storeys to promote alternative building forms and facades;
- (f) applying design assessment criteria to manage privacy effects both within and external to the site;
- (g) specifying minimum setbacks from boundaries for primary and secondary outlooks to minimise overlooking, maximise daylight access and mitigate noise effects; and
- (h) requiring minimum side yards in identified locations to enable separation between buildings and development outside of the precinct.

~~(9) Require new buildings and other development in the precinct to be located and designed to maintain identified Visual Corridors between the Albany Highway and the Fernhill Escarpment.~~

*Open space and public realm*

~~(9)~~(10) Enable development that addresses and responds to the internal open space network, while generally requiring that all subdivision and development is consistent with the planned movement network identified on Precinct Plan 2 – Albany movement network.

~~(10)~~(11) Ensure that subdivision and development does not compromise the use of pedestrian linkages and the streetscape as natural extensions of the open space/s identified on Precinct Plan 2 – Albany movement network.

**Commented [AC24]:** 73.37 – Supported deletion as a repeat of (7)(d).

**Commented [AC25]:** 73.14 – Supported consequential amendment.

**Commented [AC26]:** 73.14 – Supported consequential amendment.

~~(12)~~(12) Enable passive recreation opportunities within open space areas throughout the precinct to encourage the use and enjoyment of the pedestrian network and natural environment within the precinct.

~~(13)~~(13) Incorporate existing urban streams and watercourses within the precinct into the open space green network for all subdivision and development, to ensure their ongoing contribution to the natural amenity and environmental values of the surrounding environment.

~~(14)~~(14) Promote the activation, use and enjoyment of the Central Park green space for residents within the precinct by:

- (a) enabling recreation and play equipment;
- (b) providing for a vehicle parking area that can be adapted to contain community gatherings, markets and other such events that support the local community; and
- (c) enabling a small building to contain restaurant and café activities that will support the Central Park as a Community Hub, while not compromising the overall amenity, use and enjoyment of the space.

#### Infrastructure

~~(15)~~(15) Ensure the safety and capacity of the transport network is maintained, taking into account the anticipated maximum number of dwellings and non-residential floor space enabled by the precinct.

(16) Where the number of dwellings constructed quantum of development within the precinct generates appropriate demand, require upgrades to identified signalised intersections and the provision of the publicly-accessible shared cycle path along the Days Bridge Esplanade Reserve, public cycling facilities, and/or ensure other services are in place to ensure the safe and efficient movement of people in and out of the precinct, particularly at peak traffic hours.

~~(17)~~(17) Ensure new roads, lanes and pedestrian/cycle facilities are located in accordance with Precinct Plan 2 – Albany movement network to contribute to a highly connected pedestrian, cycle and road network that provides for all modes of transport as well as for safe and efficient movement within and beyond the precinct.

~~(18) Ensure pedestrian and cycle linkages within the precinct and across the boundaries of the precinct as generally indicated on Precinct Plan 2 – Albany movement network, to allow for safe and efficient movements within and beyond the precinct.~~

~~(18)~~(18) Ensure that commercial activities and healthcare facilities are of a size and intensity that supports the local residents within of the precinct, without encouraging while not generating significant trip movements from outside the precinct.

Commented [AC27]: 73.38 – Supported for consistency.

Commented [AC28]: 73.14 and 73.15 – Consequential amendment: consistent with Auckland Council submission that objectives and policies refer to both subdivision and development.

Commented [AC29]: 73.39 – Supported.

Commented [AC30]: 73.22 – Timeframe for delivery of the share path along Days Bridge Esplanade Reserve.

Now proposed to occur at time of first dwelling, also in response to Auckland Transport submission on effectiveness of mode shift.

Commented [AC31]: 73.40 – Supported.

Commented [AC32]: Submissions, p.8 at 44 – Deletion requested. With amendment to (17) this is largely a repeat of the above policy.

Auckland Transport changes incorporated into rewording of (17).



~~(17)~~(19) Apply parking maximums to activities enabled within the precinct to mitigate the effects of traffic generation, and to ~~ensure that~~ support alternative transport modes ~~are~~ as a viable alternative to private vehicle use.

**Commented [AT33]:** 127.16 – Support.

~~(18)~~(20) Restrict the maximum impervious area within the overall precinct in order to manage the amount of stormwater runoff generated by development, while enabling specific areas of greater impervious coverage to support the planned urban built character of the precinct.

~~(19)~~(21) Ensure that stormwater in the precinct is managed and, where appropriate, treated, to ensure the health and ecological value of streams are maintained and where practicable, enhanced, for all subdivision and development.

**Commented [AC34]:** 73.43 – Supported.

~~(20)~~(22) Ensure that water and wastewater infrastructure is provided to enable the servicing of new residential lots and commercial activities.

**Commented [AC35]:** 73.14 and 73.15 – Consequential amendment: consistent with Auckland Council submission that objectives and policies refer to both subdivision and development.

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

**Commented [WC36]:** 59.4 – Accept.

#### I552.4 Activity table

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is specifically listed in Activity Table I552.4.1 below.

Activity Table I552.4.1 specifies the activity status of district land use and subdivision activities in the Albany 10 Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

**Table I552.4.1 Activity table**

Activity		Activity Status
<u>Land Use</u>		
Residential		
A1	Dwellings	P
Commercial activities		
A2	Commercial activities and Healthcare facilities (excluding drive-through restaurants) up to 150m <sup>2</sup> gross floor area per tenancy that comply with Standard I552.6.7 – Commercial GFA and location control	P
A3	Commercial activities and Healthcare facilities (excluding drive-through restaurants) of more than 150m <sup>2</sup> gross floor area per tenancy that comply with Standard I552.6.7 – Commercial GFA and location control	RD
A4	Commercial activities and Healthcare facilities <u>(excluding drive-through restaurants)</u> that do not comply with Standard I552.6.7 – Commercial GFA and location control	D
A5	One supermarket up to 500m <sup>2</sup> gross floor area	P

**Commented [AC37]:** 73.15 – Consequential change to table headings from Auckland Council request to distinguish between subdivision and development. Clarity added between land use and subdivision.

**Commented [AC38]:** 73.54 – Supported. Add drive through restaurant exclusion for consistency and to ensure they remain NC as per (A1) THAB.

Activity		Activity Status
A6	Large format retail, including supermarkets not otherwise provided for	NC
A7	Restaurants and cafes within a single building no greater than 100m <sup>2</sup> GFA located within the Central Park identified on Precinct Plan 1 – Albany features plan	P
Development		
A8	New buildings	RD
A9	External additions to existing buildings	RD
A10	Accessory buildings	RD
<del>A11</del>	<del>Development that does not comply with Standard I552.6.1 – Dwelling density</del>	<del>D</del>
<u>A11</u>	<u>Development within Area 1 identified on Precinct Plan 1, that does not comply with Standard I552.6.2 – Building height</u>	<u>D</u>
A12	Development that does not comply with Standard I552.6.2 – Building height ( <u>excluding Area 1</u> )	NC
A13	Buildings within an identified Visual Corridor on Precinct Plan 1 – Albany features plan (not including street furniture and lighting)	NC
A14	Any development, including vehicle access to Albany Highway, not otherwise listed in Table I552.4.1 <u>or</u> that is not generally in accordance with Precinct Plans <u>1, 2 and 4</u> , <u>or which does not comply with standards I552.6.13 – Transport infrastructure development thresholds.</u>	D
A15	<u>Development which does not comply with Standard I552.6.13 – Transport infrastructure development assessment and upgrade thresholds</u> <del>Any development not otherwise listed in Table I552.4.1 that is generally in accordance with Precinct Plans 1 – 4</del>	RD
<u>A16</u>	<u>Any development which does not comply with Standard I552.6.12 Parking.</u>	<u>RD</u>
<u>A17</u>	<u>Development that does not comply with Standard I552.6.9 Stormwater management.</u>	<u>D</u>
Community		
<del>A18</del> <u>16</u>	Informal recreation and leisure activities (including play / gym equipment and seating) within Open Space areas and riparian yards, identified on Precinct Plan 1 – Albany features plan	P
<del>A19</del> <u>7</u>	Recreation and leisure activities (including play / courts / gym equipment and seating) within the Central Park identified on Precinct Plan <u>1, 2</u> – Albany features plan	P
<b>Subdivision and development</b>		

**Commented [AT39]:** 127.2 – Consequential amendment: In lieu of a shift to a trip generation cap as sought by Auckland Transport and Auckland Council in part, there is no longer a need for the dwelling density cap. This 1800 dwelling figure was derived from the theoretical development capacity of the master plan.

Dwelling unit equivalents still relevant to the 460 dwelling threshold and transport infrastructure requirements. These are now located under 2.6.7I552.6.13 (12 as amended).

**Commented [AC40]:** 73.2 – Supported. Auckland Council request to enable an unrestricted consideration of any additional height that might be justifiable in the circumstances (Albany Hwy frontage only).

**Commented [AC41]:** 73.2 – Consequential amendment due to new activity for Area 1 only.

**Commented [AC42]:** 73.47 – Support in part. Consequential amendment to rationalise various activities and double ups – ‘not otherwise provided for’ can be included in one activity.

**Commented [AC43]:** 73.46 – Supported removal PP3 which only deals with height, which is addressed by A12 and 13.

**Commented [AC44]:** 73.47 – A15 replaced with RD for development not complying with transport threshold/ upgrade consistent with A19 (subdivision) and Auckland Transport submission on same.

**Commented [AC45]:** 73.16 – Supported in part to address transport infrastructure threshold under both development and subdivision.

**Commented [KS46]:** 128.1 and 128.2 – Changes respond to Kristin School’s submission.

**Commented [KS47]:** Amended to reflect the change made at Standard I552.6.13 below.

**Commented [AC48]:** 73.47 – Support in part. Consequential amendment to rationalise various activities and double ups – ‘not otherwise provided for’ can be included in one activity in A14 above and discretionary as-submitted.

**Commented [AT49]:** 127.17 – Supported (new parking activity to align with policy framework).

**Commented [AC50]:** 73.27 – Supported.

**Commented [AC51]:** 73.66 – Ensuring precinct plans relate to particular matters and don’t show the same information multiple times.

**Commented [AC52]:** 73.15 and 73.17 – Supported with consequential amendments to distinguish between subdivision and development.

Activity		Activity Status
A2048	Subdivision in accordance with all subdivision standards and standard I552.6.13 <del>Transport assessment and upgrade infrastructure development thresholds</del>	RD
A2149	Subdivision <del>and development</del> which does not comply with Standard I552.6.13 – <del>Transport assessment and upgrade thresholds infrastructure development thresholds, but proposes alternative measures to achieve required transport access, capacity and safety.</del>	RD
A220	Subdivision that is not in accordance with Standards I552.6.14.1, I552.6.14.3, I552.6.14.4, I552.6.14.5-	D
A234	Subdivision, including subdivision in accordance with an approved land use consent, that is not in accordance with Standard I552.6.14.2 – Subdivision standards for key roading and access	<del>RD</del>

**Commented [KS53]:** 128.1 and 128.2 – Changes respond to Kristin School's submission.

**Commented [AC54]:** 73.19 – Supported.

**Commented [KS55]:** Amended to reflect the change made at Standard I552.6.13 below.

**Commented [AC56]:** 73.15 – Consequential amendment.

**Commented [KS57]:** 128.1 and 128.2 – Changes respond to Kristin School's submission.

**Commented [KS58]:** Revised to reflect the change made at Standard I552.6.13 below.

**Commented [AT59]:** 127.23 – Requested deletion of text as ambiguous, supported.

**Commented [AC60]:** 73.20 – Supported.

### I552.5 Notification

- (1) Any application for resource consent for a restricted discretionary activity listed in activity table I552.4.1 will be considered without public notification. This does not include:

(a) I552.4.1 (A16) Any development which does not comply with Standard I552.6.12 Parking.

(b) I552.4.1 (A2048) Subdivision.

(a) I552.4.1 (A19A15) ~~Subdivision and development~~ Development which does not comply with Standard I552.6.13 – Transport ~~assessment and upgrade infrastructure development thresholds, but proposes alternative measures to achieve required transport access, capacity and safety.~~

(c) I552.4.1 (A2149) Subdivision which does not comply with Standard I552.6.13 – ~~Transport assessment and upgrade infrastructure development thresholds.~~

**Commented [AT61]:** 127.17 – Supported (new parking activity to align with policy framework).

**Commented [AT62]:** 127.24 – Supported: aligns with E38 Subdivision.

**Commented [KS63]:** 128.1 and 128.2 – Changes respond to Kristin School's submission.

**Commented [AC64]:** 73.15 – Requested distinction between subdivision and development. Consequential update and inclusion here to be subject to public notification assessment.

**Commented [KS65]:** 128.1 and 128.2 – Changes respond to Kristin School's submission.

- (2) Any application for resource consent for an activity listed in activity table I552.4.1 which is not identified in I552.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13.

### I552.6. Standards

- (1) Unless specified in Standard I552.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Table I552.4.1

above. [In addition, zone activities not listed in Activity Table I552.4.1 are subject to the I552.6 Standards.](#) Where there is any conflict or difference between standards in this precinct and the Auckland-wide and zone standards, the standards in this precinct will apply.

**Commented [AC66]:** 73.45 – Wording to clarify that precinct standards would apply to underlying zone activities (i.e. visitor accommodation / integrated residential development).

(2) The following standards in the Residential – Terrace Housing and Apartment Buildings Zone do not apply to land in the Albany 10 Precinct:

(a) [H6.6.5. Height](#);

**Commented [AC67]:** 73.6 – Supported.

~~(b) H6.6.6. Height in relation to boundary;~~

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

**Commented [DV68]:** 31 – Supported. Intention was for the THAB standards to apply and these exclusions have therefore been removed.

~~(d)(b) H6.6.10. Maximum impervious area;~~

~~(e)(c) H6.6.11. Building coverage;~~

~~(f)(d) H6.6.12. Landscaped area.~~

(3) Non-compliance with any standard not otherwise identified as a discretionary or non-complying under Table I552.4.1 is a restricted discretionary activity under General Rule C1.9.

#### **I552.6.1. Dwelling Density**

~~Purpose: To ensure that the precinct responds to the anticipated growth of the Albany area, while also ensuring that the planned outcomes for the precinct are not undermined through over development.~~

**Commented [AT69]:** 127.2 – Consequential amendment: Trip generation cap imposed as sought by Auckland Transport and AC in part, results in removal of the 1,800 dwelling density cap.

~~(1) There must be no more than a total of 1,800 dwellings or Dwelling Unit Equivalent in the Albany 10 Precinct in total.~~

~~(2) For the purposes of calculating a Dwelling Unit Equivalent, the following rates apply:~~

Dwelling unit equivalents still relevant to the 460 dwelling threshold and transport infrastructure requirements. These are now located under I552.6.13 (12 as amended).

**Table I552.6.1.1 Dwelling unit equivalents**

Type	Equivalent dwellings unit value
Retirement village unit	0.61
Rest home bed	0.46
Visitor accommodation room	1.3

#### **I552.6.2.1. Building Height**

Purpose: To ensure development is consistent with the planned outcomes identified on Precinct Plan 3 – Albany height and building coverage control areas, by:

- focussing greater building height within the precinct in identified locations that are removed from lower intensity residential zones, the Oteha Stream and Days Bridge Esplanade Reserve;
- focussing the greatest height and density through the centre of the precinct around the Central Park, Community Hub and Visual Corridors identified on Precinct Plan 1 – Albany features plan; and
- recognising the lower intensity residential development of the surrounding area by applying lower height limits at identified precinct boundaries.

All development within the precinct must comply with the following standards:

- (1) Buildings must not exceed the maximum heights specified in Table I552.6.21.1 and on Precinct Plan 3 – Albany height and building coverage control areas.

**Table I552.6.21.1. Building height**

Area	Height for roof form	Total building height shown on Precinct Plan 3
Area 1 (Low Rise)	2m	11m (3 storeys)
Area 2 (Low-Rise)	2m	19m (5 storeys)
Area 3 (Mid-Rise)	NA	35m (10 storeys)
Area 4 (Open Space and Reserves)	1m	4.5m (1 storey)

**Commented [AC70]:** 73.5 – Supported, referencing height in storeys as per precinct plan 3.

**I552.6.32. Maximum building dimension and separation**

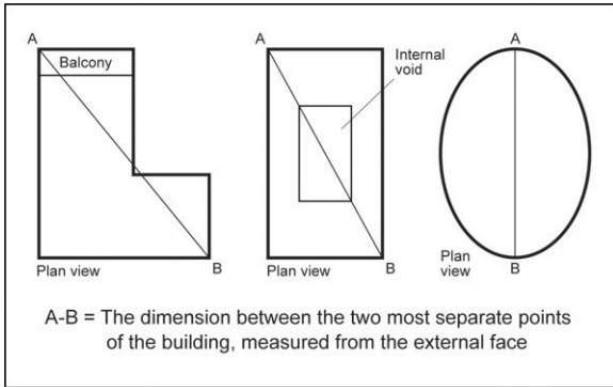
Purpose: To ensure that buildings over 19m in height:

- are not overly bulky in appearance and manage significant visual dominance effects;
- allow adequate sunlight and daylight access to streets, public open space and nearby sites;
- provide adequate sunlight and outlook around and between buildings; and
- mitigate adverse wind effects.

- (1) The maximum plan [view](#) dimension of that part of any individual building above 19m must not exceed 55m.
- (2) The maximum plan [view](#) dimension is the horizontal dimension between the exterior faces of the two most separate points of the building [depicted as A to B in Figure I552.6.32.1 Maximum building dimension plan view](#).
- (3) Above a height of 19m, a minimum distance of 20m must be provided between buildings.

**Commented [AC71]:** 73.48 – Supported for clarity.

**Figure I522.6.32.1 Maximum building dimension plan view**



**I552.6.43. Maximum building coverage, impervious area and landscaping**

Purpose:

- to manage the amount of stormwater runoff generated by development;
- to enable an intensive built character for apartment buildings; and
- to provide a good standard of onsite amenity for residents; and
- ~~to ensure apartment buildings in Height Management Area 3 specified in Table I552.6.2.1 and on Precinct Plan 1 — Albany height and building coverage control areas provide for internal amenity and sunlight access to lower level apartments and common outdoor areas at 19m above ground level.~~

(1) The maximum and minimum areas in Table I552.6.43.1 apply. Compliance is to be determined both for individual lots and for the total precinct.

**Table I552.6.43.1 Maximum building coverage, impervious area and Landscaping**

Maximum Impervious area	Maximum building coverage	Minimum landscaped area
<b>Individual lots</b>		
Apartments <u>in height areas 2 and 3</u> - 100%	Apartments <u>in height areas 2 and 3</u> - 100%	Apartments <u>in height areas 2 and 3</u> - 0%
Detached or attached housing 85%	Detached or attached housing 65%	Detached or attached housing 15%
Any site not connected to stormwater 10%		
Riparian Yard 10%		
<b>Total precinct <u>(including all roads)</u></b>		

**Commented [AC72]:** 73.49 – Supported and relocated to upper level setback standard.

**Commented [AC73]:** 73.50 – Clarification on where apartments are to be located, relative to coverages enabled

**Commented [AC74]:** 73.26 and 73.50 – Inclusion to clarify status of roads as raised in submission.

70%	65%	35%
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(2)(1) The cumulative building coverage for each building in Height Management Area 3 above a height of 19m above ground level must not exceed 35% of the building below. For clarity, compliance with this standard can be expressed with multiple towers at differing heights within a block, subject to the limitations in I552.6.3 – Maximum building dimension and building separation, I552.6.2 Building height and H6.6.14. Daylight.

**Commented [AC75]:** 73.49 – Supported and relocated to the upper level setback standard.

**I552.6.54. Building coverage and setback at upper levels**

Purpose:

- to provide adequate daylight access to streets;
- to manage visual dominance effects on streets; ~~and~~
- to manage visual dominance, residential amenity and privacy effects on residential uses within and surrounding the precinct; and
- to ensure apartment buildings in Height Management Area 3 specified in Table I552.6.21.1 and on Precinct Plan 34 – Albany height and building coverage control areas provide for internal amenity and sunlight access to lower level apartments and common outdoor areas at 19m above ground level.

**Commented [AC76]:** 73.49 – Consequential amendments as a result of submission point. Upper-level coverages not expressly related to 'site coverages' so relocation requested. Consequential amendment to 'figure' heading below.

(1) Above a height of 19m a new building must be set back 3m from the outer facade of the building below as shown in Figure I552.6.54.1.

(2) The cumulative building coverage for each building in Height Management Area 3 above a height of 19m above ground level must not exceed 35% of the building below. For clarity, compliance with this standard can be expressed with multiple towers at differing heights within a block, subject to the limitations in I552.6.3 – Maximum building dimension and building separation, I552.6.21 Building height and H6.6.14. Daylight.

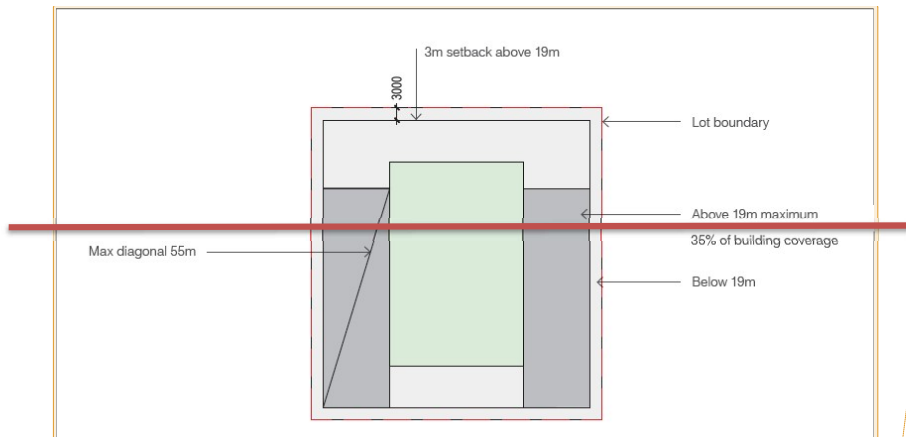
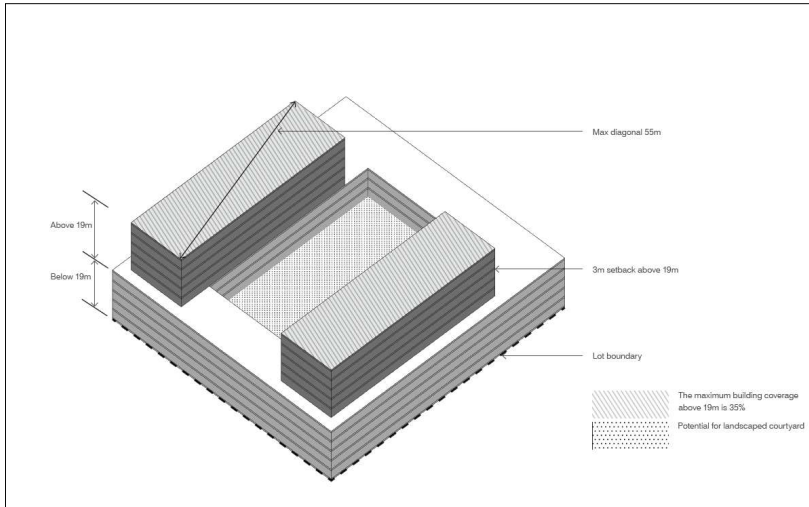
**Commented [AC77]:** 73.49 – Supported and relocated to upper level setback standard and consequential amendments to referencing throughout standard.

**Commented [AC78]:** 73.49 – Supported and relocated to upper level setback standard. Consequential amendments to referencing.

**Figure I552.6.45.1 Building coverage and setback at upper levels**

**Commented [AC79]:** 73.51 – Opposed in part to 6m upper-level setback.

Amended figure without colour and explanatory graphic in 3D included for interpretative ease.



**Commented [AC80]:** 73.51 – Figure deleted. Amended figure without colour and explanatory graphic in 3D included for interpretative ease.

**I552.6.65. Wind**

Purpose: ~~M~~Mitigate the adverse wind effects generated by tall buildings.

- (1) A new building exceeding 25m in height and additions to existing buildings that increase the building height above 25m are subject to the requirements of H13.6.8. Wind – Business Mixed Use zone. ~~must not cause:~~

**Commented [AC81]:** 73.52 – Supported update to cross referencing only.

**I552.6.76. Commercial GFA and location control**

Purpose: To enable commercial activities and healthcare ~~activities~~ facilities in identified locations in proximity to the Community Hub identified on Precinct Plan 1 –

**Commented [AT82]:** 127.26 – Supported (consistent with AUP definitions). Consequential amendments throughout this standard and precinct to ensure consistency.

**Commented [AC83]:** 73.53 – Consistency of terminology with AUP/Auckland Council



[Albany features plan](#) without compromising the role, function and viability of existing centres.

- (1) Commercial [activities](#) and healthcare ~~activities~~ [facilities](#) (excluding restaurants or cafes located within the Central Park) must be located in areas subject to the commercial frontage control, shown on Precinct Plan 1 – Albany features plan.
- (2) The area to be used for commercial\_ and/or healthcare purposes must [have its public access and frontage to the main street road to vest/open space, subject to the setback requirements under standard I552.6.140.1 Special frontage, height and vehicle access restrictions matrix.](#)
- (3) The [total](#) gross floor area of [all](#) commercial [activities](#) and healthcare ~~activities~~ [facilities](#) shall not exceed 4,000m<sup>2</sup> within the precinct.

*Note: Commercial activities are defined within the 'Commerce' nesting table in Chapter J.*

#### **I552.6.87. Front, side and rear fences and walls**

Purpose: To ensure that where fences and walls are provided, they:

- do not obstruct visual, landscape and ecological integration with open space in the precinct;
- enable privacy for dwellings and outdoor living spaces, whilst maximising opportunities for passive surveillance of the street, rear lane or adjoining public place; [and](#)
- minimise visual dominance effects to immediate neighbours and the street or adjoining public places; ~~and~~.

- (1) Fences or walls or a combination of these structures (whether separate or ~~of~~ joined together) must not exceed the height specified below when measured from the ground level at the boundary:

(a) Within front yards:

- (i) Fences in a front yard ([including along Albany Highway](#)) must not exceed 1.0m in ~~height~~.
- (ii) Where a dwelling is erected within 1.5m of the road frontage, a fence must not be erected in the front yard.
- (iii) Where there is no front fence and a side boundary fence is to run between adjoining properties, the boundary fence must be set at least 1m back from the front corner of the building.

(b) Within side and rear yards:

- (i) Fences in side and rear yards must not exceed 1.8m in height on land/boundaries that do not adjoin Fernhill Escarpment or the Albany Highway, provided that any fence on a rear boundary that faces onto a rear lane shall be at least 50 percent visually open, as viewed perpendicular to the boundary.

**Commented [AC84]:** 73.53 – 'Community Hub' is a feature/location identified on the precinct plan and referenced consistently throughout plans/provisions. Clarification re: identification on PP1.

**Commented [AC85]:** 73.53 – Consequential clarifications due to a potential conflict between 'front road/open space' and the setback requirements.

**Commented [AT86]:** 127.27 – Supported.

**Commented [AC87]:** 73.55 – Supported.

- (ii) On land/boundaries that adjoin Fernhill Escarpment fences must be visually permeable, must be constructed of a pool type fencing, and must not exceed 1.4 metres in height.

**1552.6.98. Stormwater-Stormwater management**

Purpose: To ensure that stormwater in the precinct is managed and, where appropriate, treated, to ensure the health and ecological value of streams are maintained.

- (1) All land use development ~~and subdivision~~ shall be managed in accordance with an approved Network Discharge Consent and/or Stormwater Management Plan certified by the Stormwater network utility operator.
- (2) All stormwater runoff from a new impermeable road, lane or accessway surface (including at grade parking associated with the Central Park) must be directed via a piped underground network to communal or public stormwater raingardens and/or wetland. The wetland must be located in general accordance with Precinct Plan 1 – Albany features plan and, unless otherwise authorised, must be designed to provide stormwater treatment and stream protections via stormwater detention for the 90<sup>th</sup> percentile 24-hour rainfall event as outlined in Guideline Document 2017/001, Version 1, “Stormwater Management Devices in the Auckland Region”, by Auckland Council and dated December 2017.

**Commented [AC88]:** 73.27 – Include discretionary activity in table.

Consequential amendment to add 'management' wording to title, consistent with corresponding subdivision standard.

**Commented [AC89]:** 73.25 – Supported.

**Commented [AC90]:** 73.28 – Supported.

**Commented [AC91]:** 73.44 – Wording added to clarify.

**Commented [AC92]:** 73.25 – Supported.

**1522.6.109. Riparian planting**

Purpose: To ensure that the amenity, water quality and ecology of the stream network within the precinct is maintained through riparian planting.

- (1) Riparian margins to existing watercourses and streams identified on Precinct Plan 1 – Albany features plan ~~that apply to permanent or intermittent streams~~, must be planted to a minimum width of 10m measured from the channel edge of the stream, or from the centreline of the watercourse or stream where the channel edge cannot be physically identified by ground survey. This rule shall not apply to road crossings over streams.
- (2) Riparian margins to existing watercourses identified on Precinct Plan 1 – Albany features plan, must be planted in accordance with a council approved planting plan, use eco-sourced native vegetation, and be consistent with local biodiversity and habitat in accordance with the Appendix 16 Guideline for native revegetation plants.
- (3) Planting within riparian areas does not preclude the provision of pedestrian and shared walkways and passive recreational spaces in accordance with Precinct Plan 1 – Albany features plan.

**Commented [AC93]:** 73.56 - Supported in part.

**1552.6.110. Special frontage, and height control and vehicle access restrictions**

Purpose: To ensure a quality interface between buildings and key street edges to ensure streetscape and pedestrian amenity to support the safe and efficient

**Commented [AT94]:** 127.29 – Consequential amendments to clarify purpose of the standard as-amended through submissions.

operation of the road network, and to maintain passive surveillance and outlook to the street.

Commented [AT95]: 127.29 – Supported to clarify purpose of the standard as-amended through submissions.

(1) Buildings Development fronting roads and open space as shown in locations identified on Precinct Plan 4 – Albany frontage controls, must comply with the requirements of Table I552.6.4410.1. Special frontage, height and frontage vehicle access restrictions matrix.

Commented [AC96]: 73.57(a) – Supported.

Commented [AT97]: 127.31 – Consequential amendment.

(2) On frontages where Standard I552.6.4410(1) applies, where there is a conflict between this standard and any other standard, this standard applies.

Commented [AT98]: Updated to reflect Table heading below.

(3) For the avoidance of doubt, no direct vehicle access shall be provided to properties from those roads and streets subject to frontage controls as identified on Precinct Plan 4 – Albany frontage controls. This does not apply to private roads and lanes.

Commented [AT99]: 127.31 – Supported.

Table I552.6.4410.1. Special frontage, height and frontage vehicle access restrictions matrix

Commented [AT100]: 127.31 – Supported.

Street or open space frontage typology	Albany Highway	Vested Road to vest	Private Roads and Lanes	Open Space	Commercial GFA control (I552.6.7) frontage
<b>Description:</b>	Buildings fronting Albany Highway provide a well-defined urban frontage of a scale that responds to the existing urban form located opposite. Safety for all street users is ensured by avoiding vehicle crossings. Modest private open space can be accommodated in the front yard. However, the setback is limited so as to establish an urban character with good overlooking of the street. Passive surveillance of the street with living spaces oriented to the west is encouraged.	Buildings fronting Type A Urban Streets these roads provide a more formal urban frontage. Scale and density are urban in character with setbacks limited, building to the street is encouraged. Increased building height, continuous frontage and reduced setback reinforces the urban character of the street. No vehicular access or garaging is permitted to ensure pedestrian safety and amenity.	Buildings fronting private streets and lanes provide a less formal urban frontage. Safety for all users is ensured by allowing for but reducing the impact of car parking and manoeuvring areas. Services areas are provided for. Shared streets and home zones are expected.	Buildings shall front Open Spaces and Walkways in order to provide passive surveillance, ensuring safety for park / open space users. Buildings shall take full advantage of the amenity on offer by actively fronting open spaces and walkways. Building length is controlled to allow buildings further back to participate in the amenity on offer, and to maximise accessibility to open spaces and walkways. Privacy	Commercial Buildings fronting Type A Urban Streets these roads provide a more formal urban frontage. Scale and density are urban in character with setbacks limited, building to the street is encouraged. Increased building height, continuous frontage and reduced setback reinforces the urban character of the street. No vehicular access or garaging is permitted to ensure pedestrian safety and amenity.

Street or open space frontage typology	Albany Highway		Vested Road Road to vest		Private Roads and Lanes		Open Space		Commercial GFA control (1552.6.7) frontage	
							effects at the interface are managed through appropriate threshold heights and vertical separation.			
<a href="#">Minimum number of storeys</a> <b>No. of floors shall be:</b> [refer also to note i below]	2 min		2 min		N/A		2 min		2 min	
<a href="#">Frontage building setback</a>	min	max	min	max	min	max	min	max	min	max
	3m	5m	0m	3m	2m	n/a	1m	3m	0m	3m
<b>Threshold condition (ii)</b>	min	max	min	max	N/A		min	max	min	max
	0m	0.9m	0.5m	1.25m			0m	0.9m	0m	0.5m
<b>Vehicular access from street frontage permitted</b>	No		No		Yes		No		No	
<b>Minimum ground floor, internal floor to ceiling heights for buildings</b>	N/A		N/A		N/A		N/A		4m	
<b>At grade parking or multi Level Parking (iii)</b>	N/A		Yes		Yes		No		No	
<b>Continuous building frontage required (iv)</b>	No		yes for 80% of development block		No		No		<a href="#">yes for 80% of development block</a> N/A	
<b>Maximum building length along road frontage</b>	60m		N/A		N/A		60m		N/A	
<b>Frontage landscaping (v)</b>	<a href="#">2m min</a>		N/A		N/A		N/A		N/A	
<p>Notes:</p> <p>i. The relevant minimum height is deemed to have been met where the building frontage meets the storey height limit and is at least one dwelling unit depth.</p> <p>ii. The definition of Threshold <a href="#">condition</a> is the height difference between street level and the ground floor level of the <a href="#">building unit</a>.</p> <p>iii. Ground floor parking within a building must not be located adjacent to the street frontage or any space in public ownership. Buildings must be designed to accommodate a business or residential activity, depending on the zone, between any ground floor parking and the building frontage.</p> <p>iv. The definition of continuous building frontage is a row of buildings with no more than 2m separating adjoining residential units with no driveways servicing the front.</p> <p>v. <a href="#">A minimum landscape buffer of 2m in depth must be provided along the street frontage between the street and car parking, loading, or service areas which are visible from the street frontage. This rule excludes access points.</a></p>										

Commented [AC101]: 73.57(c) – Supported.

Commented [AC102]: 73.57(d) – Supported.

Commented [AC103]: 73.57(h) – Supported.

Commented [AC104]: 73.57(i) – Supported.

Commented [AC105]: 73.4 – Supported inclusion.

Commented [AC106]: 73.57(e) – Updated footnote to ensure table and footnoting is consistent.

Commented [AC107]: 73.57 – Supported inclusion.

Commented [AC108]: 73.4 – Consequential insertion to define landscaping requirement.

Commented [AC109]: 73.58 – Supported removal consistent with NPS:UD and inclusion of 'for activities' to clarify parking rate does not apply to roads.

## 1552.6.4211. Parking

Purpose: To ensure the safety and capacity of the internal and wider road network and to reduce single occupancy vehicle commuter trips to and from the precinct.

### (1) Parking ratios:

- (a) the number of parking spaces [for activities](#) within the precinct must not exceed the maximum ~~and minimum~~ rates specified in Table E27.6.2.3

Parking rates – area 1, Chapter E27 Transport, unless otherwise stated in Table I552.6.12.1.1 – Maximum parking provision, below:

**Table I552.6.12.1.1. Maximum parking provision**

Activity	Maximum Parking ratio	
Offices	1 space per 60m <sup>2</sup> of gross floor area	
Commercial services	1 space per 60m <sup>2</sup> of gross floor area	
Retail	1 space per 50m <sup>2</sup> of gross floor area	
Dwellings	1-3 bedrooms: 1 space	4+ bedrooms: 2 spaces

- (2) At least one dedicated cycle parking space shall be provided for each dwelling unit.
- (3) Visitor cycle parking shall be provided at a rate of one for every 20 dwellings within a single building.

**I552.6.13.12. Transport infrastructure development assessment and upgrade thresholds**

Purpose: To ensure that the precinct responds to the anticipated growth of the Albany area, while also ensuring the safe and efficient operation of the local transport network.

- (1) ~~The number of dwellings within the precinct may not exceed the following dwelling thresholds in Table I552.6.13.1 until such time that the identified transportation upgrades are constructed.~~ Any application that involves the construction of dwellings (or dwelling unit equivalents) that will result in the total cumulative number of dwellings within the precinct either constructed or consented exceeding the thresholds specified in Table I552.6.13.1.1 Transport assessment and upgrade thresholds; shall meet the following requirements:

**Table I552.6.13.1.1 Transport infrastructure development assessment and upgrade thresholds**

Dwelling threshold	Transport infrastructure required in order to exceed the dwelling threshold
Initial development 1 dwelling	Level where Provision of a private shuttle bus between the site and Albany Station is provided (or similar location) for residents, to encourage behaviour change away from private vehicle and towards public transport.
	Provision of the publicly-accessible shared cycle/pedestrian path along the extent of the Oteha Stream, identified on Precinct Plan 2 – Albany Movement Network.

**Commented [KS110]:** 128.1 and 128.2 – Changes respond to Kristin School's submission.

**Commented [AT111]:** 127.33 – Supported.

**Commented [AT112]:** 127.2 - Trip generation metric now applied in response to overall submission.

**Commented [AC113]:** 73.7 – Supported change to a trip generation metric as a threshold for additional development enabled. Dwellings maintained only insofar as a 'trigger' point for assessment and ease of administration/tracking.

**Commented [AT114]:** 127.34 – Alternative wording proposed in response to requested 'advice note' that access to Albany Station itself is not guaranteed.

**Commented [AC115]:** 73.22 – Auckland Council requested a timeframe for delivery. Proposed at time of first dwelling to support mode shift and in response to Auckland Transport submission on effectiveness of mode shift.

Dwelling threshold	Transport infrastructure required in order Requirement to exceed the dwelling threshold
460-770	Review of transportation mode share is required through a transport assessment as part of any resource consent application (for all such applications involving dwellings between 460 and 770 dwellings):
770 460 or more dwellings	<p><u>A Transport Assessment is required to ensure the traffic generation of the dwellings (or dwelling unit equivalents) together with other developments does not exceed the traffic generation thresholds detailed below</u></p> <p>(a) 500 vehicles per hour without any intersection upgrades; or (b) 600 vehicles per hour with the following intersection upgrades:</p> <p><u>Upgrades to the two primary intersections servicing the precinct at Wharf Road and Bass Road:</u></p> <ul style="list-style-type: none"> <li>The addition of separate left and right turn lanes (60m queuing length) on the site approach (currently known as Eastbourne Road) to the Albany Highway / Wharf Road signalised intersection.</li> <li>The addition of separate left and right turn lanes (60m queuing length) on the site approach (currently known as Oakland Road) to the Albany Highway / Bass Road signalised intersection.</li> </ul> <p><u>The Transport Assessment shall include details of:</u></p> <ul style="list-style-type: none"> <li><u>Surveyed traffic volumes entering and exiting the precinct at both the Albany Highway / Wharf Road signalised intersection and the Albany Highway / Bass Road signalised intersection;</u></li> <li><u>Resultant traffic generation rate of the precinct;</u></li> <li><u>Predicted traffic generated by any proposed development that will generate vehicle trips, and the specific traffic generating characteristics of those activities; and</u></li> <li><u>Traffic generation analysis demonstrating the predicted cumulative traffic generation of all existing and proposed development within the precinct is less than the traffic generation thresholds referenced above, being:</u> <p>(a) 500 vehicles per hour without any intersection upgrades; or (b) 600 vehicles per hour with the intersection upgrades.</p> </li> </ul> <p><u>Note: the first subdivision or application where 460 dwellings will be exceeded is required to be accompanied by an 'integrated transport assessment' as noted under 'Special Information Requirements'. All further development over 460 dwellings shall be accompanied by a transport assessment in accordance with the requirements outlined above.</u></p>
930 (or 770 dwellings without intersection upgrade):	<ul style="list-style-type: none"> <li>Completion of the two cycleway projects identified in the Upper Harbour Greenways Plan (September 2019) being: <ul style="list-style-type: none"> <li>Oteha Valley Road Express Network between Albany Expressway and Mills Lane; and</li> <li>Vineyard Road, Coliseum Drive, Don McKinnon Drive local network – street.</li> </ul> </li> </ul>

**Commented [AC116]:** 73.7 and 73.8 (at [8(d)]) – Delete as not sufficiently certain.

**Commented [AC117]:** 73.7 and 73.8 – Address thresholds by way of 'vph' or projected dwelling density.

**Commented [AT118]:** 127.36 – Updated to reflect Auckland Transport's further comments.

**Commented [AT119]:** 127.37 – Supported (Auckland Transport opposes triggers to enable additional development).

With shift to 'traditional' trip assessment, these are no longer required (for the reasons outlined in Auckland Transport submission) but would factor into a consideration of alternatives where a development does not comply with the standard (refer amended assessment criteria).

Dwelling threshold	Transport infrastructure required in order Requirement to exceed the dwelling threshold
	<ul style="list-style-type: none"> <li>Improvement of public transport provision (e.g. increased frequency of public transport, modification of existing routes.)</li> </ul>

- (2) For the purposes of determining when the development threshold is reached, dwellings shall be calculated in accordance with Table I552.6.12.2 Dwelling unit equivalents:

**Table I552.6.12.2 Dwelling unit equivalents**

Type	Equivalent dwellings unit value
Retirement village unit	0.61
Rest home bed	0.46
Visitor accommodation room	1.3

**Commented [AT120]:** 127.2 – Consequential amendments to relate (2) to new trip generation approach, and include 'dwelling unit equivalent' table within the standard as the dwelling density standard/cap no longer required.

Dwelling unit equivalents still relevant to the 460 dwelling threshold and transport infrastructure requirements. These are now located under I552.6.13 (12 as amended).

**I552.6.14-13 Subdivision standards**

The subdivision controls in E38 Subdivision – Urban apply in this precinct, with the following additional standards specified below.

**I552.6.1413.1 Subdivision standards for stormwater management**

Purpose: To ensure that stormwater is managed and treated in the precinct and watercourses recharged appropriately.

- All land use development and subdivision shall be managed in accordance with an approved Network Discharge Consent and/or Stormwater Management Plan certified by the Stormwater network utility operator.
- All stormwater runoff from a new impermeable road, lane or accessway surface (including at grade parking associated with the Central Park) must be directed via a piped underground network to communal or public stormwater raingardens and/or wetland. The wetland must be located in general accordance with Precinct Plan 1 – Albany features plan and, unless otherwise authorised, must be designed to provide stormwater treatment and stream protections via stormwater detention for the 90<sup>th</sup> percentile 24-hour rainfall event as outlined in Guideline Document 2017/001, Version 1, “Stormwater Management Devices in the Auckland Region”, by Auckland Council and dated December 2017.

**Commented [AC121]:** 73.25 – Supported.

**Commented [AC122]:** 73.28 – Supported.

**Commented [AC123]:** 73.44 – Wording added to clarify.

**I552.6.1413.2 Subdivision standards for key roading and access**

Purpose: To ensure the precinct is supported by a safe, efficient and legible movement and transport network.

- (1) All roads, lanes and pedestrian/cycle connections within the precinct must be located in general accordance and alignment with Precinct Plan 2 – Albany movement network.
- (2) All public 'roads to vest' must be constructed in accordance with the standards contained within Table I552.6.1413.2.1 and vested in Council.

**Table I552.6.1413.2.1. Minimum Standards for road typologies to vest within the Albany 10 Precinct**

Types of Road	Legal Road Width	Cycle	Footpath
Vested Roads to vest	20m minimum	Not required (shared within reserve)	1.8m minimum (both sides)

**Commented [AT124]:** 127.39 – Supported changes to table and heading.

~~(3) A publicly accessible shared cycle/footpath must be provided along the extent of the Days Bridge Esplanade Reserve, in general accordance with Precinct Plan 2 – Movement network.~~

**Commented [AC125]:** 73.22 – Consequential deletion. Auckland Council requested a timeframe for delivery. Proposed at time of first dwelling to support mode shift and in response to Auckland Transport submission on effectiveness of mode shift.

(3) Vehicle access from Albany Highway must be from the identified access points on Precinct Plan 2 – Albany Movement network (northern access, Wharf Road and Bass Road).

**Commented [AT126]:** 127.40 – Supported. Requested deletion of the northern vehicle access with amended precinct plans. Now provides for pedestrian/cycle connection only.

(4) Sites that front onto roads where direct vehicle access is not permitted under Standard I552.6.140 Special frontage, and height control and vehicle access restrictions, must be provided with access from rear lanes (access lots) or side roads at the time of subdivision.

**Commented [AT127]:** Updated heading, refer to change under Standard I552.6.10.1 above.

**Commented [AT128]:** 127.38 – Supported.

~~(4) Compliance with this standard is achieved where an alternative alignment of private roads and lanes identified as 'no control' on Precinct Plan 4 – Albany frontage controls, is provided for within an approved Integrated Transport Assessment.~~

**Commented [AT129]:** 127.41 – Standard deleted as a qualitative assessment is not appropriate for a standard. Criteria proposed under 'subdivision' to signal that alternative private lane layout anticipated subject to assessment.

#### 1552.6.1413.3. Subdivision standards for open space areas

Purpose: To ensure:

- that sufficient and well-designed open space for residents is provided, developed, managed and maintained appropriately;
- subdivision and development provide for public access to the Days Bridge Esplanade Reserve, Fernhill Escarpment and public walking and cycling networking throughout Albany; and
- open space areas providing connection through the Precinct to the Days Bridge Esplanade Reserve, provide for the integration of flora and the movement of native fauna between the Precinct and the Esplanade Reserve.

**Commented [AC130]:** 73.22 – Consequential amendment to account for (3).

(1) All land shown on Precinct Plan 1 – Albany features plan as open space (including the Central Park) must be accessible to the public at all times and, if not vested in the Council, held as private open space that is owned by a

**Commented [AC131]:** 73.32 – Amendment to clarify.



legal structure that shall be formed for the eventual owners to hold responsibility in perpetuity for the on-going maintenance and management of private infrastructure and planted areas. All land owners must be members of this legal entity, or otherwise obliged to contribute to its outgoings on a perpetual basis and this shall be registered by way of consent notice on each title as part of any future subdivision consent.

- (2) The first subdivision application must include an open space development plan for all areas of open space in the precinct which details the existing and proposed development, the existing trees to be retained in accordance with **Albany** Precinct Plan 1 – **Albany** Features plan, new planting and landscaping and infrastructure for the open space, and includes an on-going management and maintenance plan as well as mechanisms for making changes to the plan when required.

(3) A publicly accessible shared cycle/footpath must be provided along the extent of the Days Bridge Esplanade Reserve, in general accordance with Precinct Plan 2 – Albany Movement network as required by standard I552.6.132 Transport assessment and upgrade infrastructure development thresholds

Commented [AC132]: 73.29 – Supported.

- ~~(3)~~(4) All open space within a subdivision application area shall be developed in accordance with the relevant precinct open space development plan prior to the issue of a certificate for the relevant subdivision or stage under ~~S~~section 224(c) of the Resource Management Act 1991.

Commented [KS133]: Consequential amendment to reflect title of standard above.

Commented [AC134]: 73.22 – Consequential cross reference to tie shared path provision to the infrastructure thresholds, in response to requested deletion of (5) completely and/or noting as a s224 requirement.

#### **I552.6.4413.4. Subdivision standards for riparian margins**

Purpose: To ensure that the amenity, water quality and ecology of the stream and watercourse network within the precinct is enhanced through riparian planting.

- (1) Riparian margins to existing watercourses and streams identified on Precinct Plan 1 – Albany features plan that apply to permanent or intermittent qualifying watercourses and streams, must be planted to a minimum average width of 10m measured from the channel edge of the stream, or from the centreline of the watercourse or stream where the channel edge cannot be physically identified by ground survey. This rule shall not apply to road crossings over streams.
- (2) Riparian margins to existing watercourses and streams identified on Precinct Plan 1 – Albany features plan, must be planted in accordance with a council approved planting plan, use eco-sourced native vegetation, and be consistent with local biodiversity and habitat and in accordance with Appendix 16 Guideline for native revegetation plants.
- (3) All riparian margins within a subdivision application area must be planted in accordance with the approved planting plan prior to the issue of section 224(c) certificate (under the Resource Management Act 1991) for the relevant subdivision or stage.

Commented [AC135]: 73.33 – Supported clarifications consistent with land use standard.

#### **I552.6.4413.5. Esplanade reserve**

Purpose: To ensure that public access and enjoyment is made available to qualifying water courses and streams within the precinct.

- (1) Where any subdivision involving the creation of sites less than 4ha is proposed to land adjoining streams and/or rivers, the application plan and subsequent land transfer plan must provide for a minimum esplanade reserve or esplanade strip in accordance with section 230 of the Resource Management Act 1991 as follows:
  - (a) For qualifying water courses and streams within the precinct, 10m either side of the centreline of the stream.
  - (b) Where subdivision takes place adjoining the Days Bridge Esplanade Reserve, no further esplanade shall be required.
- (2) Any esplanade taken as part of a subdivision shall be landscaped in accordance with the requirements of standard I552.6.44.13.3. Subdivision standards for open space areas.

#### I552.7 Assessment – controlled activities

There are no controlled activities in this precinct.

#### I552.8 Assessment – restricted discretionary activities

##### I552.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in any relevant overlay, zone, and Auckland-wide provisions:

- (1) New buildings, additions and alterations to existing buildings and accessory buildings;
  - (a) general criteria:
    - (i) consistency with precinct plans;
    - (ii) building design and location;
    - (iii) shading;
    - (iv) landscaping;
    - (v) transport;
    - (vi) traffic/travel plans and integrated transport assessments; and
    - (vii) infrastructure.
  - (b) Additional criteria for buildings within Height Management Area 3:
    - (i) building mass;
    - (ii) provision of internal green space;

**Commented [AT136]:** 127.42 – Supported. Consequential amendments throughout provisions for consistency.

**Commented [AC137]:** 73.49 – Supported and relocated to upper level setback standard, and consequential amendments to referencing throughout standard.

- (iii) passive surveillance; and
  - (iv) streetscape.
- (2) Commercial activities and healthcare ~~activities~~ facilities of more than 150m<sup>2</sup> gross floor area per tenancy that comply with Standard I552.6.7-6 – Commercial GFA and location control:
- (a) transport; ~~and~~
  - (b) streetscape; ~~and~~
  - (c) travel plans and integrated transport assessments.
- (3) ~~Any subdivision and/or development not otherwise listed in Table I552.4.1 that is generally in accordance with Precinct Plans 1 – 4:~~
- (a) ~~consistency with precinct plans;~~
  - (b) ~~infrastructure;~~
  - (c) ~~traffic plans and integrated transport assessments; and~~
  - (d) ~~transport.~~
- (3) Any development that does not comply with Standard I552.6.121 Parking:
- (a) appropriateness for the site and the proposal; and
  - (b) effects on the transport network.
- (4) Subdivision:
- (a) the matters of discretion set out in E38 Subdivision - Urban under E38.12.1;
  - (b) consistency with the precinct plans;
  - (c) infrastructure;
  - (d) ~~traffic~~ travel plans and integrated transport assessments; and
  - (e) transport.
- (5) Subdivision and ~~development~~ Development that does not comply with Standard I452.6.13-12 Transport ~~infrastructure development~~ assessment and upgrade thresholds, ~~and/or proposes alternative measures to achieve required transport access, capacity and safety:~~
- (a) effects on the transport network;
  - (b) the likely trip generation of the subdivision and/or development and the effects of the quantum of that development on the safe and efficient functioning of the roading network;
  - (c) contribution of alternatives to overall traffic effects; and
  - (d) effectiveness of alternatives.

**Commented [AT138]:** 127.43 – Supported (wording consistency as per 127.26).

**Commented [AT139]:** 127.47 – Consequential amendment - travel plans particularly relevant to commercial activities.

**Commented [AC140]:** 73.47 and 73.59 – Supported consequential deletion due to change to discretionary activity incorporation under A21.

**Commented [AT141]:** RD in I552.4.1 Table above (+127.17) Auckland Transport request for criteria for RD activity where parking maximum exceeded.

**Commented [AT142]:** 127.47 – Consequential amendment. Clarify traffic plans.

**Commented [AT143]:** Consequential amendment.

**Commented [AT144]:** 127.45 – Deletion requested due to change sought as discretionary activity.

**Commented [AT145]:** 127.23 – Consequential deletion.

## I552.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, zone, and Auckland-wide provisions.

~~Development may differ from the precinct plans where it is demonstrated that a different approach will result in a better quality outcome for the community, or where it is necessary to integrate with authorised development on land outside the precinct that was not anticipated at the time the precinct plans were prepared.~~

**Commented [AC146]:** 73.59 – Supported deletion as departure requires assessment, which is provided for in the various activities (as amended).

- (1) New buildings, additions and alterations to existing buildings and accessory buildings:

(a) Consistency with precinct plans:

- (i) Whether the ~~subdivision or land use~~ **development** is in accordance with Precinct Plans 1 – 4.
- (ii) Whether the activity is consistent overall with the objectives and policies of the precinct.

**Commented [AC147]:** 73.60 – Supported.

(b) Building design and location:

- (i) The extent to which building design and layout achieves:
- a character and appearance that will ensure a high standard of amenity;
  - a design that avoids conflict between activities within the precinct;
  - a consistent and attractive streetscape character;
  - variations in building footprints, form and style;
  - articulation of any building facades which are visible from roads so that the extent of large blank and/or flat walls and/or facades are reduced, having regard to the orientation of buildings and solar access;
  - access by windows of habitable rooms to sunlight, daylight and outlook; and
  - permeable fencing, except where residential activities need clear separation from non-residential activities.
- (ii) The extent to which ~~development~~ **building design and location** contributes to a minimum 5 star community rating under Sustainable Community Rating Tool – Green Building Council, taking into consideration the level of overall development within the precinct (or other equivalent rating tool or system).
- (iii) The extent to which internal living areas at all levels within a building maximise outlook onto existing public open space and proposed public open space and streets.

**Commented [AT148]:** 127.46 – Supported.

- (iv) The extent to which activities at ground level engage with and activate existing and/or proposed open spaces, streets and lanes.
- (v) The extent to which outdoor living areas and internal living spaces achieve privacy from publicly accessible areas while maintaining a reasonable level of passive surveillance.
- (vi) The extent to which any otherwise unavoidable blank walls are enlivened by methods which may include artwork, māhi toi, articulation, modulation and cladding choice to provide architectural relief.
- (vii) The extent to which parking areas located within buildings are not directly open and/or visible from open spaces, streets and lanes.
- (viii) The extent to which building location and site layout does not compromise the ability to deliver upgrades required under I552.2.6.12 Transport infrastructure development assessment and upgrade thresholds.

**Commented [AC149]:** 73.9 – Transport: Criteria added to address Auckland Council submission on subdivision triggers for upgrades, given based on dwellings.

(c) Shading:

- (i) The extent to which the location and design of buildings ensures a reasonable level of sunlight access (measured at the Winter Solstice) to residential units (principal living rooms and private outdoor spaces) and open space areas; taking into consideration site and building orientation, and the planned built-character of the precinct.

(d) Landscaping:

- (i) The extent to which landscaping treatment responds to and acknowledges the natural landscape character of the Fernhill Escarpment and adjoining land within the Days Bridge Esplanade Reserve.
- (ii) The extent to which landscaping of riparian and open spaces are consistent with any relevant objective and policy within the Albany 10 Precinct.
- (iii) The extent to which other native trees not identified on Precinct Plan 1 - Albany Features Plan, can be accommodated and /or relocated taking into consideration their contribution to amenity values and the practicalities of their retention in relation to the planned-outcomes of the Albany 10 precinct.
- (iv) The extent to which native trees that cannot be practicably retained, can be sustainably reused within the development to contribute to the outcomes sought under Policy I552.3(6).

**Commented [AC150]:** 73.65 – Additional criteria to address native vegetation retention as a residual concern for mana whenua.

**Commented [AC151]:** 73.65 – Additional criteria to address native vegetation and consideration of reuse where retention is not practical in relation to the planned outcomes of the precinct as a residual concern for mana whenua

(e) Transport:

(i) Whether vehicle accesses to sites are designed and located to complement the road function and hierarchy, while avoiding conflict with the function of existing public open space and proposed open space, streets and lanes, while balancing the requirements of access and through-movement.

**Commented [AC152]:** 73.60 - Consequential amendments to standard to reflect changes to Transport upgrade thresholds (65).

(ii) ~~Where the total number of dwellings in the precinct exceeds 440 dwellings but does not exceed 770 dwellings under 1552.6.14. Transport infrastructure development thresholds; the extent to which provision is made for public transport and alternative transport modes to support and promote reduced dependency on private vehicles.~~

**Commented [AT153]:** 127.2 – Trip generation metric now applied in response to overall submission and related submission points.

Consequential amendment – With the modification to trip generation thresholds this matter is no longer required, because beyond 460 dwellings all developments require transport assessment to ensure intersection performance / mode shift.

(iii) The extent to which, prior to occupation of the first dwelling, the provision of a private shuttle bus between development within the Albany 10 Precinct and the Albany Station (or similar location):

**Commented [AC154]:** 73.8 and 73.60 – Consequential amendment to align with upgrade threshold changes.

**Commented [AT155]:** 127.34 – Consequential amendment for consistency (further comments).

- a. achieves the intended purpose of encouraging behaviour change away from private vehicles and towards public transport;
- b. is privately funded, operated, managed and, where not provided directly by the developer, is secured through an appropriate legal mechanism such as (but not limited to) a Body Corporate or Residents' association to ensure an effective level of service;
- c. provides a level of service to support residents at any given stage of development of the Precinct; and
- d. is necessary taking into consideration other public transport options and alternative transport modes made available in the surrounding area.

**Commented [AC156]:** 73.60 – supported.

(iv) For development where the total number of dwellings constructed and/or consented (or dwelling unit equivalents) together with other development exceeds 460 dwellings; the extent to which traffic generation from activities may create adverse effects on the:

**Commented [AT157]:** 127.2 – Trip generation metric now applied in response to overall AT submission and related submission points noted below.

Consequential inclusion for consistency, included additional criteria (same as other activities below) which may have been omitted, for new buildings.

- capacity of roads giving access to the site;
- safety of road users including cyclists and pedestrians;
- effective, efficient and safe operation of the road network (including the arterial road network); and
- the planned urban built character of the precinct.

**Commented [AT158]:** 127.2 – Consistency update with Auckland Transport requested wording.

(iv)(v) The extent to which construction traffic impacts on the Albany Highway / Bass Road intersection during school peak hours (8am-9am and 3pm-4pm) are minimised.

Commented [MOE159]: 139.6 – Accepted inclusion.

(f) ~~Traffic~~Travel plans and integrated transport assessments:

— The extent to which proposed developments and travel plans prepared in support of a proposal, meet the requirements are consistent with the analysis and recommendations of any existing integrated transport assessment applying to supporting the proposed development and/or precinct; ~~and/or~~

(i) ~~the extent to which any other transport assessment or travel plan new integrated transport assessment or other traffic assessment lodged with any resource consent application provides appropriate travel plans that are consistent with the Integrated Transport Assessment.~~

Commented [AT160]: 127.47 – Supported in part.

Amendments to change to 'travel plans' (industry terminology and defined on Auckland Transport website) and consequential amendments to matters for discretion and criteria for consistency.

(g) Infrastructure:

(i) The extent to which the design of streets and ~~public~~ lanes are well-connected, attractive and safe transport routes, with appropriate provision for:

- pedestrian, cycle and vehicle movements;
- minimising potential conflicts between vehicles and cyclists where appropriate and in reference to potential cycle routes identified on Precinct Plan 2 – Albany movement network;
- car parking (while minimising reliance on private vehicle use);
- infrastructure services; and
- street tree planting and landscape treatment consistent with the overall planned outcomes for the precinct and surrounding environmental context.

Commented [AC161]: 73.23 – Consequential amendment to address submission regarding parking in carriage way and pedestrian/cycle conflict.

Commented [AT162]: 127.48 – Supported.

(ii) The extent to which infrastructure for stormwater, wastewater and water supply are designed to ensure minimisation of water use, storm~~water~~ and wastewater generation and maximise water re-use.

(iii) The extent to which infrastructure provided to serve any new development models a range of different methods to achieve sustainability, with a particular emphasis on the efficient use and natural treatment for water quality.

(iv) The extent to which development adopts an integrated approach to stormwater management, with an emphasis on water sensitive design to enable the reduction of stormwater generated from sites through reuse and reduction of impervious areas.

- (v) The extent to which there is consistency with the Stormwater Management Plan and/or relevant network discharge consent.
- (vi) The extent to which stormwater retention and treatment facilities are designed to retain in-stream ecological values and added additional habitat where practical.
- (vii) The extent to which ~~subdivision and~~ development retains and provides protection for riparian margins and esplanade reserves.
- (viii) The extent to which existing urban streams are supported through landscaping and riparian margins comprising predominantly native species, to contribute to the amenity of the precinct and to support their ecological function.
- (ix) The extent to which identified open spaces are provided so that they are:
  - readily visible and publicly accessible by adopting methods such as a generous street frontages or bordering onto yards of sites and front faces of buildings that are clear of visual obstructions;
  - located to provide visual relief, particularly in intensively developed areas;
  - integrated with surrounding development;
  - reflective of the wider cultural landscape, by ensuring that the landscaping of open spaces embodies the principles of mahi toi where appropriate;
  - sized and developed according to community and neighbourhood needs; and
  - easy to maintain.
- (x) The extent to which the esplanade shared path and all other identified walkways within the precinct are designed to be:
  - suitable and safe for regular shared pedestrian and cycle use;
  - easily visible and accessible; and
  - publicly accessible, and linked to the public walkway and cycleway network surrounding the precinct.
- (xi) The extent to which native trees that cannot be practicably retained, can be sustainably reused within the development to contribute to the outcomes sought under Policy I552.3(6).

**Commented [AC163]:** 73.60 – Supported (68) and criteria added to subdivision.

**Commented [AC164]:** 73.60 – Supported (69): clarify public accessibility of open spaces and walkways.

**Commented [AC165]:** 73.65 – Te Aranga not identified through consultation as a matter of interest or concern for Iwi. Additional policy proposed to address submission point and tie mana whenua outcomes together. Criteria added as consequential amendment to address residual concerns around reuse of native vegetation that is not practical to be retained.

**Commented [AC166]:** 73.60 – Supported (69): clarify public accessibility of open spaces and walkways.

**Commented [AC167]:** 73.65 – Additional criteria to address native vegetation as a residual concern for mana whenua.

**Commented [AC168]:** 73.60 – Supported.

(h) In addition, for buildings within Height Management Area 3:



- (i) In respect of building mass:
- the extent to which long building frontages are visually broken up by variations in height, form and other design means such as variations in facade design and roofline, recesses, awnings, upper level balconies and other projections, materials and colours.
- (ii) In respect of the provision of internal green spaces:
- ~~whether~~ whether internal common green space areas are provided within a building or development site to ensure adequate sunlight access and outlook for residential units, and the extent to which shared common green spaces internal to buildings:
    - provide legible access from the building/s;
    - ensure the privacy of residential units that overlook the space or are located at-grade;
    - are landscaped to provide informal passive recreation opportunities for residents and amenity of outlook while taking into consideration and mitigating the effects of reverse sensitivity;
    - achieve a reasonable duration of sunlight access measured at the Equinox.
- (iii) In respect of passive surveillance:
- the extent to which buildings are designed to contribute to the prevention of crime through their design and configuration.
- (iv) In respect of the streetscape:
- the extent to which the scale, proportion and rhythm of architectural features and the fenestration, materials, finishes and colours (as appropriate) of proposed buildings addressing street frontages acknowledge the planned-characteristics of the streetscape and provide street frontages with architectural design richness, interest and depth;
  - the extent to which flat planes or blank facades devoid of modulation, relief or surface detail can be avoided;
  - the extent to which servicing elements are concealed where possible and not placed on facades unless integrated into the facade design;

- the extent to which exterior lighting is integrated with architectural and landscape design to minimise glare and light overspill onto adjacent properties and streets; and
  - the extent to which any rooftop mechanical plant or other equipment is screened or integrated in the building design.
- (2) Commercial [activities](#) and [H](#)healthcare ~~activities~~ [facilities](#) of more than 150m<sup>2</sup> gross floor area per tenancy that comply with Standard I552.6.7-6 – Commercial GFA and location control:

**Commented [AT169]:** 127.49 – Supported (consequential / consistency). Includes changes below.

(a) Transport:

- (i) The extent to which traffic generation and trip movements to and from the activity may create adverse effects on the:
- capacity of roads giving access to the site;
  - safety of road users including cyclists and pedestrians; [and](#)
  - ~~sustainability of the primary road network, activity and capacity~~ [effective, efficient and safe operation of the road network \(including the arterial road network\)](#); and
  - the planned urban built character of the precinct.

[\(ii\) Whether vehicle accesses to sites are designed and located to complement the road function and hierarchy, while avoiding conflict with the function of existing public open space and proposed open space, streets and lanes, while balancing the requirements of access and through-movement.](#)

**Commented [AT170]:** 127.49 – Consequential inclusion of criterion adding I552.8.2(1)(e)(i) to I552.8.2(a) as this would also apply to commercial activities and healthcare facilities.

(b) Streetscape:

- (i) The extent to which activities serving the local neighbourhood are designed, developed and operated to have an attractive street frontage, with buildings located on the street frontage providing generous display space or alternative shop front that suitably engages with the street.
- (ii) The extent to which additional GFA does not compromise the planned built character of the streetscape.
- (iii) The extent to which the building footprints, height, floor to floor heights and the profile of buildings enable them to accommodate a wide range of ground floor activities to be adapted to accommodate differing uses in the future.

[\(c\) Travel plans and integrated transport assessments:](#)

- (i) [The extent to which proposed developments and travel plans prepared in support of a proposal, are consistent with the analysis and recommendations of any existing integrated transport assessment supporting the proposed development and/or precinct.](#)

**Commented [AT171]:** 127.47 - Consequential inclusion for consistency of application.

(3) ~~Any subdivision and/or development not otherwise listed in Table I552.4.1 that is generally in accordance with Precinct Plans 1 – 4;~~

**Commented [AC172]:** 73.47 and 73.59 - Consequential deletion due to change to discretionary activity.

~~(a) Consistency with precinct plans:~~

- ~~(i) Whether the subdivision or land use is in accordance with Precinct Plans 1 – 4.~~
- ~~(ii) Whether the activity is consistent overall with the objectives and policies of the precinct.~~

~~(b) Infrastructure:~~

- ~~(i) The extent to which the design of streets and public lanes are well connected, attractive and safe transport routes, with appropriate provision for:
  - pedestrian, cycle and vehicle movements;
  - car parking;
  - infrastructure services; and
  - street tree planting and landscape treatment consistent with the overall planned outcomes for the precinct and surrounding environmental context.~~
- ~~(ii) The extent to which the design of streets and lanes integrates service lines beneath footpaths or car parking bays.~~
- ~~(iii) The extent to which infrastructure for stormwater, wastewater and water supply are designed to ensure minimisation of water use, storm and wastewater generation and maximise water re-use.~~
- ~~(iv) The extent to which infrastructure provided to serve any new development models a range of different methods to achieve sustainability, with a particular emphasis on the efficient use and natural treatment for water quality.~~
- ~~(v) The extent to which development adopts an integrated approach to stormwater management, with an emphasis on water sensitive design to enable the reduction of stormwater generated from sites through reuse and reduction of impervious areas.~~
- ~~(vi) The extent to which there is consistency with the Stormwater Management Plan and/or relevant network discharge consent.~~
- ~~(vii) The extent to which stormwater retention and treatment facilities are designed to retain in-stream ecological values and added additional habitat where practical.~~

- ~~(viii) The extent to which subdivision and development retains and provides protection for riparian margins and esplanade reserves.~~
  - ~~(ix) The extent to which existing urban streams are supported through landscaping and riparian margins comprising predominantly native species, to contribute to the amenity of the precinct and to support their ecological function.~~
  - ~~(x) The extent to which open spaces are provided so that they are:
 
    - ~~• readily visible and accessible by adopting methods such as generous street frontages or bordering onto yards of sites and front faces of buildings that are clear of visual obstructions;~~
    - ~~• located to provide visual relief, particularly in intensively developed areas;~~
    - ~~• integrated with surrounding development;~~
    - ~~• sized and developed according to community and neighbourhood needs; and~~
    - ~~• easy to maintain.~~~~
  - ~~(xi) The extent to which the design and layout of the Central Park provides for a range of active and passive recreation opportunities that cater to all ages and abilities.~~
  - ~~(xii) The extent to which any common shared parking area within the Central Park is of a size and location that does not reduce or compromise the primary use and function of the Central Park area, and provides appropriate access to enable flexibility of use for community events, markets and the like.~~
  - ~~(xiii) The extent to which the esplanade shared path and all other walkways within the precinct are designed to be:
 
    - ~~• suitable and safe for regular shared pedestrian and cycle use;~~
    - ~~• easily visible and accessible; and~~
      - ~~linked to the public walkway and cycleway network surrounding the precinct.~~~~
- ~~(c) Traffic plans and integrated transport assessments:~~
- ~~(i) The extent to which proposed developments meet the requirements of any existing integrated transport assessment applying to the proposed development and/or precinct; or any new integrated transport assessment or other traffic assessment lodged with any resource consent application~~

~~provides appropriate travel plans that are consistent with the Integrated Transport Assessment.~~

~~(d) Transport:~~

- ~~(i) The extent to which the design of streets and public lanes are well-connected, attractive and safe transport routes, with appropriate provision for:
  - pedestrian, cycle and vehicle movements;
  - car parking;
  - infrastructure services; and
  - street tree planting and landscape treatment consistent with the overall planned outcomes for the precinct and surrounding environmental context.~~
- ~~(ii) The extent to which local road and pedestrian/cycle networks encourage a walkable neighbourhood to reduce vehicle dependency and ensure local accessibility to community facilities, open space areas, public transport facilities and retail activities.~~
- ~~(iii) Where the total number of dwellings in the precinct exceeds 440 dwellings but does not exceed 770 dwellings under 1552.6.14. Transport infrastructure development thresholds, the extent to which provision is made for public transport and alternative transport modes to support and promote reduced dependency on private vehicles.~~
- ~~(iv) The extent to which traffic generation from activities may create adverse effects on the:
  - capacity of roads giving access to the site;
  - safety of road users including cyclists and pedestrians;
  - sustainability of the primary road network; activity and capacity; and
  - the planned urban built character of the precinct.~~
- ~~(v) The extent to which the provision of a private shuttle bus between development within the Albany 10 Precinct and the Albany Station:
  - a. achieves the intended purpose of encouraging behaviour change away from private vehicles and towards public transport;
  - b. is privately funded, operated, managed and, where not provided directly by the developer, is secured through~~

- ~~an appropriate legal mechanism such as (but not limited to) a Body Corporate or Residents' association;~~
- ~~c. provides a level of service to support residents at any given stage of development of the Precinct; and~~
- ~~d. is necessary taking into consideration other public transport options and alternative transport modes made available in the surrounding area.~~

(3) Parking:

(a) Any activity or development which provides more than the maximum permitted number of parking spaces under Standard I552.6.121:

- (i) the trip characteristics of the proposed activities on the site requiring additional parking spaces;
- (ii) the effects of the vehicle movements associated with the additional parking spaces on the safe and efficient operation of the adjacent transport network, including public transport and the movements of pedestrians, cyclists and general traffic. This includes considering the effect of additional parking on trip generation from the site during peak commuter times;
- (iii) the adequacy and accessibility of public transport and its ability to serve the proposed activity;
- (iv) mitigation measures to provide the additional parking which may include measures such as by entering into a shared parking arrangement with another site or sites in the immediate vicinity; or
- (v) the extent to which the demand for the additional parking can be adequately addressed by management of existing or permitted parking. Depending on number of additional parking spaces proposed, the number of employees, and the location of the site, this may be supported by a travel plan outlining measures and commitments for the activity or activities on-site to minimise the need for private vehicle use and make efficient use of any parking provided.

**Commented [AT173]:** 127.17 – Consequential adding of criteria for new parking activity. RD activity where parking maximum exceeded.

No criteria proposed that might promote or encourage the consideration of availability of street parking in wider network (due to wider submitter concerns raised in submissions).

(4) sSubdivision:

(a) The matters of discretion set out in E38 Subdivision – Urban under E38.12.1:

- (i) The extent to which subdivision is consistent with the assessment criteria set out in E38 Subdivision – Urban E38.12.2.

(b) Consistency with the precinct plans:

- (i) Whether the subdivision or land use is in accordance with Precinct Plans 1 – 4.
- (ii) Whether the activity is consistent overall with the objectives and policies of the precinct.

(c) Infrastructure:

- ~~(i) The extent to which the design of streets and lanes are well-connected, attractive and safe transport routes, with appropriate provision for:
 
  - pedestrian, cycle and vehicle movements;
  - minimising potential conflicts between vehicles and cyclists where appropriate and in reference to potential cycle routes identified on Precinct Plan 4 – Albany Movement Network;
  - car parking
  - infrastructure services; and
  - street tree planting and landscape treatment consistent with the overall planned outcomes for the precinct and surrounding environmental context.~~
- ~~(i) The extent to which the design of streets and lanes integrate service lines beneath footpaths or car parking bays.~~
- ~~(ii)(i)~~ (i) The extent to which infrastructure for stormwater, wastewater and water supply are designed to ensure minimisation of water use, storm and wastewater generation and maximise water re-use.
- ~~(iii)(ii)~~ (ii) The extent to which infrastructure provided to serve any new development models a range of different methods to achieve sustainability, with a particular emphasis on the efficient use and natural treatment for water quality.
- ~~(iv)(iii)~~ (iii) The extent to which development adopts an integrated approach to stormwater management, with an emphasis on water sensitive design to enable the reduction of stormwater generated from sites through reuse and reduction of impervious areas.
- ~~(v)(iv)~~ (iv) The extent to which there is consistency with the Stormwater Management Plan and/or relevant network discharge consent.
- ~~(vi)(v)~~ (v) The extent to which stormwater retention and treatment facilities are designed to retain in-stream ecological values and added additional habitat where practical.
- ~~(vii)(vi)~~ (vi) The extent to which subdivision ~~and development~~ retains and provides protection for riparian margins and esplanade reserves.

**Commented [AT174]:** 127.56 – Supported deletion (double up).

Consequential deletion of (c)(i) upon review of submission point, which identified that this is a repeat of the same criteria more-appropriately located in transport (e)(f) below.

**Commented [AC175]:** 73.60 – Supported (68) consequential amendment.

~~(viii)~~(vii) The extent to which existing urban streams are supported through landscaping and riparian margins comprising predominantly native species, to contribute to the amenity of the precinct and to support their ecological function.

~~(ix)~~(viii) The extent to which **identified** open spaces are provided so that they are:

- readily visible and **publicly** accessible by adopting methods such as a generous street frontages or bordering onto yards of sites and front faces of buildings that are clear of visual obstructions;
- located to provide visual relief, particularly in intensively developed areas;
- **integrated with surrounding development;**
- **reflective of the wider cultural landscape, by ensuring that the landscaping of open spaces embodies the principles of mahi toi where appropriate;**
- sized and developed according to community and neighbourhood needs; and
- easy to maintain.

~~(x)~~(ix) The extent to which the design and layout of the Central Park provides for a range of active and passive recreation opportunities that cater to all ages and abilities.

~~(xi)~~(x) The extent to which any common shared parking area within the Central Park is of a size and location that does not reduce or compromise the primary use and function of the Central Park area, and provides appropriate access to enable flexibility of use for community events, markets and the like.

~~(xii)~~(xi) The extent to which the esplanade shared path and all other **identified** walkways within the precinct are designed to be:

- suitable and safe for regular shared pedestrian and cycle use;
- easily visible and accessible; and
- **publicly accessible, and** linked to the public walkway and cycleway network surrounding the precinct.

(xii) **the extent to which other native trees not identified on Precinct Plan 1 - Albany Features Plan, can be accommodated and /or relocated taking into consideration their contribution to amenity values and the practicalities of their retention in relation to the planned-outcomes of the Albany 10 precinct.**

**Commented [AC176]:** 73.60 – Supported (69): clarify public accessibility of open spaces and walkways.

**Commented [AC177]:** 73.65 – Te Aranga not identified through consultation as a matter of interest or concern for Iwi. Additional policy proposed to address submission point and tie mana whenua outcomes together. Criteria added as consequential amendment to address residual concerns around reuse of native vegetation that is not practical to be retained.

**Commented [AC178]:** 73.60 – Supported (69): clarify public accessibility of open spaces and walkways.

**Commented [AC179]:** 73.65 – Additional criteria to address native vegetation retention as a residual concern for mana whenua.



(xiii) The extent to which native trees that cannot be practicably retained, can be sustainably reused within the development to contribute to the outcomes sought under Policy I552.3-(6).

**Commented [AC180]:** 73.65 – Additional criteria to address native vegetation and consideration of reuse where retention is not practical in relation to the planned outcomes of the precinct as a residual concern for mana whenua.

(xiv) The extent to which development contributes to a minimum 5 star community rating under the Sustainable Community Rating Tool – Green Building Council, taking into consideration the level of overall development within the precinct (or other equivalent rating tool or system).

**Commented [AT181]:** 127.46 – Consequential amendment to ensure the community rating is across all development (new buildings and subdivision).

(d) Traffic/Travel plans and integrated transport assessments:

**Commented [AT182]:** 127.57 – Supported consequential amendments for consistency.

~~—The extent to which proposed developments and travel plans prepared in support of a proposal, are consistent with the analysis and recommendations of any existing integrated transport assessment supporting the proposed development and/or precinct; and~~

~~the extent to which any other transport assessment or travel plan lodged with any resource consent application are consistent with the Integrated Transport Assessment.~~

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

(e) Transport:

**Commented [AC183]:** 73.60 – Consequential amendments to standard to reflect changes to Transport upgrade thresholds (65).

(i) The extent to which the design of streets and lanes are well-connected, attractive and safe transport routes, with appropriate provision for:

- pedestrian, cycle and vehicle movements;
- minimising potential conflicts between vehicles and cyclists where appropriate and in reference to potential cycle routes identified on Precinct Plan 2 – Albany movement network;
- car parking (while minimising reliance on private vehicle use);
- infrastructure services; and
- street tree planting and landscape treatment consistent with the overall planned outcomes for the precinct and surrounding environmental context.

**Commented [AC184]:** 73.23 – Response to item 26: minimising potential conflicts between cyclists and vehicles where appropriate.

**Commented [AT185]:** 127.58 – Supported consequential amendments for consistency.

(ii) The extent to which local road and pedestrian/cycle networks encourage a walkable neighbourhood to reduce vehicle

dependency and ensure local accessibility to community facilities, open space areas, public transport facilities and retail activities.

(iii) ~~Where the total number of dwellings in the precinct exceeds 440 dwellings but does not exceed 770 dwellings under 1552.6.14. Transport infrastructure development thresholds; the extent to which provision is made for public transport and alternative transport modes to support and promote reduced dependency on private vehicles.~~

(iv) For development where the total number of dwellings constructed and/or consented (or dwelling unit equivalents) together with other development exceeds 460 dwellings; ~~the~~ extent to which traffic generation from activities may create adverse effects on the:

- capacity of roads giving access to the site;
- safety of road users including cyclists and pedestrians;
- ~~sustainability of the primary road network; activity and capacity~~ effective, efficient and safe operation of the road network (including the arterial road network); and
- the planned urban built character of the precinct.

(v) The extent to which, prior to occupation of the first dwelling, the provision of a private shuttle bus between development within the Albany 10 Precinct and the Albany Station (or similar location);

- a. achieves the intended purpose of encouraging behaviour change away from private vehicles and towards public transport;
- b. is privately funded, operated, managed and, where not provided directly by the developer, is secured through an appropriate legal mechanism such as (but not limited to) a Body Corporate or Residents' association to ensure an effective level of service;
- c. provides a level of service to support residents at any given stage of development of the Precinct; and
- d. is necessary taking into consideration other public transport options and alternative transport modes made available in the surrounding area.

(vi) The extent to which construction traffic impacts on the Albany Highway / Bass Road intersection during school peak hours (8am-9am and 3pm-4pm) are minimised.

**Commented [AT186]:** 127.2 – Consistency of wording update for AT requested changes.

**Commented [AT187]:** 127.2 – Trip generation metric now applied in response to overall submission and related submission points.

Consequential deletion and amendments – With modification to trip generation thresholds this matter is no longer required, because beyond 460 dwellings all developments require transport assessment to ensure intersection performance / mode shift.

**Commented [AT188]:** 127.59 – Supported consequential amendments for consistency.

**Commented [AT189]:** 127.34 – Consequential amendment for consistency (further comments).

**Commented [AC190]:** 73.60 – Supported.

**Commented [MoE191]:** 139.6 – Accepted inclusion (consequential inclusion here as criteria is relevant to subdivision development as well as new buildings).

(vii) The extent to which subdivision design and site layout does not compromise the ability to deliver upgrades required under I552.2.6.132 Transport infrastructure development assessment and upgrade thresholds.

(viii) The extent to which an alternative alignment of private roads and lanes identified as 'no control' on Precinct Plan 4 – Albany frontage controls is supported by a transport assessment that includes:

- a. an assessment of safety and efficiency of movements to the local network of active mode users;
- b. an assessment of safety and efficiency of movements to the local network of private vehicles; and
- c. the extent to which the alternative alignment is generally consistent with the assessment criteria under I552.8.2 (4) Subdivision.

**Commented [AC192]:** 73.9 – Added criteria to tie assessment to transport threshold standard at subdivision and ensure future upgrades taken into account in any proposed SUB layout (particularly in relation to intersection upgrades).

**Commented [AT193]:** 127.41 – Standard deleted as a qualitative assessment is not appropriate for a standard. Criteria proposed under 'subdivision' to signal that alternative private lane layout anticipated subject to assessment.

(5) Subdivision and development dDevelopment that does not comply with Standard I552.6.13-12 Transport infrastructure development assessment and upgrade thresholds and/or proposes alternative measures to achieve required transport access, capacity and safety:

(a) Effects on the transport network:

(i) Whether subdivision and/or development has adverse effects on the efficiency of the operation and safety of the transport network, having particular regard to:-

- efficiency effects of general traffic on existing and future pedestrians, active mode users, public transport operations and high occupancy vehicle lanes on Albany Highway, between and including the intersections of Albany Expressway and Rosedale Road with Albany Highway;
- safety effects on existing and future users of the transport network on Albany Highway, between and including the intersections of Albany Expressway and Rosedale Road with Albany Highway

(b) The likely trip generation of the subdivision and/or development and the effects of the quantum of that development on the safe and efficient functioning of the roading network:

(i) Whether or not there is a need for the infrastructure upgrade as a result of the additional subdivision and/or development.

**Commented [AC194]:** 73.60 – Consequential amendments to standard to reflect changes to Transport upgrade thresholds (71).

**Commented [AT195]:** All changes to this criteria.

127.60 – Consequential amendments to assessment criteria to ensure sufficient scope of assessment of transport effects to justify RD status.

127.2 – Consequential amendments to assessment criteria to align with changes to thresholds and upgrade table.

**Commented [AT196]:** 127.23 – Consequential amendment.

**Commented [AT197]:** 127.60 – Consequential amendment (further comments).

~~(ii) The extent to which alternative methods or solutions can be implemented to ensure sufficient capacity within the road network exists.~~

~~(c)~~(b) Contribution of alternatives to overall traffic effects:

(i) Whether other transport network upgrade works to those identified in I552.6.12 ~~Transport infrastructure development~~ assessment and upgrade thresholds have been undertaken or other measures are required that mitigate the transport effects of the proposed subdivision and/or development and

Commented [AT198]: 127.60 – Consequential amendment (further comments).

(ii) The extent to which (if any) staging of subdivision may be required due to the co-ordination of the provision of transport infrastructure.

~~(d) Effectiveness of alternatives:~~

~~(i) The extent to which (if any) staging of subdivision may be required due to the co-ordination of the provision of infrastructure.~~

### I552.9 Special information requirements

In addition to the general information that must be submitted with a resource consent application (refer C1.2(1) Information requirements for resource consent applications), applications for the activities listed below must be accompanied by the additional information specified:

#### Integrated Transport Assessment

- (1) ~~the first subdivision resource consent application, or first land use resource consent application for any development where the total number of dwellings either constructed or consented within the precinct exceeds 400~~ 460 dwellings, are required to produce ~~shall be accompanied by~~ an integrated transport assessment for the precinct. ~~An A further updated integrated~~ transport assessment ~~for the precinct~~ will be required for all further development where the dwelling thresholds are ~~likely to be triggered~~ exceeded under Standard I4552.6.13 ~~25 Transport infrastructure development assessment and upgrade thresholds.~~

Commented [AT199]: 127.2 – Trip generation metric now applied in response to overall submission and related submission points noted below. Consequential amendments to align.

Commented [AT200]: 127.61 – Supported

#### Dwelling ~~density~~ assessment

- (2) Any application for new buildings and/or dwellings shall be accompanied by an assessment of the current and proposed ~~density of development~~ number of dwellings (or dwelling unit equivalents) within the precinct, so as to confirm compliance with standard ~~I552.6.1. Dwelling Density~~ I552.6.12. Transport assessment and upgrade thresholds. This requirement does not apply after 460 dwellings consented and/or constructed.

Commented [AT201]: 127.2 – Consequential amendment: In lieu of a shift to a trip generation cap as suggested by Auckland Transport and Auckland Council in part, there is no longer a need for the 1800 dwelling density cap.

Dwelling unit equivalents still relevant to the 460 dwelling threshold and transport infrastructure requirements. These are now located under I552.6.13 (12 as amended).

Commented [AC202]: 73.61 – Supported.

## Commercial GFA assessment

(3) Any application for ~~non-residential~~ commercial ~~development~~ activities or healthcare facilities shall be accompanied by an assessment of the current ~~commercial~~ GFA for these activities and facilities within the precinct, so as to confirm compliance with standard I552.6.7.6. Commercial GFA and location control.

Commented [AT203]: 127.62 – Supported changes to overall requirement.

## Coverage Plan

(4) Any application for subdivision or development within the precinct shall include coverage information to demonstrate compliance with I552.6.4.3 – Maximum building coverage, impervious area and landscaping and the extent of existing and proposed coverages across the overall precinct for any stage of development (including roads and lanes).

Commented [AC204]: 73.63 – Supported.

## Private Shuttle Service

- (5) Where residential dwellings are proposed as part of any application, information shall be provided to confirm that the private shuttle bus required under I552.6.1.3.2 – Transport assessment and upgrade thresholds:
- a. is privately funded, operated, managed and, where not provided directly by the developer, is secured through an appropriate legal mechanism such as (but not limited to) a Body Corporate or Residents' association to ensure an effective level of service;
  - b. provides a level of service to support residents at any given stage of development of the Precinct, including intended route and stops; and
  - c. is necessary taking into consideration other public transport options and alternative transport modes made available in the surrounding area.

Commented [AC205]: 73.64 – Supported.

## I552.10 Precinct plans

- Precinct Plan 1 – Albany features plan
- Precinct Plan 2 – Albany movement network.
- Precinct Plan 3 – Albany height and building coverage control areas.
- Precinct Plan 4 – Albany frontage controls.

## **Attachment 2**

# Memorandum

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> <b>Wellington</b><br>PO Box 11340, 6142<br>+64 4 385 9315 | <input checked="" type="checkbox"/> <b>Auckland</b><br>Level 3, IBM Centre<br>82 Wyndham Street<br>PO Box 91250, 1142<br>+64 9 358 2526 | <input type="checkbox"/> <b>Hamilton</b><br>PO Box 1094, 3240<br>+64 7 960 0006   | <input type="checkbox"/> <b>Tauranga</b><br>PO Box 13373, 3141<br>+64 7 571 5511 |
|  | <input type="checkbox"/> <b>Christchurch</b><br>PO Box 110, 8140<br>+64 3 366 8891  | <input type="checkbox"/> <b>Queenstown</b><br>PO Box 1028, 9348<br>+64 3 441 1670 | <input type="checkbox"/> <b>Dunedin</b><br>PO Box 657, 9054<br>+64 3 470 0460    |

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Attention: Campbell Brown Planning Limited

Date: 28 June 2021

From: Ian Boothroyd

Message Ref: NPS-FM and NESF and Albany 10 Precinct

Project No: A18090

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## 1. Introduction

The National Environmental Standard for Freshwater ('NESF') and the National Policy Statement for Freshwater Management 2020 ('NPS-FM') were released on 5 August 2020 and took effect from 3 September 2020. The application for the Albany private plan change ('PC59') was submitted 8 May 2020, prior to the NESF and NPS-FM becoming operative.

The NESF and NPS-FM both have potentially significant implications for land development, and include specific provisions related to natural wetlands. In this memorandum, we consider the application of the NPS-FM and NESF to the Albany 10 Precinct. We do this by setting out the relevant parts of the NPS-FM and NESF and applying these to the Albany 10 Precinct provisions. We focus on the definitions, policy direction and rules for natural wetlands, streams and fish passage.

### **RELEVANT SECTIONS OF THE NPS-FM AND NESF**

The following section sets out the relevant provisions of the NPS-FM and NESF for the purpose of assessing their relevance to PC59.

## 2. NPS-FM overview

The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems;
- (b) second, the health needs of people (such as drinking water); and
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The NPS-FM provides regional councils with updated direction on how they should manage freshwater under the Resource Management Act 1991 ('RMA'), including introducing a variety of policies or modifications to policies, as well as setting out specific tasks to be undertaken. The NPS-FM also directs that councils be satisfied that the 'effects management hierarchy' approach (as set out in the NPS-FM) is applied to existing and potential values of existing waterbodies and wetlands (where exemptions provide for it).

## 3. NPS-FM policies

The NPS-FM sets out 15 policies for the management of freshwater in New Zealand. While all the policies are relevant to the Albany 10 Precinct, we draw particular attention to the following:

**Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai.

**Policy 2:** Tangata whenua are actively involved in freshwater management (including decision- making processes), and Māori freshwater values are identified and provided for.

**Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

**Policy 6:** There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

**Policy 7:** The loss of river extent and values is avoided to the extent practicable.

**Policy 8:** The significant values of outstanding water bodies are protected.

**Policy 9:** The habitats of indigenous freshwater species are protected.

**Policy 10:** The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

**Policy 11:** Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

#### **4. RMA and NPS-FM wetland definitions**

The RMA definition states:

- **Wetland** includes permanently or intermittently wet areas, shallow water, and land margins that support a natural ecosystem of plants and animals that are adapted to wet condition.

The NPS-FM definition<sup>1</sup> states:

- **natural wetland** means a wetland (as defined in the Act) that is not:
  - (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
  - (b) a geothermal wetland; or
  - (c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain- derived water pooling.
- **Improved pasture** means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

Relevantly, natural wetlands are not restricted to indigenous ecosystems or biota and no reference is made to the significance, quality or condition of the wetland feature.

The recently issued draft guidance *Essential Freshwater Interpretation Guidance: Wetlands Definitions. Exposure Draft circulated 7 April 2021* ('draft guidance'), attempts to clarify the definition provided for natural wetland in the NPS-FM.

#### **5. NPS-FM for rivers and stream**

The NPS-FM directs that:

- (1) Every regional council must include the following policy (or words to the same effect) in its regional plan(s):
  - “The loss of river extent and values is avoided, unless the council is satisfied:
    - (a) that there is a functional need for the activity in that location; and
    - (b) the effects of the activity are managed by applying the effects management hierarchy.”

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<sup>1</sup> NPS-FM, s3.21(1).



## 6. NPS-FM for Fish Passage

The NPS-FM directs that:

- (1) Every regional council must include the following fish passage objective (or words to the same effect) in its regional plan(s):

The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.

The NPS-FM sets out a number of requirements regarding fish passage and the maintenance of structures. We have not set these out here, but fish passage is provided for in the Albany 10 Precinct provisions at I552.8.2(g)(ix), with reference to the support of ecological function.

## 7. National Objectives Framework

Subpart 2 of the NPS-FM requires certain attributes to be managed within a compulsory National Objectives Framework ('NOF'). The NOF requires that water quality is maintained or improved to meet established water quality attribute bands for a variety of parameters.

Auckland Council has yet to designate objectives and unit management to Oteha Stream, although specific water quality data is available. Available data from the 2017 Auckland water quality monitoring<sup>2</sup> suggest that:

- Annual (2017) median dissolved oxygen meets Attribute Band A of the NOF (Table 7).
- Annual (2017) median Ammoniacal N meets Attribute Band A of the NOF (Table 5).
- Annual (2017) median E. coli meets the Attribute Band E (Red) of the NOF (Table 9).

The NPS-FM requires that councils apply compulsory values to stream management units in their respective regions as part of the NOF (Subpart 2, 3.9(1)). Those compulsory values relevant to freshwater ecology are:

**Ecosystem health** refers to the extent to which an FMU or part of an FMU supports an ecosystem appropriate to the type of water body (for example, river, lake, wetland, or aquifer).

There are 5 biophysical components that contribute to freshwater ecosystem health, and it is necessary that all of them are managed. They are:

*Water quality* – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants.

*Water quantity* – the extent and variability in the level or flow of water.

*Habitat* – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater.

*Aquatic life* – the abundance and diversity of biota including microbes, invertebrates, plants, fish and birds.

*Ecological processes* – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.

In a healthy freshwater ecosystem, all 5 biophysical components are suitable to sustain the indigenous aquatic life expected in the absence of human disturbance or alteration (before providing for other values).

**Threatened species** refers to the extent to which an FMU or part of an FMU that supports a population of threatened species has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species. All the components of ecosystem health must be managed, as

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<sup>2</sup> Auckland Council 2019. State of the environment monitoring: River water quality annual report 2017. Auckland Council Technical Report 2019/010.

well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species.

## **8. NESF overview**

The NESF sets the requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards.

The standards are designed to:

- protect existing inland and coastal wetlands;
- protect urban and rural streams from in-filling;
- ensure connectivity of fish habitat (fish passage);
- set minimum requirements for feedlots and other stockholding areas;
- improve poor practice intensive winter grazing of forage crops;
- restrict further agricultural intensification until the end of 2024;
- limit the discharge of synthetic nitrogen fertiliser to land and required reporting of fertiliser use.

The relevant standard for the purpose of this assessment is the protection of existing inland wetlands, and urban / rural streams from in-filling, and to ensure the connectivity of fish habitat / passage.

## **9. NESF regulations on natural wetlands**

The NESF provides some specific regulations for natural wetland activities, notably:

- Earthworks within a natural wetland, and the taking, use, damming, diversion or discharge of water outside a natural wetland, that results in complete or partial drainage of all or part of the wetland, is prohibited (Reg. 53).
- Earthworks outside, but within 100 m setback from, a natural wetland, and the taking, use, damming, diversion or discharge of water outside, but within a 100 m setback from, a natural wetland, that results in complete or partial drainage of all or part of the wetland, is a non-complying activity (Reg. 52).
- Vegetation clearance within, or within a 10 m setback from, a natural wetland, earthworks within, or within a 10 m setback from, a natural wetland, and the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a non-complying activity.

## **APPLICATION OF THE NPS-FM AND NESF TO THE ALBANY 10 PRECINCT**

### **10. Albany 10 Precinct overview**

The Albany 10 Precinct is located in Albany on the North Shore, approximately 13 km north of the Auckland city centre and 850 m southwest of the Metropolitan Centre of Albany. The Massey University Albany Campus lies to the east, separated from the site by the Oteha Stream and the Fernhill Escarpment.

The site is currently zoned 'Residential – Mixed Housing Suburban Zone' under the Auckland Unitary Plan Operative in Part ('AUP-OP') and is predominantly residential land use containing dwellings of one or two storeys. PC59 seeks to re-zone the site to Terraced Housing and Apartment Building ('THAB') zone and impose a new Albany 10 Precinct over the site.

#### *Ecological context*

The Albany 10 Precinct sits in the Tamaki Ecological District where, historically, the vegetation would have been dominated by kauri, podocarp broadleaf forest with kahikatea forest in the gullies and broadleaved forest on alluvial flats. Historic forests were logged for kauri over a century ago.

The Days Bridge Esplanade Reserve runs along the eastern edge of the Albany 10 Precinct, and the Fernhill Escarpment lies on the eastern side of Oteha Stream. The Fernhill Escarpment is an area of approximately 30 ha area and is classified as a Significant Ecological Area (SEA\_T\_8340) in the AUP-OP.

#### *Aquatic features*

Three watercourses are recognised within the precinct, named as Watercourses A, B and C. With the exception of the upper reaches of watercourse C, which is ephemeral, all watercourses are intermittent.

A small portion of an existing natural wetland area extends into the Precinct 10 site (Wetland A, Appendix 2 of 'Boffa Miskell 2020'<sup>3</sup>). Wetland A is a natural hydrological feature and restoration attempts are evident. Native rautahi, harakeke and giant umbrella sedges now grow amongst exotic weeds such as bears breaches, great bindweed, blackberry and Chinese privet. Surrounding the wetland are several mature tōtara, tī kōuka and karaka.

Further details of the aquatic features within the precinct are provided in Boffa Miskell (2020).

### **11. Precinct 10 provisions**

The Albany 10 Precinct will introduce a number of site-specific objectives, policies, activities, standards and assessment criteria that reflect the particular desired outcomes for the site.

Relevant to this memorandum, the precinct seeks to maintain the ecological functions and water quality of existing streams, while also enhancing the landscape and open space amenity values of the area through the provision of publicly-accessible open space that incorporate established trees, riparian corridors, visual corridors, shared pedestrian cycle paths, walkways and informal recreation and play areas.

The relevant objectives of the proposed Albany 10 Precinct, which capture the elements above, include:

#### *Development*

- (2) Subdivision and development is undertaken in a comprehensive manner in general accordance with Precinct Plans 1-4, and is staged and designed to align with the provision of open space and where required, the upgrading of infrastructure including transport (roading and pedestrian linkages and accessways), water, wastewater and stormwater.

#### *Open space and public realm*

- (9) Pedestrian and cycle linkages within the precinct are provided, including connections within the wider roading and pedestrian network and adjacent land, taking into account topography, visual corridors, watercourses and vegetation, to enhance recreation and connectivity and create a network that links open spaces within the precinct and the wider environment.
- (11) Accessible open spaces recognise and take advantage of the natural features of the site, including the incorporation of existing waterways, riparian margins identified existing mature trees within the open space network.
- (12) The ecological value of existing streams and habitats are recognised and protected.
- (13) The natural and environmental values of the precinct are maintained and, where practicable, enhanced.

#### *Infrastructure*

- (17) The adverse effects of stormwater runoff within the precinct are mitigated to maintain water quality and preserve the *mauri* of the Oteha Stream.

In addition to the objectives specified above, all relevant overlay, Auckland-wide and zone objectives apply in this precinct.

### **12. Application of the NPS-FM and NESF**

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<sup>3</sup> Boffa Miskell 2020. Ecological values. Proposed Albany 10 precinct provisions and ecological values. Prepared for BEI Group dated 7 May 2020.

In light of the now operative status of the NPS-FM and NESF, the relevant matters required to be considered in respect of PC59, include:

- Wetland A
- Streams and rivers
- Fish passage

#### *Natural wetlands*

Wetland A is identified as a natural hydrological feature in Boffa Miskell (2020), and there is evidence of restoration enhancements. The Boffa Miskell (2020) report was prepared prior to the release of the NPS-FM and NESF. We can confirm that Wetland A does not meet the exemptions as a natural wetland under the NPS-FM definition. We note that Wetland A is mostly outside of the Albany 10 Precinct boundary, but potentially within 100 m of earthworks anticipated as part of the development ultimately enabled by PC59.

As Wetland A is a natural wetland, the requirements of the NPS-FM and NESF apply, including:

- Regulations 52 and 53 of the NESF. These regulations refer to the complete or partial drainage of a natural wetland (which is not proposed by PC59). However, we do note that regulation 54 means that the discharge (of treated stormwater) to a natural wetland would be a non-complying activity.

Policies 12 and 13 of the Albany 10 Precinct provide for the natural environmental values of the surrounding environment, which includes the ecological and habitat values of Wetland A. The intention to protect and maintain the values of Wetland A is consistent with the NPS-FM and NESF. Accordingly, we consider that the policy directives of the NPS-FM and the rules of the NESF are met by the policy directives encapsulated in policies 12 and 13. However, for completeness, I have recommended that objective 12 is amended as follows:

‘The ecological values of existing streams, wetlands and habitats are recognised and protected, and where practicable, enhanced’.

#### *Streams and rivers*

As set out above, the NPS-FM and NESF include provisions which set out what is required in respect of streams and rivers. These will apply to the three watercourses (Watercourses A, B and C) on the site.

We consider that the policy directives of the NPS-FM and the rules of the NESF regarding the extent of streams are met by the Albany 10 Precinct provisions. The reasons for our conclusion are as follows:

- Precinct provisions 12 and 13 are relevant to the watercourses within Precinct 10 because the intermittent streams are given the same status as permanent streams or rivers.
- The proposed Albany 10 Precinct seeks to maintain the ecological functions of existing streams, while also ensuring that existing urban streams are supported through landscaping and riparian margins comprising predominantly native species (Policy 13).
- Riparian planting is required on either side of all intermittent and permanent streams to a minimum of 10 m measured from the channel edge of the stream (1522.6.14.4). We note that this provision does not apply where road crossings occur over streams which is acceptable. A Council approved planting plan is required for all identified riparian planting areas. The plan, in keeping with standard practice, must refer to the use of eco-sourced native vegetation, and be consistent with local biodiversity and habitat in accordance with the Guideline for native revegetation plants (Appendix 16 of the AUP-OP). Whether a road crossing is provided either by a bridge or a culvert would be determined at detailed design and future resource consent stages.

Accordingly, Watercourses A, B and C will not be adversely affected by the proposed Albany 10 Precinct provisions. Furthermore, these waterways will benefit positively from the objectives, policies and standards proposed for Albany Precinct 10.

### *Fish passage*

The requirements for fish passage under the NPS-FM and the NESF are relevant to the Albany 10 Precinct which includes three watercourses (Watercourses A, B and C) providing for fish passage. The streams are classified as intermittent watercourses and accordingly, fish habitat will be limited.

We consider that policy directives of the NPS-FM and the rules of the NESF are met regarding fish passage. As above, the relevant provisions of the Albany 10 Precinct provide for:

- Existing connections of the watercourses with the Oteha Stream to remain functional (consistent with Policy 13) as they are presently for fish passage.
- Where culverts are provided for road crossings (as opposed to bridges), NESF rule 63 will apply and fish passage will be provided for.

### *National Objectives Framework*

We consider that objectives 12, 13 and 17 of the Albany 10 Precinct will ensure that any contribution of stormwater and runoff from the Precinct will not result in effects on the ecosystem health or threatened species values of Oteha Stream and that the objectives of the NOF will therefore be achieved.

## **Attachment 3**

## Memo

**Date:** 28 June 2021

**To:** Auckland Council

**From:** Michael Campbell / Mark Thode  
Campbell Brown Planning

**Subject:** Addendum to Planning Assessment for Proposed Plan Change 59 – Albany 1 – Precinct, on the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) and the National Environmental Standard for Freshwater 2020 (**NES-FW**)

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### 1. Introduction

The purpose of this memorandum is to undertake an assessment against the NPS-FM and NES-FW in relation to the application for a private plan change to rezone 13.7210 ha at 473 Albany Highway, Albany (**the Site**), and apply a new Albany 10 Precinct (**PC59**). This addendum provides an assessment of PC59 against the NPS-FM and NES-FW.

### 2. The National Policy Statement for Freshwater Management 2020

The NPS-FM provides direction as to how local authorities should carry out their responsibilities for managing freshwater quality under the Resource Management Act 1991 (**RMA**).

Under the NPS-FM, freshwater resources are to be managed in a way that gives effect to the fundamental concept of Te Mana o te Wai.<sup>1</sup> This is achieved through a hierarchy of obligations (in Te Mana o te Wai) that prioritises:<sup>2</sup>

- (a) First, the health and wellbeing of water bodies and freshwater ecosystems.
- (b) Second, the health needs of people (such as drinking water).
- (c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Further loss or degradation of wetlands and streams is to be avoided.<sup>3</sup>

PC59 only seeks to rezone the Site and to apply a new precinct. Any future physical works would be subject to resource consent processes, which would at that time be required to be assessed against all relevant National Policy Statements and National Environmental Standards. Regardless, in order to ensure any future development is consistent with the obligations under the NPS-FM, Bei Group,

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<sup>1</sup> NPS-FM, 1.3(1) and (2).

<sup>2</sup> NPS-FM, 1.3(5).

<sup>3</sup> NPS-FM, 2.2, policy 6.

the applicant for PC59, has engaged Boffa Miskell to undertake an ecological survey of freshwater resources on the Site.

The NPS-FM imposes an obligation to prioritise the health and wellbeing of any waterbodies on the land. It follows that PC59 would only be appropriate in terms of the NPS-FM if it would enable development that would not compromise the health and wellbeing of any streams and wetlands on the Site. An understanding of the nature, extent and condition of freshwater resources within the Site is therefore required in order to properly assess whether PC59 is consistent or otherwise with the NPS-FM.

#### *Outcome of NPS-FM application to PC59*

The Boffa Miskell ecological survey supplied with the PC59 request<sup>4</sup> and the further memorandum, dated 28 June 2021<sup>5</sup> (**Boffa Miskell addendum**), have confirmed that there is an existing natural wetland on the land in roughly the same or proximate location to the proposed stormwater pond identified on the notified Precinct Plans. Watercourses are also present on the Site.

As provided in the Planning Assessment<sup>6</sup> and section 32 analysis<sup>7</sup> that accompanies PC59, an existing consent is currently held by Bei Group to redevelop the Site for housing (through integrated development and subdivision). This consent authorises the reclamation of existing streams within the plan change area. Under the proposed PC59 and precinct put forward by Bei Group, existing watercourses are sought to be maintained and incorporated into the precinct's open space network, and enhanced through native riparian planting as-required by the proposed precinct provisions.

With regards to the wetland, it is likely that the proposed location of the stormwater pond will require modification and earthworks in proximity, as well as potential stormwater discharge through the wetland. The Boffa Miskell addendum notes that such activities would be considered as a prohibited activity under the NES-FM. As a result, the proposed stormwater pond has been removed from the precinct plans. This has also necessitated a revision to the Stormwater Management Plan (**SMP**) to account for the additional detention requirements that will be needed in the absence of the pond. This is being updated and will be discussed with Healthy Waters prior to the hearing on PC59, and is expected to be confirmed in evidence. At this stage, Woods, Bei Group's engineering advisors, have confirmed they see no fundamental constraints to altering the SMP to meet the mitigation requirements of the Auckland Regional Network Discharge Consent.

To ensure that PC59 and the precinct provisions give effect to the NPS-FM, we have amended Objective 12 as-follows:

*The ecological values of existing streams, **wetlands** and habitats are recognised and protected, and where practicable, enhanced.*

As such there is nothing to suggest that development promulgated under PC59 (as amended) would require any loss or degradation of freshwater resources or be inconsistent with the NPS-FM. To the contrary, the indicative design concept prepared for PC59 shows a commitment to maintaining natural flow paths and green corridors, which are likely to provide for the enhancement of the health and wellbeing of freshwater and the wider environment. In addition, discharges from impervious surfaces within the precinct are required to be treated to ensure water quality, prior to discharge into the Oteha Stream.

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<sup>4</sup> Appendix J, dated 7 May 2020.

<sup>5</sup> Memorandum filed on behalf of the Bei Group, 'Attachment 2', dated 28 June 2021.

<sup>6</sup> Assessment of Environmental Effects, revision B, 17 August 2020, section 6.0.

<sup>7</sup> Assessment of Environmental Effects, revision B, 17 August 2020, section 8.0.



For this reason, it is considered that freshwater within the Site can be managed in a way that gives effect to Te Mana o te Wai. PC59 enables the Albany community to provide for its social, economic and cultural wellbeing in a manner that is consistent with the outcomes sought by the NPS-FM.

These matters will be further expanded upon in the evidence on behalf of Bei Group.

### **3. National Environmental Standard for Freshwater 2020 (NES-FW)**

National environmental standards are regulations that prescribe technical standards, methods, or requirements for environmental matters. The NES-FW sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities needs to comply with the standards.

Freshwater issues for the Site have been addressed in the preceding discussion relating to the NPS-FM. While there may also be requirements arising under the NES-FW, these would be addressed at the time of subsequent development and subdivision of the land once PC59 is operative. As previously noted, the stormwater pond has been removed to ensure there is no potential conflict between the outcomes intended to be delivered within the precinct and the NES-FW regulations relating to land disturbance within any natural wetland.

The relatively limited aquatic freshwater environments on the Site itself mean that there are unlikely to be any barriers to development as a result of the NES-FW, particularly as existing streams through the Site are sought to be retained and as outlined above, the existing natural wetland will not be affected as a result of removal of the stormwater pond that was proposed in a similar location.

### **4. Conclusion**

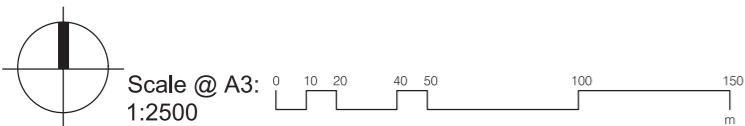
Overall and as a result of the changes that have been made in response to the NES-FW and NPS-FM, PC59 does not raise any concerns in respect of prohibited works in relation to the natural wetland or streams on the Site.

## **Attachment 4**

# Precinct Plan 1

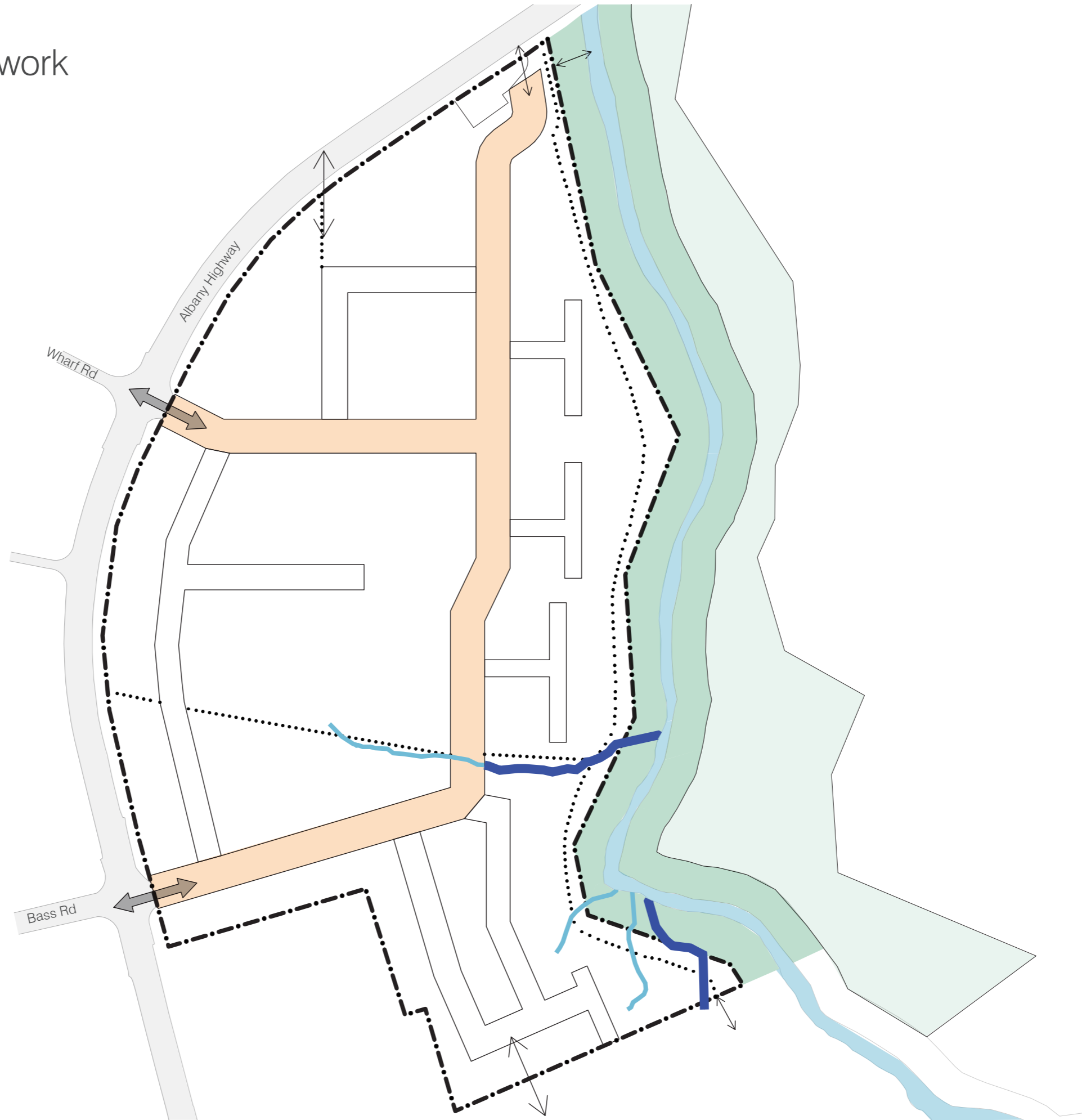
## Albany features plan

- Legend
- Precinct boundary
  - Road to Vest
  - Open space network (including Central Park)
  - Central Park
  - Community hub
  - 20m wide visual corridor clear of buildings
  - Shared path
  - Existing stream
  - Existing watercourse
  - Fernhill Escarpment
  - Oteha Stream
  - Days Bridge Esplanade Reserve
  - Open space adjoining esplanade reserve
  - Central park
  - Gas facility
  - Significant trees to be retained
  - Pohutukawa
  - Titoki
  - English Oak
  - Pecan
  - Puriri
  - Totara
  - Ngaio
  - Swamp Cypress
  - Group including Kanuka, Totara and Kauri

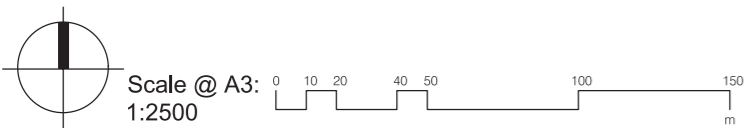


# Precinct Plan 2

## Albany movement network

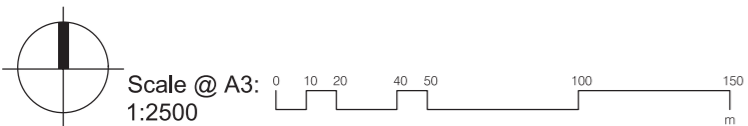
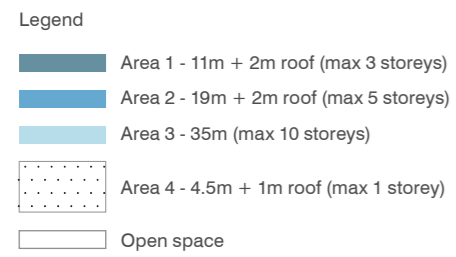
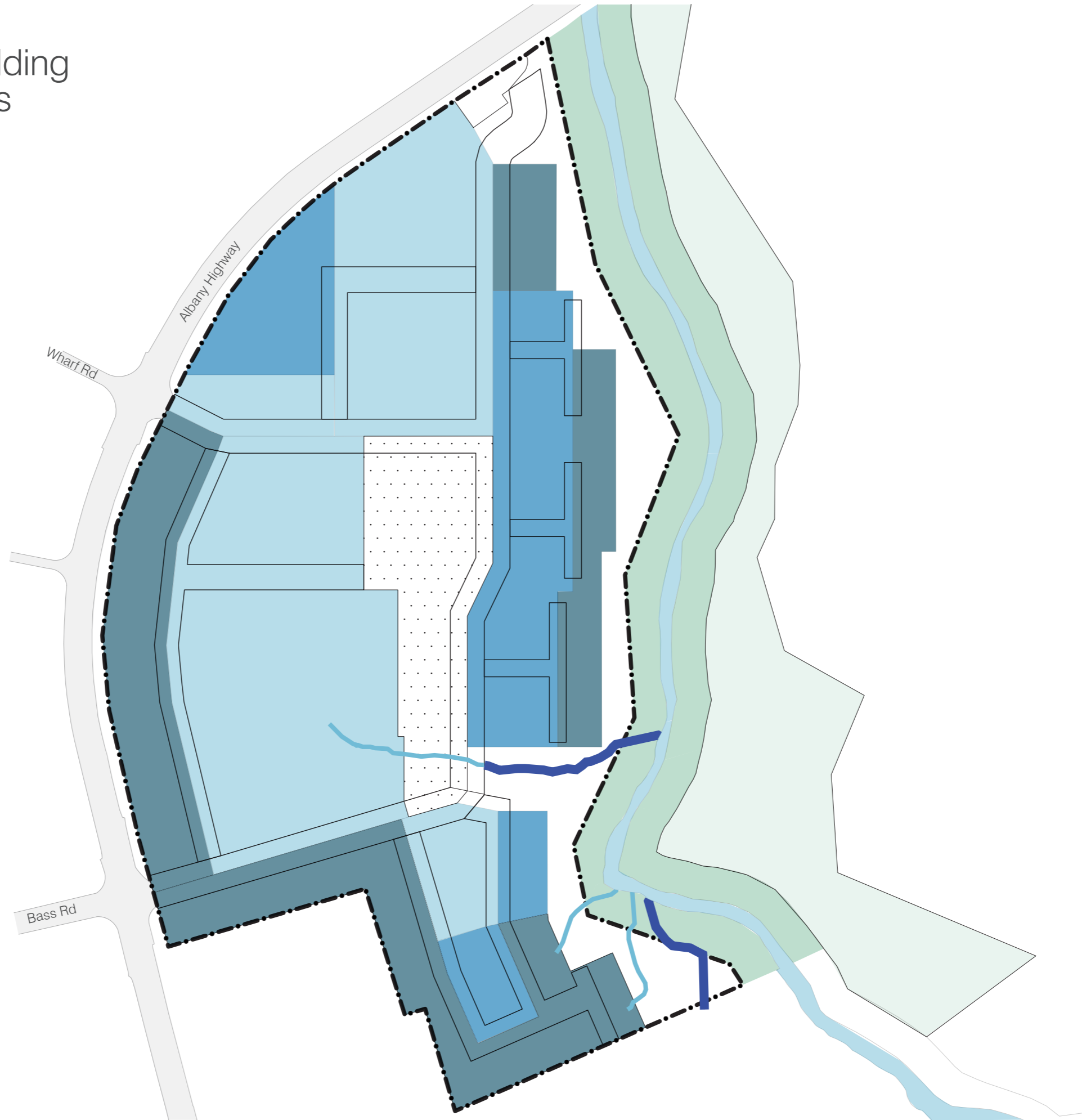


- Legend
- Road to Vest
  - Private street/lanes (indicative)
  - Shared path (pedestrian/cycle)
  - Vehicle entry/exit points
  - Pedestrian/cycle connections



# Precinct Plan 3

## Albany height and building coverage control areas

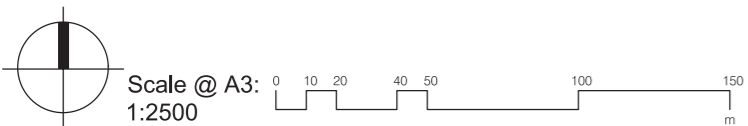


# Precinct Plan 4

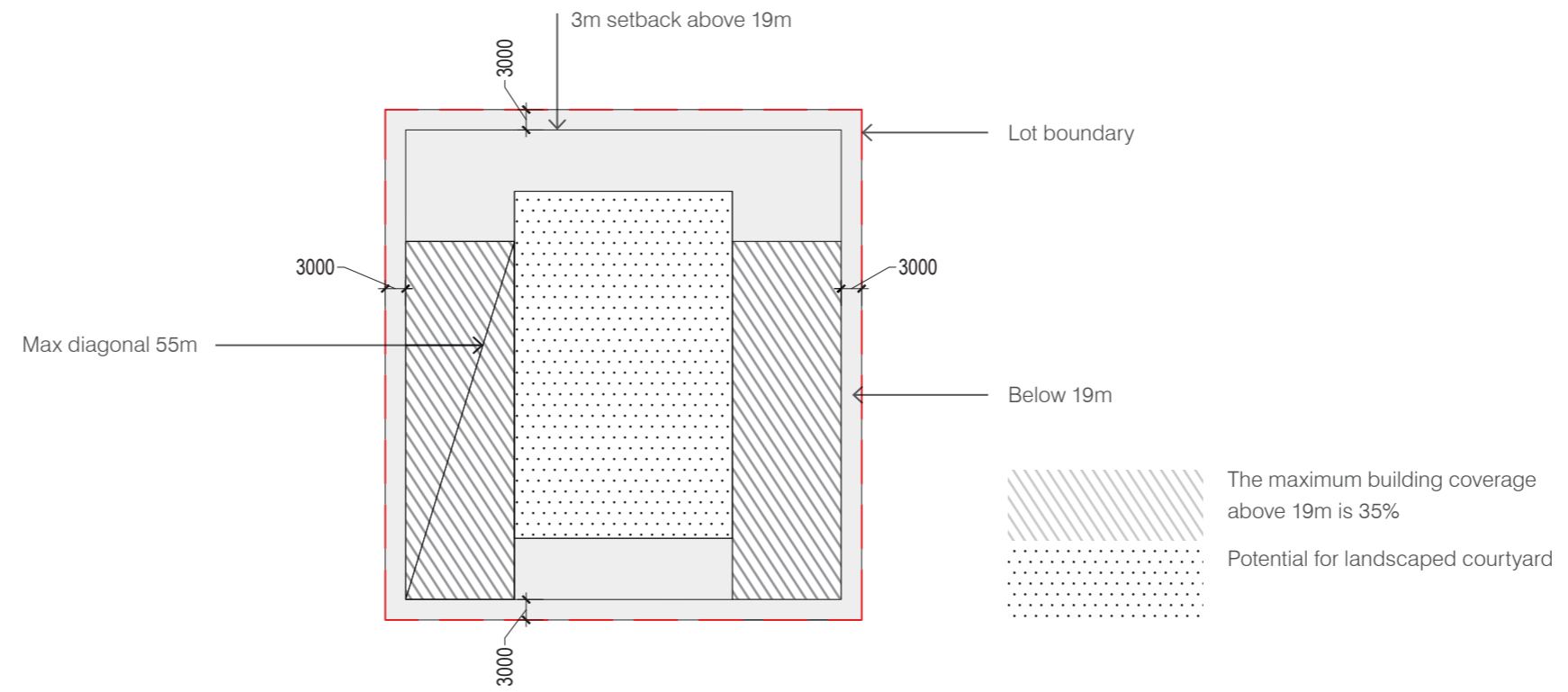
## Albany frontage controls



- Legend
- Albany Highway frontage control
  - Road to vest with frontage control
  - Private roads and lanes
  - Private roads and lanes - no frontage control
  - To open space
  - Commercial frontage



Attachment 4



Attachment 4

