

BAYSWATER MARINA HOLDINGS LIMITED

**APPLICATION FOR RESOURCE CONSENT AND
ASSESSMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSAL TO REDEVELOP THE EXISTING MARINA
RECLAMATION WITH IMPROVED PUBLIC OPEN SPACE,
LANDSCAPING, ACCESS TO THE COASTLINE, APARTMENTS,
TERRACED HOUSING, COMMERCIAL ACTIVITIES AND
PARKING – BAYSWATER MARITIME PRECINCT**



Date: 31 August 2021

Shearer Consulting Limited

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- Attachment 2: Apartment Architecture
- Attachment 3: Engineering
 - 3.1 Engineering and Infrastructure Report
 - 3.2 Engineering and Infrastructure Drawings
 - 3.3 Wastewater Servicing Assessment
 - 3.4 Construction Management Plan
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 - 6.2 Massing and Landscape Renders
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- Attachment 11: Bayswater Maritime Precinct Development Structure Summary

- Attachment 12: Pre-application Meeting Minutes
 - 12.1 Pre-app Minutes 9 August 2019
 - 12.2 Pre-app Minutes 4 December 2020

- Attachment 13: Arborist Assessment

- Attachment 14: Contaminated Site Assessment
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- Attachment 15: Economics Assessment

1.0 EXECUTIVE SUMMARY

This comprehensive application by Bayswater Marina Holdings Limited ('the Applicant') relates to a proposal to redevelop the reclaimed land it owns at Bayswater Marina into a vibrant public transit-oriented community that is an archetype for urban living. The redevelopment, to be named **Bayswater Maritime Precinct**, will involve the upgrading of the existing public open spaces and recreation facilities, improved access to the seaward edge of the Bayswater Precinct, and the establishment of a residential community in new buildings adopting a terraced housing/apartment typology. Existing Marina berthage areas will be untouched, and associated carparking and marine related commercial activities will be retained and upgraded within the development footprint.

The aim is for Bayswater Maritime Precinct to be a contemporary, world class, mixed-use community that Aucklanders will be proud of, want to live in, or want to visit.

The development will offer people a unique lifestyle choice, with residential living areas on the doorstep of the Waitematā Harbour, connected to Auckland Central Business District by ferry, and served by high quality recreational open and shared spaces that will surround the site. This community will be set within a pedestrian permeable framework of buildings and connected open spaces that will celebrate the locality, history, cultural heritage and natural environment of the precinct.

The Applicant company has invested significant time and resources into developing a proposal, presented in this application, that complies with the objectives and policies direction provided by the Bayswater Marina Precinct, and the other provisions of the Auckland Unitary Plan that guide development on this site. Because of the site's high profile and strategic position, consultation with the local community, the Council, Auckland Transport, and Iwi amongst others has assisted in refining the proposal to ensure all parties have the opportunity to understand and input into the overall visions for the site.

The result is a proposal that will provide for the "primary purpose" activities at the Marina, first and foremost, with the opportunity to also provide for high quality residential development on a smaller scale than envisaged in the past, and other commercial activities such as the provision of one or more cafes or marine retail activities.

This application has been carefully designed to provide enhanced primary purpose activities, to provide new infrastructure and services for the entire development, and provide for 94 terraced dwellings and 27 apartments in three buildings. The berthage area is already highly functional and will not be changed. A feature of the proposal is to first develop all physical and public good infrastructure on the site, and then provide for the 94 terraced dwelling sites to be individually purchased. The owners will then be free to individually design and develop their own dwellings, provided they are in accordance with the guidance provided by the Design Manual for Terraced Housing, developed specifically for the project. The ensuing suite of design variations will ensure a rich tapestry and mix of building form and structure, and create a development that is unparalleled in New Zealand.

2.0 APPLICANT AND PROPERTY DETAILS

- 2.1 Applicant: Bayswater Marina Holdings Limited
- 2.2 Address for Service: 21 Sir Peter Blake Parade, Bayswater
- 2.3 Location: Bayswater Marina, Bayswater
- 2.4 Legal Description: Lot 1 DP 309604
- 2.5 Site Area: 33,415m²
- 2.6 Unitary Plan Zoning: Coastal – Marina Zone, Bayswater Marina Precinct
- 2.7 Unitary Plan Overlays:
- Natural Resources: Significant Ecological Areas Overlay - SEA-M2-60a, Marine 2
 - Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay - T3, Rangitoto Island, Viewshafts
 - Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place 2122, Bayswater wharf, causeway & seawall
- 2.8 Designations: No designations
- 2.9 Unitary Plan Controls:
- Controls: Cable Protection Areas Control
 - Controls: Coastal Inundation 1 per cent AEP Plus 1m Control-1m Sea level rise
 - Controls: Macroinvertebrate Community Index - Urban
- 2.10 Road Classification: Private Roads
- 2.11 Development Name: Bayswater Maritime Precinct
- 2.12 Applicant's Agent: Shearer Consulting Limited
- 2.13 Agent's Details: PO Box 60-240
Titirangi 0644
Attention: Craig Shearer
Phone: 021 735915
Email: craig@craigshearer.co.nz
- 2.14: Brief Description of Proposal: Renewal of land at Bayswater Marina to create a destination for visitors by upgrading the public recreation facilities and open space areas, attracting recreation users and marine sports enthusiasts wanting to access the coastline, to enhance public transport use, and by providing terrace house and apartment living opportunities.

3.0 SITE LOCATION

The site is located at the south-western terminus of the Bayswater peninsula (at O’Neill’s Point), and comprises 3.34ha of reclaimed land adjacent to the 11-hectare, 418 berth, Bayswater Marina, made operational in 1998. Prior to the Bayswater Marina reclamation, the land to the east, vested to Auckland Transport (“AT”), was formed to establish public transport/bus access to the Bayswater Ferry terminal. This land, approximately 0.9 hectares, remains in public ownership for use as access to, and parking for, the ferry terminal.

Figure 1: Site – Bayswater Reclamation and Marina



There is also a small parcel of land to the north of the Marina, owned by the Takapuna Boating Club, on which sits the large and historic Boating Club building.

Physically, the most noticeable feature of the wider Bayswater Precinct is that it protrudes prominently into the Waitematā Harbour by up to 500m. Apart from a few temporary buildings scattered around the site, the predominant view is of yacht masts located in the marina basin, flanked by a less obvious large car parking area and small boat sales and boat parking area at the northern end.

Bayswater peninsula extends west into the inner Waitematā Harbour from the larger Devonport peninsula – see Figure 2.

Figure 2: Bayswater Marina Location



The Bayswater peninsula comprises a suburban residential neighbourhood that has been configured around the linear spine road of Bayswater Avenue that runs centrally down the ridge of the peninsula. Bayswater Avenue adjoins Lake Road in the east. Sir Peter Blake Parade forms the sole access road to the marina. The peninsula itself is elevated, with shoreline cliffs rising to 18m above sea level adjacent to the Marina - see Figure 3.

Lying on the eastern shoreline of the inner Waitematā Harbour, the site forms the gateway into Bayswater for those arriving by the Fullers ferry that departs from downtown Auckland, approximately 2.3km to the south across the Harbour.

The ferry terminal at the south-east corner of the site creates a public transport node with passenger ferry services providing a regular eight-minute peak service to and from Auckland's Downtown Ferry Terminal. The ferry currently berths on a pier belonging to the marina and leased to AT. AT has plans to return the ferry terminal to its more original location and alignment adjacent to its land holding in due course once funding has been secured to do so.

Figure 3: Showing elevation of Bayswater peninsula land



4.0 DESCRIPTION OF EXISTING ENVIRONMENT

4.1 Application Site

The Marina site currently consists of the following uses:

- a yacht berthing area (the marina);
- a ferry terminal;
- car parking - 310 solely for the use of berth holders; for public boat ramp and ferry users;
- a grassed open space, accessible for public recreation measuring approximately 2,500m²;
- a public boat ramp.

Figure 4: Berthage area, ferry terminal, view to Central City and Downtown Terminal, Public Boat Ramp, and existing grassed area



- walkways around the perimeter of the Marina and around the floating breakwater enabling public access to and along the coastal marine area; and
- an area dedicated largely to the parking and sales of small boats, along with some marine servicing activities and a charter business;

Figure 5: Existing 1m wide walkway, and small boat parking and servicing.



The site contains many Pohutukawa trees, planted at the time the Marina reclamation was formed. There is an assortment of buildings on the site, most of which are temporary in nature, including the Marina office and ferry waiting room, and several of the marine servicing buildings including containers which have become semi-permanent fixtures.

In summary, the overall land component of the site gives the appearance of being a large car and boat park with several dated and temporary buildings.

Figure 6: Overview of the existing environment and immediate surrounding area, Bayswater Marina.



4.2 Surrounding area

To the east of the site is the 0.9 hectare AT landholding, consisting of at grade car parks plus an old, large corrugated iron building which houses the Takapuna Grammar Rowing Club. The old wharf is located at the southern end of Auckland Transport's land – this is the location of the proposed new ferry terminal.

To the north of the Marina is the large Takapuna Boating Club building, and the adjacent salt water pool. This building and pool are in dilapidated state and in urgent need of significant repair. Further to the north of the Boating Club building is the Marine Parade Reserve, a small grassed area that runs down to the sea and with access to a narrow high tide boat ramp.

Figure 7: Takapuna Boating Club building, old wharf, Takapuna Rowing Club building.



5.0 DESCRIPTION OF THE PROPOSAL

5.1 Project Vision

Bayswater Maritime Precinct will be a contemporary, world class, mixed-use community that Aucklanders will be proud of and want to live in and visit.

The vision is for the Precinct to be a vibrant, public transit-oriented community that is an archetype for urban living. Transformation and revitalisation of the current Marina land will contribute to the creation of this new sense of place and destination, embracing the unique positioning of the site adjacent to the waters of the Waitematā Harbour.

The development will offer people a unique lifestyle choice, with residential living areas on the doorstep of the Waitematā Harbour, connected to Auckland Central Business District by ferry, and served by high quality recreational open and shared spaces that will surround the site. This community will be set within a pedestrian permeable framework of buildings and connected open

spaces that will celebrate the locality, history, cultural heritage and natural environment of the precinct.

5.2 The Marina

A core function of Bayswater Marina is the continued provision and support for the 418-berth marina. The Marina is protected in the development proposal, and the marina business is not compromised in any way. There will be no reduction in the berthage areas at Bayswater Marina. Existing gantries leading to the marina berths will be replaced to facilitate access to the marina basin. No other changes in the marina basin below the mean high-water spring level are proposed.

Land based assets supporting the Marina will be at least to the current standard. The most important of these is vehicle parking. The AUP requires a minimum of 0.5 parking spaces per berth (210 car parks). This proposal provides 310 car parks as required by the agreement with the trustee representing the berth holders. The road and parking surfaces will be better quality, and security improved. Loading areas are provided adjacent to the ramps. The car parking is fully compliant with the requirements in the AUP.

Facilities provided directly to berth holders will be renewed to the same, or higher standard. New bathroom and laundry facilities specifically for use by berth holders will be incorporated into the design and development of new buildings. Rubbish facilities will be provided next to the ramps, and a new marina office will be constructed. Sewage pump-out will continue to be provided. Waste oil collection and recycling services will be retained for berth holders.

5.3 Public Open Space and Coastal Access

The proposal provides for 7,515m² of open space, accessible to the public, to enable opportunities for recreation associated with the coastal marine area (see Attachment 6.1). Open spaces have been designed to provide connectivity to other parts of the site, as well as a direct physical connection to the water. The development has purposely been broken up into small groups of terraced houses with varying sized accessways providing separation and public access and visual connections through to the water. South Park, with expansive views to the city, features a set of tidal steps, designed to 'break down' the current barriers to the water at this end of the site. A café will be located adjacent to South Park.

Vegetation within the site largely comprises Pohutukawa trees, planted following reclamation in the late 1990's and typically approximately 6m in height. Two mature Norfolk Island Pines (approximately 12m - 15m in height) are prominent within the existing public greenspace of the site. With the exception of the row of trees in the southern parkland area, all Pohutukawa trees will be removed. Replacement planting however includes the proposed transplanting of 26 of the better existing Pohutukawa trees and additional planting of large grade native trees including Pohutukawa but with a diversified range of native coastal species. Substantial native underplanting and groundcover is also proposed including within the central 'strip' of proposed car parks to maximise the permeable nature of hard surfaces. In terms of the vegetative qualities of the site's natural character, therefore, the proposal is considered to maintain and enhance the vegetative and associated open space character of the coastal environment. In total 128 trees are proposed to be planted providing a green coastal and predominantly native framework to the Precinct.

Figure 8: Site Plan



The proposal provides for public access around the site. All new streets will be accessible to the public, with the aim of providing reduced speeds, traffic calming measures, and shared pedestrian/vehicle spaces. The proposal also aims to enhance public access to and enjoyment of the coastline. A pedestrian path and boardwalk up to 3.5m will be constructed around the outside of the site, replacing the current, narrow 1m wide concrete path. This path incorporates coastal planting, seating and 'eddy' spaces for gathering along the coastal edge. The path is adjoined by either new public open spaces or wide shared spaces, resulting in a wide esplanade/promenade running the length of the coastal edge of the Marina reclamation. The path will be positioned partially over the existing rock riprap wall, bringing pedestrians closer to the water and creating new opportunities to connect with the water and the marina. The existing 1.1 km long floating breakwater protecting the berthage areas provides additional public access to the coastline and also an alternative recreational walk for those visiting or living at the Precinct.

The precinct provisions require an esplanade strip of no less than 15m in width to be provided at the time of any subdivision involving sub-precincts A and B. This is a key component for protecting public access around the perimeter of the site. The esplanade strip provided in the proposal is a minimum of 15m, and much wider in places. The Development will provide for public access and use of the esplanade strip and the other public areas through the use of public right of way easements granted to Auckland Council. The esplanade strip will also operate as a shared access way and car parking area for the berth holders.

Provision of marina berth holder parking is designed to take on a softened, coastal character. These legally required car parks have a low level of use with very limited 'peak' days and for the majority of the time they will remain unoccupied as open space contiguous with the public boardwalk / walkway adjoining the marina water's edge. Car parks throughout the Precinct have been designed to incorporate a planted central strip (with a reinforced soil medium) to 'green' the parking bays and increase the extent of permeable surfacing.

The existing boat ramp will be retained unaltered. The 20 boat and trailer parking spaces required in the Bayswater Marina Precinct provisions will be provided in a revised location to where they are presently found (see Attachment 4, Appendix C for parking plan).

The proposed development will transform the landscape of the Bayswater Marina from a surface carpark and hard surface dominated hardstand to a high-quality public realm designed as an amenity for the local Bayswater community, users of the site (berth holder, ferry, boat ramp) and future residents. The introduction of a 24/7 residential presence will also enhance the safety of the Precinct for users and provide desirable passive surveillance for the marina and publicly accessible open space which will be established and maintained by the Marina and residential body corporate structures.

Figure 9: General Landscape Plan

KEY

1. Boat ramp
2. South Park
3. Pohutukawa trees retained
4. Fueling dock
5. Ferry pier
6. Floating breakwater
7. Coastal boardwalk
8. Bayswater marina office with apartments above
9. Café with apartments above
10. Commercial space with apartments above
11. South Precinct
12. Central Precinct
13. North Precinct
14. North Park
15. Marine Parade Reserve
16. Former Takapuna Boating Club
17. AT land / Takapuna Grammar Rowing Club
18. Future ferry pier



5.4 Ferry Terminal

Access to the ferry terminal is an important feature of the proposal and an important opportunity in the development of the Precinct. The residential development proposed for the site is to be “transit-oriented” in that residents living in Bayswater Maritime Precinct will have easy access by ferry to Auckland’s City Centre. The ferry takes eight minutes to cross the Harbour and there are regular 30-minute services to and from the downtown terminal at peak hours during weekdays.

The proposal is to maintain the ferry terminal on pontoons accessed off the marina land. A passenger terminal will be retained until at least 2031 when the berth licences expire. Although AT has long term plans to construct a new ferry terminal on its own land, funding for this has not been provided for in the current long term funding plan, so it is safe to assume there will be no changes to the current arrangements at least in the medium term. Bus access will continue to be available along the extended Sir Peter Blake Parade, terminating at its existing location, adjacent to the boat ramp. A bus turnaround area is to be provided.

A likely increase will occur in ferry usage, and therefore, potentially, the number of services provided. With around 350 residents forecast to be living at Bayswater Maritime Precinct once complete, the site will be an attractive living environment to people who work in the City Centre because of the close ferry access. The ferry provides considerably faster access than other modes, and there are other passenger transport connections within close proximity to the Downtown Ferry terminal. Further, with the increased attractions, services, and upgraded recreation facilities, the Precinct will likely become a destination for visitors from the Central City, further increasing ferry patronage.

5.5 Residential use component

A key design consideration in developing new buildings on the site – provision for 94 terraced houses, three apartment buildings (9 apartments in each), offices, marine retail and industry and up to two cafes/restaurants – was to firstly ensure that the primary focus activities, set out in the provisions, were maintained and enhanced. Buildings have been sited to enable seamless interaction between living areas and other primary activities on the site. The previous proposals for up to 250 units, whilst providing for the intensification sought across Auckland, did not find favour with some parties in terms of bulk, mass, landscape, and amenity at the site. The revised design proposed with this application has purposely tried to address these concerns.

All residential buildings on the site are designed to maximise views towards the sea, and are thus oriented towards the coastline. The 17 groups of terraced houses and three apartment buildings (see Figure 8, Site Plan) are all located within Sub-precinct B and generally follow the coastline on the northern, western, and southern sides of the Marina land, with Sub-precinct A, the esplanade strip and North and South Streets being located between the buildings and the coastal interface. On the eastern side, the buildings face the extension to Sir Peter Blake Parade (the main access road).

Two typologies of residential building are proposed. First, 17 groups of terraced houses, up to 12m or 4 storeys high (complying with the 12m maximum height requirements of the AUP), have been designed to ensure views to and from the cliff line behind the Precinct are generally protected. Sub-basements (partially below ground), will house parking for up to two vehicles, and there will be up to 3 levels above the basements.

Second, there are three apartment buildings (see Attachment 2, Apartment Architecture). These buildings will all be located toward the southern end of the site. All will comply with the 12 metre height limits as well, but will provide a different form and structure to the terraced houses and thus creating variation within the development. Arriving at the development from sea will be signalled by the strong built form of the southernmost apartment building, beckoning visitors to both the marina entrance and the ferry terminus by day. By night this building will become the 'lantern' that lights the way home. The basements below ground level for the apartments will house parking for one vehicle per apartment.

The Design Manual applies to the terraced houses has been developed to ensure, as much as possible, that residential buildings will be in compliance with the relevant standards, assessment criteria and policies of the AUP. No buildings will exceed the 12-metre height standard set in the AUP Precinct provisions, and a 15m esplanade strip involving sub-precincts A or B will be provided to maintain and enhance public access and to enable views out over the coastal marine area.

A potential issue in undertaking the development is that of sea level rise associated with climate change and the potential impact upon habitable floor levels. Auckland Council's Technical Report TR 2016/017 provides projections for extreme sea-level rise in the Waitematā Harbour, with the projected 1% AEP sea level at the Bayswater Marina site being RL2.37 (based on Auckland Vertical Datum), and 1% AEP sea level plus 1m of sea level rise being RL3.37. The minimum habitable finished floor level permitted on the site is therefore RL3.37. The proposed habitable floor levels on the site range from RL4.30 to RL6.20, and so are not at risk of inundation as a result of sea level rise.

5.6 Development Structure

Full details of the development structure including covenants, Body Corporate rules and other governance arrangements are found in Attachment 11, Bayswater Maritime Precinct Development Structure Summary.

The development will be a comprehensive multi stage master planned development of the land. The style and bulk of the development will be highly modulated and will include a mixture of terraced homes and apartments. The apartments will include commercial activities on the ground floor. Although the concept designs for the three apartment buildings have been submitted with this application for approval, the proposal does not provide designs for terraced house buildings in the application.

A proposed unit development plan will be lodged with LINZ alongside the main subdivision, and unit titles will be sold off individually to those wanting to develop their own terraced house dwelling within a confined building envelope, guided by the Design Manual (see Attachment 7.2). The Design Manual contains mandatory requirements intended to maintain standards in terms of design, materials, bulk and form, and AUP standards and assessment criteria, and to ensure dwellings are in compliance with the resource consent and other legal requirements.

All individual site owners will be required to submit their designs to a Bayswater Maritime Precinct Design Review Panel for confirmation that the design complies with the Design Manual. The advantage of this design approach is that there will be a range of building design outcomes within the boundaries of the guidelines provided by the Design Manual, with individual designers being free

to stamp their interpretation of the Design Manual. This should make for a more interesting mix of architecture at the site, whilst retaining high standards of design.

A staged unit title subdivision under sections 23 to 30 of the Unit Titles Act will occur. The applicant will subdivide the Land under the Unit Titles Act to create future development units (“FDU”) for each unit to be constructed. The applicant intends to sell the FDU units to enable construction of dwellings (terraced houses) on them by others. The three apartment buildings will be constructed by the applicant.

The applicant will develop all infrastructure (roads, utilities, open space facilities etc) in advance of development occurring.

Purchasers constructing terraced houses will be required to build in a manner consistent with the overall scheme of the development and must comply with the resource consent issued for the development and with the Design Manual prepared for the Precinct and included in the resource consent application. Compliance with those guidelines is essential to maintain high standards of design and utility for the development.

Each unit will be subject to covenants and encumbrances for the purpose of controlling the development process and for ensuring ongoing high standards of behaviour and visual amenity. Those controls include:

- Body Corporate Operational Rules. The whole Development will be comprised within a single body corporate. The operational rules will apply to all units.
- A covenant in favour of the Company to ensure that the Company is able to enforce the Design Manual be complied with for all development.
- A no-objection covenant in favour of the Marina to prevent any objection to the continuing operation and expansion of the existing Marina operation.

Purchasers of Units must commence construction of a building on the Unit within 18 months and must complete construction within 12 months of commencing.

5.7 Engineering and Infrastructure Services

Details of all civil development engineering required for the site and the infrastructure services to be installed are provided in the Engineering reports and drawings contained in Attachment 3.

Cut to fill earthworks will occur across the site in order to raise the site above the 1% AEP sea level plus 1m of sea level rise elevation of RL3.37, to form building platforms, and to create road and pavement subgrades.

Erosion and sediment control measures will be put in place prior to the undertaking of any earthworks, and the site will be progressively stabilised upon completion of each portion of the works.

The maximum depth of cut proposed is 3.6m and the maximum height of fill is 2.7m. The deep cuts are primarily associated with the apartment building basements and the nearby areas, although there

are deeper cuts associated with the existing mounds on the site, near the existing toilet block. The deepest fills are generally along the western edge of the site.

The earthworks result in an excess excavation (cut) volume of approximately 700m³. Stripped topsoil will be able to be reused as part of the landscaping of the development, and stripped pavement basecourse will be able to be utilised in new pavement layers, as backfill in service trenches and to provide working pads below the basements of the buildings. The previously lime stabilised fill areas will also be fully recycled by reusing the material within the upper fill layers to provide a suitable platform for the new roading and services network to be constructed upon.

Full silt and sediment control measures will be provided throughout the development of the project in accordance with the requirements of Auckland Council GD05. Silt control measures will be installed to prevent sediment discharge to the Waitematā Harbour. The site will be filled from the perimeter, first moving gradually inwards as layers are built up, to shape the site towards the sediment retention ponds located towards the centre of each stage. Removal of the sediment ponds and final shaping of the townhouse basement excavations will be undertaken following the stabilisation of each earthwork catchment. Details are included in the Engineering and Infrastructure report (Attachment 3.1).

All earth-worked areas will be progressively stabilised upon completion of earthworks within each stage. Stabilisation will be provided by basecourse metalling of proposed pavement and building areas, and laying topsoil, grass seed and mulch for the landscaped areas.

Any material taken off-site will be disposed of at an approved earthworks construction site or at a clean-fill facility authorised to accept excavated material.

A preliminary site assessment (PSI) has been undertaken in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC) (Attachment 14.1). The report identifies there has been limited engine repair work undertaken on the site and recommends that before earthworks occur a detailed site investigation be carried out to determine if any resource consent is needed. Council have accepted the findings of the PSI but have requested sampling be undertaken and a Site Management Plan (SMP) prepared to support the consent application and ground works.

The applicant has agreed to seek consent as a discretionary activity under the NESCS and AUP and carry out sampling as a condition of consent. Potential for isolated contamination exists, mainly in the north of the site, so soil sampling (Detailed Site Investigation) will occur prior to works commencing to identify what the actual levels of contamination are, if any. It is not possible to carry out detailed sampling at this point when much of the site is sealed. Any contamination will be remediated in isolation when the site is cleared of existing activities and prior to bulk works commencing. Amendments will be made to the SMP if necessary once soil sampling results are received.

The SMP supports the consent application and outlines the sampling that will be taken prior to works commencing, and details the remedial procedures and works needed should contaminated soil be discovered. A Site Validation Report will be prepared confirming the works were undertaken

according to the SMP, setting out unexpected contamination encounters (if any) and any remedial measures implemented.

All new buildings will be piled/supported on the bedrock below the reclamation. The basements of the three apartment buildings, all of which will be sealed to prevent any water infiltration, will be below groundwater level at high tide (water is sea water). This water will be permanently diverted around those foundations. Limited groundwater (seawater) will be taken during the construction of the basements.

A retaining wall with a maximum retained height of up to 1.65m will be constructed around the perimeter of the site in order to support the proposed boardwalk and pathway. This retaining wall is anticipated to be of gabion basket construction. A low retaining wall (maximum retained height of approximately 0.5m) will be constructed along the eastern side of Sir Peter Blake Parade. Other low retaining walls (less than 1m retained height) will also be provided as part of the landscaping design.

A comprehensive assessment of the infrastructure services needed for the development has been undertaken.

A new private roading network will be constructed to provide pedestrian and vehicle access to and within the development. The existing carparks associated with the Marina berths will be replaced with new carparks and additional carparking will also be provided for use by the public and visitors. Boat trailer parking will also be provided near the existing boat ramp.

All stormwater runoff from building roofs, the carparking and access network will be collected through a new stormwater collection system and then treated on site prior to discharge into the coastal marine area, as required by the AUP. Where possible, treatment will be provided in raingardens and treepits, with proprietary devices utilised as necessary. With one exception, the new stormwater system will utilise the existing outfall locations serving the site, although two outfalls will be increased in size. The new stormwater system will be private infrastructure.

The wastewater drainage network will discharge to a Watercare pump station, which will be a replacement of the existing pump station, as part of the development. The new wastewater reticulation will be private infrastructure, with the exception of the pump station which will be vested in Watercare. Watercare has confirmed that there is sufficient capacity in the network for the increased wastewater from the development.

Water supply will be provided by way of connection to the existing reticulation within the site, although substantial modifications will be made and a new water reticulation system will be constructed in order to provide loops around each precinct of the development. All new water reticulation will be private infrastructure.

The engineering investigations undertaken, and the design proposed confirms that the development can be serviced by the existing and proposed infrastructure detailed. The proposed buildings will be provided with stormwater, wastewater and water supply service, and will be connected to the local power and telecommunications reticulation.

A detailed geotechnical investigation (see Attachment 8) has been undertaken in support of the project's structural development through the resource consent process. The reclamation that forms

the land component of the site was created between 1994 and 1997, and is comprised of marine sediments dredged from the marina basin to the west.

The top 1 to 2m of fill was lime stabilised to create a stiff upper crust on which to locate paving and other infrastructure. Detailed investigations of the underlying soils and geology were undertaken to establish parameters for appropriate foundations needed for buildings, and susceptibility to liquefaction. The site presents a low potential for liquification, and also that the bund surrounding the reclamation is stable. Limited diversion, due to construction of the project, of groundwater will occur with groundwater level determined to be approximately RL1.0 across the site. Only two buildings (central and southern apartment buildings) are located at a floor level below this elevation. The northern apartment building has a basement floor level of RL1.1m so the floor slab will extend below RL1.0m.

5.8 Carparking and road layout

The main access into the site will be via an extended Sir Peter Blake Parade on the eastern side of the Marina landholding. Traffic will circulate into Cross Street to access the other streets around the perimeter of the site, with South Street being a two-direction street to the south of the site and one way only as it heads north, along with North Lane. Most berth holder parking will be along these streets (see Site Plan for details). Access to parking within the terrace houses and apartment buildings will be via the central courtyards located in behind the buildings. All courtyards also contain parking at grade.

A variety of surfacing treatments are to be utilised on the streets, walkways, shared spaces and car parks to reflect the different uses and to reflect different behaviour required in each. These are set out in detail in the Attachment 6.1 Landscape Concept package.

Excluding those associated with the terraced and apartment dwellings, a total of 342 car parks will be provided within the development, plus an additional 20 for car and boat trailers to be located along Sir Peter Blake Parade and within the Central Precinct. 310 (285 car parking spaces plus dedicated loading spaces) of the car parks will be allocated for use by berth holders with the balance of 32 available for the general public, including accessing the café and other commercial uses. The apartments will be allocated 1 car parking space per dwelling, and each terraced house will have the capacity in each dwelling basement for two car parks.

5.9 Commercial activities

Commercial activities have been provided for on the ground floor of the three apartment buildings – see Attachment 2 Apartment Architecture. The Marina office will be located in the South Apartment building, as will new Marina facilities, such as ablution facilities for berth holders. There is 457m² in a number of potential tenancies set aside in the ground floor of the apartment buildings for Commercial activities (including food and beverage, marine retail, and offices). Within these spaces it is proposed to provide for the minimum 100m² Marine Retail and Marine Industry, as required in the Precinct provisions of the AUP. There is potential for significant growth in the future for marine activities to utilise these spaces if the demand occurs.

It is likely there will be at least one or two cafes/restaurants on the ground floor of the South and Central apartment buildings. Areas that would be appropriate for such uses are set aside in both buildings. The architectural concept plans (Attachment 2) set out the location and areas allocated for use for commercial activities and other uses in the three apartment buildings.

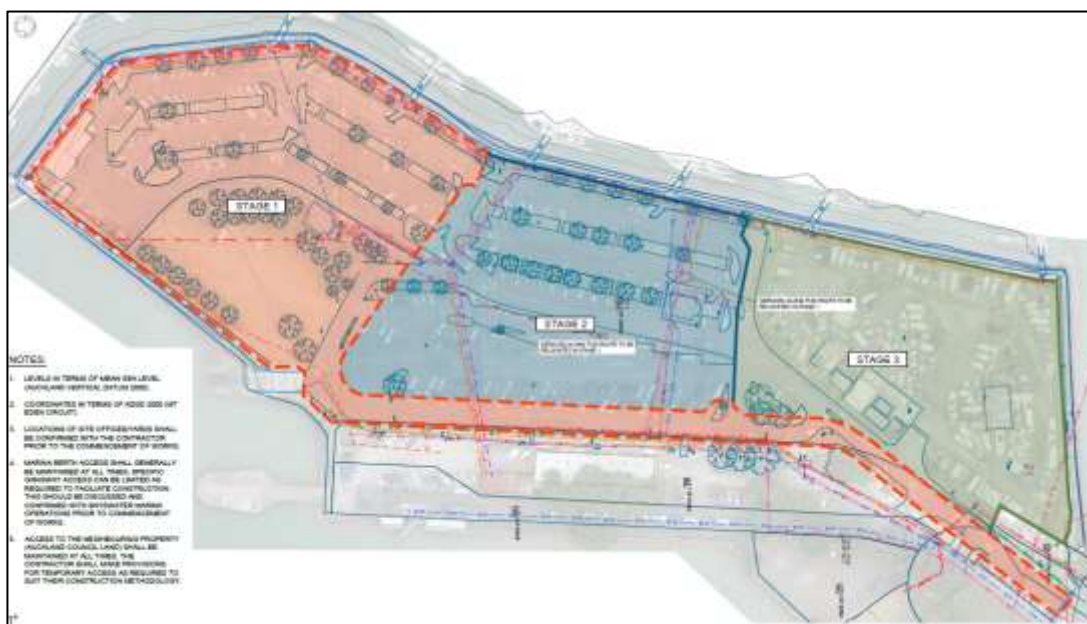
5.10 Staging

Development will occur in two phases. Phase one is the removal of existing buildings and structures and development of the infrastructure services for the site – water, wastewater, stormwater, electricity, telecommunications, roading etc. All infrastructure services will be provided prior to any building development occurring, in three stages (Fig 10 below). The majority of berth holder carparks will be available in the existing trailer-boat yard at the northern end of the site during these site works, with the balance being provided by temporary parks next to each pier.

The first stage (see Attachment 3.4, Construction Management Plan for details) will occur at the southern end, and then work will follow in the central area followed by the northern sector of the site. As each stage is completed, car parking etc will be provided on the completed stage. As each services stage proceeds, the ground work for the landscaping, open space and other public facilities will be commenced. Once all three stages have been completed, work will then progress to completing all landscaping works in advance of building development occurring. This way, all structures such as timber boardwalks, seating, and retaining walls, all surface treatments, soft landscaping and amenity planting, will all be completed prior to any building development occurring.

Phase two is the development of buildings on the site. This will also occur in three stages. Stage one, to the south of Cross Street, will see the construction of first two apartment buildings, and the 24 terraced house sites being offered for sale in that zone. Stage two will include the third apartment building on the northern corner of Cross Street and Sir Peter Blake Parade, along with the 33 terraced house sites. The final stage is the remainder of the terraced house sites being made available for purchase to complete the development.

Figure 10: Staging Plan for both phases



5.11 Summary

Table 1 below summarises the overall metrics of the existing level of development versus that proposed in the application. Notably, although the overall level of development intensity on the land envelop will increase significantly, the existing facilities for berth holders and the public will be maintained or increased. The only activities that will be lost from the site will be those marine services that require significant amounts of land – for example the sale and display of trailer boats and storage of such boats. However, these do not need to be located at the Marina, or maintained under the AUP Precinct provisions for the site.

Table 1: Comparison between existing land uses and proposal for development

Activity	Existing	Proposed
Marina berths	418 berths	418
Coastal boardwalk/walkways (including floating breakwater)	1,500m, 1m width on land	1500m, up to 3.5m width on land
Public open space	Approximately 4,500m ²	7,650m ²
Access to the water	Yes, via berthage areas, boat ramp	Berthage areas, boat ramp, but new coastal steps
Berth holder car parks	285 (plus loading parks)	285 (plus loading parks)
Visitor car parks	None free	32
Resident car parks	0	215
Dwellings	0	121 - apartments 27, terraces 94
Residents	0	350
Ferry service	1	1, but potential users on doorstep
Ferry car parking	Leased to AT	0
Bus stop and service	1	1
Boat ramp	one	one
Car and boat trailer parking	15	20
Ferry terminal	one	one
Marine services business	1 x charter company 2 x motor servicing 1 x boat sales and storage	Potentially up to 4 with ample commercial activity space seta side, although storage of boats is not feasible
Commercial services tenancies (cafes, restaurant, offices)	0	Up to 457m ²
Bathroom facilities	one	one

6.0 RESOURCE CONSENTS REQUIRED

6.1 Introduction

Bayswater Marina, including the berthage areas and the adjacent 3.34 hectares of land is zoned Coastal – Marina Zone, in the Auckland Unitary Plan (AUP). Most of the Marina Zone provisions relate to marine uses, and so the Bayswater Marina Precinct provisions, which provide greater detail on use

of the land, have been applied to the entire zone. These Precinct provisions also apply to the 0.9 hectares of land owned by the Council adjacent to the Marina, and to the Takapuna Boating club building, located to the north of the Marina site. These latter two properties have an underlying zoning of Open Space – Informal Recreation Zone, and are not included within this consent application.

Bayswater Marina Precinct is in turn divided into a number of Sub-precincts, Sub-precincts A to F (see Figure 11 for their location).

Under the Coastal – Marina Zone provisions, Activity Table, the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in any precinct provisions and the Marina Zone provisions – this applies to the land holdings owned by the Applicant.

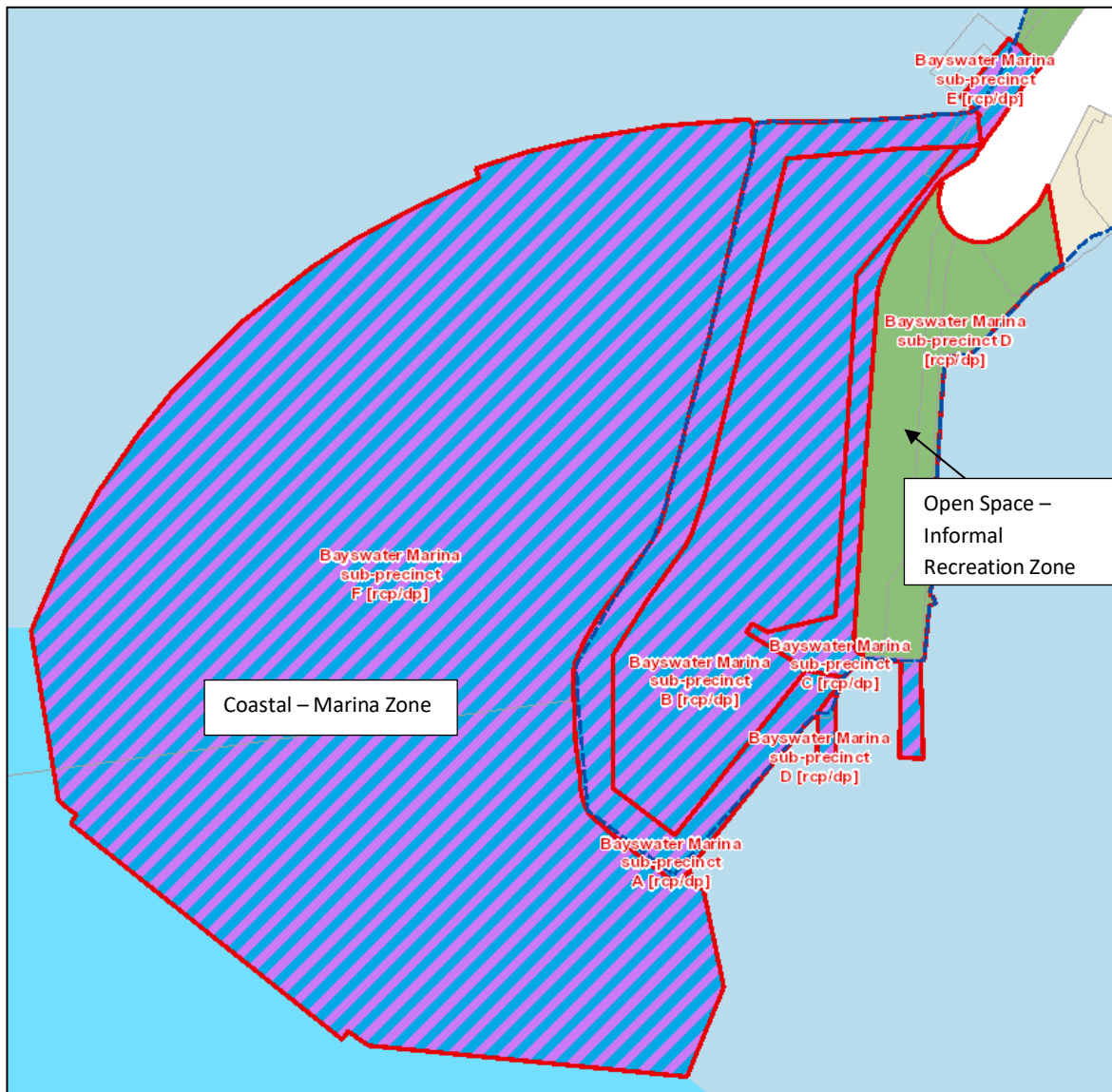
The proposed development will occur on the following sub-precincts:

- Sub-precinct A
- Sub-precinct B
- Sub-precinct C
- Sub-precinct F to the extent that new gantries will be erected, one new stormwater outfall constructed, and two replaced.
- Part of the boat ramp area in Sub-precinct D above mean high water springs.

Also relevant to the project are the rules in the Overlay and Auckland-wide chapters of the AUP.

A summary of the main AUP rules for which resource consent is required is provided in this section of the AEE. However, a comprehensive table setting out all consents required and relevant permitted activities, has been prepared in table form and is attached as Table 2 below.

Figure 11: Site Zoning, Precinct and Sub-precinct boundaries



6.2 Bayswater Marina Precinct Rules and RC requirements

A Discretionary activity consent is required under the Precinct rules to construct and use dwellings in sub-precinct B. This is subject to the following provision being available (as a minimum) for primary activity focus within Sub-precincts A and B - Gross floor area for Marine Retail and Marine Industry - 100m²; Marina berth parking at a ratio of no less than 0.5 spaces per berth; 20 car and boat trailer parking spaces; 7,200m² of open space accessible to the public (not including any parking spaces or vehicle access areas).

Food and beverage activities in the Precinct are also a Discretionary activity.

6.3 Marina Zone Rules and RC Requirements

Most activities proposed (e.g., public facilities, new gangways, and public transport facilities) are Permitted activities, although the new boardwalk is a Restricted Discretionary activity in the Marina Zone.

6.4 Auckland wide Rules and RC requirements

There is a suite of reasons in the Auckland wide rules requiring Restricted Discretionary consent, including for land disturbance (earthworks), removal of the Pohutukawa trees on site (many will be transplanted), traffic generation (exceeds the 100-dwelling threshold), and building and structures in a coastal hazard zone area.

6.4.1 Regional rules

Consent is required under a number of regional rules with Restricted Discretionary consent required for land disturbance when undertaking the earthworks needed for the infrastructure and building development and to divert groundwater when providing for basements and foundations.

6.4.2 Subdivision

Although the unit tile subdivision proposed is a Controlled activity under the AUP E38 provisions, Discretionary consent is required for subdivision in an open space zone, noting that under F3.4. Activity table, the provisions of the Open Space – Sport and Recreation Zone apply to the land area of the Marina Zone when no other provisions are relevant, and in the case of subdivision no other provisions are relevant. Additional information is also required in the 4th Schedule of the RMA for subdivision consent applications. This includes the position of all new boundaries, the location of new esplanade strips, and the locations and areas of land to be set aside as new roads (which in this case will be private roads). All such information is provided in the Surveying information, Attachment 10.

6.5 Permitted activities

In accordance with Schedule 4 clause 3(a), all Permitted activities that are part of the proposal have been described and assessed to demonstrate they comply with the AUP's requirements for that activity.

Table 2: Reasons for Consent

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
District land use consents		
1504. Bayswater Marina Precinct		
Use	1504.4.1(A1) Dwellings in sub-precinct B , subject to provision being made for Marine Retail and Marine Industry (100m ²), Berth holder parking (0.5 spaces per berth), 20 car	Discretionary

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
	and boat trailer parking spaces, and open space accessible to the public of 7,200m ²	
	I504.4.1(A4) Food and Beverage in sub-precinct B (within those areas marked as 'Commerce' in the Architectural drawings) subject to provision being made for Marine Retail and Industry (100m ²), Berth holder parking (0.5 spaces per berth), 20 car and boat trailer parking spaces, and open accessible to the public of 7,200m ²	Discretionary
	I504.4.1(A6) Offices associated with permitted activities (sub-precinct B)	Permitted
	I504.4.1(A7) Offices associated with discretionary activities (sub-precinct B)	Discretionary
Development	I504.4.1(A12) Buildings for dwellings (sub-precinct B)	Discretionary
	I504.4.1(A13) Buildings for food and beverage (sub-precinct B)	Discretionary
	I504.4.1(A16) Parks, playgrounds and walkways	Permitted
	I504.4.1(A17) Public transport facilities	Permitted
F3. Coastal – Marina Zone		
Activities	F3.4.2(A5) Dwellings (NB: NC under the zone, but the Precinct provisions trump the Zone provisions)	Discretionary
	F3.4.2(A7) Public Amenities	Permitted
	F3.4.2(A8) Food and Beverage (NB: the Discretionary Precinct provisions trump the Restricted Discretionary Zone provisions)	Restricted Discretionary
	F3.4.2(A9) Storage and sale of fuel and oil for vessels	Permitted
	F3.4.2(A10) Dairies – maximum of 100m ²	Permitted
	F.3.4.2(A11) Marine retail	Permitted
	F.3.4.2 (A12) Offices accessory to marine and port activities	Permitted
	F3.4.2(A15) Marine Industry	Permitted
	F3.4.2(A17) Maritime passenger operations lawfully existing at 30 September 2013	Permitted
	F3.4.2(A20) Marine and port activities	Permitted
	F3.4.2(A11) Marine Retail	Permitted
	F3.4.3(A24) Marine and port accessory structures and services – for new gangways down onto pontoons	Permitted
	F3.4.3(A26) Public transport facilities eg bus stop facilities	Permitted

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
	F3.4.3(A29) Observation areas, viewing platforms and boardwalks	Restricted Discretionary
E8 – Stormwater Diversion and Discharge		
Diversion and discharge of stormwater into the CMA via some of the existing stormwater pipes/outlets and via some new ones.	E.8.4.1 Diversion and discharge of stormwater runoff from impervious areas onto or into land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991 [rcp/rp]: (A3) Diversion and discharge of stormwater runoff from lawfully established impervious areas as of 30 September 2013 not directed to a stormwater network or a combined sewer network that complies with Standard E8.6.1 and Standard E8.6.2.2 – Three of the new stormwater outfalls are below the CMA – the proposal complies with these standards (see Appendix 1 for assessment)	Permitted
Diversion and discharge of stormwater into the CMA – to the extent that some of the renewed system could be considered a network.	E8.4.1 Activity table - Diversion and discharge of stormwater runoff from impervious areas involving a stormwater network onto land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991- (A11) Diversion and discharge of stormwater runoff from an existing or a new stormwater network	Discretionary
E9. Stormwater quality – High contaminant generating car parks and high use roads		
Re-development of existing car parking areas	E9.4.1 (A6) Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m ²	Controlled
E11. Land disturbance – Regional		
Earthworks with site development	E11.4.1 (A9) General earthworks not otherwise listed in this table - Greater than 2,500m ² within the Sediment Control Protection Area (defined as 100m landward of the coastal marine area)	Restricted Discretionary
	E11.4.2 (A14) The temporary diversion and damming of surface water and the discharge of treated sediment laden water from any land disturbance allowed by a land use consent in the above tables	Permitted
E12. Land disturbance – District		

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
Earthworks with site development	E12.4.1 (A6) General earthworks not otherwise listed in this table - Greater than 2,500m ² (Note - Open Space Zone applies)	Restricted Discretionary
	E12.4.1 (A10) General earthworks not otherwise listed in this table - Land disturbance greater than 2,500m ³ (Note Open Space Zone applies)	Restricted Discretionary
E15. Vegetation management and biodiversity		
Removal of Pohutukawa trees	E15.4.1(A21) Vegetation alteration or removal of greater than 25m ² of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height within 20m of mean high-water springs in all zones other than in a Rural and Future Urban Zone (- for removal of Pohutukawa trees alongside the marina berthing areas and GCMZ, and transplanting many of them)	Restricted Discretionary
E16 Trees in open space zones		
Trimming of overhanging trees from neighbouring site	E16.4.1(A5) Tree trimming or alteration	Permitted
Carry out works within root zone of trees on adjacent site	E16.4.1(A7) Works within the protected root zone	Permitted
Removal of Pohutukawa Trees	E16.4.1(A10) 'Works within the protected root zone' - Tree removal of any tree greater than 4m in height or greater than 400mm in girth	Restricted Discretionary
E25 Noise and vibration		
Noise activities	E25.4.1(A1) Activities that comply with all the relevant permitted activity standards	Permitted
E27. Transport		
Traffic generation	E27.4.1 (A3) Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6 – proposal exceeds the threshold in Table E27.6.1(1)(c) (100 dwellings)	Restricted Discretionary
Cycling	E27.4.1 (A10) Off-road pedestrian and cycling facilities	Permitted
Parking	E27.6.2. Number of parking and loading spaces – must meet the minimum rates – all dwellings will have a minimum of one parking space; offices 1:45m ² GFA; retail (incl. food and beverage) 1: 25m ² GFA; Berths, 1/0.35 berths provided; all other activities 1/50m ² GFA	Permitted

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
E30 Contaminated Land		
Contaminated Site Remediation	E30.4.1 (A7) Discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1	Discretionary
E36. Natural hazards and flooding		
Activities on land in the coastal erosion hazard area	E36.4.1 (A4) All other buildings and structures on land in the coastal erosion hazard area Note: <i>Coastal erosion hazard area: Any land which is: (b) at an elevation less than 7m above mean high water springs if the activity is within: (i) Inner Harbours and Inner Hauraki Gulf: 40m of mean high-water springs; or (c) within a lesser distance from the top of any coastal cliff, or mean high water springs, than that stated in (a) and (b), where identified in a site-specific coastal hazard assessment technical report prepared by a suitably qualified and experienced professional to establish the extent of land which may be subject to coastal erosion over at least a 100-year time frame.</i>	Restricted discretionary
Activities on land in the coastal erosion hazard area	E36.4.1 (A5) is also relevant On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields on land in the coastal erosion hazard area Note: this covers underground wastewater pipes, new sewage pumping station, stormwater pipes. Although technically with the coastal erosion hazard area, the whole reclamation is protected by rip rap sea walls.	Restricted discretionary
Activities on land which may be subject to coastal storm inundation 1 per cent annual exceedance probability (AEP)	E36.4.1 (A12) Habitable rooms in new buildings and additions of habitable rooms (greater than 25m ²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that comply with standard E36.6.1.1. Proposal complies with standard E36.6.1.1	Permitted
E 38 Subdivision - Urban		
E38.4.1 Subdivision for specific purposes		
Unit Title subdivision	(A1) Cross lease, company lease, unit title and strata-title subdivision	Controlled

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
Any subdivision in a Coastal Storm Inundation area	(A11) Subdivision of land within any of the following hazard areas – coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise	Restricted discretionary
	(A13) Any subdivision listed in this activity table not meeting the permitted, controlled, or restricted discretionary activities standards in E38.7 Standards for subdivision for specific purposes	Discretionary
	E38.4.4 Subdivision in open space zones <i>(Explanation: The zoning is Marina Zone, so on p6 of the Marina Zone provisions the provisions of the Open Space – Sport and Active Recreation apply to the land area of the Coastal – Marina Zone unless otherwise specified in the Coastal - Marina Zone. There are no specific subdivision provisions for the Coastal – Marina Zone.</i>	
	(A40) Subdivision in accordance with an approved land use resource consent complying with Standard E38.10.1.1; E38.10.1.1 requires <i>“(1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans”.</i>	Restricted Discretionary
E.7.4.1 Taking and diversion of water		
Dewatering or groundwater level control associated with a groundwater diversion when constructing for apartment three buildings	(A20) Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed The dewatering is associated with a groundwater diversion that is a restricted discretionary activity (see (A28)) below.	Restricted discretionary
Diversion of groundwater when providing for the basement and foundations	(A28) The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed The proposal does not comply with permitted activity standard E.7.6.1.10.(1) (d) - diversions for no longer than 10 days; Any groundwater diversion as a result of the apartment building basements will be permanent.	Restricted discretionary

Auckland Unitary Plan Operative in Part		
Activity	Auckland Council Planning Document	Activity Status
E40 Temporary activities		
Carry out construction for a longer duration than 24 months	(A24) Specific temporary activities that are not provided as a permitted activity in rules (A12) to (A23)	Restricted discretionary
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay		
Build in the Viewshaft	D14.4.1 (A1) Buildings that do not intrude into a viewshaft scheduled in Schedule 9 Volcanic Viewshafts Schedule	Permitted
F2 Coastal – General Coastal Marine Zone		
Table F2.19.10 Activity table – Structures		
Construction of one new stormwater outfall, and replacement of two outfalls with larger diameter outfalls	(A121) Construction of coastal marine area structures and buildings unless provided for elsewhere in this table.	Discretionary
H7 Open Space zones		
Construct a building A retaining wall of any dimension within 1.5m of the boundary of a road or public place is defined as a building. A new retaining wall of max 0.5m height is to be constructed alongside the boundary with the AT land.	H7.9.1. (A39) New buildings that do not comply with one or more standards The retaining wall does not comply with the yard standard of 3m; Building Height 10m; Side yard 3m; 10m from mean high water springs; gross floor area of individual buildings 150m ² ; Maximum site coverage 30%; Maximum impervious area 40%.	Discretionary
Remove existing buildings from the site	H7.9.1. (A33) Demolition of buildings	Permitted

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulation 2011		
Activity		Activity Status

Carry out earthworks where HAIL activities have occurred	Regulation 11 – Activity is not a Permitted, Controlled or Restricted Discretionary Activity as HAIL activities have occurred and no Detailed Site Assessment has been undertaken.	Discretionary

Applying the bundling provisions, overall consent is required as a **Discretionary activity**.

7.0 CONSULTATION

There has been a long history of community input into and consultation about possible redevelopment scenarios for the Bayswater Marina reclamation. This history has influenced the applicant’s progression of development design scenarios over the past 20 years or so. The following summarises those processes.

7.1 Original Proposal

The land at Bayswater Marina has been the subject of many discussions on its best use since the Marina was first developed. The original owner of the Marina, Martin Jones, had a vision of a maritime village alongside the Marina. This led to a comprehensive proposal for a mixed-use development resulting in an application lodged with the North Shore City Council. Prior to this, significant consultation occurred with the local community with questionnaires delivered to 16,000 households. The results showed 73.6% giving unqualified support for the concept. A further survey produced similar results. Unfortunately, Martin Jones unexpectedly died in 2000 and the development did not proceed.

Regardless, Variation 65 (see below) overtook the application.

7.2 Variation 65 and Environment Court decision

In 2005, the former North Shore City Council promoted Variation 65 to its district plan to zone the land Special Purpose 7 Zone. Prior to that time the land had no active zoning, having being recently reclaimed. Considering that the land at that time was in public ownership, albeit under lease, Special Purpose 7 Zone required application as a non-complying activity for residential development occurring on the site, and promoted a focus on recreation, public transport and boating activities – essentially maintaining the status quo as a marina, as a parking precinct, and for storage and sale of small boats with minor commercial activities.

Recognising the past history of the site and that more modern cities in the USA and Australia were beginning to redevelop their waterfronts where land was (as is the case at Bayswater) relatively under-utilised, the Marina owner had development plans prepared. In submitting to Variation 65, Bayswater Marina proposed up to 250 apartments be provided for on the site as a permitted activity,

up to 21 metres in height on some parts of the site, alongside provision for the ferry terminal, marina berthage area, servicing, public access and recreation uses.

Ultimately the outcome of Special Purpose 7 was determined by the Environment Court in a decision in 2009. With concerns over matters such as the height and density of buildings proposed, the Court found in favour of the Council's proposed version (dwellings a non-complying activity), although it recognised that its decision did not foreclose further consideration of development options for the land in the future.

7.3 Proposed AUP process and engagement

Ownership

In 2006 the applicant took possession of the Marina assets, which included a lease of the land from the Department of Conservation (DOC). In 2013 DOC sold the freehold title to the land to Bayswater Marina Holdings Limited, the applicant. Other than the covenant requiring public access to a Coastal Access Strip (defined as having a width of 15m extending along the perimeter and abutting the landward margin of the land and the line of the mean high-water springs), there was no requirement that the land be solely or predominantly used for public purposes, as the public would receive benefit from the funds received on the sale of the land to Bayswater Marina Holdings Limited.

Statutory Changes

Changes to the planning regime have occurred since the 2009 decision on Variation 65 which have also led to a changed vision for the Marina.

Firstly, in 2012 the Council approved the Auckland Plan. This Plan recognised the huge urban population growth pressures of Auckland and promoted a multi-nodal model of development based around employment and public transport routes. The initial Development Strategy set the direction for a quality compact approach to growth with intensification of residential development around and to support public transport routes being promoted. About this time Auckland was recognising that redevelopment of waterfront precincts provided good co-location opportunities for marine uses and business and residential development. The Viaduct Harbour was the earliest of these developments, followed by the Wynyard Quarter mixed use project where the land was reclaimed solely for port and marine industrial activities but now lends itself to other uses as well.

Secondly the planning rules for the direction provided by the Auckland Plan were set out in the Auckland Unitary Plan ("AUP"), approved in part in November 2016, aiming to create adequate capacity for jobs and homes over the next 30 years. Although the primary purpose of the Marina did not change in the AUP, provision was made for residential activities and food and beverage, provided that the 'primary focus' activities were achieved. This is a major departure from the previous Special Purpose Zone 7 provisions.

In its decision on the AUP Bayswater Precinct provisions, the Independent Hearings Panel ("IHP") disagreed with submitters who argued the Panel was still bound by the previous decisions of the Environment Court and High Court on Plan Change 65 (Special Purpose 7 Zone) to the North Shore District Plan. The Panel concluded "*that the previous final decision of the Court can be distinguished from the precinct that is now before the Panel*" (4.1.2 of report 504 Bayswater marina Precinct). This

opened the way for any new development to be considered anew, unfettered by past decisions, provided it was consistent with the relevant AUP provisions.

The IHP's decision, in relation to public benefit said as follows:

"It was evident from the submissions and the evidence of some of the witnesses opposed to the development that they considered that Bayswater Marina Limited had almost a 'duty' to provide land for the benefit of the 'public' in terms of parking and access. The Panel does not agree".

and

"Based on the submissions, evidence and the merits of the circumstances that apply at Bayswater, and most importantly how the Panel considers the provisions will work, the Panel's recommendations strike an appropriate balance between the private interests of Bayswater Marina Limited and the broader public interests of the users of the marina facilities and the wider community" (4.1.1 of report 504).

It is noted the Panel also said:

"The Panel agrees that the Precinct will enable the activation and revitalisation of this currently under-utilised, but highly valued, reclaimed area. The Precinct will promote a more efficient use of scarce urban land resources" (4.1.3 of report 504).

The AUP zoned the Marina "Marina" Zone, with an underlying Precinct "Bayswater Marina Precinct". In summary, the Panel recommended that the Bayswater Marina Precinct be adopted as proposed by the Council with some amendments, providing for marine activities and allowing for residential development where land is not required for marine activities.

7.4 Other community consultation

Over the period since 2017 efforts have been made to consult with the local community on future development plans for the Marina land. Open days were held, a public meeting convened, meetings with Devonport- Takapuna Local Board members undertaken, and several workshops with a sub-committee of the Bayswater Community were held.

The consultation work has been very informative and had a significant impact upon the development and moulding of the final plans for development in Bayswater Maritime Precinct being presented as part of this application.

The most obvious impact of the community consultation has been the Applicant's decision to significantly reduce the intensity of residential development from what was being proposed. Initially 250 apartments or more were being suggested as appropriate for the site, mainly in one large band around the site, with a few breaks providing access to berth holder car parking. Such intensity was not favoured. Strong support was provided for the public amenities to be provided, including boardwalks, access and open space next to the water, and facilities where people could socialise, in particular a café. The attitude towards building height was varied, with some supporting less height

than originally proposed, but others wanting some statement buildings of greater height, counter balanced by less site coverage elsewhere.

The approach of the Applicant has been to reduce the intensity of development so that the building coverage has been reduced to 7,600m² or 22.75% of its land area, down from a coverage closer to the maximum permitted in the zone of 35%. Public open space provided is 7,515m², or 22.5% of the area. The application has also chosen to comply with the height limit standards set out in the Precinct provisions to ensure the proposal is as compliant with the provisions as possible.

7.5 Iwi Consultation

Under Section 6 of the RMA, Matters of National Importance, in relation to managing the use, development, and protection of natural and physical resources, this application shall recognise and provide for, as a matter of national importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The protection of customary rights shall also be recognised and provided for, and particular regard is to be had to kiatiakitanga and the ethic of stewardship. The most effective way of determining the importance of these matters is to consult directly with relevant Iwi. As a general introduction all relevant Iwi have been contacted twice, in 2018 and 2019, introducing them to the project. The following sets out the content of the letters and responses.

7.5.1 First Letter

On 20 February 2018, a separate email was sent to 26 people representing 17 Iwi in and around the Auckland region. The contacts were provided by Auckland Council. The content of the email was as follows:

Bayswater Marina is located at northern edge of the entrance to Ngataranga Bay, within the Waitemata Harbour. The marina was formed through reclamation for car parking, access and landside support facilities, while the waterside structures consist primarily of floating pontoons and breakwater held in place by piles into the seafloor.

The recent Unitary Plan process has resulted in a new Precinct and rules for the marina, and the adjoining piece of land controlled by Council. The rules now anticipate residential and commercial development, provided the existing marina and ferry uses can be continued, as well as ensuring public access around the site and provision of public open space.

We are currently working through master planning process for the site. We are writing to you at this early stage of the process to gauge if our proposed developments will be of interest to (name of Iwi). Please find attached a site plan identifying our property, a copy of the precinct plan and sub-precincts plan.

We would welcome the opportunity to provide you with a more detailed overview of the site, and our development aspirations. Should you require any further information, or wish to participate further could you please contact us by getting in touch with:

(Email and phone number of the development Manager at that time).

We have been provided with your contact details by Auckland Council. In addition, we have also contacted the following Iwi/representatives:

<i>Ngāi Tai Ki Tāmaki</i>	<i>The office of Ngāi Tai Ki Tāmaki</i>		kaitiaki@ngaitai-ki-tamaki.co.nz
<i>Ngāti Tamaoho</i>	<i>Lucie</i>	<i>Rutherford</i>	rmaofficer@gmail.com
<i>Ngāti Tamaoho</i>	<i>Hero</i>	<i>Potini</i>	hero@tamaoho.maori.nz
<i>Te Ahiwaru Waiohua</i>	<i>Kowhai</i>	<i>Olsen</i>	kowhaiolsen@makauraumaraemaoritrust.co.nz
<i>Te Akitai Waiohua</i>	<i>Nigel</i>	<i>Denny</i>	kaitiaki@teakitai.com
<i>Ngāti Whanaunga</i>	<i>Honey</i>	<i>Renata</i>	hrenata@ngaatiwhanaunga.maori.nz
<i>Te Kawerau a Maki</i>	<i>Michael</i>	<i>Baker</i>	mbaker@ngaatiwhanaunga.maori.nz
<i>Te Kawerau a Maki</i>	<i>Scott</i>	<i>Lomas</i>	scott.lomas@tekawerau.iwi.nz
<i>Te Kawerau a Maki</i>	<i>Robin</i>	<i>Taua-Gordon</i>	robin.taua-gordon@tekawerau.iwi.nz
<i>Te Rūnanga o Ngāti Whātua</i>	<i>Tame</i>	<i>Te Rangī</i>	tame.terangi@ngatiwhatua.iwi.nz
<i>Ngāti Whātua o Kaipara</i>	<i>Pani</i>	<i>Gleeson</i>	tetaritaiao@kaiparamoana.com
<i>Ngāti Whātua Ōrākei</i>	<i>Andrew</i>	<i>Brown</i>	tokitaiao@ngatiwhatuaorakei.com
<i>Ngāti Tamaterā</i>	<i>Frank</i>	<i>Waitai</i>	frank.waitai@tamatera.iwi.nz
<i>Ngāti Tamaterā</i>	<i>The office of Ngāti Tamaterā</i>		rma@tamatera.co.nz
<i>Ngāti Te Ata Waiohua</i>	<i>Josy</i>	<i>Peita</i>	teararangatu15@gmail.com
<i>Ngāti Maru</i>	<i>The office of Ngāti Maru</i>		office@ngatimaru.iwi.nz

<i>Waikato – Tainui</i>	<i>Lee</i>	<i>Tane</i>	<u>lee.tane@tainui.co.nz</u>
<i>Ngāti Paoa</i>	<i>Mahu</i>	<i>Rawiri</i>	<u>admin@ngatipaoaiwi.co.nz</u>
<i>Ngāti Paoa</i>	<i>The office of Ngāti Paoa</i>		<u>kaitiaki@ngatipaoaiwi.co.nz</u>
<i>Te Patukirikiri</i>	<i>David</i>	<i>Williams</i>	<u>david@patukirikiri.iwi.nz</u>
<i>Te Uri o Hau</i>	<i>Katie</i>	<i>Clark</i>	<u>kclark@uriohau.co.nz</u>
<i>Ngāti Manuhiri</i>	<i>Fiona</i>	<i>McKenzie</i>	<u>f.mckenzie@ngatimanuhiri.iwi.nz</u>
<i>Ngāti Wai</i>	<i>Kris</i>	<i>MacDonald</i>	<u>kris.macdonald@ngatiwai.iwi.nz</u>
<i>Ngāti Wai</i>	<i>Sandra</i>	<i>Hawken</i>	<u>sandra.hawken@ngatiwai.iwi.nz</u>
<i>Ngāti Rehua</i>	<i>Ngaire</i>	<i>Pera</i>	<u>info@ngatirehua.com</u>
<i>Ngāti Rehua</i>	<i>Nicola</i>	<i>McDonald</i>	<u>chair@ngatirehua.com</u>

Please do not hesitate to contact us should you require any further information, or wish to discuss any aspect further.

We would anticipate once we have had a response from each Iwi, we will hold a collective meeting to provide overview of the development, ahead of any discussion of the next steps in this process.

We look forward to hearing from you.

Nāku iti noa, nā

Responses were received from Ngāti Manuhiri, Te Kawerau a Maki, Ngāti Tamaoho, Ngāti Rehua, Ngāti Maru, Te Akitai Waiohua, Ngāti Whātua o Kaipara, Ngāi Tai Ki Tāmaki Tribal Trust, Te Uri o Hau, and Ngāti Whanaunga. Most did not seek further engagement, although Ngāti Maru expressed interest in involvement, and Te Kawerau a Maki were interested in a possible collective hui.

Ultimately a Ngāi Tai Ki Tāmaki Tribal Trust representative met on site and the Trust submitted a Cultural Impact Assessment (“CIA”) to Empire Capital, the holding company for Bayswater Marina Holding Limited. The CIA is attached to the application as Attachment 9.

The main project issue to Ngāi Tai were stormwater and wastewater effects, which were of medium to high concern; effects on natural resources – medium concern; the potential for unearthing/exposing cultural remains including Koiwi – unknown; and the potential destruction of in situ cultural remains - also unknown. They asked that cultural mitigation measures including but not restricted to cultural monitoring be considered. In particular the CIA requests cultural monitoring of the infrastructure earthworks should it go beyond the reclamation layer, and they wish to provide comment on and endorse the proposed Landscape Plan.

Ngāi Tai have said they are broadly supportive of the development, if every effort is made to preserve and protect the Coastal Management Area both during and after the proposed development activities. The Applicant is instigating stormwater treatment at the site for the first time, and all wastewater will be discharged through the Watercare network for treatment. The Applicant is keen to see accidental discovery protocols, as requested by Ngāi Tai, applied as conditions to any consent granted.

7.5.2 Second Letter

On 2 September 2019, a further letter was sent to relevant Iwi in the region. The letter was sent to the following:

- *Ngāi Tai Ki Tamaki*
- *Ngāti Maru*
- *Ngāti Paoa*
- *Ngāti Tamatera*
- *Ngāti te Ata*
- *Ngāti Whanaunga*
- *Ngāti Whatua O Kaipara*
- *Ngāti Whatua O Orakei*
- *Te Akitai Waiohua*
- *Te Patukirikiri*
- *Te Runanga o Ngati Whatua.*

The letter was as follows:

BAYSWATER MARINA – APPLICATION FOR RESOURCE CONSENT FOR WORKS TO CONSTRUCT BAYSWATER VILLAGE

My name is David Hollingsworth and I am the Chief Executive Officer of Empire Capital Limited. Empire Capital is the owner and operator of Bayswater Marina.

Earlier in 2018, we wrote to you (contact name) and other Iwi in the Auckland region regarding the master planning process for the Marina, as provided for under the new Precinct rules established under the Auckland Unitary Plan. I understand that development plans were sent to you on 3 April 2018, and that you had expressed an interest in the project going forward.

We would like to inform you that the master planning process is nearing completion, and an application for resource consent will be lodged later in the year for the development of the Bayswater

Village. It will be a fully publicly notified application under the Resource Management Act 1991. A copy of the draft Master Plan is attached with this letter.

To refresh, Bayswater Marina Limited (BML) owns and operates a 420-berth marina at Bayswater Peninsula. BML also owns 3.3 ha of land adjacent to the marina basin which provides access to the marina, and extensive car parking. A ferry terminal is located within the Marina and Auckland Council also owns nearly 1 ha of land adjacent to that owned by BML, used for parking to support the ferry service. The ferry provides access to and from the Auckland CBD in just seven minutes.

The proposal by BML is to develop its land to provide for a higher density, transit oriented mixed-use development. The main features of the proposal are:

- Up to 300 apartments are proposed;*
- Existing car parking will be maintained;*
- All stormwater will be treated before disposal;*
- No new stormwater outfalls are proposed;*
- Open space areas will be provided with facilities such as improved access to the water, children's playground, seating, grassed areas;*
- Boardwalks will be constructed around the marina basin;*
- Boat ramp improved;*
- Sediment control measures during construction will be to Council standards;*
- Limited commercial areas will provide for marine servicing and cafes to attract public use;*
- The marina berthing areas will be unchanged; and*
- The development will support public transport.*

While the application predominantly relates to activities on reclaimed land, we will also be writing to various claimants regarding the coastal and marine aspects of the application in accordance with our obligations under the Marine and Coastal Area (Takutai Moana) Act 2011. There will be limited works below mean high water springs – the boardwalks will be partly erected over the existing rock protection walls and access steps will be constructed to allow public access to the water.

Urban design aspects of the application are being prepared in accordance with the Te Aranga principles in the Auckland Design Manual. Should there be any particular cultural issues with the development that you wish to discuss, please let us know and we will endeavour to respond to them as best we can.

If you have any other questions or wish to discuss the project, please contact me or else contact Craig Shearer – craig@craigshearer.co.nz (021 735914), who is assisting with the consultation programme.

No replies or enquiries were received as a result of the above letter being sent.

7.5.3 Conclusion

Relevant Iwi have been contacted twice since 2018 and provided with a general explanation of the development proposals for the land owned by BMHL. Generally, the feedback has been limited. In part the low level of interest to date may be attributable to the site being a recent reclamation, and

so historical associations do not exist, although the Ngāi Tai CIA has indicated there may be issues once excavations going below the level of the reclamation, that is, into the previous sea bed.

The Applicant wishes to pursue consultation with iwi further, particularly as the preferred redevelopment concept for the land has now been resolved. The Applicant proposes to use the Council's iwi facilitation services after the application has been lodged to make further contact with iwi and to determine if there are any Section 6 and 7 RMA matters of particular concern to them and if so, how they may be avoided, remedies or mitigated.

7.6 Berth holders

Whereas no specific consultation meetings have been held with berth holders, they have been kept informed of progress with the development proposals through the Annual General Meetings. The proposal does not intend modifying any of the marina basin, and care has been taken in the design to ensure other facilities available to berth holders such as car parking and bathroom facilities, will be provided to the same standard as presently exists.

7.7 Council and Auckland Transport

Several pre-application meetings have been convened with Council officers since 2017 (see Attachment 12.1 and 12.2 to this report). However, a number of informal meetings and workshops have also been held with Council staff to assist in the design of the development proposals and to assist with understanding the consenting requirements of the AUP.

In addition, Council referred the development proposals to the Auckland Urban Design Panel. The applicant has met with the Urban Design Panel four times during the period between 30 January 2018 and 19 February 2019. The overall impact of these meetings has been very positive in the design of the project.

Key issues to emerge included the following.

- Undertake a masterplan approach;
- High level of single-typology residential development at expense of other activities – a range of typologies could be provided;
- Include more work-live units;
- Support for the two reserves at each end, but the northern park is too overpowering on the park and suggest a road is needed to separate the park from the dwellings and to provide a more robust boundary definition;
- Need to consider trading off height limits – eg have higher buildings in some locations;
- Vision needed for the Precinct;
- The boardwalks could be more varied along the marina frontage, and incorporate tree and shrub planting;
- The proposal could break down the “blocks” of buildings to optimise views of the water from the interior; Different architectural approaches should be delivered to individual buildings;
- More generous breaks between the buildings should be considered, and interesting spaces provided;
- Height – wanted varied building heights, including exceeding the height limits;

- Concerns at the number of car parks provided;
- Building need to reflect the maritime location;

The meetings with the Urban Design panel have also assisted in moulding the design of the project. Most of the recommendations have been taken on board and included in the proposal. The proposal is now vastly different from when the Panel was first visited. The one major disagreement has been the height of a “beacon” building that the Panel wanted located at the southern end of the site. Some Panel members suggested that the building be up to three or times or more over the height limit. The Applicant’s design team has not adopted this proposal as it is contrary to the height requirements the Applicant supported through the AUP development process.

In respect of AT, the Applicant’s representatives met several times with AT staff, to discuss the possibility of developing an overall Masterplan for all of the Bayswater Precinct, to discuss development proposals, and future proposals for the new ferry terminal. The Applicant also wanted to ensure that its proposal would not be contrary to the interests of AT. AT did not wish to develop an overall Masterplan, but has been kept informed of the development proposals. To date there has been no opposition from AT, provided the ferry terminal and supporting services such as a bus station remain in operation on the Applicant’s land. There is support for intensification around the ferry terminal. AT has plans for a new terminal on its land, but funding has yet to be provided in the long-term plan, so the existing terminal is likely to remain for some time yet.

7.8 Consultation Summary

Consultation processes with a range of interested parties, including the AUP development process, have played a significant part in shaping the development proposal. The proposal is now a less intense, and more refined version of the original large multi-level apartment project, with a focus on providing a sense of place, and efforts made to ensure the primary purpose activities for the Precinct are fostered and upgraded before making provisions for dwellings.

8.0 SECTION 104 ASSESSMENT

8.1 Actual and potential effects on the environment

8.1.1 Amenity effects - Public Access, Open Space and Recreation,

The proposal will see an improvement in the general amenity of the Applicant’s land. In terms of open space, the minimum required area established under the Bayswater precinct provisions (being 7200m²) is achieved, with public open space parkland provided in the southeast, where the existing grassed parkland is located, and in the north, where the proposed northern park faces north toward Quinton Park and the small enclosed tidal bay on the south-eastern side of Shoal Bay. It will have an open grass character and amenity with specimen shade trees and a slope grading down to the existing sea wall. A shared lane separates the ten adjacent terrace houses from the open space grassland of the park avoiding the potential for privatisation of the open space by residents.

The southern park is oriented to the view across the Harbour to the Auckland central area with its dramatic day and night time high-rise skyline. This parkland enjoys the activity of the public boat

ramp, ferry terminal and boats coming and going from the marina. The seaward edge is designed with a broad stair / steps to enable people to access the water edge at high tide.

Open space parklands are connected by a widened coastal path and boardwalk with associated seating and planting around the western edge of the reclamation. Access to the floating breakwater is maintained from the northern parkland and recreational walking and public access to the coastal marina area, a key local amenity, enhanced with the provision of an improved path network.

The provision of small-scale food and beverage facilities will enhance local use, service those using the ferry, visitors to the Precinct, and provide an amenity to the local area.

In summary, the proposal will significantly enhance the amenity of the site, rationalising hardstand surface parking and reconfiguring the berth holder car parks to maintain good access to the marina piers. The quality and amenity of the 'public realm', will be enhanced and formalised and the Crime Protection Through Environmental Design qualities improved with the introduction of residential activity. The scale of development being up to a maximum of four storeys is consistent with that anticipated through the precinct provisions and the density at a maximum of 94 terrace house units and 27 apartments is modest and will sit proportionally lower than the clifftop housing of the Bayswater and Stanley Point headlands.

8.1.2 Transportation

Parking

The AUP requires 0.5 parking spaces per berth provided, and 20 car and boat trailer parks. There are 318 berths at the Marina, so a minimum of 159 parks are required. In addition, 1 parking space per dwelling is required, and 1 per 25m² for retail and commercial services, and 1 per 45m² for the marina office.

In relation to berth holder parking, the proposal provides in excess of the 219 car parking spaces required by the AUP. The current provision of dedicated berth holder parking at Bayswater Marina is 310 (including the loading bays) parking spaces, 25 of which double as loading areas alongside pier heads. Measures to exclude the public from berth holder car parks are provided in the proposal. Considerable effort has been made to ensure provision for vehicle parking for berth holders is at least as convenient as that existing pre-development.

In addition, 32 parking spaces are provided to support the retailing and office activities proposed, more than is required in the Unitary Plan provisions. These are located in all three sectors of the proposal. The 20 car and boat parks required in the precinct provisions, are provided along the extended Sir Peter Blake Parade and with easy access to the boat ramp.

Overall parking provision complies with all requirements of the AUP, and in respect of berth holder requirements, exceeds the expectations set out in the AUP provisions.

Traffic

The Stantech Transportation Assessment (Attachment 4) has assessed the effects on the proposed development on Traffic. The trips estimated to be generated by the residential component 114

terrace house dwellings and 27 apartment units Total 94 trips during the peak hour and in the order of 940 trips on daily basis. However, with its good accessibility to the public transport network (through ferry and bus services) and a short travel time to the CBD, this will generate less daily and peak hour trips than as estimated above. The effects of this level of trips upon the road network and in particular through the Bayswater Avenue and Lake Road intersection were modelled.

The addition of the proposed Bayswater Maritime Precinct traffic to an existing “baseline” scenario indicates there will be only minimal changes to the performance of the intersection. The development will result in approximately 90-100 additional trips through the intersection, a total of 5-7% of the total traffic passing the intersection during the peak hours.

Overall, the modelling shows there is no significant increase in terms of either delays or queue length at the intersection. The highest increase in queue length is in the order of 20m at the Lake Road northern leg for the shared left and through lane, which is equivalent to approximately three to four car lengths. The LOS does not alter from the current reference case scenario in any of the new scenarios. The Stantech assessment considers the effect of the proposed development on the overall performance of the intersection will be acceptable from the perspective of the operation of this intersection and the wider Lake Road arterial route.

Site access and residential access

Access to the site is provided by an extension of Sir Peter Blake Parade, which will connect to North Lane at the northern end of Sir Peter Blake Parade, Link Street in the centre, and Cross Street in the southern end. The AUP specifies that where an access serves 10 or more parking spaces, its width is required to be between 5.5m (two-way) and 6.0m (two-way), and a one-way access should have a minimum width of 3.0m and a maximum width of 3.5m. Although the vehicle access measurements above exceed the maximum allowable width and therefore generate technical non-compliances with the Unitary Plan permitted activity standards, the Transportation report has assessed the proposed access widths as being appropriate for the development, especially as some of them form part of the physically required manoeuvring space for vehicles accessing and egressing parking spaces. Moreover, as these accesses are considered low volume driveways, the extra access widths are not expected to impede the safety of pedestrians nor the function of the driveways themselves. Vehicle tracking analysis in the Transportation report show the internal accesses and vehicle driveways are feasible.

Walking, cycling

Sir Peter Blake Parade includes a footpath on its western side that connects up to Bayswater Avenue. All other streets on the Bayswater peninsula include footpaths on both sides of the road.

The shops are approximately 6-minutes from the site for cyclists with relatively flat terrain along Bayswater Avenue. While there is no dedicated cycling infrastructure in the vicinity of the site, cyclists are able to share the road with vehicles.

The site is somewhat removed from complementary activities to residential dwellings such as offices and shops. However, the surrounding area has relatively good cycling and walking infrastructure and some proportion of trips, especially to other local key areas such as Devonport or Takapuna, to occur using active travel modes is expected.

Public Transport

Ferry services from the Bayswater terminal connect to the Auckland Downtown Ferry terminal on a 30-minute frequency during weekdays and every two to two and a half hours on weekends. Because the journey to Central Auckland takes under 10 minutes the ferry service is expected to be used by residents of the proposed development, thus increasing patronage numbers, which will be a positive effect.

The 801 and 802 bus services provide public transport for the Bayswater peninsula. The 801 service provides a link between Bayswater Ferry Terminal and Akoranga Bus Station via Takapuna. Multiple other bus options are available at the Akoranga and Takapuna transport interchanges that provide rapid and frequent connections to the city and other parts of Auckland. The 802 service operates only during the weekday peak periods and connects Bayswater directly to the city. Once again, the permanent population of around 350 residents at the Marina can only have a positive effect on the usage of buses.

Overall, the Bayswater Marina development site is considered to have good links to public transport services that provide residents and visitors to the area with a range of viable alternative transport choices and reduce reliance upon private vehicles.

Transportation Summary

The Bayswater Maritime Precinct will have good links to public transport services, providing residents and visitors to the area with a range of viable alternative transport modes and potentially reducing reliance upon private vehicles.

8.1.3 Effects on Iwi

Iwi consultation was discussed in section 7.5 above, and in particular the CIA provide by Ngāi Tai Ki Tamaki. Stormwater and wastewater effects will be mitigated by treating stormwater at the site for the first time to Council standards, and all wastewater will be directed to the Watercare network.

Although unlikely, there is potential for unearthing/exposing cultural remains including koiwi and there is potential destruction of in situ cultural remains. The Applicant is supportive of cultural mitigation measures including but not restricted to cultural monitoring being undertaken at the time of the infrastructure earthworks occurring. The Applicant is also supportive of, during on-going consultation after consent lodgement, to seek comment on and endorsement of the proposed Landscape Plan as requested.

Finally, the Applicant sees accidental discovery protocols being instigated, as requested by Ngāi Tai, as important to managing any accidental discoveries of koiwi if they occur.

In summary, although further consultation is proposed, this application is well placed to ensure all effects on Iwi can be avoided, remedied or mitigated.

8.1.4 Coastal Inundation

The Engineering assessment shows that the existing site is not subject to coastal inundation in the 1% Annual Exceedance Probability (“AEP”) storm event. However, parts of the existing site, mainly

at the southern end of the site and the western side, are prone to inundation in the 1% AEP + 1m sea level rise inundation event (see Engineering and Infrastructure report for details). The AUP requires habitable areas of new buildings to be above the 1% AEP coastal storm inundation event including an additional sea level rise of 1m to allow for climate change effects.

All habitable areas will be located above the 1% AEP + 1m inundation area, set at RL3.37. Habitable floor levels range between RL4.3 to RL6.2.

There are some buildings which will have basement floor levels below the 1% AEP level and the 1% AEP level + 1m. The lowest apartment basement level is RL1.20 and the lowest terraced house basement level is RL2.80. The majority of basements will be below the 1% AEP plus 1m of sea level rise level. To prevent the basements from becoming inundated, it is proposed to raise the perimeter of the site by approximately 1m (refer to the Engineering and Infrastructure drawings in Attachment 3.2 for detailed levels). This will result in the perimeter of the site being at a higher elevation than RL3.37, and therefore preventing the basements from being inundated as a result of sea level rise and mitigating any potential effects.

Overall, there will be no adverse effects as a result of sea level rise as the development is well protected.

8.1.5 Stormwater Effects

There is no public stormwater infrastructure present on the site but there is private stormwater infrastructure draining the existing carpark and buildings. The private stormwater network consists of cesspits, manholes, swales and pipes which discharge to the harbour through six outlets through the rock revetment bund. The outlets are all located below Mean High Water Springs (MHWS). No stormwater quality or quantity treatment is provided on the site, except for some minimal treatment from the existing swales. The bulk of the existing stormwater reticulation (except for the outlets) will be decommissioned and replaced during the development, with the exception of the pipeline located adjacent to the eastern boundary of the site, which is within the neighbouring Auckland Council land.

The proposed development increases the pervious area on the site by approximately 2,500m². At present the pervious area is 6,200m² (see Engineering and Infrastructure report 3.7.3), with the impervious area being 27,200m². Post-development the pervious area will be 8,660m², whereas the impervious area will be a total of 24,740m². As a consequence of the increase in pervious area on the site, the flow rate and volume of stormwater runoff will decrease as a result of the development. Both peak flow rate and volume will reduce by approximately 2%. As the runoff volume and peak flow rate is actually decreased as a result of the development, no stormwater quantity attenuation is proposed. The site discharges directly into the Waitematā Harbour and the effect of any increase or decrease in the quantity of flow would provide no ecological impact.

In respect of stormwater quality, currently the site does not formally provide any stormwater quality treatment. A grassed swale runs around the western edge of the site but provides minimal stormwater treatment and is primarily for conveyance. The proposed development includes the redevelopment of an existing high contaminant generating carpark, and therefore the controlled activity standards under AUP rule E9.6.2.1 must be complied with.

The proposed carpark area (including access and manoeuvring areas) makes up 63% of the total impervious area. In compliance with Auckland Council's GD01 treatment will be provided by way of raingardens and bioretention tree pits located along the road edges and in the central courtyards. A grass swale is also proposed running along the western edge of the site which will provide some additional stormwater quality treatment. In order to provide treatment of the roof runoff, it is proposed to provide proprietary treatment devices (hydrodynamic separators or filtration devices) located on the pipe networks. Seven proprietary devices will be required as shown on the stormwater plans. The specific proprietary treatment devices will be specified and designed at the building consent design stage and will be capable of providing treatment in accordance with GD01.

In order to capture litter and gross pollutants, all stormwater cesspits will be fitted with EnviroPods or similar filter systems. These systems will also reduce the risk of blockage of the stormwater system.

Two new outfalls will replace existing two outfalls. In addition, one new outfall will be constructed. All three outfall will discharge into the marina berthage area. The outfalls will comprise of standard precast wingwall structures, and will be placed immediately adjacent to the existing rock rip-rap walls. As stormwater from the site will now be fully treated in accordance with Council's GDO Guidelines, an improvement in the discharge quality will occur, leading to a positive effect on the receiving environment, in other words no effects on coastal ecology. The treated discharge will likely have a positive effect upon the very limited coastal ecology found within the marina basin.

In respect of the potential for them to be subjected to coastal erosion hazards, the marina berthage area and the boats within it must be protected from adverse weather conditions. Therefore, the breakwater around the marina basin serves this purpose, and consequently will protect the outfalls from any coastal erosion hazards. Coastal processes are limited to tidal movement though the marina basin. This will not be impacted by flows discharging from the standard precast wingwall structures, and then onto the rock rip rap below, which will ensure no scouring occurs.

Public access will not be impacted because outfalls will be discharged well below the levels of the public walkways/boardwalk.

It is anticipated the stormwater effects will be positive as a result of the proposed development.

8.1.6 Construction Effects

A construction management plan (see Attachment 3.4) has been prepared to develop a high-level construction methodology for the project. The document will be a live document that will continue to be developed as the design phases of the project progress; and will ultimately serve as the document that sets out the construction contractor's methodology.

Because the first phase of the project will involve substantial civil and structural works involving the likes of demolition, bulk earthworks, stormwater, wastewater and water supply construction and pavement construction, there is the potential for significant effects to occur on existing infrastructure services, parking and access to and around the site, and other effects such as dust or noise. A temporary car park for 240 cars will be installed at the northern end of the site for all berth holders. In addition, 70 car parks will be provided in the eastern part of the site, in the area of the 27 Sir Peter

Blake Parade carpark. This area is currently an asphalt carpark and therefore minimal work will be required to prepare this for use as a temporary carpark. As the works progress to the north, new car parks will be progressively provided in newly developed areas. It is acknowledged the civil and structural works will cause some short-term inconvenience, but efforts will be maintained to keep this to the bare minimum.

Civil works will be undertaken in three stages, generally moving from the south to the north of the site. Sediment control techniques will be used during bulk earthworks in the form of sediment control ponds and silt fences and then stabilisation of all surfaces to ensure there are no sediment effects from the works. For all pavement areas, surfacing will occur as soon as services have been constructed in each stage, at which stage marina car parks will be progressively opened for use.

Structural works involving the apartment buildings, perimeter and other retaining walls will commence immediately after the completion of the construction establishment phase. The terrace house foundations will also be excavated at the bulk earthworks stage and temporary timber pole retaining walls provided to support these excavations. The effects of this phase of work are expected to be minimal, with noise within the construction noise standards and all sediment will be retained on site.

Other facilities provided for berth-holders include, toilets, showers and laundry facilities. There is also a marina office which will need to be kept operational for safety and security reasons. There are two existing toilet blocks on the site, these include shower and laundry facilities. The southern block is proposed to be demolished in Phase 1 of construction, while the northern block will be demolished in Phase 2. The marina office will be relocated in Phase 1 as well.

Prior to the demolition of the southern block marina office a temporary toilet, shower and laundry facility will be constructed in the northern part of the site, in the existing trailer-boat yard. The marina office will also be relocated to the trailer-boat yard. In this way it is proposed to maintain facilities during the construction and civil works stages to minimise the effects on berth holders and other users (see Attachment 3.4)

In summary, it is anticipated there will be inconvenience associated with the development of the project, but this can be managed to minimise the effects upon users of the marina and environment. Further, noise effects will be within the construction noise standards and sediment and stormwater effects can be avoided by good site controls.

8.1.7 Noise

The acoustics assessment has found that provided the external façades for any noise sensitive activities are designed to reduce external sound to the noise limits given in the AUP, the internal acoustic amenity in habitable areas would be reasonable during the daytime and excellent at night.

The existing marina activities adjacent to the development could continue whilst still meeting the noise performance standards for the zone. Any buildings constructed that include noise sensitive spaces would be designed to achieve a reasonable acoustic amenity within the sensitive areas. This would ensure that all activities within the marina would be suitably protected from noise and, therefore, reverse sensitivity would be suitably managed.

The proposed noise performance standards would enable the acoustic effects of the existing activities at the proposed development to be reasonable and the acoustic amenity within any proposed dwellings to be acceptable. Noise Conditions would ensure that any acoustic effect would be less than minor and that the risk of any reverse sensitivity effects would be minimised.

8.1.8 Geotechnical Effects

A detailed geotechnical investigation (see Attachment 8) has been undertaken in support of the project through the resource consent process. The report assesses geotechnical risk, which has been summarised in a matrix (Table 14, Attachment 8). Groundwater draw-down and landslide and global slope instability are assessed as showing no risk. Liquefaction/lateral spreading/cyclic softening risk was assessed as no risk to moderate risk – provided all buildings are pile supported this is not expected to pose a significant risk to future buildings. Influx of water can potentially cause excavation collapse, but this can be controlled by temporary retaining to maintain stability. Settlement can have a moderate risk effect, but if buildings are pile supported and embedded in the underlying Waitemata Group Rock, the buildings will not be affected by on-going consolidation settlement.

The report concludes that the development is feasible from a geotechnical perspective. With good engineering design there are no geotechnical constraints that are unsurmountable on the site. There are no specific geotechnical conditions, either pre-existing or that would be created through the site formation works, that would otherwise prevent or severely restrict the development from proceeding.

8.1.9 Landscape, Natural Character and Visual

A detailed assessment of effects has been provided in the Landscape, Natural Character and Visual Assessments, Attachments 6.1 (Landscape Concept), 6.2 (LVEA), and 6.3 (LVEA Graphics).

In respect of landscape character, the context for the proposal is a marina environment on reclaimed land and surrounded by the harbour waters. Existing features of the site are predominantly centred around marine activities and include the extensive floating breakwater and marina berths contained within the calm waters of the breakwater, extensive hardstand primarily occupied by surface car parking, the Marina Operations Office and Bayswater Ferry Terminal. Similar land use is associated with the ferry terminal park and ride / public transport, bus, interchange and the Takapuna Grammar School Rowing Club facility.

The natural landform of the Bayswater Peninsula is elevated with its established residential development sitting atop the coastal escarpment some 18m above mean sea level. The coastline comprises a pattern of houses looking out to the harbour view and vegetation including a presence of coastal Pohutukawa. Many of the 'front row' of coastal properties are large and contain large two storey houses, given the prime coastal location. This is a very modified urban coastal character.

The modest height of the development, up to a maximum of 12m/3 storeys plus basement, the bulk, scale and articulation of the three 3-storey plus basement apartment buildings and the Design Manual controlling the built form of the terraced housing will ensure that the proposed development sits into the landscape without a high level of prominence, and without challenging the height or scale of the cliff line or primacy of the cliff top housing.

The materials for the three apartment buildings have been selected to reflect the character of the local maritime and urban coastal environment, the weathered cliffs, clifftop 'mansions' and worn seaside architecture. Weathered and worn materials and soft neutral colour schemes will complement the surrounding maritime context and create a maritime precinct with a distinct local identity.

The maritime inspired terrace dwellings will reflect the individual nature of the surrounding built environment, this diversity will be controlled by the Design Manual for Terraced Housing. This sets out standards and requirements regarding the design of the building envelopes, facades, rooftops, adornments, materials and colour palettes to ensure that the development complements the existing marine environment. The building envelopes, setback, projections and façade guides ensure that the terraced houses will incorporate varied articulation and frontages that break up the massing of built form.

The proposed landscape has been designed to enhance the existing interface between the water and land. Clearly defined spaces and circulation routes have been developed to provide a range of experiences and opportunities for berth holders and users of the marina, ferry users and the general public as well as for future residents. Public open spaces comparable in size to those existing open space reserves adjacent to the marina are provided at the north and south ends of the precinct. These are connected by a marina-side public pedestrian boardwalk with 'eddy' stopping / gathering points, along the long western and southern water edges of the precinct. The esplanade will be lined with Pohutukawa which will soften the proposed buildings and reinforce the existing vegetated character of the marina.

The direct landscape effects comprise the removal of 70 Pohutukawa trees in the large car park. Although many will be removed, 31 will be transplanted within the new development, and 128 large grade Pohutukawa and other native trees are proposed to be planted along with substantial areas of lower growing native groundcover planting. Those Pohutukawa on the eastern side of North Park will be retained in situ.

The proposed boardwalk will introduce a new cantilevered structure which will, in places extend partly over the coastal embankment. The boardwalk will not extend over the water or detract from the existing character of the man-made coastline. With the exception of the proposed boardwalk the coastal edge will be otherwise unchanged. Overall, it is considered that the character of the coastline will be enhanced through a combination of the generous public walkway, associated planting and Pohutukawa trees.

In terms of natural character effects, the site comprises a reclamation, hence it's landform is already not a natural component of the landscape. The primary aspects of natural character associated with the site therefore comprise its vegetation and the more ephemeral patterns of the coastal tidal waters and their associated ecology.

In this respect the proposed coastal earthworks to lift the landform with an extension to the coastal sea wall and the location of the public walkway/boardwalk on top of these will very slightly modify the established nature of the coastal edge, however the consistency of form and coastal edge qualities is assessed to result in very low adverse natural character effects.

The proposal will not affect the adjacent natural cliff-line. Proposed built development within the maritime precinct will sit at a height subservient to the cliffs although mirroring the solid form of the natural elevated shoreline. The location of public open space around the shoreline of the proposal will replicate the pocket open spaces on the adjacent natural landform and replicate this established attribute of the established character of the shoreline.

The site has a cover of predominately Pohutukawa trees which generally will be removed. Some transplanting (31 trees) and replacement planting of large grade native trees will occur. Groundcover planting is also proposed including within the central 'strip' of proposed car parks to maximise the permeable nature of hard surfaces. In terms of the vegetative qualities of the site's natural character, therefore, the proposal is considered to maintain and enhance the vegetative and associated open space character of the coastal environment.

On balance the natural character of the now long-established Bayswater Marina environment will be maintained and enhanced.

Visual amenity effects have been assessed from both public audiences and private audiences.

A number of public viewpoints (see Attachments 6.2 and 6.3) have been assessed in detail by Boffa Miskell, including those in close proximity, such as Sir Peter Blake Parade and from the ferry, to State Highway 1. The effects from the viewpoints have been assessed as being either very low, low, negligible change, in the 7-point scale of effects. Similarly, with the private audiences, (also see Attachment 6.2) the effects are generally very low, negligible, or will not be adversely affected - this assessment latter applies to Marine Terrace residents close to and above the Marina.

8.1.10 Contaminated Soils

The Preliminary Site Assessment (Attachment 14.1) has identified there are activities carried out on site identified as being hazardous activities and industries (HAIL) in the NES for Managing Contaminants in Soils. These are activities associated with vehicle service and repair (boats). The application is proposing to carry out a detailed site investigation immediately prior to the earthworks stage of the development to identify what the actual levels of contamination are, if any. A Site Management Plan (SMP) has been prepared to support the consent application and ground works. The SMP details the remedial procedures and works needed should contaminated soil be discovered. Any contaminated soil identified as a threat to human health will be removed from the site and disposed of at an approved landfill to ensure there are no adverse effects.

8.1.11 Reverse Sensitivity

There is the potential for dwellings to be affected by activities, such as noise from boat motors and halyard slap, from the adjoining marina. The acoustic assessment (see Attachment 5) has assessed the design of the apartment buildings which will have glazing appropriate to ensure they are protected from unwanted external noises. Similar controls are inserted into the Design Manual for Terraced Housing. With appropriate Noise conditions, any acoustic effect would be less than minor and the risk of any reverse sensitivity effects would be minimised.

Further, each title will be subject to a no-objection covenant in favour of the neighbouring Bayswater Marina (see Appendix 6 of Attachment 11). The purpose of this covenant is to ensure that the ongoing operation of the Marina is not compromised or frustrated by new residential activity in the vicinity.

8.1.12 Arboricultural effects

A large number of Pohutukawa trees were planted at the time of the site being reclaimed from the sea, in the 1990's. Around 74 of these trees remain, and are protected by virtue of the provisions of E15 and E16 of the Auckland Unitary Plan. All but five of these trees will be removed, but 26 trees will be relocated and transplanted elsewhere. The removal and relocation of these trees is necessary for the redevelopment of the site.

An arboricultural assessment of these trees has been prepared and is attached to the application material (Attachment 13). Overall, the effects on these trees will be significant, as most will be removed. However, the loss of the trees will be mitigated to some extent by the transplanting of 26 of the trees to other locations on the site, and by the extensive landscaping and planting programme for the site, as set out in the Landscape Concept Package submitted with the application. The proposed development will see a range of trees planted on the site, including Karaka, Taraire, Nikau Palm, Cabbage tree and Lancewood. In addition, a range of lower level native shrubs will also be planted on the site. The range of species proposed is set out in the Planting and Tree Strategy in the Landscape Concept Package.

Although there will be loss of trees on the site as a result of the proposal, these effects will be to a significant extent mitigated by the trees and other plants propose dot be planted on the site.

Some works adjacent to or in the root zone of mature trees on adjacent AT land. Arboricultural practices will be employed to ensure these trees are protected.

8.1.13 Positive effects

There will be a number of positive effects from the development. These include:

- Better quality and more usable open space will be available at the southern and northern ends of the site, adjacent to the coastal marine area, and close to cafes;
- New boardwalks and walkways with seating areas will circulate the berthage areas;
- There will be improved pedestrian access within the area;
- Improved amenity services – art, playgrounds, seating etc
- Residential development will be located close to the existing ferry terminal, providing for intensification of urban development, 10-minute access to the City Centre, increased patronage for the ferry, further consolidating Bayswater Marina as a public transport node, which will lead to an efficient use of land and transport systems;
- Intensification of residential development complies with the overall direction for the provision of growth by both the Auckland Plan and the AUP.

- Provision for two cafés will improve the amenity and enjoyment of those visiting the Marina and those living there.
- With additional development Bayswater will be increasingly seen as a destination and therefore encourage transit-oriented travel to and from the Downtown Terminal.

8.1.14 Overall effects conclusions

In summary, overall, the effects on the environment are assessed as being minimal and no greater, than the existing consented environment.

8.2 Relevant Policy Statements

The following section provides a narrative summary of the main policy direction of the relevant policy statements. A full assessment of all of the provisions is found in the appendices.

8.2.1 National Policy Statement on Urban Development Capacity 2020

The National Policy Statement on Urban Development Capacity 2020 (“NPSUDC”) is about ensuring New Zealand’s towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities, and that overly restrictive barriers to development to allow growth ‘up’ and ‘out’ in locations that have good access to existing services, public transport networks and infrastructure are removed. In particular, and of relevance to the proposal, local authorities must provide sufficient development capacity for housing in existing and new urban areas, and for both standalone dwellings and attached dwellings. Objectives and policies promote living environments near public transport and employment opportunities, and require local authorities to integrate urban development with infrastructure planning and funding.

The proposal provides attached dwellings in contrast to the standalone houses predominant on Bayswater Peninsula. Capacity will be provided within an existing area, as directed in the NPSUDC, and near to public transport (ferry and buses) and employment (Central City). Existing infrastructure for water and wastewater and telecom is available and has capacity.

There is emphasis on access to natural spaces and open spaces, including by way of public or active transport, to support reductions in greenhouse gas emissions; and spaces that are resilient to the likely current and future effects of climate change. Bayswater Maritime Precinct has open spaces combined with the natural space of the Waitematā Harbour. Access in and out of the site is provided by two forms of public transport, supporting reduction of greenhouse emissions. Dwelling habitable floor levels will be above the projected 100-year sea level rises, ensuring the development is resilient from the potential effects of climate change.

Policy 3(d) is relevant, as regional policy statements and district plans should enable building heights and density of urban form to be commensurate with a greater level of accessibility by existing or planned active or public transport to a range of commercial activities and community services. Bayswater Maritime Precinct will help Auckland Council achieve that policy direction.

Policy 6 is very relevant to the proposed redevelopment. When making planning decisions that affect urban environments, decision-makers must have particular regard to a number of matters including

the planned urban built form anticipated by the RMA planning documents that have given effect to the NPSUDC; recognising the planned urban built form in those RMA planning documents may involve significant changes to an area, changes which may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types – these are not, of themselves, an adverse effect. Although there is a heavy emphasis on urban design, Bayswater Maritime Precinct will make a significant change to the area within which it is located, and although some may believe amenity values are affected, the proposal is in accordance with this policy and cannot be considered to have an adverse effect because it is providing increased and varied (from the existing local community) housing densities and types.

In summary, the proposed development gives effect to the NPSUDC by contributing to providing housing capacity, and increased development at higher densities, in a location close to public transport and employment opportunities, and will assist in supporting a reduction in greenhouse emissions.

8.2.2 New Zealand Coastal Policy Statement (“NZCPS”)

Several objectives and policies in the NZCPS are relevant to the proposal. Objective 1 includes maintaining water quality. Currently no stormwater discharges are treated at the marina, but after the development is completed, all will be treated to Council standards. This should not only maintain standards, but improve local quality of water.

Objective 2, supported by Policies 13, 14, and 15 aims to preserve the natural character of the coastal environment and protect natural features and landscape values. The preservation of natural character policy (13) emphasises avoiding effects of activities of outstanding natural character – the area surrounding Bayswater Marina is not of outstanding natural character. Policy 14 seeks to restore or rehabilitate areas, but this area is a heavily modified inner harbour environment, surrounded by residential development which could not be restored or rehabilitated.

Policy 15 refers to protecting natural features and landscapes of the coastal environment from “inappropriate subdivision, use and development”. The Bayswater Precinct provisions provide for the subdivision, use and development proposed in the application. And in doing so there are standards and other controls that must be provided for, such as height controls, to satisfy Policy 15.

Objective 4 relates to maintaining and enhancing public open space qualities and recreation opportunities, supported by Policies 18 and 19. These policies promote public space for public use and appreciation adjacent to the coastal marine area, and provide for walking access to and along the coast. The proposal complies, with walking access in the form of boardwalks, pathways, and a floating breakwater provided, allowing good access to and along the coast, and significant areas of public open space.

Coastal hazard risk is the subject of Objective 5, including locating development away from areas prone to such risks. The relevant policy in support related to the project is Policy 25. Of relevance to the proposal is to avoid the risk of harm, avoid any increase in risk, aim to reduce the risk of adverse effects of hazards. The marina site is located above the 1% AEP coastal inundation level, and with the earthworks proposed, the site will not be exposed to coastal inundation even with a 1m rise above the 1% AEP level. Importantly, habitable spaces will be well above these levels as required in the AUP.

Finally, Objective 6 is to enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development. This can be achieved in the proposal whilst recognising that protection of the coastal environment does not preclude use and development in some places and that some uses and development depend on the coastal environment's natural and physical resources. The Bayswater Maritime Precinct is a comprehensive project and will contain uses which depend upon the coastal environment's resources – the marina, ferry terminal, boat ramp, marina basin and associated parking, and public access facilities. The ability to live at the site also provides for social and economic well-being of residents as the Maritime Precinct will provide a community, and it will provide an efficient and cost-effective means for those wishing to access public transport.

Overall, on assessing the NZCPS the proposed development is consistent with its provisions.

8.2.3 Hauraki Gulf Marine Park Act (“HGMPA”)

A consent authority must, when considering an application for a resource consent within the Hauraki Gulf or its catchments, ensure that the application does not conflict with sections 7 and 8 of the HGMPA – this must be considered as if it is a NZCPS. In respect of section 7, the proposal will not affect the capacity for the Gulf to provide for historic, traditional, cultural and spiritual relationship of tangata whenua with the Gulf or its islands. The proposal will provide for social, economic and recreational well-being by providing recreational opportunities, by providing a living environment, and access to those using the Gulf for recreational purposes through the marina berthage areas and boat ramp. The proposal will not adversely affect the natural ecosystems and water of the Gulf.

Section 8 has also been assessed. Bayswater Marina has been sited to provide for easy access for those wanting to carry out recreational pursuits to enjoy the resources of the Hauraki Gulf. The proposed development is just one component of the wider marina area which provides for access and the services of those wanting to access the Gulf. The proposal will not compromise the objectives of section 8.

Overall, the proposal is consistent with sections 7 and 8 of the HGMPA.

8.2.4 Auckland Regional Policy Statement (RPS)

The RPS is a high-level strategic document aimed at providing an overview of the resource management issues of the region with a view to achieving integrated management of the region's natural and physical resources. As such, the RPS objectives and policies are generally implemented through the detailed zonal, Auckland-wide, and overlay objectives, policies and rules set out in the AUP.

The most relevant RPS chapters in this application are the Urban growth and form chapter (chapter 2), and the Coastal environment chapter. Transport and Environmental risk are also of some relevance as well.

In B2.2. Urban growth and form, the objectives, promote, amongst others a quality compact urban form that enables a high-quality urban environment, better use of existing infrastructure, more effective public transport, greater social and cultural vitality and reduced environmental effects. Urban growth is to be primarily accommodated within the 2016 urban area, within the Rural Urban Boundary, and development is to be integrated with the provision of appropriate infrastructure.

The policies give effect to the above objectives by promoting urban growth and intensification within the urban area 2016, enabling higher residential intensification close to public transport, social facilities (including open space) and employment opportunities.

The proposal for redevelopment of the BMHL land will assist in achieving these objectives and policies, as the proposal is for compact urban form and urban regeneration of an area that is currently a one dimensional large car and boat park – the new project will attract and enhance public access to the coastline, provide new recreational, open space and visitor opportunities, maintain the existing marina operations, and provide dwellings to accommodate up to 350 people on the site, enabling intensification close access to the public transport facilities and better use of existing infrastructure.

The intensified use of the land will promote the use of the public transport services available on the doorstep of the marina. The new dwellings will provide a living environment that will enhance the social and cultural vitality by providing more people at the site but also by attracting more visitors to the site than just berth holders and some nearby residents. There will be some employment opportunities on site, but work from home options are also viable at Bayswater Maritime Precinct.

Chapter B2.3. A quality built environment focuses on quality with the objectives relevant to the proposal wanting a quality built environment where subdivision, use and development respond to the intrinsic qualities and physical characteristics of the site and area, including its setting, reinforce the hierarchy of centres and corridors, and contribute to a diverse mix of choice and opportunity for people and communities. Resource use should be maximised and infrastructure used efficiently. Changing needs should be catered for, and responsiveness and adaptation to the effects of climate change is important.

A mix of policies in B2.3.2. give effect to the objectives including managing the form and design of subdivision, use and development that supports the planned future environment, including its shape, landform, outlook, location and relationship to its surroundings, including landscape and heritage; contributes to the safety of the site, street and neighbourhood; develops street networks and block patterns that provide good access and enable a range of travel options; achieves a high level of amenity and safety for pedestrians and cyclists, meets the functional, and operational needs of the intended use; and allows for change and enables innovative design and adaptive re-use.

The development is to promote the health, safety and well-being of people and communities by providing all ages and abilities access; by enabling walking, cycling and public transport and minimising vehicle movements; and by minimising the adverse effects of discharges of contaminants from land use activities. A range of built forms should be built and the main functions of streets as places for people and as routes for the movement of vehicles should be balanced. Adverse environmental effects should be mitigated through appropriate design.

Although the above suite of quality-built environment objectives and policies are aimed at developing a regional wide approach to subdivision, use and development, but they can also be targeted at individual developments like Bayswater. They largely sum up the vision for Bayswater Maritime Precinct.

The proposed development will feature fully funded and developed on the ground infrastructure before any development above ground occurs. Landscaping and associated spaces will be to a high standard and will be designed to fit seamlessly into and respond to and maximise the enjoyment of the surrounding the natural environment. The apartments and terraces will maximise resource and infrastructure efficiency, and will respond to climate change effects by ensuring no habitable floors are floodable from the sea, even with 1m of sea level rise. However, climate change effects can also be minimised by residents using public transport to their destinations. All terraced housing developments will be overseen by a design review committee to ensure a quality-built environment. The proposal to provide for individual design of terraced houses will promote innovative design, and the flat but calming walkways and surfaces will provide an environment suitable for people of all ages. Apart from encouraging walking, cycling will be enabled on the wide access paths, and of course public bus and ferry transport. The block pattern of development proposed will create good

permeability and access across the site. Discharges of stormwater will now be treated for the first time at the site.

Safety of the site should be preserved by the increased number of people who be on the site at all times, and by the open spaces around the site, albeit with a high degree of visibility along the various lanes, streets, and precincts.

Chapter B2.4 Residential growth, also provides policy guidance to the proposed development in relation to the residential component of the proposal. The site will provide for residential intensification, and thus support a quality compact urban form. The landscaping and strong emphasis on quality urban design will ensure the residential component is attractive and safe. The guidelines will promote quality development in keeping with the planned built character of the area.

As the land is in close proximity to and within walking distance of public transport and open space, the primary focus for residential intensification will become a reality for this site. The proposal will provide a range of housing choices in Bayswater suburb that currently does not exist. There will be some non-residential activities provided for, especially recreational but also for business ventures.

The relevant objectives of B2.7. Open space and recreation facilities can also be achieved by the proposal. The recreational needs of people and communities are required to be met through provision of a range of quality open spaces and recreation facilities, and these are provided at the site, even though this is not primarily an open space precinct. Further the required public access to and along Auckland's coastline and coastal marine area is to be maintained and enhanced, and reverse sensitivity can be avoided by good design of buildings and covenants on dwelling preventing complaints about normal marina activities.

As the development is surrounded on three sides by coastline, Chapter B8 Toitū te taiwhenua - Coastal environment, also has relevance to the proposal. In respect of policies and objectives aimed at preserving the natural character of the coastline, the area is not an area of high natural character and is significantly modified, the land itself being a reclamation. Nevertheless, the low height limits of the proposed development are in part aimed at ensuring development will not be out of keeping with surrounding development and natural character of the Bayswater Peninsula.

Coastal Subdivision, use and development is to be located in appropriate places and of an appropriate form and within appropriate limits, taking into account the range of uses and values of the coastal environment. Note the AUP considers this site appropriate for subdivision use and development, providing compliance with relevant objectives, policies, standards and assessment criteria is achieved. The AEE assessment and technical supporting documents show that compliance can be achieved and the adverse effects can be avoided, remedied and mitigated as required in this Chapter of the RPS. Note also that land uses that have a need to locate on land above and below the mean high-water springs (e.g., marina basin, car parking) are provided as required.

In summary the proposed development is considered to be generally consistent with and will give effect to the relevant provisions of the RPS by concentrating development in the coastal environment where development has already modified the environment significantly; by avoiding the effects of natural hazards – the 1% AEP flood will be avoided as habitable floor levels will be built above the 1% AEP coastal inundation + 1m climate change inundation level; and by increasing the use of public transport by locating development close to the ferry terminal; The development will provide incentives for more people to visit the coastline, will attract visitors from the Central City, and will provide recreation and walking access and connections within the Marina and to the neighbouring Bayswater suburban area.

8.3 Relevant plan provisions

A full and comprehensive assessment of all relevant AUP objectives and policies is presented in Appendix 2 to the AEE. The following discussion concentrates on those that are most relevant to the proposal, particularly those in the Bayswater Marina Precinct Provisions, and to a lesser extent the Marina Zone provisions and Terraced Housing and Apartment Building provisions.

8.3.1 Objectives and policies

Bayswater Marina Precinct

The Bayswater Marina Precinct provisions contains two Objectives as follows:

(1) Bayswater Marina precinct is a community and marina-oriented place developed in a comprehensive and integrated way with a primary focus on recreation, public open space and access to and along the coastal marine area, public transport, boating, maritime activities and maritime facilities.

(2) Residential activities and food and beverage are enabled, provided that the focus in Objective 1 is achieved.

Objective 1 is achieved with Bayswater Maritime Precinct being a comprehensively planned mixed use neighbourhood. It maintains the primary purpose of the Bayswater Marina and introduces residential activity compatible with the identified primary uses - particular attention has been given to ensuring the boating and associated facilities are not compromised; the marina basin will remain as it is today, and on-shore supporting facilities such as car parking, the marina office, and ablution services will be provided to at least the same level of service that exists today; the normal activities within the marina basin will be protected from reverse sensitivity issues by covenants on all residences; the existing narrow (generally one metre) concrete walkway that follows the coastline will be replaced with a new coastal boardwalk up to 3.5m wide, providing for not only pedestrians but also cyclists, and increased usage; public transport will be enhanced by the increase in users living on site. Provision has been made for the location of marine retail and industry.

Objective 2 – enabling residential use and food and beverage - can be also be achieved because the primary focus of Objective 1 is achieved.

In respect of Policy 1, quality open space is made available to and around the coastal edge. An esplanade strip, a minimum of 15m width has been provided and protected, and an enlarged new coastal boardwalk, up to 3.5m wide, is proposed. Access around the floating breakwater will be maintained. Views over the coastal marine area will be maintained for the public.

Policy 2 provides guidance on the location and design of new buildings. They are to be visually appropriate. Apart from the three new designed apartment buildings, submitted with the application, all terraced houses will be individually designed at a later stage. They will be located back from the coastal interface and the Design Manual will ensure they are visually appropriate and reflect the location. They are to reflect an integrated design approach. The buildings will frame and define open space, and provide for pedestrian connection and linkages. They are to reflect a diversity of development intensity across the precinct. This is achieved by the contrast of the relatively

uniform intensive residential building development contrasting with the public open spaces distributed across the precinct.

Policy 2 also requires buildings be constructed of suitable materials for a marine environment. This is covered by apartment proposals, and for terraced units by the Design Manual. The buildings are not to dominate or detract from existing landscape or coastal features, such as the cliff line. The LVEA assessment has shown that the visual effects from public and private viewpoints will not be significant. They are not to detract from the Takapuna Boating Club building – this building is to be physically separated from the development, with new buildings being a similar height and scale. Development should address and contribute to coastal edge amenity – the proposal continues to provide for the functionality of marina, boat ramp and PT operations, and provides for public access around and continues the green public open space that extends around the historic Takapuna Boating Club to the north. The combination of parks and, paths, boardwalks and the ‘moments’ for occupation along the edge of the boardwalks provide for a high degree of public amenity.

The buildings are to be compatible with the use of the area by pedestrians by including access to and around the coastal edge – buildings are set well back from the coastal edge, with footpaths at their frontages in combination with the path and boardwalk along the coastal edge, and multiple ways through the residential blocks provide for excellent pedestrian access to and around the coastal edge.

Finally, in Policy 2, buildings are to provide a safe environment for people using facilities within the precinct. The design enhances safety by maintaining a generally open environment which will benefit from informal surveillance from the apartments and terraced houses at its centre and looking over its edges. The perimeter boardwalk and path, footpaths on all street sides, and shared surfaces within courtyards are all well overlooked. AT parking and the path to the ferry terminal will also benefit from informal surveillance from the people living here. The 24/7 presence of residents will also assist with security for marina users and both their watercraft and parked vehicles.

In accordance with Policy 3 there are significant areas of open space as required. Some of the existing Pohutukawa trees (Policy 4) will be retained, and many others transplanted. Trees on the old reclamation, much larger trees, will not be touched. The ferry services, including bus service, will still be operated from the site (Policy 5), and park and ride and cycle parking for public transport will continue on AT land. Policy 6 requires public vehicle, pedestrian and cycling routes within the precinct to allow easy access to the coastal margins and parking facilities. Vehicle movement and access is facilitated by a network of streets and lanes providing good access, in combination with a network of footpaths and the perimeter boardwalk. Breaks in the line of building form that define the central courtyards allows easy access to and from the parking, and the coastal edge.

The retention of appropriate facilities for boating, such as public boat ramps and associated parking spaces (Policy 7) have been provided with the same number of berth holder parks provided and the required 20 car and trailer parks provided. Boating facilities (Policy 8) are provided on land – parking, ablution facilities, and a marina office are all provided. Rowing and boating club facilities elsewhere at the Precinct are not impacted.

Policy 9 is to enable community uses, such as clubs directly related to the use of the adjoining coastal marine area. Community uses are enabled within the public realm, and the existing Takapuna Boating Club building is still available to be partially or fully re-occupied for community uses, although the

building is fast falling into disrepair. Although no structures have been proposed, North Park offers potential for future introduction of a kiosk should the community choose to pursue such an initiative in the future. Promotion and encouragement of comprehensive and integrated development and encouragement of consultation with any owners of land within the sub-precinct(s) and any neighbouring sub-precinct(s) is the focus of Policy 10 when preparing resource consent applications. It has been consulted over the plans for development at Bayswater Maritime Precinct. Within the development site the proposal is a fully comprehensive development plan which integrates the design of buildings, the public realm and provides for the essential continuation of Bayswater Marina functions. Discussions have been undertaken with AT in particular, and the proposals in the application are complementary to any possible development on its land in the future.

Policy 11 promotes distinctive high-quality design for all new development. A suitably distinctive, imaginative and carefully judged design has been achieved with the proposed configuration of marina facilities, terraced housing and apartments, all set in a high-quality public realm. The related rules and guidelines give certainty on the envelope of any terraced house and identify both the quantifiable requirements and design quality expectations that accompany that envelope. This is to give certainty on the overall development envelope and the quality of outcome. The second aspect of providing certainty on quality is the professional design review by the 'Design Committee' that is part of the post-consent approval process.

Finally, Policy 12 requires that, residential, or other non-marine related activities are provided for only where sufficient space remains available as required for marina, ferry service, and public access, recreation, public transport and boating activities, including associated parking. These identified marine, parking and public access and recreation uses have all been provided for as a priority. Residential and supporting local service retail/commercial has been designed around and to complement those essential activities.

Coastal – Marina Zone

These objectives and policies are more oriented towards marina development and operations and associated land-based activities.

Reflecting the Precinct provisions, activities that have a functional need have priority over those that do not. The Objectives require all marina activities that have a functional requirement to be located on the land be at the marina – parking, ablution services, marina office and marine servicing, can be located on the land in the proposal. Supporting facilities are to be developed, used, maintained, refurbished, reconstructed and berthage maximised. New facilities are to be provided and berthage use will not change. Access to the waterfront, for berth holders and the public is maintained or enhanced, as required by Objective 6.

Policies of relevance to the proposal include providing for marine-related and other compatible business activities, providing for maritime passenger operations and maritime passenger facilities, and providing for adequate and convenient facilities in marinas for the containment, collection and appropriate disposal of rubbish, sewage etc. These are all provided for in the proposal. Policy 9 is to require mitigation for any loss of public access to, along and within the coastal marine area, including providing facilities such as public boat ramps, and alternative access for other recreational users. There will be enhanced public access to the coastal marine area, and the existing boat ramp will be

maintained. Coastal steps alongside South Park will provide direct access for the public into the water.

The final policy, 10, provides for activities that do not have a functional need for a coastal location where they do conflict with, or limit, the operation of marina, maritime passenger operations or other marine-related activities; where adequate provision remains for existing activities having a functional or operational need for the coastal location; where public access to and use of the coastal marine area will be maintained or enhanced; the development is integrated with public transport, where relevant; and the development is designed to complement its particular coastal location. The proposed redevelopment of the Bayswater Marina land has been designed to comply with these requirements – the marina operations will continue unabated, public access and use will be encouraged, ferry usage will increase with more people living in close proximity, and design guidelines will ensure the development complements its location.

Chapter E18 - Natural Character of the Coastal Environment

Objective 1 and some of the policies are relevant to the development proposal, requiring the natural characteristics and qualities that contribute to the natural character of the coastal environment are maintained while providing for subdivision, use and development. Careful consideration has been given to the design of the development considering its prominent location, jutting out into the Waitematā Harbour. Characteristics like the coastal cliff landforms behind the marina have been considered in maintaining the height of the buildings to no more than 12m. Efforts are being made to retain as many of the Pohutukawa trees on the site as possible. However, the natural characteristics and values of the environment have already been significantly modified when the reclamations were undertaken and the marina established - this is a working marina and public transport location, with all the associated facilities.

Chapter E19 - Natural Features and Natural Landscapes of the Coastal Environment

These provisions apply to activities that are proposed in areas that are not scheduled in the Outstanding Natural Features Overlay or the Outstanding Natural Landscapes Overlay but that require resource consent. In general, and of relevance to this proposal, the provisions aim to maintain natural landscapes and features and avoid adverse cumulative effects. In particular significant adverse effects on geological features, including sensitive landforms such as ridgelines, headlands, peninsulas, and cliffs, are to be avoided, remedied or mitigated. The low-level nature of the development, not exceeding the 12m height standard, has been applied to the proposed development to ensure the headland/cliff line behind the marina is not adversely affected. The Marina itself does protrude into the Waitematā Harbour, but the colour and materiality of the proposed development will sit well with the existing colours and tones of the coastal environment.

8.3.2 Standards for permitted activities

There are some standards within the Precinct provision that apply to permitted, controlled and restricted discretionary activities. Although overall this application is for a discretionary activity resource consent, the proposal still complies with all relevant standards. Buildings must be no more than 12m in height – the proposal complies, and height in relation to boundary controls are complied with. An esplanade strip no less than 15m in width must be provided at the time of any subdivision

involving sub-precincts A or B – the proposal complies. Although they are not strictly standards, activity table I504.4.1 relating to dwellings in Sub-precinct B, says they are permitted subject to 100m² Marine Retail and Marine Industry being provided for (see Attachment 15), for marina berth parking at a ratio of no less than 0.5 spaces per berth, for 20 car and boat trailer parking spaces, and for 7,200m² of open space accessible to the public. All these are provided for as required, in some cases (eg parking) well in excess of the standards set.

8.3.3 Special information requirements (Bayswater Precinct I504.9)

An assessment of all the Special Information requirements is found in Appendix 3. Those dealing with the assessment criteria in the Bayswater Precinct provisions, and those in the Terrace Housing and Apartment Buildings Zone are covered in the following paragraphs.

The Special Information requirements in the Precinct provisions stipulate (I504.9(1)(i) that an application for dwellings or food and beverage in Sub-precinct B must be accompanied by details of how the development will be consistent with the provisions, including reference to the Standards in Table I504.4.1 (A1)(A4) Activity table, the assessment criteria in I504.8.2(2) and the assessment criteria applying to Residential - Terrace Housing and Apartment Buildings Zone in H6.8.2. The provisions and Standards have been considered above, the following deals with the assessment criteria.

Assessment Criteria I504.8.2(2)

Criteria (a) focusses on achieving the primary purpose and whether the activity is complementary to, and not limiting of the marina, ferry, and marine related activities. This matter has been previously dealt with in the policy assessment above - there will be no diminishment of marina, ferry services or marine related activities, all are provided for. Criteria (b) relates to provision for activities with a functional requirement for a coastal location. The berthage areas and services, ferry terminal, boat ramp, public open space, boardwalk, marine retail/industry provision are all activities with a functional requirement for a coastal location. Public access and measures to enhance it are the focus on (c). Public access is enhanced by improved pier heads, wider water's edge paths and boardwalks than currently exist, and parks that provide for passive recreation at the water edge. Steps will lead to the water off South Park, providing direct access for the likes of kayakers.

Criteria (d) focusses on the scale, design and materials and location of development so that it remedies or mitigates adverse effects on the coastal environment and adjacent residential and open space zoned land, with emphasis on the following - natural character, high visibility of the site, recreational, visual, and amenity effects, public access to and effects on the coastal marine area, effects on landscapes and natural features, cultural and historic heritage effects, and reverse sensitivity effects such as ongoing operational noise. Natural character and visibility of the site have been addressed in Attachment 6.2, and shown to have effects that are not significant, given the controls developed to manage development on the site.

The proposal will contribute positively to recreational, visual, and amenity values, replacing an industrial yard and open carparking with planned high quality open space, and residential activity but still providing 418 marina berths and 310 car parks for marina users. Ample space is provided for marine services, such as a chandlery or boat charter businesses. This formalised public realm, and

the people it will attract will contribute to the attractiveness of the area. There will be no effects off site on recreational amenity. The residential activity is inherently compatible with existing residential areas in Bayswater. However, proposed residential development is also well below and distanced from the nearest dwelling at the end of Marine Terrace. The proposal provides enhanced coastal edge access with wide boardwalks along the western perimeter, and large public spaces. Not only is access provided, but passive surveillance from the proposed dwellings and other activities will contribute to public safety. The main cultural assets at the precinct are those owned by the Takapuna Rowing Club and the AT land, neither of which will be impacted by the proposal due to separation distances and the maximum 12m height proposed. Any potential adverse lighting effects will be avoided by using soft lighting and ensuring no up-lighting within the North Park and related public realm. Light fittings are to be selected to avoid glare or intrusion in views over this from the north-west. Covenants on the titles for all dwellings will prevent complaints about noise and other activities in the marina that could lead to reverence sensitivity being an issue.

Criteria (e) relates to the extent to which development is located to create clearly defined active frontages that positively contribute to open spaces and the coastal edge. All units provide active residential frontages to the perimeter street edge. The Design Manual provides specific direction on achieving frontage quality. Perimeter-facing 'ground floor terraced housing ground floors will be elevated up to 1.5m above the footpath outside. The ground floor of apartments will be at street level. This allows for suitable privacy for residential at the street edge and activation with non-residential in identified key locations.

Assessment Criteria H6.8.2.

There is a suite of assessment criteria associated with the Terraced Housing and Apartment Buildings (THAB) provisions. Those considered relevant to the proposal are as follows:

(2) in respect of dwellings, list a number of relevant sub-criteria that are standards, as follows. The first is the extent to which the development achieves the purpose outlined in the following standards. The proposed development achieves the standard for maximum impervious areas (reduced), and building coverage (22% - less than the 35% permitted).

The configuration of all building footprints with openness to both street and mews and for terrace end units also to side streets or lanes will readily allow outlook space criteria requirements to be met, and the orientation of all terraced housing units to the open coastal perimeter with rear facades to the open mews courtyard means that they all have access to excellent daylight.

The standard for outdoor living space in the THAB zone is difficult to achieve the ground level – no dimension less than 4m and an area of 20 m². Clearly the proposed development is not a dedicated THAB housing development but is more of a unique mixed-use development, with residents having access to two public parks which are not further than 100 metres from any unit and immediate access to a coastal promenade. This proximity to public outdoor living area can be expected to be a major amenity feature, superior to this area of outdoor living space in an 'inland' situation. In respect of the dwelling that is above ground, the Design Manual requires the THAB standards be complied with in the terraced houses, and the apartments have much more generous balconies designed into them.

The last standard - the minimum dwelling sizes - will be met in the development.

The next suite of criteria refers to many of the THAB policies. The first wants a variety of housing types at high densities including terrace housing and apartments and integrated residential development. Note that integrated residential development is defined in the AUP and is not considered as an appropriate description for the Bayswater Maritime Precinct as communal facilities, supported residential care, welfare and medical facilities etc are not proposed. The proposal provides a variety of housing types at a density appropriate to this exceptionally accessible and high amenity location. Relative to conventional residential in this area this is high density, and it includes terrace housing and apartments.

The next policy (2), requires the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms. Although there will be a variety of forms, density is restricted by the Bayswater Marina Precinct ensuring priority of land for marina and other uses such as public space, with residential as a secondary activity. In combination with the 12m height limit, the residential intensity is restricted. However, development has been maximised within this envelope but with consideration of residential amenity and the character and quality of the public realm.

Policy (3) wants to achieve attractive and safe streets and public open spaces by providing for passive surveillance, optimising front yard landscaping, and minimising visual dominance of garage doors. Passive surveillance is provided for with windows required on all street and lane facades, and front yard landscaping is achieved with being in a centrally managed public realm. Visual dominance of garage doors is minimised with all facing into the central landscaped service courtyards.

The next relevant policy, (5) wants the height and bulk of development managed to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments. The restricted height of development in combination with openness around the perimeter and the width of the central spaces ensures excellent daylight access to these dual aspect terraces and for privacy between units. Adjoining developed sites are well away from the site with the nearest dwelling being 80m on Marine Terrace.

Accommodation (policy (6)) must be designed to provide privacy and outlook, be functional, have access to daylight and sunlight, and provide the amenities necessary to meet the day-to-day needs of residents. Outlook is provided with a combination of wide, open views for the perimeter faces of the buildings, and secondary views to the mews courtyard. The separation distances are such that all lots can meet Unitary Plan outlook space requirements. Privacy is achieved with rules limiting the extent of glazing on terrace end walls that face into lanes, and setting a minimum height above the street of occupied ground floor levels. Daylight and sunlight are generously available given openness around the perimeter and openness of the mews courtyards. All terraced houses will receive all day sun. The scheme provides for shared rubbish collection facilities and all infrastructure services.

Policy (7) requires accommodation to have useable and accessible outdoor living space – this has been addressed above with balconies, public open space close by, and, potentially roof terraces.

The final policy refers to restricting maximum impervious areas - the amount of impervious area will reduce as a result of the proposal.

Finally, there are three more assessment criteria referring to infrastructure and servicing, storage and waste collection, and traffic. There is adequate capacity for stormwater reticulation and disposal, and the system to be provided will use most of the existing outfalls. A new wastewater network will be provided on site and distributed to a new pumping station and then to Watercare's network. There is ample storage within each dwelling to store waste collection and recycling, and a central collection point in the Central Precinct will be available for all residents on the appropriate day. This collection point will be screened from adjacent areas. In respect of traffic, an extensive investigation by Stantech (Attachment 4) has demonstrated there will be no effects on the immediate transport network.

There are no further assessment criteria in the THAB zone that are relevant to the proposed development

8.3.4 Overall assessment of AUP Plan provisions

The assessment above shows a high degree of compliance with the most relevant AUP plan provisions, and this is further reinforced by the assessment set out in the table in the Appendices to this Application and AEE.

8.4 Other matters

8.4.1 Auckland Plan

The overall strategic direction for how Auckland will develop up until 2040 is set out in The Auckland Plan, which concludes that 400,000 new homes will be needed. The aim of the Auckland Plan is for a quality, compact urban form, including greater intensification in existing urban areas – this will lead, inter alia, to making public transport more viable, better use of existing infrastructure, reduced environmental effects by restricting expansion into rural areas, and greater social and cultural vitality.

In respect of transport, the Auckland Plan aims to double public transport trips by 2022, and increase the proportion of trips made by public transport into the City Centre during the morning peak. The provision of residential development at Bayswater Marina would be consistent with the Auckland Plan. It will provide for dwellings within the old MUL, the development can easily be designed to be medium to high density and therefore compact, and it is located immediately adjacent to the Ferry Terminal, making public transport more viable. Because the City Centre is just ten minutes away by ferry, residential development will be attractive to those working in the city and not wanting to use private vehicles for transport.

9.0 SECTION 106 1(A)

Section 1061(A) of the Act states:

106 Consent authority may refuse subdivision consent in certain circumstances

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) there is a significant risk from natural hazards; or

(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—

(a) the likelihood of natural hazards occurring (whether individually or in combination); and

(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b)

The project has been designed to ensure there is no significant risk from natural hazards, even taking into account the effects of climate change. In accordance with the standards set in the AUP, the assessment in this application has demonstrated that no habitable floor areas will be impacted by a 1% AEP coastal inundation event plus allowance for climate change. There is no risk from coastal erosion at the site. The eastern side of the site is protected by the Auckland Transport landholding, and the north and western sides are protected firstly by a rock rip-rap wall, and secondly by the marina basin, which is in turn protected from adverse effects of wave action by a breakwater.

10.0 PROPOSED CONDITIONS OF CONSENT

Proposed conditions of consent have yet to be drawn up and included in the application. The application is proposing that draft conditions be prepared after the application is lodged and submitted to Council for discussion.

11.0 LAPSE PERIOD FOR THE CONSENT

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time specified) it automatically lapses unless the consent authority has granted an extension. With the uncertainty arising from economic conditions in the COVID-19 pandemic, ten years would be an appropriate lapse term to reflect the potential for variable take up of the project. Therefore a 10-year lapse period is requested.

12.0 PART 2 ASSESSMENT

Parties considering the matters under s104 of the RMA must do so subject to Part 2, the Purpose and Principles of that Act.

The purpose of this Act (s5) is to promote the sustainable management of natural and physical resources - sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposed redevelopment of the BMHL land at Bayswater Marina is to be located on reclaimed land which can be regarded as a physical resource sitting adjacent to and stretching out into the much-valued natural resource of the Waitematā Harbour. The proposed development will provide social and economic well-being for the local community and for those new residents choosing to live at the Maritime Precinct by providing improved open spaces for passive recreation purposes, by providing an improved coastal accessway around the Precinct to take in coastal vistas and gain access directly to the water, and by providing for a new community which will benefit in an economic and social sense from having direct access to an efficient and fast public transport system to the Central City.

Social well-being will also be provided by having up to 350 people living in close proximity, encouraging social interaction whilst also providing a safe environment. Increased and regular use of the ferry service will also encourage social interaction, as well as providing a safe, economic, and less stressful means of transporting to the City Centre. New cafes, and work at home opportunities will also provide for a real sense of community that is currently not found at the Marina. Essentially, people living, recreating, and socialising at the Bayswater Maritime Precinct will create a new community.

And the proposed development will not come at a cost to any of the existing boat owners using the marina. The berthage area will be maintained and the car parking facility will not diminish.

The development proposal can be achieved by improving the potential of the physical resource that is the marina land and structures to sustain use and development. The 12m height limit will not affect views of neighbouring properties over the natural Harbour, but will provide views for an additional 121 homes. The natural cliff line behind the Marina will still be able to be viewed from the Harbour.

The assessments undertaken in the application have shown that the life-supporting capacity of water is not affected by the proposal because all stormwater will be treated for the first time before disposal. Air, soil and ecosystems are not affected. The assessments have also demonstrated that the effects on the environment are generally avoided (e.g., buildings being under the AUP height limit), remedied (e.g., provision of a new parking layout) or mitigated (e.g., treatment of stormwater).

Section 6.

There are several matters of national importance (S6) that are relevant to the proposal which have been recognised and provided for. Firstly, the natural character of the coastal environment (including the coastal marine area) – 6(a). The proposed urban regeneration is in line with the adjacent land use along the coastline which has already significantly changed the environment. The proposal is appropriate for the development adjacent to a man-made marina. In this context residential development on the Marina will not be out of context or be inappropriate. In respect of the coastal marine area, the natural character will not change although there will be increased numbers of people at the environment enjoying the experience of being close to the coastal marine area.

There are no outstanding natural features and landscapes near the proposed development and no areas of significant indigenous vegetation and significant habitats of indigenous fauna (6(b) and (c)).

Care has been taken to maintain and enhance public access (6(d)) to and along the coastal marine area with enhanced and widened walkways and boardwalks, with tidal steps leading to the water by South Park, and by the provision of two new parks adjacent to the coastal marine area at each end of the development. The existing marina berthage areas will be maintained, as will the boat ramp. The proposed regeneration will provide 7,515m² of publicly accessible open space.

Section 6(e), the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is an important matter to have particular regard to. After writing to 12 Iwi known to have a relationship with the site (noting that the area in previous occupations was part of the Harbour), Ngai Tai ki Tamaki was the only Iwi that responded by producing a Cultural Impact Assessment. Of relevance to the project the Assessment emphasised the importance of having a cultural monitoring on site during the earthworks phase and discovery protocols should be applied to the project if there are any cultural discoveries in the earthworks phase. The Applicant agrees to this request. Ngai Tai also wish to endorse and validate the proposed Landscape Plan proposed. BMHL also agree to that request.

Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development is relevant to the project – the Takapuna Boating Club building and the ‘old’ reclamation occupies by Auckland Transport have ‘historic heritage overlay extent of place’ notations in the AUP. Neither of these places will be impacted by the proposal.

There are no protected customary rights (6(g)) on the site.

The management of significant risks from natural hazards (6(h)) has been factored in the design of the redevelopment project, the most relevant being sea level change. All habitable floors will be above the required 1% coastal inundation plus 1m level required in the AUP to avoid risks from sea level change.

Section 7

Particular regard has been given to Section 7 matters. Twelve Iwi have been written to inviting involvement and, apart from Ngai Tai Ki Tamaki, none have raised any kitiakitanga or stewardship issues (7(a) and (aa)).

The proposed redevelopment of the BMHL land will lead to a much more intense use of the land and thereby more efficient use and development of physical resources (7(b)) at the Marina, such as the land itself, the ferry assets, and the open spaces.

Amenity values (7(c)) at and around the marina will be maintained and enhanced – The urban renewal of the marina will provide the additional open space and recreational opportunities while enhancing the existing amenity space. The perimeter walkway in particular provides additional opportunity to enjoy the coastal environment and the amenity of the coastal edge. The proposed North Park improves the visual amenity and character of the northern aspect of the marina. Public open spaces will be improved, new facilities will replace those that are degraded and in need of replacement, and

buildings will be less than 12m in height to respect the amenity of dwellings along Marine Parade and its environs.

The amenity of the immediately adjacent landholdings of Auckland Transport and Takapuna Boating Club will not be impacted. Therefore, the quality of the environment will also be maintained and enhanced (7(f)).

The proposal is very relevant to the effects of climate change (7(i)). The development is intensive and is located on a public transport node. This will lead to less reliance on private vehicles compared to the more climate friendly public transport, and the redevelopment and more efficient use of land will not contribute to urban sprawl. All habitable floors will be elevated above coastal inundation heights taking into account climate change (1m above the 1% AEP coastal inundation level).

Treaty of Waitangi

The partnership principles of the Treaty of Waitangi (Te Tiriti o Waitangi) have been taken into account by consulting with relevant Iwi. There are no other Treaty issues.

13.0 NOTIFICATION ASSESSMENT

The Bayswater Precinct provisions at I504(2) requires the following:

“Any application for resource consent for any of the following activities must be publicly notified: (a) Dwellings; and/or (b) Food and beverage”.

Therefore, the Applicant requests the application be publicly notified.

14.0 CONCLUSION

This application has presented an innovative and ambitious proposal for the re-development of land at Bayswater Marina to form Bayswater Maritime Precinct. The proposals presented in the application have demonstrated there is a much more efficient use of the land possible than the one that currently exists, one that will enhance and complement those uses that have been termed “primary purpose” activities, while providing for a new living environment.

The proposal will see tired existing facilities replaced with modern, new and enhanced public good facilities. New residents will live just 8 minutes from Central Auckland using the existing ferry service, and Bayswater Maritime Precinct will become a destination choice for visitors. Detailed assessments accompanying the application have demonstrated that the proposal can proceed with limited potential or actual effects on the environment and overall, the proposed development has been shown to be consistent with the relevant provisions of the various statutory documents that govern development on this site.

APPENDIX 1: RELEVANT ACTIVITY STANDARDS

(As required by C1.8(2) of the AUP and Special Information Requirements I504.9(1)(i))

Under C1.8(2) of the AUP, when considering an application for resource consent for an activity that is classed as a discretionary activity the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.

Standard	Assessment
I504 Bayswater Marina Precinct	
I504.6.2. Height (1) Buildings up to 12m in height above ground level in Sub-precinct B. (2) Buildings up to 10m in height above mean sea level across the rest of the precinct.	Complies. All three apartment buildings will be less than 12m, and the terraces will be required to be 12m or less in the Design Manual.
I504.6.3. Height in relation to boundary (1) Height in relation to boundary controls on the boundaries adjacent to any landward zoning must be the same as the height in relation to boundary controls applying to that landward zoning. Adjacent Council owned land is zoned Informal Recreation Zone. That zone requires HRB (H7.11.2(2)) to be the yard and/or setback standards that apply in the adjoining zone apply to the boundary directly adjoining the open space boundary. Therefore, the relevant yard is the yard specified in the Coastal - Marina Zone (see below).	Complies. The proposal complies because there is a road between any buildings and the adjacent Informal Recreation Zone – a 5m yard is required as the height in relation to boundary.
I504.6.4. Esplanade Strip (1) An esplanade strip of no less than 15m in width must be provided at the time of any subdivision involving sub-precincts A or B.	Complies. An esplanade strip with a minimum width of 15m has been provided for.
I504.6 Standards – states the overlay, zone and Auckland-wide standards apply in the Bayswater Precinct – see following.	
F3 Coastal – Marina zone	
F3.6.1.(3) Building height: 5m above mhws maximum in the CMA, and 9m above ground level on land.	Precinct provisions apply and are complied with - see above. There are no other buildings exceeding 5m in the CMA, and the only buildings exceeding 9m on land are in Sub-precinct B where residential development complies with the Precinct standard.
F3.6.2. Yards – Front 3m; Rear 5m where a rear boundary adjoins a residential or open space zone; or a reserve vested in the	Complies – all yards are complied with as there will be an access road between the development and adjacent land.

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Council, Side 5m where the side boundary adjoins a residential or open space zone;	
F3.6.3. (1) Building coverage - the maximum permitted building coverage or cumulative total area of buildings on land must not exceed 35 per cent of the land area.	Complies – Building coverage will be 22.75%, less than the 35% allowed in the Zone.
F3.6.4.(1) Height in relation to boundary	Precinct provisions apply – see I504 above.
F3.6.5. Storage and screening (1) - Any outdoor storage or rubbish collection areas that directly face and are visible from a residential, rural or open space zone must be screened from those areas by a solid wall or fence at least 1.8m high.	Complies - All outdoor storage or rubbish collection areas will be screened from view. The proposal is to have central rubbish collection areas for residents to enable easy removal and to improve wider amenity. Rubbish collection facilities etc will continue to be provided at the top of gangways for berth holders.
F3.6.6. Marine retail - (1) the gross floor area of an individual retail tenancy must not exceed 300m ² , and (2) the total cumulative gross floor area of retail activities within the marina must not exceed 1,000m ² .	Complies - No marine retail tenancy will be greater than 300m ² and total retail will be less than 1,000m ² .
D14 Volcanic Viewshafts and Height Sensitive Areas Overlay	
D14.6. Standards All activities listed as permitted and restricted discretionary in Table D14.4.1 must comply with the following standards. D14.6.1. Height	The relevant viewshaft is T3, Rangitoto Island. The minimum height of this viewshaft is 40.3m high. The maximum height of the proposed development is 12m, well below the viewshaft level at the Marina.
E 8 Stormwater – Discharge and Diversion	
E8.6 Standards - Stormwater – Discharge and diversion	
E8.6.1. General standards. All permitted activities, controlled activities and restricted discretionary activities listed in Table E8.4.1 Activity table must meet the following standards, except for activity E8.4.1(A1) Stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network. (1) The design of the proposed stormwater management device(s) must be consistent with any relevant precinct plan that addresses or addressed stormwater matters.	The precinct plan does not address stormwater matters

Standard	Assessment
<p>(2) The diversion and discharge must not cause or increase scouring or erosion at the point of discharge or downstream.</p> <p>(3) The diversion and discharge must not result in or increase the following: (a) flooding of other properties in rainfall events up to the 10 per cent annual exceedance probability (AEP); or (b) inundation of buildings on other properties in events up to the 1 per cent annual exceedance probability (AEP).</p> <p>(4) The diversion and discharge must not cause or increase nuisance or damage to other properties.</p> <p>(5) The diversion and discharge of stormwater runoff must not give rise to the following in any surface water or coastal water: (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (d) the rendering of fresh water unsuitable for consumption by farm animals; or (e) any significant adverse effects on aquatic life.</p>	<p>Complies – existing outfalls will be utilised with two to be upgraded, and one new outfall discharging into the northern end of the marina basin. All outfalls will be designed to ensure scouring and erosion do not occur at the discharge points – see Engineering and Infrastructure report.</p> <p>There will be no flooding or inundation of properties as there are no properties or buildings downstream, plus the stormwater system and overland flow paths have been designed to cater for all flood flows – see Engineering and Infrastructure report.</p> <p>Complies. There are no other downstream properties between the site and the receiving environment</p> <p>Complies – all discharges will be treated to GD01 standard. Currently the site contains a large proportion of impervious carparking area with minimal stormwater quality treatment provided. The proposal will improve the water quality of the stormwater discharge from the site.</p>
<p>E8.6.2.2. Diversion and discharge of stormwater runoff from lawfully established impervious areas as at 30 September 2013 not directed to a stormwater network or a combined sewer network</p> <p>(1) As a result of a new land use activity, a change in land use or the removal of existing stormwater management measures, stormwater flows and volumes from the existing impervious areas must not be increased above those that would result from lawfully established impervious areas existing as of 30 September 2013.</p> <p>(2) As a result of a new land use activity, a change in land use or the removal of existing stormwater treatment measures the concentration and load of contaminants in stormwater flows from existing impervious areas must not be increased above those that would result from lawfully established</p>	<p>Complies – there will be no increase in flows or volumes. Impervious areas across the site will be reduced as a result of the proposal.</p> <p>Complies – stormwater will be treated, reducing contaminant loads. At present there is very limited treatment.</p>

Standard	Assessment
<p>impervious areas existing as of 30 September 2013.</p> <p>(4) Any existing stormwater management devices must not be reduced, and the location of the discharge must not change.</p>	<p>Stormwater devices will not be reduced in size. Two exiting stormwater outlets, leading into the south and central marina basin, will be increased in size.</p>
<p>E9 Stormwater quality – High contaminant generating car parks and high use roads</p>	
<p>E9.6.1.1. General (1) Any required stormwater management device or system is built generally in accordance with design specifications and is fully operational within three months of commencement of the high contaminant generating car park or high use road.</p> <p>(2) ‘As built’ plans for any required stormwater management device or system are provided to the Council within three months of the practical completion of the works.</p> <p>(3) Any required stormwater management device or system is operated and maintained in accordance with best practice for the device or system.</p>	<p>The development will comply. It is proposed that this be a condition of consent.</p> <p>This should be a condition of consent.</p> <p>This should be a condition of consent.</p>
<p>E9.6.2.1. Development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m²:</p> <p>(1) The development of a new or redevelopment of an existing high contaminant generating car park must not be located in an industrial and trade activity area.</p> <p>(2) Stormwater runoff from an impervious area used for a high contaminant generating car park must be treated by stormwater management device(s).</p> <p>(3) Where a high contaminant generating car park is more than 50 per cent of the total impervious area of a site, stormwater runoff from the total impervious area on the site must be treated by stormwater management device(s).</p>	<p>Complies - The development is not located in an industrial and trade activity area.</p> <p>Complies - Stormwater management devices will be provided to treat all runoff from impervious surfaces.</p> <p>Complies - The proposed carpark area (including access and manoeuvring areas) makes up 63% of the total impervious area. AUP rule E9.6.2.1 requires that stormwater treatment devices compliant with Auckland Council GD01 are provided for all impervious areas, including roofs. This will be provided by way of raingardens and bioretention tree pits located along the road edges and in the central courtyards. A grass swale is also proposed running along the western edge of the site which will provide some additional</p>

Standard	Assessment
<p>(4) The stormwater management device(s) must meet the following: E9 Stormwater quality – High contaminant generating car parks and high use roads Auckland Unitary Plan Operative in part 5 (a) the device or system must be sized and designed in accordance with ‘Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)’; or (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ‘Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)’.</p>	<p>stormwater quality treatment. In order to provide treatment of the roof runoff, it is proposed to provide proprietary treatment devices (hydrodynamic separators or filtration devices) located on the pipe networks. Seven proprietary devices will be required as shown on the stormwater plans. The specific proprietary treatment devices will be specified and designed at the building consent design stage and will be capable of providing treatment in accordance with GD01. Stormwater360 StormFilters or similar devices are anticipated Complies - All stormwater treatment devices will be in accordance with GD01.</p>
<p>E 11 Land Disturbance – Regional All activities listed as restricted discretionary activity in Table E11.4.1, must comply with the following permitted activity standards:</p>	
<p>(1) Land disturbance must not, after reasonable mixing, result in any of the following effects in receiving waters: (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (e) any significant adverse effects on aquatic life.</p>	<p>Complies - All earthworks (land disturbance) will be limited to the development phase and quickly remediated, discharges from impervious surfaces treated to GD01 standards to ensure there are no adverse effects upon receiving waters.</p>
<p>(2) Best practice erosion and sediment control measures must be implemented for the duration of the land disturbance. Those measures must be installed prior to the commencement of land disturbance and</p>	<p>Complies – The project will comply with Auckland Council ‘Guidance Document 2016/005 Erosion and Sediment Control Guideline for Land Disturbing Activities (GD05)</p>

Standard	Assessment
maintained until the site is stabilised against erosion.	
(3) Dewatering of trenches and other excavations must be done in accordance with best practice and must not result in a discharge of untreated sediment laden water to any stormwater reticulation system or water body.	Complies - Dewatering will occur during the site development and building development phases. All water derived from dewatering during the site and building development phases will be treated to remove sediment before being discharged;
E12 Land disturbance – District	
All activities listed as restricted discretionary activity in Table E12.4.1 must comply with the following standards.	
(2) Land disturbance must not result in any instability of land or structures at or beyond the boundary of the property where the land disturbance occurs.	Complies – the seawall on the seaward boundaries of the site must be protected to preserve the company’s marina assets and to maintain stability of the land itself. To the east will be Auckland Transport land which is currently a loosely formed car parking area. Although there will be earthworks adjacent to the Auckland Transport land this will be mainly filling up to 600mm, all consolidated to form the site’s main accessway and car/boat trailer parking. There will be no instability on adjacent land resulting.
(3) The land disturbance must not cause malfunction or result in damage to network utilities, or change the cover over network utilities so as to create the potential for damage or malfunction	Complies – new network facilities will be needed to accommodate development on the site.
(5) Measures must be implemented to ensure that any discharge of dust beyond the boundary of the site is avoided or limited such that it does not cause nuisance	Complies – dust control mechanisms will be incorporated into the site works programme, including use of water spreaders when needed, and remediation of earth worked areas as soon as possible through sealing of areas (eg new road surfaces), revegetation or other measures.
(12) Earthworks (including filling) within overland flow paths must maintain the same entry and exit point at the boundaries of a site and not result in any adverse changes in flood hazards beyond the site, unless such a change is authorised by an existing resource consent.	Complies – this is a confined and largely flat site with only two neighbours, the coastline and Auckland Transport. There will be no flood hazards resulting beyond the site, and once developed, overland flow paths will not change.
E15 Vegetation management and biodiversity	There are no standards in E15.6 relevant to the application
E16 Trees in open space zones	

Standard	Assessment
All permitted and restricted discretionary activities listed in Table E16.4.1 must comply with the following standards.	
<p>E16.6.1. Tree trimming or alteration</p> <p>(1) The maximum diameter of any branch removed must be no greater than 100mm at severance.</p> <p>(2) No more than 20 per cent of live growth of the tree may be removed in any one calendar year.</p> <p>(3) All works must be carried out in accordance with best arboricultural practice.</p> <p>(4) All trimming or alteration must retain the natural shape, form and branch habit of the tree.</p> <p>(5) Any diseased tree material is to be treated in accordance with the Biosecurity Act 1993.</p>	<p>Does not comply in most cases – approval is sought to remove trees from the applicant’s site, although many will be transplanted. Any pruning of AT trees will comply.</p> <p>Does not comply – approval is sought to remove trees from the applicant’s site, although many will be transplanted.</p> <p>Complies – see arboricultural assessment, Attachment 5</p> <p>Complies – see arboricultural assessment, Attachment 5, although little trimming will be undertaken.</p> <p>Complies in general - see arboricultural assessment, Attachment 5.</p>
<p>E16.6.2. Works within protected root zone</p> <p>(1) For roots less than 60mm in diameter:</p> <p>(a) excavation undertaken by hand digging or air spade or hydro vac or machine excavator within the protected root zone without direction and/or supervision of a qualified arborist:</p> <p>(i) the surface area of a single excavation shall not exceed 1m²;</p> <p>(ii) works involving root pruning must not be on roots greater than 35mm in diameter at severance;</p> <p>(iii) works must not disturb more than 10 per cent of the protected root zone;</p> <p>(iv) any machine excavator must operate on top of paved surfaces and/or ground protection measures; and</p> <p>(v) any machine excavator must be fitted with a straight blade bucket.</p> <p>(b) excavation undertaken by hand digging, air spade, hydro vac or machine excavator within the protected root zone with direction and/or supervision of a works arborist:</p> <p>(i) works must not disturb more than 20 per cent of the protected root zone;</p>	<p>Complies - see arboricultural assessment, Attachment 13, in respect of the trees on AT land.</p>

Standard	Assessment
<p>(ii) works involving root pruning must not be on roots greater than 60mm in diameter at severance;</p> <p>(iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures; and</p> <p>(iv) any machine excavator must be fitted with a straight blade bucket.</p> <p>(c) excavation undertaken by trenchless methods must not be undertaken at a depth less than 800mm below ground level.</p> <p>(d) replacement of existing structures, kerbs, and hard surfaces within the protected root zone must be done so that:</p> <p>(i) the removal of the surface is carried out without damage to any tree roots; and</p> <p>(ii) the machine excavator must operate on top of paved surfaces and/or ground protection measures and must be fitted with a straight blade bucket.</p> <p>(e) Standard E16.6.2(1)(a),(b),(c) and (d) does not apply to any tree works undertaken inside existing infrastructure such as pipes and meter boxes.</p> <p>(2) For roots greater than 60mm but less than 80mm in diameter:</p> <p>(a) excavation undertaken by hand digging, or air spade, or hydro vac or machine excavator within the protected root zone with direction and/or supervision of a qualified arborist:</p> <p>(i) works must not disturb more than 20 per cent of the protected root zone;</p> <p>(ii) works involving root pruning must not be on roots greater than 80mm in diameter at severance; (iii) any machine excavator must operate on top of paved surfaces and/or ground protection measures;</p> <p>(iv) any machine excavator must be fitted with a straight blade bucket; and</p> <p>(v) the Council's manager for Parks, Sports and Recreation must be notified prior to commencing work.</p>	

Standard	Assessment
E25 Noise	
<p>E25.6.1. General standards (1) Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard NZS 6801:2008 Measurement of environmental sound and the New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise except where more specific requirements apply. (3) The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS6803:1999 Acoustics – Construction noise.</p> <p>E25.6.11. Noise levels in the Coastal – Marina Zone (1) The noise (rating) level arising from an activity in the Coastal – Marina Zone measured within the boundary of any other site in this zone must not exceed the levels in Table E25.6.7.1 Noise levels in the Coastal – Marina Zone - All times 60dB LAeq</p> <p>E25.6.17. Open Space – Sport and Active Recreation Zone interface (1) The noise (rating) level and maximum noise level arising from any recreational activity in the Open Space – Sport and Active Recreation Zone</p>	<p>Complies – see Acoustic Assessment Marshall Day</p> <p>Complies – see Acoustic Assessment Marshall Day</p> <p>Complies, although these standards are not appropriate for the development proposed</p>
E27 Transport	
All activities in Table E27.4.1 must comply with the following standards.	
E27.6.1. Trip generation (1) Where a proposal exceeds 100 dwellings, RDA consent required	Complies - RD consent has been applied for as part of this application and a transport/traffic assessment undertaken and provide with this application.
E27.6.2. Number of parking and loading spaces (1) The number of parking spaces: (a) must not exceed the maximum rates specified; (b) must meet the minimum rates specified; or (c) must meet the minimum rates and not exceed the maximum rates specified	Complies in all aspects – see parking plan. In particular the number of car parks per berth required per berth (minimum of 0.5 Table I504.4.1 (A1)) is exceeded, and all dwellings will have a minimum of one car park per dwelling.

Standard	Assessment
(2) Where a minimum rate applies and a site supports more than one activity, the parking requirement of each activity must be separately determined then combined to determine the overall minimum site rate	Complies
E27.6.3. Design of parking and loading spaces	Complies with all standards in E27.6.3
E38 Subdivision – Urban	
E38.6 All subdivision listed in Tables E38.4.1 to E38.4.5 Activity tables must comply with the standards set out in E38.6 General standards for subdivision unless otherwise specified, as well as the standards in E38.7 Standards for subdivision for specific purposes to E38.10 Standards for subdivision in open space zones as relevant.	
E38.6. General standards for subdivision	
E38.6.1. Site size and shape (1) Except where the purpose of the site is for a network utility (including a site to be vested in Council), sites must meet one of the following: (b) be in accordance with an approved land use resource consent;	Complies. Resource consent has been applied for.
E38.6.2. Access and entrance strips (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following: (a) are being created for reserves and network utilities; or (b) will be amalgamated with another site that already has legal and physical access to a road. (2) Entrance strips must be less than 7.5 metres wide unless otherwise stated.	Complies. All sites have legal and physical access to Sir Peter Blake Parade. The entrance strip width complies with the standards set out in E27, Transport, and will be a minimum width of 5.5m.
E38.6.3. Services (1) For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services: (a) collection, treatment and disposal of stormwater; (b) collection, treatment and disposal of wastewater; (c) water supply; (d) electricity supply; and (e) telecommunications	Complies. All services are available – see Engineering report and drawings accompanying the application. Stormwater will be treated to Council standards, wastewater discharged to the Watercare network, water supplied from the Watercare network. All electricity and telecom services are incorporated into the development design.
E38.6.4. Staging (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This must include all of the following:	Complies – The development will be undertaken in two phases three stages - see the Staging Plan accompany the Engineering Report. The Plan incorporates the size and timing of stages, and includes the balance

Standard	Assessment
<p>(a) the time period over which the development is likely to take place;</p> <p>(b) the areas of land subject to the proposed stages; and</p> <p>(c) the balance area of the site remaining after the completion of each stage.</p>	<p>areas remaining after completion of each stage.</p>
<p>E38.6.5. Overland flow paths</p> <p>(1) All subdivision must be designed to incorporate overland flow paths on the site.</p> <p>(2) Stormwater must exit the site in a location that does not increase the risk of hazards to downstream properties.</p>	<p>Complies - see Engineering report and drawings accompanying the application</p>
<p>E38.6.6. Existing vegetation on the site</p> <p>(1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:</p> <p>(b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.</p>	<p>Not relevant</p> <p>Complies – all existing indigenous vegetation is shown on the site landscape plans and site plans, as is the adjacent harbour areas.</p>
<p>E38.7. Standards for subdivision for specific purposes</p>	
<p>E38.7.2.3. Unit title subdivision</p> <p>(1) All buildings must meet one of the following:</p> <p>(a) have existing use rights;</p> <p>(b) comply with the relevant Auckland-wide and zone rules; or</p> <p>(c) be in accordance with an approved land use resource consent.</p>	<p>Complies – the subdivision will be in accordance with an approved resource consent, and will comply with the rules of the plan.</p>
<p>E38.10. Standards for subdivision in open space zones (By virtue of F3.4 - The provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified ...)</p>	
<p>E38.10.1. Standards – open space restricted discretionary activities; Subdivision listed in Table E38.4.4 Subdivision in open space zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.10.1 Standards – open space restricted discretionary activities as relevant.</p>	<p>Complies</p> <p>The Open Space – Active Recreation zone is the land zoning underlying the Marina Zone, the Bayswater Precinct Zone and the marina Zone do not deal with subdivision. The proposal complies with E38.6 General standards for subdivision – see above.</p> <p>In relation to E38.10.1 there is one standard that is relevant – the standard referred to above relating to General standards. There is only one other standard, relating to subdivision around existing buildings and development (E38.10.1.2) and it is not relevant to this application as there is no subdivision around existing buildings or development proposed.</p>

Standard	Assessment
<p>E38.10.1.1. Subdivision in accordance with an approved land use resource consent</p> <p>(1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.</p>	<p>Complies – An application for land use consent has been applied for.</p>
<p>E36. Natural hazards and flooding</p>	
<p>E36.4.1 (A12)</p> <p>The standard referred to in Rule E36.4.1(A12) is as follows:</p> <p><i>E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area</i></p> <p>(1) <i>Finished floor levels of habitable rooms must be above the inundation level of the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area.</i></p>	<p>Complies. All proposed habitable floor levels in the development will be above the 1% AEP coastal inundation plus 1m of sea level rise elevation, as shown on the engineering drawings.</p>
<p>F2 Coastal – General Coastal Marine Zone</p>	
<p>F2.21.10. Standards – Structures</p>	<p>The standards have been assessed as not being relevant. Of more relevance are those of the stormwater provisions.</p>
<p>The Bayswater Marina Precinct Special Information Requirements - I504.9(1)(i) - requires details of how the development will be consistent with the provisions, including reference to the Standards in Table I504.4.1 (A1)(A4) Activity table. The following provides the assessment of the proposal against those standards.</p>	
<p>Gross floor area for Marine Retail and Marine Industry - 100m²</p>	<p>Complies. In excess of 100m² is provided – see Attachment 2 Apartment Architecture.</p>
<p>Marina berth parking at a ratio of no less than 0.5 spaces per berth</p>	<p>Complies – 310 car parks are provided so the ratio provided in the proposal is 0.76 spaces per berth – see Site Plan.</p>
<p>20 car and boat trailer parking spaces</p>	<p>Complies – 20 spaces are provided along the extended Sir Peter Blake Parade – see Site Plan.</p>
<p>Open space accessible to the public (not including any parking spaces or vehicle access areas) – 7,200m²</p>	<p>Complies – space provided is 7,515m² – Attachment 6.1 Landscape Concept Package.</p>
<p>E40 Temporary activities</p>	
<p>None of the standards are considered relevant to the proposal</p>	
<p>H7 Open Space Zones (Sports and Active Recreation zone)</p>	
<p>H7.11 Standards</p>	

Standard	Assessment
H7.11.1 Building Height: Buildings must not exceed 10m in the Open Space – Sport and Active Recreation Zone	Does not comply. However, the Bayswater Marina Precinct Provisions provide for buildings up to 12m in Sub-precinct B where the buildings will be dwellings and Apartment buildings will be constructed.
H7.11.3. Yards: Side yard 3m Coastal Protection yard: 10m from mean high water springs (Sport and Active Recreation zone)	Does not comply where the 0.5m retaining wall is less than 3m from the adjoining AT land. Complies
H7.11.5. Gross floor area threshold: 1) The gross floor area of individual buildings, including any external additions or alterations, must not be more than 150m ² in the Sports and Active Recreation Zone.	Does not comply. The dwellings are up to 280m ² and the apartment buildings considerably more.
H7.11.6. Maximum site coverage (total area of buildings): the maximum permitted site coverage is 30%.	Complies. The maximum area of buildings proposed on the site is 7600m ² or 22.7% of the site.
H7.11.7. Maximum impervious area: The maximum impervious area must not exceed 40%.	Does not comply. However, the level of impervious currently existing is a permitted use. The existing site is largely asphalt. The total pervious area, Pre-development is 6,200m ² , and impervious 27,200m ² . Post development the Pervious area will be 7,530m ² , and Impervious area 25,870m ² . So the proposed development will reduce the amount of impervious area slightly.

APPENDIX 2: I504.9 SPECIAL INFORMATION REQUIREMENTS

The Special Information requirements in the Precinct provisions lists a number of matters that an application for dwellings or food and beverage activities in Sub-precinct B must be accompanied by, as well as the Standards in Table I504.4.1 (A1)(A4) Activity table, the assessment criteria in I504.8.2(2), and the assessment criteria applying to Residential - Terrace Housing and Apartment Buildings Zone in H6.8.2. The following tables consider all those matters that have not been considered in the main body of the report above.

Provision	Assessment
Bayswater Marina Precinct, at I504.9. Special Information requirements	
(1) An application for dwellings or food and beverage activities in Sub-precinct B must be accompanied by the following information:	
(a) the overall context of the application area relative to existing buildings, open space, boundaries between the sub-precinct and adjoining sub-precincts, and any approved buildings;	Existing buildings will be removed. The context of the application area allows for open space mainly along the coastal fringes, with dwellings confined to sub-precinct B.
(b) the exact location and design of vehicle access and car parking (including any proposed shared parking) and: (i) an assessment of traffic generation having regard to the safe and efficient operation of the internal and adjacent road network, including the operation of public transport and the movement of pedestrians, cyclists and general traffic; (ii) an assessment of parking, confirming the amount of parking is adequate for the application area and the proposal, including consideration of effects on alternative parking available in the area and access to the public transport network.	See the Transportation Assessment (Stantech) attached to the application. Traffic generation and movement has been assessed and the effects on the adjacent road network are minimal. Public transport usage is enhanced with the close location of the ferry terminal and there are adequate networks for pedestrian and cycling movements. Parking has been assessed in detail and is adequate for the site, and provides parking for berth holders that is slightly improved with the accessibility provide pre- development. Parking for the ferry terminal is provide by Auckland Transport on its land.
(c) identification of the main pedestrian routes that provide circulation around each sub-precinct area and between sub-precincts, showing how they are integrated with the coastal margin, public transport nodes and bus stops;	See Site Plan, Landscape Plan, and Transportation Assessment report. Emphasis has been placed on providing walkways and combined walking/vehicle streets to facilitate easy pedestrian circulation around the site and across the site through the various gaps in buildings. A coastal walkway is to be provided around the site to facilitate access to the coastal margin, to the ferry terminal, and to the bus stop.
(d) the exact location and design of proposed areas of: (i) open space; (ii) public pedestrian access to and along the coastal marine area;	Open space, accessible to the public, in excess of the minimum required in the Precinct provisions is being provided, and in particular with one park in the north and one in the south. Pedestrian access around the CMA is

Provision	Assessment
	being enhanced by wider boardwalks than the existing narrow paths to create a promenade effect. Steps will lead down to the water's edge off South Park.
(e) the location of building platforms;	All building platforms are set out on the plans accompanying the application.
(f) the landscape concept for the application area;	A full landscape plan and package is provided with the application, including landscape proposal, park details, boardwalk details, tree strategy etc.
(g) the proposed location of residential and non-residential activities;	All are set out on the site plan, unit title plan, architecture drawings.
(h) a staging plan illustrating and explaining any intended staged implementation of all development proposed in Sub-precincts A and B and the means of managing any vacant land through the staging process;	A staging plan for construction of infrastructure and services is provided in the Engineering and Infrastructure report and is set out in Section 5.10 of the AEE above.
(i) details of how the development will be consistent with the provisions, including reference to the Standards in Table I504.4.1 (A1)(A4) Activity table, the assessment criteria in I504.8.2(2) and the assessment criteria applying to Residential - Terrace Housing and Apartment Buildings Zone in H6.8.2;	See the assessment of standards, and assessment criteria following in the main body of the report.
(j) how sub-precincts will integrate with each other and other surrounding land and the coast;	See the Urban Design Report, the Design Manual, and the Landscape Concept Package for details on how this is to be achieved. Sub-precincts A and B are proposed for most of the development that will occur at the site. Sub-precinct A is closest to the coastal water, is to be free of building development, and is where most public good facilities will be located. The area will be set aside as an esplanade strip. This area includes walkways, open space areas, parks, and children's play areas. These areas have the coastline as a backdrop and open out to the water to provide a sense of spaciousness and connection with the water. Most of the berth holder car park will also be located in Sub-precinct A. Sub-precinct B on the other hand is where most building development will occur, including apartments, terraced houses, and commercial tenancies. These will sit behind the open space areas, but access directly onto the esplanade strip to ensure good integration. Pedestrian access through and across Sub-precinct A to B the residential is encouraged by the use of several lanes and roads that cut

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	across the site, facilitating easy integration of access across all parts of the site.
(k) how the development provides or facilitates adequate transport connections, including connections to the surrounding road network;	See the transportation assessment for details. Dwellings will house up to 350 people, increasing demand for ferry transport, to the Central City, and bus usage toward Takapuna. The ferry terminal will remain, and the local road network will cater adequately for any increases in motor vehicle movements.
(l) identification of potential reverse sensitivity issues and how they are proposed to be remedied or mitigated.	The main potential reverse sensitivity issue is the potential for dwellings to be affected by activities, such as noise from boat motors and halyard slap, from the adjoining marina. The acoustic assessment (see Attachment 5) has assessed the design of the apartment buildings which will have glazing appropriate to ensure they are protected from unwanted external noises. Similar controls are inserted into the Terraced Housing Design Manual and Guidelines. Further, each title will be subject to a no-objection covenant in favour of the neighbouring Bayswater Marina (see Appendix 6 of Attachment 13). The purpose of this covenant is to ensure that the ongoing operation of the marina is not compromised or frustrated by new residential activity in the vicinity.

APPENDIX 3: RELEVANT ASSESSMENT CRITERIA:

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E7 Taking and diversion of water	
E7.8.2 Assessment Criteria	
(1) all restricted discretionary activities: (a) the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated; (10) Whether the proposal to divert groundwater will ensure that: (a) the proposal avoids, remedies or mitigates any adverse effects on: (i) scheduled historic heritage places and scheduled sites; and	The taking and diversion is associated with sea water intrusion under the marina. No Mana Whenua values have been identified at this location although accidental discovery protocols will be part of conditions applied to the consent. There are no scheduled historic places or sites on BMHL land.

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<p>(ii) people and communities;</p> <p>(b) the groundwater diversion does not cause or exacerbate any flooding;</p> <p>(c) monitoring has been incorporated where appropriate, including:</p> <p>(i) measurement and recording of water levels and pressures; and</p> <p>(ii) measurement and recording of the movement of ground, buildings and other structures;</p> <p>(d) mitigation has been incorporated where appropriate including:</p> <p>(i) minimising the period where the excavation is open/unsealed;</p> <p>(ii) use of low permeability perimeter walls and floors;</p> <p>(iii) use of temporary and permanent systems to retain the excavation; and</p> <p>(iv) re-injection of water to maintain groundwater pressures;</p> <p>(11) Whether the proposal to drill holes or bores demonstrates that the location, design and construction:</p> <p>(a) complies with the New Zealand Standard on the Environmental Standard for Drilling of Soil and Rock (NZS 4411:2001);</p> <p>(b) prevents contaminants from entering an aquifer;</p> <p>(c) prevents cross-contamination between aquifers with different pressure, water quality or temperature;</p> <p>(d) prevents leakage of groundwater to waste;</p>	<p>The taking will be temporary taking a limited time whilst construction is underway on building the three basements for the apartment buildings. All basements will be sealed so any diversion of ground (sea) water will not impact upon the basements and cause flooding.</p> <p>No monitoring is needed, and potential effects are mitigated by sealing the basements from groundwater intrusion.</p> <p>The excavation of taking will be very limited, with the basements pre-cast and pre-sealed.</p> <p>The proposal will require holes/bores to be drilled for construction/foundation purposes, but all will be required to comply with the NZS. There are no contaminants that will be use dint his process.</p> <p>There is no aquifer that could be cross-contaminated – the site is a historic reclamation of the coastal area. Holes/bore will be drilled for foundation purposes only.</p>
E11 Land disturbance – Regional	
E11.8. Assessment criteria	
<p>(1) All restricted discretionary activities:</p> <p>(a) whether applicable standards are complied with;</p> <p>(b) the proximity of the earthworks to any water body and the extent to which erosion and sediment controls and the proposed construction methodology will adequately avoid or minimise adverse effects on:</p> <p>(i) water quality including of the coastal marine area;</p> <p>(ii) ecological health including of the coastal marine area;</p> <p>(iii) riparian margins;</p> <p>(iv) the mauri of water; and</p> <p>(v) the quality of taiāpure or mahinga mātaimai.</p>	<p>The erosion and sediment control design has been prepared in accordance with GD05. The Waitemata Harbour Coastal Marine Area (CMA) is the receiving environment for the site. The catchment area of Shoal Bay is approximately 457ha and the site has an area of 3.34ha which is approximately 0.7% of the catchment. The proposed erosion and sediment controls are designed to prevent sediment laden runoff from being discharged from the site and therefore to minimise effects on the downstream environment. No adverse impact on the CMA is anticipated.</p>

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<p>(c) the extent to which the earthworks minimises soil compaction, other than where it benefits geotechnical or structural performance;</p> <p>(d) the proximity of the earthworks to areas of significant ecological value and the extent the design, location and execution of the works provide for the maintenance and protection of these areas;</p> <p>(e) whether monitoring the volume and concentration of sediment that may be discharged by the activity is appropriate within the scale of the proposed land disturbance; and</p> <p>(f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works.</p> <p>(g) the extent to which appropriate methods are used to prevent the spread of total control pest plants or unwanted organisms (as listed under the Biosecurity Act 1993), such as kauri dieback disease.</p>	<p>Substantial soil compaction will be required over most of the site in order to construct the proposed pavements. This compaction is required to ensure structural performance of the pavements. The building foundations will be piled into bedrock and therefore high levels of soil compaction are unlikely to be required in the areas where buildings are to be constructed. It should be noted that the site soils are of poor quality and settlement has occurred since the marina was constructed.</p> <p>The proposed earthworks are not in proximity to any areas of significant ecological value.</p> <p>Monitoring by Council is anticipated for this site in addition to that provided by the contractors and Engineers. Monitoring will be undertaken by the bulk earthworks contractor and the controls will be checked before and after periods of heavy rain. Controls will also be checked by the Engineer at least once a fortnight. A specific monitoring programme is not warranted for this site other than regular weekly or fortnightly visits by Council’s Erosion and Sediment Control Team.</p> <p>The bulk earthworks will be undertaken in three primary stages as documented on the erosion and sediment control plans. Each stage will be progressively stabilised with metal or topsoil and hydroseeding. Staging the bulk earthworks will help to minimise the adverse effects associated with the bulk earthworks. No pest plants or unwanted organisms have been identified on the site.</p>
<p>E9 Stormwater quality – High contaminant generating car parks and high use roads</p>	
<p>E9.7.2. Assessment criteria</p>	
<p>(1) for development of a new or redevelopment of an existing high contaminant generating car park greater than 5,000m²:</p> <p>(a) the extent to which the proposed stormwater management device minimises</p>	<p>The existing site has no effective stormwater treatment – treatment proposed in the</p>

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<p>adverse effects on the environment having regard to the nature and sensitivity of the receiving environment;</p> <p>(b) whether the stormwater management device is appropriately designed, sized and operated for the site and contaminants of concern;</p> <p>(c) whether the stormwater management device is durable and will achieve the performance requirements in the long term; and</p> <p>(d) the extent to which operation and maintenance plans have been provided to manage the stormwater management device(s).</p>	<p>redevelopment will treat all discharges as well as trying to control contamination at source, eg roofing materials.</p> <p>The new stormwater system is sized for the proposed development – see Engineering and Infrastructure Report – with treatment techniques in compliance with Council’s GDO1 guidelines.</p> <p>All systems are designed for the lifetime of the development of the new Precinct, and will be maintained by the new body corp.</p> <p>These plans will be developed once resource consent is granted and maintenance contracts let.</p>
E12. Land disturbance – District	
E12.8.2. Assessment criteria	
<p>(1) all restricted discretionary activities:</p> <p>(a) whether applicable standards are complied with;</p> <p>(b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;</p> <p>(c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;</p> <p>(d) whether the earthworks and final ground levels will adversely affect overland flow</p>	<p>The erosion and sediment control design has been prepared in accordance with GD05. A Noise and Vibration Assessment of the proposed development has been undertaken by Marshall Day and a Traffic Impact Assessment has been undertaken by Stantec. Dust control in accordance with GD05 will be provided for the duration of the earthworks. Dust control will primarily be provided by watercart. No odours are anticipated to be generated by the earthworks.</p> <p>The site has no surrounding land to the north, south and west. The neighbouring land to the east is occupied by a carpark and the large Takapuna Rowing Club building, which is located approximately 6m from the property boundary. Bulk earthworks and retaining wall construction will be undertaken immediately adjacent to the property boundary. As the adjoining land is a much older reclamation than the subject site (approximately 80 years old), ground settlement is not anticipated. There will be no adverse effects on the stability and safety of the surrounding land, buildings and structures.</p> <p>The site is not subject to flooding and the only overland flow paths running through it are minor and arise within the site. There will not</p>

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<p>paths or increase potential volume or frequency of flooding within the site or surrounding sites;</p> <p>(e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin have been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;</p> <p>(f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;</p> <p>(g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;</p> <p>(h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;</p> <p>(i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;</p> <p>(j) whether the land disturbance and final ground levels will adversely affect existing utility services;</p> <p>(k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative</p>	<p>be any effects on overland flow paths or flooding that will impact other properties. The site was reclaimed relatively recently (1990s), so the likelihood of accidental discovery is very low. If any kōiwi, archaeology and artefacts of Māori origin are discovered works will be halted and the relevant Mana Whenua authority and Heritage New Zealand will be notified, as requested by the Cultural Impact Assessment provided by Ngai Tai Ki Tamaki.</p> <p>The bulk earthworks will be undertaken in three primary stages as documented on the erosion and sediment control plans. Each stage will be progressively stabilised with metal or topsoil and hydroseeding. The staging of the bulk earthworks will help to minimise the adverse effects associated with the bulk earthworks. The earthworks proposed is necessary for the scale of development proposed.</p> <p>Portions of the site are currently located within the 1% AEP plus 1m of sea level rise hazard area and therefore there is a very low risk of the earth-worked area being subject to inundation. As the proposed earthworks are being undertaken in order to raise the site above the inundation level, we consider that this risk is acceptable during the earthworks period.</p> <p>The existing network utilities within or near the site will largely be replaced. The existing public wastewater and water supply are outside the site boundary and will be unaffected by the proposed works. Electrical and telecommunications reticulation within the site will either be relocated prior to the bulk earthworks or will be protected during the works.</p> <p>Land disturbance will help facilitate the development of an approved open space environment, including parks, walkways and access to the coastal marina area.</p>

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<p>reserve management plan or parks management plan;</p> <p>(m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects</p>	<p>There are no archaeological sites as the reclamation is 25 years old.</p>
E15 Vegetation management and biodiversity	
E15.8.2 Assessment criteria - Vegetation management and biodiversity	
<p>1a(i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated.</p> <p>1a(ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems</p> <p>1a(iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in Chapter B7.2 Indigenous biodiversity, B4 Natural heritage, Chapter E18 Natural Character of the coastal environment and E19 Natural Features and natural landscapes in the coastal environment</p> <p>B4 - Natural heritage</p> <p>E18 - Natural Character of the coastal environment</p>	<p>All trees that are designated as appropriate for transplanting will be transplanted. Preference has been given to transplant the larger and healthier of the existing trees. Given the scale of proposed development at the site (cut + fill etc.); this is considered the best option for minimising the adverse effects on the ecological and indigenous biodiversity values.</p> <p>No threatened species or ecosystems have been identified at the site. As detailed on the Boffa Miskell Tree Strategy, the future landscape will include a greater number of trees and tree species. This will increase the sites overall biodiversity. One hundred and twenty-nine (129) trees are proposed as part of the future landscape.</p> <p>Indigenous fauna or biodiversity would not be significantly compromised by the proposed works as a large number of the larger healthy Pohutukawa will be transplanted and will continue to thrive. Planting of new trees in the future landscape forms part of the development proposal. This will increase the site's overall biodiversity.</p> <p>The subject Pohutukawa trees are not listed as heritage trees and are all described as semi-mature. Effort is being made to retain trees via transplanting.</p> <p>The subject property is a coastal environment. However, the proposed works would not compromise the natural character of the site – as there are a greater number of trees being introduced than removed. It is noted that the existing site is predominantly made up of carparking and mown grass.</p>

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<p>E19 - Natural Features and natural landscapes in the coastal environment</p> <p>1b(i) the extent to which the vegetation serves to avoid or mitigate natural hazards and the amount of vegetation to be retained or enhanced</p> <p>b(ii) the extent to which the vegetation alteration or removal will increase natural hazard risks</p> <p>1b(iii) whether the vegetation alteration or removal is necessary to mitigate an identified bushfire risk</p> <p>1c(i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects</p> <p>1d(i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding</p>	<p>Long term, neither natural features nor landscapes will be adversely affected by the proposed vegetation alteration. The future landscape will have a greater number of trees – which will appropriately mitigate the proposed tree removals</p> <p>The subject trees are planted within and surrounding a carpark. It is not anticipated that they were planted to mitigate natural hazards. However, the majority of the larger Pohutukawa trees will be transplanted back to similar positions that they were originally growing in. The reason that these trees are not being retained in situ is because 2-3m of fill is proposed for vast areas of the coastal strip of land (where these trees are located). It is not practicable to retain these trees with such large alterations to the ground levels</p> <p>The protected tree removal/relocations/alterations are all located on the northern side of the site – an area that is already encompassed by the Bayswater Marina, which is protected by the presence of a rock rip-rap seawall. This marina acts as a buffer for natural hazards such as erosion through wave action. This site is being further protected by increasing the ground levels of this coastal strip – and thus avoiding future inundation, even taking into account sea level rise.</p> <p>Not applicable to this proposal.</p> <p>The works will be carried out in accordance with modern sediment control measures. The long-term prospects for this site are enhanced via the increase in levels adjacent to the coast (prevent coastal inundation) which will arguably reduce erosion and increase water quality over time.</p> <p>The environment in which the trees stand in is not identified as being any one of the four named scheduled natural environments.</p>

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<p>natural features, outstanding natural character and high natural character areas</p> <p>1d(ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects</p> <p>1e(i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects</p> <p>1f(i) whether the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site</p> <p>1f(ii) the extent to which the vegetation removal is necessary taking into account the need for, or purpose of, the proposed building or structure</p> <p>1f(iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes</p> <p>1f(iv) whether the vegetation alteration or removal will improve the reliance and security of the network utility, or road network</p> <p>1f(v) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location</p> <p>1f(vi) the extent of the benefits derived from infrastructure and the road network</p>	<p>There will be a temporary loss of the listed values during the construction phase of the development. However, with the transplanting of the trees back into the landscape and introduction of extra landscape planting, the natural character will be enhanced (mid-long term) via the increase in biodiversity.</p> <p>See comment for 1d above – the mid to long term amenity will also be enhanced.</p> <p>The alteration and removals are required in order to facilitate the proposed landscape use.</p> <p>As detailed, major earthworks are proposed throughout the site, with cut + fill of several metres in many areas</p> <p>Not applicable to this proposal.</p> <p>Several new roads are being constructed as part of the precincts. This development includes terrace housing and apartments within walking distance to the ferry terminal. This will provide an opportunity for future residents and/or commuters to use public transport.</p> <p>As detailed, the tree alteration/removals are proposed in order to carry out major re-design including significant alterations to the ground levels.</p> <p>See comment for 1f(iv) above.</p>

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<p>1g(i) whether there are practical alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site</p> <p>1g(ii) whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works</p> <p>1h(i) the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures</p> <p>1i(i) whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments</p>	<p>Transplanting of the majority of the larger Pohutukawa trees is proposed in order to facilitate the proposed development and to retain these trees as part of the future landscape. New native tree species will also be planted on the site.</p> <p>Transplanting of the trees is seen as the best practice - given the future landscape use</p> <p>Transplanting the trees back into the site is in a sense eco-sourcing – as the trees were already growing in this area. Ongoing maintenance of the planting will be carried out as part of the sites landscaping strategy. Revegetation through new planting will also be undertaken.</p> <p>Conditions of consent are recommended in the Arborists report (section 8). The imposition of a bond or a covenant is not warranted in this case.</p>
E16 Trees in open space zones	
E16.8.2 Assessment criteria	
<p>1(a) the specific values of the trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;</p> <p>(b) the loss of amenity values that tree or trees provided</p> <p>(c) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the</p>	<p>Many of the Pohutukawa trees that are in good health will be transplanted back into the site. As detailed on the Boffa Miskell Tree Strategy and the Aboricultural report, the future landscape will include a greater number of trees and tree species. This will increase the sites overall biodiversity - one hundred and twenty-nine (129) trees are proposed as part of the future landscape.</p> <p>There will be a temporary loss of the listed values during the construction phase of the development. However, with the transplanting of the trees back into the landscape and introduction of extra landscape planting, the natural character will be enhanced (mid-long term) via the increase in biodiversity.</p> <p>The subject trees do not pose any significant risks to people or property – outside of extreme weather events. The trees will be</p>

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<p>health and safety of people have been addressed as required under health and safety legislation;</p> <p>(d) any alternative methods that could result in retaining the tree or trees;</p> <p>(e) the degree to which any proposed mitigation adequately compensates for the values that trees provide;</p> <p>(f) the degree to which the proposal is consistent with best practice guidelines for tree management;</p> <p>(g) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;</p> <p>(h) the provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used, and where applicable: (i) the provision of a landscape plan; or (ii) consistency with any reserve management plan.</p> <p>(i) the need for the direction and supervision of an on-site monitoring arborist while the works are being carried out;</p> <p>(j) the functional and operational needs of infrastructure; and</p>	<p>transplanted by an experienced contractor who will ensure that the trees are securely anchored during storage, and the construction phase of the project.</p> <p>Due to the scale of the proposed development, and proposed grade changes over the majority of the site, it is not considered practical to retain the trees in situ. Therefore, the majority of the larger trees that are in good health will be transplanted.</p> <p>Mitigation planting is proposed as part of the development proposal. From an arboricultural perspective the proposed planting will adequately compensate for the values that the existing trees provide.</p> <p>The list of Tree protection methodologies that are detailed in Section 8.0 of this report will ensure that the works are carried out in accordance with best practice.</p> <p>The subject trees were in good health at the time of inspection. The works arborist will monitor the condition of the trees, including any presence of Myrtle rust – with correct biosecurity protocols followed. A comprehensive Tree Protection Methodology is outlined in Section 8.0 of this report.</p> <p>A comprehensive Tree Protection Methodology is outlined in Section 8.0 of this report</p> <p>A works arborist supervising the arboricultural components of the project is one of the conditions that detailed in the Tree Protection measures, in Section 8.0 of this report</p> <p>Several new roads are being constructed as part of the precincts. This development includes terrace housing and apartments within walking distance to the ferry terminal.</p>

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(k) the benefits derived from infrastructure.	This will provide an opportunity for future residents/commuters to use public transport. See comment for j above.
E36 Natural Hazards and Flooding Assessment Criteria	
E36.8.2 <u>Relevant</u> Assessment Criteria - Activities in the coastal erosion hazard area	
<p>(1)for all other buildings and structures in the coastal erosion hazard area; and for on-site wastewater underground storage tanks (pumping station needed), water tanks or stormwater pipes or soakage fields in the coastal erosion hazard area:</p> <p>(a) the likelihood of a coastal hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;</p> <p>(b) the extent to which site-specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;</p> <p>(c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and</p>	<p>As the existing site is surrounded by a rock revetment wall designed to prevent coastal erosion, the site will not be vulnerable to coastal erosion. The proposed development will further raise the site higher above mean high water springs and will include a retaining wall above the revetment wall which will further protect the site from coastal erosion. The extent of any damage to people, property or the environment is considered to be minimal during a storm event up to and including the 1% AEP storm (including allowance for climate change and sea level rise).</p> <p>Public access is currently provided around the perimeter of the site by way of a footpath located behind the rock revetment wall. Public access will be enhanced by the development as the proposed pathway located on the new retaining wall will be substantially wider than the existing footpath, and will create a safe surface for the public. The methodology for construction of the pathway has taken into account the fact that public access must be maintained while the construction is being undertaken (see Construction Management Plan prepared by Airey Consultants). Some temporary disruption to public access will be required in order to construct the pathway</p> <p>The proposed buildings and structures are not designed to be relocated. This is considered to</p>

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<p>(d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long-term effects of climate change.</p>	<p>be acceptable owing to the substantial freeboard that has been provided above the 1% AEP plus 1m sea level rise elevation, and to the fact that the site is protected against coastal erosion.</p>
<p>E40 Temporary activities</p>	
<p>E40.8.2. Relevant Assessment criteria</p>	
<p>(1) the extent to which any significant adverse effects from the noise, lighting, hours and duration of an activity on the amenity values of surrounding properties can be mitigated through:</p> <p>(a) the proposed location, duration, hours, times and day/s of the week on which the event will occur;</p> <p>(b) the measures proposed to mitigate noise and light spill; and</p> <p>(2) the extent to which the activity will have adverse effects on traffic movement, parking, public transport and pedestrian safety and access, and the extent to which these effects can be adequately addressed through:</p> <p>(a) the location, scale and intensity of the activity;</p> <p>(b) the duration, hours, times and day/s of the week on which the event will occur;</p> <p>(c) the provision made to address any impacts from traffic generated by the activity, including impacts on public transport, and other activities at the location;</p> <p>(d) addressing the need for, and if necessary, the provision of adequate parking; and</p> <p>(e) the provision made for pedestrian safety and to address any restrictions on public access.</p> <p>(3) the extent to which any land disturbance, earthworks or disturbance to the foreshore, seabed or vegetation resulting from a</p>	<p>The proposed site development/construction hours are 7.30am to 6pm Monday to Saturday</p> <p>The acoustics report (Attachment 5) has assessed construction noise, for demolition works, excavation works, structural works and building construction. Proposed noise standards have been recommended which would ensure there are effects on neighbouring properties. Lighting has been designed to ensure there is no light spill, although most construction will occur during daylight hours, with marginal need for lighting in the winter months at each extreme of the construction hours.</p> <p>A Construction Traffic Management Plan will be prepared as a recommended condition of consent. The CTMP will include construction dates and hours of operation including any specific non-working hours for traffic congestion, noise reasons; truck route diagrams both internal to the site and externally on the surrounding road network; temporary traffic management signage/details for both pedestrians and vehicles to appropriately manage the interaction of these existing road users with heavy construction traffic; details of site vehicle access/egress over the entire construction period.</p> <p>The CTMP will need to include details of the following matters in relation to the operation of public transport services - details of temporary relocation of the existing bus stop by the boat ramp, details of how safe and appropriate pedestrian access between the Ferry Terminal, Park and Ride, and how the bus</p>

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<p>temporary activity can be avoided, remedied or mitigated.</p>	<p>stop (temporary or permanent) will be maintained. An indicative CTMP structure is included as an Appendix in the Transportation Assessment (Attachment 4).</p>
E27 Transport	
E27.8.2. Relevant Assessment Criteria	
<p>(3) any activity or subdivision which exceeds the trip generation thresholds under Standard E27.6.1:</p> <p>(a) the effects on the function and the safe and efficient operation of the transport network including pedestrian movement, particularly at peak traffic times;</p> <p>(b) the implementation of mitigation measures proposed to address adverse effects which may include measures such as travel planning, providing alternatives to private vehicle trips including accessibility to public transport, staging development, or contributing to improvements to the local transport network; or</p> <p>(c) the trip characteristics of the proposed activity on the site.</p>	<p>The predicted number of additional vehicle trips generated in peak hours will not have a noticeable impact on the safety and operation of the surrounding public road network, and in particular the change in operational performance of the intersection of Bayswater Avenue and Lake Road will be negligible. Detailed traffic effects assessment is provided in Section 4 and Section 6 of the Transportation report.</p> <p>Well-connected footpaths are provided within the Precinct, including through all vehicle crossings, as well as to connect with the AT's Ferry Terminal and Bus Stop adjacent to the Precinct, and to existing footpath on Sir Peter Blake Parade.</p> <p>The site location and internal network offers good accessibility to public transport (ferry and bus services). It is expected that a significant proportion of commuting trips by Precinct residents in the peak periods is likely to be undertaken by public transport. Continuous footpath network and bicycle parking are provided within the Precinct which will encourage active travel for the various activities within the Precinct.</p> <p>The Precinct will generate a combination of non-residential and residential trips. The non-residential component consists of various commercial activities; such as retail, offices and other commercial services, which will primarily serve customers that are already accessing the area (such as berth holders, Precinct and local residents, and commuters).</p> <p>The residential component will generate commuting trips at peak periods, however as</p>

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	noted above, the public transport mode share is expected to be high.
E38 Subdivision - Urban	
E38.12.2. Relevant Assessment Criteria	
<p>(2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area:</p> <p>(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:</p> <p>(i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area, taking into account in urban and serviced areas a 1 metre rise in sea levels;</p> <p>(ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;</p> <p>(iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;</p> <p>(iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and</p> <p>(v) refer to Policy E38.3(2).</p> <p>(3) subdivision of a site in the coastal erosion hazard area:</p> <p>(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:</p> <p>(i) whether public access to the coast is affected;</p> <p>(ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and</p>	<p>The buildings are not to be relocatable. See the Engineering and Infrastructure report for details, but all building platforms will be located above the 1% AEP coastal inundation levels plus 1m.</p> <p>Defences are not necessary as the site is already protected firstly on the southern and western side by the breakwater surrounding the marina and by the rip-rap seawall immediately protecting the land. On the eastern side AT owns reclamation which acts as a buffer between the site and the CMA.</p> <p>Effects on landscape values are assessed in the LVEA report submitted with the application.</p> <p>See assessment of policies below.</p> <p>There is no threat of coastal erosion.</p> <p>Public access is unlikely to be affected because the walkways and boardwalks will be above the 1% AEP coastal inundation plus 1m, and the site has been assessed as not being exposed to erosion.</p> <p>There will be no hard protection structure installed.</p>

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<p>(iii) refer to Policy E38.3(2)</p> <p>(6) subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:</p> <p>(a) the effect of the design and layout of the proposed sites created:</p> <p>(i) whether the design and layout of the proposed sites create result in new or increased non-compliance with Auckland-wide and zone rules;</p> <p>(ii) whether there is appropriate provision made for infrastructure;</p> <p>(iii) whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and</p> <p>(iv) refer to Policies E38.3(1) and (6).</p> <p>(7) all other restricted discretionary activity subdivisions:</p> <p>(a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;</p> <p>(i) refer to Policies E38.3(1), (10), (12) and (13)</p> <p>(b) the effect of infrastructure provision and management of effects of stormwater</p> <p>(i) whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater;</p> <p>(iii) whether the design and implementation of any necessary physical works including those associated with site preparation works, infrastructure and access are carried out in accordance with recognised best engineering practice or in accordance with Section 2 - Earthworks and Geotechnical Requirements of the Auckland Council Code of Practice for Land Development and Subdivision Version 1.6 dated 24 September 2013.</p> <p>(iv) refer to Policies E38.3(19) to (23).</p> <p>(d) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;</p> <p>(i) refer to Policy E38.3(10).</p>	<p>See assessment of policies below.</p> <p>Generally, the proposal complies with the Auckland-wide and zone rules.</p> <p>New infrastructure has been provided across the site.</p> <p>There are several common areas for people to gain access across the site, and in particular berth holders, ferry users and residents.</p> <p>See below for policy (1) assessment, (6) is not relevant as it relates to subdivision around existing development.</p> <p>The proposal will achieve the objective of the Bayswater Marina Precinct. Lega access is provided to all parts of the development.</p> <p>See below of (1) and (10), (12) and (13) are not considered relevant.</p> <p>Adequate provision made – see Engineering and Infrastructure report and drawings.</p> <p>All works will be undertaken in accordance with the Code of Practice.</p> <p>See policy assessment below</p> <p>The proposed development will be heavily engaged in walking and cycling, and public transport with a ferry terminal located on the site. There is good porosity along and through the site.</p> <p>See Policy assessment below.</p> <p>Traffic flows have been assessed by Stantech and the existing road network has been</p>

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<p>(g) the effects arising from any significant increase in traffic volumes on the existing road network; (i) refer to Policies E38.3(15) to (17).</p> <p>(j) the effect on recreation and open space: (i) the extent to which reserves and open space are provided and their integration with the surrounding open space network and suitability for the intended function and future requirements of the area; (ii) refer to Policy E38.3(18).</p> <p>(k) the effect of the design and layout of sites on transport infrastructure and facilities within roads (i) refer to Policy E38.3(15); and (ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.</p>	<p>determined to have the capacity to accommodate any increase.</p> <p>The proposal will provide improved open space facilities and experiences.</p> <p>See policy assessment below The design and layout will support increase PT patronage as a ferry termina is located on the site and a bus service is provided. See Policy assessment below. See engineering design and Landscape Concept Package for designs – transport will not be compromised.</p>
E40 Temporary activities	
<p>E40.2. Objectives</p> <p>(2) Temporary activities are located and managed to mitigate adverse effects on amenity values, communities and the natural environment.</p> <p>(3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.</p> <p>E40.3. Policies</p> <p>(1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:</p> <p>(a) noise associated with the activity meets the specified standards;</p> <p>(b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;</p> <p>(d) waste and litter are effectively managed and minimised; and</p> <p>(e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.</p>	<p>As the “temporary activity” is actually an urban renewal development, there will be initial inconvenience but once developed the amenity values, communities and the natural environment will be markedly improved.</p> <p>This cannot be complied with as the whole site will redeveloped – however the land is in private ownership but new and enhanced public access and recreation opportunities are a key part of the redevelopment of the site.</p> <p>Noise will comply with all standards.</p> <p>This will be achieved, although in one instance noise barriers may need to be erected during construction.</p> <p>Waste and litter will be regularly removed from the site.</p> <p>Efforts will be made to minimise public access restrictions.</p>

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<p>(3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:</p> <p>(a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and</p> <p>(b) the well-being of residents and reasonable functioning of businesses on surrounding sites.</p> <p>(6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.</p>	<p>A Traffic management Plan will be finalised to include all matters in (3).</p> <p>The proposal will not adversely impact upon any of these values in the medium to long term.</p>

APPENDIX 4: AUCKLAND UNITARY PLAN – ASSESSMENT OF RELEVANT OBJECTIVES AND POLICIES

Relevant Objectives, Policies	Assessment
<p>E1 Water quality and integrated management E1.2. Objectives (2) Stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.</p> <p>E1.3. Policies Stormwater management (9) Minimise or mitigate new adverse effects of stormwater runoff, and where practicable progressively reduce existing adverse effects of stormwater runoff, on freshwater systems, freshwater and coastal waters during intensification and redevelopment of existing urban areas by all of the following: (a) requiring measures to reduce contaminants, particularly from high contaminant-generating car parks and high-use roads; (b) requiring measures to reduce the discharge of gross stormwater pollutants; (d) taking an integrated stormwater management approach for large-scale and comprehensive redevelopment and intensification (refer to Policy E1.3.10 below) and encourage the restoration of freshwater systems where practicable; and (e) ensuring intensification is supported by appropriate stormwater infrastructure, including natural assets that are utilised for stormwater</p>	<p>Complies – Both networks will be underground. All wastewater will be reticulated into the Watercare wastewater network. Stormwater runoff generated from the development is proposed to be collected in a private stormwater system and discharged to the Waitemata Harbour through seven outlets, accommodating rainfall for events up to the 10% AEP storm with allowance for climate change.</p> <p>Overland flow paths will be provided in order to ensure that no inundation of buildings occurs in events up to and including the 1% AEP storm. All stormwater will be treated prior to being discharged – this is an improvement on the current situation where stormwater is either not, or minimally treated (see Engineering and Infrastructure report for details).</p> <p>Complies – All stormwater will be treated before being discharged from the site – see Engineering and Infrastructure report for details. There will be a reduction in contaminants as the discharges from the current high generating areas on site are not adequately treated. The approach across the site is to provide an integrated solution which leads to a better outcome for discharges. As the proposal will lead to intensification, all stormwater infrastructure will be provided to Council standards.</p>

Relevant Objectives, Policies	Assessment
<p>conveyance and overland flow paths.</p> <p>(10) In taking an integrated stormwater management approach have regard to all of the following:</p> <p>(a) the nature and scale of the development and practical and cost considerations, recognising</p> <p>(i) greenfield and comprehensive brownfield development generally offer greater opportunity than intensification and small-scale redevelopment of existing areas;</p> <p>(ii) intensive land uses such as high-intensity residential, business, industrial and roads generally have greater constraints; and</p> <p>(iii) site operational and use requirements may preclude the use of an integrated stormwater management approach.</p> <p>(b) the location, design, capacity, intensity and integration of sites/development and infrastructure, including roads and reserves, to protect significant site features and hydrology and minimise adverse effects on receiving environments;</p> <p>(c) the nature and sensitivity of receiving environments to the adverse effects of development, including fragmentation and loss of connectivity of rivers and streams, hydrological effects and contaminant discharges and how these can be minimised and mitigated, including opportunities to enhance degraded environments;</p> <p>(d) reducing stormwater flows and contaminants at source prior to the consideration of mitigation measures and the optimisation of on-site and larger communal devices where these are required; and</p> <p>(e) the use and enhancement of natural hydrological features and green infrastructure for stormwater management where practicable.</p> <p>(11) Avoid as far as practicable, or otherwise minimise or mitigate adverse effects of stormwater diversions and discharges, having particular regard to: (a) the nature, quality, volume and peak flow of the stormwater runoff; (b) the sensitivity of freshwater systems and coastal waters, including the Hauraki Gulf Marine Park; (c) the potential for the diversion and discharge to create or exacerbate flood</p>	<p>Complies – the stormwater system has been developed taking an integrated approach considering the practicality of different treatment techniques for the site, the intensity of development proposed.</p> <p>In respect of (b), there are no on-site features and hydrology existing to protect, but the proposal will lead to greater protection of the adjacent coastal marine area due to the improved treatment techniques to be used.</p> <p>The receiving environment – the marina basin, being part of the Waitemata Harbour generally, is sensitive to discharges, so the enhanced treatment over the current situation will enhance the marina basin receiving environment.</p> <p>Treatment at source will include use of materials which will not generate contaminants and the use of raingardens and bioretention tree pits located along the road edges and in the central courtyards. A grass swale is also proposed running along the western edge of the site which will provide some additional stormwater quality treatment</p> <p>Green infrastructure will be used where possible - see Engineering and Infrastructure report for details.</p> <p>Complies – all “first flush” stormwater, and stormwater discharges up to the 10% AEP storm with allowance for climate change will be discharged from the pipe network after first being treated to GDO1 standards, with the balance being discharged via overland flow paths. Contaminants are mostly associated with first flush discharges.</p>

Relevant Objectives, Policies	Assessment
<p>risks; (d) options to manage stormwater on-site or the use of communal stormwater management measures; (e) practical limitations in respect of the measures that can be applied; and (f) the current state of receiving environments.</p> <p>(12) Manage contaminants in stormwater runoff from high contaminant generating car parks and high use roads to minimise new adverse effects and progressively reduce existing adverse effects on water and sediment quality in freshwater systems, freshwater and coastal waters.</p> <p>(14) Adopt the best practicable option to minimise the adverse effects of stormwater discharges from stormwater network and infrastructure including road, and rail having regard to all of the following:</p> <p>(a) the best practicable option criteria as set out in section 2 of the Resource Management Act 1991;</p> <p>(c) the scale and significance of the adverse effects;</p> <p>(e) the ability to prevent or minimise existing adverse effects having regard to the effectiveness and timeframes of other feasible methods, including land use controls;</p> <p>(f) opportunities to integrate with other major infrastructure projects or works;</p> <p>(g) the need to maintain and optimise existing stormwater networks and provide for planned land use and development; and</p> <p>(h) operational requirements and space limitations.</p> <p><i>Other discharges</i></p> <p>(26) Prevent or minimise the adverse effects from construction, maintenance, investigation and other activities on the quality of freshwater and coastal water by:</p> <p>(a) adopting best management practices and establishing minimum standards for the discharges; or</p> <p>(b) where Policy E1.3(26)(a) is not practicable, have regard to the following:</p> <p>(i) the nature, volume and concentration of the contaminants in the discharge;</p> <p>(ii) the sensitivity of the receiving environment to the contaminants in the discharge;</p>	<p>Flood risk will be managed by overland flow paths design to accommodate 1% AEP discharges.</p> <p>Complies – All stormwater will be treated to GDO1 standards, this will lead to significantly improved discharge qualities form the existing situation – see Engineering and Infrastructure report for details</p> <p>Complies – A BPO approach has been adopted as some of the more prevalent treatment techniques such as wetlands, are not feasible on such as restricted site, the nature of the discharged is that they can be satisfactorily treated using GDO1 methods, techniques such as wetlands are not possible on such a small site, and would be expensive and potentially affect public safety. Existing adverse effects can be mitigated, and the stormwater system, being new, can be totally integrated across the site.</p> <p>Complies – Best management practices will be used in dealing with any saline groundwater (seawater) dewatered and discharged during the construction of the three apartment basements. The volumes will be small, and the water discharged will be routed through a sediment control pond before being discharged into the marina basin, and environment that is not classed as being sensitive (eg it is not a SEA). The most practical approach will be to construct and sea the basements (largely pre-cast) as soon as possible to minimise the takes and discharge.</p>

Relevant Objectives, Policies	Assessment
<p>(iii) other practicable options for the discharge, including reuse or discharge to the trade sewer; and</p> <p>(iv) practicable measures to reduce contaminant concentrations prior to discharge or otherwise mitigate adverse effects.</p>	
<p>E2 Water quantity, allocation and use Diversions of groundwater (23) Require proposals to divert groundwater, in addition to the matters addressed in Policy E2.3(6) and (7) above, to ensure that:</p> <p>(a) the proposal avoids, remedies or mitigates any adverse effects on:</p> <p>(i) scheduled historic heritage places and scheduled sites and places of significance to Mana Whenua; and</p> <p>(ii) people and communities.</p> <p>(b) the groundwater diversion does not cause or exacerbate any flooding;</p> <p>(c) monitoring has been incorporated where appropriate, including: (i) measurement and recording of water levels and pressures; and (ii) measurement and recording of the movement of ground, buildings and other structures.</p> <p>(d) mitigation has been incorporated where appropriate including:</p> <p>(i) minimising the period where the excavation is open/unsealed;</p>	<p>There are no scheduled historic places or sites on BMHL land.</p> <p>The taking will be temporary taking a limited time whilst construction is underway on building the three basements for the apartment buildings, thus minimising the time the excavation is open. All basements will be sealed so any diversion of ground (sea) water will not impact upon the basements and cause flooding. No monitoring is needed, and potential effects are mitigated by sealing the basements from groundwater intrusion.</p> <p>The excavation of taking will be very limited, with the basements pre-cast and pre-sealed.</p> <p>Any water taken will be discharged through sediment control ponds to ensure it is clean upon discharge.</p>
<p>E7. Taking and diversion of water The relevant objectives and policies of E1, E2, are assessed above. D3, D8 are not relevant to the taking and diversion in the application.</p>	
<p>E8 Stormwater – Discharge and diversion E8.2. Objectives The objectives are located in E1 Water quality and integrated management and E2 Water quantity, allocation and use.</p> <p>E8.3. Policies The policies are located in E1 Water quality and integrated management and E2 Water quantity, allocation and use.</p>	<p>See assessment above for E1 objectives and policies.</p> <p>E2 objectives and policies are assessed as not being relevant to the application.</p>
<p>E9 Stormwater Quality E9.2. Objectives</p>	<p>See assessment above for E1 objectives and policies.</p>

Relevant Objectives, Policies	Assessment
<p>The objectives are located in E1 Water quality and integrated management.</p> <p>E9.3. Policies The policies are located in E1 Water quality and integrated management</p>	
<p>E11 Land disturbance – Regional E11.2. Objectives</p> <p>(1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment. (2) Sediment generation from land disturbance is minimised.</p> <p>E11.3. Policies (2) Manage land disturbance to: (a) retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity; (b) manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge; (c) avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material; and (d) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.</p> <p>(3) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by: (a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin; (b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and</p>	<p>See Engineering and Infrastructure report for details on land disturbance.</p> <p>Complies - The bulk earthworks will be undertaken in three primary stages as documented on the erosion and sediment control plans. Each stage will be progressively stabilised with metal or topsoil and hydroseeding, and appropriate sediment control methods will be employed, including sediment control ponds, runoff diversions and silt fences. The aim is to minimised sediment discharged from the site, although the entire site will be earthworked in order for the development to proceed.</p> <p>Complies – Attachments 3.1 Engineering report and 3.2 Engineering plans for details of the sediment control mechanisms to be utilised. The amount of land disturbed will be minimised by doing the earthworks and constructing the associated infrastructure in three stages to reduce to area affected at any one time and to allow normal marina operations to continue. If any accidental discoveries are made such as koiwi, works will cease according to the relevant accidental discovery protocols to be conditioned in the consent. As the land is recently reclaimed, such discoveries are unlikely. Care will be taken to comply with the Ngai Tai Cultural Impact Assessment.</p> <p>Complies. The applicant is keen to have accidental discovery protocol conditions applied to the consent. Adverse effects as set out in the Ngai Tai Cultural Impact Assessment will be avoided or mitigated.</p>

Relevant Objectives, Policies	Assessment
<p>(c) undertaking appropriate measures to avoid adverse effects. Where adverse effects cannot be avoided, effects are remedied or mitigated.</p> <p>(4) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.</p> <p>(5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.</p> <p>(7) Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:</p> <p>(a) any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:</p> <p>(i) high recreational use;</p> <p>(ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;</p> <p>(iii) the collection of fish and shellfish for consumption;</p> <p>(iv) maintenance dredging; or</p> <p>(v) a downstream receiving environment that is sensitive to sediment accumulation;</p> <p>(b) adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and</p> <p>(c) the receiving environments ability to assimilate the discharged sediment being taken into account.</p>	<p>Complies. Land disturbance will occur to enable the provision of activities for people/the community to pursue their social, economic and cultural well-being, and their health and safety.</p> <p>Complies – the earthworks programme has specifically been designed in recognition of the need to maintain an operating marina and to low access to the ferry terminal, whilst protecting environment values includes the waters of the Waitemata Harbour.</p> <p>Complies – see Attachments 3.1 Engineering report and 3.2 Engineering plans for details of the sediment control mechanisms to be utilised. Adverse effects, particularly on the marina basin and the ferry berthage area will be avoided, although the recreational use is in vessels, not within the water itself. There are no known shellfish gathering areas nearby, or fisheries management programmes. Although there is maintenance dredging undertaken within the marina from time to time, land disturbance will not impact upon it as it will generally be some distance for the earth worked areas.</p>
<p>E12 Land disturbance – District E12.2. Objectives (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment.</p>	<p>See explanation for the same objective in E11 above.</p>

Relevant Objectives, Policies	Assessment
<p>E12.3. Policies</p> <p>(2) Manage the amount of land being disturbed at any one time, to:</p> <p>(a) avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;</p> <p>(b) avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material; and</p> <p>(c) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.</p> <p>(3) Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.</p> <p>(4) Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:</p> <p>(a) requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;</p> <p>(b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and</p> <p>(c) undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.</p> <p>(5) Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.</p> <p>(6) Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.</p>	<p>The land will be disturbed in three stages, with remediation occurring at the end of each stage. This should avoid, remedy or mitigate the adverse effects of noise, dust, vibration etc, alongside the other measures being suggested, such as a Construction Noise Management Plan, and use of temporary noise barriers, Construction Management Plan. Cultural and spiritual values should be maintained by the use of accidental discovery protocols should any koiwi be discovered, although this is unlikely given the reclaimed nature of the land.</p> <p>See above in E11.</p> <p>See above in E11.</p> <p>See above in W11</p> <p>See above in E11</p>
<p>E15 Vegetation management and biodiversity E15.2. Objectives</p>	

Relevant Objectives, Policies	Assessment
<p>(1) Ecosystem services and indigenous biological diversity values, particularly in sensitive environments, and areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate subdivision, use and development.</p> <p>(2) Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.</p> <p>E15.3. Policies</p> <p>(1) Protect areas of contiguous indigenous vegetation cover and vegetation in sensitive environments including the coastal environment, riparian margins, wetlands, and areas prone to natural hazards.</p> <p>(2) Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.</p> <p>(3) Encourage the offsetting of any significant residual adverse effects on indigenous vegetation and biodiversity values that cannot be avoided, remedied or mitigated, through protection, restoration and enhancement measures, having regard to Policy E15.3(4) below and Appendix 8 Biodiversity offsetting.</p> <p>(6) Enable vegetation management to provide for the operation and routine maintenance needs of activities.</p>	<p>Neither of these objectives are directly relevant to the project although Pohutukawa trees will be removed from the site and some relocated.</p> <p>Partially complies. In respect of vegetation in sensitive environments, Some of the Pohutukawa trees will be removed and replanted on the site, some will be lost – to make way for the development - and some left in situ.</p> <p>Biodiversity values on land at Bayswater are not significant – the current area is sealed and largely one large car and boat park.</p> <p>Complies. Some of the trees will be relocated and restored, and there will be an active planting regime - see Attachment 6.1 Landscape Concept Package and in particular the Tree Strategy and the Planting Strategy – that will offset losses of indigenous vegetation.</p> <p>Complies. All revegetation of the site will be sited and designed to enable for the operation and maintenance of activities such as parking, at the Precinct.</p>
<p>E16. Trees in open space zones</p> <p>E16.2. Objectives</p> <p>(1) Trees in open space zones that contribute to cultural, amenity, landscape and ecological values are protected.</p>	<p>Partially complies. Although the open space zone is an “underlying” zone, the land is privately owned, has an operative Marina Zone designation, and has a Precinct, both of which provide for extensive development across the</p>

Relevant Objectives, Policies	Assessment
<p>(2) There is an increase in the quality and extent of tree cover in open space zones, particularly within areas identified for intensified living.</p> <p>E16.3. Policies</p> <p>(1) Encourage ongoing maintenance of trees to enhance open space zones, while recognising existing constraints and functional requirements of the site.</p> <p>(2) Manage trees within open space zones to protect their cultural, amenity, landscape and ecological values, while acknowledging that multiple uses occur in open space areas.</p> <p>(3) Encourage the use of indigenous trees and vegetation for planting within open space zones, where appropriate, to recognise and reflect cultural, amenity, landscape and ecological values.</p>	<p>site, and require extensive car parking (a minimum of 250 car parking spaces). The trees on the site that currently contribute to the landscape and amenity values of the site – Pohutukawa – will be either removed and transplanted, removed altogether, or left in situ. There will be a degree of protection of existing trees.</p> <p>Complies - There will be a significant increase in the quality and extent of tree cover - see the Tree Strategy, the Planting Strategy in Attachment 1 – Landscape Package, attached to the application.</p> <p>These policies are not strictly relevant as the site is not an open space zone, rather a zone which must be assessed against zone policies. However, trees will be maintained, transplanted, and planted to try and enhance the living environment, within the constraints and functional requirements of the site; trees will be managed to protect the amenity and landscape values in a way that also allows multiple uses to be sustained on site; new planting will use indigenous species (see Tree and Planting Strategies for indicative species).</p>
<p>E18. Natural character of the coastal environment</p>	<p>See section 8.3.1 of main report</p>
<p>E19 Natural features and natural landscapes in the coastal environment</p>	<p>See section 8.3.1 of main report</p>
<p>E25. Noise and Vibration</p> <p>E25.2. Objectives</p> <p>(1) People are protected from unreasonable levels of noise and vibration.</p>	<p>Complies – efforts have been made in the design of the terraced homes and apartments to ensure protection from unreasonable levels of noise and vibration. Marina activities are controlled eg halyard slap is not permitted, by strict management practices - See Attachment 5 to the application, Acoustic Assessment, and Attachment 1 – Marshall Day Response to the s92 request, for details.</p>

Relevant Objectives, Policies	Assessment
<p>(2) The amenity values of residential zones are protected from unreasonable noise and vibration, particularly at night.</p> <p>(3) Existing and authorised activities and infrastructure, which by their nature produce high levels of noise, are appropriately protected from reverse sensitivity effects where it is reasonable to do so.</p> <p>(4) Construction activities that cannot meet noise and vibration standards are enabled while controlling duration, frequency and timing to manage adverse effects.</p>	<p>Complies - See above. The nearest residential zone is generally too far away to be affected. Regardless the main noise will continue to be from the operation of the marina - this will not change - and generally these activities are very quiet, especially at night, and at other times strict management practices to control noise. These controls will also act to manage noise effects on the new residences to be constructed.</p> <p>Complies – there are no existing high levels of noise on the site, and efforts have been made to control reverse sensitivity through such means as double glazing of all new dwellings.</p> <p>Complies – see Attachment 5 to the application, Acoustic Assessment, and Attachment 1 – Marshall Day Response to the s92 request, for details.</p>
<p>E25.3. Policies</p> <p>(2) Minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.</p> <p>(3) Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.</p> <p>(5) Prevent significant noise-generating activities other than roads and railway lines from establishing in or immediately adjoining residential zones.</p> <p>(7) Require activities to be appropriately located and/or designed to avoid where practicable or otherwise remedy or mitigate reverse sensitivity effects on: (a) existing or authorised infrastructure; (b) adjacent Business – Light Industry Zone and Business – Heavy Industry Zone; (c) existing lawfully established rural production activities; (d) major recreation facilities;</p>	<p>Complies - Noise will be minimal but any noise or vibration generated on the site will be retained there. Techniques have been suggested in the Marshall Day reports to minimise construction noise effects.</p> <p>Complies - The noise generated on site with activities will be consistent with the current noise regime.</p> <p>Complies - there will be no significant noise-generating activities as a result of the proposal as only residential and some generally quiet business activities are proposed.</p> <p>Complies – The marina berthage area could be considered to be a recreation facility. Reverse sensitivity will be avoided by ensuring all dwellings are glazed to minimise noise, by continuing good management practices on the marina to minimise noise. The existing marina activities adjacent to the development will still meet the noise performance standards for the zone. Any buildings constructed that include noise sensitive spaces would be designed to achieve a reasonable acoustic amenity within</p>

Relevant Objectives, Policies	Assessment
<p><i>Noise arising from lakes, rivers and the coastal marine area</i></p> <p>(8) Require activities to be insulated or protected, from unreasonable manmade noise and vibration emitted from the use and development of neighbouring lakes, rivers or the coastal marine area.</p> <p><i>Construction, demolition and maintenance activities</i></p> <p>(10) Avoid, remedy or mitigate the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to:</p> <p>(a) the sensitivity of the receiving environment; and</p> <p>(b) the proposed duration and hours of operation of the activity; and</p> <p>(c) the practicability of complying with permitted noise and vibration standards.</p> <p><i>Events and activities</i></p> <p>(11) Recognise that activities occurring in the Open Space – Sport and Active Recreation Zone may generate high levels of noise and ensure that adverse effects are avoided, remedied or mitigated having regard to the sensitivity of the receiving environment.</p>	<p>any sensitive areas. This would ensure that all activities within the marina would be suitably protected from noise and, therefore, reverse sensitivity would be suitably managed.</p> <p>Complies – see answer (7) above.</p> <p>Complies – see Marshall Day response to s92 request. All activities are expected to comply with the construction noise standards at distances greater than 100 m. Potential sensitive buildings within 100 m of the construction works, 12 Marine Terrace and Bayswater Wharf Ferry Terminal can be protected by temporary acoustic screening from noise and vibration in excess of the standard. Hours of operation will be restricted to daytime hours.</p> <p>Although not an Open Space zone, there will not be high levels of noise at Bayswater Marine Precinct.</p>
<p>E26. Infrastructure</p> <p>E26.2. Network utilities and electricity generation – All zones and roads</p> <p>E26.2.1. Objectives</p> <p>(3) Safe, efficient and secure infrastructure is enabled, to service the needs of existing and authorised proposed subdivision, use and development.</p> <p>(4) Development, operation, maintenance, repair, replacement, renewal, upgrading and removal of infrastructure is enabled.</p>	<p>Complies – the full range of infrastructure will be made available for the development proposed at Bayswater Marine Precinct.</p> <p>Complies - the full range of infrastructure will be made available for the development proposed at Bayswater Marine Precinct.</p>

Relevant Objectives, Policies	Assessment
<p>(5) The resilience of infrastructure is improved and continuity of service is enabled.</p> <p>E26.2.2. Policies</p> <p>(1) Recognise the social, economic, cultural and environmental benefits that infrastructure provides, including: (a) enabling enhancement of the quality of life and standard of living for people and communities; (b) providing for public health and safety; (c) enabling the functioning of businesses; (d) enabling economic growth; (e) enabling growth and development; (f) protecting and enhancing the environment; (g) enabling the transportation of freight, goods, people; and (h) enabling interaction and communication.</p> <p><i>Adverse effects of infrastructure</i></p> <p>(4) Require the development, operation, maintenance, repair, upgrading and removal of infrastructure to avoid, remedy or mitigate adverse effects, including, on the: (a) health, well-being and safety of people and communities, including nuisance from noise, vibration, dust and odour emissions and light spill; (b) safe and efficient operation of other infrastructure; (c) amenity values of the streetscape and adjoining properties; (d) environment from temporary and ongoing discharges; and (e) values for which a site has been scheduled or incorporated in an overlay.</p> <p>(5) Consider the following matters when assessing the effects of infrastructure: (a) the degree to which the environment has already been modified; (b) the nature, duration, timing and frequency of the adverse effects; (c) the impact on the network and levels of service if the work is not undertaken;</p>	<p>Complies – A more comprehensive and improved infrastructure will be provided, including stormwater which will be treated to avoid contamination of adjacent coastal water.</p> <p>Complies – new infrastructure will enable more business to be located at the Precinct, enable a higher quality of life and standard of living for those living there, and will protect the environment, eg stormwater treatment. The transport system – ferries, buses, motor vehicles, bicycles and walking - will enable multi-modal transportation of goods and people.</p> <p>Complies – the new infrastructure at the site will be designed and developed to comply with best practice, the Construction Management Plan is designed to protect the health and safety of other users in the marina and to allow normal activities to proceed. Noise effects will be minimised (see Acoustic report), and adjoining streetscape and properties are not close enough to be affected by the development of the new infrastructure.</p> <p>Complies – the environment surrounding Bayswater Marine Precinct is already heavily modified, yet there will be no adverse effects from the development of new infrastructure at the site at all. All wastewater will be transferred off site for treatment, water supply capacity is available, stormwater will be treated to a higher standard than is currently the case, roading and parking will be adequate to suit the proposed uses after development, walking infrastructure will be improved and the Precinct will be more friendly for those wanting to cycle. Other infrastructure (e.g., broadband, telecom) will have no adverse effects on the environment. Levels of service will be higher.</p>

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<p>(6) Consider the following matters where new infrastructure or major upgrades to infrastructure are proposed within areas that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character: (a) the economic, cultural and social benefits derived from infrastructure and the adverse effects of not providing the infrastructure; (b) whether the infrastructure has a functional or operational need to be located in or traverse the proposed location; (c) the need for utility connections across or through such areas to enable an effective and efficient network; (f) how the proposed infrastructure contributes to the strategic form or function, or enables the planned growth and intensification, of Auckland; (g) the type, scale and extent of adverse effects on the identified values of the area or feature, taking into account: (i) scheduled sites and places of significance and value to Mana Whenua; (ii) significant public open space areas, including harbours;</p> <p>(8) Encourage new linear infrastructure to be located in roads, and where practicable within the road reserve adjacent to the carriage way.</p> <p>(9) Require new or major upgrades to electricity and telecommunications lines to be located underground in urban areas unless: (a) there are significant operational, functional, technical or economic reasons that require an aboveground network; or (b) the additional lines are part of minor upgrading to the network or are service connections.</p>	<p>Complies. The coastal environment will benefit from improved treatment of stormwater discharges compared to the discharges currently from the Marina.</p> <p>The new infrastructure to be provided has a functional and operational need to be located in or traverse the proposed location to provide services to the proposed and existing development on the site; the proposed infrastructure is essential to enabling the planned growth and the intensification of the site and also of Auckland; The infrastructure will not impact upon public open space at the site nor the adjacent Waitemata Harbour;</p> <p>Complies – the roads will be used extensively for network infrastructure conveyance.</p> <p>Complies – all electricity and telecommunications lines will be located underground at Bayswater Precinct.</p>
<p><i>Road network</i></p> <p>(14) Require road network activities to: (a) avoid, remedy or mitigate adverse effects on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions; (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties and the streetscape; and</p>	<p>Complies – The only roading network activities will be private networks at the Precinct. The speeds limits will be low on shared streets, and as a destination, there will be no “through” traffic to cause adverse traffic effects. A series of calming measures through good landscaping and amenity planting (see Attachment 6.1 in the application material) will lead to an enhanced</p>

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<p>(c) maintain or enhance the safety and efficiency of the transport network.</p> <p>(15) Ensure roads are designed, located and constructed to: (a) provide for the needs of all road users and modes of transport; (b) avoid, remedy or mitigate adverse effects on amenity values of adjoining properties; (c) avoid, remedy or mitigate adverse construction effects including effects of vibration, noise, and dust; (d) avoid, remedy or mitigate adverse operational effects particularly on residential or other sensitive activities, including effects of vibration, noise, glare and vehicle emissions; (e) minimise severance effects and changes to drainage patterns; and (f) maintain or enhance the safety and efficiency of the transport network.</p>	<p>streetscape and good amenity values. The wider transport network will not be affected by the development – see Attachment 4 Transportation Assessment to the application plus the transport s 92 response.</p> <p>Complies – All transport modes are to be catered for on or adjacent to the roads at Bayswater Precinct - buses, motor vehicles, bicycles, and walking. All are integrated into the fabric of the adjoining residential areas on the site. There will be no dust or noise effects (see above) on adjacent residential areas. With the relation to the ferry terminal and close proximity to the Central Business district of Auckland, the safety and efficiency of the transport network will be enhanced.</p>
E27 Transport	
<p>E27.2. Objectives (1) – (6)</p> <p>The objectives promote integration of transport modes including walking, cycling, PT and private vehicles, parking and loading that supports the development, pedestrian safety, and crossings safety.</p>	<p>Complies - The development is located so that there are several transport mode options – ferry terminal is very close, served by buses, there are walkways around the development, and access is available by car. The environment will be safe for cycling. Adequate parking will be available at the Bayswater Maritime Precinct.</p>
<p>E27.3. Policies</p> <p>The policies are divided into a number of categories. Firstly, they aim for development to manage adverse effects on and integrate with the transport network, such as by providing alternatives to private vehicle trips.</p> <p>Secondly parking is to be provided in a way to ensure safety, to encourage use of alternatives, and minimum numbers of parks are required on site.</p> <p>Parking areas are to be designed to avoid safety issues especially on roads. Safe access is to be provided, as are more sustainable options. Land is to be efficiently used.</p>	<p>Complies - The effects of the proposal on the networks is minimal – see traffic report, and public transport – ferries and buses are alternatives are provided within the development area.</p> <p>Complies - The minimum parking is provided for in the application, but the close proximity of ferries will encourage use of that mode, especially with the Central City being 10 minutes away by ferry.</p> <p>Complies - see traffic and parking report appended. A vehicle accessway is provided via Sir Peter Blake Parade and good pedestrian access is also provided. Sustainable public transport is available within the development.</p>

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	The land will be efficiently used with 120 dwellings on the site where none exist at present.
<p>E30 Contaminated land</p> <p>E30.2. Objective</p> <p>(1) The discharge of contaminants from contaminated land into air, or into water, or onto or into land are managed to protect the environment and human health and to enable land to be used for suitable activities now and in the future.</p> <p>E30.3. Policies</p> <p>(1) Identify and record the details of land containing elevated levels of contaminants in a public register.</p> <p>(2) Require any use or development of land containing elevated levels of contaminants resulting in discharges to air, land or water to manage or remediate the contamination to a level that:</p> <p>(a) allows contaminants to remain in the ground/groundwater, where it can be demonstrated that the level of residual contamination is not reasonably likely to pose a significant adverse effect on human health or the environment; and</p> <p>(b) avoids adverse effects on potable water supplies; and</p> <p>(c) avoids, remedies or mitigates significant adverse effects on ecological values, water quality, human health and amenity values; while taking into account all of the following:</p> <p>(d) the physical constraints of the site and operational practicalities;</p> <p>(e) the financial implications of the investigation, remediation, management and monitoring options;</p> <p>(f) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land; and</p> <p>(g) whether adequate measures are in place for the transport, disposal and tracking of</p>	<p>Complies – a Detailed Site Investigation (DSI) will be undertaken prior to earthworks being undertaken in areas where there have been HAIL activities. Any contaminated soil will be removed to an approved landfill. A detailed Site Management Plan has been prepared and will be reviewed and if necessary updated once the DSI has been completed.</p> <p>This will not be needed as any contaminated soil found will be removed.</p> <p>Complies – Best practice management will be employed to ensure the risk from any contaminated soil is removed. A Site Management Plan has been prepared which will guide the management procedures necessary if contaminated soil is found once the DSI is completed.</p>

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contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.	
<p>E36 Natural hazards and flooding (in respect of the Coastal Erosion Hazard Area):</p> <p>E36.2. Objectives</p> <p>(2) Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.</p> <p>(4) Where infrastructure has a functional or operational need to locate in a natural hazard area, the risk of adverse effects to other people, property, and the environment shall be assessed and significant adverse effects are sought first to be avoided or, if avoidance is not able to be totally achieved, the residual effects are otherwise mitigated to the extent practicable.</p> <p>E36.3. Policies</p> <p><i>Coastal hazards (including coastal erosion and coastal storm inundation)</i></p> <p>(5) Ensure that subdivision, use and development on rural land for rural uses and in existing urban areas subject to coastal hazards avoids or mitigates adverse effects resulting from coastal storm inundation, coastal erosion and sea level rise of 1m through location, design and management.</p> <p>(7) Ensure that buildings in areas subject to coastal hazards are located and designed to minimise the need for hard protection structures.</p>	<p>Complies – there will be no risk to people, buildings and infrastructure from coastal erosion as the site is in the inner Waitemata Harbour and is protected by rip-rap walls.</p> <p>Complies – The infrastructure needed for the development has a functional and operational need to be located next to the marina and buildings it will service, and the risks to other people will be nil because the site and environment is protected from erosion by rock rip-rap walls which have been in place for 30 years.</p> <p>Complies – the existing rock rip-rap wall mitigates against coastal erosion hazard.</p> <p>Complies – Although the site is within the Coastal Erosion Hazard Area by virtue of being within the inner Harbour, less than 7m above sea level and within 40m of MHWS, hard protection structure have been in place for 30 years and thus protect the land from erosion.</p>
<p>E38. Subdivision – Urban</p> <p>E38.2. Objectives</p> <p>(1) Land is subdivided to achieve the objectives of the residential zones, business zones, open</p>	<p>Does not comply in that land is not being unit titled subdivided in this case specifically to</p>

Relevant Objectives, Policies	Assessment
<p>space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.</p> <p>(2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.</p> <p>(3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.</p> <p>(4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.</p> <p>(5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.</p> <p>(6) Subdivision has a layout which is safe, efficient, convenient and accessible.</p>	<p>achieve the objectives of the relevant open space zone. However, there is a degree of conformity with those objectives -see assessment below.</p> <p>Complies. - The subdivision proposed will enable the development of the new Bayswater precinct community and, although future opportunities for development at the Precinct are limited, there will remain ample opportunity for further development along the Bayswater Peninsula.</p> <p>Does not comply. Land will be retained in private ownership because unit title subdivision only is being proposed. Roads, an esplanade strip, infrastructure etc will all be privately owned.</p> <p>Complies – Comprehensive infrastructure is to be provided across the site.</p> <p>Complies – infrastructure is specifically provided for the dwellings that are to be constructed on the site and will be protected to continue that purpose.</p> <p>Complies – the unit title subdivision can be seen in the various technical reports accompanying the application and supports all proposed residential and commercial titles.</p>
<p>E38.3. Policies</p> <p>(1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.</p> <p>(2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.</p>	<p>See Objective 1 response.</p> <p>Complies. There will be no habitable rooms affected by flooding or coastal inundation, and there are safe building platforms and vehicle access – see Engineering and Infrastructure report and Drawings.</p>

Relevant Objectives, Policies	Assessment
<p>(10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:</p> <p>(a) a road network that achieves all of the following:</p> <p>(i) is easy and safe to use for pedestrians and cyclists;</p> <p>(ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and</p> <p>(iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and</p> <p>(b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.</p>	<p>Complies – the unit titles will be so formed to provide for a series of interconnected streets and walkways alongside and adjacent to the dwellings. The road network will be a shared accessway with pedestrians and there will be traffic calming measures employed. There is a good public transport terminal for ferries located adjacent to the site and there is good interconnectedness with buses to connect with public facilities off the site. Public spaces are provided on the site.</p>
<p>(11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by: (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and (b) aligning sites to the road to maximise opportunities for buildings fronting the road.</p>	<p>The unit title subdivision will assist in achieving this. The roads will be retained in private ownership and create a high level of amenity for berth holders and residents as well. All streets are wide enough to retain good access to sun-light – see the Transportation report for the roading layout.</p>
<p>(14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.</p>	<p>Partially complies – many indigenous Pohutukawa trees will be incorporated into the development, and new native trees and shrubs will be planted.</p>
<p>(15) Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that:</p> <p>(a) creates adverse effects on the safety of the road and footpath;</p> <p>(b) limits opportunities to plant street trees; or</p> <p>(c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.</p>	<p>Complies – shared accessways will be a feature of Bayswater Precinct.</p>
<p>(16) Require shared vehicle access to be of a width, length and form that:</p> <p>(a) encourages low vehicle speed environments; and</p> <p>(b) provides for the safety of users of the access and the adjoining road network.</p>	<p>Complies – shared accessways will use traffic calming measures (see Landscape Concept Package) and all motorised vehicles will be encouraged to drive at very low speeds to enhance the shared experience, to ensure safety of users.</p>

Relevant Objectives, Policies	Assessment
<p><i>Recreation and Amenity Spaces</i></p> <p>(18) Require subdivision to provide for the recreation and amenity needs of residents by:</p> <p>(a) providing open spaces which are prominent and accessible by pedestrians;</p> <p>(b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and</p> <p>(c) providing for pedestrian and/or cycle linkages.</p> <p><i>Infrastructure</i></p> <p>(19) Require subdivision to provide servicing:</p> <p>(a) to be coordinated, integrated and compatible with the existing infrastructure network;</p> <p>(c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.</p> <p>(20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:</p> <p>(a) wastewater;</p> <p>(b) stormwater; and</p> <p>(c) potable water.</p> <p>(22) Require subdivision to be designed to manage stormwater:</p> <p>(a) in accordance with any approved stormwater discharge consent or network discharge consent; (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;</p> <p>(e) to maintain, or progressively improve, water quality;</p> <p><i>Esplanade Reserves and Strips</i></p> <p>(24) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.</p>	<p>Complies – public open space is provided in compliance with the Bayswater Marina Precinct Provisions. These are easily accessible to pedestrians, there are walkways and boardwalks that lead around and through the entire site. These pedestrian paths are also to be used by cyclists.</p> <p>Complies – all infrastructure is connected to wider networks when necessary eg water, wastewater, telecoms. All services will be underground.</p> <p>Complies – all buildings will be connected to these services.</p> <p>Complies – all stormwater has been designed in an integrated and coordinated way across the development. See assessment above against the E1 policies. Water quality will be improved as stormwater from the site will now be treated.</p> <p>Complies – an esplanade strip will be provided by way of easement.</p>
<p>E40 Temporary activities</p>	
<p>E40.2. Objectives</p> <p>(2) Temporary activities are located and managed to mitigate adverse effects on</p>	<p>Complies with both objectives – the development process will take in excess of a year to complete so careful consideration has</p>

Relevant Objectives, Policies	Assessment
<p>amenity values, communities and the natural environment.</p> <p>(3) Temporary activities are managed to minimise any adverse effects on the use and enjoyment of open space.</p> <p>E40.3. Policies</p> <p>(1) Enable temporary activities and associated structures, provided any adverse effects on amenity values are avoided, remedied or mitigated, including by ensuring:</p> <p>(a) noise associated with the activity meets the specified standards;</p> <p>(b) activities on adjacent sites that are sensitive to noise are protected from unreasonable or unnecessary noise;</p> <p>(d) waste and litter are effectively managed and minimised; and</p> <p>(e) any restrictions on public access or other users of open space areas are minimised, and any adverse effects are mitigated.</p> <p>(3) Control traffic generated by a temporary activity, including heavy traffic, so that it does not detract from:</p> <p>(a) the capacity of the road to safely and efficiently cater for motor vehicles, pedestrians and cyclists; and</p> <p>(b) the well-being of residents and reasonable functioning of businesses on surrounding sites.</p> <p>(6) Manage the effects of temporary activities so that the values of any scheduled ecological, natural character, natural features, landscape, historic heritage or Mana Whenua areas are maintained, and any adverse effects on the natural environment are avoided, remedied or mitigated.</p>	<p>been given to ensuring ongoing operation of the Marina will continue, and that the public will still be able to access areas of public space and walkways, and gain access to the coastal setting. This will be facilitated largely by constructed all the development works in three stages, completing all the 'on-ground' works including planting, boardwalks, roads etc in advance of housing being constructed for each stage.</p> <p>Complies. Development works will be staged to provide for access to amenity values in those stages either not under development or where it has been completed. The acoustic reports set out how noise standards will be complied with. As stated in the objectives, the temporary activity will minimise interference with public access and use of public space.</p> <p>Complies. A Construction Traffic Management Plan will be needed to control the access into and out of the site of heavy traffic and other vehicles servicing the development. Because Bayswater Marine Precinct is to be a 'destination' with no through traffic, there will be no adverse effects on traffic movements in the surrounding traffic. The transportation Assessment has found that the local roading network can accommodate those vehicles needed to support construction.</p> <p>Complies. These are no known such features that will be affected by the temporary activity of carrying out the development, and accidental discovery protocols will be required of all contractor working on the site development and construction activities.</p>
F2 Coastal - General Coastal Marine Zone	
F2.11. Discharges	
F2.11.2. Objectives	

Relevant Objectives, Policies	Assessment
<p>(1) Water and sediment quality in the coastal marine area is maintained where it is excellent or good and progressively improved over time in degraded areas.</p> <p>(3) Stormwater and wastewater networks protect public health and safety by preventing or minimising the adverse effects of contaminants on the coastal water quality.</p> <p>F2.11.3. Policies</p> <p>(2) Require any proposal to discharge contaminants or water into the coastal marine area to adopt the best practicable option to prevent or minimise adverse effects on the environment, having regard to all of the following:</p> <p>(a) whether it is practicable or appropriate to discharge to land above mean high water springs;</p> <p>(c) whether the receiving environment has the capacity to assimilate the discharged contaminants after reasonable mixing, particularly within areas identified as degraded or as having significant ecological value;</p> <p>(d) the extent to which present or foreseeable future adverse effects have been avoided, remedied or mitigated on:</p> <p>(i) areas of high recreational use;</p> <p>(ii) relevant initiatives by Mana Whenua established under regulations relating to the conservation or management of fisheries;</p> <p>(iii) the collection of fish and shellfish for consumption; and</p> <p>(iv) areas associated with maintenance dredging;</p> <p>(e) high ecological values;</p> <p>(g) the discharge after reasonable mixing, does not either by itself or in combination with other discharges results in any or all of the following effects:</p> <p>(i) oil or grease films, scums or foams, or floatable or suspended materials;</p> <p>(ii) conspicuous change in the colour or visual clarity;</p> <p>(iii) any emission of objectionable odour;</p> <p>(iv) any significant adverse effects on aquatic life; or</p> <p>(v) any significant effects of aesthetic or amenity values.</p>	<p>Complies – treatment of stormwater from the site for the first time will improve the quality of discharges and in small part improve the water quality in the Harbour.</p> <p>Complies – see above for stormwater.</p> <p>Complies. The proposal is to adopt a range of treatment methods (see Engineering and Infrastructure report) aimed at improving the quality of discharges from the site. It is not practical to discharge above MHWS as the whole site is close the CMA; the CMA has the capacity to assimilate the stormwater; future adverse effects have been avoided by treating the stormwater prior to discharge; there will no oil or grease etc or any change of colour, clarity, or any significant effects on aquatic life – note the stormwater is being discharged into the marina basin.</p>

Relevant Objectives, Policies	Assessment
<p>(4) Minimise, to the extent practicable, the discharge of contaminants in areas that require maintenance dredging.</p> <p>(5) Encourage source control of contaminants, through the management of land use and discharges, as a method to prevent or minimise contaminant generation and discharge to coastal receiving environments, where source contaminant control devices and methods can practicably be installed and maintained on an ongoing basis</p>	<p>Does not comply. The Marina basin has consent to carry out maintenance dredging and the discharges will be into the basin. However, the stormwater from the site already discharges to the same basin, and the discharges being consented now are being treated, leaving to a new improvement in the quality of the discharge.</p> <p>Complies. Source and close to source controls are being used - see the Engineering and Infrastructure report and drawings (Stormfilters, raingardens, swales, roofing materials etc to be used)</p>
<p>F2.16. Structures F2.16.2. Objectives</p> <p>(1) Structures are generally limited to those that have a functional need to be located in the coastal marine area, or those that have an operational need and that cannot be practicably located outside of the coastal marine area.</p> <p>(3) Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua values of the coastal marine area, and avoid to the extent practicable the risk of being adversely affected by coastal hazards.</p> <p>(4) Structures are provided in appropriate locations to enable Māori cultural activities and customary use.</p> <p>F2.16.3. Policies <i>Efficient use of coastal space</i></p> <p>(1) Limit structures to the following: (a) those that generally have a functional need to be located in the coastal marine area, or that have an operational need and cannot be practicably be located outside of the coastal marine area; (b) where the proposed purpose or use cannot practicably be accommodated on existing structures or facilities; (d) locations</p>	<p>Complies – the stormwater outfalls cannot be located elsewhere and two are replacements regardless.</p> <p>Complies – the structures are located in the marina basin where there is already a high level of development, thus minimising adverse effects. They will not be affected by hazards, being in the protected marina basin.</p> <p>Complies – there are no customary uses within the marina basin.</p> <p>Complies – there is no other place for stormwater to be discharged and they cannot be located on other structures.</p>

Relevant Objectives, Policies	Assessment
<p>where the purpose and frequency of use warrants the proposed structure, and an alternative that would have lesser effects is not a practicable option</p> <p>(2) Avoid adverse cumulative impacts from structures in the Coastal – General Coastal Marine Zone taking into account the number of structures in the immediate and surrounding area.</p> <p>(5) Enable the extension or alteration of existing structures in locations where they will: (a) not have significant adverse effects on other uses and values; (b) result in greater, more efficient, or multiple use of the structure; or (c) reduce the need for new structures elsewhere.</p> <p>(7) Require structures in the Coastal – General Coastal Marine Zone to be located to minimise: (a) impacts on other coastal activities, including activities provided for in zones or resource consents; (b) adverse effects on recreational use, including popular anchorage areas; (c) adverse effects on public access to and along the coastal marine area. (d) visual impacts, particularly in areas sensitive to effects such as headlands or the outer edges of enclosed bays, as seen from both land and water; (e) the size of the structure, including its size in relation to wharves and jetties and consider providing for partial rather than all-tide access, unless this is not a practicable option given the function and frequency of use; (f) the risk of being affected by coastal hazards including sea level rise; (g) the need for dredging, including ongoing dredging to maintain water access; and</p> <p>(8) Require structures to be designed to: (a) be the minimum size reasonably necessary to provide for the proposed use; (d) not increase rates of coastal erosion; and</p>	<p>Complies – the effects will not increase as there will be just one extra structure, but in a relatively subtle location, the marina basin.</p> <p>Complies - Two of the structures will be altered to allow for greater discharges, but the effects will be very similar to the existing one sin a highly modified coastal setting – the marina basin.</p> <p>Complies – two of the strictures will have almost identical impact as those they are replacing. The new outfall is 300mm so will be barely noticeable at its discharge location in the marina basin. Public access will not be impacted. The outfalls will be tucked away under the rip rap wall and not easily visible, and all are relatively small in caparison to the sounding structures and boats. There will be no effect from hazards as the area is protected from erosion, and the inlets will be well above any coastal sea level change. They will not interfere with dreading in the basin as they are located close to the rip rap wall and out of reach of the dredge.</p> <p>Complies – all three outfalls are sized for the design discharge in accordance with Council guidelines. All have outlet structures deign to prevent erosion at the outfall (see Engineering drawings).</p>
Relevant Objectives, Policies	Assessment
<p>F2.11. Discharges F2.11.2. Objectives</p>	

Relevant Objectives, Policies	Assessment
<p>(3) Stormwater and wastewater networks protect public health and safety by preventing or minimising the adverse effects of contaminants on the coastal water quality.</p> <p>F2.11.3. Policies</p> <p>(1) Avoid the discharge of contaminants where it will result in significant modification of, or damage to any areas identified as having significant values.</p> <p>(2) Require any proposal to discharge contaminants or water into the coastal marine area to adopt the best practicable option to prevent or minimise adverse effects on the environment, having regard to all of the following:</p> <p>(a) whether it is practicable or appropriate to discharge to land above mean high water springs;</p> <p>(b) whether there is a wastewater network in place that should be used;</p> <p>(c) whether the receiving environment has the capacity to assimilate the discharged contaminants after reasonable mixing, particularly within areas identified as degraded or is an having significant ecological value;</p> <p>(d) the extent to which present or foreseeable future adverse effects have been avoided, remedied or mitigated on: (i) areas of high recreational use; (ii) relevant initiatives by Mana Whenua established under regulations relating to the conservation or management of fisheries; (iii) the collection of fish and shellfish for consumption; and (iv) areas associated with maintenance dredging;</p> <p>(e) high ecological values;</p> <p>(g) the discharge after reasonable mixing, does not either by itself or in combination with other discharges results in any or all of the following effects:</p> <p>(i) oil or grease films, scums or foams, or floatable or suspended materials; (ii) conspicuous change in the colour or visual clarity; (iii) any emission of objectionable odour; (iv) any significant adverse effects on aquatic life; or (v) any significant effects of aesthetic or amenity values.</p>	<p>Complies – all wastewater will be directed to the Watercare network, and all stormwater from the site will be treated by a network of rain gardens and other facilities to Council discharge standards.</p> <p>Complies – All discharges will be treated, but there is no receiving water identified as of significant value.</p> <p>Complies – The project will adopt optimum treatment of stormwater from the site.</p> <p>Complies- it is not possible to discharge above MHWS given the coastal setting.</p> <p>Complies – the wastewater network will be used.</p> <p>Complies – the receiving environment has capacity, but the stormwater discharged will be treated.</p> <p>Complies – Effects are mitigated by treatment. The proposed treatment takes into account the request of Ngai Tai Ki Tamaki Trust for stormwater treatment. There are no effects on areas where maintenance dredging will be undertaken. No fish or shellfish are taken from the Marina basin, and there are no areas of high ecological value.</p> <p>Complies - Treatment will ensure there are no oil, grease or films or objectionable odour etc.</p>

Relevant Objectives, Policies	Assessment
<p>(3) Provide for discharges that are unavoidable but intermittent, where: (a) the discharge occurs infrequently; (b) there are technical and practical difficulties which prevent measures being taken to avoid, remedy or mitigate adverse effects of the discharge; or (c) there is an appropriate programme, consistent with the best practicable option approach, in place to prevent or minimise adverse effects within a reasonable timeframe.</p> <p>(4) Not relevant</p> <p>(5) Encourage source control of contaminants, through the management of land use and discharges, as a method to prevent or minimise contaminant generation and discharge to coastal receiving environments, where source contaminant control devices and methods can practicably be installed and maintained on an ongoing basis.</p> <p>(6) Reduce the amount of litter entering coastal waters, and mitigate the effects of litter disposal, by encouraging design, maintenance and management initiatives, for discharge structures, road cleaning and other activities, that will help minimise the amount of litter discharged into the coastal marine area.</p>	<p>Complies – treatment will be provided for any eventuality, although serious discharges unlikely in this environment.</p> <p>Complies – rain gardens etc will provide stormwater treatment close to the source.</p> <p>-</p> <p>Complies – the stormwater system will trap any litter.</p>
F3 Coastal – Marina Zone	See section 8.3.1 of main report
<p>H7. Open Space zones F3 Coastal – Marina Zone - F3.4. Activity table, the provisions in the Open Space – Sport and Active Recreation Zone apply to the land area of the Coastal – Marina Zone unless otherwise specified in the Marina Zone provisions</p>	(Note that these are very general objectives and policies aimed more at areas of public open space as opposed to private open space areas).
<p>H7.2. Objectives – All Zones In addition to the specific objectives that apply to each open space zone, the following objectives apply generally to open space areas.</p> <p>(1) Recreational needs are met through the provision of a range of quality open space areas that provide for both passive and active activities.</p>	Complies - The area of usable public open space immediately adjacent to the CMA will increase to 7,515m ² . In addition, the public open space will be developed with a range of facilities seating, observation platforms, steps to the water.

Relevant Objectives, Policies	Assessment
<p>(2) The adverse effects of use and development of open space areas on residents, communities and the environment are avoided, remedied or mitigated.</p>	<p>Complies – There will be no direct adverse effects of the use and development of open spaces on local communities – the marina is privately owned although it currently provides open space areas that local residents and communities are able to use. These will be increased in size and amenity, and an improved coastal walkway will be developed improving access to the coastal marine area. The 0.5m retaining wall, alongside the AT land boundary should have no effect on AT land, but will make crossing between the two properties less seamless as some pedestrians may need to walk around the retaining.</p>
<p>H7.3. Policies – General</p>	
<p>(1) Design, develop, manage and maintain open spaces to:</p> <p>(a) provide for the needs of the wider community as well as the needs of the community in which they are located;</p> <p>(b) achieve the objectives for the open space zone;</p> <p>(c) use resources efficiently and where appropriate be adaptable and multifunctional;</p> <p>(d) provide for people of differing ages and abilities;</p> <p>(e) be safe and attractive to users; and</p>	<p>Complies - The increased size and development of open space will provide a better utility for the wider community.</p> <p>Complies – see above - the Bayswater Marine Precinct will draw people to the site, will provide recreational needs for people such as walkways, open space and access to the coastal area, including on the marina. Both passive (eg walking) and active recreation (access to the marina for boating) will be provided for.</p> <p>The proposal is for a multi-functional Precinct, incorporating a variety of uses including public transport, recreation, open space, access to the coastline, and marina and living opportunities. The proposal is for a very efficient use of land with intensive development opportunities.</p> <p>Complies – the wide range of activities and uses at the Precinct will be available to all ages, and the flat site will make it accessible to all abilities.</p> <p>Complies – Emphasis will be placed on attracting visitors to the site, to making it a destination, especially via ferry transport, as the site and its attractions are just 8m from the Central district of Auckland. The small</p>

Relevant Objectives, Policies	Assessment
(f) where appropriate for the zone, reflect the natural, heritage and landscape values of the area	retaining wall on the boundary with AT's landholding is a minor impediment which some people may need to walk around when moving from one site to the other. Complies – see the Landscape, Values, Environmental Assessment accompanying the application. The development will be within the height limits for the Precinct so ensure there is no dominance over the surrounding area, and all stormwater will now be treated to reduce levels of contaminants discharging from the site.
(3) Enable the provision of infrastructure necessary to service open spaces and recreation facilities.	Complies - Open space infrastructure will be developed – access, boardwalks, open space facilities, access steps to the water off South Park, cafes, grassed areas for community use such as markets, for relaxing, public toilets, children's playground etc.
H7.6. Open Space – Sport and Active Recreation Zone H7.6.2 Objectives	
(1) Indoor and outdoor sport and active recreation opportunities are provided for efficiently, while avoiding or mitigating any significant adverse effects on nearby residents, communities and the surrounding areas.	Complies – As the Marina land is privately owned, no indoor recreation activities are provided for, but passive outdoor activities (on the open space areas and walkways) are well provided for, potentially to be utilised by the local communities and with no effects on them.
(2) Activities accessory to active sport and recreation activities are provided for in appropriate locations and enhance the use and enjoyment of areas for active sport and recreation.	Complies – As the site is a marina, the only “active” recreation” is walking, to be provided for by the walkway around the marina. Other active recreation such as sports fields, are not suited to this site.
(3) Larger scale, or clusters of land-based marine-related recreation facilities, are recognised and provided for while maintaining and enhancing public access to and along the coast	Complies – the marina provides facilities for the 518 berth holders who use their vessels for marine recreation, and the proposed development will maintain and enhancing public access to and along the coast.
H7.6.3. Policies	
(2) Enable accessory activities that enhance the use and enjoyment of the public open space and that relate to the primary activities on the site.	Complies – Accessory activities such as cafes will be provided to enhance the use and enjoyment of public space including walking, access to the coastline, open space areas – these will be located adjacent to public open space areas.
I504 Bayswater Marina Precinct	See section 8.3.1 of main report